

Culver, Indiana
Zoning Ordinance



Culver Plan Commission
200 East Washington Street
Culver, IN 46511
574-842-3140

Culver Indiana Zoning Ordinance

Effective, 2010
(Last Revised 10.28.19)

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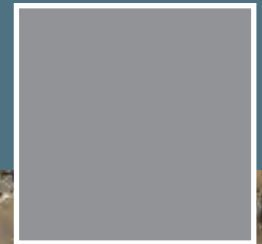


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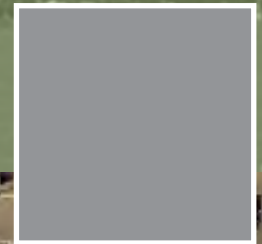


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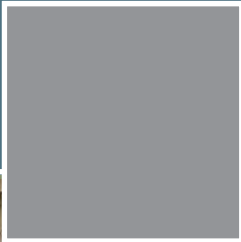
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Date	Ordinance #	Sections Affected	Description
7/24/2018	2018-009	3-020; 6-010; 6-070	L1 Changes, fences and boat sheds
9/10/2019	2019-009	Articles 3,5,6, 8,&13	Yard definition, flood control standards, complete streets, nonconforming



Amendments



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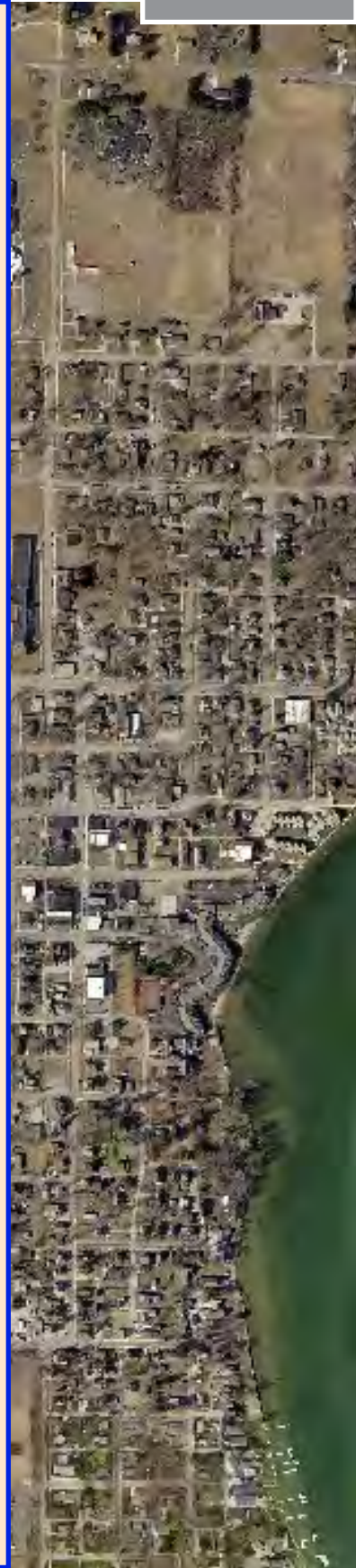
Date	Ordinance #	Sections Affected	Description





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Preamble

010

Title

This Ordinance shall be formally known as the "Culver Zoning Ordinance," and it may be cited and referred to as the "Zoning Ordinance" or "Ordinance".

020

Defined Words & Rules of Construction

A. Defined Words

Words used in a special sense in this Ordinance are defined in the Definitions section of the Culver, Indiana Zoning Ordinance. The general meaning of all terms not specifically defined by this Ordinance shall be consistent with the definitions provided by Glossary of Zoning, Development, and Planning Terms published by the American Planning Association as PAS Report #491/492 and any subsequent amendments. All other words, terms, and/or phrases not specifically defined by this Ordinance and not generally defined by the glossary noted above shall have the meaning inferred from their context in this Ordinance or their ordinarily accepted definitions.

B. The following rules of construction shall apply to the text of the Ordinance:

1. The particular will control the general.
2. The words "shall" and "will" are always mandatory and not discretionary. The word "may" is permissive.
3. Words used in the present tense include the future; and words used in the singular number include the plural; and the plural includes the singular; words of the masculine gender will include the feminine and the neuter gender will refer to any gender as required, unless the context plainly indicates the contrary.
4. A building or structure includes any part thereof.
5. The phrase "used for" includes "arranged for, designed for, intended for, maintained for, or occupied for."
6. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
7. Unless it is plainly evident from the context that a different meaning is intended, a regulation which involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and, or," or "either . . . or," the use of the conjunction is defined as follows:
 - a. "And" means that all the connected items, conditions, provisions, and events apply together and not separately.
 - b. "Or" means that the connected items, conditions, provisions, or events apply separately or in any combination.
 - c. "Either . . . or" means that the connected items, conditions, provisions, or events shall apply separately but not in combination.

- 8. The word “includes” does not limit a term to the specified examples, but is intended to extend the term’s meaning to all other instances or circumstances of like kind or character.
- 9. The word “Town” means Culver, Indiana. The word “County” means Marshall County, Indiana. The word “state” means the State of Indiana.

030

Document Format

The structure of the text of this Ordinance is as follows: Article (indicated by 1, 2, etc.), Chapter (indicated by 010, 020, etc.), Section (indicated by A, B, etc.), and subsequent Subsections (indicated by 1, a, i, etc.)

040

Authority

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

050

Jurisdiction

This Ordinance shall apply to all of the corporate limits of the Town of Culver and its extraterritorial jurisdiction consistent with the provisions of IC 36-7-4-205.

A. Federal and State Property

This Ordinance shall not apply to any property owned by the government of the State of Indiana or the United States of America.

B. Heritage Markers

In no instance shall this Ordinance be interpreted as prohibiting sites, memorials, edifices, and/or monuments in commemoration of persons or objects of historical or architectural interest

060

Purpose

This Ordinance is intended to guide the growth and development of the Town of Culver in accordance with the Town of Culver Comprehensive Plan and for the following purposes:

- A. To secure adequate light, air, and convenience of access; and safety from fire, flood, and other dangers.
- B. To promote the public health, safety, comfort, convenience, morals and general welfare.
- C. To plan for the future development of the Town to the end:

(cont.)

Preamble

060 Purpose (cont.)

1. that the community grows only with adequate public ways, utilities, health, education, and recreation facilities;
2. that the needs of agriculture, housing, industry, and business be recognized in future growth;
3. that residential areas provide healthful surroundings for family life;
4. that the growth of the community is commensurate with and promotes the efficient and economical use of public funds; and
5. that the community strives for high aesthetic value and quality planning and design.

070 Conflicting Requirements

The provisions of this Ordinance shall be held to be the minimum requirements for the protection of the health, safety, convenience, and general welfare of the people at large, and are designed to encourage the establishment and maintenance of reasonable community standards for the physical environment. If two or more provisions within this Ordinance are in conflict or are inconsistent with one another, then the provision which is most restrictive shall control.

080 Overlapping Regulations

When this Ordinance along with private covenants, private contracts, commitments, permits, agreements, state laws, federal laws or other regulations regulates a structure or parcel of land, the greater restriction shall control. In no instance shall this Ordinance be interpreted as altering or negating any other applicable regulations.

090 Compliance

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, or enlarged; nor shall any structure or land be used or existing use be expanded, except in full compliance with all provisions of this Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance.

100 Transition Rules

A. Prior Improvement Location Permit Filing

Any application for an Improvement Location Permit that has been filed with the Plan Commission or its designees and is full and complete, prior to the effective date of this Ordinance, shall be regulated by the terms and conditions of the Zoning Ordinance that was in place at the time of filing.

B. Prior Zoning Map Amendment Filing

Any application for a Zoning Map Amendment that was filed with the Plan Commission or its designees, and is full and complete prior to the effective date of this Ordinance, shall continue through the process to completion pursuant to the terms and conditions of the Zoning Ordinance that was in place at the time of filing. However, if the proposed use would no longer be permitted in the proposed zoning district or the proposed zoning district no longer exists in this Ordinance, the Plan Commission shall amend the application such that the request for rezoning would accomplish the same end goal for the applicant.

C. Prior BZA Petition Filing

Any application before the Board of Zoning Appeals (i.e. special use, use variance, development standards variance) that has been filed with the Board of Zoning Appeals or its designees and is full and complete, prior to the effective date of this Ordinance, shall continue the process pursuant to the terms and conditions of the Zoning Ordinance that was in place at the time of filing, provided that:

1. If such application is no longer required by the terms of this Ordinance, the application will be dismissed; or
2. If the proposed use or development requires additional approvals from the Board of Zoning Appeals pursuant to the terms of this Ordinance that were not required under the previous Ordinance, the application will be amended to include only those additional approvals that are now required and within the jurisdiction of the Board of Zoning Appeals.

D. Expiration of Previous Approvals

1. All Improvement Location Permits issued prior to the effective date of this Ordinance shall be void six (6) months after their date of issue if construction has not begun.
2. Improvement Location Permits issued prior to the effective date of this Ordinance for which construction has begun shall become void if construction is abandoned for a period of two (2) years or if, in the opinion of the Building Commissioner, construction has otherwise ceased.
3. All approvals which expire and/or become void shall comply with all applicable provisions of this ordinance if re-issued.

110

Computation of Time

Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day of the specified period of time. If the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded. When the period of time is less than seven (7) days, intermediate Saturdays, Sundays, and legal holidays shall be excluded.

Preamble

120

Conditions

The attachment of reasonable conditions to the use and development of land within the Town Jurisdictional Area as part of the approval of rezoning petitions, Special Exceptions, conditional uses, home occupations, temporary uses, variances, outline plans, development plans, plat vacations, and amendments, or as otherwise authorized, is an exercise of valid police power delegated to the Town by the State. The applicant has the duty of compliance with reasonable conditions laid down by the Commission for design, dedication, improvement, and restrictive use of the land in order to conform to the physical and economical development of the Town and to the safety and general welfare of present and future land owners and residents of the Town. The failure to comply with any such conditions may be cause for denial of the permits and approvals prescribed by these regulations and shall constitute a violation of the Zoning Ordinance.

130

Repealer

The Culver, Indiana Zoning Ordinance dated November 9, 2010, and its associated Zoning Map and any amendments and/or revisions are hereby repealed. This Culver Indiana Zoning Ordinance and the referenced and updated Official Zoning Map replace the repealed ordinance.

140

Severability

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

150

Saving Provision

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



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Zoning Districts

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010 Establishment of Zoning Districts

A S1, Suburban/Residential District

The Suburban/Residential District provides for controlled development in the areas where public facilities are generally not available, thus encouraging responsible development unimpeded by incompatible land uses. Uses other than residential shall be closely regulated to protect areas of undeveloped land from incompatible land development.

B L-1, Lake District

The Lake District is established specifically for property having lake or channel frontage and property located in close proximity thereto which would logically be included in the same zoning district. The purpose of the district is to provide regulations that appropriately apply to lake or water frontage property but which would not necessarily be applicable to other districts.

C R-1, Residential District

The R-1 Residential District is intended to provide areas primarily designed for single family dwellings located on individual lots of adequate size to encourage a stable environment for residential development free from incompatible uses.

D R-2, Residential District

The R-2 Residential District is designed to permit the intermingling of single-family, two-family, and multi-family dwellings while promoting a healthy, safe, stable environment for residential development free of incompatible uses.

E C-1, Commercial District

The C-1 Commercial District is specifically created for the benefit of the downtown business district. It is designed to encourage the growth of the downtown area which will serve as the hub for business, providing a core for the primary retail center of the community with personal service establishments and governmental offices, all in close proximity.

F C-2, Commercial District

The C-2 Commercial District is a general commercial district designed for free-standing commercial activities which may be highway oriented, or those business establishments which by the nature of their business do not readily adapt to a downtown location. This district may also serve a grouping of retail and service establishments in the outlying area.

G I-1, Industrial District

The I-1 Industrial District is designed for the heavier commercial activities, for warehousing, and light manufacturing uses. Uses located within this district shall be designed, constructed and operated so there is no production of sound discernible at the lot line in excess of the average street and traffic noise.

H I-2, Industrial District

Development within the I-2 Industrial District will be of a heavier industrial nature. The land must be protected from the intrusion of non-industrial uses which would impede the full utilization of the land for industrial development. The uses must be regulated to safeguard the adjacent districts from the effects of the heavier usage.

010 Establishment of Zoning Districts (cont.)**I P-1, Park District**

The P-1 Park District is designed to provide areas primarily designated for recreation on parcels to promote public health, safety, and welfare. Uses shall be restricted to those facilities compatible with the recreational nature of the area and are not likely to cause negative impact on the surrounding area.

J PUD, Planned Unit Development - See Article 5

The Planned Unit Development District (PUD) is designed to permit the establishment of areas in which diverse uses may be brought together as a compatible and unified plan of development which shall be in the interest of the general welfare of the public, and to permit flexibility in the regulation of land development. This district is intended to accommodate developments with mixed or varied uses, sites with unusual topography or unique settings within the community, or on land which exhibits difficult or costly development problems. The PUD shall not be allowed where this zoning classification is sought primarily to avoid the imposition of standards and requirements of other zoning classifications.

K MH, Manufactured Housing District

Areas designed to support the heavy infrastructure and transportation needs of these typically high residential density Neighborhoods. These areas shall be adequately served by sewer and water service and be in close proximity to emergency services.

L A1, Agricultural District

The Agricultural designation denotes land that is meant to remain largely rural, with uses focusing on farming operations. The Agricultural land use category is intended to allow for some residential development. Agricultural land use areas are found in locations that are viable for farming but may also be feeling growth pressures from nearby urban communities.

020 Unlisted or Questionable Uses

Any other use not listed as a permitted use or a special exception is considered not permitted unless the Building Commissioner makes a determination otherwise. The Building Commissioner may determine into which category any questionable use be placed if it is not specifically listed but similar to another use that is a permitted use or special exception. This determination may be appealed to the Board of Zoning Appeals.

030 Official Zoning Map

The zoning map for Culver officially labeled "Town of Culver Zoning Map", is hereby included as part of this Ordinance. The map may also be known as and referred to as the "Official Zoning Map."

A. Official Zoning Map Copies

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

(cont.)

030 Official Zoning Map (cont.)

B. Location of the Official Zoning Map

1. The location and boundaries of the zoning districts are hereby established on a map entitled "Official Zoning Map," as it may be amended from time to time, which accompanies and is hereby incorporated in and made a part of this Zoning Ordinance. The Official Zoning Map is a geographic coverage layer entitled "Zoning" that is maintained as part of the County's geographic information system (GIS) under the direction of the Building Commissioner.
2. The Building Commissioner may authorize printed copies of the Official Zoning Map to be produced, and shall maintain digital or printed copies of superseded versions of the Official Zoning Map for historical reference.
3. Two (2) copies of the Official Zoning Map shall be on file and available for public inspection in the Town Hall.

C. Zoning District Boundaries

The Zoning District boundaries shall be shown on the Official Zoning Map. The abbreviations for the zoning districts appearing in this Ordinance shall be used to identify the zoning districts on the Official Zoning Map.

D. Regular Revisions

The Official Zoning Map should be revised as the Plan Commission determines necessary. During interim periods of time, hand drawn lines and text on the Official Zoning Map will be appropriate to note zoning changes. Copies may be made after the amendments are noted, and each copy shall be noted as an update with the "date last changed" noted on the map. Other revisions may be made to correct drafting or other errors or omissions in the prior map, but shall not have the effect of amending the Official Zoning Map except as adopted by the Culver Town Council.

E. Damaged, Destroyed, or Lost Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost or 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, to the extent possible, duplicate the accuracy of the damaged, destroyed or lost map.

F. Official Zoning Map Standards

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

1. District boundaries shown within the lines of roads, easements, and transportation rights-of-way shall be deemed to follow the center lines.
2. District boundaries indicated as following section or fractional sectional lines, platted lot lines, or city or town corporation lines shall be construed as following such lines.
3. District boundaries indicated as parallel to or extensions of the above listed features shall be construed as so.
4. District boundaries indicated as approximately following the center line of streams, rivers, or the legal level lake level shall be construed to follow such

center lines.

5. Where a district boundary line divides a lot at the time such line is adopted, the district in which the majority of the area of the property is included shall apply to the entire property. In cases where a property is divided equally between two or more zoning districts, the most restrictive district shall apply to the entire property. The Building Commissioner shall determine the applicable zoning for properties divided into several zoning districts consistent with this section.
6. If the Building Commissioner cannot definitely determine the location of a district boundary by such center lines, by scale or dimensions stated on the Official Zoning Map, or by the fact that it does not clearly coincide with a property line, immediate action on any application shall be tabled and the Plan Commission shall interpret the location of the district boundary with reference to the scale of the Official Zoning Map and the purposes set forth in all relevant provisions of this Ordinance.
7. Any ruling of the Building Commissioner pertaining to the district boundaries may be appealed to the Board of Zoning Appeals.

G. Effect of Vacation on Zoning

Whenever any street, alley, public way, railroad right-of-way, waterway, or other similar area is vacated by proper authority, the zoning districts adjoining each side of vacated areas shall be extended automatically to the center of the vacated area. All areas included in the vacation shall then be subject to all appropriate regulations of the extended zoning districts. In the event of a partial vacation, the adjoining zoning district, or zoning district nearest the portion vacated, shall be extended automatically to include all of the vacated area. The resolution of any disputes as to the exact zoning district boundaries shall be determined by the Building Commissioner. Appeals of the Building Commissioner's determination may be brought before the Board of Zoning Appeals.

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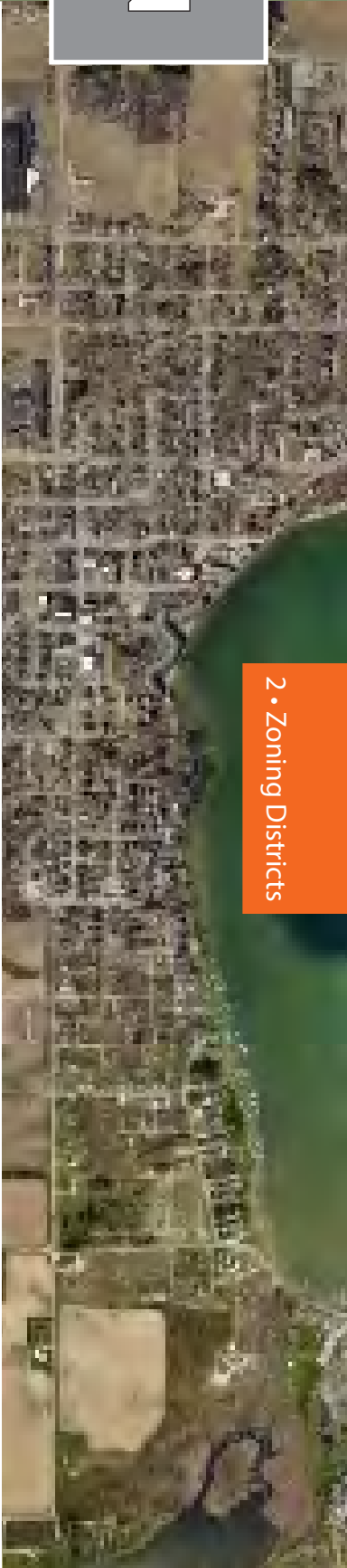
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2 • Zoning Districts



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2 • Zoning Districts

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Standard Zoning District Intent, Uses, & Standards

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S-1

Suburban Residential District

The Suburban/Residential District provides for controlled development in the areas where public facilities are generally not available, thus encouraging responsible development unimpeded by incompatible land uses. Uses other than residential shall be closely regulated to protect areas of undeveloped land from incompatible land development.

Development Standards

Minimum Lot Area:

- No Public water/sewer
- Single Family - 1 acre
- Public water/Sewer
- Single Family 21, 780 sf

Minimum Lot Width:

- No public water/Sewer - 150 feet
- Public water/sewer - 100 feet

Minimum Front Yard Setback:

- 25 feet
- State Highway - 85 feet from center line of the road or 50 feet from property line, whichever is greater.
- Where property abuts a body of water, the boundary abutting said body of water shall be considered the frontage and shall conform to the front yard setback requirements of this district.

Minimum Rear Yard Setback:

- 25 feet

Minimum Side Yard Setback:

- 15 feet

Maximum Structure Height:

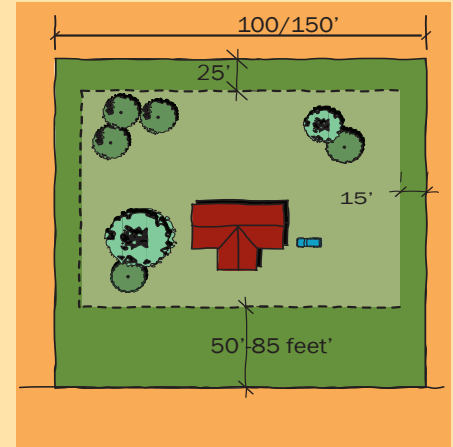
- 35 feet
- Accessory buildings - 50 feet

Minimum Structure Size

- 951 sf of occupied space

Maximum Impervious Lot Coverage:

- Single Family - 50% maximum



Some of the Additional Development Standards that Apply

6-010 Accessory Structures and Use Standards 82	6-050 Erosion Control Standards . 84	9-060 Administrative Appeals . . 159
6-020 Construction Standards . . 84	6-070 Fence, Hedges, Walls Standards 90	6-230 Visibility Standards 114
6-030 Dangerous & Exotic Animal Standards 84	6-080 Home Occupations 91	6-270 Flood Control Standards . . 118
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Suburban District

Permitted Uses

Residential Uses

- Single Family Residential
- Manufactured Homes - Type B
- Farmhouse and Related Outbuildings
- Home Occupations
- Nursing Home, Convalescent Home
- Solar Energy Systems

Agricultural and Farm Uses

- Animal Production (Limited)
- Riding Stables
- Horses and Other Equine
- Roadside Stand (Farm Related Products)

Food - Retail and Wholesale

- Concession Stand

Retail Sales and Service

- Greenhouse - Private No Trade
- Temporary Sales - Auction/Garage Yard Not to Exceed 15 Days In A Calendar Year

Recreation and Amusement

- Municipal Parks/Playgrounds

Public and Semi-Public Uses

- Governmental Building/Facilities
- Cemetery
- Church/Parish House/Rectory/ Temple
- Schools - Public - General Education
- Public utilities building right-of-way, including purposes essential to utilities operation, but not including commercial or industrial uses.

Special Uses

Residential Uses

- Apartment Unit(s)
- Condominiums, Multi Units, Townhouses
- Dormitories, Residence Halls
- Orphanages
- Fraternal Clubs And Lodges/Social Clubs (No Sleeping Facilities)
- Religious Quarters
- Two-Family (Duplex) Home

Agricultural and Farm Uses

- Agricultural - Sales/Service/ Repair/Storage
- Agricultural Production (Farming)
- Air Strip - Private
- Animal Production (General)
- Crop Dusting and Material Storage
- Centralized Bulk Collection / Storage /Distribution Of Agricultural Products To Wholesale And Retail Markets
- Livestock Auction Barn/Transfer Terminal/Confinement Feeding Operation
- Mineral Gravel, Sand Operation
- Uses Related To Agricultural Production

Business/Office Sales and Service

- Offices Professional/Semi-Professional Business

Food - Retail and Wholesale

- Drive-In Eating Establishment
- Restaurant

Lodging

- Bed & Breakfast
- Hotels/Motels/Other Transient Lodging

Retail Sales and Service

- Dental/Medical Clinic/Office
- Feed/Fertilizer/Seed -Retail/ Wholesale
- Greenhouse - Commercial Retail/ Wholesale
- Lawn and Garden Supplies
- Lawn Mower Sales and Service
- Pet Shops/Animal Grooming
- Rental Equipment (No Outside Storage)
- Sporting Goods Sales/Rental (Including Live Bait Sales)
- Veterinarian Clinic/Hospital

Personal Services

- Barber/Beauty Shops
- Day Care - Child/Senior
- Funeral Homes/Mortuaries

Recreation and Amusement

- Campgrounds/Recreational Vehicle Parks
- Golf Courses
- Fish Hatcheries
- Marinas/Boating Sales and Rental
- Indoor Commercial Facilities -

Arcade/Dance Hall/Gymnasium/ Health Club/Ice Rink/Swimming Pool/Tennis/Theater/Racquet Ball/ Rollar Rink

- Outdoor Commercial Facilities - Archery / Beach Areas / Driving Range /Miniature Golf / Picnic Areas / Skateboarding/Swimming Pools / Water Slides
- Theaters – Including Drive Ins

Public and Semi-Public Uses

- Airport
- Fraternal Clubs and Lodges/Social Clubs (No sleeping Facilities)
- Hospital and Related Facilities
- Radio/Television Centers and Stations
- Schools-Private-General Education
- Schools-Business/Trade/Vocational

Manufacturing/Processing

- Furniture
- Mini-Warehouse
- Warehouse
- Welding Shop
- Wood Products/Millwork

Utilities

- Gas/Electric/Sewer and Water Facilities
- Telecommunication Facilities
- Horizontal Axis Rotation Systems
- Vertical Axis Rotation Systems

L-1

Lake District

The Lake District is established specifically for property having lake or channel frontage and property located in close proximity thereto which would logically be included in the same zoning district. The purpose of the district is to provide regulations that appropriately apply to lake or water frontage property but which would not necessarily be applicable to other districts. For L1 parcels with lake or channel frontage, the front yard is the lake side, and rear yard is the street side. For the few L1 zoned parcels without lake or channel frontage, the front yard is the street side, and the rear yard is that opposite the street side.

Development Standards

Minimum Lot Area

- Public Sewer - 10,890 sf
- Private Septic - 21,780 sf

Minimum Dwelling Size

- 1600 sf

Minimum Lot Width:

- Public Sewer - 75 feet
- Private Septic - 80 feet

Minimum Lot Frontage:

- 50 Feet

Sewer and Water:

- Must use public sewer and water if available

Minimum Front Yard Setback:

- 25 feet from high water mark of 735.48 for Lake Maxinkuckee and 733.05 for Lost Lake.
- Where property immediately adjacent on either side of the lot is already developed with

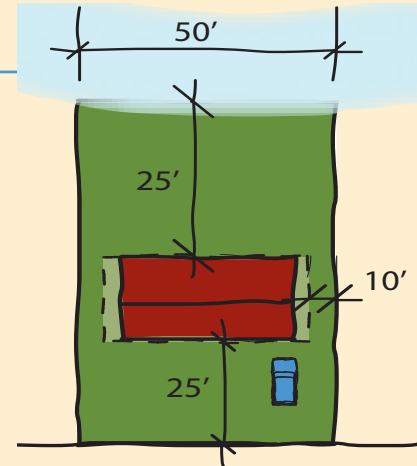
principal structures, the required setback shall be determined by a line drawn between the farthest extension of the adjacent structures including any decks or raised patios. In no case shall the setback be less than 25 feet from the normal high water mark. A parcel of land not having water frontage shall have a front yard setback of not less than 25 feet.

Minimum Rear Yard Setback:

- 25 feet

Minimum Side Yard Setback:

- A minimum side yard setback of 10 feet is required on all lots (including lots under 100 feet wide). Total minimum side yard setbacks on lots 100 feet wide or wider at the building location shall be 20% of lot width, increasing in 1-foot increments. For example, a lot 110 feet wide at the building location would require a total of 22 feet of side yard setback. The side yard setback can be asymmetrical so long as neither side is less than 10 feet and the total setbacks on both sides is greater than or equal



to 20% of the lot width at the building location. The maximum required side yard setback is 30 feet total including both side yards for lots 150 feet wide or wider.

Maximum Structure Height:

- 35 feet

Maximum Impervious Lot Surface Coverage:

- 50%

Some of the Additional Development Standards that Apply

6-010 Accessory Structures and Use Standards82	6-110 Off-Street Parking Standards93	9-060 Administrative Appeals 159
6-040 Driveway Standards84	6-170 Sign Regulations 100	6-270 Flood Control Standards 118
6-050 Erosion Control Standards84	6-220 Wind Energy Conversion System Standards 109	6-290 Complete Streets 122
6-070 Fences, Hedges, Walls . .90	6-230 Visibility Standards 114	11-060 Improvement Location Permit 197
6-080 Home Occupations91	9-040 Use Variances 156	
6-100 Key Lock Boxes92	9-050 Special Uses 157	

Lake District

Permitted Uses

Residential Uses

- Single Family Residential
- Home Occupations
- Accessory Structure (only one (1))
- Solar Energy Systems

Miscellaneous Uses- Retail Sales and Service

- Greenhouse - Private No Trade
- Temporary Sales – Auction / Garage / Yard - Not To Exceed 15 Days In A Calendar Year

Recreation And Amusement

- Municipal Parks / Playgrounds

Public And Semi-Public Uses

- Church / Parish House / Rectory / Temple
- Government Buildings / Facilities (i.e. Library / Fire Station / Police Station)

Special Uses

Residential Uses

- Apartment Unit(s)
- Condominiums, Multiple Units, Townhouses
- Dormitories, Residence Halls
- Manufactured Homes Type B
- Orphanages
- Religious Quarters

Food-Retail And Wholesale

- Restaurant

Lodging

- Bed & Breakfast
- Hotels/Motels/Other Transient Lodging

Miscellaneous Uses- Retail Sales and Service

- Sporting Goods Sales / Rental (Including Live Bait Sales)

Personal Services

- Day Care – Child / Senior

Recreation And Amusement

- Campgrounds / Recreational Vehicle Parks
- Fish Hatcheries
- Marinas / Boating Sales And Rental
- Archery/Beach Areas/Driving Range/Miniature Golf / Picnic Areas / Skateboarding /Swimming Pools / Water Slides

Utilities

- Gas / Electric / Sewer And Water Facilities
- Telecommunication Facilities
- Wind Energy Conversion Systems

R-1

Residential District

The R-1 Residential District is intended to provide areas primarily designed for single family dwellings located on individual lots of adequate size to encourage a stable environment for residential development free from incompatible uses.

Development Standards

Minimum Lot Area and Width - Served by Municipal Water and Sewer

- Every single family dwelling hereafter constructed shall be on a lot having an area of not less than 7,500 square feet, and a width at the established building location of not less than 75 feet. A lot of record, of not less than 5,000 square feet, and 50 feet in width at the established building location, may be developed for single family residential use in accordance with the provisions of Article 8, Section 040.

Minimum Lot Area and Width - Served by Either Municipal Water or Sewer

- Every single family dwelling hereafter constructed shall be on a lot having an area of not less than 10,890 square feet,

and a width at the established building location of not less than 75 feet.

Minimum Lot Area and Width - Served by Neither Municipal Water or Sewer

- Every single family dwelling hereafter constructed shall be on a lot having an area of not less than 21,780 square feet, and a width at the established building location of not less than 100 feet.

Minimum Front Yard Setback:

- Single Family - 25 feet

Minimum Rear Yard Setback:

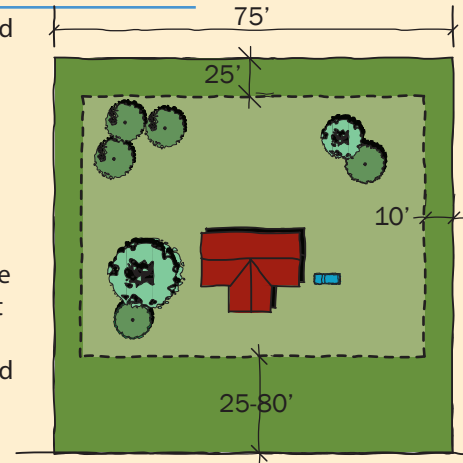
- Single Family - 25 feet

Minimum Side Yard Setback:

- Single Family - 10 feet

Maximum Structure Height:

- 35 Feet



Maximum Impervious Lot Coverage:

- 50% impervious surface
- Minimum dwelling size: 951 sf

Some of the Additional Development Standards that Apply

6-010 Accessory Structures and Use Standards	82	6-190 Telecommunication Facility Standards	105	6-290 Complete Streets	122
6-040 Driveway Requirements	84	6-220 Wind Energy Conversion System Standards	109	11-060 Improvement Location Permit	197
6-050 Erosion Control Standards	84	6-230 Visibility Standards	114		
6-070 Fences, Hedges, Walls	90	9-040 Use Variances	156		
6-080 Home Occupations	91	9-050 Special Uses	157		
6-100 Key Lock Boxes	92	9-060 Administrative Appeals	159		
6-110 Off-Street Parking	93	6-270 Flood Control Standards	118		
6-170 Sign Regulations	101				

R-1

Residential District

Permitted Uses

Residential Uses

- Single Family Home
- Modular Homes
- Manufactured Homes - Type B
- Home Occupations
- Solar Energy Systems

Miscellaneous Uses-Retail Sales and Service

- Greenhouse - Private No Trade

Retail Sales and Service

- Temporary Sales – Auction / Garage / Yard Not To Exceed 15 Days In A Calendar Year

Recreation And Amusement

- Municipal Parks / Playgrounds

Public And Semi-Public Uses

- Cemetery
- Church / Parish House / Rectory / Temple
- Government Buildings / Facilities (i.e. Library / Fire Station / Police Station)
- Schools - Public - General Education

Special Uses

Residential Uses

- Nursing , Convalescent Home

Businesses/Offices Sales & Service

- Offices Professional / Semi-Professional Business

Food-Retail And Wholesale -

- Concession Stand

Lodging

- Bed & Breakfast

Personal Services

- Day Care – Child / Senior
- Funeral Homes / Mortuaries

Retail Sales and Service

- Dental / Medical Clinic / Office

Public And Semi-Public Uses

- Hospitals And Related Facilities
- Schools - Private - General Education

Utilities

- Gas / Electric / Sewer And Water Facilities
- Telecommunication Facilities
- Wind Energy Conversion Systems

R-2

Residential District

The R-2 Residential District is designed to permit the intermingling of single-family, two-family, and multi-family dwellings while promoting a healthy, safe, stable environment for residential development free of incompatible uses.

Development Standards

Minimum Lot Area per unit with municipal sewer and water:

- Single Family - 7,500 sf
- Two-Family- 5,000 sf
- Multi-Family - 6,000 sf
- Efficiency Apartments -6,000 sf
- Home for The Aged - 6,000 sf

Minimum Lot Area Each Additional Unit

- Two-Family- 5,000 sf
- Multi-Family - 2,500 sf
- Efficiency Apartments -1,500 sf
- Home for The Aged - 1,000 sf

Minimum Lot Area per unit with either municipal sewer or water:

- Single Family - 10,890 sf
- Two-Family- 7,500 sf
- Multi-Family - 8,000 sf
- Efficiency Apartments -8,000 sf
- Home for The Aged - 8,000 sf

Minimum Lot Area Each Additional Unit

- Two-Family- 7,500 sf
- Multi-Family - 5,000 sf
- Efficiency Apartments -4,000 sf
- Home for The Aged - 3,000 sf

Minimum Lot Area per unit without municipal sewer and water:

- 21,780 sf

Minimum Lot Width:

- 75 Feet
- 100 feet without sewer or water

Minimum Single Family Residence Area:

- 951 sf

Minimum Duplex and Multi-Family Residence Area:

- 635 sf

Minimum Lot Frontage:

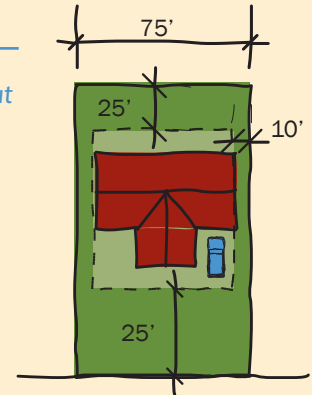
- 60 Feet

Minimum Front Yard Setback:

- 25 feet
- State Highway - 85 feet from center line, or 25 feet from property line.

Minimum Rear Yard Setback:

- 25 feet
- In the case of water frontage, the line most distant from that frontage shall be deemed to be the



rear property line and shall conform to the rear yard setback regulations.

Minimum Side Yard Setback:

- 10 feet

Maximum Structure Height:

- 35 Feet

Maximum Impervious Lot Coverage:

- 50% impervious surface

Some of the Additional Development Standards that Apply

6-010 Accessory Structures and Use Standards..... 82	6-100 Key Lock Boxes 92	9-060 Administrative Appeals..... 159
6-040 Driveway Standards 84	6-110 Off-Street Requirements 93	6-270 Flood Control Standards... 118
6-040 Erosion Control Standards .. 84	6-170 Sign Requirements..... 101	6-290 Complete Streets..... 122
6-070 Fences, Hedges, Walls 90	6-230 Visibility Standards..... 114	11-060 Improvement Location Permit..... 197
6-080 - Home Occupations 91	9-040 Use Variances 156	
	9-050 Special Uses. 157	

R-2

Residential District

Permitted Uses

Residential Uses

- Single Family dwellings
- Two-Family (Duplex) Home
- Apartment Unit(s)
- Condominiums, Multiple Units, Town houses
- Dormitories, Residence Halls
- Home Occupations
- Manufactured Homes Type B
- Nursing Home, Convalescent Home
- Orphanages
- Religious Quarters
- Solar Energy Systems

Miscellaneous Uses - Retail Sales and Service

- Greenhouse - Private No Trade
- Temporary Sales - Auction/Garage/Yard - Not to exceed 15 days in a calendar year.

Recreation And Amusement

- Municipal Parks/Playgrounds

Public and Semi Public Uses

- Cemetery
- Church/Parish House/Rectory/Temple
- Government Buildings/Facilities (i.e. Library/Fire Station/Police Station
- Schools - Public Education-General Education

Special Uses

Apparel and Accessory Sales and Service

- Laundry and Dry Cleaning - Retail Operation

Business/Offices Sales & Service

- Offices Professional / Semi-Professional Business

Food - Retail and Wholesale

- Concession Stand

Lodging

- Bed and Breakfast

Retail Sales and Service

- Dental/Medical Clinic/Office

Personal Services

- Day Care - Child/Senior
- Funeral Homes/Mortuaries

Public and Semi Public Uses

- Hospitals and Related Facilities
- Schools-Private-General Education

Utilities

- Gas / Electric / Sewer And Water Facilities
- Telecommunication Facilities
- Wind Energy Conversion Systems

C-1

Commercial District

The C-1 Commercial District is specifically created for the benefit of the downtown business district. It is designed to encourage the growth of the downtown area which will serve as the hub for business, providing a core for the primary retail center of the community with personal service establishments and governmental offices, all in close proximity.

Development Standards

Minimum Dwelling Size Per Unit

- 635 Square Feet

Sewer and Water:

- Must use public sewer and water systems

Off-Street Parking and Loading:

- Off-Street Parking and Loading Requirements are not required. However, if provided, they shall meet the design and maintenance requirements in accordance with Article 6 Sections 120 and 130.

Minimum Front Yard Setback:

- 0 Feet

Minimum Rear Yard Setback:

- 0 Feet

Minimum Side Yard Setback:

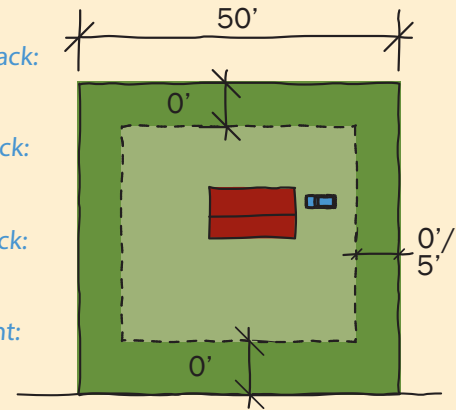
- 0 Feet

Maximum Structure Height:

- 35 Feet

Maximum Impervious Lot Coverage:

- 100%



Buffering

- Any property line abutting said residential district shall be required to be effectively screened in one of the following ways, or a combination thereof: buffering by a dense strip of natural plantings or by a solid of opaque fence.

Some of the Additional Development Standards that Apply

6-010 Accessory Structures and Use Standards 82	6-220 Wind Energy Conversion System Standards 109
6-040 Driveway Standards 84	6-270 Flood Control Standards . . . 118
6-050 Erosion Control Standards . 84	6-290 Complete Streets 122
6-070 Fences, Hedges, Walls 90	7-000 Site Development Plans . . 127
6-120 Off-Street Loading Standards . 97	
6-170 Sign Regulations 101	
6-190 Telecommunication Facility Standards 105	

Commercial District

Permitted Uses

Residential Uses

- Apartments - above ground floor

Apparel and Accessory Sales and Service

- Clothing, Apparel and Accessory sales
- Dry Goods and Notions
- Furrier/Fur Shop/Storage of Furs
- Laundry and Dry Cleaning - Retail Operation
- Shoe Sales and Repair
- Tailoring and Dressmaking

Automobile, Truck, Motorcycle Dealers/Service/Repair

- Automobile Accessory Sales
- Automobile Rental Agency
- Automobile Service Station
- Automobile Washing

Business/Offices Sales and Service

- Duplicating Establishments
- Laboratories - Medical/Dental/Research/Testing
- Office Equipment/Supplies - Sales and Service
- Offices Professional/Semi-Professional Business
- Printing/Publishing/Newspaper Business

Contractors

Building Materials and Supplies

- Contractors - No outside Storage Permitted
- Hardware Store
- Retail Plumbing/Heating/Electrical Sales and Service
- Retail Wallpaper/Paint/Glass Sales and Service

Food - Retail and Wholesale

- Catering Establishment
- Concession Stand
- Package Liquor Store
- Restaurant
- Retail Bakeries/Confectioneries/Delicatessens/Dairy Products/Meats/Groceries/Related Products
- Tavern/Bar/Saloon/Lounge

Financial Institutions and Services

- Banks/Savings & Loan/Credit Unions
- Brokerage Firms
- Finance Company/Loan Agency

Furniture and Household Goods

- Floor Coverings/Draperies/Upholstery Stores
- Furniture Refinishing
- Furniture/Home Furnishings/Equipment Retail Sales and Associated Storage
- Interior Decorating Establishment
- Household Appliances/Radio/Television/Washer/Dryer/etc.
- Office Furnishings and Equipment
- Speciality Shops - China/Glassware/etc.

Retail Sales and Service

- Antique/Art/Book/Florist/Gift/Hobby/Jewelry/Leather/Music/Stationary
- Bicycle Sales and Service
- Catalog Sales
- Department Store
- Drug Store/Pharmacy
- General Merchandise Sales
- Gunsmith
- Lawn and Garden Supplies
- Lawnmower Sales and Service
- Locksmith
- Pawnshops/Second Hand Stores (No Exterior Displays)
- Pet Shops/Animal Grooming
- Photo Pick-up Station
- Rental Equipment (No outside storage)
- Sporting Goods Sales/Rental (Including Live Bait Sales)
- Studio Art/Dancing/Music/Photography
- Taxidermist
- Temporary Sales - Auction/Garage/Yard Not To Exceed 15 Days In A Calendar Year

Personal Services

- Barber/Beauty Shops
- Day Care - Child/Senior

Recreation And Amusement

- Municipal Parks/Playgrounds
- Indoor Commercial Facilities - Tennis/Theater/Racquet Ball/Roller Rink
- Theaters - Including Drive Ins

Public And Semi-Public Uses

- Church/Parish House/Rectory/Temple
- Fraternal Clubs And Lodges/Social Clubs (No Sleeping Facilities)
- Government Buildings/Facilities (i.e. Library/Fire Station/Police Station)
- Radio/Television Centers And Stations
- Schools - Private -General Education
- Schools - Public - General Education
- Schools - Business/Trade/Vocational

Utilities

- Solar Energy Systems

Special Uses

Agricultural and Farm Uses

- Roadside Stand

Food - Retail and Wholesale

- Drive-In Eating Establishment

Lodging

- Bed and Breakfast
- Hotels/Motels/Other Transient Lodging

Retail Sales and Service

- Dental/Medical Clinic/Office
- Feed/Fertilizer/Seed-Retail/Wholesale

Public And Semi-Public Uses

- Hospitals And Related Facilities

Utilities

- Gas / Electric / Sewer And Water Facilities
- Telecommunication Facilities
- Wind Energy Conversion Systems

C-2

Commercial District

The C-2 Commercial District is a general commercial district designed for free-standing commercial activities which may be highway oriented, or those business establishments which by the nature of their business do not readily adapt to a downtown location. This district may also serve a grouping of retail and service establishments in the outlying area.

Development Standards

Minimum Lot Area:

- 21,780 square feet

Minimum Lot Width:

- 100 Feet

Minimum Lot Frontage:

- 100 Feet

Sewer and Water:

- Must use municipal water and sewer systems

Minimum Front Yard Setback:

- 25 Feet
- 85 from State Highway centerline or 30 feet from property line, whichever is greater

Minimum Rear Yard Setback:

- 15 feet

Minimum Side Yard Setback:

- 10 Feet

Maximum Structure Height:

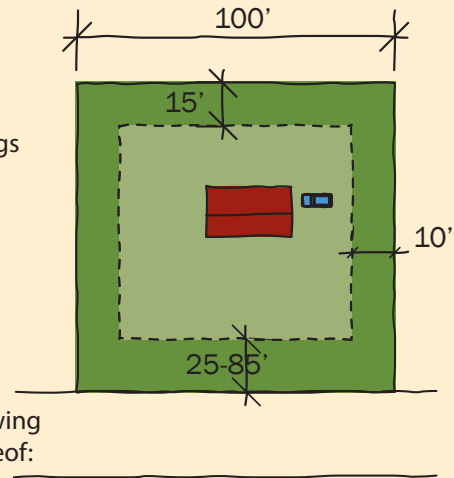
- 35 Feet
- 20 feet for accessory buildings

Maximum Impervious Lot Coverage:

- 60%

Buffering

- Any property line abutting said residential district shall be required to be effectively screened in one of the following ways, or a combination thereof: buffering by a dense strip of natural plantings or by a solid of opaque fence.



Some of the Additional Development Standards that Apply

6-010 Accessory Structures and Use Standards . . .	82	6-220 Wind Energy Conversion System Standards	109
6-040 Erosion Control Standards	84	6-270 Flood Control Standards	118
6-070 Fences, Hedges, Wall	90	6-290 Complete Streets	122
6-110 Off-Street Parking Standard	93	7-000 Site Development Plans	127
6-190 Off-Street Loading	97		
6-140 Outside Storage Requirements	98		
6-170 Sign Standards	101		
6-190 Telecommunication Facility Standards	105		

Commercial District

Permitted Uses

Residential Uses

- Apartment Unit(s) (upper level)

Agricultural And Farm Uses

- Roadside Stand (Farm Related Products)

Apparel and Accessory Sales and Service

- Clothing, Apparel and Accessory sales
- Dry Goods and Notions
- Furrier/Fur Shop/Storage of Furs
- Laundry and Dry Cleaning - Retail Operation
- Shoe Sales and Repair
- Tailoring and Dressmaking

Automobile, Truck, Motorcycle Dealers/Service/Repair

- Automobile Accessory Sales
- Automobile Rental Agency
- Automobile Sales And Service
- Automobile Service Station
- Automobile Washing
- Mobile Home Sales And Service
- Motorcycle Sales And Service
- Recreational Vehicle Sales And Service
- Truck Heavy Sales And Service

Business/Office Sales and Service

- Duplication Establishments
- Laboratories - Medical/Dental/Research/Testing
- Office Equipment/Supplies - Sales and Service
- Offices Professional/Semi-Professional Business
- Printing/Publishing/Newspaper Business

Contractors

Building Materials and Supplies

- Contractors - No outside Storage Permitted
- Hardware Store
- Retail Plumbing/Heating/Electrical Sales and Service
- Retail Wallpaper/Paint/Glass Sales and Service

Food - Retail and Wholesale

- Catering Establishment
- Concession Stand
- Drive-In Eating Establishment
- Package Liquor Store
- Restaurant
- Retail Bakeries/Confectioneries/Delicatessens/Dairy Products/Meats/Groceries/Related Products
- Tavern/Bar/Saloon/Lounge

Financial Institutions and Services

- Banks/Savings & Loan/Credit Unions
- Brokerage Firms

- Finance Company/Loan Agency

Furniture and Household Goods

- Floor Coverings/Draperies/Upholstery Stores
- Furniture Refinishing
- Furniture/Home Furnishings/Equipment Retail Sales and Associated Storage
- Interior Decorating Establishment
- Household Appliances/Radio/Television/Washer/Dryer/etc.
- Office Furnishings and Equipment
- Speciality Shops - China/Glassware/ etc.

Lodging

- Bed and Breakfast
- Hotels/Motels/Other Transient Lodging

Retail Sales and Service

- Antique/Art/Book/Florist/Gift/Hobby/Jewelry/Leather/Music/Stationary
- Bicycle Sales and Service
- Catalog Sales
- Dental/Medical Clinic/Office
- Department Store
- Drug Store/Pharmacy
- General Merchandise Sales
- Greenhouse - Commercial Retail/Wholesale
- Gunsmith
- Lawn and Garden Supplies
- Lawnmower Sales and Service
- Locksmith
- Monument Sales
- Pawnshops/Second Hand Stores (No Exterior Displays)
- Pet Shops/Animal Grooming
- Photo Pick-up Station
- Rental Equipment (No outside storage)
- Rental Equipment (Outside storage Allowed)
- Sporting Goods Sales/Rental (Including Live Bait Sales)
- Studio Art/Dancing/Music/Photography
- Taxidermist
- Temporary Sales - Auction/Garage/Yard Not To Exceed 15 Days In A Calendar Year
- Veterinarian Clinic/Hospital

- Temporary Sales - Auction/Garage/Yard Not To Exceed 15 Days In A Calendar Year
- Veterinarian Clinic/Hospital

Personal Services

- Barber/Beauty Shops
- Day Care - Child/Senior
- Funeral Homes/Mortuaries

Recreation And Amusement

- Golf Courses
- Marinas/Boating Sales And Rental
- Municipal Parks/Playgrounds
- Indoor Commercial Facilities - Tennis/Theater/Racquet Ball/Roller Rink
- Outdoor Commercial Facilities -

- Archery/Beach Areas/Driving Range/Miniature Golf/Picnic Areas/Skateboarding/Swimming Pools/Water Slides

- Theaters - Including Drive Ins

Public And Semi-Public Uses

- Church/Parish House/Rectory/Temple
- Fraternal Clubs And Lodges/Social Clubs (No Sleeping Facilities)
- Government Buildings/Facilities (i.e. Library/Fire Station/Police Station)
- Hospitals And Related Facilities
- Radio/Television Centers And Stations
- Schools - Private -General Education
- Schools - Public - General Education
- Schools - Business/Trade/Vocational

Manufacturing/Processing

- Cold Storage Plant

- Welding Shop

Offensive/Noxious Uses

- Animal Kennel

Utilities

- Solar Energy Systems

Special Uses

Automobile, Truck, Motorcycle Dealers/Service/Repair

- Automobile, Motorcycle Repair/Body Work
- Construction Equipment Sales And Service

Contractors

Building Materials and Supplies

- Concrete Products/Bricks Outside Storage Permitted
- Contractors - Outside Storage Permitted
- Lumber Yard/Building Materials

Retail Sales and Service

- Feed / Fertilizer / Seed - Retail / Wholesale

Recreation And Amusement

- Campgrounds / Recreational Vehicle Parks

Manufacturing/Processing

- Mini - Warehouse

Utilities

- Gas / Electric / Sewer And Water Facilities
- Telecommunication Facilities
- Wind Energy Conversion Systems

I-1

Industrial District

The I-1 Industrial District is designed for the heavier commercial activities, for warehousing, and light manufacturing uses. Uses located within this district shall be designed, constructed and operated so there is no production of sound discernible at the lot line in excess of the average street and traffic noise.

To protect adjacent areas from the heavier uses permitted in this district the design, construction, layout and operation should be such that there is no production of sound discernible at the lot line in excess of the average street and traffic noise, nor any production of heat, glare, or smoke discernible at any lot line.

No use shall be permitted which is injurious to the health or safety of humans or animals, or injurious to vegetation; and which is noxious or offensive by reason of the emission of smoke, dust, gas fumes, odors, noises (including music) or vibrations beyond the limits of the premises upon which such use is conducted.

Development Standards

Minimum Lot Area:

- 2 1,780 square feet

Minimum Lot Width:

- 100 Feet

Maximum Lot Width to Depth Ratio:

- None

Minimum Lot Frontage:

- 100 Feet

Sewer and Water:

- Must use municipal water and sewer systems

Minimum Front Yard Setback:

- Local Road - 35 Feet
- State Highway - 85 feet or 35 feet from property line, whichever is less

Minimum Rear Yard Setback:

- 30 Feet

Minimum Side Yard Setback:

- 20 Feet

Maximum Structure Height:

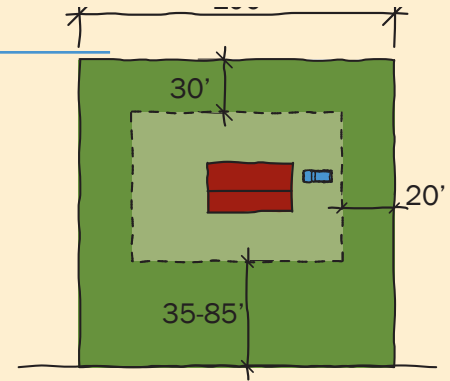
- 50 Feet

Maximum Lot Coverage:

- 60%

Lots Abutting a Residential Zone

- In no case shall any building or structure be erected less than 100 feet from any residential zoning district nor shall any parking or loading facility area be closer than 30 feet from said district. The 30-foot width adjacent to the residential district shall be maintained as a green area.



Any property line abutting said residential district shall be required to be effectively screened in one of the following ways, or a combination thereof.

- Buffering by a dense strip of natural plantings or by a solid or opaque fence.

Some of the Additional Development Standards that Apply

6-010 Accessory Structures and Use Standards 82	6-170 Sign Standards 101
6-040 Driveway Standards 84	6-190 Telecommunication Facility Standards 105
6-050 Erosion Control Standards 84	6-220 Wind Energy Conversion System Standards 109
6-070 Fences, Hedges, Walls 90	6-270 Flood Control Standards ... 118
6-110 Off-Street Parking.... 93	7-000 Site Development Plans .. 127
6-120 Off-Street Loading... 97	
6-140 Outside Storage Requirements .. 98	

Industrial District

Permitted Uses

Agricultural And Farm Uses

- Agricultural - Sales/Service/Repair/Storage
- Agricultural Production (Farming)
- Centralized Bulk Collection/Storage/Distribution Of Agricultural Products To Wholesale And Retail Markets

Appliance And Accessory Sales And Service

- Laundry And Dry Cleaning - Industrial Plant

Automobile, Truck, Motorcycle Dealers/Service/Repair

- Automobile Accessory Sales
- Automobile, Motorcycle Repair/Body Work
- Automobile Rental Agency
- Automobile Sales And Service
- Automobile Service Station
- Automobile Washing
- Construction Equipment Sales And Service
- Mobile Home Sales And Service
- Motorcycle Sales And Service
- Recreational Vehicle Sales And Service
- Tire Recapping And Retreading
- Truck Heavy Repair/Body Work
- Truck Heavy Sales And Service

Business/Office Sales And Service

- Duplicating Establishments
- Laboratories - Industrial Research/Testing
- Laboratories - Medical/Dental/Research/Testing
- Office Equipment Sales And Service
- Office Professional/Semi-Professional Business
- Printing/Publishing/Newspaper Businesses

Contractors Building Material And Supplies

- Concrete Products/Bricks Outside Storage Yard Permitted
- Contractors - No Outside Storage Permitted
- Contractors - Outside Storage Permitted
- Hardware Store
- Lumber Yard/Building Materials
- Retail Plumbing/Heating/Electrical Sales And Service

- Retail Wallpaper/Paint/Glass Sales And Service

Food - Retail And Wholesale

- Catering Establishment
- Restaurant
- Retail Bakeries/Confectioneries/Delicatessens/Dairy Products/Meats/Groceries/Related Products
- Wholesale Bakeries/Confectioneries/Delicatessens/Dairy Products/Meats/Groceries/Related Products

Financial Institutions And Services

- Banks/Savings & Loan/Credit Unions
- Finance Company/Loan Agency

Furniture And Household Goods

- Floor Coverings/Draperies/Upholstery Stores
- Furniture Refinishing
- Furniture/home Furnishings/Equipment Retail Sales And Associated Storage
- Interior Decorating Establishment
- Household Appliances/Radio/Television/Washers/Dryer/etc.
- Office Furnishings And Equipment

Miscellaneous Uses-Retail Sales And Service

- Bicycle Sales And Service
- Feed/Fertilizer/Seed-Retail/Wholesale
- General Merchandise Sales
- Greenhouse-Commercial Retail/Wholesale
- Gunsmith
- Lawn And Garden Supplies
- Lawnmower Sales And Service
- Locksmith
- Monument Sales
- Rental Equipment (Outside Storage Allowed)
- Sporting Good Sales/Rental (Including Live Bait Sales)
- Taxidermist
- Temporary Sales-Auction/Garage/Yard Not to Exceed 15 Days In A Calendar Year
- Veterinarian Clinic/Hospital

Recreation And Amusement

- Golf Courses
- Marinas/Boating Sales And Retail
- Municipal Parks/Playgrounds
- Indoor Commercial Facilities - Arcade/Dance Hall/Gymnasium/Health Club/Ice Rink/Swimming Pool/Tennis/Theater/Racquet Ball/Roller Rink
- Swimming Pools/Water Slides
- Theaters - Including Drive ins

Public And Semi-Public Uses

- Fraternal Clubs And Lodges/Social Clubs (No Sleeping Facilities)

- Government Buildings/Facilities (i.e. Library/Fire Station/Police Station)
- Radio/Television Centers And Station
- Schools - Business/Trade/Vocational

Manufacturing/Processing

- Aluminum
- Clothing/Fabric/Knit Products/Yarn
- Cold Storage Plant
- Floor Covering
- Food/Dairy Products/Meat/Poultry
- Furniture
- Glass/Glassware
- Leather/Leather Products
- Machine Shop
- Machinery
- Metal Products/Stamping
- Mini-Warehouse
- Plastic/Plastic Molding
- Sawmill
- Signs/Sign Painting
- Sheet Metal
- Warehouse
- Welding Shop
- Wood Products/Millwork

Offensive/Noxious Uses

- Animal Kennel

Utilities

- Solar Energy Systems

Special Uses

Agricultural and Farm Uses

- Air Strip (Private)
- Mineral, Gravel, Sand Extraction
- Uses Related To Agricultural Production (To Be Determined By Plan Commission)

Residential Uses

- Security Guard/Caretaker Quarters

Food - Retail And Wholesale

- Drive-In Eating Establishment

Public And Semi-Public Uses

- Airport

Utilities

- Gas / Electric / Sewer And Water Facilities
- Telecommunication Facilities
- Wind Energy Conversion Systems

I-2

Industrial District

Development within the I-2 Industrial District will be of a heavier industrial nature. The land must be protected from the intrusion of non-industrial uses which would impede the full utilization of the land for industrial development. The uses must be regulated to safeguard the adjacent districts from the effects of the heavier usage.

No use shall be permitted which is injurious to the health or safety of humans or animals, or injurious to vegetation; and which is noxious or offensive by reason of the emission of smoke, dust, gas fumes, odors, noises (including music) or vibrations beyond the limits of the premises upon which such use is conducted.

Development Standards

Minimum Lot Area:

- 2 1,780 square feet

Minimum Lot Width:

- 100 Feet

Minimum Lot Frontage:

- 100 Feet

Sewer and Water:

- Must use municipal water and sewer systems

Minimum Front Yard Setback:

- Local Road -50 Feet
- State Highway - 85 feet or 50 feet from property line, whichever is less

Minimum Rear Yard Setback:

- 30 Feet

Minimum Side Yard Setback:

- 20 Feet

Maximum Structure Height:

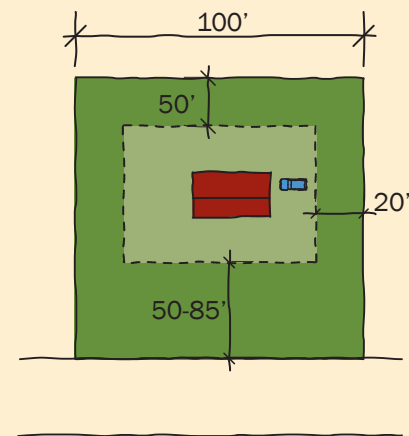
- 50 Feet

Maximum Impervious Coverage:

- 60%

Lots Abutting a Residential Zone

- In no case shall any building or structure be erected less than 100 feet from any residential zoning district nor shall any parking or loading facility area be closer than 30 feet from said district. The 30-foot width adjacent to the residential district shall be maintained as a green area. Any property line abutting said residential district shall be required to be effectively screened in one of the following ways, or a combination thereof.
- Buffering by a dense strip of natural plantings or by a solid or opaque fence.



Some of the Additional Development Standards that Apply

6-010 Accessory Structures and Use Standards.....	82	6-170 Sign Standards	101
6-040 Driveway Standards.....	84	6-190 Telecommunication Facility Standards	105
6-050 Erosion Control Standards.....	84	6-220 Wind Energy Conversion System Standards.....	109
6-070 Fences, Hedges, Walls.....	90	6-270 Flood Control Standards...	118
6-110 Off-Street Parking.....	93	7-000 Site Development Plans ..	127
6-120 Off-Street Loading.....	97		
6-140 Outside Storage Requirements..	98		

Standard Zoning District Intent, Uses, & Standards

Permitted Uses

Agricultural And Farm Uses

- Agricultural - Sales/Service/Repair/Storage
- Agricultural Production (Farming)
- Crop Dusting and Material Storage
- Centralized Bulk Collection/Storage/Distribution Of Agricultural Products To Wholesale And Retail Markets
- Mineral, Gravel Sand Extraction

Appeal And Accessory Sales And Service

- Laundry And Dry Cleaning - Industrial Plant

Automobile, Truck, Motorcycle Dealers/Service/Repair

- Automobile Accessory Sales
- Automobile, Motorcycle Repair/Body Work
- Automobile Rental Agency
- Construction Equipment Sales And Service
- Tire Recapping And Retreading
- Truck Heavy Repair/Body Work
- Truck Heavy Sales And Service
- Truck Terminal

Business/Office Sales And Service

- Duplicating Establishments
- Laboratories - Industrial Research/Testing
- Laboratories - Medical/Dental/Research/Testing

Contractors Building Material And Supplies

- Concrete Products/Bricks Outside Storage Yard Permitted
- Contractors - No Outside Storage Permitted
- Contractors - Outside Storage Permitted
- Hardware Store
- Lumber Yard/Building Materials

Food - Retail And Wholesale

- Catering Establishment
- Wholesale Bakeries/Confectioneries/Delicatessens/Dairy Products/Meats/Groceries/Related Products

Furniture And Household Goods

- Furniture Refinishing

Miscellaneous Uses-Retail Sales And Service

- Greenhouse-Commercial Retail/Wholesale
- Temporary Sales-Auction/Garage/Yard Not to Exceed 15 Days In A Calendar Year
- Veterinarian Clinic/Hospital

Recreation And Amusement

- Municipal Parks/Playgrounds

Public And Semi-Public Uses

- Government Buildings/Facilities (i.e. Library/Fire Station/Police Station)
- Radio/Television Centers And Station
- Schools - Business/Trade/Vocational

Manufacturing/Processing

- Aluminum
- Clothing/Fabric/Knit Products/Yarn
- Cold Storage Plant
- Floor Covering
- Food/Dairy Products/Meat/Poultry

- Furniture
- Glass/Glassware
- Leather/Leather Products
- Machine Shop
- Machinery
- Metal Products/Stamping
- Mini-Warehouse
- Paint/Varnish/Allied Products
- Paper/Paper Products
- Plastic/Plastic Molding
- Sawmill
- Signs/Sign Painting
- Sheet Metal
- Warehouse
- Welding Shop
- Wood Products/Millwork

Utilities

- Solar Energy Systems

Special Uses

Residential Uses

- Security Guard/Caretaker Quarters

Agricultural and Farm Uses

- Air Strip (Private)
- Livestock Auction Barn/Transfer Terminal/Confinement Feeding Operation
- Uses Related To Agricultural Production (To Be Determined By Plan Commission)

Public And Semi-Public Uses

- Airport

Offensive/Noxious Uses

- Animal By-Products
- Animal Kennel
- Asphalt Products - Batching Plant
- Chemical
- Concrete Products - Ready Mix Plant
- Foundries
- Insurance Storage Yard of Vehicles
- Junk Yard - Auto/Metal/Scrap Iron/etc.
- Roofing Material
- Rubber Products
- Sanitary Landfill/Refuse/Non-Toxic Waste
- Slaughter House/Meat Packing Plant
- Smelting Plant
- Stock Yard

Utilities

- Gas / Electric / Sewer And Water Facilities
- Telecommunication Facilities
- Wind Energy Conversion Systems

P-1

Municipal Park District

The P-1 Municipal Park District is designed to provide areas primarily designated for recreation on parcels to promote public health, safety, and welfare. Uses shall be restricted to those facilities compatible with the recreational nature of the area and are not likely to cause negative impact on the surrounding area.

Development Standards

Minimum Lot Area:

- None

Minimum Lot Width:

- None

Minimum Lot Frontage:

- None

Sewer and Water:

- May use private well and septic systems

Minimum Front Yard Setback:

- Local Road - 25 Feet
- State Highway - 85 feet or 50 feet from property line, whichever is less

Minimum Rear Yard Setback:

- 25 Feet

Minimum Side Yard Setback:

- 10 Feet

Maximum Structure Height:

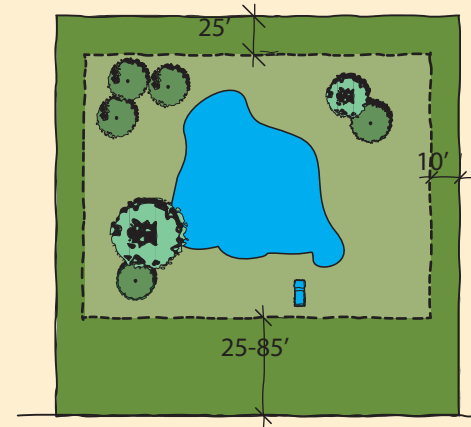
- 35 Feet

Maximum Lot Coverage:

- 50%

Lots Abutting a body of water

- Where property abuts a body of water, the boundary abutting said body of water shall be considered the frontage and shall conform to the front yard setback requirements of this district..



6-010 Accessory Structures and Use Standards.....	82	6-170 Sign Standards.....	101
6-040 Driveway Standards.....	84	6-190 Telecommunication Facility Standards.....	105
6-050 Erosion Control Standards.....	84	6-220 Wind Energy Conversion System Standards.....	109
6-070 Fences, Hedges, Walls.....	90	6-270 Flood Control Standards...	118
6-110 Off-Street Parking.....	93	7-000 Site Development Plans ..	127
6-120 Off-Street Loading.....	97		
6-140 Outside Storage Requirements..	98		

Standard Zoning District Intent, Uses, & Standards

Permitted Uses

Food - Retail And Wholesale

- Concession Stand

Retail Sales and Service

- Temporary Sales-Auction/Garage/Yard Not to Exceed 15 Days In A Calendar Year

Recreation And Amusement

- Municipal Parks/Playgrounds
- Indoor Commercial Facilities - Arcade / Dance Hall / Gymnasium /Health Club / Ice Rink / Swimming Pool / Tennis / Theater / Racquet Ball / Roller Rink
- Outdoor Commercial Facilities - Archery / Beach Areas / Driving Range/Miniature Golf / Picnic Areas/Skateboarding/Swimming Pools / Water Slides

Public And Semi-Public Uses

- Government Buildings/Facilities (i.e. Library/ Fire Station/Police Station)

Residential Uses

- Security Guard/Caretaker Quarters)

Retail Sales and Service

- Rental Equipment
- Rental Equipment

Recreation And Amusement

- Marinas/Boating Sales And Rental
- Tennis/Theater/Racquet Ball/Roller Rink
- Miniature Golf/Picnic Areas/Skateboarding/ Swimming Pools/Water Slides

Utilities

- Solar Energy Systems

Special Uses

Public And Semi-Public Uses

- Fraternal Clubs And Lodges/Social Clubs (No sleeping Facilities)

Utilities

- Gas / Electric / Sewer And Water Facilities
- Telecommunication Facilities
- Wind Energy Conversion Systems

Manufactured Housing District

Areas designed to support the heavy infrastructure and transportation needs of these typically high residential density Neighborhoods. These areas shall be adequately served by sewer and water service

Development Standards

Minimum Acreage:

- 3 acres

Minimum Lot Width:

- 50 feet

Minimum Lot Area

- 4000 square feet

Minimum Lot Frontage:

- None

Sewer and Water:

- Must use municipal water and sewer systems

Minimum Front Yard Setback:

- Local Road -20 Feet
- State Highway - 85 feet or 25 feet from property line, whichever is less

Minimum Rear Yard Setback:

- 15 Feet - In the case of water frontage, the line most distant from that frontage shall be deemed to be the rear property line and shall conform to the rear yard setback regulations.

Minimum Lot Side Yard Setback:

- 10 feet or 10% of lot width, whichever is less.

Maximum Structure Height:

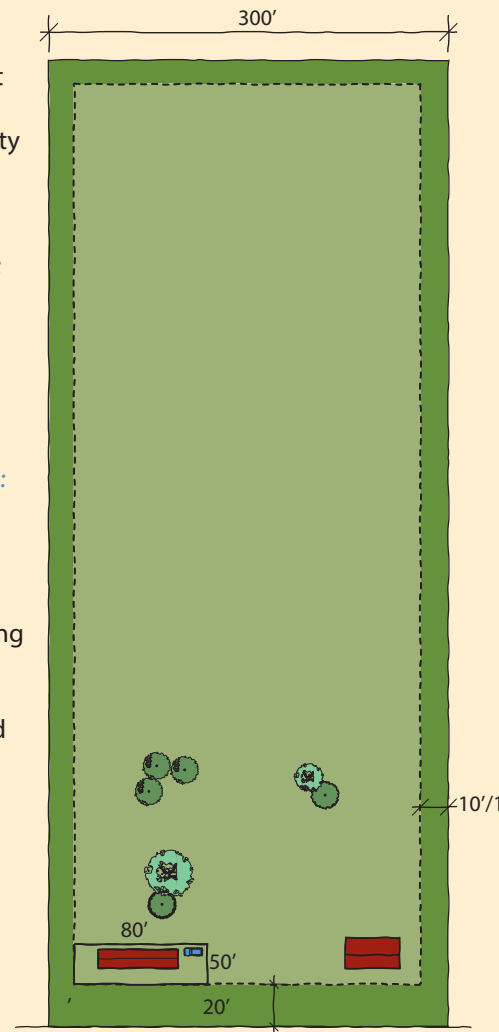
- 35 Feet

Maximum Impervious Coverage:

- 50%

Lots Abutting a body of water

- Where property abuts a body of water, the boundary abutting said body of water shall be considered the frontage and shall conform to the front yard setback requirements of this district.



6-010	Accessory Structures and Use Standards.....	82
6-040	Driveway Standards.....	84
6-050	Erosion Control Standards.....	84
6-070	Fences, Hedges, Walls.....	90
6-110	Off-Street Parking.....	93
6-120	Off-Street Loading.....	97
6-140	Outside Storage Requirements..	98

6-170	Sign Standards.....	101
6-190	Telecommunication Facility Standards.....	105
6-220	Wind Energy Conversion System Standards.....	109
6-270	Flood Control Standards...	118
7-000	Site Development Plans ..	127

MH

Standard Zoning District Intent, Uses, & Standards

Permitted Uses

Residential Uses

- Manufactured Home - Type B
- Accessory Structure
- Modular Home
- Single Family Residential
- Two-Family Residential

MISCELLANEOUS USES - RETAIL SALES AND SERVICE

- Temporary Sales – Auction / Garage / Yard
Not To Exceed 15 Days In A Calendar Year

Utilities

- Solar Energy Systems

Special Uses

Residential Uses

- Home Occupation

Services

- Child Day Care Services

Utilities

- Gas / Electric / Sewer And Water
Facilities
- Telecommunication Facilities
- Wind Energy Conversion Systems

A1

Agricultural District

The Agricultural designation denotes land that is meant to remain largely rural, with uses focusing on farming operations. The Agricultural land use category is intended to allow for some residential development. Agricultural land use areas are found in locations that are viable for farming but may also be feeling growth pressures from nearby urban communities.

For the purpose of this ordinance, a farm shall be defined as being a single parcel of land encompassing five (5) acres or more under one ownership on which bona fide agriculture is carried on directly by the owner/operator, manager or tenant.

Only one dwelling unit shall be constructed on a single parcel of land in this district.

More than one accessory structure designated for farm related use may be constructed on a single parcel of land in this zoning district provided that all requirements of this ordinance shall be met for a principal structure and accessory structure as though it were on an individual lot.

Development Standards

Minimum Lot Area Per Residential Unit:

- 5 acres

Minimum Lot Area:

- 1 acres

Minimum Lot Width:

- 210 Feet

Maximum Lot Width to Depth Ratio:

- 1 to 3

Minimum Lot Frontage:

- 50 Feet

Sewer and Water:

- May use private well and septic systems

Minimum dwelling size:

- 951 square feet of occupied space

Minimum Front Yard Setback:

- Local Road -50 Feet
- State Highway - 85 feet or 50 feet from property line, whichever is less

Minimum Rear Yard Setback:

- 25 Feet

Minimum Lot Side Yard Setback:

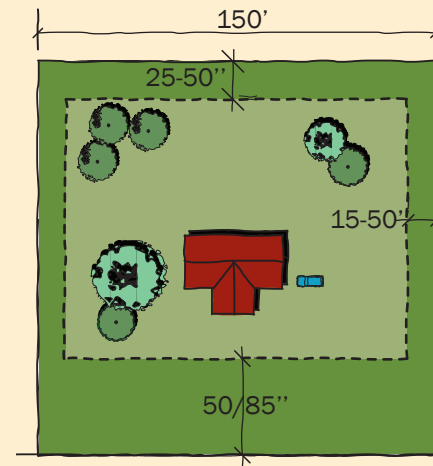
- 15 feet or 50 feet for accessory structures
- 100 feet for grain storage
- 100 feet for livestock/fowl housing

Maximum Structure Height:

- 35 feet for dwellings

Maximum Impervious Lot Coverage:

- 30%



Some of the Additional Development Standards that Apply

6-010 Accessory Structures and Use Standards 82	6-170 Sign Standards 101	7-000 Site Development Plans 127
6-040 Driveway Standards . . . 84	6-190 Telecommunication Facility Standards . . . 105	
6-050 Erosion Control Standards 84	6-220 Wind Energy Conversion System Standards . . . 109	
6-070 Fences, Hedges, Walls . 90	6-270 Flood Control Standards 118	

A1

Standard Zoning District Intent, Uses, & Standards

Permitted Uses

Residential Uses

- Farm House and Related Outbuildings
- Single Family Home
- Home Occupations
- Manufactured Home - Type B

Agricultural And Farm Uses

- Agricultural - Sales/Service/Repair/Storage
- Agricultural Production (Farming)
- Animal Production (General)
- Animal Production (Limited)
- Crop Dusting And Material Storage
- Centralized Bulk Collection/Storage/Distribution Of Agricultural Products To Wholesale And Retail Markets
- Horses And Other Equine
- Mineral, Gravel, Sand Extraction
- Riding Stables
- Roadside Stand (Farm Related Uses)

Retail Sales And Service

- Greenhouse - Commercial Retail/Wholesale
- Greenhouse - Private No Trade
- Temporary Sales - Auction/Garage/Yard Not to Exceed 15 Days In A Calendar Year
- Vet Clinic-Hospital

Recreation And Amusement

- Municipal Parks/Playgrounds

Public And Semi-Public Uses

- Government Buildings/Facilities (i.e. Library/Fire Station/Police Station)

Utilities

- Solar Energy Systems

Special Uses

Agricultural And Farm Uses

- Air Strip - Private
- Dairy Production
- Livestock Auction Barn/Transfer Terminal/Confinement Feeding Operation
- Uses Related To Agricultural Production (To Be determined By Plan Commission)

Lodging

- Bed & Breakfast

Retail Sales And Service

- Feed / Fertilizer / Seed - Retail / Wholesale
- Lawn And Garden Supplies
- Lawn mower Sales And Service

Personal Services

- Barber/Beauty Shops
- Day Care - Child/Senior
- Funeral Homes/Mortuaries

Recreation And Amusement

- Campgrounds/Recreational Vehicle Parks
- Golf Courses
- Fish Hatcheries
- Indoor Commercial Facilities - Arcade/Dance Hall/Gymnasium/Health Club/Ice Rink/Swimming Pool/Tennis/Theater/Racquet Ball/Roller Rink/Miniature Golf/Picnic Areas/Skateboarding/Swimming Pools/Water Slides
- Outdoor Commercial Facilities - Archery / Beach Areas / Driving Range / Miniature Golf / Picnic Areas/Skateboarding/Swimming Pools / Water Slides
- Theaters - Including Drive Ins

Public And Semi-Public Uses

- Airports
- Cemetery
- Church/Parish House/Rectory/Temple
- Fraternal Clubs And Lodges/Social Clubs (No Sleeping Facilities)
- Hospitals And Related Facilities
- Schools - Private - General Education
- Schools - Public - General Education
- Schools - Business/Trade/Vocational

Manufacturing/Processing

- Cold Storage Plant
- Food/Dairy Products/Meat/Poultry
- Furniture
- Mini-Warehouse
- Sawmill
- Warehouse
- Welding Shop
- Wood Products/Millwork

Offensive/Noxious Uses

- Animal Kennel

Utilities

- Gas / Electric / Sewer And Water Facilities
- Telecommunication Facilities
- Wind Energy Conversion Systems

3

Standard Zoning District Intent, Uses, & Standards

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Unlisted or Questionable Uses

Any use not listed as a permitted use or a special exception is considered not permitted unless the Building Commissioner makes a determination otherwise. The Building Commissioner may determine into which category any questionable use be placed if it is not specifically listed but similar to another use that is a permitted use or special exception. This determination may be appealed to the Board of Zoning Appeals.

140

Land Use Matrix

p - Permitted Use; s - Special Exception; d - Development Plan Req.

Table 3-A, Land Use Matrix

USE	S-1	L-1	R-1	R-2	C-1	C-2	I-1	I-2	P-1	MH	A-1
RESIDENTIAL USES											
Apartment Unit(s)	s	s		p	p	p					
Condominiums, Multiple Units, Townhouses	s	s		p							
Dormitories, Residence Halls	s	s		p							
Farm House and Related Outbuildings	p										p
Home Occupations	p	p	p	p							p
Manufactured Homes Type B	p	s	p	p						p	p
Nursing Home, Convalescent Home	p		s	p							
Orphanages	s	s		p							
Religious Quarters	s	s		p							
Security Guard / Caretaker Quarters							s	s	p		
Single Family Home	p	p	p	p						p	p
Two-Family (Duplex) Home	s			p							
AGRICULTURAL AND FARM USES											
Agricultural – Sales / Service / Repair / Storage	s						p	p			p
Agricultural Production (Farming)	s						p	p			p
Air Strip – Private	s						s	s			s
Animal Production (General)	s										p
Animal Production (Limited)	p										p

USE	S-1	L-1	R-1	R-2	C-1	C-2	I-1	I-2	P-1	MH	A-1
Crop Dusting And Material Storage	s							p			p
Centralized Bulk Collection / Storage / Distribution Of Agricultural Products To Wholesale And Retail Markets	s						p	p			p
Confined Feeding Operations								s			s
Dairy Production											s
Fish Hatcheries	s	s									s
Horses And Other Equine	p										p
Livestock Auction Barn / Transfer Terminal / Confinement Feeding Operation	s							s			s
Mineral, Gravel, Sand Extraction	s						s	p			
Riding Stables	p										p
Roadside Stand (Farm Related Products)	p				s	p					p
Uses Related To Agricultural Production (To Be Determined By Plan Commission)	s						s	s			s
APPAREL AND ACCESSORY SALES AND SERVICE											
Clothing, Apparel And Accessory Sales					p	p					
Dry Goods And Notions				p	p						
Furrier / Fur Shop / Storage Of Furs				p	p						
Laundry And Dry Cleaning - Retail Operation			s	p	p						
Laundry And Dry Cleaning - Industrial Plant							p	p			
Shoe Sales / Repair				p	p						
Tailoring And Dressmaking				p	p						
AUTOMOBILE, TRUCK, MOTORCYCLE DEALERS / SERVICE / REPAIR											
Automobile Accessory Sales					p	p	p	p			
Automobile, Motorcycle Repair / Body Work						s	p	p			
Automobile Rental Agency					p	p	p	p			



3

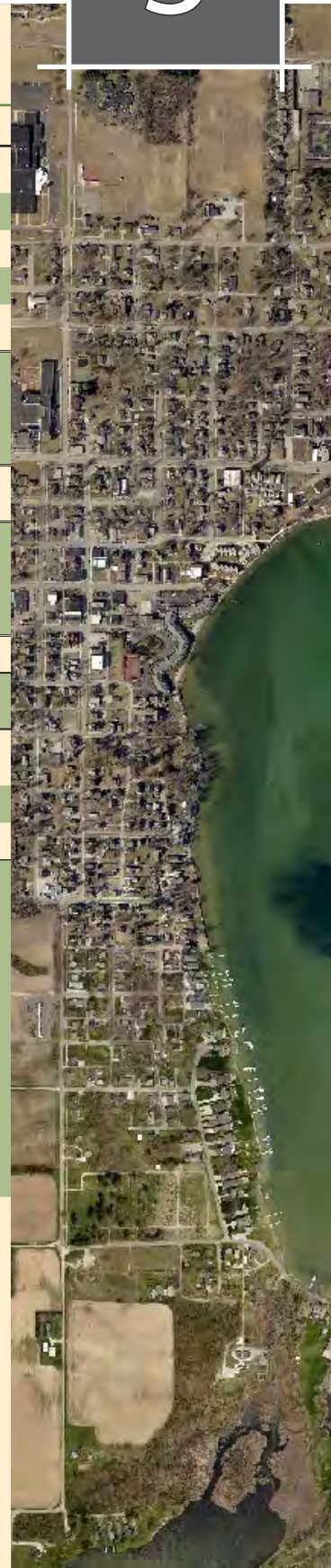
Standard Zoning District Intent, Uses, & Standards

140 Land Use Matrix (cont.)

p - Permitted Use; s - Special Exception; d - Development Plan Req.

USE	S-1	L-1	R-1	R-2	C-1	C-2	I-1	I-2	P-1	MH	A-1
Automobile Sales And Service							p	p			
Automobile Service Station					p	p	p				
Automobile Washing					p	p	p				
Construction Equipment Sales And Service						s	p	p			
Mobile Home Sales And Service						p	p				
Motorcycle Sales And Service						p	p				
Recreational Vehicle Sales And Service						p	p				
Tire Recapping And Retreading							p	p			
Truck Heavy Repair / Body Work							p	p			
Truck Heavy Sales And Service						p	p	p			
Truck Terminal								p			
BUSINESSES/OFFICES SALES & SERVICE											
Laboratories - Industrial Research / Testing							p	p			
Laboratories – Medical / Dental / Research / Testing					p	p	p	p			
Office Equipment / Supplies - Sales And Service					p	p	p				
Offices Professional / Semi-Professional Business	s		s	s	p	p	p				
Printing / Publishing / Newspaper Businesses					p	p	p				
CONTRACTORS BUILDING MATERIALS AND SUPPLIES											
Concrete Products / Bricks Outside Storage Yard Permitted							s	p	p		
Contractors - No Outside Storage Permitted					p	p	p	p			
Contractors - Outside Storage Permitted						s	p	p			
Hardware Store					p	p	p	p			
Lumber Yard / Building Materials						s	p	p			
Retail Plumbing / Heating / Electrical Sales And Service					p	p	p				
Retail Wallpaper / Paint / Glass Sales And Service					p	p	p				
FOOD – RETAIL AND WHOLESALE											

USE	S-1	L-1	R-1	R-2	C-1	C-2	I-1	I-2	P-1	MH	A-1
Catering Establishment					p	p	p	p			
Concession Stand	p		s	s	p	p			p		
Drive-In Eating Establishment	s				s	p					
Package Liquor Store					p	p					
Restaurant	s	s			p	p					
Retail Bakeries / Confectioneries / Delicatessens / Dairy Products / Meats / Groceries / Related Products					p	p	p				
Tavern / Bar / Saloon / Lounge					p	p					
Wholesale Bakeries / Confectioneries / Delicatessens / Dairy Products / Meats / Groceries / Related Products							p	p			
FINANCIAL INSTITUTIONS AND SERVICES											
Banks / Savings & Loan/Credit Unions					p	p	p				
Brokerage Firms					p	p					
Finance Company / Loan Agency					p	p	p				
FURNITURE AND HOUSEHOLD GOODS											
Floor Coverings / Drapery / Upholstery Stores					p	p	p				
Furniture Refinishing					p	p	p	p			
Furniture / Home Furnishings / Equipment Retail Sales And Associated Storage					p	p	p				
Interior Decorating Establishment					p	p	p				
Household Appliances Radio / Television / Washer / Dryer /etc.					p	p	p				
Office Furnishings And Equipment					p	p	p				
Specialty Shops - China/Glassware/etc.					p	p					



3

Standard Zoning District Intent, Uses, & Standards

140 Land Use Matrix (cont.)

p - Permitted Use; s - Special Exception; d - Development Plan Req.

USE	S-1	L-1	R-1	R-2	C-1	C-2	I-1	I-2	P-1	MH	A-1
LODGING											
Bed & Breakfast	s	s	s	s	s	p					s
Hotels/Motels/Other Transient Lodging	s	s			s	p					
MISCELLANEOUS USES - RETAIL SALES AND SERVICE											
Antique/Art/Book/Florist/Gift/Hobby/Jewelry/ Leather/Music/Stationary						p	p				
Bicycle Sales and Service						p	p	p			
Catalog Sales						p	p				
Dental / Medical Clinic / Office	s		s	s	s	p					
Department Store						p	p				
Drug Store / Pharmacy						p	p				
Feed / Fertilizer / Seed - Retail / Wholesale	s				s	s	p				s
General Merchandise Sales						p	p	p			
Greenhouse - Commercial Retail / Wholesale	s					p	p	p			p
Greenhouse - Private No Trade	p	p	p	p							p

Standard Zoning District Intent, Uses, & Standards

3

Use	S-1	L-1	R-1	R-2	C-1	C-2	I-1	I-2	P-1	MH	A-1
Gunsmith					p	p	p				
Lawn And Garden Supplies	s				p	p	p				s
Lawnmower Sales And Service	s				p	p	p				s
Locksmith					p	p	p				
Monument Sales						p	p				
Pawnshops / Second Hand Stores (No Exterior Displays)					p	p					
Pet Shops /Animal Grooming	s				p	p					
Photo Pick-up Station					p	p					
Rental Equipment (No Outside Storage)	s				p	p			p		
Rental Equipment (Outside Storage Allowed)						p	p		p		
Sporting Goods Sales / Rental (Including Live Bait Sales)	s	s			p	p	p				
Taxidermist					p	p	p				
Temporary Sales – Auction / Garage / Yard Not To Exceed 15 Days In A Calendar Year	p	p	p	p	p	p	p	p	p	p	p
Veterinarian Clinic/Hospital	s					p	p				p
PERSONAL SERVICES											
Barber / Beauty Shops	s				p	p					s
Day Care – Child / Senior	s	s	s	s	p	p					s
Funeral Homes / Mortuaries	s		s	s		p					s
RECREATION AND AMUSEMENT											
Campgrounds / Recreational Vehicle Parks	s	s				s					s
Golf Courses	s					p	p				s
Marinas / Boating Sales And Rental	s	s				p	p		p		
Municipal Parks / Playgrounds	p	p	p	p	p	p	p	p	p	p	p
Indoor Commercial Facilities Arcade / Dance Hall / Gymnasium / Health Club / Ice Rink / Swimming Pool / Tennis / Theater / Racquet Ball / Roller Rink	s				p	p	p		s		s
Outdoor Commercial Facilities Archery / Beach Areas / Driving Range / Miniature Golf / Picnic Areas / Skateboarding Swimming Pools / Water Slides	s	s				p	p		p		s



3

Standard Zoning District Intent, Uses, & Standards



Use	S-1	L-1	R-1	R-2	C-1	C-2	I-1	I-2	P-1	MH	A-1
Theaters – Including Drive Ins	s					p	p				s
PUBLIC AND SEMI-PUBLIC USES											
Airport	s						s				s
Cemetery	p		p	p							s
Church / Parish House / Rectory / Temple	p	p	p	p	p	p					s
Fraternal Clubs And Lodges/Social Clubs (No Sleeping Facilities)	s				p	p	p		s		s
Government Buildings / Facilities (i.e. Library / Fire Station / Police Station)	p	p	p	p	p	p	p	p	p		p
Hospitals And Related Facilities	s		s	s	s	p					s
Radio / Television Centers And Stations	s				p	p	p	p			
Schools - Private - General Education	s		s	s	p	p					s
Schools - Public - General Education	p		p	p	p	p					s
Schools – Business/Trade/Vocational	s				p	p	p	p			s
MANUFACTURING/PROCESSING											
Aluminum							p	p			
Clothing / Fabric / Knit Products / Yarn							p	p			
Cold Storage Plant							p	p			s
Floor Covering							p	p			
Food / Dairy Products / Meat / Poultry							p	p			s
Furniture	s						p	p			s
Glass / Glassware							p	p			
Leather / Leather Products							p	p			
Machine Shop							p	p			
Machinery							p	p			
Metal Products / Stamping							p	p			
Mini-Warehouse	s					s	p	p			s
Paint / Varnish / Allied Products								p			
Paper / Paper Products								p			
Plastic / Plastic Molding							p	p			

Standard Zoning District Intent, Uses, & Standards

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USE	S-1	L-1	R-1	R-2	C-1	C-2	I-1	I-2	P-1	MH	A-1
Sawmill							p	p			s
Signs / Sign Painting							p	p			
Sheet Metal							p	p			
Warehouse	s						p	p			s
Welding Shop	s					p	p	p			s
Wood Products / Millwork	s						p	p			s
OFFENSIVE / NOXIOUS USES											
Animal By-Products								s			
Animal Kennel	s					p	p	s			s
Asphalt Products – Batching Plant								s			
Chemical								s			
Concrete Products – Ready-Mix Plant								s			
Foundries								s			
Insurance Storage Yard For Vehicles								s			
Junk Yard – Auto / Metal / Scrap Iron / etc.								s			
Roofing Material								s			
Rubber Products								s			
Sanitary Landfill / Refuse / Non-Toxic Waste								s			
Slaughter House / Meat Packing Plant								s			
Smelting Plant								s			
Stock Yard								s			
UTILITIES											
Gas / Electric / Sewer And Water Facilities	s	s	s	s	s	s	s	s	s	s	s
Solar Energy Systems	p	p	p	p	p	p	p	p	p	p	p
Telecommunication Facilities (Ref. Sec 5.18)	s	s	s	s	s	s	s	s	s	s	s
Wind Energy Conversion Systems (Ref. Sec 5.19)	s	s	s	s	s	s	s	s	s	s	s



3

Standard Zoning District Intent, Uses, & Standards

150 Zoning District Distance Standards

Table 3-B, Distance Standards

	FRONT YARD ¹	REAR YARD	SIDE YARD	MAXIMUM BUILDING HEIGHT	FROM REGULATED DRAIN
S-1, SUBURBAN RESIDENTIAL	25' ^{2,4}	25'	15'	50'	75'
L-1, LAKE RESIDENTIAL	25' ^{2,3,4}	25'	10'	35'	75'
R-1, RESIDENTIAL	25' ^{2,4}	25'	10'	35'	75'
R-2, RESIDENTIAL	25' ^{2,5}	25'	10'	35'	75'
C-1, COMMERCIAL	0'	0'	0'	35'	75'
C-2 COMMERCIAL ⁷	25' ^{2,4}	15'	10'	35'	75'
I-1, INDUSTRIAL	35' ^{2,4}	30'	20'	50'	75'
I-2,, INDUSTRIAL	50' ⁴	30'	20'	50'	75'
P-1, PARK	25' ⁴	25'	10'	35'	75'
PUD, PLANNED UNIT DEVELOPMENT	50'	15' ⁵	10' ⁵	45'	75'
MH, MANUFACTURED HOUSING ⁷	20' ²	20'	10' ⁵	35'	75'
A-1, Agricultural	50' ²	25'	15'	NA'	75'

¹ Measured from the road or street right-of-way; On a lake, the Front Yard is the road or lakeside

² When the abutting right-of-way is a State Highway, the minimum setback shall be 85 feet measured from the centerline of the road or 50 feet from the prop-erty line, whichever distance is greater.

³ If lot has no lake frontage / If lot has lake frontage; From the high water mark

⁴ Where a lot abuts two (2) or more streets, it shall have the required front yard setback on each street side of the lot.

⁵ From the boundary of the PUD or Manufactured Home Community. Additional interior setbacks apply

⁶ Disclaimer: Chart is a reference to the District Standards. The Zoning sheets have precedence.

A. Setback Requirements

1. Height Modification

Church Spires, belfries, and domes, silos, water towers, and television and radio towers for personal use may be erected above the height limits specified in this section.

2. Visual Setback on Corner Lots

A visual setback shall be provided for all lots located at road right-of-way intersections in all zoning districts.

a. This triangular visual setback is measured along the right-of-way lines of the two intersecting rights-of-way. The distance from the corner of the intersection shall be fifty (50) feet in each direction. A diagonal connecting those two fifty (50) foot segments closes the triangle.

b. Nothing shall be erected, placed, planted, or allowed to grow within this visual setback in such a manner as to impede vision between a height of two and one half (2.5) feet and eight (8) feet above the centerline grades of the intersection.

3. Averaging Setbacks Along Road or Street Frontages

Where the Building Commissioner has determined that an average front yard setback line has been established prior to the adoption of this ordinance, the minimum front yard setback shall be that established average front yard setback; or ten (10) feet, whichever is greater.

4. Buffer Setbacks

A thirty (30) foot buffer setback from all property lines shall be provided in A-1, Zoning District.

a. There shall be no gardens, flowers, trees, landscaping, or other vegetative material deemed by the Building Commissioner which would restrict the normal agronomic practices of crop or horticulture production.

b. The buffer setback shall not apply to Crop or horticulture Production or Forestry.

c. The buffer setback shall not be required when the property adjoining the property line is five (5) acres or less in area.



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Standard Zoning District Intent, Uses, & Standards

	MINIMUM AREA PER RESIDENTIAL UNIT	MINIMUM LOT AREA	MINIMUM LOT WIDTH	MAXIMUM WIDTH TO DEPTH RATIO ¹	MINIMUM SINGLE FAMILY RESIDENCE AREA	MAXIMUM LOT COVERAGE	MINIMUM ACCESS TO PUBLIC ROW	SEWER & WATER	MINIMUM COMMON SPACE
S-1, RESIDENTIAL WITH SEWER	5 acres	21,780 sf	100'	1:3	None	50%	25'	Public	0%
S-1, RESIDENTIAL WITH SEPTIC	1 acre	1 acre	150'	1:3	None	50%	25'	Private	0%
L-1, LAKE RESIDENTIAL WITH SEWER	NA	10,890 sf	75'	1:3	1,600 sf	50%	25'	Public	0%
L-1, RESIDENTIAL WITH SEPTIC	NA	21,780 sf	80'	1:3	1,600 sf	50%	25'	Private	0%
R-1, RESIDENTIAL WITH SEWER	NA	7,500 sf	75'	1:3	951 sf	50%	25'	Public	0%
R-1, RESIDENTIAL WITH SEWER LOT OF RECORD	NA	5,000 sf	50'	1:3	951 sf	50%	25'	Public	0%
R-1, RESIDENTIAL WITH EITHER MUNICIPAL WARE OR SEWER	NA	10,890 sf	75'	1:3	951 sf	50%	25'	Public	0%
R-1, RESIDENTIAL WITH SEPTIC	NA	21,780 sf	100'	1:3	951 sf	50%	25'	Private	0%
R-2, RESIDENTIAL SINGLE FAMILY WITH SEWER	NA	7,500 sf	75'	1:3	951 sf	50%	25'	Pub/Private	0%
R-2, RESIDENTIAL, TWO-FAMILY WITH SEWER	NA	5,000 sf/ add unit 5,000 sf	75'	1:3	635 sf/unit	50%	25'	Public	0%
R-2, RESIDENTIAL, MULTI-FAMILY WITH SEWER	NA	6,000 sf/ add unit 2,500 sf	75'	1:3	635 sf/unit	50%	25'	Public	0%
R-2, RESIDENTIAL, EFFICIENCY APARTMENTS WITH SEWER	NA	6,000 sf/ add unit 1,500 sf	75'	1:3	635 sf/unit	50%	25'	Public	0%
R-2, RESIDENTIAL, HOMES FOR THE AGED WITH SEWER	NA	6,000 sf/ add unit 1,000 sf	75'	1:3	635 sf/unit	50%	25'	Public	0%
R-2, RESIDENTIAL, SINGLE FAMILY WITH SEPTIC	NA	7,500 sf	75'	1:3	951 sf	50%	25'	Private	0%
R-2, RESIDENTIAL, TWO-FAMILY WITH SEPTIC	NA	7,500 sf/ add unit 7,500 sf	75'	1:3	635 sf/unit	50%	25'	Private	0%
R-2, RESIDENTIAL, MULTI-FAMILY WITH SEPTIC	NA	8,000 sf/ add unit 5,000 sf	75'	1:3	635 sf/unit	50%	25'	Private	0%
R-2, RESIDENTIAL, EFFICIENCY APARTMENTS WITH SEPTIC	NA	8,000 sf/ add unit 4,000 sf	75'	1:3	635 sf/unit	50%	25'	Private	0%
R-2, RESIDENTIAL, HOMES FOR THE AGED WITH SEPTIC	NA	8,000 sf/ add unit 3,000 sf	75'	1:3	635 sf/unit	50%	25'	Private	0%
C-1, COMMERCIAL	NA	NA	NA	NA	635 sf/unit	60%	25'	Public	0%
C-2, COMMERCIAL	NA	21,780 sf	100'	NA	NA	60%	25'	Public	0%
I-1, INDUSTRIAL	NA	21,780 sf	100'	NA	NA	60%	35'	Public	0%

Standard Zoning District Intent, Uses, & Standards

I-2, INDUSTRIAL	NA	21,780 sf	100'	NA	NA	60%	50/100'	Public	0%
P-1, PARK	NA	NA	NA	NA	NA	NA	25'	Pub/Priv	0%
PUD, PLANNED UNIT DEVELOPMENT	NA	21,780 sf	300'	None	NA	NA	100'	Pub/Priv	10%
MANUFACTURED HOUSING	Na	3 acres	50'	NA	4000 sf	65%	20'	Pub/Priv	NA
A1, AGRUCULTURAL	5 Acres	5 acres	150'	1:3	951 sf	30%	50'	Pub/Priv	0%

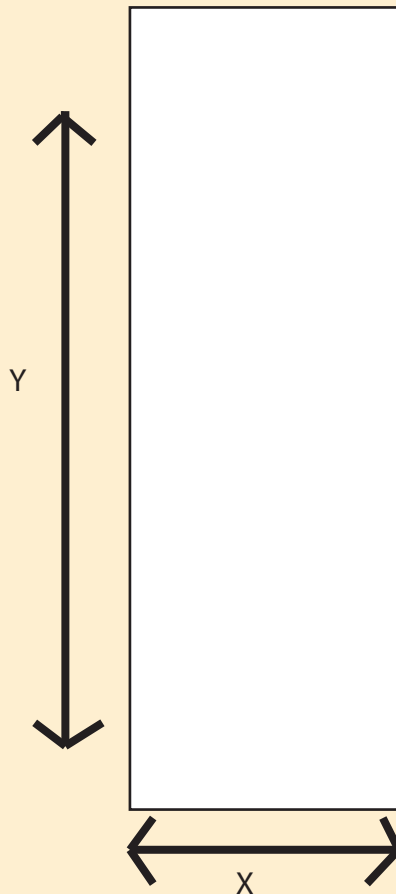
PUB/PRIV = PUBLIC OR PRIVATE SEWER & WATER SYSTEMS

NA = NOT APPLICABLE

1- At the Building line. See Below.

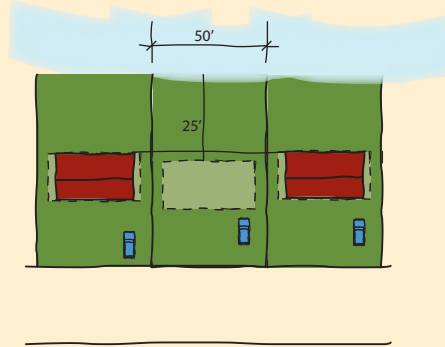
Lot Width to Depth Ratio

Y may be no greater than 3 times the value of X



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Standard Zoning District Intent, Uses, & Standards



Representation of the L-1 Lake District setback standards for the minimum Front Yard Setback..

Notes

Notes

Suggestions for Future Changes



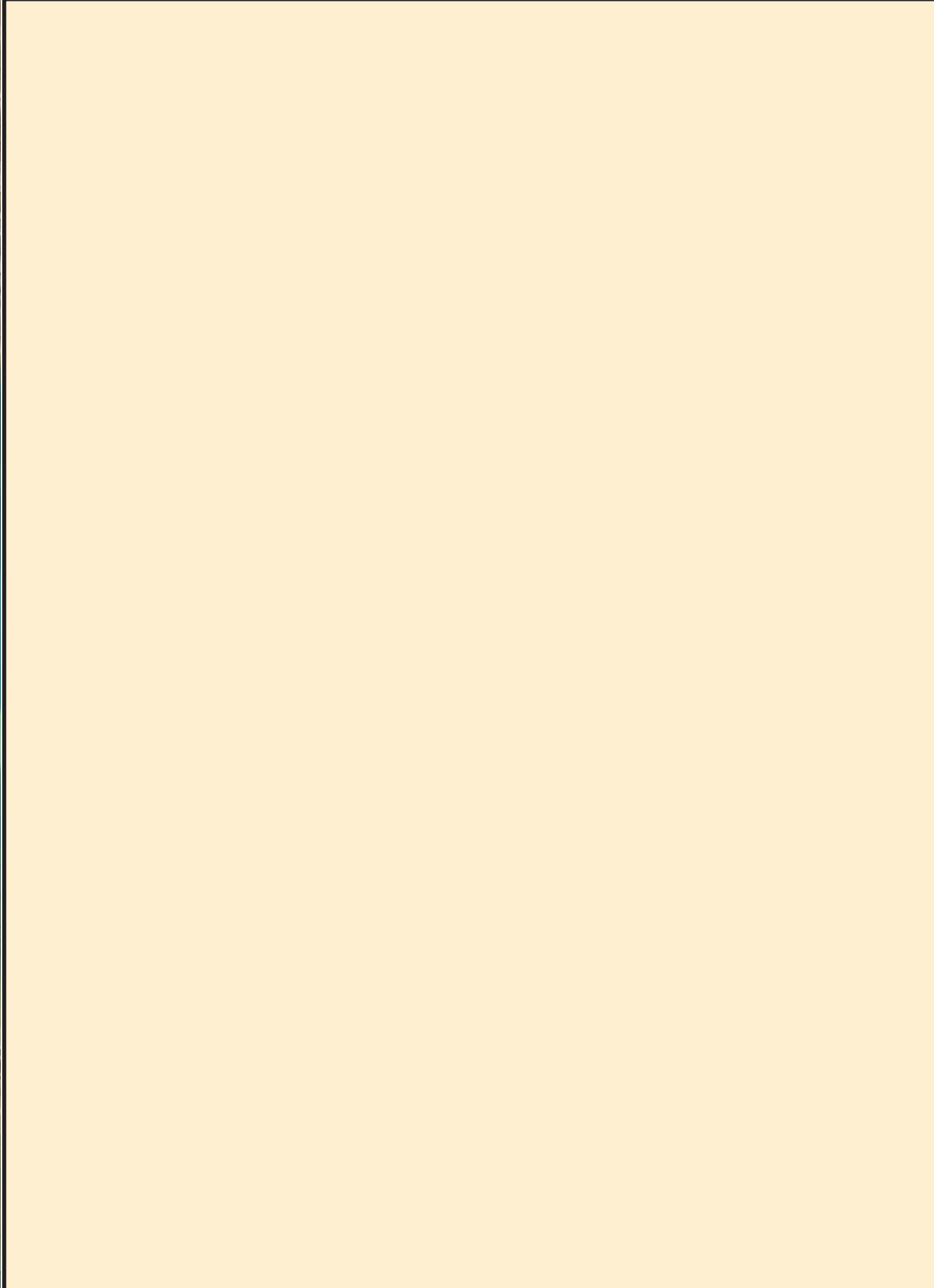
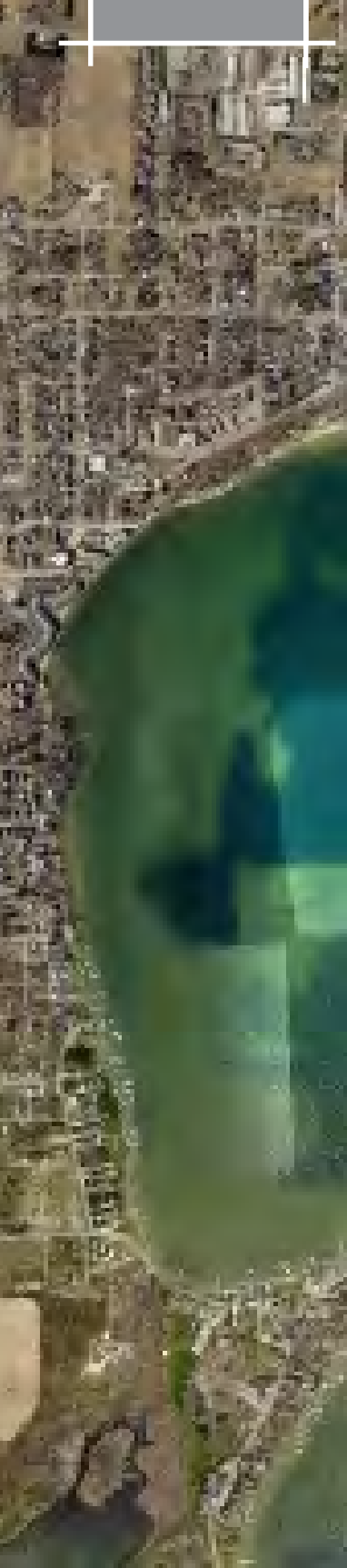


4

Overlay Zoning Districts Intent, Uses, & Standards

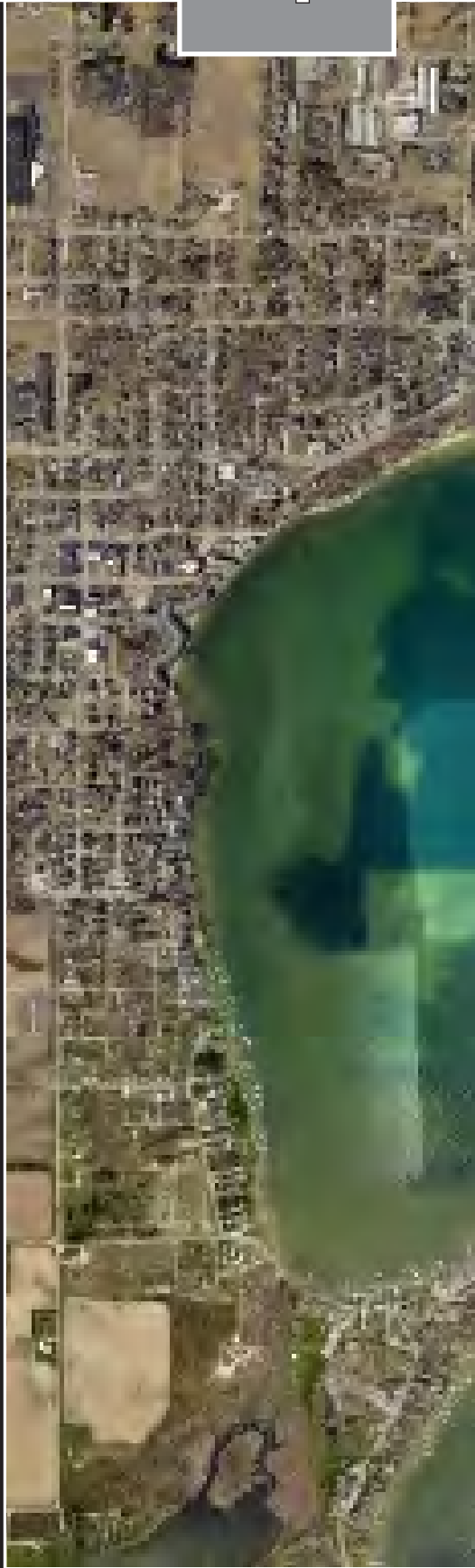
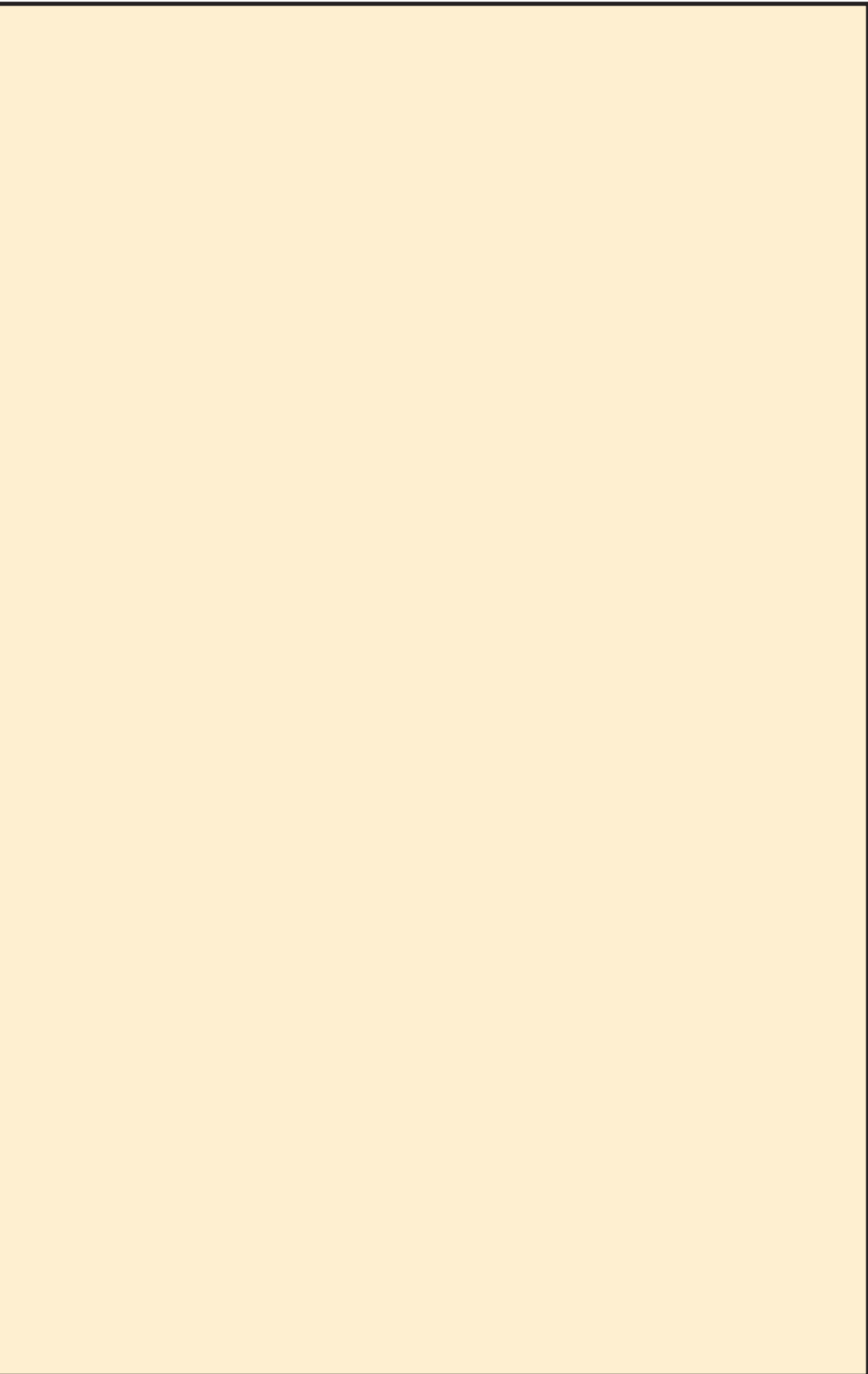
4

Overlay Zoning Districts Intent, Uses, & Standards



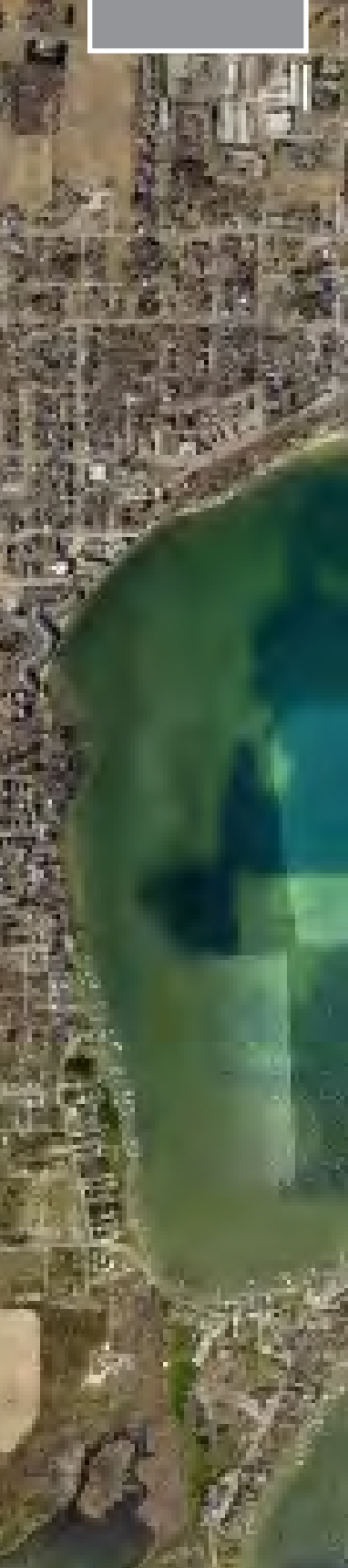
Overlay Zoning Districts Intent, Uses, & Standards

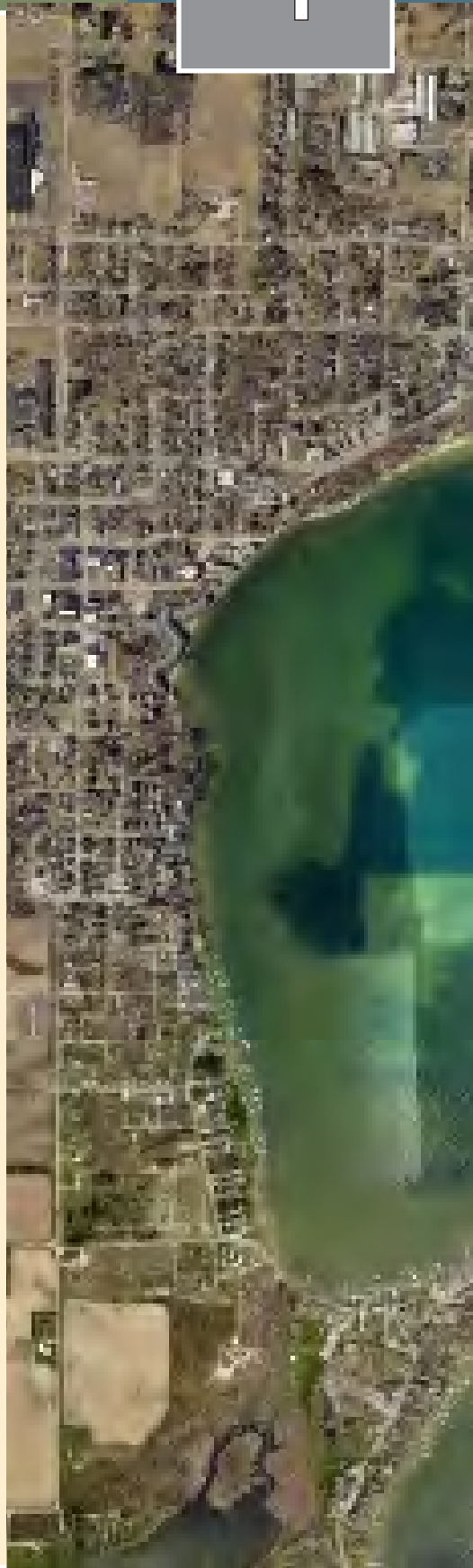
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010







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Planned Unit Development

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Planned Unit Development

010

Purpose

The purpose of the Planned Unit Development (PUD) is to encourage flexibility in the development of land in order to promote its most appropriate use; to improve the design, character and quality of new developments be they residential, commercial or industrial; to encourage a harmonious and appropriate mixture of uses while allowing flexibility to meet Town needs; to facilitate the adequate and economic provision of streets, utilities and community services; to preserve the natural environmental and scenic features of the site; to encourage and provide a mechanism for arranging improvements on sites so as to preserve desirable features; and to mitigate the problems which may be presented by specific site conditions. It is anticipated that Planned Unit Developments will offer one or more of the following advantages:

- A. Reflect the policies of the Comprehensive Plan specific to the area in which the PUD is to be located;
- B. Provide substantial buffers and transitions between areas of different land use and development densities;
- C. Enhance the appearance of Culver by conserving areas of natural beauty, and natural green spaces;
- D. Counteract urban monotony and congestion on streets;
- E. Promote architecture that is compatible with the surroundings;
- F. Buffer differing types of land use and intensities of development from each other so as to minimize any adverse impact which new development may have on existing or zoned development;
- G. Promote and protect the environmental integrity of the site and its surroundings and provide suitable design responses to the specific environmental constraints of the site and surrounding area; and
- H. Pursue implementation of the Comprehensive Plan and Complete Streets initiative.

020

Definition

A Planned Unit Development is an area under single ownership or control to be developed in conformance with an approved Secondary Plan, consisting of a map showing the development area and all improvements to the development area, a text which sets forth the uses and the development standards to be met, and exhibits setting forth any aspects of the plan not fully described in the map and text. The uses and standards expressed in the Secondary Plan constitute the use and development regulations for the Planned Unit Development site.

030

Requirements for Planned Unit Development

- A. The area designated in the Planned Unit Development map must be a tract of land under single ownership or control. Single control of property under multiple ownership may be accomplished through the use of enforceable covenants and commitments which run to the benefit of the Zoning Jurisdiction.

Planned Unit Development

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- B. The plan shall indicate the land use, development standards, and other applicable Culver specifications which shall govern the Planned Unit Development. If the plan is silent on a particular land use, development standard, or other specification of Culver, a determination shall be made by the Plan Commission.
- C. The Planned Unit Development map shall show the location of all improvements. The location of Planned Unit Developments shall be designated on the Zoning Map and adopted pursuant to this Ordinance.
- D. The Planned Unit Development must comply with all required improvements, construction standards, design standards, and all other Culver standards and other pertinent regulations, except where specifically varied through the provisions of this Section of the Ordinance.
- E. **Designation and Conveyance of Permanent Open Space.**
 - 1. **Definition**

Permanent open space shall be defined as parks, playgrounds, landscaped green space, and natural areas, not including schools, community centers or other similar areas in public ownership.
 - 2. **Designation**

No plan for a Planned Unit Development shall be approved, unless such plan provides for permanent landscaped or natural open space. A minimum of ten (10) percent of the proposed Planned Unit Development area shall be designated as Permanent Open Space.
 - 3. **Phasing**

If the Primary Plan provides for the Planned Unit Development to be constructed in stages, open space must be provided for each stage of the Planned Unit Development in proportion to that stage.
 - 4. **Conveyance**

Permanent open space shall be conveyed in one of the following forms:

 - a. To a municipal or public corporation; or
 - b. To a not-for-profit corporation or entity established for the purpose of benefiting the owners and tenants of the Planned Unit Development or,
 - c. where appropriate and where approved by the Plan Commission and the Culver Town Council, adjoining property owners, or both. All conveyances hereunder shall be structures to insure that the grantee has the obligation and the right to effect maintenance and improvement of the common open space; and that such duty of maintenance and improvement is enforced by the owners and tenants of the Planned Unit Development and, where applicable, by adjoining property owners; or

(cont.)

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Planned Unit Development

030 Requirements for Planned Unit Development (cont.)

- d. To owners other than those specified in Subsections (a) and (b) above, and subject to restrictive covenants describing and guaranteeing the open space and its maintenance and improvement, running with the land for the benefit of residents of the Planned Unit Development or adjoining property owners, or both; or
 - e. Included in single family residential lots under the control of lot owners.
- F. Uses permitted in a Planned Unit Development may be any use which is found in Article 3-140, Land Use Matrix of this Ordinance, subject to the approval of the Culver Plan Commission and the Town Council.

040 Procedure for Approval of Planned Unit Development

A. Introduction

A three step application process shall be used. The steps in the process are:

1. Pre-Design Conference;
2. Primary Plan Review; and
3. Secondary Plan Review.

B. Pre-Design Conference

Prior to filing a formal application for approval of a Planned Unit Development, the applicant shall schedule a pre-design conference with the Technical Review Committee. The purpose of the pre-application conference shall be to:

1. Allow the applicant to present a general concept and to discuss characteristics of the development concept in relation to adopted Town policies.
2. Allow the Technical Review Committee to inform the applicant of applicable policies, standards and procedures for the Planned Unit Development.
3. Allow the Plan Commission to request appropriate review by Town staff or outside consultants where additional input is needed.
4. The pre-design conference is intended only for the above purposes; neither the developer nor the jurisdiction is bound by any decision made during a pre-application conference.

C. Procedure for Primary Plan Review

1. The Primary Plan and application for the Planned Unit Development shall be submitted to the Building Commissioner who will review and certify the

Planned Unit Development

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application to be complete.

2. The Technical Review Committee will review the Primary Plan in accordance with Article 10-030, Technical Review Committee of this Ordinance.
3. The Primary Plan and application, Building Commissioner's report, and such other documents as may be pertinent to the Planned Unit Development shall then be forwarded to the Plan Commission for its consideration.
4. The Plan Commission shall hold a public hearing in accordance with its Rules of Procedure.
5. Where there are environmentally sensitive features on the site or the Secondary Plan is expected to be complex, or there are other important planning implications involved, the Plan Commission may reserve the right to review the Secondary Plan. And, where the Plan Commission recommends denial of a Primary Plan and the Culver Town Council approves the plan, the Plan Commission shall review the Secondary Plan.
6. Upon completion of its review, the Plan Commission shall certify the application to the Culver Town Council with a favorable recommendation, an unfavorable recommendation, or no recommendation.
7. The Culver Town Council shall vote on the proposal within thirty (30) days after the Plan Commission certifies the proposal. The Council may adopt or reject the proposal. If the Plan Commission has given the proposal a favorable recommendation and the Council fails to act on the proposal within thirty (30) days, the Ordinance takes effect as if it had been adopted as certified thirty (30) days after recommendation. If the Plan Commission has failed to make a recommendation or has given the proposal an unfavorable recommendation and the Council fails to act on the proposal within thirty (30) days, the proposal is defeated.

D. Effect of Approval of Primary Plan

1. When a Primary Plan for a Planned Unit Development has been approved by the Council, the Plan shall become effective and its location shall be shown on the Zoning Map. The Zoning Map shall be amended to designate the site as a Planned Unit Development.
2. Upon such amendment of the zoning map, the use and development of the site shall be governed by the Planned Unit Development Primary Plan, subject to approval of a Secondary Plan.
3. No permit of any kind shall be issued until the Secondary Plan has been approved.

(cont.)

040 Procedure for Approval of Planned Unit Development (cont.)

E. Secondary Plan

1. Purpose of Secondary Plan Review

The purpose of the Secondary Plan is to designate the controls for development of the Planned Unit Development. The Secondary Plan shall show the location of each building and improvement to be constructed and a designation of the specific internal use or range of uses to which each building shall be put.

2. Time Limit for Approval of Secondary Plan

The Secondary Plan shall be submitted to the Plan Commission not more than eighteen (18) months following Plan Commission approval of the Primary Plan. The Primary and Secondary Plans may be submitted as a single plan if all Primary Plan Requirements and Secondary Plan Requirements of this Ordinance are met. The Secondary Plan may be submitted and approved in stages, with each stage representing a portion of the Primary Plan, at the discretion of the Plan Commission. The time limit for submitting each stage for approval may be set forth in the Primary Plan, in which case that schedule shall control the timing of development, rather than the time period contained in this paragraph. The Plan Commission may extend the time for application for approval of Secondary Plan for good cause, consistent with the purposes of this Ordinance.

3. Expiration of Time Limit

Periodically, the Building Commissioner shall report to the Plan Commission on Planned Unit Developments whose time limits have expired. The applicants shall be notified. The Plan Commission shall determine whether to consider extending the time or to initiate action to amend the Zoning Map so as to rescind the Planned Unit Development designation.

4. Relationship of Secondary and Primary Plan

The Secondary Plan shall conform to the Primary Plan as approved.

5. Procedure for approval of a Secondary Plan shall be:

a. Secondary Plan Submission

The Secondary Plan and supporting data shall be filed with the Building Commissioner.

b. PUD Review

The Building Commissioner shall review the Secondary Plan to include site plan review, in accordance with the requirements of this Ordinance.

d. Plan Commission Review

If the Plan Commission has retained Secondary Plan Review authority, the Plan Commission shall hold a public hearing in accordance with its Rules of Procedure. The Commission may approve, deny or approve with modifications.

e. The Secondary Plan shall expire two (2) years after approval, unless

grading and/or building permits have been obtained and are still current and valid on that date. This rule shall also apply to each stage of a Secondary Plan approved in stages. The time limit for completion may be set forth in the Secondary Plan, in which case that schedule shall control the timing of development, rather than the time period contained in this paragraph. The approving authority may extend the time for commencement of the Secondary Plan for good cause, consistent with the purposes of this Ordinance.

- f. No permit of any kind shall be issued for any purpose within a Planned Unit Development except in accordance with the approved Secondary Plan, and after acceptance by the Town of all required guarantees for improvements pursuant to Article 5-050.C(6), Guarantee of Performance for Completion of Improvements of this Ordinance.

050

Specific Content of Plans

Planned Unit Secondary Development Plans and supporting data shall include all documentation listed in this Section of the Zoning Ordinance unless certain documentation is deemed superfluous by the Building Commissioner due to the specific circumstances of the particular request.

A. Pre-Design Conference Requirements

- 1. A written letter of intent from the applicant describing the applicant's intention for developing the site.
- 2. A scaled drawing of the site, in simple sketch form, showing the proposed location and extent of the land uses, major streets, and the approximate location of any existing easements, natural features, and topographic or geologic constraints.

B. Primary Plan Requirements

- 1. A drawing of the Planned Unit Development shall be prepared at a scale not less 1"=50', or as considered appropriate by the Building Commissioner, and shall show in concept major circulation; generalized location and dimensions of buildings, structures, and parking areas; open space areas, recreation facilities, and other details to indicate the character of the proposed development. The submission shall include:
 - a. A site location map.
 - b. The name of the development, with the words "Primary Plan".
 - c. Boundary lines and acreage of each land use component.
 - d. Existing easements, including location, width and purpose.
 - e. Existing land use on abutting properties.
 - f. Other conditions on adjoining land:

(cont.)

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Planned Unit Development

050 Specific Content of Plans (cont.)

- i. topography (at two (2) foot contours) including any embankments or retaining walls;
 - ii. use and location of major buildings, railroads, power lines, towers and other influences; and
 - iii. name of any adjoining subdivision plat.
 - g. Existing streets on and adjacent to the tract, including street name, right-of-way width, walks, curbs, gutters, and culverts.
 - h. Proposed public improvements Including streets and other major improvements planned by the Public for future construction on or adjacent to the tract.
 - i. Existing utilities on the tract.
 - j. Any land on the tract within the 100-year floodplain.
 - k. Other conditions on the tract, including water courses, wetlands, sinkholes, wooded areas, isolated trees 6 inches or more in diameter, existing structures and other significant features.
 - l. Existing vegetation to be preserved and the locations, nature, and purpose of proposed landscaping.
 - m. Map data such as north point, scale and date of preparation.
2. Miscellaneous
The Building Commissioner shall inform the applicant of any additional documents or data requirements after the pre-application conference.
3. Written Statement of Character of the Planned Unit Development
An explanation of the character of the Planned Unit Development and the reasons why it has been planned to take advantage of the flexibility of these regulations. The written statement shall include:
 - a. A specific explanation of how the proposed Planned Unit Development meets the objectives of all adopted land use policies and specifically the Comprehensive Plan, which affect the land in question.
 - b. Ownership
A statement of present and proposed ownership of all land within the project including the beneficial owners of a land trust.
 - c. Development scheduling indicating:
 - i. Stages in which the project will be built, including the area, density, use, public facilities, and open space to be developed with each stage. Each stage shall be described and mapped.

Planned Unit Development

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- ii. Projected dates for beginning and completion of each stage.
- d. Proposed Uses
 - i. Residential Uses
 - gross area, architectural concepts (narrative, sketch, or representative photo), number of units, bedroom breakdown, and proposed occupancy limits for each residential component;
 - ii. Nonresidential Uses
 - specific nonresidential uses, including gross areas, architectural concepts (narrative, sketch, or representative photo), and building heights.
- e. Facilities Plan
Preliminary concepts and feasibility reports if requested for:
 - i. Roads
 - ii. Sidewalks
 - iii. Sanitary sewers
 - iv. Stormwater management
 - v. Water supply system
 - vi. Street lighting
 - vii. Public utilities
- 4. Traffic Analysis
If requested by the Technical Review Committee or the Plan Commission, a study of the impact caused by the Planned Unit Development and any measures proposed to accommodate that impact.

C. Secondary Plan Requirements

The application for Secondary Plan Review shall include, but not be limited to, the following documents:

1. Such additional information as may have been required by the Primary Plan Review.
2. An accurate map exhibit of the entire phase for which Secondary Plan Review is being requested, showing the following:
 - a. Precise location of all buildings to be constructed, and a designation of the specific use or range of uses for each building. Single family residential development on individual lots need not show precise locations of buildings on each lot, but plans shall show setback and other bulk constraints.

(cont.)

050 Specific Content of Plans (cont.)

- b. Design and precise location of all streets, drives, and parking areas, including construction details, centerline elevations, pavement type, curbs, gutters, and culverts.
 - c. Location of all utility lines and easements.
 - d. Stormwater Management Plan
 - e. A final detailed landscape plan, in conformance with Article 6-140, Landscaping Standards of this Ordinance.
 - f. Tabulation on each separate subdivided use area, including land area, number of buildings, number of dwelling units per acre, type of unit, bedroom breakdown, and limits on occupancy.
3. If lands to be subdivided are included in the Planned Unit Development, a subdivision plat meeting the requirements of a preliminary plat, as modified by the Primary Plan Review, is required where platting is to be done concurrent with the Secondary Plan Review.
 4. Projected construction schedule.
 5. Agreements and covenants which govern the use, maintenance, and continued protection of the Planned Unit Development and its common spaces, shared facilities, and private roads.
 6. Guarantee of Performance for Completion of Improvements
A bond or other guarantee acceptable to the Town shall be provided for all required improvements and shall be executed at time of permit application or platting, whichever comes first. Improvements that must be guaranteed include facilities which shall become public, and may include other facilities or improvements as may be specified in the Primary or Secondary Plan Review. If the project is to be built in phases, the guarantee shall be posted prior to the commencement of work on each phase. The guarantee shall specify the time for completion of improvements, and shall be in an amount of one hundred ten (110) percent of the estimated cost of the improvements.

060 Review Considerations

- A. In their consideration of a Planned Unit Development Primary Plan, the Technical Review Committee in its report to the Plan Commission, the Plan Commission in its recommendation, and the Culver Town Council in its decision, shall consider as many of the following as may be relevant to the specific proposal:
 1. The extent to which the Planned Unit Development meets the purposes of the Zoning Ordinance, the Comprehensive Plan, and any other adopted planning

Planned Unit Development

5

objectives of the Town of Culver.

2. The extent to which the proposed plan meets the requirements, standards, and stated purpose of the Planned Unit Development regulations.
3. The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to, the density, dimension, bulk, use, required improvements, complete street design, and construction and design standards and the reasons, which such departures are or are not deemed to be in the public interest.
4. The proposal will not be injurious to the public health, safety, and general welfare.
5. The physical design of the Planned Unit Development and the extent to which it makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects designated permanent open space, and furthers the amenities of light and air, recreation and visual enjoyment.
6. The relationship and compatibility of the proposed plan to the adjacent properties and neighborhood, and whether the proposed plan would substantially interfere with the use or diminish the value of adjacent properties and neighborhoods.
7. The desirability of the proposed plan to the Town of Culver's physical development, tax base and economic well-being.
8. The proposal will not cause undue traffic congestion, and can be adequately served by existing or programmed public facilities and services.
9. The proposal preserves significant ecological, natural, historical, and architectural resources to the extent possible.

070

Changes in the Planned Unit Development

A. Changes Requiring New Primary Plan Review

Changes which alter the concept or intent of the Planned Unit Development including but not limited to:

(cont.)

5 • Planned Unit Development

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Planned Unit Development

070 Changes in the Planned Unit Development (cont.)

1. Increases in density not to be greater than 10%;
2. Changes in the proportion or allocation of land uses;
3. Changes in the list of approved uses;
4. Changes in the locations of uses;
5. Changes in functional uses of open space, where such change constitutes an intensification of use of the open space; and/or
6. Changes in the final governing agreements where such changes conflict with the Primary Plan Review.

B. Changes Requiring New Secondary Plan Review.

These changes shall include the following:

1. Changes in lot arrangement, or addition of buildable lots which do not change approved density of the development;
2. Changes in site design requirements, such as location of required landscaping, signage, building height, and/or footprint, or other such requirements of this ordinance;
3. Changes to the internal street system or off-street parking areas;
4. Changes in drainage management structures;
5. Changes in access to the development site, where such change amounts to an intensification in the traffic patterns of roadways of classification higher than local; and/or
6. All other changes not expressly addressed under Article 5-070.A, Changes Requiring New Primary Plan Review of this Ordinance, shall require new Secondary Plan Review.

Planned Unit Development

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5 • Planned Unit Development

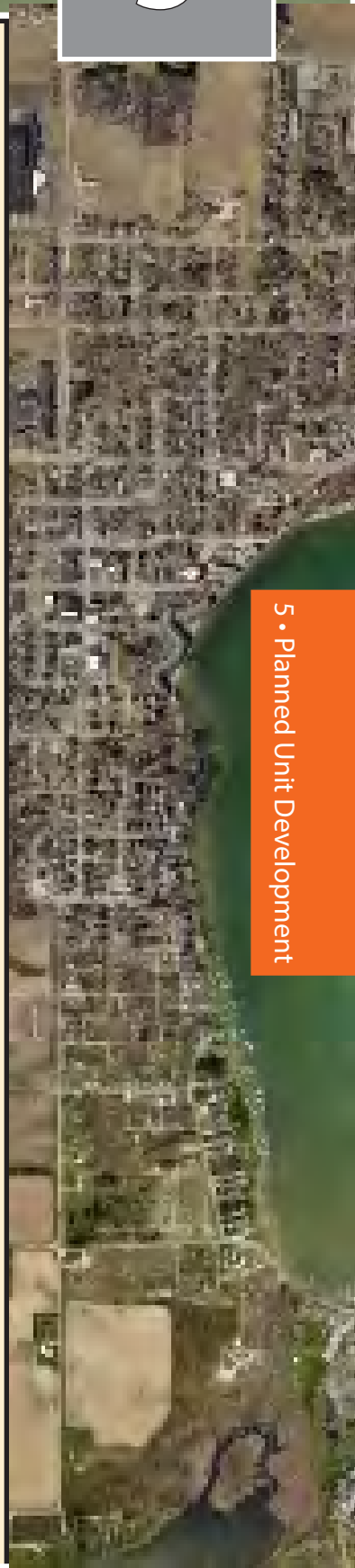
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Planned Unit Development

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Suggestions for Future Changes



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010 Accessory Structures and Use Standards

A. Definition

A use, building, or structure, the use of which is customarily incidental and subordinate to the use of the primary building or primary use of the land on which the accessory use, building, or structure is located. By way of example only, some typical accessory uses, buildings, and structures include: boathouse, garages, carports, decks, mini-barns, storage sheds, outdoor fireplaces, outdoor furnaces, children's playhouses/playsets, game courts, fences, swimming pools, hot tubs, gazebos, grain bins, grain dryers, and storage buildings. Some uses that shall not be considered accessory uses, buildings, or structures include mobile homes, manufactured homes, construction trailers, recreational vehicles, and semi-trailers.

B. Where Permitted

Accessory Uses, Buildings, and Structures shall be permitted in all districts, provided that the primary use which is supported by the accessory use, building, or structure is a permitted use within the district to which a lot is zoned.

C. Construction Prior to Primary Structure

Except in a A-1 District, accessory uses, buildings, and structures shall not be permitted on a lot prior to the erection of the primary building.

D. Development Standards

Accessory uses, buildings, and structures shall comply with all development standards of the applicable zoning district unless an exception is specifically provided for in this section.

An attached garage is considered to be a part of the principal building; a freestanding garage is an accessory structure to the principal structure.

Accessory structures may only be constructed subsequent to the principal use being established and a building permit obtained for the principal building. No accessory structure shall be used prior to the principal building or use, except as a storage facility during construction of the principal use. At no time shall it be used for residential purposes.

Accessory structures shall not exceed 16 feet in height, unless specifically permitted in a given district.

An accessory structure shall not be erected in any required front yard setback area unless specifically authorized in a given district.

Unless otherwise provided for within a given district, an accessory structure to a residential use may be erected in the rear yard area and shall be setback no less than 10 feet from a rear lot line and no less than 10 feet from an interior side lot line. In a side yard area abutting a street, an accessory structure shall maintain a minimum setback from the right-of-way line equal to one-half the distance required for the principal structure unless otherwise provided for within a given district.

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Accessory structures in a commercial or industrial district may occupy the rear yard area provided such structures do not occupy more than 45 percent of said required area and further provided they shall be setback no less than ten feet from the rear property line and shall maintain the same side yard setback requirements as the principal building. If said rear line abuts a residential district the greater distance shall prevail as prescribed in the district regulations.

In L-1 Lake Residential Districts, one accessory structure normally associated with lake front usage, shall be permitted within the required front yard setback area. Such structure shall not exceed 250 square feet and not to exceed 2 1/2 feet (30 inches) in height.

- E. **Dumpsters, Compactors, and Trash Receptacles**
Dumpsters, compactors, and other trash receptacles are not regulated as accessory structures.
- F. **Swimming Pools**
Swimming pools must abide by this zoning ordinance as well as Indiana State Code (675 IAC 20).

020

Construction Standards

- A. **Purpose**
All standards pertaining to the building or replacement of structures shall be regulated by Ordinance 2009-002 Building Code Of Culver, Indiana. All standards pertaining to the building or replacement of walkways, driveways, curbs, water and sewer hookups within the Town limits of Culver shall be regulated by the appropriate Town ordinances or specifications.

030

Dangerous and Exotic Animals Standards

No mammal, amphibian, or reptile which is of a species which is wild by nature, and of a species which, due to its size, vicious nature, or other characteristic is dangerous to human beings, shall be allowed in any zoning district under the jurisdiction of the Town of Culver. Such animals shall include, but not be limited to, all wild cats to include cougars, lions, tigers, leopards, panthers, bobcats and lynx, as well as wolves, bears, alligators, crocodiles and all forms of poisonous reptiles, and including any primate and constricting reptiles or wolf hybrids. The term dangerous and exotic animals shall not include potbellied pigs or any domesticated canines recognized by the American Kennel Association.

040 Driveway Requirements

Driveways must meet the Visibility Requirements as set forth in Article 6, Section 230 of this ordinance.

No driveway shall be located within 40 feet of the intersection of two street lines.

Driveway connections to the Public or Private Street must meet the requirements set forth in the Town of Culver Street Specifications and Details.

050 Erosion Control Standards**A. Purpose**

The purpose of erosion control is to conserve the natural resources; to protect the quality of Lake Maxinkuckee, Lost Lake, the infrastructure of the Town of Culver, the air and water; and to protect and promote the health, safety and welfare of people, to the extent practicable by minimizing the amount of sediment and other pollutants, resulting from soil erosion and runoff due to land disturbing activities, from being transported off site to adjacent public or private lands including ditches, streams, lakes, wetlands, streets and storm drains.

B. Applicability of Chapter

This Chapter applies to non-agricultural land disturbing activities on land within the jurisdictional zoning areas of the Town of Culver. The use of Town storm drains and general drainage issues regarding the use of public ditches fall outside the scope of this Chapter.

C. General Principles

The objective of this Chapter is the control of soil erosion and sedimentation caused by land disturbing activities within the jurisdictional zoning areas of the Town of Culver. Measures taken to control erosion and sedimentation should assure that sediment is not transported from a jurisdictional site. The following principles apply to all land disturbing activities within jurisdictional zoning areas of the Town of Culver and are helpful in the preparation of submissions required under this Chapter:

1. To minimize the potential for soil erosion, development should fit topography and soils of the site. Areas with steep slopes where deep cuts and fills may be required should be avoided wherever possible, and natural contours should be followed as closely as possible.
2. Natural vegetation should be retained and protected wherever possible. Areas immediately adjacent to watercourses and lakes also should be left undisturbed wherever possible.
3. All activities on a site should be conducted in a logical sequence so that the smallest practical area of land will be exposed for the shortest practical

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period of time during development.

4. Sediment basins, retention ponds, detention ponds, silt traps, or filters should be installed prior to construction to remove sediment from runoff leaving the site.
5. The selection of soil erosion and sedimentation control measures should be based on an assessment of the probable frequency of climatic events likely to contribute to soil erosion and on evaluation of risks, costs, and benefits involved.
6. In the design of erosion control measures, aesthetics and the requirements of continuing maintenance should be considered.
7. Provision should be made to accommodate the increased runoff caused by changed soil and surface conditions during and after development. Drainages should be designed so that their final gradients and resultant velocities will not cause channel scouring.
8. Permanent vegetation and structures should be installed as soon as practical during development.

D. Design Criteria, Standards, and Specifications for Erosion Control Measures

All erosion control measures including but not limited to those required to comply with this Chapter shall meet the design criteria, standards and specifications for erosion control measures similar to or the same as those outlined in the Field Office Technical Guide of the USDA Natural Resource Conservation Service of the Indiana Handbook for Erosion Control in Developing Areas, Indiana Department of Natural Resources, Current Edition.

F. Control of Erosion and Sediment During Land Disturbing Activities

Control of erosion and sediment is the responsibility of the property owner. Applicability and requirements are defined as follows:

1. **Applicability**
This section applies to the following sites with land disturbing activities:
 - (a) Those involving grading, removal of protective ground cover or vegetation, excavation, land filling or other land disturbing activity affecting a surface area of 500 square feet or more;
 - (b) Those involving excavation, filling or a combination of excavation and filling affecting 100 cubic yards or more of soil, sand, gravel, stone or other material;

(cont.)

(c) Even in those instances where a site development permit is not required under Section 7.7. herein, no person shall commence or perform any grading, stripping, excavating, or filling of land without complying with the applicable standards and requirements for control of soil erosion and sedimentation as contained in Section 7.6. herein, as well as implement necessary erosion and sedimentation control measures to satisfy the general principles contained herein.

2. Erosion and other sediment control requirements

The following requirements shall be met on all sites.

(a) Site dewatering. Temporary sediment basins shall detain sediment-laden water flowing from the site, or retention / detention ponds as required. Also, water shall not be discharged in a manner that causes erosion in the receiving channel.

(b) Waste and material disposal. Wastes or unused building materials, including but not limited to garbage, debris, cleaning wastes, wastewater, toxic materials, and hazardous substances, shall not be carried by runoff from a site. Proper disposal of all wastes and unused building materials, in line with the nature of the waste or material is required.

(c) Tracking. Sediment being tracked from a site onto public roadways shall be minimized. This can be accomplished initially by a well-planned layout of roads, access drives, and parking areas of sufficient width and length and/or a temporary gravel drive into the site. However, protective covering also may be necessary. The Contractor shall remove all tracked soil from the roadways.

(d) Sediment removal. Public right-of-ways shall be kept cleared of accumulated sediment. If appreciable sedimentation occurs after a storm event, the sediment shall be deposited on the parcels of land, if in the site, from where it likely originated.

(e) Drain inlet protection. All storm drain inlets shall be protected against sedimentation with barriers meeting accepted design criteria, standards, and specifications.

(f) Site erosion control. The following items apply only to the time period when land disturbing activities are taking place.

1. Runoff passing through a site from adjacent areas shall be controlled by diverting it around disturbed areas. Alternatively, the existing channel may be improved to prevent erosion or sedimentation from occurring.
2. One or more of the following measures shall control runoff from a disturbed area.
 - a. Barring unforeseeable weather conditions, all disturbed ground left inactive for seven or more days shall be stabilized within 30 days or prior to October 31, whichever is less, by seeding, sodding, mulching, covering, or by other equivalent

erosion control measures.

b. With disturbed areas within a site of less than 5 acres, barriers meeting accepted design criteria, standards and specifications shall be placed along all side slopes and down slope sides of the site, shall be required.

Also, if concentrated runoff passes through the site said barriers should be placed along the edges of the concentrated flow area to reduce the amount of sediment removed from the site. However, if these measures are not sufficient to control off-site sedimentation, a sediment basin together with retention ponds may still be required.

3. Erosion from all topsoil piles shall be controlled by methods meeting accepted design criteria, standards and specifications.
4. Storm drain inlets shall be protected using accepted methods meeting accepted design criteria, standards and specifications.

G. Maintenance of erosion control measures

During the period of land disturbance at a site, all sediment basins and other erosion control measures necessary to meet the requirements of this ordinance shall be applied by the applicant or subsequent landowner. If sedimentation is likely to be a problem after land disturbing activities have ceased, some or all of the sediment basins and other erosion control measures shall be maintained by the applicant or subsequent landowner for as long as the problem exists.

H. Permit Application, Erosion Control Plan, and Permit Issuance

No person shall begin a land disturbing activity subject to this Chapter without receiving an erosion control permit and paying a fee for such permit as set forth on the attached Schedule "A", Erosion Permit Fees And Non-Compliance Penalties. By submitting an application, the applicant is agreeing that the Building Commissioner has been given permission to enter the site to obtain information required for review of the erosion control plan.

1. Content Of Erosion Control Plan For Land Disturbing Activities Covering 500 Square Feet Or More. An erosion control plan statement describing the site and erosion control measures and including a development schedule and simple map showing the locations of the control measures is required.
2. Review Of Erosion Control Plan. The Building Commissioner shall promptly review the application and erosion control plan to determine whether the requirements of this Chapter have been met. If the conditions are met, the Building Commissioner shall approve the plan, inform the applicant, and issue a permit. If the conditions are not met, the Building Commissioner shall inform the applicant and either may require additional information or may disapprove the plan. If the requested additional information is submitted, the Building Commissioner shall again determine whether the plan meets

(cont.)

the requirements of this Chapter. If the plan is disapproved, the Building Commissioner shall inform the applicant giving reasons for disapproval.

3. Permits.

(a) Permit conditions. All permits shall require the applicant to:

- 1) Obtain permission from the Building Commissioner prior to modifying erosion control plan;
- 2) Install all erosion control measures as identified in the approved erosion control plan;
- 3) Maintain all road drainage systems, storm water drainage systems, erosion control measures, and other facilities identified in the erosion control plan until the project has been terminated. (See Section 7.7. for continuing maintenance responsibility);
- 4) Where legal, remove sediment resulting from land disturbing activities from adjacent surfaces and drainage ways and/or repair erosion damage to adjacent surfaces and drainage ways; and to remediate or settle.
- 5) Allow the Building Commissioner to enter the site for verifying compliance with the erosion control plan or for performing any work necessary to bring the site into compliance with the erosion control plan.

I. Inspection

To ensure compliance with the erosion control plan, the Building Commissioner or his representative may inspect sites having ongoing land disturbing activities at least once a month during the period between March 1 and November 30 and at least twice during the period between December 1 and February 28.

If land disturbing activities are being carried out without a permit, the Building Commissioner shall issue a stop-work order pursuant to the provisions of I.C. 36-1-4-11 and I.C. 36-1-6-2.

J. Enforcement

1. The Building Commissioner shall post a stop-work order if:

- (a) Any land disturbing activity regulated under this ordinance is being undertaken without a permit;
- (b) The erosion control plan is not being implemented in good faith; or

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(c) The conditions of the permit are not being met.

2. Upon appeal to the Building Commissioner, a stop-work order or the revocation may be retracted.
3. If within five days after notification, a person required to obtain a permit or a permit holder does not comply with the erosion control plan or permit conditions, the Building Commissioner may charge the permit holder a fine as provided for on the attached Schedule "A" Permit Fees And Penalties

060 Essential Services Standards

- A. The regulations of this ordinance shall not be interpreted so as to limit or interfere with the construction, installation, operation and maintenance for public utility purposes of water lines, gas mains, electric transmission lines, and telephone service facilities which have received approval of the Culver Town Council.

070 Fences, Hedges, Walls

A. General Provisions - All Districts

1. No fence or wall shall be constructed of or contain barbed wire, broken glass, spikes or sharp and dangerous objects nor be electrically charged, except that barbed wire may be used at the top portion of a permitted fence or wall if located more than 8 feet above the adjacent ground level. Farm fences shall be exempt from the restriction on electrically charged and/or barbed wire fences.
2. All permitted fences or retaining walls shall be located entirely on the zoning lot. They may be located immediately adjacent to the lot line.
3. Fences and walls not permitted herein but which are approved in conjunction with a planned development or a special use may be authorized as part of that planned development or special use.
4. The provisions of Article 6, Section 230 Visibility Requirements, shall take priority over the provisions of this Section in restricting the height, location and type of permitted fence and retaining wall.
5. All fences and walls shall be kept in a state of good repair.

B. Fences Permitted in Residential and Commercial Districts

1. Within the limits of a required front yard setback area, no fence shall exceed 5 feet in height and shall have a minimum of 50% of its surface open to permit visibility. necessary retaining walls are exempt from the provisions of this requirement.
2. A fence or wall not more than 7 feet in height may be installed in the side

(cont.)

- yard of any lot in a residential or commercial district provided visibility requirements of Article 6, Section 230 are met.
- 3. Within the rear yard setback of the L-1 Lake Residential District area, no fence shall exceed 5 feet in height and shall have a minimum of 50% of its surface open to permit visibility.
- 4. Fences installed in a side yard setback of any lot must be installed parallel to the side yard lot line between the front yard setback and rear yard setback.

C. Fences Permitted in Industrial Districts

- 1. In an industrial district, a fence or wall, not to exceed 12 feet in height may be installed immediately adjacent to all property lines providing all visibility requirements of Chapter 6 Section 230 are met.

D. Fences Around Junk Yards or Automobile Wrecking Yards

- 1. A solid or opaque fence, no less than 6 feet in height and no more than 12 feet in height, shall be maintained in good repair around junk yards and motor vehicle wrecking yards, subject to and in accordance with visibility requirements of Article 6, Section 230 are met. It is the intention of this provision that required fences shall be more attractive than the view they are constructed to obscure and that said fences shall be maintained in a state of good repair at all times.

E. Swimming Pool Fences

Swimming Pools, access to residential swimming pools shall be restricted by one (1) of the following means:

- 1. Walls or fencing not less than five (5) feet high and completely surrounding the pool and deck area. Doors and gates must be self-closing, latching, and capable of being locked.
- 2. Other means not less than five (5) feet high and deemed by the Building Commissioner to be impenetrable and completely surrounding the pool and deck area when the pool is not in use. Lockable covers on hot tubs are permissible.

080

Home Occupations

- 1. For the purpose of this ordinance, a home occupation shall be interpreted as an occupation or hobby carried on by a member of the immediate family residing on the premises and which is clearly incidental to the use of the dwelling unit for residential purposes. The home occupation shall be carried on wholly within the principal building or an accessory structure. The following regulations shall apply.
- 2. No person may be employed other than a member of the immediate family residing on the premises.
- 3. No sign, other than a nameplate shall be permitted, not to be larger than 2 square feet in area and mounted flush against the structure.

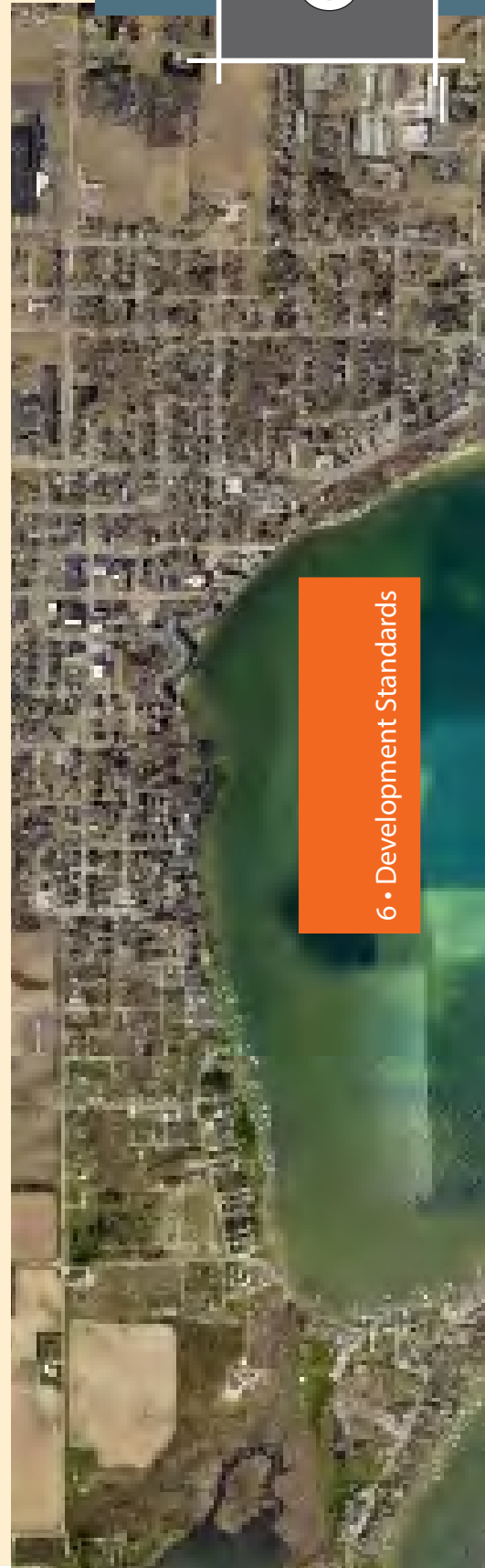
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4. Parking shall not cause undue congestion to the immediate area.
5. No electrical or mechanical equipment shall be installed or maintained other than that customarily incidental to normal domestic use.

090 Individual Manufactured Home - Temporary Use

1. Temporary use of a manufactured home shall be by Special Use Permit in accordance with the provisions established in Article 9 of this ordinance.
2. Basis for authorization of a temporary Special Use Permit shall be evidence of undue hardship, i.e. the reconstruction of a home after a natural disaster.
3. The Special Use Permit shall require the manufactured home to be connected to a proper water and sanitary sewer system. A time limit shall be placed upon the special use permit and any request for an extension of time shall be accompanied by documentation that the termination of the permit will cause undue hardship; and further that the manufactured home shall be removed from the premises promptly upon termination of the cause of hardship or at the end of the time limit, whichever shall come first. In addition to these requirements the Council of Zoning Appeals may apply any additional restrictions they deem necessary.



6 • Development Standards

Key Lock boxes**A. General Requirements**

The following structures shall be equipped with a key lock box at or near its main entrance:

- (1) commercial or industrial structures protected by an automatic alarm system or automatic suppression system, or such structures that are secured in a manner that restricts access during an emergency;
- (2) multi-family residential structures that have restricted access through locked doors and have a common corridor for access to the living units;
- (3) governmental structures and nursing care facilities.

All newly constructed structures subject to this section shall have the key lock box installed and operational prior to the issuance of an occupancy permit.

All structures in existence on the effective date of this section and subject to this section that have subsequent structural changes or additions are required to have a key lock box installed and operational prior to the issuance of an occupancy permit.

All structures in existence on the effective date of this section and subject to this section that remain unchanged are, in the instance of safety, encouraged to have a key lock box installed and operational.

This ordinance, in order to provide standardization, designates that the type of key lock box system to be implemented within its jurisdiction be a system called "Knox Box" and requires all structures to use the designated system.

The owner or operator of a structure required to have a key lock box shall, at all times, keep a key in the lock box that will allow for access to the structure.

Any person who owns or operates a structure subject to this section shall be subject to the penalties set forth in Article 12 of this ordinance for any violation of this section.

For further reference and additional information on key lock box requirements, please see the current International Business Code as approved by State of Indiana.

B. Lock Box Location

The location of the lock box shall comply with the following criteria:

- (1) The lock box shall be located at or near the recognized main public entrance on the exterior of the structure.
- (2) The lock box shall be located at a height of not less than four (4) feet and not more than six (6) feet above normal grade.

C. Lock Box Contents

The Key Boxes shall contain, but not be limited to the following items:

- (1) Labeled Keys to locked points of egress, whether in interior or exterior of such buildings.
- (2) Labeled Keys to any locked mechanical rooms.
- (3) Labeled Keys to any fence or secured areas.

(4) A card containing the emergency contact people and phone numbers for each occupancy.

110

Mobile Home Parks

A. General Requirements

Mobile Home Parks are not permitted within Culver Zoning Boundaries.

Manufactured Homes Type B are permitted within zoning districts S-1, L-1, R-1, R-2, and MH provided that they meet the same requirements as other dwellings within the district.

Where, at the time of adoption of this ordinance, a lawful Mobile Home Park exists which would not be permitted by the regulations imposed by this ordinance, the uses may be continued so long as they remain otherwise lawful, provided:

No increase in park density shall be created.

Replacement of existing dwelling units may only be made with Manufactured Homes Type B.

120

Off-Street Parking Requirements

A. Purpose

The regulations of this section are designed to alleviate or prevent congestion of the public streets and to promote the safety and welfare of the public by establishing minimum requirements for off-street parking and loading needs in accordance with the use of land or structure.

B. Scope of Regulations

Off-street parking and off-street loading facilities shall be provided as required by the regulations of this Section for all buildings and land uses established in each district.

When the intensity of use of any building or premises shall hereafter be increased, additional parking and/or loading facilities shall be provided as required for such new use.

Existing parking facilities on the effective date of this ordinance shall not be reduced below the requirements of this ordinance.

(cont.)

C. Off-Street Parking

Prohibited Use

No person shall park any vehicle and/or trailer on an unimproved vacant lot.

Required Use

Accessory off-street facilities shall be provided for the parking of passenger automobiles of patrons, occupants, and employees. Required parking shall be located on the same zoning lot as the use served or on an approved adjacent parcel.

Design and Maintenance

1. Accessory parking spaces may be open or enclosed in a building.
2. All maneuvering lane widths shall be sufficient to permit a minimum of one-way traffic.
3. Each parking space shall be 10'x 20' and open directly upon a drive area.
4. All off-street parking facilities shall have means of access to a street in a manner that will least interfere with traffic movement.
5. All access drives shall be hard surfaced.
6. All parking areas shall be surfaced with a material that will remain free from dust. They shall be kept free of weeds, dirt, trash and debris.
7. On-site drainage shall be provided as to not increase the runoff rate of surface water on the property.
8. All open commercial parking areas located adjacent to a residential district shall be screened by natural plantings or a solid fence with said screening to be approved by the Plan Commission.
9. Lighting used to illuminate any parking area shall be so located, shielded, and directed so as not to reflect or cause glare onto adjacent property or interfere with street traffic.
10. Parking areas shall be provided with bumper guards or stops located in a position that permits no part of a parked vehicle to extend the boundary of the established area. The lot shall be secured to prevent vehicular access to the street other than at the approved access drives.
11. Off-street parking shall not be located in a required front yard setback area in any district.
12. Visibility clearance at street, alley and driveway intersections shall be in accordance with Section 5.1. of this Chapter.
13. Parking lots are allowed in commercial and industrial districts (update matrix to include them) C-1, C-2, I-1, and I-2.
14. Parking lots must meet the required building setbacks of their zoning district, and must be located at least 10 feet from any legal easement.
15. Parking lots must provide sufficient spaces for and meet the specifications of the Americans with Disabilities Act and the Indiana Building Code.
16. Parking space dimensions shall be not less than 10 feet in width and 20 feet in length. Not more than 10% of the required spaces may be compact spaces with minimum dimensions of 8 feet in width and 16 feet in length.

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D. Minimum Required Parking Places (see chart)

In determining the minimum required number of off-street parking spaces, the following shall be applicable.

For uses not specified or for which requirements are unclear, the number of spaces shall be recommended by the Plan Commission and confirmed by the Council of Zoning Appeals on the basis of similar or mixed uses, number of persons served or employed, and the capability of adequately serving the visiting public.

Net floor area shall mean the total horizontal areas, but shall not include permanent storage areas, show windows, restrooms, elevators, or stairwells.

OFF-STREET PARKING	
USES	MINIMUM SPACES REQUIRED
Residential - Single family, Two Family, Multi-Family, Manufactured Home	2 spaces per dwelling unit
Assisted Living	1 space for every 3 units plus 1 space for each 2 employees per largest working shift
Convalescent Homes, Extended Care Facility, Nursing Homes	1 space for each 4 beds plus 1 space for each 2 employees per largest working shift
Hospitals	1 space for each 3 beds and 1 space for each 2 employees per largest working shift
Hotels, Motels, Inns	1 space for each sleeping room plus additional spaces for accessory uses, i.e. restaurants, lounges, etc.
Medical/Dental Clinics, Doctors' Office	2 spaces for every 200 square feet plus one space for each doctor and regular employee
Funeral Homes/Mortuaries	8 spaces for each room used as a chapel or parlor
Elementary and Junior High School	1 space for each faculty member and other full time employee
High School	1 space for each faculty member and other full time employee plus 1 space for each 25 students based on maximum design capacity
Nursery School, Day Care Center	1 space for each 8 children cared for and 1 space for each 2 employees
Business/Vocational/Trade Schools	1 space for each faculty member and full time employee plus 1 space for each 8 students based on maximum design capacity
Churches, Theaters, Auditoriums and similar places of congregation	1 space for each 8 seats based on maximum seating capacity

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OFF-STREET PARKING	
USES	MINIMUM SPACES REQUIRED
Private Clubs, Community Centers and Public Service Uses	1 space for each 125 square feet. of net floor area
Amusement Establishments, i.e. skating rinks, bowling alleys, swimming pools, racquetball, tennis, and similar uses	1 parking space for each 250 square feet of gross floor or water area
Golf Course	4 spaces for each hole plus 1 space for each employee
Miniature Golf Course, Driving Range	1 space for each hole and 1 space for each driving area plus 1 space for each employee
Parks, Recreation Areas	1 space for each employee plus adequate number of spaces to serve the public need according to the facilities and/or location of said park or recreation area
Business, Commercial, and Service Establishments, except as otherwise specified	1 space per 400 square feet of gross floor space plus one space for each two employees
Barber Shops and Beauty Shops	2 spaces per chair plus 1 space for each 2 employees
Eating and Drinking Establishments, except drive-ins	1 space for each 4 customer seats plus 1 space for each 2 employees
Drive-In Business and Commercial Establishments, i.e. food, banks, cleaners, and similar uses	1 space for each employee plus reservoir storage lanes to accommodate vehicles waiting for window service at any one time, plus additional parking as per interior space designed to serve customers
Open-air type businesses, i.e. auto, boat, RV, farm machinery sales, nurseries, and similar uses	1 space for each employee plus an adequate number of spaces to accommodate the maximum number of patrons anticipated at any given time
Automobile Service Station	1 space for each 2 employees plus 2 spaces for each service stall
Warehouse, Industrial, and Manufacturing	1 space for each 2 employees plus an adequate number of spaces for visitors and company vehicles

(cont.)

Off-Street Loading

Location

Required loading spaces shall be located on the same zoning lot as the use served. All loading spaces, which abutt a residential district, shall be screened by building walls, a uniformly solid fence, or a combination thereof, approved by the Plan Commission. No loading space shall be located in the required front yard setback area.

Area

A required space shall be at least 12 feet in width by 35 feet in length with a minimum vertical clearance of 14 feet. Space shall be designed with means of vehicle access in a manner which will least interfere with traffic movement.

All open off-street spaces shall be improved with on-site surface water drainage facilities and a hard surface or semi-permeable pavement. Said loading area shall not be used to satisfy the space requirements for off-street parking facilities.

Space Requirements

On the same premises with every structure hereafter erected or enlarged, occupied for manufacturing, warehousing, storage, retail/wholesale stores, or other uses involving the receipt or distribution by vehicles, of 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. The following provisions shall apply:

Uses and buildings with a gross floor area of less than 10,000 square feet shall provide adequate receiving facilities so as not to obstruct the free movement of pedestrians and vehicles over a sidewalk, street, or alley. Notwithstanding floor area, partially open air uses such as auto dealers, and similar uses shall provide off-street space for unloading of merchandise.

Uses and buildings with a floor area of 10,000 square feet or more, shall provide off-street loading space as follows:

USE	FLOOR AREA SQ. FT.	NUMBER REQUIRED
Office buildings, banks, hotels, auditoriums, retail sales, hospitals, and similar uses	10,000 - 60,000	1
	60,000 - 100,000	2
	Each Additional 100,000	1
Manufacturing, distribution, wholesaling, storage and similar uses	10,000 - 25,000	1
	25,000 - 60,000	2
	60,000 - 100,000	3
	Each Additional 50,000	1

(cont.)

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Outside Storage Requirements

A. General Requirements

Where permitted, outside storage of materials in commercial and industrial districts shall be required to maintain adequate parking spaces as required by this ordinance.

Any outside storage must be included as part of site plans and reviewed during the site plan review process

Outside storage for hardware stores, lawn and garden, and lumber businesses is allowed in C-2, I-1, and I-2 districts. Special use is required for outside storage by contractors in the C-2 district.

B. Outdoor Operations – shall be permitted subject to the following regulations:

1. Vending machines:

- (a) shall abut the exterior wall of the building;
- (b) shall not be located in a required yard or required Residential Buffers and shall not violate Impervious Surface Limitations.
- (c) Shall not violate Article Six – Section 230 Visibility Requirements.

2 Outdoor Display or Sales of Merchandise:

- (a) shall not be located in a required yard or required residential buffer, provided however for a front yard along a limited access highway such outdoor display or sales of merchandise may be located no closer to the right-of-way than twenty-five (25) feet;
- (b) shall be designed and located so as to provide for the safe and efficient maneuvering of motor vehicles and pedestrians on or around sidewalks, pedestrian ways, entrances or exits to or from the business or building, compliance with Article Six - Section 120 Off-Street Parking Requirements, required loading areas in compliance with, driveways, interior access drives, interior access driveways;
- (c) shall not be located in any foundation landscaping area or Article Six - Section 120 Off-Street Parking Requirements, landscaping; and shall not violate Impervious Surface Limitations.
- (d) shall not violate Article Six – Section 230 Visibility Requirements.

3. Outdoor Display or Sales of Automobiles:

- (a) shall be a minimum of five (5) feet from the greater of the proposed right-of-way or existing right-of-way;
- (b) shall not be located in any required minimum side yard, minimum rear yard or any minimum Residential Buffer;
- (c) shall provide direct access to an interior access drive for each vehicle displayed for sale;

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- (d) shall not be considered parking areas for the purpose of determining and providing interior parking areas in compliance with Article Six - Section 120 Off-Street Parking Requirements.
 - (e) shall not violate Article Six – Section 230 Visibility Requirements.
4. Gasoline Pumps - provided that no outdoor operations other than the dispensing or installation of gasoline, oil, antifreeze and other similar products and the performance of minor services for customers as related to said dispensing or installation are conducted on the site.
 5. Walk-up or drive through customer service windows or Automated Teller Machines (ATM's), provided that such facilities shall be located so as to not interfere or conflict with sidewalks, pedestrian ways, entrances or exits to or from the business or building, interior parking requirements in compliance with Article Six - Section 120 Off-Street Parking Requirements, loading areas, driveways, interior access drives, interior access driveways, perimeter landscape yards, foundation landscaping or Residential Buffers and shall not violate Impervious Surface Limitations.
 6. Mini (Self Storage) Warehouse - When permitted as a special exception use, outdoor storage for the purpose of storing and removing personal property, such as but not limited to boats and vehicles, is permitted up to 20% of the gross floor area of all buildings on the lot, provided that such facilities shall be located so as to not interfere or conflict with sidewalks, pedestrian ways, entrances or exits to or from the business or building, interior parking requirements in compliance with Article Six - Section 120 Off-Street Parking Requirements, loading areas, driveways, interior access drives, interior access driveways, perimeter landscape yards, foundation landscaping or Residential Buffers and shall not violate Impervious Surface Limitations.

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Pools-Private

A pool is defined as a basin capable of holding water to a depth of more than thirty (30) inches. This includes in ground and above ground swimming pools, hot tubs, and many inflatable pools.

A private pool shall be permitted in the side and rear yards of all districts and the following regulations shall apply:

Pools shall be located not less than 10 feet from any property line.

All pools are accessory structures and shall be enclosed by a lockable cover, fence, wall, or other structure.

If the enclosure is a fence, it shall be a minimum of 5 feet in height. Any opening under the bottom of the fence shall be not more than 4 inches above the ground level if placed on the ground or 4 inches above pool level if placed around and above ground pool. The gate of the enclosure shall be self-latching with the latch placed a minimum of 4 feet above the underlying ground. The enclosure shall be maintained in a secure condition at all times.

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Private Streets

Any private street within a subdivision or planned unit development shall have a minimum width of 22 feet and parking shall be restricted to one side of the street. They shall provide sufficient ease of access for emergency vehicles and shall not dead end in a manner that would require an emergency vehicle to back up in order to turn around, and further provided, no cul-de-sac shall be constructed with less than a fifty (50) foot radius.

Public campgrounds and recreational vehicle parks shall be by Special Use Permit only, in accordance with Chapter 4 of this ordinance, and the following minimum requirements shall apply:

All parks shall have direct access to a public roadway with sufficient frontage for the construction of entrances and exits properly designed for the safe movement of traffic.

The minimum area for a campground or park shall be 5 acres. The maximum density shall not exceed 20 campsite or recreational vehicle spaces per acre. Tents, campers, recreational vehicles, etc. shall be separated from each other and from other park buildings by no less than 10 feet.

No structure, camping site or recreational vehicle site shall be located within 25 feet of any public right-of-way, nor within 35 feet of a park property line abutting a residential district or usage.

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An opaque fence not less than 6 feet in height, shall be constructed along any property boundary line abutting a residential district unless such requirement is specifically waived as a part of the special use permit.

One commercial structure may be permitted within the park if authorized as part of the special use permit.

The site plan shall show the property boundaries; topographic information; arrangement of streets; drives and access roads; location of service buildings; location and dimensions of camp and vehicle sites; location of sanitary facilities; location and source of water supply.

Documentation of compliance with all Indiana State Council of Health requirements shall be presented when making application for the special use permit.

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Public Campgrounds/Recreational Vehicle Park-Regulations

Public campgrounds and recreational vehicle parks shall be by Special Use Permit only, in accordance with Chapter 4 of this ordinance, and the following minimum requirements shall apply:

All parks shall have direct access to a public roadway with sufficient frontage for the construction of entrances and exits properly designed for the safe movement of traffic.

The minimum area for a campground or park shall be 5 acres. The maximum density shall not exceed 20 campsite or recreational vehicle spaces per acre. Tents, campers, recreational vehicles, etc. shall be separated from each other and from other park buildings by no less than 10 feet.

No structure, camping site or recreational vehicle site shall be located within 25 feet of any public right-of-way, nor within 35 feet of a park property line abutting a residential district or usage.

An opaque fence not less than 6 feet in height, shall be constructed along any property boundary line abutting a residential district unless such requirement is specifically waived as a part of the special use permit.

One commercial structure may be permitted within the park if authorized as part of the special use permit.

The site plan shall show the property boundaries; topographic information; arrangement of streets; drives and access roads; location of service buildings; location and dimensions of camp and vehicle sites; location of sanitary facilities; location and source of water supply.

Documentation of compliance with all Indiana State Council of Health requirements shall be presented when making application for the special use permit.

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180 Public Walkways

Public walkways (Sidewalks) and curbing consistent with the Complete Streets Ordinance shall be provided between the front yard property lines in R-1, R-2, C-1, C-2, I-1, or I-2 districts or between the rear yard property lines in L-1 districts including all public buildings for all new development within the Town Of Culver limits.

For the purposes of this ordinance, new development is defined as a new primary structure or substantial remodeling of the existing primary structure as determined by the Culver Building Commissioner.

Such sidewalk and curbing shall meet specifications that are determined by the Culver Town Council and shall be available upon request at the Culver Town Hall.

Additionally, the location of the sidewalks and curbing shall be consistent with other properties in the area. When there are no sidewalks in the area or varying type of sidewalks, the location of the sidewalks and curbing shall be pre-approved by the Culver Building Commissioner.

Existing walkways in disrepair shall be repaired or replaced whenever there is new development at a site.

No sidewalks shall be removed without the prior consent of the Culver Town Council.

It is the responsibility of the property owner to see that all public walkways adjacent to their property lines are maintained in a safe and usable manner.

190 Sign Regulations

Sign regulations are specifically established to protect the public welfare and safety. In addition to the prerequisite for safety, special consideration shall be given to the aesthetics of sign design, size, and location as it relates to preserving the character of the immediate neighborhood as well as the atmosphere of the Town in general. Signs shall be constructed and maintained in such a manner as to prevent any

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injurious effects on adjacent property.

No sign shall be erected at any location where the position, size, shape, color, movement or illumination may interfere with, obstruct the view, or be confused with a traffic signal or sign or in any manner confuse traffic. Traffic visibility shall be a prime consideration in the issuance of a sign permit.

All signs shall be constructed, connected, operated and maintained according to all specifications and requirements of applicable building and electrical codes.

All signs shall be maintained in a good state of repair. The Town may order the removal of any sign that is not properly maintained.

All signs hereafter erected shall be in accordance with visibility requirements as set forth in Section 230 of this Chapter as well as with regulations of this section.

The Town by and through the Building Commissioner, Police Department, Plan Commission, Council Of Zoning Appeals, or Town Council may order the removal of any sign that is not properly maintained or not in compliance with these regulations. Any sign in violation may be removed by the Building Commissioner or his designee.

Violations of this Section shall be subject to a fine of \$25.00 per day for each day of violation.

A. Non-Conforming Signs

Any sign lawfully established prior to the year 2010 that does not conform to the regulations of this ordinance shall be deemed a non-conforming sign and may be continued in accordance with the provisions of this ordinance except as noted in the provisions of this Section.

Expansion of such non-conforming signs, or the erection of signs accessory to a non-conforming use, may be authorized only by the Council of Zoning Appeals as a variance. No variance granted by the Council of Zoning Appeals shall exceed the size regulations for similar permitted signs.

B. Special Use Signs

Signs accessory to a Special Use may be approved as a part of the Special Use Permit in accordance with the provisions of Article 9 of this ordinance.

C. Limitations On Signs

No business or advertising sign shall be permitted in any district except as herein provided.

D. General Requirements

1. No projecting sign shall be erected or maintained from the front or face of a building a distance of more than two (2) feet, including those projecting

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2. No sign shall be placed on the roof of any building;
3. No sign erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than twenty (20) percent of the window surface;
4. No sign shall be placed in or over any public right-of-way without the written approval of the Culver Town Council. Temporary signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any private property with the owner's written permission.
5. No building wall shall be used for display of advertising except that pertaining to the use carried on within such building;
6. All permanent signs shall conform to building setback and height requirements;
7. Temporary signs, a maximum of two (2), not exceeding thirty-two (32) square feet in area, announcing special public or institutional events, may be erected on the site for a specific pre-designated time period and shall be promptly removed when they have fulfilled their function;
8. Signs erected by governmental agencies are exempt from the limitations on sign regulations contained in this ordinance;
9. No signs are permitted on utility posts or poles, trees, or fences;
10. Signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed twelve (12) square feet in area, except in all residential districts where the area of the sign shall not be more than six (6) square feet.
11. A "Home For Sale" sign, including a directional arrow, not more than two (2) square feet containing no advertising may be placed at the entrance of a dead-end street or cul-de-sac.
12. Open house signs, not to exceed six (6) square feet, for real estate open houses, occasional business / commercial open houses and yard / garage sales. Such signs may not be placed more than forty-eight (48) hours prior to the event and must be removed at the conclusion of the event. No sign for the same event may be re-erected to subvert the requirements of this ordinance. No more than five (5) signs per event. All such signs placed on private property must be with the owner's written permission and in compliance with Section 5.1 herein. Such signs must contain the name of the event sponsor or a contact telephone number for the sponsor and the date and time of the event. No such signs may be placed on any public right-of-way or on any infrastructure of any public utility.
13. Professional name plates not to exceed four (4) square feet in area;
14. Signs denoting the name and address of the occupants of the premises, not to exceed two (2) square feet in area;
15. Bulletin Boards customarily incidental to places of worship, libraries, museums, social clubs, or societies shall not exceed fifteen (15) square feet in area and shall be located on the premises of such institutions.

E. Construction Signs

Signs posted on construction sites are permitted provided that a building permit has

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been issued, they are not located in the right-of-way, do not exceed thirty-two (32) square feet, and are removed within 30 days of the issuance of the Certificate Of Occupancy or completion of the project.

F. Business Signs

Business signs shall be permitted in connection with any legal business or industry when located only on the primary business premise and if they meet the following requirements:

1. Signs shall not contain information or advertising for any products not sold or produced on the premises;
2. Total signage on the building shall not have an aggregate surface size greater than four (4) square feet for each foot of width of the principal structure on the premises, maximum 300 square feet;
3. Signs shall not project over public rights-of-ways;
4. Signs shall not be illuminated in any manner which causes undue confusion, distraction, or hazard to vehicular traffic.
5. No electronic message signs shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle meter at a distance of 100 feet from the sign.

G. Advertising Signs

Signs advertising an enterprise that is not located on the premise of the enterprise are not permitted.

H. Permission For Signs

No sign shall be placed on private property without the written consent of the owner or agent thereof.

Proof of such consent must be filed with the Building Commissioner.

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I. Electronic Message Signs (EMC)

Electronic Message Signs are permitted and may be incorporated as part of a Ground/Free Standing or Wall mounted permanent signs with the following restrictions:

1. Static Message Signs

- a. **Operational Limitation.** Such displays shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement, of an illumination.
- b. **Minimum Display Time.** Each message on the sign must be displayed for a minimum of five (5) seconds.
- c. **Message Change Sequence.** A maximum of three tenths (0.3) seconds shall be allowed with no image displayed between each message displayed on the sign.
- d. **Light Intensity Change.** No flashing, strobing, scintillating, or variation of light intensity effects where the effect takes place more than two (2) times per second
- e. **Sign Design.** The design of the copy cannot be created in such a way as to be a distraction to motorists.
- f. **Requirements.** The sign must meet all other criteria for the zoning district in which it is located.

2. Motion Message Signs

- a. **Operational Limitation.** Such displays shall be limited to static displays, messages that appear to disappear from the display through dissolve, fade, travel or scroll modes, or similar transitions and frame effects that have text, animated graphics or images that appear to move or change in size, or be revealed sequentially rather than all at once.
- b. **Minimum Display Time.** Each message on the sign must be displayed for a minimum of two (2) Seconds.
- c. **Message Transition Sequence.** A maximum of one (1) second shall be allowed as transition time between messages.
- d. **Light Intensity Change.** No flashing, strobing, scintillating, or variation of light intensity effects where the effect takes place more than two (2) times per second.
- e. **Sign Design.** The design of the copy cannot be created in such a way as to be a distraction to motorists.
- f. **Requirements.** The sign must meet all other criteria for the zoning district in which it is located.

3) Video Message Signs

- a. **Operational Limitation.** A sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means, including animated graphics and videos.
- b) **Location.** Video Message Signs are only allowed in non-motor vehicular areas and must not be visible from any motor vehicle traveled public street.
- c) **Light Intensity Change.** No flashing, strobing, scintillating, or varying of light

intensity effects where the effect takes place more than two (2) times per second.

- d. Sign Design. The design of the copy cannot be created in such a way as to be a distraction to motorists.
 - e. Requirements. The sign must meet all other criteria for the zoning district in which it is located.
- 4) All electronic message signs shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness in direct correlation with ambient light conditions.
 - 5) No electronic message signs shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle meter at a distance of 100 feet from the sign.
 - 6) Any Electronic Message Sign that malfunctions, fails, or ceases to operate in its usual or normal programmed manner, causing motion, movement, flashing, or any similar effects, shall be restored to its normal operation, conforming with this section within forty-eight (48) hours unless the Zoning Administrator considers such malfunction to be a hazard to the health, safety, and welfare of the public and orders the sign to be turned off, disconnected, or disabled.
 - 7) Location requirements for EMC signs:
 - (a) Setback from residential. The leading edge of an EMC sign shall be a minimum distance of 100 feet from an abutting residential use or residential zone boundary
 - (b) Setback from other EMC signs. EMC signs shall be separated from other EMC signs by a minimum of 100 feet.
 - (c) Orientation. When located within 500 feet of a residential use or a residentially-zoned parcel, the EMC sign shall be oriented so no portion of the sign face is visible from an existing or permitted structure on that parcel.
 - (d) Location. The EMC sign shall be located on the parcel or lot of the use identified by the sign.
 - (e) No more than 50% of the facing surface of the sign may be comprised of comprised of a changeable electronic or digital display

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Solar Regulations

A. Intent

In order to protect the public health, safety, and general welfare of the community while accommodating the energy needs of residents and businesses, these regulations are necessary in order to:

1. To bring the benefits of solar energy to Marshall county, including the potential to add local jobs, reduce energy bills, and reduce pollution in a manner that preserves reliability and affordability”
2. minimize adverse effects of Solar Energy Systems (SES) facilities through careful design and siting standards;
3. avoid potential damage to adjacent properties from SES failure through structural standards and setback requirements.

B. Authority

The Culver Building Commissioner is authorized to review, approve, and disapprove applications for Solar Energy Systems, including a sketch, preliminary plans and final plans

C. Public Purpose

Regulations of the siting of SES facilities is an exercise of valid police power delegated by the State of Indiana. The developer has the duty of compliance with reasonable conditions laid down by the Marshall County Plan Commission.

D. General Approval Standards

Setbacks

Ground-mounted solar energy systems in all districts shall be installed either in the side yard or rear yard. Ground-mounted solar energy systems accessory to a principal use may be located no closer than the setback for accessory structures from the side or rear lot line.

Height:

Roof mount:

Roof-mounted solar energy systems may not exceed the a thirty-five (35) maximum building height, and it cannot exceed five feet in height above the roofline in residential districts and ten feet above the roof line in all other districts."

Ground mount:

The maximum height restrictions for accessory structures in each zoning district are applicable to ground-mounted solar energy systems and solar energy systems.

E. Lot Coverage

Lot coverage is not to exceed the impervious lot surface district requirements.

F. Permit

Micro, small rooftop and ground mount solar installations are permitted in all major zoning districts.

A Technical Review Committee (TRC) site plan approval is required for Medium- and Large-scale solar energy systems prior to building permit approval.

G. Site Plan

A Technical Review is required for L-1 District, and Medium- and Large-scale solar energy systems prior to building permit approval. Site Plan documents shall include:

Property lines and physical features, including roads, for the project site;

Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;

Blueprints or drawings of the solar energy system showing the proposed layout of the system, the distance between the proposed solar collector and all property lines, and the tallest finished height of the solar collector;

Name, address, and contact information for proposed system installer;

Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;

Zoning district designation for the parcel(s) of land comprising the project site.

Documentation that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

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H. Abandonment and Decommissioning Requirements

Removal Requirements – Any small, medium- or large-scale ground-mounted solar energy system which has reached the end of its useful life or has been abandoned shall be removed [by the owner or operator]. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Building Commissioner by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- (a) Physical removal of all solar energy systems, structures, and equipment from the site.
- (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Building Commissioner may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

Abandonment – Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the small, medium- or large-scale ground-mounted solar energy system shall be considered abandoned when it fails to operate for more than one year without the written consent of the Building Commissioner. If the owner or operator of the solar energy system fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town retains the right after the receipt of an appropriate court order, to enter and remove an abandoned, hazardous, or decommissioned large-scale ground-mounted solar energy system. As a condition of Site Plan approval, the applicant and landowner shall agree to allow entry to remove an abandoned or decommissioned installation.

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210 Street Access - All Principal Structures

All principal structures shall have direct access to a public street or to an approved private street. All structures shall be located to permit safe and convenient access for servicing, fire protection, emergency vehicles and required off-street parking.

220 Telecommunication Facility Standards

A. Intent

In order to protect the public health, safety, and general welfare of the community while accommodating the communication needs of residents and businesses, these regulations are necessary in order to:

1. Facilitate the provision of wireless telecommunication services to the residents and businesses of the Culver zoning district;
2. Minimize adverse visual effects of wireless communication facilities through careful design standards;
3. Encourage the location of towers in nonresidential areas through performance standards and incentives;
4. Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and
5. Provide mechanisms for the mitigation of tower proliferation through tower sharing requirements for all new tower applicants and those existing towers that are physically capable of sharing.

B. Wireless Communication Facility Application Procedure and Approval Process

1. General Procedure

In addition to the information required elsewhere in the Culver Zoning Ordinance, approval for a wireless communications facilities permit shall include the following supplemental information to the Council Of Zoning Appeals for Special Use approval and Culver Plan Commission for site plan review:

- a. A report from a qualified and licensed professional engineer which:
 - 1) describes the tower height and design including a cross section, latitude, longitude, and elevation,
 - 2) documents the height above grade for all potential mounting positions for co located antennas and the minimum separation distance between antennas;
 - 3) describes the tower's capacity, including the number and type of antennas it can accommodate;
 - 4) document what steps the applicant will take to avoid interference with established public safety telecommunications;
 - 5) includes an engineer's stamp and registration number; and,
 - 6) includes other information necessary to evaluate the request.
- b. For all commercial wireless telecommunication service towers, a letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to

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meet reasonable terms and conditions for shared use.

2. Site Plan Requirements

In addition to the Site Plan requirements found elsewhere in the Culver Zoning Ordinance, site plans for wireless communications facilities shall include the following supplemental information:

- a. Location and approximate size and height of all buildings and structures within five hundred (500) feet adjacent to the proposed wireless communication facility.
- b. Site plan of the entire development, indicating all improvements including landscaping and screening.
- c. Elevations showing all facades, indicating exterior materials and color of the tower(s) on the proposed site.

3. Special Use applications and Improvement Location Permit applications for a large telecommunications facility must be accompanied by a decommissioning plan detailing how the facility will be dismantled and the land restored to its prior state should the facility be discontinued for a period of 12 months. The plan would include the removal of all portions of the facility, including any components up to 4' below ground level. The decommissioning must be complete within 6 months of the facilities discontinued use. A bond shall be required by the Plan Commission to cover the cost of implementing the decommissioning plan if it should be needed.

C. General Approval Standards

A wireless communication facility will be required to meet the following standards and specifications:

- a. The location of the proposed tower is compatible with the intent of the Culver Comprehensive Plan and Zoning Ordinance.
- b. All efforts to locate on an existing tower have not been successful or legally / physically possible.
- c. The submitted site plan complies with the performance criteria set in these regulations.
- d. The proposed facility / tower will not unreasonably interfere with the view from any public park, natural scenic vista, historic building or district, or major view corridor.
- e. The Setback distance from the center of the proposed facility / tower to the nearest recorded parcel line shall be 60% of the height of the facility/tower.
- f. The proposed communication tower facility, including tower, buildings, and guyed cable anchors shall be enclosed in a fenced area. The fence shall be at least six (6) feet high. The fence shall enclose the ground area around and under guyed anchors until the point the guyed anchors are higher than fourteen (14) feet from finished grade.
- g. The lowest six (6) feet of the facility / tower be visually screened by trees, large shrubs, solid walls, or opaque fences and/or nearby buildings if the facility is within five hundred feet (500) feet of a residence.
- h. The owner of the wireless communication facility has agreed to permit other persons, cellular providers, and/or government agencies to attach cellular antenna or other communications apparatus that do not

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interfere with the primary purpose of the facility.

- i. There exists no other existing, facility / tower that can reasonably serve the needs of the owner of the proposed new facility/tower.
- j. The facility/tower is in compliance with any other applicable local, state, or federal regulations.
- k. Residential telecommunication towers are only permitted in the side or rear yard area.

D. Accessory Utility Buildings

All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the Zoning Ordinance.

E. Tower Lighting

Towers shall not be illuminated by artificial means and shall not display strobe lights unless the Federal Aviation Administration or other federal or state authority for a particular tower specifically requires such lighting.

F. As-Built Survey

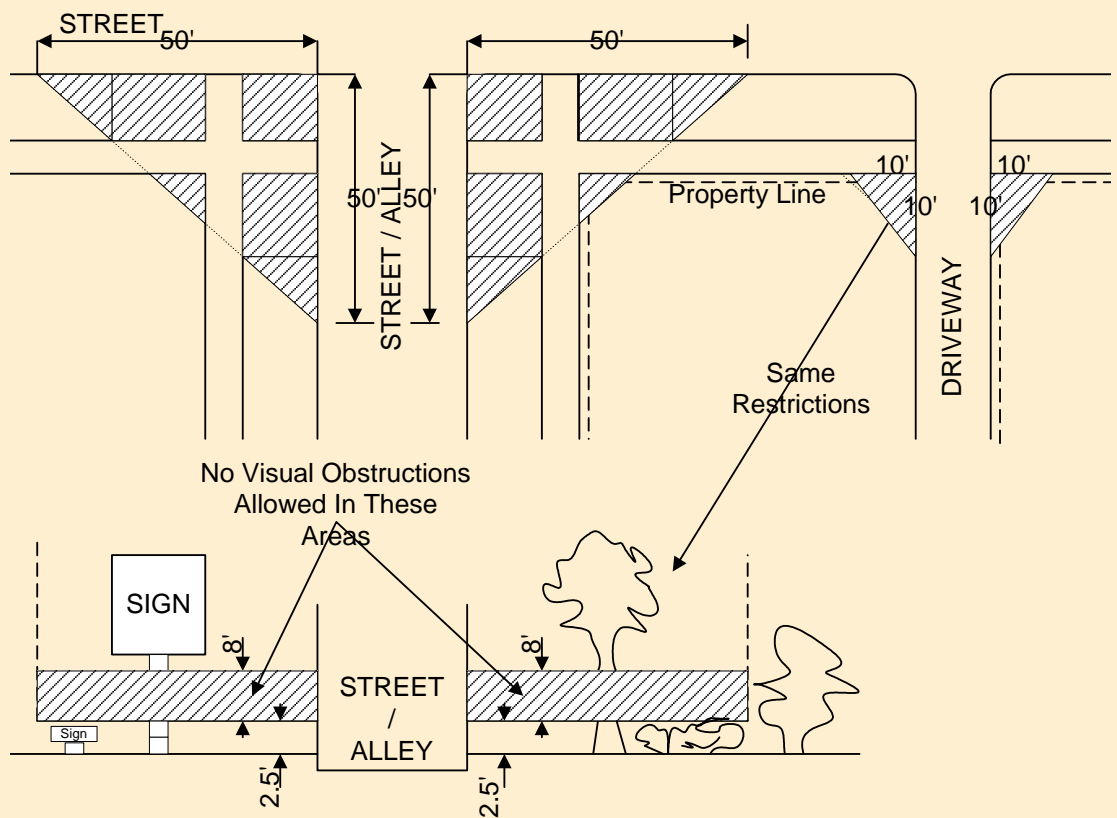
Within sixty (60) days of completion of the facility, the applicant shall provide the Building Commissioner with an as-built survey from a Registered Land Surveyor verifying the coordinates, height, and site plan of the wireless facility.

230 Visibility Requirements

A. Street, Alley and Driveway Intersection Visibility Requirements

Corner Lot - All Districts - No fence, hedge, wall, sign or other structure shall be erected, placed, planted or allowed to grow in such a manner as to obstruct vision between a height of 2.5 feet and 8 feet above the established grade level of the intersecting streets or streets and alleys, in the area bounded by the property lines of such corner lots and a line joining points along said property lines 50 feet from the point of the intersection; except that the location of principal buildings, traffic control devices and public utility fixtures shall not be affected by this requirement.

All Lots-All Districts - At the intersection of driveways with streets, no fence, hedge, wall, sign or other structure shall be erected, placed or allowed to grow in such a manner as to impede vision between a height of 2.5 feet and 8 feet above the established driveway grade level in the area bounded by the driveway, or sidewalk and lot lines and a line joining points along said lines 10 feet from the point of intersection of such driveway, or sidewalk and lot lines.



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Waste and Debris

All properties shall at all times be maintained and used only in a clean, neat and well-groomed condition, free from all natural and man-made debris, junk, rubbish, trash, weeds, and similar items.

No waste materials such as, but not limited to, garbage, rubbish, household appliances, inoperable vehicles, furniture designed for interior use, gasoline, oil, flammables, soils, tars, chemicals, greases, dead plant material, noxious weeds, industrial or agricultural waste, or any other material of such nature, quantity, obnoxiousness, toxicity, or temperature so as to contaminate, pollute, or harm water bodies or ground water, provide a habitat for disease carrying animals and insects, or represent a public safety hazard shall be deposited, located, stored, or discharged outside on any lot.

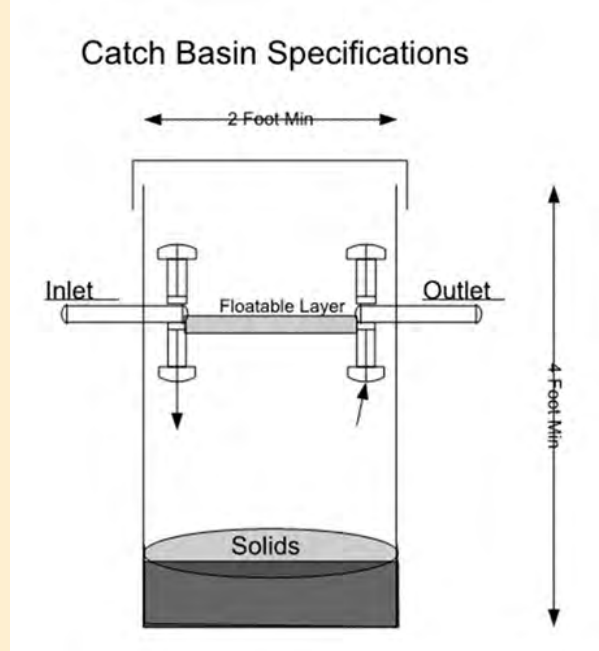
Waste shall not be allowed to accumulate within structures in a manner that is inconsistent with applicable regulations for the storage of such materials.

Any person who owns, rents, or leases a parcel or structure subject to this section shall be subject to the penalties set forth in Section 12 of this ordinance for any violation of this section.

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Water Runoff Containment

It is the responsibility of each land owner to insure that any portion of precipitation from such sources as rainfall, snowmelt, or irrigation water that flows over the ground surface be contained within their lot or channeled to an appropriate storm sewer, ditch, or stream. The diagram below shows minimum catch basin specifications when a basin is required by the Building Commissioner.



270 Flood Hazard Standards

A. Duties of the Administrator

The Building Commissioner (a/k/a Building Official) shall implement this ordinance and hereafter be referred to as the Zoning Administrator. The Zoning Administrator for the Town of Culver is appointed to review all development and subdivision proposals to insure compliance with this ordinance, including but not limited to the following duties:

1. Ensure that all development activities within the SFHAs of the jurisdiction of the Town meet the requirements of this Ordinance.
2. Provide information and assistance to citizens upon permit procedures and floodplain construction techniques.
3. Ensure that construction authorization has been granted by the Indiana Natural Resources Commission for all development projects subject to Section 7 of this ordinance and maintain a record of such authorization (either copy of actual permit or letter or recommendation).
4. Maintain a record of the "as-built" elevation of the lowest floor (including a basement) of all new and/or improved buildings constructed in the SFHA.
5. Maintain a record of the engineer's certificate and the "as built" floodproofed elevation of all buildings subject to Section 8 of this Ordinance.
6. Cooperate with state and federal floodplain management agencies to improve base flood and floodway date and to improve the administration of this ordinance. Submit reports as required for the National Flood Insurance Program.
7. Maintain for public inspection and furnish upon request regulatory flood data, SFHA maps, copies of DNR permits and letters of recommendation, federal permit documents, and "as built" elevation and floodproofing data for all buildings constructed subject to this ordinance.
8. Notify adjacent communities and the State Coordinating Office prior to any alteration watercourse and submit copies of such notifications to FEMA.

B. Regulatory Flood Elevation

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

1. The regulatory flood elevation for each SFHA delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the Flood Insurance Rate Map of the Town.
2. The regulatory Flood Elevation for each of the remaining SFHAs delineated as an "A Zone" on the Flood Insurance Rate Map of the Town shall be according to the best data available as provided by the Department of Natural Resources.
3. the regulatory flood elevation for the SFHAs of those parts of unincorporated Marshall County that are within the extraterritorial jurisdiction of the Town

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or that may be annexed into the Town shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of Marshall County dated January 5, 1989, and the corresponding FIRM Management Agency.

4. If the SFHA is delineated as "AH Zone or AO Zone", the elevation (or depth) will be delineated as "Zone A" on the County Flood Insurance Rate Map. If the SFHA is delineated as "Zone A" on the County Flood Insurance Rate Map, the regulatory flood elevation shall be according to the best data available as provided by the Department of Natural Resources.

C. Improvement Location Permit

No person, firm, corporation, or governmental body not exempted by state law shall commence any "development" in the SFHA without first obtaining an Improvement Location Permit from the Building Commissioner. The Building Commissioner shall not issue an Improvement Location Permit if the proposed "development" does not meet the requirements of this ordinance.

1. The application for an Improvement Location Permit shall be accompanied by the following:
 - a. A description of the proposed development.
 - b. Location of the proposed development - sufficient to accurately locate property and structure in relation to existing roads and streams.
 - c. A legal description of the property site.
 - d. A site development plan showing existing and proposed structure locations and existing and proposed land grades.
 - e. Elevation of lowest floor (including basement) of all proposed structures. Elevation should be in National Geodetic Vertical Datum of 1929 (NCVD).
2. Upon receipt of an application for an Improvement Location Permit, the Building Official shall determine if the site is located within an identified floodway or within the floodplain where the limits of the floodway have not yet been determined.
 - a. If the site is in an identified floodway the Building Official shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources and apply for a permit for construction in a floodway.

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

No action shall be taken by the Building Official until a permit has been issued by the Natural Resources Commission granting approval for construction in the floodway. Once a permit has been issued by the Natural Resources Commission, the building Official may issue the local Improvement Location Permit, provided the provisions contained in Sections 7 and 8 of this ordinance have been met. the Improvement Location Permit cannot be less restrictive than the

permit issued by the Natural Resources Commission.

- b. If the site is located in an identified floodway fringe, then the Building Official may issue the local Improvement Location Permit provided the provisions contained in Section 7 and 8 of this ordinance have been met. The key provision is that the lowest floor of any new or substantially improved structure shall be at or above the Flood Protection Grade.
- c. If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined (shown on Zone A on the Flood Insurance Rate Map), and the drainage area upstream of the site is greater than one square mile, the Building Official shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources for review and comment.

No action shall be taken by the Building Official until either a permit for construction in the floodway or a letter of recommendation citing the 100-year flood elevation and the recommended Flood Protection Grade has been received from the Department of Natural Resources.

Once the Building Official has received the proper permit or letter of recommendation approving the proposed development, an Improvement Location Permit may be issued provided the conditions of the ILP are not less restrictive than the conditions received from Natural Resources and the provisions contained in Section 7 and 8 of this Ordinance have been met.

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

D. Preventing Increased Damages

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

1. Within the floodway identified on the Flood Boundary and Floodway Map the Flood Insurance Rate Map, the following standards shall apply:
 - a. No development shall be allowed which acting along or in combination with existing or future similar works, will cause any increase in the elevation of the regulatory flood; and
 - b. For all projects involving channel modifications or fill (including levees) the Town shall submit a request to the Federal Emergency Management Agency to revise the regulatory flood date.
2. Within all SFHAs identified as A Zones (no 100-year flood elevation and/or floodway / floodway fringe delineation has been provided) the following standard shall apply:

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

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flood damages or potential flood damages.

3. Public Health standards in all SFHAs
 - a. No development in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the Flood Protection Grade, unless such materials are stored in a storage tank or floodproofed building constructed according to the requirements of Section 8 of this ordinance.
 - b. New and replacement sanitary sewer lines and on site waste disposal systems may be permitted providing all manholes or other above ground openings located below the FPG are watertight.

E. Protecting Buildings

In addition to the damage prevention requirements of Section 7, all buildings to be located in the SFHA shall be protected from flood damage below the FPG.

1. This building protection requirement applies to the following situations:
 - a. construction or placement of any new building having a floor area greater than 400 square feet.
 - b. structural alterations made to an existing building that increase the market value of the building by more than 50% (excluding the value of the land). Structural alterations to an existing building that do not increase the market value of the building by more than 50% may be made on a one time only basis without protecting the alteration below the FPG;
 - c. any subsequent alterations;
 - d. reconstruction or repairs made to a damaged building that are valued at or more than 50% of the market value of the building (excluding the value of the land) before damage occurred;
 - e. installing a manufactured home on a new site or a new manufactured home on an existing site. This ordinance does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and
 - f. installing a travel trailer on a site for more than 180 days.
2. This building protection requirement may be met by one of the following methods. The Building Official shall maintain a record of compliance with these building protection standards as required in Section 4 of this ordinance.
 - a. A residential or nonresidential building may be constructed on a permanent land fill in accordance with the following:
 1. The fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with the standard Proctor Test method.
 2. The fill should extend at least ten feet beyond the foundation of the building before sloping below the FPG.
 3. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the

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slopes shall be no steeper than 3 horizontal to 1 vertical.

4. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
 5. The lowest floor shall be at or above the FPG.
- b. A residential or nonresidential building may be elevated in accordance with the following:
1. The building or elevated on posts, piers, or other types of similar improvements shall be columns, extended walls, foundation provided:
 - i. Walls of any enclosure below the elevated floor shall be designed to automatically equalize hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters through providing a minimum of two openings (in addition to doorways and windows) having a total area of one (1) square for every two (2) square feet of enclosed floor area subject to flooding. The bottom of all such opening shall be no higher than one (1) foot above the enclosed area's floor.
 - ii. Any enclosure below the elevated floor is used for non-residential purposes and building access.
 2. The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as current, waves, ice and floating debris.
 3. All areas below the FPG shall be constructed of materials resistant to flood damage. The lowest floor (including basement) and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.
- c. Manufactured homes and travel trailers (also called recreational vehicles) to be installed or substantially improved on a site for more than 180 days must meet one of the following anchoring requirements:
1. The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site:
 - i. outside a manufactured home park or subdivision;
 - ii. in a new manufactured home park or subdivision;
 - iii. in an expansion to an existing manufactured home park or subdivision;or
 - iv. in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood.

This requirement applies to all manufactures homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.
 2. The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above

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- grade and be securely anchored to an adequately anchored, foundation system to resist flotation, collapse, and lateral movement.
- d. Recreation vehicles placed on a site shall either:
 - 1. be on the site for less than 180 consecutive days;
 - 2. be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or
 - 3. meet the requirements for “manufactured homes” in paragraph (3) of this section.
- e. A non-residential building may be floodproofed to the FPG (in lieu of elevating) if done in accordance with the following:
 - 1. a Registered Professional Engineer shall certify that the building has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The Building design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice.
 - 2. Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

F. Other Development Requirements

1. The Plan Commission shall review all proposed subdivisions to determine whether the subdivision lies in a flood hazard area as defined elsewhere by ordinance. If the Plan Commission finds the subdivision to be so located, the Plan Commission shall forward plans and materials to the Indiana Department of Natural Resources for review and comment. The Plan Commission shall require appropriate changes and modifications in order to assure that:
 - a. it is consistent with the need to minimize flood damages;
 - b. all public utilities; and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - c. adequate drainage is provided so as to reduce exposure to flood hazards;
 - d. onsite waste disposal systems, if provided, will be so located and designed to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.
2. Developers shall record the 100-year flood elevation on all subdivision plats containing lands identified elsewhere by ordinance as within a flood hazard area prior to submitting the plats for approval by the Plan Commission.
3. All owners of manufactured home parks or subdivision located within the SFHA identified as Zone A on the community’s FHMB or FIRM develop an evacuation plan for those lots located in Zone A and file it with the local Plan Commission and have it filed and approved by the appropriate

community emergency management authorities.

G. Variances

1. The Board of Zoning Appeals may consider issuing a variance to the terms and provisions of this ordinance provided that the applicant demonstrates that:
 - a. There exists a good and sufficient cause for the requested variance;
 - b. The strict application ordinance will constitute an exceptional hardship to the applicant, and
 - c. The granting of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

2. The Board of Zoning Appeals may issue a variance to the terms and provisions of this ordinance subject to the following standards and conditions:
 - a. No variance or exception for a residential use within a floodway subject to Section 7 (a) or (b) may be granted.
 - b. Any variance or exception granted in a floodway subject to Section 7 (a) or (b) will require a permit from Natural Resources.
 - c. Variances or exceptions to the Building Protection Standards of Section 8 may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.
 - d. Variance or exception may be granted for the reconstruction or restoration of any structure individually listed on the Register of Historic Places or the Indiana State Survey or Historic Architectural, Archaeological and Cultural Sites, structures, Districts and objects;
 - e. All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction; and
 - f. The Board of Zoning Appeals shall issue a written notice to the recipient of a variance or exception that the proposed construction will be subject to increased risks to life and property and could require payment of excessive flood insurance premiums.

H. Disclaimer of Liability

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

I. Violations

Failure to obtain an Improvement Location Permit in the SFHA or failure to comply with the requirements of a permit or conditions of a variance shall be deemed to be a violation of this ordinance. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for the Town of Culver. All violations shall be punishable by a fine as referenced in Schedule B of the Culver Zoning

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Ordinance.

- a. A separate offense shall be deemed to occur for each day the violation continues to exist.
- b. The Culver Plan Commission shall inform the owner that such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Floor Insurance Policy to be suspended.
- c. Nothing herein shall prevent the Town from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

280 Height Restrictions & Establishing Grade

35' Height Restriction

All Zoning Districts Culver, Indiana Zoning Ordinance contain a section as follows:

A. Size Regulations

No building shall hereafter be erected, reconstructed or structurally altered to exceed 35 feet in height from the natural or pre-existing grade.

The Plan Commission through various public meetings has made the following clarifications on the determination of "natural or pre-existing grade", hereafter referred to as "Natural Grade". Natural Grade shall be determined to be the existing grade at the center of the proposed building footprint or as near to center as can be reasonably determined and agreed upon by the Building Commissioner and Property Owner. (Property Owner used herein shall mean the legal owner of the property in question or his designated agent, i.e. contractor, developer, architect, attorney, etc.) The following are variations to this determination based on existing conditions:

1. Vacant Property - The Natural Grade on vacant property shall be established as follows:
 - a. The Property Owner shall establish the building footprint on site by its extended outside edge wall lines. See Figure A.
 - b. Natural Grade can be established either across diagonal corners, highest to lowest, through the center of the building (See Figure A1) or square to the building, highest to lowest, through the center of the building (See Figure A2).
 - c. Where the center of the building is not representative of the site, i.e. a ridge or depression occurs at that point, Natural Grade may be determined by the average grade across the worst case (greatest elevation change) diagonal or perpendicular section through the building.
2. Teardowns - The Natural Grade on properties with existing structures shall be established as follows:
 - a. **NATURAL GRADE MUST BE ESTABLISHED PRIOR TO DEMOLITION OF THE EXISTING STRUCTURE.** Failure to establish Natural Grade prior to demolition will require the Natural Grade to be established by the Plan Commission using the methods described under Number 5 below. The Plan Commission shall use its best judgment to determine the previous existing grade, whereby the Natural Grade

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- shall be determined as described under Number 1 for a Vacant Lot.
- b. At the property Owner's Discretion, the Natural Grade may be established as the ground elevation at the roadside entrance to the existing structure prior to demolition.
 - c. Natural Grade may be determined at the midpoint of the wall of the house with the greatest grade change as nearly perpendicular to the slope as possible. See Figure b.
3. Additions
 - a. If the addition is at or below the maximum height of the existing building, the height of the existing building shall be considered the maximum height for the lot, regardless of the relationship to ground elevations.
 - b. If the addition is to be taller than the maximum height of the existing building, the existing grade shall be determined at the Natural Grade of the combination
 4. Excavated Building Sites - Once the Natural Grade has been established, the structure may not be exposed more than 15' below the established Natural Grade.
 5. Recourse for dispute of Natural Grade - If the Property Owner and the Building Commissioner cannot come to an agreement on the Natural Grade, the Property Owner may request a clarification from the Plan Commission. The following items must be presented to the Plan Commission in order to obtain a clarification:
 - a. Site Plan prepared by a Registered Land Surveyor including the following:
 - i. Boundary Survey
 - ii. Setback lines including establishing points on adjacent properties.
 - iii. Footprint and finished floor elevations of any existing structures on site.
 - iv. Proposed building footprint with measurable references to permanent points on the site. Sufficient points shall be set to allow verifications by the Building Commissioner.
 - v. Topographic Map at 2' or smaller increments tied to MSL
 - vi. Permanent Bench Mark established on the site. Benchmark shall be within 50' of the proposed building footprint.
 - b. Sections through the building foot print as described in the definition of Natural Grade.
 - c. Registered Surveyor's calculation of the Natural Grade of the existing grade within the building footprint based on a 10' x 10' grid.

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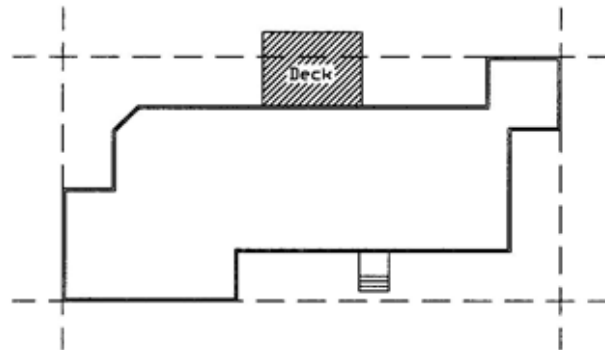
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Verification

1. Property Owner in conjunction with the Building Commissioner shall establish a site benchmark that will remain protected throughout the project. The site benchmark shall be within 50' of the building footprint and within 3' of Natural Grade vertically.
2. Property Owner shall provide access for the Building Commissioner to determine the first floor elevation in relation to the established site benchmark, i.e. line of site access. Property Owner may set up and allow the Building Commissioner to verify transit or level readings if he so chooses. It is recommended, but not required, that this take place prior to the start of wall framing.
3. Property Owner shall provide floor-to-floor vertical access points where the Building Commissioner can verify vertical distances. These must be provided in clear open spaces where measurements can be easily verified.
4. Property Owner shall provide top floor to top of roof ridge access to the Building Commissioner for verification of vertical distances.
 - a. If trusses are used, a copy of the stamped approved truss drawings with the design dimensions may be acceptable for verifying the top floor ceiling to ridge dimension. At the Building Commissioner's discretion, field verification may still be required, and access must be provided.

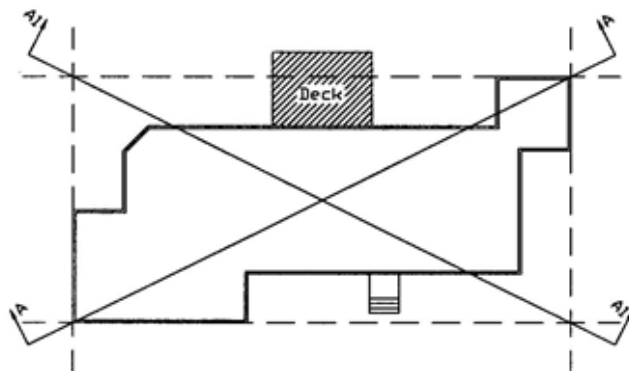
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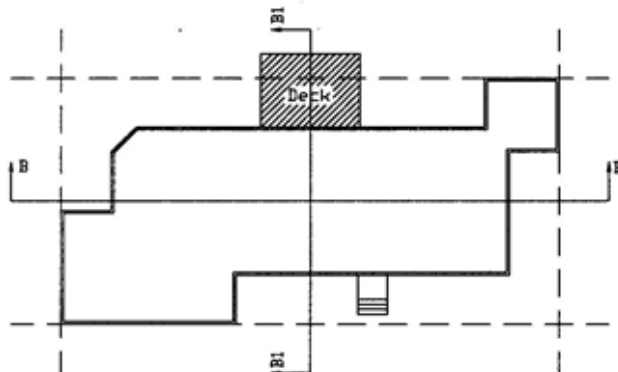
Building Footprint shall be established at projections of the furthest outside corners of the structure.

Figure A



Center of Building shall be established diagonally at the intersection of A-A and A1-A1 or centered perpendicular at the intersection of B-B and B1-B1.

Figure A1

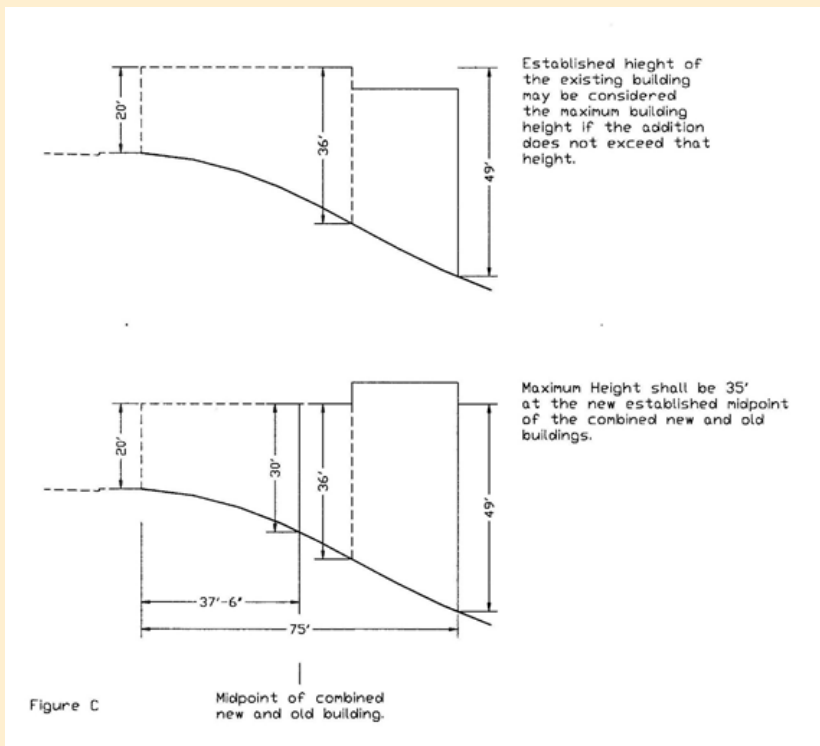
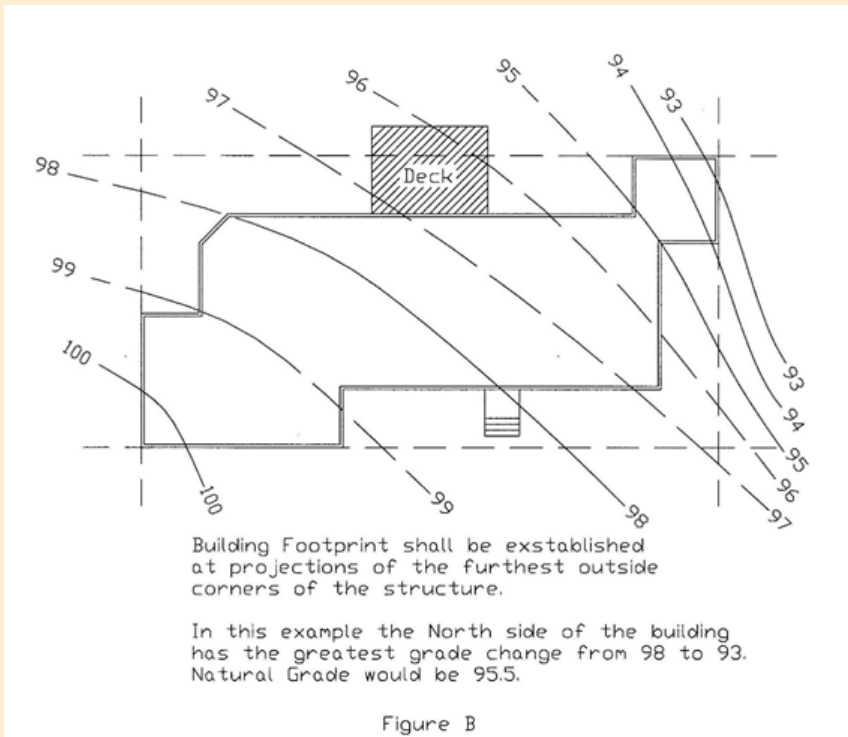


Center of Building shall be established diagonally at the intersection of A-A and A1-A1 or centered perpendicular at the intersection of B-B and B1-B1.

Figure A2

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Complete Streets

Complete Streets shall mean streets that are designed and operated to enable safe access for all users, in that motorists, freight providers, pedestrians, bicyclists, users of public transportation, users of all ages and abilities (including children, the elderly, and the disabled), emergency responders, and adjacent land users are accommodated and are able to safely move along and across a street.

A. Complete Streets Policy

1. The Town shall provide a transportation network that promotes access, mobility, and health by providing streets that are safe, convenient, accessible, and attractive for all users, including pedestrians, bicyclists, users of public transportation, motorists, operators of golf carts, freight providers, those of all ages and abilities (including children, the elderly, and the disabled), emergency responders, and adjacent land users.
2. The Town's transportation network shall include facilities and amenities that are recognized as contributing to Complete Streets, which may include, but not be limited to, streets; sidewalks; shared-use lanes and paths; street and sidewalk lighting; street crossings, including crosswalks and improvements such as median refuges; transit accommodations; bicycle accommodations; improvements that provide ADA (Americans with Disabilities Act) compliant accessibility; street trees and landscaping; street furniture; and adequate drainage facilities.
3. The Town shall implement Complete Streets projects to fit within and enhance the context and character of the surrounding built and natural environment. All streets are unique, and the needs of various users must be balanced in a flexible manner.
4. All Town-owned transportation facilities in the public right-of-way shall be designed, constructed, operated, and maintained so that users of all ages and abilities can travel safely and independently.
5. Privately constructed streets and parking lots shall adhere to this Policy
6. The Town shall foster partnerships with businesses, institutions, private developers, and other governmental agencies, including the State of Indiana, Michiana Area Council of Governments, Marshall County, Union Township, the Culver Academy, the Culver Community School Corporation, the Lake Maxinkuckee Association and the Lake Maxinkuckee Environmental Council, to develop facilities and accommodations that further Complete Streets and continue such infrastructure beyond the Town's borders.
7. The Town shall approach every transportation improvement and project phase as an opportunity to create safer, more accessible streets for all users. These phases include, but are not limited to, planning, programming, design, right-of-way acquisition, construction development and planned unit development, construction engineering, reconstruction, resurfacing, retrofit, operation, and maintenance.

B. Exceptions

1. Any exception to the Policy, including for private projects, must be approved by the Planning Commission and be documented in writing with supporting data that indicates the basis for the decision. Such documentation will be

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publicly available. Exceptions may be considered for approval when:

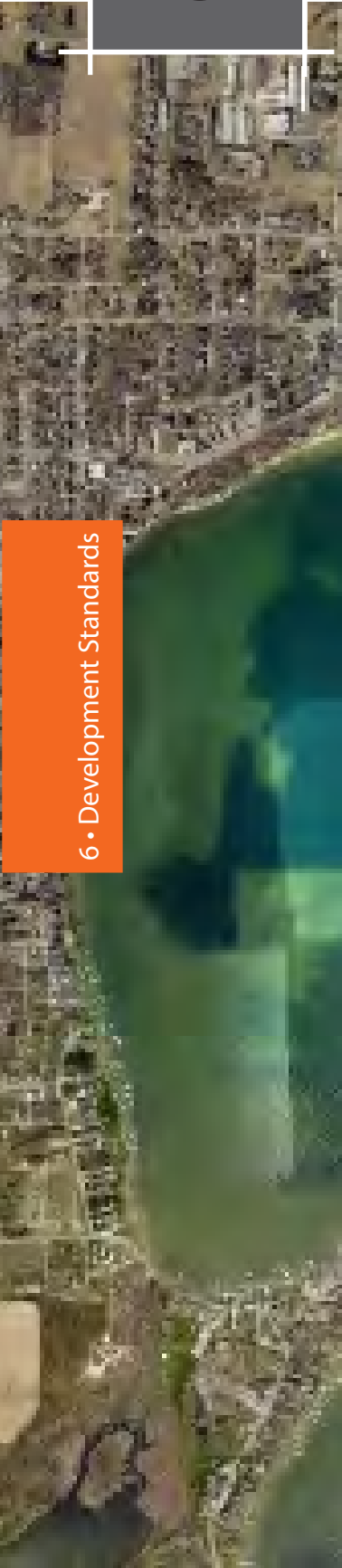
- a. Specific users are prohibited from using a street or other transportation facility (such as a state highway) by law;
 - b. The activities that are ordinary maintenance activities designed to keep assets in serviceable condition and do not change the street's geometry or operations. Such activities may include mowing, cleaning, sweeping, pothole filling, concrete joint repair, and other regular or seasonal maintenance;
 - c. The cost of providing full accommodation would be excessively disproportionate to the need or probability of use, now or in the future;
 - d. Accommodation is not proactively feasible because of severe topographic constraints or significant adverse impacts to the natural environment, historic or cultural resources, or neighboring and uses; or
 - e. The project is under construction or in the final design stages at the time of the adoption of this Policy.
2. When projects are exempted from this Policy, a greater effort shall be made to accommodate affected users elsewhere, including on adjacent streets and on streets that intersect with that street or facility.

C. Design Standards

1. The Town shall follow accepted or adopted design standards and use the best and latest design standards, policies, principles, and guidelines available. Principles and strategies of good street and bikeway designs offered by the National Association of City Transportation Officials (NACTO) shall be utilized first and foremost in decision making. Guidelines and standards may include, but not be limited to, Federal Highway Administration (FHWA), American Association of State Highway Officials (AASHTO), Indiana Department of Transportation (INDOT), the Institute of Transportation Engineers (ITE), the Americans with Disabilities Act (ADA), the Public Right-of-Way Accessibility Guidelines (PROWAG), and the American Society of Landscape Architects (ASLA).
2. In recognition of various contexts, public input, and the needs of many users, a flexible, innovative, and balanced approach that follows other appropriate design standards may be considered, provided that a comparable level of safety for all users can be achieved.

6

Development Standards

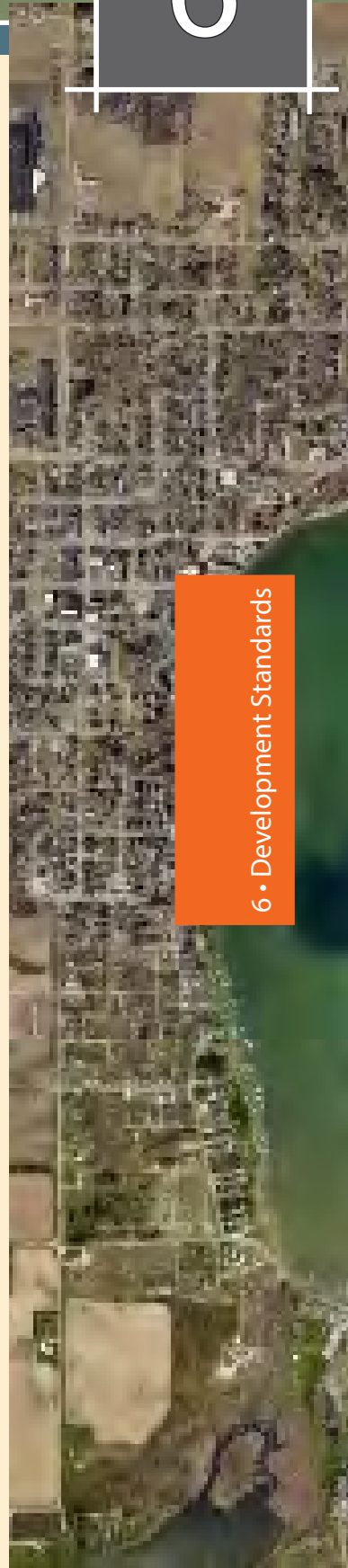


6 • Development Standards

Development Standards

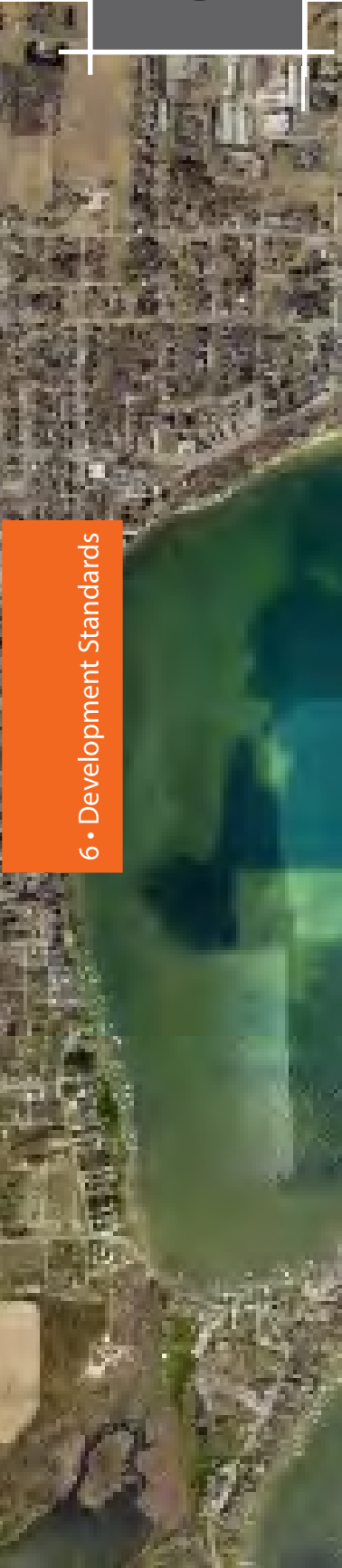
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6 • Development Standards



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Development Standards

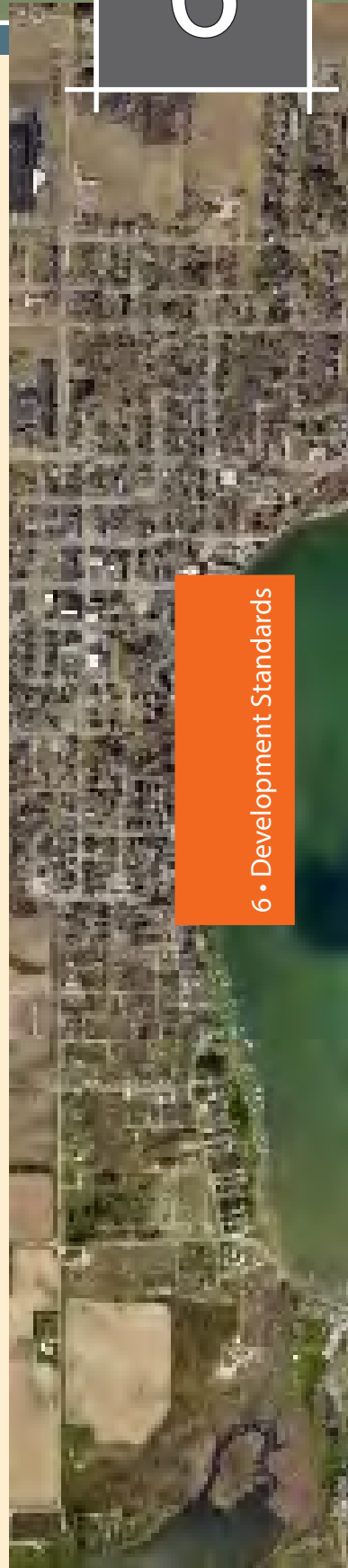


6 • Development Standards

Development Standards

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6 • Development Standards



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Development Standards

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Site Development Plans

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Site Development Plans

010

Intent

The intent of this Article is to further the goals of the Town of Culver Comprehensive Plan; provide for the adequate, consistent review of new development to ensure compliance with this Ordinance; and address the unique characteristics of certain types of development that require specific review and approval. The site development plan review process is not intended to provide an alternative to rezoning, variance, special exception, platting, or other established procedures, but rather to allow for the administrative review of site conditions and plans for consistency with applicable requirements prior to the issuance of Improvement Location Permits. Generally, the site plan review shall involve individual lots, and shall occur after re-zoning or platting approval. Site plan review may occur before or after any necessary Board of Zoning Appeals petitions based on the characteristics of each individual site plan review petition.

020

Authority

A. Site Development Plan Required

Site Development Plans shall be required for all developments for which a Improvement Location Permit is required by this Ordinance and which are located in L-1, C-1, C-2, I-1, I-2, PUD and MH Districts.

B. Exemptions

The following types of development shall be exempt from the requirements of this Article, but shall be required to obtain an Improvement Location Permit and any other permit or approval required by this Ordinance:

1. Sign Installation

The replacement or installation of any sign(s) not occurring as part of an improvement to any other aspect of the property;

2. Parking Lot Expansion

The expansion of an existing parking lot which does not result in a greater than ten percent (10%) or two thousand (2,000) square foot, whichever is less, increase in the surface area of the parking available on the property on the effective date of this Ordinance, exclusive of the alteration or expansion, or the need for modifications to street accesses; or

3. Structural Expansion

The expansion of an existing structure or the construction of an accessory structure which does not result in a greater than ten percent (10%) increase in the floor area of the structures on the effective date of this Ordinance, exclusive of the alteration or expansion, and does not require the provision of additional landscaping, parking, or other improvement regulated by this Ordinance.

4. Renovations

5. Roofs (shingles or metal)

C. Review and Approval Authority

The Technical Review Committee, in its role as staff for the Plan Commission, shall have the authority to review and approve Site Development Plans required by this Article consistent with the Technical Review Committee provisions of this Article and Article 10-030, Technical Review Committee of this Ordinance.

(cont.)

1. **Waiver of Requirements**
Neither the Technical Review Committee nor the Plan Commission shall have the authority to waive any requirement of this Ordinance in the review of a Site Development Plan. All variances from the terms of this Ordinance shall be subject to the approval of the Board of Zoning appeals consistent with Article 9, Board of Zoning Appeals of this Ordinance.
2. **Revision Process**
The procedure for the review of proposed changes or revisions to previously approved Site Development Plans shall follow the process for the initial approval of a Site Development Plan outlined in this Article.

030

Application Materials

A. General Requirements

All applications may be obtained from the office of the Culver Plan Commission. All fees required shall be paid at the time petition and permit applications are submitted.

1. **Application Forms**
All applications shall be made on forms provided by the Building Commissioner. All petitioners and permit applicants shall submit original applications which are completed in their entirety either in ink or typed. All applications shall be signed.
2. **Copies Required**
All petitioners and applicants shall submit copies of applications and necessary attachments as required by the adopted policies of Culver and the applicable Rules and Procedures of the Plan Commission.
3. **Review Schedule**
All petitions and permit applications shall be assigned reference and/or docket numbers by the Building Commissioner. Petition applications shall be scheduled by the Building Commissioner for the appropriate public hearings based on the completeness of the application consistent with the requirements of this Article and the appropriate adopted calendar of filing and meeting dates for the Plan Commission.

B. Application Submission

The petitioner shall submit:

1. an application for Site Development Plan review including;
 - a. an affidavit and consent of property owner (if the property owner is someone other than the petitioner);
 - b. a copy of the deed for the property;
 - c. the required filing fee; and
 - d. required supporting information to the Building Commissioner.

(cont.)

030 Application Materials (cont.)

Supporting information shall include, but not be limited to the following (the Building Commissioner, Technical Review Committee, and/or Plan Commission may request additional supportive information, which shall be provided by the applicant). All drawings shall be provided in hard copy and electronic format in a manner specified by Culver (Culver may waive the requirement that an electronic version of any or all drawings be provided).

2. Summary Statement

A summary statement of the characteristics and operation of the development, including the population densities, presence of any adult uses, and number of potential employees. The statement shall include any written commitments being made regarding the Site Development Plan.

3. Statement of Re-use Options

If the Site Development Plan involves a previously undeveloped location, the petitioner shall provide a detailed statement describing the reasons why available redevelopment and in-fill development sites are not appropriate for this development.

4. Site Description

A general description of the site and its ownership including:

- a. the name, address, and telephone number of the applicant,
- b. the name, address, and telephone number of any land surveyors, engineers, or other professionals responsible for the Site Development Plan design
- c. the name, address, and phone number of the primary contact individual for the application (it shall be indicated if the primary contact person is the applicant or contracted design professional),
- d. the legal description of the subject property and common address of the site, and
- e. the proposed name of the development (if applicable).

5. Vicinity Map

A vicinity map showing and clearly identifying the subject property and showing all land within five hundred (500) feet of the subject property. The location map should identify the current zoning and use of all property within five hundred (500) feet of the subject property.

- a. The vicinity map shall also show all property which is contiguous to the subject property that is owned and/or otherwise controlled by the owner or developer of the subject property.

(cont.)

Site Development Plans

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- b. A conceptual drawing describing the future development of all contiguous holdings described above shall be provided by the applicant upon the request of the Building Commissioner, Technical Review Committee, and/or Plan Commission. At a minimum the conceptual drawings shall include a description of general driveways and access points, general land uses, general lot arrangements, and general drainage conditions and plans.
6. Property Survey
A property survey bearing the seal of a registered land surveyor and drawn to a scale of not more than 1 inch = 100 feet, showing the following existing features for the subject property and all land within two hundred (200) feet of the property lines of the subject property:
 - a. the boundary line and dimensions of the subject property;
 - b. all structures;
 - c. topography interpolated from USGS sources and/or otherwise meeting the requirements of the Culver (provided topographic information shall tie into horizontal and vertical control points);
 - d. significant wooded areas and other isolated trees;
 - e. 100-year floodplain and 100-year floodway boundaries;
 - f. public and private streets (including street names), rights-of-way and easements;
 - g. building setback and any build-to lines;
 - h. all known drainage areas, tiles, pipes and structures;
 - i. utility services (including fire hydrants);
 - j. any known underground tanks;
 - k. street accesses; and
 - l. any other paved or otherwise improved areas.
7. Site Plan
A site plan, drawn to a scale of not more than 1 inch = 100 feet, and bearing the seal of a professional engineer or land surveyor clearly showing all proposed aspects of the property and all features relevant to the Site Development Plan, including:
 - a. setbacks and buffer yards;
 - b. topography (including elevation contour lines at two (2) foot intervals or otherwise meeting the requirements of the Culver);

(cont.)

7

Site Development Plans

030 Application Materials (cont.)

- c. structures (including buildings, fences, and walls);
 - d. all structure heights, dimensions, and floor areas;
 - e. areas of outdoor storage;
 - f. permanent dumpsters and trash areas;
 - g. locations, dimensions, and design features (including all curb radii, tapers, and parking space dimensions) of road accesses, interior drives, parking spaces and ramps for the disabled, parking lots, loading docks or areas, sight visibility triangles, and interior sidewalks (all public road access shall be subject to any additional requirements of Culver);
 - h. open spaces and specific landscaped areas;
 - i. locations and capacities of public and private utilities (all septic systems shall be subject to the approval of the County Health Department, all public sewer connections shall be subject to the approval of Culver);
 - j. water meter clean out locations and elevations and top of casting elevations;
 - k. sanitary sewer invert elevations;
 - l. the location, width, and purpose of all easements;
 - m. the use of each structure and the amount of parking allocated for those uses (consistent with the requirements of this Ordinance);
 - n. public improvements including sidewalks, pathways, street trees, and right-of-way dedications; and
 - o. locations for temporary uses, such as seasonal sales areas.
8. Landscaping Plan
A landscaping plan drawn to a scale of not more than 1 inch = 100 feet, and showing the following:
- a. proposed landscaping, buffer yards, and street trees;
 - b. topography (including elevation contour lines at two (2) foot intervals or otherwise meeting the requirements of Culver);
 - c. 100-year floodplain and 100-year floodway boundaries;
 - d. existing and proposed public and internal sidewalks and other pedestrian ways,
 - e. the size and spacing of the plantings at the time of installation and the species proposed to be used to meet the requirements of this Ordinance; and

(cont.)

- f. all existing trees and vegetation to be preserved, and the drip lines for such trees.
9. Sign Plan
A sign plan showing the location, height, method of illumination (if any) and dimension of all permanent signs and indications of appropriate locations, heights, and sizes of any temporary signs.
10. Drainage Plan
A site drainage plan bearing the seal of a professional engineer including all calculations is required by Culver. The drainage plan shall include the location of the following:
 - a. all natural streams, regulated drains, and watercourses,
 - b. 100-year floodways and 100-year floodplains,
 - c. all marshes, wetlands, and wooded areas, and
 - d. all drainage area features as described in the drainage calculations.
11. Lighting Plan
A site lighting plan, drawn to a scale of not more than 1 inch = 100 feet, showing the type and location of all exterior lighting fixtures.
12. Construction Plan
A site construction plan, drawn to a scale of not more than 1 inch = 100 feet, showing:
 - a. proposed erosion and sediment control measures;
 - b. the location of any proposed construction trailer and worker parking;
 - c. the location, height, and dimensions of any temporary construction-related signage;
 - d. any temporary site accesses to be used during construction;
 - e. any temporary utility connections; and
 - f. the location of any stockpiles of dirt, construction materials, and construction waste dumpsters or storage areas.

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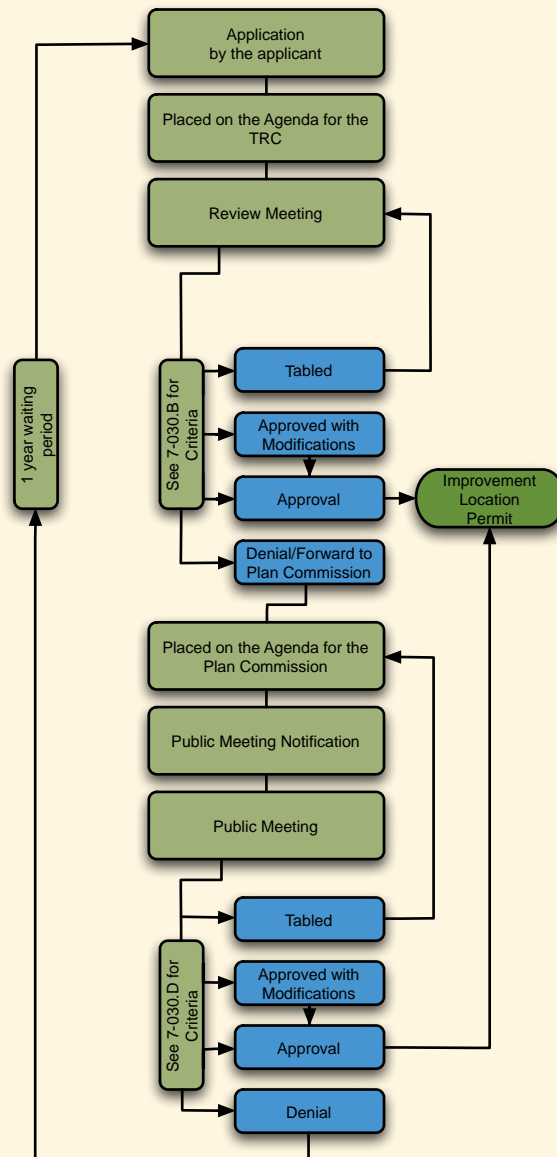
Site Development Plans

040 Process

A. Review Process and Standards

Site Development Plans shall be subject to the following review and approval process:

Chart 7-A, Site Development Plan Process



B. Technical Review Committee Review

The Technical Review Committee shall review the Site Development Plan, including all supportive information on the date established by the adopted calendar of meeting and filing dates. All Technical Review Committee actions and procedures shall be consistent with the provisions of Article 10-030, Technical Review Committee of this Ordinance.

1. Considerations

In reviewing the Site Development Plan, the Committee shall consider whether or not the proposed Site Development Plan is consistent with the requirements of this Ordinance and any other applicable legally adopted requirements of Town of Culver.

2. Possible Action

The Committee may approve, approve with modifications, deny, table, or forward to the Plan Commission the Site Development Plan.

a. Approve

The Committee shall approve the Site Development Plan if it complies with all applicable requirements of this Ordinance.

b. Approve with Modifications

The Committee shall approve the Site Development Plan with modifications if it is generally consistent with the considerations for approval outlined in B(2) (a) above, but requires minor modifications to be completely in compliance with the requirements and intent of this Ordinance. The applicant shall revise the Site Development Plan proposal consistent with the Committee comments and supply revisions for review of the Building Commissioner prior to the release of any Improvement Location Permit.

c. Deny

The Committee shall deny the Site Development Plan if it is found to be inconsistent with the considerations outlined in this Article and Ordinance. If denied, the TRC decision shall automatically be appealed to the Plan Commission without further application or action by the applicant. The appeal shall be reviewed by the Plan Commission in accordance with Article 7-060, Appeals. The applicant may voluntarily withdraw the appeal of the TRC decision to the Plan Commission at any time.

d. Table

The Committee shall table the Site Development Plan based on a request by the Building Commissioner or the petitioner, a determination by the Building Commissioner that sufficient information has not been provided, or the failure of the petitioner or an appropriate representative of the petitioner to appear at the Committee meeting. Site Development Plan applications which are tabled shall be automatically docketed for the next review meeting.

e. Forward to Plan Commission

The Committee shall forward Site Development Plans which are generally consistent with the considerations outlined above to the Plan Commission for a public hearing if the proposal:

(cont.)

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Site Development Plans

040 Process (cont.)

- i. includes any improvement to be dedicated to the public,
- ii. includes proposed written commitments, or
- iii. requires the imposition of conditions in order to be completely consistent with the considerations for approval.

3. Plan Commission Preparation

If Plan Commission review is required, the Site Development Plan shall be placed on the agenda for the next meeting of the Plan Commission consistent with the adopted calendar of meeting and filing dates. The applicant shall revise the Site Development Plan proposal consistent with any Committee comments prior to review by the Plan Commission and shall provide such revision for review consistent with the adopted calendar of filing and meeting dates.

C. Public Meeting Notification (if necessary)

Notification for the scheduled public hearing regarding the Site Development Plan shall be completed consistent with the requirements of Indiana State Code, the Rules and Procedures of the Plan Commission, and the provisions of Article 10-050, Powers and Duties of the Plan Commission of this Ordinance.

D. Plan Commission Review (if necessary)

The Plan Commission shall, at a meeting scheduled consistent with the adopted calendar of meeting and filing dates, review the Site Development Plan and any supportive information.

1. Representation

The applicant and/or any appropriate representatives of the applicant, such as a surveyor or attorney, must be present at the public hearing to present the Site Development Plan and address any questions the Commission may have.

2. Presentations

The Commission shall consider a report from the Building Commissioner describing the findings of the Technical Review Committee and testimony from the applicant and any interested parties in making its decision.

3. Possible Action

The Plan Commission shall approve, approve with modifications, deny, or table the Site Development Plan application.

a. Approve

The Plan Commission shall approve the Site Development Plan if it is consistent with all applicable requirements of this Ordinance.

b. Approve with Modification

Site Development Plans

7

The Plan Commission shall approve the Site Development Plan with modifications if it is generally consistent with all applicable requirements of this Ordinance. The Plan Commission may impose conditions on the approval of a Site Development Plan, which shall become written commitments of the applicant, if the conditions are necessary to satisfy the requirements and intent of this Ordinance.

c. Deny

The Plan Commission shall deny the Site Development Plan if it is not consistent with the applicable requirements of this Ordinance. Site Development Plan applications which have been denied shall not be re-filed for a period of one (1) year from the date of the denial, unless a different design which addresses the reasons for the denial is submitted.

d. Table

The petition shall be tabled based on a request by the Building Commissioner, the petitioner, remonstrators, or interested parties; an indecisive vote; or a determination by the Plan Commission that additional information is required prior to action being taken on the request. The tabling of all petitions shall be consistent with the adopted Rules and Procedures of the Plan Commission.

4. Assurance of Completion of Improvements

The Plan Commission may approve a Site Development Plan with the condition that surety be provided that guarantees the timely completion of any proposed public improvements included in the development. The surety shall be in a form acceptable to the Plan Commission, the Building Commissioner, and the Culver Attorney, and be consistent with the surety provisions of the Town of Culver Subdivision Control Ordinance.

E. Findings of Fact

The Building Commissioner shall prepare and sign written findings of fact documenting the action taken by the Technical Review Committee and the Plan Commission (if Plan Commission review is necessary). The Building Commissioner shall make copies of the written findings of fact available to the applicant within five (5) days of the date of the decision.

F. Permits

Prior to any construction activity, the improvements approved through all Site Development Plans shall be required to obtain the appropriate Improvement Location Permit, and any other required permits specified by this Ordinance.

050

Written Commitments

The applicant in any Site Development Plan application may make written commitments regarding the characteristics of the proposed future use of, or the resolution of outstanding issues in existence on the subject property consistent with IC 36-7-4-613.

(cont.)

050 Written Commitments (cont.)**A. Origin of Commitments**

Written commitments may be proposed by the petitioner as an element of the initial submittal of application materials, as a response to comments made by the Technical Review Committee, or in response to any modifications requested by the Plan Commission.

B. Consideration of Commitments

Any commitments shall be considered by the Technical Review Committee and/or the Plan Commission at the time of their review of the petition.

C. Recording of Commitments

Following final action being taken on the Site Development Plan application, the written commitments shall be recorded by the petitioner in the office of the Town of Culver Recorder. A copy of the recorded commitments shall be provided by the petitioner to the Building Commissioner for the records of the Plan Commission prior to the receipt of an Improvement Location Permit.

D. Enforcement of Commitments

The written commitments shall be considered part of this Zoning Ordinance binding on the subject property.

1. Successors in Interest

The written commitments shall be binding on the owner of the subject property, any subsequent owners of the subject property, and any person or entity that acquires an interest in the subject property or any portion of the subject property.

2. Enforcement

The written commitments shall be enforceable by the Plan Commission consistent with the adopted provisions for the enforcement of any aspect of this Ordinance.

3. Modification

The written commitments may be modified by the Plan Commission only through the Site Development Plan process described by this section.

060 Appeals

Any applicant or interested party may appeal a determination made by the Technical Review Committee to the Plan Commission through the procedure described below:

A. Application

The person making the appeal shall submit to the Building Commissioner a letter giving notice of the appeal and required supportive information within thirty (30) days of the decision which is subject to the appeal. Supportive information shall include, but not be limited to the following:

1. Submittals

Copies of all materials submitted to the Technical Review Committee upon which the decision being appealed was based.

(cont.)

Site Development Plans

7

2. Findings of Fact
Copies of any written decisions or findings of fact which are the subject of the appeal.
3. Description
A letter describing the reasons for the appeal noting specific sections of this Ordinance, Indiana State Code, or other standards applicable to Town of Culver upon which the appeal is based.

B. Public Meeting Notification

Notification for a scheduled public hearing regarding the Site Development Plan shall be completed consistent with the requirements of Article 10-020, Notice of Public Hearing of this Ordinance.

C. Plan Commission Meeting

The Plan Commission will then, in a public hearing scheduled consistent with the adopted calendar of filing and meeting dates, review the appeal and supportive information.

1. Representation
Either the entity initiating the appeal or their representative must be present at the public hearing to present the appeal and address any questions from the Commission.
2. Presentations
The Commission shall consider a report from the Building Commissioner, testimony from the entity making the appeal, and testimony from any interested parties at the public hearing.
3. Proceedings
The presentation of reports and testimony and all other aspects of the meeting shall be consistent with the requirements of the Rules and Procedures of the Commission.
4. Possible Actions
Upon hearing the appeal, the Plan Commission may approve, approve with modifications, deny, or table the Site Development Plan application consistent with the approval procedure for applications referred to the Commission by the Technical Review Committee as described in this Article.

Notes

Suggestions for Future Changes



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Nonconforming Structures, Lots, and Uses

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Nonconforming Structures, Lots, and Uses

010 Intent

Within the zoning district classifications established by this ordinance or by amendments that may later be adopted, there exists:

- 1) Non-conforming lots;
- 2) Non-conforming structures;
- 3) Non-conforming uses of land;
- 4) Non-conforming uses of land and structures in combination, and;
- 5) Non-conforming characteristics of use

All of which were lawful before passage or amendment of this ordinance, but which would be prohibited, regulated or restricted under the terms of this ordinance or future amendments hereto. It is the intent of this ordinance to permit these non-conforming uses to continue until they are removed.

It is further the intent of this ordinance that non-conforming uses shall not be created, enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses which are prohibited elsewhere in the same district. Illegal uses existing at the time this ordinance is enacted shall not be validated by virtue of its enactment.

020 AVOIDANCE OF UNDUE HARDSHIP

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any structure or a development on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Where demolition or removal of an existing structure has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried on diligently. Actual construction is hereby defined as work done which is beyond the preparation stage and into that stage where the changes or additions are made permanent.

030 SINGLE NON-CONFORMING LOTS OF RECORD

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory structures may be erected on any single lot which has been recorded in the Marshall County Recorder's Office prior to April 12, 1983 provided such lot is not less than 5,000 square feet in area and 50 feet in width at the established building location and is served by both municipal sewer and water; and further provided, there is compliance with all other regulations contained in this ordinance and any other applicable ordinances, regulations, and/or codes of the Town of Culver. This section shall apply only to single-family dwellings.

040 NONCONFORMING LOTS

No portion of a lot of record shall be used or sold in a manner which diminishes compliance with this ordinance; nor shall any division of any parcel be made which

Nonconforming Structures, Lots, and Uses

8

creates a lot below the requirements stated in this ordinance

050

NON-CONFORMING STRUCTURES

Where a lawful structure exists prior to the effective date of this ordinance, that could no longer be built under the terms of this ordinance, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

No such non-conforming structure may be enlarged or altered in a way, which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.

Should such non-conforming structure or non-conforming portion of a structure be destroyed by any means, it may be rebuilt on existing foundation lines, provided that the height of the replacement structure may not exceed the height of the structure that was destroyed unless a variance is approved by the Board of Zoning Appeals.

Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

060

INCOMPATIBILITY OF NONCONFORMING USES

Non-conforming uses are declared by this ordinance to be incompatible with permitted uses in the districts in which such use is located. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land in combination shall not be altered by attachment on a structure or premises, of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

070

NON-CONFORMING USES OF LAND

Where, prior to the effective date of this ordinance, lawful uses of land exist which would not be permitted by the regulations imposed by this ordinance, the uses may be continued so long as they remain otherwise lawful, provided:

No such non-conforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied on the effective date of this ordinance.

No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses on the effective date of this ordinance.

If any such non-conforming uses of land ceases, are discontinued or abandoned for a continuous period of one year, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

No additional structure shall be erected in connection with such non-conforming use of land.

(cont.)

080

NON-CONFORMING USE OF STRUCTURES AND LAND IN COMBINATION

If a lawful use involving individual structures, or if a structure and land in combination, exists prior to the effective date of this ordinance, that would not now be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

A non-conforming use may be extended throughout any parts of a structure which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such structure.

If no structural alterations are made, any non-conforming use of a structure or structure and land, may upon appeal to the Board of Zoning Appeals, be changed to another non-conforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accordance with other provisions of this ordinance.

When a non-conforming use is replaced by a permitted use, it shall thereafter conform to the regulations for the district, and a non-conforming use may not thereafter be resumed.

Where a non-conforming use of a structure and land in combination exists, removal or razing of the structure shall cause the land to revert to its underlying zoning.

Should such non-conforming structure or non-conforming portion of such structure be involuntarily destroyed by any means, it may be rebuilt on existing foundation lines.

If any such non-conforming uses of structures and land in combination ceases, are discontinued or abandoned for a continuous period of one year, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

Nonconforming Structures, Lots, and Uses

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090

REPAIRS AND MAINTENANCE

The following applies to legal nonconforming structures and legal nonconforming uses of structures, or structures and land in combination: Work may be done for ordinary repairs or replacement of bearing or non-bearing walls, heating, fixtures, wiring, or plumbing; so long as the foundation lines of the existing non-conforming structure are not expanded upon or altered. The footprint of the structure is not to be increased as part of repair, maintenance, or replacement.

100

CHANGE OF TENANCY OR OWNERSHIP

There may be a change of tenancy, ownership or management of any existing non-conforming use of land, structure and premises, provided there is no change in the nature or character of such non-conforming use.

8 • Nonconforming Structures, Lots, and Uses

8

Nonconforming Structures, Lots, and Uses

Notes

8 • Nonconforming Structures, Lots, and Uses

Nonconforming Structures, Lots, and Uses

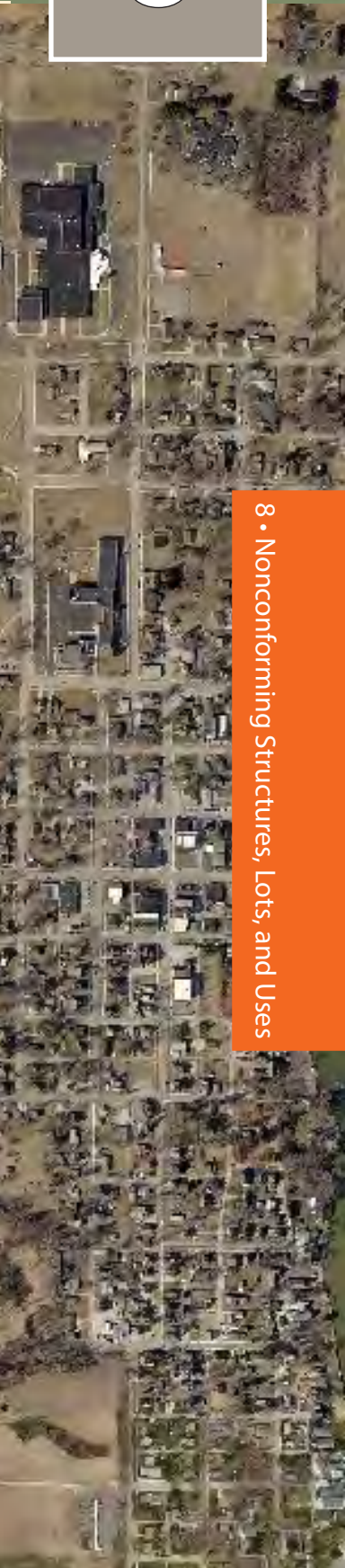


Notes

Horizontal lines for taking notes under the 'Notes' section.

Suggestions for Future Changes

Horizontal lines for providing suggestions for future changes under the 'Suggestions for Future Changes' section.



8 • Nonconforming Structures, Lots, and Uses



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Board of Zoning Appeals

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010 Establishment and Membership**A. Establishment**

Pursuant with IC 36-7-4-901, the Culver Town Council establishes the Culver Advisory Board of Zoning Appeals which shall conduct business consistent with all requirements of the Indiana Code and this Ordinance.

B. Appointments

The Board of Zoning Appeals (otherwise referred to in this Ordinance as the “BZA” or the “Board”) shall consist of, and continue as a five (5) member Board. Members shall be appointed pursuant to IC 36-7-4- 902 through 906 as follows.

1. Culver Town Council Appointment

Three (3) citizen members appointed by the executive of the municipality, of whom one (1) must be a member of the plan commission and two (2) must not be members of the plan commission.

2. Culver Town Council Appointment

One (1) citizen member appointed by the fiscal body of the municipality, who must not be a member of the plan commission.

3 Plan Commission Appointment

One (1) member appointed by the plan commission from the plan commission’s membership, who must be a county agricultural agent or a citizen member of the plan commission other than the member appointed under subdivision (1).

C. Alternates and Vacancies

Alternate Board of Zoning Appeal members may be appointed consistent with IC 36-7-4-907. If a vacancy occurs among the members of the Board, the appointing authority shall appoint a member for the unexpired term of the vacating member.

D. Territorial Jurisdiction

The Board of Zoning Appeals shall have jurisdiction over all the land subject to the Culver Zoning Ordinance consistent with Article 1-050, Jurisdiction of this Ordinance.

E. Powers and Duties

The Board of Zoning Appeals shall have exclusive subject matter jurisdiction for:

1. Development Standards Variances;
2. Flood Hazard Area Standards Variances.
3. Use Variances;
4. Special Exceptions; and
5. Administrative Appeals.

(cont.)

Board of Zoning Appeals

9

F. Rules and Procedures

The Board of Zoning Appeals shall have sole authority to adopt any and all rules under Indiana Code Section 36-7-4-916 and any and all procedures concerning organization, selection of officers, forms for applications, filing requirements, procedures, notices and conduct of meetings, and public hearings.

G. Filing

All applications for variances, special exceptions, and requests for administrative appeal shall be filed by the applicant with the Building Commissioner in the manner prescribed by the Board.

H. Hearing Schedule

The Board shall fix a reasonable time for the hearing of administrative appeals, special exceptions, and variances.

I. Communication with Board Members

A person may not communicate with any member of the Board before the hearing with intent to influence the member's action on a matter pending before the Board.

J. Notice of Public Hearing

For all public hearings, notice shall be provided to the public consistent with the requirements of Article 10-020, Notice of Public Hearing of this Ordinance.

K. Appeals

Every decision of the Board of Zoning Appeals shall be subject to review by a court of jurisdiction (writ of certiorari) as prescribed in IC 36- 7-4-1000 series. All appeals shall be presented to a court of jurisdiction within thirty (30) days of the Board's decision.

020

Development Standards Variances**A. Decision Criteria**

The Board may grant a variance from the development standards of this Ordinance (such as height, bulk, area) if, after a public hearing, it makes findings of facts in writing, that:

1. **General Welfare**
The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
2. **Adjacent Property**
The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
3. **Practical Difficulty**
The strict application of the terms of this Ordinance will result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.

B. Conditions

The Board may impose such reasonable conditions upon its approval as it deems necessary to find that the criteria for approval in Article 9-020.A, Decision Criteria of this Ordinance above will be served.

C. Commitments

The Board may require the owner of the property to make written commitments concerning the use or development of the property as specified under IC 36-7-4-921 and have such commitments recorded in the Culver Recorder's Office. A copy of the recorded commitments shall be provided to the Building Commissioner for inclusion in the petition file prior to the issuance of any Improvement Location Permit. No Improvement Location Permit shall be issued for permit application which does not comply with the recorded commitments.

D. Limitations

A development standards variance granted by the Board and executed in a timely manner as described in this Article shall run with the parcel until such time as:

1. the property conforms with the Ordinance as written, or
2. the variance is terminated.

030

Flood Hazard Area Standards Variances

A. Decision Criteria

The Board of Zoning Appeals may grant a variance from the Flood Hazard Area Standards of Article 6-070, Flood Hazard Area Standards of this Ordinance only if, after a public hearing, it makes findings of facts in writing, that:

1. **Good Cause**
There exists a good and sufficient cause for the requested variance;
2. **Exceptional Hardship**
The strict application of the terms of this Ordinance will constitute an exceptional hardship to the applicant; and
3. **Public Safety Hazards**
The granting of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public, or conflict with other existing laws or ordinances.

B. Compliance With Flood Hazard Area Standards

The Board of Zoning Appeals may only issue a variance to the terms and provisions of the Flood Hazard Area Standards of this Ordinance subject to Article 6-070.E, Variance Procedures of this Ordinance and the following conditions.

1. **Maximum Protection**
All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction; and
2. **Written Notice**
The Board of Zoning Appeals shall issue a written notice to the recipient of the variance that the proposed construction will be subject to increased risks to life and property and could require payment of increased flood insurance premiums.
3. **Other Conditions**
The Board may impose such reasonable conditions upon its approval as it deems necessary to find that the criteria for approval in Article 9-030.A, Decision Criteria of this Ordinance above will be served.

C. Commitments

The Board may require the owner of the property to make written commitments concerning the use or development of the property and have such commitments recorded in the Culver Recorder's Office. A copy of the recorded commitments shall be provided to the Building Commissioner for inclusion in the petition file prior to the issuance of any Improvement Location Permit. No Improvement Location Permit shall be issued for permit application which does not comply with the recorded commitments.

(cont.)

9

Board of Zoning Appeals

030 Flood Hazard Area Standards Variances (cont.)

D. Limitations

A flood hazard area standards variance granted by the Board and executed in a timely manner as described in this section shall run with the parcel until such time as:

1. the property conforms with the Ordinance as written, or
2. the variance is terminated.

040

Use Variances

A. Decision Criteria

The Board may grant a variance from the use requirements and limitations of this Ordinance if, after a public hearing, it makes findings of facts in writing, that:

1. **General Welfare**
The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
2. **Adjacent Property**
The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
3. **Practical Difficulty**
The strict application of the terms of this Ordinance will result in a practical difficulty in the use of the property (this situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on economic gain);
4. **Unnecessary Hardship**
The strict application of the terms of this Ordinance will constitute an unnecessary hardship as they are applied to the property for which the variance is sought; and,
5. **Comprehensive Plan**
The granting of the variance does not interfere substantially with the Comprehensive Plan.

B. Conditions

The Board may impose such reasonable conditions upon its approval as it deems necessary to find that the criteria for approval in Article 9-040.A, Decision Criteria of this Ordinance above will be served.

C. Commitments

The Board may require the owner of the property to make written commitments concerning the use or development of the property as specified under IC 36-7-4-921 and have such commitments recorded in the Culver Recorder's Office. A copy of the recorded commitments shall be provided to the Building Commissioner for inclusion in the petition file prior to the issuance of any Improvement Location Permit. No Improvement Location Permit shall be issued for permit application which does not comply with the recorded commitments.

D. Limitations

Unless otherwise specified by the Board, use variance approvals shall be limited to, and run with the property specified in the petition. The Board may also limit use variances to a specific time period and a specific use. Use variances shall be invalid if:

1. The property conforms with the Ordinance as written, or
2. The variance is terminated.

9

Board of Zoning Appeals

050

Special Uses

In no case shall special exception uses be authorized without the approval of the BZA. Further, no decisions on previous applications shall serve to set a precedent for any other application before the BZA.

A. Decision Criteria

The Board may grant a special use for a use listed as such in the appropriate zoning district in Article 3-120, Land Use Matrix of this Ordinance if, after a public hearing, it makes findings of facts in writing, that:

1. General Welfare
The proposal will not be injurious to the public health, safety, morals, and general welfare of the community;
2. Development Standards
The requirements and development standards for the requested use as prescribed by this Ordinance will be met;
3. Ordinance Intent
Granting the special use will not be contrary to the general purposes served by this Ordinance, and will not permanently injure other property or uses in the same zoning district and vicinity; and
4. Comprehensive Plan
The proposed use will be consistent with the character of the zoning district in which it is located and the Culver Comprehensive Plan.

B. Other Considerations

When considering a special exception the Board of Zoning Appeals may examine the following items as they relate to the proposed use:

1. topography and other natural site features;
2. zoning of the site and surrounding properties;
3. driveway locations, street access and vehicular and pedestrian traffic;
4. parking (including amount, location, and design);
5. landscaping, screening, buffering;
6. open space and other site amenities;
7. noise production and hours of any business operation;
8. design, placement, architecture, and building material of the structure;
9. placement, design, intensity, height, and shielding of lights;
10. traffic generation; and
11. general site layout as it relates to its surroundings.

(cont.)

Board of Zoning Appeals

9

C. Conditions

The Board may impose such reasonable conditions upon its approval as it deems necessary to find that the criteria for approval in Article 9-050.A, Decision Criteria of this Ordinance above will be served.

D. Commitments

The Board may require the owner of the property to make written commitments concerning the use or development of the property as specified under IC 36-7-4-921 and have such commitments recorded in the Culver Recorder's Office. A copy of the recorded commitments shall be provided to the Building Commissioner for inclusion in the petition file prior to the issuance of any Improvement Location Permit. No Improvement Location Permit shall be issued for permit application which does not comply with the recorded commitments.

E. Limitations

Unless otherwise specified by the Board, special use approvals shall be limited to, and run with the applicant at the location specified in the petition. The Board may also limit special uses to a specific time period and a specific use. Special Exceptions shall also be invalid if:

1. the property conforms with the Ordinance as written, or
2. the special exception approval is terminated.

F. Special Exception Use Expansion

A use authorized as a special use may not be expanded, extended, or enlarged unless reauthorized by the Board under the procedures set forth in this Article for granting a special use.

9

Board of Zoning Appeals

060

Administrative Appeals

A. Appeals

The Board may grant an appeal of any decision, interpretation, or determination made by the Building Commissioner, other Plan Commission staff members, or any other administrative official or board charged with the duty of enforcing and interpreting this Ordinance.

B. Decision Criteria

The Board shall only grant an appeal of such an administrative decision based on a finding, in writing, that the decision of the administrative person or board was inconsistent with the provisions of this Ordinance.

C. Termination

The approval of an administrative appeal may be terminated by the Board of Zoning Appeals under the following procedure.

1. Public Hearing

Upon determination by the Building Commissioner that possible grounds for termination exist, the matter shall be placed on the Board of Zoning Appeals agenda for a public hearing.

2. Grounds for Termination

At the public hearing the appeal approval shall be terminated if a finding is made by the Board that the approval was the result of fraud or the misrepresentation of facts.

3. Time Limitation

No administrative appeal may be reviewed by the Board of Zoning Appeals for the same cause more than once in any one (1) year period.

D. Refund of Appeal Fees

If an administrative appeal is granted, the Board may refund any application fees which have been paid to Culver by the applicant in petitioning for the appeal. In no way shall this provision be interpreted as providing the applicant with the ability to seek the refund of any other fees or costs associated with the appeal or the application which is the subject of the appeal.

070

Approval Expiration and Termination

A. Improvement Location Permit Required

If the Board grants a special exception or variance, it shall direct the applicant to apply for an Improvement Location Permit. If such application complies with all established requirements and this Ordinance, an Improvement Location Permit for the execution of the approved variance or special exception shall be issued.

B. Expiration

A special exception or variance ceases to be authorized and is expired if an Improvement Location Permit for the execution of the approval has not been obtained within one (1) year of the date the variance or special exception is granted. The variance or special exception shall also expire if the approved construction has not been completed and approved by the Building Commissioner as being consistent with all written commitments or conditions, the requirements of this Ordinance, and all applicable permits within two (2) years of the date the approval is granted.

C. Termination

A variance or special exception may be terminated by the Board of Zoning Appeals under the following procedure.

1. Public Hearing

Upon determination by the Building Commissioner that possible grounds for termination exist, the matter shall be placed on the Board of Zoning Appeals agenda for a public hearing.

2. Grounds for Termination

At the public hearing the variance or special exception shall be revoked if a finding is made by the Board that one or more of the following is true.

- a. The execution of the approval is not consistent with any requirement of this Ordinance,
- b. The execution of the approval is not consistent with any condition of approval,
- c. The execution of the approval is not consistent with any written commitment, or
- d. The approval was the result of fraud or the misrepresentation of facts.

3. Time Limitation

No special use or variance may be reviewed by the Board of Zoning Appeals for the same cause more than once in any one (1) year period.

A. Re-filing of Denied Applications

No request for variance, special exception, or administrative appeal which has been denied may be re-filed for a period of one (1) year from the date of the denial.

(cont.)

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Board of Zoning Appeals

070 Approval Expiration and Termination (cont.)

B. Re-Consideration of Applications

Either the petitioner or any interested party may seek the reconsideration of any variance, special exception, or administrative appeal by submitting a written request to the Building Commissioner within thirty (30) days of the date of Board action on the request. A variance, special exception, or administrative appeal may be reconsidered by the Board of Zoning Appeals under the following procedure.

1. Public Hearing

Upon receipt of the written request for reconsideration by the Building Commissioner the matter shall be placed on the Board of Zoning Appeals agenda for a public hearing. At the public hearing the Board shall only consider whether or not sufficient grounds for reconsideration are present, but shall not take any new action on the petition. If sufficient grounds are present, the Board shall place the petition on the agenda for its next regularly scheduled meeting at which time the petition shall be reconsidered and subsequent action taken.

2. Grounds for Reconsideration

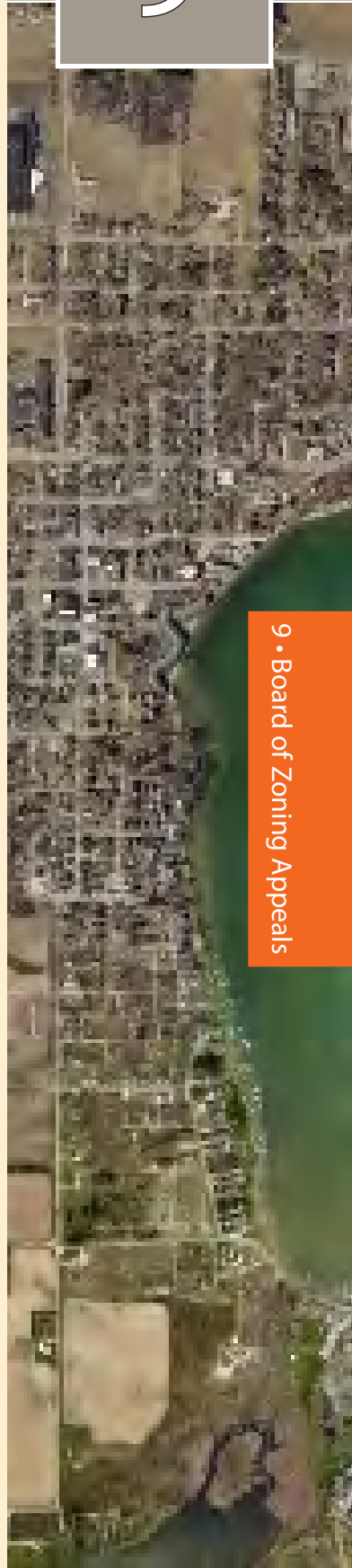
At the public hearing the Board shall determine whether or not the variance, special exception, or administrative appeal shall be reconsidered.

a. The Board may reconsider the application if a finding is made that the entity seeking the reconsideration is able to provided substantial new information or clarified facts that were not known or available at the initial hearing on the petition and such new information or facts is directly related to the decision criteria established by this Ordinance.

b. In no instance shall a reconsideration be granted to allow a petitioner to modify their application.

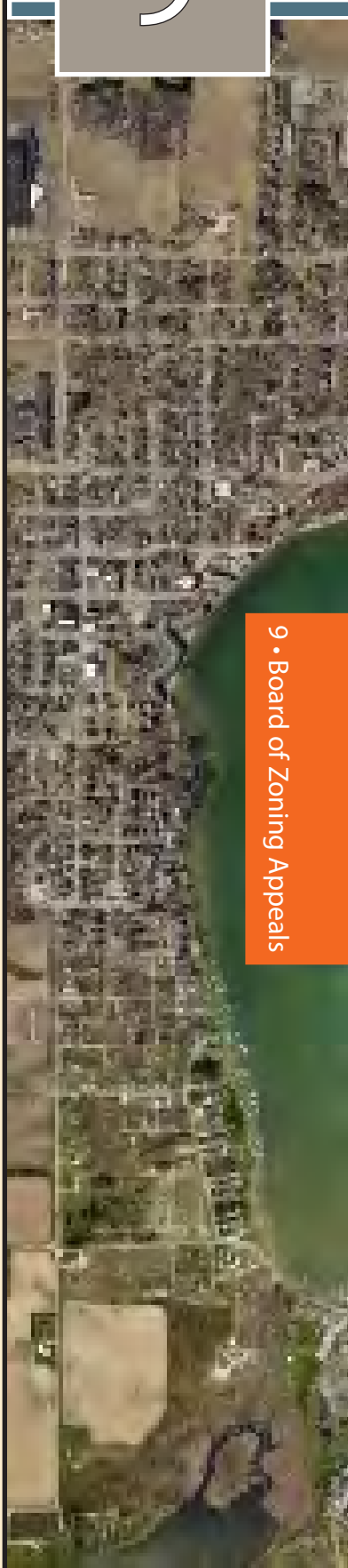
3. Time Limitation

In no case shall the Board hear more that one (1) request for reconsideration for any single petition.



Notes

Suggestions for Future Changes





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Administration

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010 General Administration**A. Administrative Officer**

The Culver Building Commissioner (including any designee(s) of the Building Commissioner), will have the principal responsibility for the administration and enforcing and/or coordination of the enforcement of this Ordinance within the Plan Commission's planning jurisdiction. The duties of the Building Commissioner, or his/her designee shall include, but not be limited to:

1. **Improvement Location Permits**
Reviewing, approving, or disapproving all Improvement Location Permits and keeping permanent records of applications made and actions taken;
2. **Inspections**
Conducting inspections of structures, and properties to determine compliance with the requirements of this Ordinance and all approvals granted by the Plan Commission, Technical Review Committee, Culver Town Council, and Council of Zoning Appeals;
3. **Record Keeping**
Maintaining permanent and current records documenting the application of this Ordinance including, but not limited to, all maps, amendments, special exceptions, variances, and appeals;
4. **Plan Commission Applications**
Receiving, processing, docketing, and referring to the Plan Commission all amendment applications;
5. **Council of Zoning Appeals Applications**
Receiving, processing, docketing, and referring to the Council of Zoning Appeals all appeals, variances, special exceptions, and other matters upon which it is authorized to act under this Ordinance and Indiana State Code; and
6. **Clerical & Technical Assistance**
Providing all such clerical and technical assistance as may be required by the Council of Zoning Appeals, Plan Commission, Technical Review Committee, or other body in the execution of its duties as established by this Ordinance and Indiana State Code.
7. **Review of Zoning Ordinance**
Present Zoning Ordinance, with suggested amendments (if any), to the Plan Commission for review on an annual basis. Undertake a comprehensive review of the Zoning Ordinance every five (5) years.

B. Fee Schedule Established

The Building Commissioner shall maintain a schedule of fees for all applications, permits, and other processes outlined in this Ordinance.

1. **Fee Basis**
All fees shall be intended to reimburse the Commission for the time and cost of processing the required materials. In no instance shall a fee be used as a means of discouraging or encouraging any particular types of petitions or applications.

2. **Public Access**
The fee schedule shall be made available to the public by the Zoning Administrator.
3. **Establishment and Revisions**
The fee schedule shall be prepared by the Building Commissioner, reviewed by the Plan Commission, and approved by Ordinance by the Culver Town Council.
 - a. The fee schedule may be amended by a recommendation submitted to the Culver Town Council by the Planning Commission followed by the Culver Town Council approval of a revised fee schedule Ordinance.
 - b. The Building Commissioner shall review the fee schedule annually and bring any necessary revisions to the attention of the Plan Commission and Culver Town Council.
4. **Payment Required**
Until all applicable fees have been paid in full, no final action shall be taken on any permit application, appeal, or petition.
5. **Fines for Failing to Obtain a Permit**
Any person who initiates construction of a structure or the alteration of land prior to obtaining any required permit shall pay three (3) times the amount of the normal permit fee listed on the fee schedule.

C. Schedule of Meeting and Filing Dates

The Building Commissioner shall maintain an annual calendar of meeting and filing dates separately for the Technical Review Committee, Plan Commission, and Council of Zoning Appeals. The calendars of the TRC and Plan Commission shall be coordinated to ensure the efficient processing of petitions. All meeting and filing dates shall be based on the requirements of this Ordinance and the laws of the State of Indiana.

The calendar of meeting and filing dates shall be prepared by the Building Commissioner and adopted by resolution by the Plan Commission and Council of Zoning Appeals (the Plan Commission shall be responsible for adopting a coordinated calendar for the Technical Review Committee). The calendar of meeting and filing dates shall be reviewed and updated annually by the Building Commissioner.

020

Notice of Public Hearing

For all public hearings, the notice shall be provided to the public consistent with the requirements of this Chapter. Required public notice shall include the following:

A. Legal Notice

The Building Commissioner shall prepare a legal notice consistent with the requirements of IC 5-3-1 for publication in the Culver Citizen newspaper. The legal notice shall appear in the newspaper no less than one (1) time at least ten (10) days prior to the date of the public hearing. Legal notices shall include each of the following:

1. **Property Location**
The general location of the subject property, including its common address and a legal description of the land which is included,
2. **Available Plans**
That the project plans are available for examination at the office of the Town of Culver,
3. **Hearing Information**
That a public hearing will be held giving the date, place, and hour of the hearing, and
4. **Written Comments**
That written comments on the petition will be accepted prior to the public hearing and may be submitted to the Building Commissioner.

B. Notice to Interested Parties

The Building Commissioner shall prepare and distribute written notice of the petition to all property owners within three hundred (300) feet of the boundaries of the subject property. In no instances shall streets, streams, or other features be considered boundaries precluding notification.

1. **Notice Information**
The notice shall contain the same information as the legal notice which is published in the newspaper as outlined in Article 10-020, Notice of Public Hearing of this Ordinance.
2. **Responsibility**
The distribution of the notice shall be the responsibility of the Building Commissioner. The cost of the notice shall be the responsibility of the petitioner through application fees.
3. **Ownership Information**
The Building Commissioner shall obtain ownership information from the most recent data available from the tax records of Marshall County.
4. **Notification Requirements**
The notices shall be sent to each property owner at least one (1) time, and must be postmarked a minimum of at least ten (10) days before the date of the public hearing. The mailing shall be via First Class Mail through the United States Postal Service.

030 Technical Review Committee

A. Intent

The Culver Technical Review Committee (also known and referred to in this Article as the "TRC" and the "Committee") is hereby formed for the purpose of providing technical review of certain types of petitions and applications. The intent of the Technical Review Committee is to provide efficiency in the work load of the Plan Commission, as well as applicants, by establishing a body to make determinations regarding petitions for which the only criteria is consistency with the applicable adopted standards of Culver.

Further, the TRC shall provide for efficiency in the approval process of petitions determined by the Plan Commission and Culver Town Council by providing an initial examination and report based on all applicable adopted requirements of the Town.

All approval processes and actions of the Technical Review Committee shall be consistent with the requirements of Indiana Law.

B. Authority and Approvals

The authority of the Technical Review Committee and appeals of its decisions shall be as follows:

1. Review Authority

The Technical Review Committee shall have the authority to review the following types of petitions, forwarding comments to the Culver Plan Commission:

- a. Re-Zoning Petitions,
- b. Planned Unit Development Concept Plans, and
- c. Planned Unit Development Detailed Plans.

2. Approval Authority

The Technical Review Committee shall have the authority to approve Site Development Plans as defined by Article 7, Site Development Plans of this Ordinance.

3. Appeal Rights

All decisions of the Technical Review Committee may be appealed to the Plan Commission following the procedure outlined in Article 7-060, Appeals of this Ordinance.

C. Committee Structure

The Building Commissioner shall serve as the staff for the Technical Review Committee. He/she shall distribute all appropriate materials and keep all necessary files and meeting records. The organization of the Technical Review Committee shall be as described below:

1. Membership

The Technical Review Committee shall, at a minimum, consist of the following members:

(cont.)

030 Technical Review Committee (cont.)

- a. the Building Commissioner;
 - b. the Town Utilities Manager;
 - c. the Superintendent of the Culver Street Department;
 - d. The Town Manager;
 - e. two (2) members of the Plan Commission appointed by the Plan Commission; and
 - f. any others deemed necessary by the Technical Review Committee (such as representatives of the Soil and Water Conservation District, utilities, and other appropriate jurisdictions).
2. Attendance
Members of the Committee may be present at the time of the scheduled Committee meeting or submit written comments regarding each specific petition to the Building Commissioner prior to the appropriate meeting.
- a. Each committee member shall only comment on the aspects of each petition that directly relate to their area of expertise regarding the applicable adopted standards of Culver.
 - b. If no comments are received from any member of the Committee it shall indicate that individually they have no objection to any aspect of the petition.
3. Duties of the Building Commissioner
The Building Commissioner shall oversee the operation of the Technical Review Committee and shall make the final determination regarding any specific aspect of a petition on which members of the Technical Review Committee disagree.
- a. In cases of disagreement and at his/her discretion, the Building Commissioner may forward any petition before the Technical Review Committee to the Plan Commission for a determination on the request.
 - b. The Building Commissioner shall determine the action to be taken on each petition by the Committee based on the comments of the Committee members.
4. Tabled Petitions
All petitions which are not approved by the Technical Review Committee and not forwarded to the Plan Commission shall be denied or tabled and placed on the agenda for the next appropriate Committee meeting.
- a. Prior to that meeting the petitioner shall address the comments of the Committee, making appropriate modifications to the application materials.

- b. The petitioner shall provide appropriate copies of the revised materials prior to the next Committee meeting based on the adopted calendar of meeting and filing dates.
- c. The petitioner may withdraw any petition following the review of the Technical Review Committee by submitting a notice of such withdrawal in writing to the Building Commissioner. Any petitions which are withdrawn and are subsequently re-filed shall be considered a new petition and shall be subject to all applicable requirements for new petitions established by this Ordinance.

C. Attendance Required

The petitioner and/or a representative of the petitioner may be required to attend all Technical Review Committee meetings at which their petition shall be reviewed. If the petitioner or their representative is not present, the petition may automatically be tabled and placed on the agenda for the next appropriate TRC meeting.

D. Meeting Record

The Building Commissioner shall make written documentation of the comments and findings of the Technical Review Committee for each petition and make those findings available to the petitioner within five (5) business days of the Committee's review. The written documentation shall consist of the following:

1. Action Taken
 - a letter to the petitioner stating the action taken by the Committee, and
2. Outstanding Comments
 - a list of any outstanding comments made by the members of the TRC, including references to appropriate sections of adopted, applicable requirements of Culver, the State of Indiana, and/or the Federal government.

E. Decision Criteria

In all cases, the Technical Review Committee shall only consider the applicable adopted requirements of this Ordinance, the Culver Subdivision Control Ordinance, any adopted Culver Construction or Improvements Standards, and any other adopted and applicable standards of Culver, the State of Indiana, and/or the Federal government.

1. Mandatory Approval
 - In all cases in which the TRC has approval authority and a petition conforms to the applicable standards, that petition shall be approved.
2. Committee Member Comments
 - In no case shall any petitioner be required to make any modifications to any petition based solely on the opinions or other undocumented and adopted standards of any member of the Committee.
 - a. This shall not be interpreted as prohibiting any committee member from providing comments which express their professional opinions regarding a petition being forwarded to the Plan Commission.

(cont.)

030 Technical Review Committee (cont.)

- b. This shall further not be interpreted as preventing the Building Commissioner from establishing requirements for individual petitions based on professional norms in the instances where such requirements are authorized by this Ordinance.

F. Appeals

Any applicant or interested party may appeal the decision of the Technical Review Committee to the Plan Commission.

1. Relief from Specific Requirements

Applicants seeking relief from specific development standards or other requirements of the Zoning Ordinance which are unrelated to the Committee's interpretation of the applicable requirements shall be required to obtain variance approval from the Board of Zoning Appeals.

2. Appeal Procedure

All appeals of determinations of the TRC shall meet the following requirements:

- a. The appealing party shall be required to provide the Building Commissioner with written notice of the appeal within thirty (30) days of the date of the Committee decision.
- b. The Building Commissioner shall place the appeal on the agenda for the next appropriate Plan Commission meeting consistent with the adopted calendar of meeting and filing dates.
- c. Public notice for the meeting shall be required, consistent with the provisions Article 10-020, Notice of Public Hearing of this Ordinance.
- d. The Plan Commission shall consider the provisions of this Ordinance and all other documented, applicable standards in deciding the appeal.

G. Consistency

In all cases, the application materials, including any drawings which are presented to the Plan Commission, or provided to the Building Commissioner with an Improvement Location Permit application, following TRC review shall be completely consistent with those presented to the TRC, with the exception of any revisions requested by the Committee. Any petition which is inconsistent with the approval of the Technical Review Committee shall be referred back to the TRC for review and comment.

Powers and Duties of the Culver Town Council

A. Duties

Duties should be interpreted as activities that are obligations. Culver Town Council duties include:

1. Plans and Ordinances
Adopt, reject or amend the Comprehensive Plan, Strategic Plans, Zoning Ordinance, or Subdivision Control Ordinance that has been certified and submitted by the Plan Commission;
2. Plan and Ordinance Amendments
Adopt, reject, or amend proposals to amend or partially repeal the text of the Comprehensive Plan, Strategic Plans, Zoning Ordinance, or Subdivision Control Ordinance that have been certified and submitted by the Plan Commission;
3. Zoning Map Amendments
Adopt, reject or amend proposals to amend the Official Zoning Map certified and submitted by the Plan Commission;
4. Planned Unit Developments
Adopt, reject or amend proposals for a Planned Unit Development District that have been certified and submitted by the Plan Commission;
5. Fee Schedule
Adopt, reject or amend proposals to adopt or amend a Fee Schedule that have been certified and submitted by the Plan Commission;
6. Public Improvements
Accept or decline public improvements installed as requirements of a development; and
7. Other Duties
All additional duties as permitted by Indiana State Code.

B. Powers

Powers should be interpreted as activities that are optional and may be initiated by the Culver Town Council. The Culver Town Council include:

1. Plan and Ordinance Amendments
Initiate amendments to the text of the Comprehensive Plan, Strategic Plans, Zoning Ordinance, or Subdivision Control Ordinance;
2. Zoning Map Amendments
Initiate amendments to the Official Zoning Map; and
3. Other Powers
All additional powers as permitted by Indiana State Code.

050

Powers and Duties of the Plan Commission

The powers, duties, rules and procedures are further described by the Plan Commission Rules and Procedures (IC 36-7-4-400 Series)

A. Duties

Duties should be interpreted as activities that are obligations. Plan Commission duties include:

1. **Plan and Ordinances**
Make recommendations concerning Culver Town Council approved Comprehensive Plan, Zoning Ordinance and Subdivision Control Ordinance as authorized under Indiana State Law;
2. **Rules and Procedures**
Adopt and maintain rules and procedures for holding meetings, holding public hearings, and administrating and enforcing the Comprehensive Plan, Zoning Ordinance, and Subdivision Control Ordinance;
3. **Record Keeping**
Maintain complete records of all meetings, hearings, correspondences, and affairs of the Plan Commission;
4. **Surety**
Record and file bonds and contracts for development and land use activities;
5. **Publications**
Publish and make available to the public all plans, ordinances, and other related material that are the responsibility of the Plan Commission;
6. **Certification**
Adopt and maintain a permitting process and seal used to certify official or approved documents;
7. **Recommendations**
Certify and submit recommendations to the Culver Town Council including new versions of, and revisions to the Comprehensive Plan, Zoning Ordinance, Subdivision Control Ordinance, and Official Zoning Map;
8. **Planned Unit Developments**
Certify and submit recommendations to Culver Town Council for approving Planned Unit Developments;
9. **Budgeting - if required**
Prepare and submit an annual budget to the Culver Town Council;
10. **Petitions**
Approve or deny preliminary plats, re-plats, and the vacation of plats of subdivisions;
11. **Street Names and Addresses**
Assign street numbers to new lots and structures, renumber lots and structures, assign street names, and approve or deny proposed street names in new

developments (the assigning of all addresses should be coordinated with E-911 of Marshall County);

12. Fee Schedule

Establish and maintain a Culver Town Council approved Fee Schedule that assigns a fee to permits, processes, and official actions of the Plan Commission in order to defray the administrative costs of such duties and powers;

13. Enforcement

Enforce regulations and procedures of the Comprehensive Plan, Zoning Ordinance, and Subdivision Control Ordinance to the extent of the local resolutions, ordinances, and State of Indiana Law;

14. Other Duties

All additional duties as permitted by Indiana State Code.

B. Powers

Powers should be interpreted as activities that are optional and may be initiated. Plan Commission powers include:

1. Advisory Committees

Establish advisory committees as necessary, made up of Town of Culver officials and the general public;

2. Executive Committee

May establish an executive committee;

3. Funding Assistance

Seek funding assistance through grant programs as necessary ;

4. Publications

Distribute copies or summaries of the Comprehensive Plan, Zoning Ordinance, or Subdivision Control Ordinance to the general public and development community; and

5. Other Powers

All additional powers as permitted by Indiana State Code.

060

Board of Zoning Appeals Duties and Powers

The powers and duties of the Board of Zoning Appeals are described below. The powers, duties, rules and procedures are further described by Article 10-060, Board of Zoning Appeals Duties and Powers of this Ordinance and the Board of Zoning Appeals Rules and Procedures.

A. Duties

Duties should be interpreted as activities that are obligations. Board of Zoning Appeals duties include;

1. **Variances**
Review, hear, and approve or deny all petitions for variances from development standards (such as height, bulk, or area), variances from the Flood Hazard Area standards, and variances of use based on the provisions of this Ordinance and Indiana State Code; and
2. **Special Exceptions**
Review, hear and approve or deny all petitions for special exceptions based on the provisions of this Ordinance and Indiana State Code;
3. **Appeals**
Review and hear appeals of decisions made under this Ordinance or in the enforcement of this Ordinance by the Plan Director or other Plan Commission staff, committees or administrative Boards or any other body except the Plan Commission (IC 36-7-4-913 through 900 Series);
4. **Other Duties**
All additional duties as permitted by Indiana State Code.

B. Powers

Powers should be interpreted as activities that are optional and may be initiated. Board of Zoning Appeals powers include any powers as permitted by Indiana State Code.

Notes

Suggestions for Future Changes

10 • Administration



11

Processes, Permits, and Fees

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010

Petition and Permit Application Types**A. Petition Applications Required**

The Town of Culver hereby requires that an application be submitted for the following types of petitions:

1. Variance (use, development standards, and flood hazard area standards),
2. Special Exception,
3. Administrative Appeal,
4. Zoning Map Amendment,
5. Planned Unit Development (subject to the requirements of Article 5, Planned Unit Developments of this Ordinance), and
6. Site Development Plan (subject to the requirements of Article 7, Site Development Plans of this Ordinance).

B. Permit Applications Required

Culver hereby requires that an application be submitted for the following types of permit applications:

1. Improvement Location Permit
2. Certificate of Occupancy, and
3. Sign Permit (permanent and temporary).

C. Application Materials

All applications may be obtained from the Building Commissioner. Fees shall be paid to the Building Commissioner at the time the petition and/ or permit applications are submitted.

1. Application Forms
All applications shall be made on forms provided by the Building Commissioner. All petitioners and permit applicants shall submit original applications which are completed in their entirety in ink or typed. All applications shall be signed and notarized (if required).
2. Copies of Materials
All petitioners and applicants shall submit copies of applications and necessary attachments as required by the adopted policies of the Building Commissioner and the applicable Rules and Procedures of the Plan Commission and Board of Zoning Appeals.
3. Scheduling
All petitions and permit applications shall be assigned reference and/or docket numbers by the Building Commissioner. Petition applications shall be scheduled

by the Building Commissioner for the appropriate public hearings based on the completeness of the application consistent with the requirements of this Article and the appropriate adopted calendars of filing and meeting dates for the Board of Zoning Appeals and/or Plan Commission.

020

Variance Petitions

The following procedure shall apply to all variance petitions;

A. Application

The petitioner shall submit:

1. a variance application
2. affidavit and consent of property owner (if the owner is someone other than the petitioner);
3. a copy of the deed for the property involved or proof of ownership;
4. the required filing fee; and
5. required supportive information

Supportive information shall include, but not be limited to the following

a. Site Plan

A site plan drawn with a straight edge, signed, and dated, clearly showing the entire layout of the property and all features relevant to the variance request.

b. Letter of Intent

A letter of intent to the Board of Zoning Appeals describing the details of the variance being requested and stating how the request is consistent with the required findings of fact described by Article 9, Board of Zoning Appeals of this Ordinance. The letter should include any written commitments being made by the petitioner.

c. Health Department Approval (if applicable)

A letter from the Marshall County Board of Health indicating that the variance will not negatively affect the operation of a septic system (if any septic system is, or is to be located on the subject property).

6. The following information is required by Variances and Special Exceptions

1. A Site Plan on a 11" x 8 1/2" letter size sheet of paper with the lot and buildings drawn to scale (as accurately as possible). This can include architectural

drawings of professional site plans.

2. Indicate the location of all existing buildings on the property
3. Indicate the new building or addition with diagonal lines drawn through it.
4. Indicate the dimensions of the new building or addition.
5. Indicate the lot lines of the property and how the street is positioned in relationship to the property.
6. Indicate the distance (in feet) the furthestmost projection of the new principle structure is from the property lines. This includes the eaves of the building or deck. furthermore, remember that the front yard property line is the street right-of-way, not the edge of the blacktop.
7. Put a "north arrow" on the site plan.
8. Indicate any other special physical features you feel is pertinent to your site plan.
9. You must stake out all of the corners of any new building or addition at least ten (10) days prior to the hearing date of the Board of Zoning Appeals.

B. Notification

Notification for the scheduled public hearing regarding the variance request shall be completed consistent with Article 10-020, Notice of Public Hearing of this Ordinance and the Rules and Procedures of Culver Board of Zoning Appeals.

C. Public Hearing

The BZA will then, in a public hearing scheduled consistent with the adopted calendar of filing and meeting dates, review the variance application and required supportive information.

1. Representation

The petitioner and any representative of the petitioner must be present at the public hearing to present the petition and address the required findings of fact.
2. Testimony

The Board shall consider a report from the Building Commissioner and testimony from the petitioner, remonstrators, the public and interested parties at the hearing.
3. Procedures

The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the Rules and Procedures of the Board and Article 9, Board of Zoning Appeals of this Ordinance.
4. Possible Action

The BZA may approve, approve with conditions, deny, or table the petition.

 - a. Approval

The petition shall be approved if findings of fact are made consistent with the requirements of Article 9, Board of Zoning Appeals of this Ordinance and Indiana State Code.
 - b. Approval with Modifications

The petition shall be approved with modifications if the Board of Zoning Appeals determines that the required findings of fact may be made if certain conditions are applied to the petition. The Board may make reasonable conditions related to the required finding of facts part of its approval and/or accept written commitments from the petitioner.

c. Denial

The petition shall be denied if findings of fact consistent with the requirements of Article 9, Board of Zoning Appeals of this Ordinance and the Indiana State Code are not made. Petitions which are denied shall not be eligible for consideration again by the Board for a period of one (1) year from the date of denial.

d. Tabled

The petition may be tabled based on a request by the Building Commissioner, petitioner, remonstrator, or interested party; an indecisive vote; or a determination by the Board that additional information is required prior to action being taken on the request. The tabling of all petitions shall be consistent with the adopted Rules and Procedures of the Board of Zoning Appeals.

030

Special Use Process

The following procedure applies to special use petitions:

A. Application

The petitioner shall submit;

1. a special exception application;
2. affidavit and consent of property owner (if the owner is someone other than the petitioner);
3. a copy of the deed for the property involved or proof of ownership;
4. the required filing fee; and
5. required supportive information.

Supportive information shall include, but not be limited to the following:

a. Site Plan

A site plan drawn with a straight edge, signed, and dated, clearly showing the entire layout of the property and all features relevant to the special exception request.

b. Letter of Intent

A letter of intent to the Board of Zoning Appeals describing the details of the special exception request including but not limited to:

- i. The ways in which the special use shall comply with the applicable development standards of this Ordinance,

- ii. The ways in which the special exception shall be consistent with the required findings of fact described by Chapter 10.5, Special Exceptions of this Ordinance, and
 - iii. Any written commitments being made by the petitioner.
- c. Waste Disposal Verification
A letter from the Marshall County Board of Health indicating that the special use will make acceptable use of an existing or proposed septic system, or a letter from a public sewer provider stating that the proposed special use shall be served by its utility. This required supportive information may be waived by the Building Commissioner.

B. Notification

Notification for the scheduled public hearing regarding the special use request shall be completed consistent with Article 10-020, Notice of Public Hearing of this Ordinance and the Rules and Procedures of Marshall County Board of Zoning Appeals.

C. Public Hearing

The BZA will then, in a public hearing scheduled consistent with the adopted calendar of filing and meeting dates, review the special use application and required supportive information.

1. Representation

The petitioner and any representative of the petitioner must be present at the public hearing to present the petition and address the required findings of fact.

2. Testimony

The Board shall consider a report from the Building Commissioner and testimony from the petitioner, remonstrators, the public and interested parties at the hearing.

3. Procedures

The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the Rules and Procedures of the Board and Article 9, Board of Zoning Appeals of this Ordinance.

4. Possible Action

The BZA may approve, approve with conditions, deny, or table the petition.

a. Approval

The petition shall be approved if findings of fact are made consistent with the requirements of Article 9-050, Special Exception of this Ordinance and Indiana State Code.

b. Approval with Modifications

The petition may be approved with modifications if the Board of Zoning Appeals determines that the required findings of fact may be made only if certain conditions are applied to the petition. The Board may make reasonable conditions related to the required finding of facts part of its approval and/or accept written commitments from the petitioner.

- c. Denial
The petition shall be denied if findings of fact consistent with the requirements of Article 9-050, Special Uses of this Ordinance and the Indiana State Code are not made. Petitions which are denied shall not be eligible for consideration again by the Board for a period of one (1) year from the date of denial.
- d. Tabled
The petition shall be tabled based on a request by the Building Commissioner, petitioner, remonstrator, or interested party; an indecisive vote; or a determination by the Board that additional information is required prior to action being taken on the request. The tabling of all petitions shall be consistent with the adopted Rules and Procedures of the Board of Zoning Appeals.

040

Administrative Appeal Petitions

The following procedure shall apply to all appeals of administrative decisions;

A. Application

The petitioner shall submit an administrative appeal application and required supportive information. Supportive information shall include, but not be limited to the following:

1. Original Submittals
Copies of all materials submitted to the staff member or administrative Board upon which the decision being appealed was based.
2. Written Decisions
Copies of any written decisions which are the subject of the appeal.
3. Appeal Basis
A letter describing the reasons for the appeal noting specific sections of this Ordinance, Indiana State Code, or other standards applicable to Town of Culver upon which the appeal is based.

B. Notification

Notification for the scheduled public hearing regarding the administrative appeal shall be completed consistent with Article 10-020, Notice of Public Hearing of this Ordinance and the Rules and Procedures of Culver Board of Zoning Appeals.

C. Public Hearing

The BZA will then, in a public hearing scheduled consistent with the adopted calendar of filing and meeting dates, review the administrative appeal application and supportive information.

1. Representation
The petitioner and any representative of the petitioner must be present at the public hearing to present the petition and address the required findings of fact.

2. **Testimony**
The Board shall consider a report from the Building Commissioner and testimony from the petitioner, remonstrators, the public and interested parties at the hearing.
3. **Procedures**
The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the Rules and Procedures of the Board and Article 9-060, Administrative Appeals of this Ordinance.
4. **Possible Action**
The BZA may grant, grant with modifications, deny, or table the appeal.
 - a. **Granted**
The appeal shall be granted if findings of fact are made consistent with the requirements of Article 9-060, Administrative Appeals of this Ordinance and Indiana State Code.
 - b. **Granted with Modifications**
The appeal shall be granted with modifications if the Board of Zoning Appeals determines that the proper interpretation of the provision(s) which are subject to the appeal is consistent with neither the administrative decision nor the requested interpretation of the applicant.
 - c. **Denied**
The petition shall be denied if findings of fact are made supporting the administrative decision.
 - d. **Tabled**
The petition shall be tabled based on a request by the Building Commissioner, petitioner, remonstrator, or interested party; an indecisive vote; or a determination by the Board that additional information is required. The tabling of all petitions shall be consistent with the adopted Rules and Procedures of the Board of Zoning Appeals.

050

Zoning Map Amendment Petitions

The following procedure shall apply to all Zoning Map Amendment (“rezoning”) petitions:

A. Petition Initiation

Proposals for Zoning Map Amendments may be initiated by either the Plan Commission, the Town of Culver or through a petition signed by property owners of at least fifty (50) percent of the land involved.

1. **Town of Culver Initiation**
The Plan Commission shall prepare the petition for zoning map amendment if either the Commission or the Town of Culver has initiated the petition. The Building Commissioner shall serve as the representative of the petitioner for such proposals.
2. **Property Owner Initiation**
Any property owners requesting a zoning map amendment shall be the petitioners and assume responsibility for preparing application materials.

B. Application

The petitioner shall submit a

1. rezoning application;
2. affidavit and consent of property owner (if the owner is someone other than the petitioner);
3. a copy of the deed for the property involved;
4. the required filing fee; and
5. required supportive information
Supportive information shall include, but not be limited to the following:

a. Site Plan

A site plan drawn to scale showing, at a minimum, all existing and proposed structures, setbacks, easements, rights-of-way, floodplains, and any other feature relevant to the petition.

b. Vicinity Map

A vicinity map showing the use and zoning of all properties within one thousand (1,000) feet of the property subject to the rezoning request.

c. Letter of Intent

A letter of intent to the Plan Commission stating the reasons for the rezoning, including a detailed description of any proposed development for which the rezoning is sought. The letter should include any written commitments being made by the petitioner.

C. Technical Review

The application materials shall be reviewed by Culver Technical Review Committee consistent with the provisions of Article 10-030, Technical Review Committee of this Ordinance.

1. Representation

The petitioner(s) and any representative of the petitioner(s) shall be present during the review to answer questions regarding the petition.

2. Revisions

Any revisions to the application materials or the proposal requested by the Committee shall either be addressed during the review meeting or through revised application materials submitted prior to the Plan Commission hearing. All revised submittals shall be submitted to the Building Commissioner in a timely manner as specified in the Plan Commission Rules and Procedures and be consistent with the calendar of meeting and filing dates.

D. Notification

Notification for the scheduled public hearing regarding the rezoning request shall be completed consistent with the requirements of Article 10-020, Notice of Public Hearing of this Ordinance and the Rules and Procedures of Culver Plan Commission.

E. Plan Commission Public Hearing

The Plan Commission will then, in a public hearing scheduled consistent with the adopted calendar of filing and meeting dates (but no later than sixty (60) days following the receipt of the application, per I.C. 36-7-4-608), review the rezoning application and required supportive information.

1. Representation

The petitioner and any representative of the petitioner must be present at the public hearing to present the petition and address any questions the Commission might have.

2. Testimony

The Commission shall consider a report from the Building Commissioner and testimony from the petitioner, remonstrators, the public and interested parties at the hearing.

3. Procedures

The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the Rules and Procedures of the Commission.

4. Possible Action

The Commission shall either forward the petition to the Culver Town Council with a favorable recommendation, an unfavorable recommendation, or no recommendation, or table the request.

a. Favorable Recommendation

The petition shall be forwarded with a favorable recommendation if it is found to be consistent with the decision criteria listed in Article 11-050(h), Decision Criteria in this Chapter. The recommendations may include requested commitments from the petitioner.

b. Unfavorable Recommendation

The petition shall be forwarded with an unfavorable recommendation if it is found to be inconsistent with the decision criteria listed in Article 11-050(h), Decision Criteria in this Chapter.

c. No Recommendation

The petition may be forwarded with no recommendations if, by a majority vote of the Commission, it is determined that the petition includes aspects which the Commission is not able to evaluate.

d. Tabled

The petition shall be tabled based on a request by the Building Commissioner, petitioner, remonstrator, or interested party; an indecisive vote; or a determination by the Commission that additional information is required prior to action being taken on the request. The tabling of all petitions shall be consistent with the adopted Rules and Procedures of the Commission.

F. Certification

The Plan Commission shall certify its recommendation by resolution to the Culver Town Council within ten (10) days (per I.C. 36-7-4-608). The Plan Commission staff shall forward to the Culver Town Council appropriate copies of the Plan Commission resolution, the original application and all supportive information, any staff reports regarding the petition, and an ordinance for the Commissioners' consideration.

G. Culver Town Council Hearing

The Culver Town Council shall hold a public hearing and vote on the proposed rezoning ordinance within ninety (90) days of its certification by the Plan Commission.

1. Notification

The Town Council shall provide notification of action on the ordinance consistent with Indiana State Code.

2. Possible Action

The Town Council may either approve or deny the ordinance. If the Town Council fail to act within the ninety (90) day time frame specified above, the ordinance shall become effective or be defeated consistent with the provisions of IC 36-7-4-608. The Town Council may also seek modifications or additions to any written commitments as described in Article 11-050.1(2b), Written Commitments of this Ordinance below.

H. Decision Criteria

In reviewing the rezoning petition, the Plan Commission and Town Board shall pay reasonable regard to the following:

1. Comprehensive Plan

Culver Comprehensive Plan and any other applicable, adopted planning studies or reports;

2. Current Conditions

The current conditions and the character of current structures and uses in each district;

3. Desired Use

The most desirable use for which the land in each district is adapted;

4. Property Values

The conservation of property values throughout Marshall County; and

5. Responsible Growth

Responsible growth and development.

I. Written Commitments

The petitioner in any rezoning application may make written commitments regarding the characteristics of the proposed future use of, or the resolution of outstanding issues in existence on the subject property consistent with IC 36-7-4-615.

(cont.)

1. Origin of Commitments
Written commitments may be proposed by the petitioner as an element of the initial submittal of application materials, as a response to comments made through the Technical Review Committee, or in response to any modifications requested by the Plan Commission or Culver Town Council.
2. Consideration of Commitments
All commitments shall be considered by the Technical Review Committee, the Plan Commission, and the Culver Town Board in the review of the petition.
 - a. Commitments shall be included as an element of the rezoning ordinance prepared by the Town Council following action taken at the public hearing.
 - b. Any deletion, addition, or alteration of the written commitments proposed by the Town Council shall be referred back to the Plan Commission for consideration and inclusion in a revised or affirmed recommendation regarding the application.
3. Recording of Commitments
Following final action being taken on the rezoning application, the rezoning ordinance, written commitments included, shall be recorded in the office of the Marshall County Recorder. A copy of the recorded commitments shall be provided to the Building Commissioner for inclusion in the petition file prior to the issuance of any Improvement Location Permit. No Improvement Location Permit shall be issued for permit application which does not comply with the recorded commitments.
4. Enforcement of Commitments
The written commitments shall be considered part of this Ordinance binding on the subject property.
 - a. The written commitments shall be binding on the owner of the subject property, any subsequent owners of the subject property, and any person or entity that acquires an interest in the subject property or portion thereof.
 - b. The written commitments shall be enforceable by Culver Plan Commission consistent with the adopted provisions for the enforcement of any other aspect of this Ordinance, as described in Article 12, Enforcement and Penalties of this Ordinance.
 - c. The written commitments may be modified only through the Zoning Map Amendment process described by this section. Any written commitment shall be terminated if the Official Zoning Map applicable to the subject property is amended or if a zoning text amendment contradictory to the written commitment is adopted.

060

Improvement Location Permit

A. General Requirements

No structure shall be erected, moved, or added to, without an Improvement Location Permit issued by the Building Commissioner. No Improvement Location Permit shall be issued unless the project is in conformity with the provisions of this Ordinance, the Subdivision Control Ordinance and other applicable regulations of the Town of Culver. When applicable, consistent with Article 7, Site Development Plans of this Ordinance, Site Development Plan review and approval shall be completed prior to the receipt of an Improvement Location Permit.

B. Permit Required

Culver requires that an Improvement Location Permit be obtained for the following:

1. any structure, for any use that exceeds one hundred twenty (120) square feet in area and/or has a permanent foundation (including structures other than buildings such as towers, antennas, and satellite dishes),
2. any temporary use of land or temporary structure,
3. signs (as specified by Article 6-200, Sign Standards of this Ordinance) ,
4. swimming pools (in ground or above ground),
5. additions to all structures,
6. adding or subtracting dwelling units or leased space in multifamily or commercial structures,
7. placement or replacement of manufactured or mobile homes,
8. fences and hedges
9. roofs
10. Interior renovations
11. parking lot construction or alteration,
12. mineral extraction,
13. telecommunication towers, buildings, and antenna, and
14. any exterior construction that adds to or alters the height of the existing structure.
15. Demolition Permit and removal of buildings.
16. Solar Energy Systems (SES)

(cont.)

C. Exemptions

No ILP shall be required for the following types of improvements. However, any such improvement shall comply with any applicable requirements of this Ordinance, the Subdivision Control Ordinance, and any other applicable adopted standards of Culver.

1. cosmetic (non-structural) changes to any structure including the replacement of windows in existing openings, the installation of siding material, and repainting.

D. Application Requirements

All applications for improvement location permits shall be accompanied by:

1. Site Location Map
a site location map showing the subject property and the general features of the property within five hundred (500) feet of the subject property;
2. Site Plan (if applicable)
a detailed site plan, drawn to scale with the dimensions indicated showing the following:
 - a. the entire property and the features of the property including all rights-of-way, easements, property lines, required buffer yards, and setbacks;
 - b. all existing and proposed structures or other site improvements with the dimensions of such improvements;
 - c. the distances from all existing and proposed improvements to the property lines;
 - d. the location of any existing or proposed septic field;
 - e. the location of any existing or proposed driveway and/or parking areas;
 - f. elevations of all existing and proposed structures or alterations;
 - g. natural, physical or hazardous conditions existing on the lot;
 - h. the location of any required landscaping, labeled according to size and species,
 - i. the location, type, and dimensions of any storm water structures, conduits, or detention/retention ponds, and
 - j. finished floor elevations.
3. Waste Disposal Verification
Either a septic permit from the Marshall County Health Department certifying the approval of one (1) on-site septic system and approval of one (1) alternate on-site septic system location on the same property or a sewer access (tap-on) permit from the appropriate public sewer provider (if applicable);

4. Driveway Approval (if applicable)
A driveway permit from the County or State Highway Department (if applicable);
5. Use Description
A detailed description of the existing or proposed uses of the property and any structures;
6. Dwelling Units/Tenant Spaces (if applicable)
An indication of the number of dwelling units, or tenant spaces the building is designed to accommodate;
7. Building Permit (if applicable)
a Building Permit consistent with the requirements of the Marshall County Building Code and the procedures of the Building Official; and
8. Flood Hazard Area Information
(if applicable) any other information necessary to meet the requirements of Article 6-070, Flood Hazard Area Standards of this Ordinance.
9. Notice of Agricultural Activity
When agricultural activities are a permitted use in a zoning district in which a new residence is to be constructed, a "Notice of Agricultural Activity", identifying common effects of agricultural activity in those areas of the county, signed by the owner of the real property.

E. Copies

A copy of all submitted plans and application materials shall be retained by the Building Commissioner for the permanent records of Marshall County Plan Commission.

F. Expiration of Permits

Improvement location permits shall expire consistent with the following provisions

1. Initiation of Work
If the work described in any improvement location permit has not begun within six (6) months from the date of issuance, said permit shall expire; no written notice shall be given to the persons affected.
2. Completion of Work
If the work described in any improvement location permit has not been completed within two (2) years of the date of its issuance, the permit shall expire; no written notice shall be given to the persons affected.
 - a. The Building Commissioner may grant two (2) extensions for up to one (1) year each for work completion. Requests for extensions must be received within one (1) month of the expiration.
 - b. No extension shall be granted unless all appropriate extension fees, as defined by the adopted fee schedule, are paid to the Building Commissioner and the project continues to conform with all applicable requirements of Marshall County.

(cont.)

G. Construction According to Permits and Permit Application

Improvement location permits issued on the basis of plans and applications only authorize the use, arrangement, and construction set forth in such approved plans and applications. Any other use, arrangement, or construction not authorized shall be deemed a violation of this Ordinance and subject to the provisions of Article 12, Enforcement and Penalties of this Ordinance.

070

Certificate of Occupancy

The following procedure applies to Certificates of Occupancy

A. Certificate Requirements

It shall be unlawful and in violation of the provisions of this Ordinance for any builder or property owner to allow any new or significantly remodeled structure to become occupied or utilized prior to:

1. legally obtaining an Improvement Location Permit,
2. passing all required inspections, including the final inspection; and
3. receiving a Certificate of Occupancy.

B. Inspection

Upon the completion of the work approved through an improvement location permit, the permit holder shall contact the Building Commissioner and schedule an inspection to verify the installation of improvements consistent with the requirements of this Ordinance. The County Building Inspector, any other municipal official, and any other person requested by the Building Commissioner may also take part in the inspection.

C. Certificate Issuance

The Building Commissioner shall issue the Certificate of Occupancy if the improvements comply with all applicable requirements of Marshall County, including this Ordinance, the Subdivision Control Ordinance, and all applicable Building Codes as verified by the Building Official.

080

Sign Permits

The following procedure applies to Improvement Location Permits for Signs (Sign Permits):

A. Sign Permit Review for Permanent Signs

The following procedure applies to Permanent Sign Permit Review

1. Application
Application for a permit shall be filed with the Building Commissioner and shall be accompanied by any information the Building Commissioner determines is necessary to assure compliance with this Ordinance, including but not limited to:

- a. Clear and legible drawings with descriptions showing the location of the sign which is the subject of the permit. All signs on the same parcel or owned by the same business must be noted.
- b. A dimensioned drawing showing the size of the sign face area and the height of the sign.
- c. Rural Outdoor Signs
 - (1) Rural outdoor signs may only be erected after the Building Commissioner has issued an improvement location permit.
 - (2) The permit application shall include:
 - (A) The name, address and telephone number of the individual and/or entity applying for the rural outdoor sign permit;
 - (B) The name, address and telephone number of the individual or entity owning the A-1, A-2, and A-3 -zoned property upon which the rural outdoor sign is to be located;
 - (C) Consent of the individual or entity owning the A-1, A-2, or A-3 zoned property upon which the rural outdoor sign is to be located;
 - (D) An accurate, to-scale drawing or depiction of the proposed rural outdoor sign detailing its size and manner of construction;
 - (E) The proposed beginning construction date and ending date of the completion of the rural outdoor sign; and
 - (F) An accurate, to-scale site plan indicating the proposed location of the requested rural outdoor sign and the locations of any and all other rural outdoor signs located on the A-1, A-2, and A-3 zoned property that is the proposed location for the requested rural outdoor sign.

2. Effect of Sign Permit Issuance

A sign permit issued under the provisions of this section shall not be deemed to constitute permission or authorization to maintain an unlawful sign nor shall it be deemed as a defense in an action to remove an unlawful sign.

3. Expiration

A sign permit shall become null and void if work has not been started within thirty (30) days of the date the permit is issued or completed within six (6) months of the date the permit is issued.

B. Sign Permit Review for Temporary Signs

The following procedure applies to Sign Permit Review for Temporary Signs.

1. Application

Application for a permit shall be filed with the Building Commissioner and shall be accompanied by any information the Building Commissioner determines is necessary to assure compliance with this Ordinance, including but not limited to:

- a. the type of temporary sign to be used.
- b. the period of time the temporary sign is to be used.

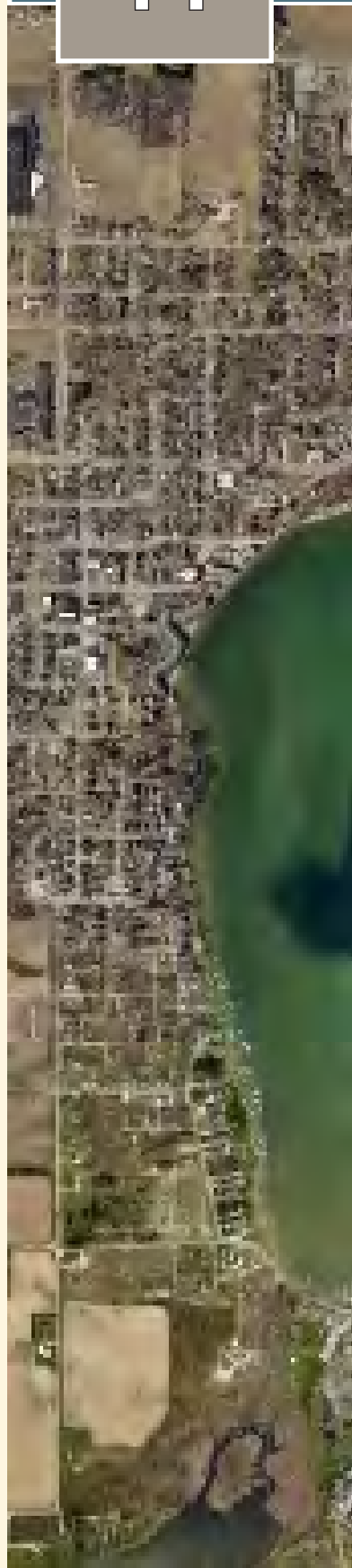
c. the location at which the temporary sign is to be used, and the location on the property where the sign is to be placed.

2. Effect of Sign Permit Issuance

A sign permit issued under the provisions of this section shall not be deemed to constitute permission or authorization to maintain an unlawful sign nor shall it be deemed as a defense in an action to remove an unlawful sign.

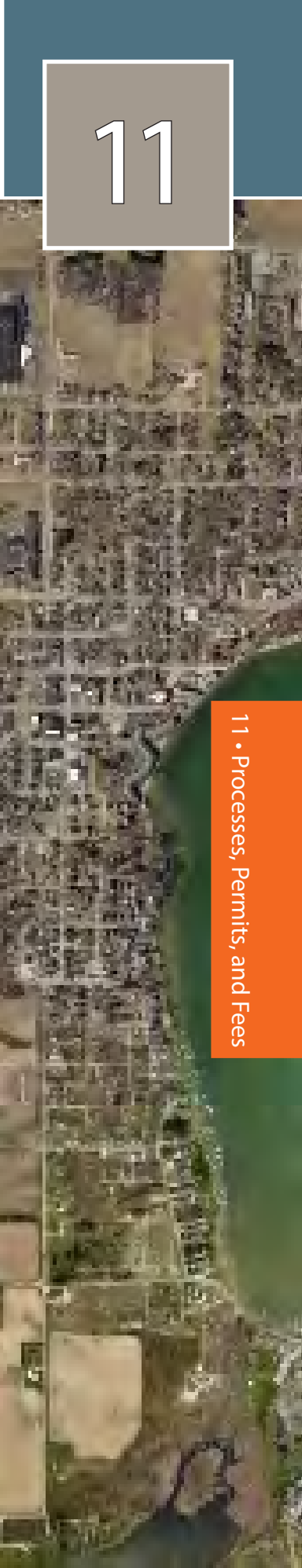
3. Nullification

A temporary sign permit shall become null and void if the sign has not been placed within thirty (30) days of the date the permit is issued.



Notes

Suggestions for Future Changes



11 • Processes, Permits, and Fees



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Enforcement and Penalties

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010 General Provisions

A. Authority

The Plan Commission, Board of Zoning Appeals, Culver Town Council, Building Inspector, and/or Building Commissioner (and their designees) are designated to enforce the provisions, regulations, and intent of this Ordinance. All remedies and enforcement shall comply with the powers set forth in IC 36-7-4-1000 et. al. and all other applicable state laws.

B. Violations

Complaints made pertaining to compliance with provisions of this Ordinance shall be investigated by the Building Commissioner. The Building Commissioner may include other officials, such as the County Surveyor, Building Inspector, or County Sheriff in the investigation. Action may or may not be taken depending on the findings of the investigation. The degree of action will be to the discretion of the Building Commissioner, and should reflect both what is warranted by the violation as well as a consistent approach to the enforcement of this Ordinance.

C. Inspections

Investigations of property may be done by the Building Commissioner either from a right-of-way, or adjacent property (with permission of that property owner), or from the property suspected of a violation once he/she has presented sufficient evidence of authorization and described the purpose of the inspection to the owner, tenant, or occupant at the time of the inspection.

D. Court Ordered Entry

In the event that the Building Commissioner is denied entry to the subject property, he/she may apply to a court of jurisdiction to invoke legal, applicable, or special remedy for the enforcement of this Ordinance or any other applicable ordinances adopted under state code.

1. Information Required

The application shall include the purpose, violation(s) suspected, property address, owner's name if available, and all relevant facts. Additional information may be necessary as requested by the court.

2. Entry Permitted

Pursuant to applicable regulations and the orders of the court of jurisdiction the owner, tenant, or occupant shall permit entry by the Building Commissioner.

E. Responsibility for Violations

The property owner shall be held responsible for all violations.

F. Types of Violations

The following items shall be deemed civil violations, enforceable by the Building Commissioner (penalties may be imposed based on the provisions set forth in this Article):

1. Illegal Structures

The placement, erection, and/or maintenance of a primary structure, sign, accessory structures or any other element determined by the Building

Commissioner to not conform to the provisions or explicit intent of the Zoning Ordinance;

2. **Illegal Use**
Conducting a use or uses that do not comply with the provisions or explicit intent of this Ordinance;
3. **Failure to Obtain a Permit**
Failure to obtain an Improvement Location Permit when required by this Ordinance;
4. **Violation of Stop-Work-Order**
Proceeding with work under a Stop-Work-Order or in violation of a Memorandum of Agreement;
5. **Failure to Comply with Development Standards**
Any failure to comply with the development standards and/or any regulations of the Zoning Ordinance; or
6. **Failure to Comply with Commitments**
Any failure to comply with commitments or conditions made in connection with a rezoning, special exception, variance, or other similar and documentable commitment.

020

Construction Process Violations

A. Stop-Work-Orders

The Building Commissioner may place a Stop-Work-Order on any land/property improvement process.

1. **Procedure**
Stop-Work-Orders shall be issued by written letter which shall state the violation and that work or other illegal activity must stop immediately until the matter is resolved. This letter shall be posted in a conspicuous place or be delivered/mailed to the owner, developer, property manager, tenant, or occupant.
2. **Reasons**
Reasons for a Stop-Work-Order include, but are not limited to:
 - a. not complying with development standards and/or any regulations of the Zoning or Subdivision Control Ordinance;
 - b. not obtaining an Improvement Location Permit prior to the start of construction of any improvement for which such a permit is required by this Ordinance;
 - c. not completing structures or other improvements consistent with any approved Improvement Location Permit, variance, special exception, or other approval;

(cont.)

020 Construction Process Violations (cont.)

- d. not meeting the conditions or commitments of a special exception, variance, or rezoning petition;
- e. not meeting the conditions of a Site Development Plan, Planned Unit Development Plan, written commitment, or covenant which is enforceable by the Plan Commission; and
- f. illegal use or expansion of use of structures, or structures and land in combination.

B. Memorandum of Agreement

The Building Commissioner must meet with the person(s) served the Stop-Work-Order notice within seven (7) days of any such meeting being requested by the person(s). A Memorandum of Agreement shall be drafted stating the conditions by which construction or action may be resumed. This Memorandum of Agreement must be signed by the owner, developer, property manager, tenant, or occupant that has caused or is responsible for the violation and the Building Commissioner.

030 Immediate Public Risk Violations

Any violation of this Ordinance which presents an immediate risk to the health, safety, or welfare of the public or to property within the community may be corrected by the Building Commissioner, or a person, firm, or organization selected by the Building Commissioner, without prior notice to the property owner or other person responsible for the violation.

A. Immediate Public Risk Violation Defined

Immediate Public Risk violations shall include:

1. Obstructions
Signs, structures, landscaping or other materials placed in a public right-of-way, easement, or sight visibility triangle in violation of this Ordinance;
2. Distractions
Any sign, structure, landscaping, or other material located on private property which serves to distract or inhibit operators of motor vehicles on adjacent public streets, pedestrians, or other members of the general public; and
3. Other Threats
Any other immediate threat to public welfare as determined by the Council of County Commissioners, Plan Commission, Council of Zoning Appeals, Building Commissioner, County Sheriff, or other public official.

B. Seizure of Materials

Any sign, structure, landscaping or other material which constitutes an immediate public risk violation may be seized by the Building Commissioner in a manner that results in minimal damage to the material and the property upon which it is located.

C. Notice of Violation

The Building Commissioner shall provide notice to the owner of the property upon which the violation was located, or any discernible appropriate owner of materials placed within the right-of-way in violation of this Ordinance, by either placing a notice in a conspicuous place on the property or by letter.

1. Notice Time Requirements

The letter shall be sent to the property owner via certified mail within 24 hours of the seizure. A notice that is posted on the property shall be posted at the time the material is seized.

2. Notice Contents

The letter or posted notice shall include the following:

- a. a description of the materials seized,
- b. a citation of the sections of the Ordinance which were violated and the characteristics of the violation which posed an immediate threat to public welfare,
- c. the address and phone number of the Building Commissioner and the name of the person to be contacted by the property owner to discuss the violation and request the return of the seized item(s); and
- d. instructions describing how, where, and when the seized items may be claimed.

D. Storage and Retrieval of Seized Materials

The Building Commissioner shall store any sign, structure, landscape materials or other items seized in a secure location for a period of no less than thirty (30) days from the date notice was provided to the property owner. The property owner may claim the seized property at any time following its seizure upon the payment of a \$50 fine and the establishment of a Memorandum of Agreement between the property owner and Building Commissioner regarding the future use of the item in a manner consistent with this Ordinance.

E. Liability

Neither the Building Commissioner, Culver, or any other official or entity involved in the seizure shall be liable for any damage to the seized materials or the property from which they were taken.

040

Violation Procedure

A. General Procedure

There shall be a minimum of a three step procedure for the enforcement of violations. Intermediate steps, including additional notices of violation and extensions of time limits for compliance may be used by the Building Commissioner at his/her discretion. However, the general procedure for all violations shall be consistent. These minimum steps are as follows:

(cont.)

040 Violation Procedure (cont.)

1. Notice of Violation

The Building Commissioner shall issue a Notice of Violation to the person(s) who has committed, in whole or in part, a violation. The Notice of Violation is a warning to the violator(s) that a violation has been determined and that a plan to correct the violation must be submitted to the Building Commissioner within fifteen (15) days of the mailing or posting date of the notice.

2. Notice of Fines for Violation

The Building Commissioner shall issue a Notice of Fines for Violation to the person(s) who have committed, in whole or in part, a violation. The Notice of Fines for Violations is a citation that states the fines for the violation. The Notice of Fines for Violation shall be mailed via Certified Mail, Return Receipt Request by the Building Commissioner. The person(s) in violation will have a minimum of fifteen (15) days from the date of mailing to pay all applicable fines, and must correct the violation within the time period specified by the Building Commissioner or face additional fines.

3. Legal Action

If the person(s) in violation refuses to pay the fines and/ or correct the violation within the time frame specified by the Notice of Fines for Violation, the Building Commissioner may refer the violation to the Plan Commission attorney in order to pursue court action through the court of jurisdiction. Additional fines and liens against the property may also be pursued until the matter is resolved.

B. Monetary Fines

Monetary fines may be imposed at the discretion of the Building Commissioner with the Notice of Fines for Violations.

1. Multiple Violations

Each violation shall constitute a separate offense.

2. Fine Amount

Each separate offense shall be subject to a fine of \$200 per day from the date of compliance requested by the Building Commissioner in the Notice of Violation.

- a. In addition to any fine imposed, any person who initiates any activity which requires an Improvement Location Permit without first obtaining a permit may be required to pay three (3) times the normal amount of the permit consistent with the adopted fee schedule.

3. Payment

The payment of any violation shall be by cash or cashier's check and shall be delivered to the Building Commissioner who shall forward the funds to the County Auditor for deposit in the General Fund. The Building Commissioner shall issue a receipt to the person making the payment.

- a. In no instance shall a fine payment be accepted by the Building Commissioner for a violation or violations on a property on which other violations remain unresolved.

- b. The Building Commissioner may, at his/her discretion, waive the assessed fine for the otherwise timely correction of the violation.

C. Appeals

Any person receiving a Notice of Violation and/or Fines for Violation may appeal the violation and/or fine to the Council of Zoning Appeals or to a court of jurisdiction. A written statement from the person in violation, either filing an Administrative Appeal consistent with this Ordinance or giving notice of the filing of an action with a court, shall be submitted to the Building Commissioner via Certified Mail at least three (3) days prior to the date any fine and/or compliance is due.

1. Fines

Fines due will be postponed until the BZA or court of jurisdiction has made a ruling as to the violation and/or fine. The person(s) in violation shall have a maximum of six (6) months to complete the hearing process with the BZA. Failure to meet this deadline will reinstate all fines due by the person(s) in violation, including those which would have accumulated during the appeal process.

2. Additional Notices

No additional notices will be issued by the Building Commissioner if the person(s) in violation has (have) submitted an appeal or notice of court review.

D. Enforcement of Ordinance Requirements and Commitments

The Building Commissioner via the Plan Commission Attorney may bring an action in the Circuit or Superior Court of Marshall County to evoke any legal, equitable, or special remedy, for the enforcement of any ordinance or regulation created under IC 36-7-4, and its subsequent amendments.

1. Enforcement

This includes but its not limited the following:

- a. The Zoning Ordinance, Subdivision Control Ordinance, and any other requirements adopted separately by the Culver Town Council or adopted by their reference in the Zoning or Subdivision Control Ordinance.
- b. All agreements with the Plan Commission or its designees which have been recorded as covenants or written commitments in connection with a subdivision plat, a Site Development Plan, or a Planned Unit Development;
- c. All commitments made in accordance with IC 36-7-4 et al; and
- d. All conditions imposed in accordance with IC 36-7-4 et al.

2. Restraint

The Building Commissioner may bring action in the Circuit or Superior Court of the County to restrain a person violating IC 36-7-4 et al. or any ordinance adopted under IC 36-7-4 et al.

(cont.)

040 Violation Procedure (cont.)

3. Removal of Structures

The Building Commissioner may also bring an action in the Circuit or Superior Court of the County for a mandatory injunction, directing to remove a structure erected in violation of this Ordinance or applicable state code.

4. Responsibility for Costs

If the Building Commissioner is successful in his/her action, the respondent shall bear all costs of his/her action, including the costs of any required remedy, any fines, and the costs of enforcement (including any attorneys fees, hours worked, photocopying charges, mileage, and other costs incurred directly or indirectly by the County).

a. Documentation

Only those costs of enforcement which are clearly documented by the Building Commissioner, and which clearly bear relationship to the enforcement action shall be paid by the respondent.

b. Determination

In all instances the dollar amount to be paid by the respondent shall be determined by the court of jurisdiction.

5. Others Parties Eligible to Seek Enforcement

An action to enforce a written commitment made in accordance with IC 36-7-4 et al. may be brought in the Circuit or Superior Court of the County by:

a. Rules and Procedures Provisions

Any person who is entitled to enforce a commitment made in accordance with IC 36-7-4 et al. under the Rules and Procedures of the Plan Commission or the Council of Zoning Appeals in force at the time the commitment was made; or

b. Specified Parties

Any other specially affected person who was designated in the written commitment..

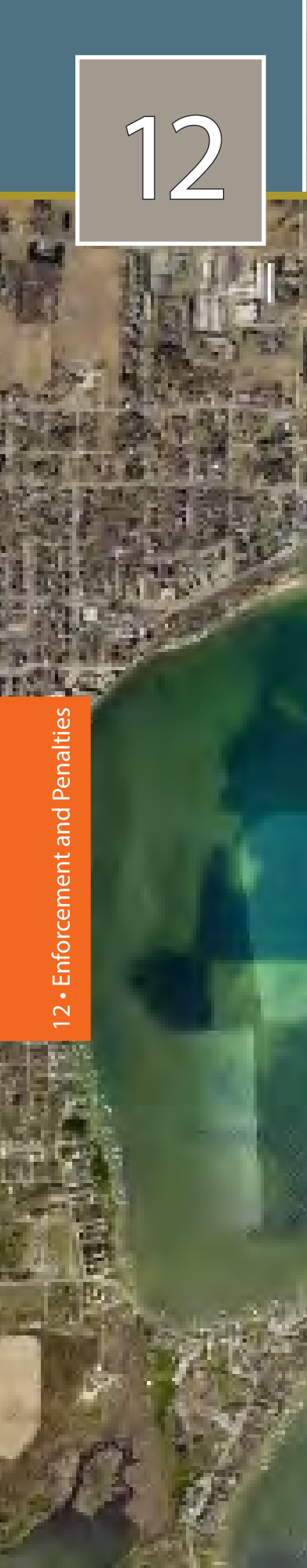
Enforcement and Penalties

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Enforcement and Penalties

Notes



Enforcement and Penalties

Notes

Suggestions for Future Changes

(cont.)

12 • Enforcement and Penalties



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A photograph of a dirt path winding through a dense forest, overlaid with a semi-transparent orange filter. The path leads into the distance, flanked by trees and bushes. The overall scene is bright and somewhat washed out due to the overlay.

Definitions

010 Definitions

For the purpose of this ordinance, certain terms or words used herein shall be interpreted or defined as follows:

The present tense shall include the future tense and vice-versa;

Words in the singular include the plural and vice-versa;

The word "person" includes a company or corporation or limited liability company as well as an individual;

The word "lot" includes the word "plot", "parcel", or "tract" of land;

The term "shall" is always mandatory and directory;

The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

For the purpose of this ordinance, certain words and terms are hereby defined. Words and terms not defined herein shall be as defined according to the laws of the State of Indiana or a current dictionary of general use.

A

Access - The planned area used to move vehicular traffic from the street to the interior portion of a lot.

Accessory Structure - A subordinate structure located on the same zoning lot as the principal building or use. An accessory Structure may not be used as a dwelling Unit.

Accessory Use - An accessory use is one, which meets the following qualifications: 1. Is subordinate to and serves a principal building or principal use; and 2. Is subordinate in area, extent, or purpose to the principal building or principal use served; and 3. Is located on the same zoning lot as the principal building or principal use served; and 4. Is either in the same ownership as such principal use or is operated and maintained on the same zoning lot substantially for the benefit or convenience of the owners, occupants, employees, customers, or visitors of the principal use.

Advertising Sign - A sign advertising a business enterprise that is not located on the premise of the enterprise.

See Section 6 Sign Regulations

Agriculture or Agricultural Purpose - The use of a tract of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, as well as the normal accessory uses; provided however, that the operation of such accessory use shall be secondary to that of the normal agricultural activities.

Agricultural Production - The production for commercial purposes of plants and animals useful to man, including forage and sod crops; grains and feed crops; dairy and dairy products; livestock, including breeding and grazing; fruits; plants, trees, shrubs and nursery stock; vegetables and other similar agricultural uses.

Automotive Junk Yard - See Motor Vehicle Wrecking Yard

Automobile Service Station - A building used exclusively for the storage and sale of gasoline or other fuels and uses accessory thereto. Uses not permissible include major mechanical and/or bodywork, painting, welding, storage of automobiles, and the sale of automobiles.

B

Bed & Breakfast – An owner occupied home used for the lodging of transients.

Billboard - Any structure or part thereof on which lettered or pictorial matter is displayed for the purpose of off-premise advertising.

Buffer / Screening – Any trees, shrubs, walls, fences, berms, space or related landscape features required by ordinance on private lots and privately maintained for screening lots from adjacent properties or public right of ways for the purpose of increasing visual or other aspects of privacy and aesthetics.

Visual – Buffers must screen 90% of the area from zero (0) to six (6) feet in height of the development at the designated setback lines of both the development and the adjacent property.

Vegetative buffers must screen 50% of the required area at installation and the full 90% within 2 years.

Sound – Buffers must be solid materials (i.e. masonry, concrete, or earthen) and must meet the minimum height requirements for visual buffers.

Building - A structure with walls and roof securely affixed to the land, which may be entirely separated on all sides from any other structure. Where roof structures are separated from each other by party or common walls having no openings for passage, each portion so separated shall be considered a separate building.

Building Height - The vertical distance measured from grade level to the highest point of the roof. Antennas and chimneys are excluded from building height restrictions.

Definitions

Building Materials – Ceramic, Concrete, Drywall, Plaster, Steel, Stone, Wood, and any other commonly recognized material.

Building Permit – See Improvement Location Permit.

Building, Principal - A building in which the main uses of a zoning lot is conducted.

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

C

Certificate Of Occupancy – A document signed by the Building Commissioner acknowledging that all of the requirements of the Zoning Ordinance and Building Permit have been met and the premises may now be occupied.

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

Clinic, Medical - A facility providing diagnostic, therapeutic or preventive human outpatient health care by or under the supervision of doctor(s).

Clinic, Veterinarian - A facility providing diagnostic, therapeutic or preventive animal care by or under the supervision of a veterinarian.

Clubs or Lodges, Private - An association of persons who are bona fide members, paying dues, which own or lease a building or portion thereof, the use of which is restricted to members and their special guests.

Commercial - See Business.

Comprehensive Plan - A composite, or portion thereof, of the mapped and written proposals and recommendations relative to the growth and development of a given planning area which shall have been duly adopted by the Town Of Culver.

Construction - The placing of materials in a permanent position and fastened in a permanent manner or any excavation, demolition, or removal of an existing structure shall be deemed construction.

Convenience Establishment - An establishment intended to serve the daily and/or frequent trade or service needs of the immediate surrounding residential area.

D

Day Care Center - A facility operated by an entity licensed by state or local government to provide care and maintenance of children.

Drive-In - A commercial establishment designed and developed so that the operation is dependent wholly or in part on 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.

Driveway - A private road that connects a house, garage or other accessory structure with a public right of way.

See Section 5.17 Driveway Requirements

Dwelling - A building designed and used exclusively as a dwelling unit or units.

Dwelling Unit - One or more connecting rooms designed for occupancy by one family containing permanent cooking accommodations and or private bath facilities. Occupancy of rented or leased units shall be on a one month or longer basis.

Apartment - Two or more connecting rooms intended or designed for use as a dwelling unit by a single family with independent cooking facilities and private bath.

Apartment, Efficiency - An apartment combining living room and bedroom facilities into one room with minimal kitchen facilities and private bath.

Manufactured Home - A dwelling unit designed and built in a factory which bears a seal certifying that it was built in compliance with the National Manufactured Housing Construction and Safety Standards Code, being 24 C.F.R., parts 1-4199 effective June 15, 1976. Manufactured homes are divided into the following three (3) classifications:

Type A - Constructed on or after January 1, 1981. Has over 350 square feet of occupied space in a single, expando, or multi-section unit, but less than 951 square feet of occupied space. Must not be constructed with a permanent hitch, and the hitch, wheels and axles must be removed. Is placed on a support system, enclosed with skirting or siding and anchored to the ground.

Type B - Constructed on or after January 1, 1981. Has at least 23 feet in width and has more than 950 square feet of occupied space which is composed of a double or multi-section unit. Must not be constructed with a permanent hitch, and the hitch, wheels and axles must be removed. Is placed directly on a foundation. Has a 3/12 or greater pitched roof and siding made of materials customarily used for site constructed dwellings.

Type C - Constructed on or after June 15, 1976 but before January 1, 1981. Has over 350 square feet of occupied space in a single, expando, or multi-section unit, but less than 951 square feet of occupied space.

Mobile Home – A transportable dwelling unit, built in a factory, designed to be used as a year-round residential dwelling, constructed prior to June 15, 1976. The definition of Mobile Home does not include Manufactured Homes.

Multi-Family - A building or buildings occupied exclusively as a residence for three or more families living independently of one another.

Single Family - A detached residential dwelling other than a mobile home, separate from other residential dwellings by open space, and occupied by one family.

Special Uses:

Assisted Living - A building within which services are provided for persons needing room and board as well as supplemental care.

Convalescent Homes: Extended Care Facility; Nursing Homes - A building to house and within which services are provided for ill or incapacitated persons.

Group Homes - A building within which services are provided for persons with special needs.

Two-Family or Duplex - A structure occupied exclusively as a residence for two families with each unit being completely independent of the other. The design may locate the units side by side or one over the other.

E

Erosion -The detachment and movement of soil, sediment, or rock fragments by water, wind, ice, or gravity.

Erosion Control Measure - A practice or a combination of practices to control erosion and resulting sedimentation and/or off-site damages.

Erosion Control Plan - A written description and/or site plan of pertinent information concerning erosion control measures designed to meet the requirements of this Chapter as submitted by the applicant for review and approval by the Building Commissioner.

F

Family - One or more persons who are related by blood, marriage, or adoption, living together as a single housekeeping unit; or not more than three unrelated persons living together as a single housekeeping unit.

Farm - A parcel of land containing five (5) or more acres in one ownership on which bona fide agriculture is carried on.

Fence - A barrier or obstruction of any material above the surface of the ground, which is intended to prevent intrusion from without and straying from within the area controlled.

Floor Area - Floor area when used for the basis of required off-street parking and loading space, shall mean the sum of the gross horizontal areas of the several floors of the building; however, it shall not include areas devoted primarily to storage purposes.

Frontage - The property line abutting a street or road right-of-way. In the case of property abutting upon a body of water (lake, channel or river), the boundary line abutting said body of water shall be considered the frontage.

G

Garage, Private - A detached accessory structure or a portion of the main building, designed, arranged, used or intended to be used for the storage of passenger automobiles of the occupants of the premises.

Garage, Public - A commercial structure used for the storage of motor driven vehicles for remuneration.

Garage Sale - See Sales, Private – Garage, Yard, Rummage.

Garage, Vehicle Repair - A structure used for the repair, equipping, or servicing of motor vehicles, including, but not limited to, upholstery, glass replacement, painting, welding, body and frame work, major engine overhaul and transmission work. A vehicle repair garage may include motor vehicle sales.

Green Space - Green area shall mean a complete coverage of the ground by grass or ground cover. In addition to the required grass or ground cover, it may include shrubs, trees, vines, flowers, natural features such as rock or stone, and structural features such as fountains, art work, walls, and fences. Total impervious surface shall not exceed five percent (5%) of the green space.

H

Hardship - A difficulty with regard to one's ability to improve land stemming from the application of the development standards of this Ordinance, which may or may not be subject to relief by means of a variance. In and of themselves, self-imposed situations and claims based on a perceived reduction of, or restriction on, economic gain shall not be considered hardships. Self-imposed situations include: the purchase of land with actual or constructive knowledge that, for reasons other than physical characteristics of the property, the development standards herein will inhibit the desired improvement; any improvement initiated in violation of the standards of this Ordinance; any results of land division requiring variance from the development standards of this Ordinance in order to render the site build able.

Home Occupation - See Chapter 6

I

Impervious Surface - Any material that prevents absorption of storm water into the ground. Note that modifications of existing soils through compaction or through additives may create impervious surface as well, ie. driveways or walkways with or without aggregate material or pavement.

Improvement Location Permit: Building Permit - A permit issued by the Building Commissioner in accordance with a plan for construction that complies with all the provisions of this Zoning Ordinance and other applicable codes.

J

Junk Yard - An open area where waste, scrap metal, paper, rags or similar materials are bought, sold, exchanged, stored, disassembled or handled, excluding similar uses taking place entirely within a completely enclosed building.

Jurisdiction - Jurisdiction of local government means all land within its boundaries and any land outside its boundaries over which it is authorized to exercise powers as recorded by map or description in the Office of the Town of Culver.

K

Kennel - Any lot or premises on which five or more domestic animals, over four months of age, are kept, or on which such animals are boarded for compensation or kept for sale.

L

Laboratory - A place devoted to experimental study, testing and analyzing.

Land Disturbing Activity - Any man-made change of the land surface, including removing vegetative cover, excavating, filling, transporting, and grading of any non-agricultural land use.

Lot - A measured parcel of land in a recorded subdivision or a lot described by metes and bounds. The terms parcel or tract of land may be used interchangeably with the word lot, meaning a specific piece of land intended for occupancy under the provisions of this ordinance, having its principal frontage on a public street or an officially designed and approved private street or easement.

Lot, Corner - A lot situated at the junction of two or more streets.

Lot, Interior - A lot other than a corner lot.

Lot, Lake Access - A lot abutting a body of water that is used as access to the water by multiple property owners or multiple parties. This definition is not intended to restrict single-family use of a lot as access to the water by the owner of the lot, but is intended to restrict use of a lot for water access by multiple parties. No lot of record shall be used as a Lake Access Lot. No lot shall be altered by title or easement to create a Lake Access Lot.

Lot, Through or Double Frontage - An interior lot having a street line for both the front lot line and the line most distant from that designated as the front line.

Lot Line - A line which marks the boundary of a lot.

Front Lot Line - On an interior lot, the lot line separating said lot from the street right of way.

Rear Lot Line - The line opposite and most distant from the front lot line.

Side Lot Line - An interior lot line which is not a front or rear lot line.

Lot of Record - A lot which is a part of a recorded subdivision, or a lot described by metes and bounds, which has been recorded by deed in the office of the Recorder of Marshall County, prior to the effective date of this ordinance.

M

Mini-warehouse - A structure on a permanent foundation in which individually securable and accessible spaces are rented primarily for the temporary storage of personal property by individual owners.

Mobile Home Park - A parcel of land upon which two (2) or more manufactured or mobile homes are harbored for the purpose of being occupied as principal residences and which includes all real and personal property used in the operation of the park. This includes subdivided lots which are leased or otherwise contracted for, if said dwellings are intended to be occupied as principal residences.

Mobile Home Site - The parcel of land in a mobile home park set aside specifically for the parking of one manufactured or mobile home and for the use of the tenants of that manufactured or mobile home.

Manufactured Home Subdivision - A residential subdivision designed exclusively for and occupied by type B manufactured home structures, with the home and lot owned by the same person.

Motel - Inn - Hotel - A building in which the rooms are used primarily for temporary lodging accommodations for transients.

Motor Vehicle Wrecking Yard - Any place where two or more motor vehicles, not in running condition, or parts thereof, are stored in the open and are not being restored to operating condition; or any land used for wrecking or storing of such motor vehicles, inoperable farm vehicles or machinery stored in the open and not being restored to operating condition.

N

Non-agricultural Land Use The commercial use of land or the manufacturing and wholesale or retail sale of goods or services, residential or institutional use of land intended primarily to shelter people, highway use of land including lanes, alleys, and streets, and other uses not included in agricultural land use.

Nonconforming Use - See Chapter 8.

O

Occupied Space - Space where routine activity occurs. Excluded are unfinished basements or attics, open porches, or garages.

Outdoor Advertising Sign - Any structure or part thereof on which lettered or pictorial matter is displayed for the purpose of off-premise advertising.

P

Permanent Foundation - Any structural system transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

Person - Any entity, including any individual, partnership, limited liability company, corporation, or public body, holding title to or having an interest in land, operating, leasing, renting, or having made other arrangements with the title holder by which the title holder authorizes use of his or her land.

Pool - A basin capable of holding water to a depth of more than thirty (30) inches. This includes in ground and above ground swimming pools, hot tubs, and many inflatable pools.

Principal Building / Structure - The primary dwelling unit(s) on a parcel in a S1, L1, R1, R2, PUD, MH district; or the primary business unit on a parcel in a C1, C2 district; or the primary building on a parcel in a I1, I2 district.

Q

R

Retail Store - Any building in which goods, wares, or merchandise are sold to the ultimate consumer.

Retaining Wall - A wall with a height greater than 12" and a slope less than 55 degrees from vertical, designed to resist lateral pressure, built to prevent advance of a mass of earth.

Right-of-way, Public - A street, alley, sidewalk, easement, or other thoroughfare permanently established for passage of persons or vehicles and dedicated to the Municipality or State.

Roadside Stand - A structure that is used seasonally for the sale of farm related products, the majority of which is produced on the premises.

Runoff - The portion of precipitation from such sources as rainfall, snowmelt, or irrigation water that flows over the ground surface.

S

Sales, Private - Garage, Yard, Rummage - A temporary sale of used clothing and/or household items conducted by immediate members of a family or families in a given area, in their private residence, garage, porch, yard, etc.

Sales, Vehicle - Facility or Property used for the sale of vehicles, motorized or un-motorized, including, but not limited to cars, trucks, buses, farm implements, motorcycles, bicycles or watercraft.

Sanitary Landfill - A method of disposing of refuse on land without creating nuisance or hazard to public health or safety, by utilizing principles of engineering, to confine the refuse to the smallest practical area; to reduce it to the smallest practical volume; and to cover it with a layer of suitable cover at the conclusion of each days operation or at more frequent intervals as necessary.

Setback - The minimum horizontal distance between the street, rear, or side lot lines and the furthestmost projection of a structure (includes eaves).

Sewer, private - System of treating wastewater that is limited in scope (typically one household capacity) and relies on onsite system (OSS) treatment

Sewer, public - system of treating wastewater that lawfully accepts effluent from multiple households or residences, with appropriate capacity for multiple dwellings to be treated at the same offsite location and is a system that qualifies for a compulsory connection for developments within 300 feet of existing infrastructure as per Indiana code and Marshall County Ordinance #2013-03; operated by a municipality, conservancy, or corporation. This includes sanitary sewers and cluster systems.

Sign - Any name, identification, description, display, or illumination, pictorial or otherwise, which is affixed to, painted, represented directly or indirectly upon a building, including window areas, or structure, which is in view of the general public and which directs attention to a person, place, commodity, activity, or business.

See Section 5.3 Sign Regulations

Sign, Projecting - A sign other than a wall-mounted sign, which projects from and is supported by or attached to a wall of a building or structure.

Sign, Surface Area - The entire area within a single continuous perimeter enclosing the extreme limits of a sign. Such perimeter shall not include structural or framing elements outside the limits of such sign if not forming an integral part of the display. The surface area of a double or multi-faced sign shall be the area of the largest single face.

Solar Energy System - Solar Energy System: Any device or structural design feature whose primary purpose is to provide daylight for interior lighting or provide for the collection, storage, or distribution of solar energy for space heating, space cooling, electricity generation, or water heating.

- A. Roof-mounted/Building Mounted solar energy system: A Solar Energy System that is structurally mounted to the roof of a building or structure.
- B. Ground-mounted solar energy system: A solar energy system that is structurally mounted to the ground and is not roof-mounted.
- C. Large-scale solar energy system: A Solar Energy System that occupies more than 40,000 square feet of surface area.
- D. Medium-scale solar energy system: A Solar Energy System that occupies more than 1,750 but less than 40,000 square feet of surface area.
- E. Small-Scale solar energy system: A Solar Energy System that occupies 1,750 square feet of surface area or less.”
- F. Micro-scale solar energy system: A Solar Energy System that occupies less than 120 sq. ft.
- “Primary Use, Solar Energy System: A Solar Energy System is considered a primary use if there is no other primary use on site.

Site - The entire area included in the legal description of the land as mention in this ordinance.

Special Use - See Chapter 9.

Structure - Any three dimensional object above or below grade made with building materials.

Structural Change – Additions, deletions, or changes made to a structure’s members such as expansion; wall, window, or door relocation; or plumbing, electrical, or HVAC relocation.

T

Telecommunication Facilities - sites designed to enable the transmission, between or among points, of information consisting of voice, video, or data without change in the form or content of the information as sent and received.

Truck – Commercial – A motor vehicle and/or trailer designed, used, or maintained primarily for the transportation of property whose declared rated weight when empty exceeds 11,000 pounds.

U

Use - The purpose for which land, building, or structure thereon is utilized, occupied, maintained, let or leased.

Use, Principal - A principal use is the main use of land or structures as distinguished from a subordinate or accessory use.

V

Variance - An exception to the lot area or width requirements, setback requirements, height restriction, sign regulations, parking/loading requirements, or other development standards from those set forth in this ordinance, granted by the Board of Zoning Appeals in accordance with the provisions of this ordinance. (A variance is not to be confused with a Special Use.)

Visibility Requirements – Refer to Section 5.1.

W

Warehouse - A building where merchandise, wares, or goods are stored.

Wind Energy Conversion System (WECS) – Equipment 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, wind farm collection system, wire, or other component used in the system.

Wind Farm – Two or more wind energy conversion systems on a single parcel or adjacent parcels.

X

Y

Yard - A required open space on the same lot with a principal building or group of buildings, which is unoccupied and unobstructed except as otherwise permitted in this ordinance.

Yard Requirements – The distance from the lot line to a structure's boundary including any roof overhangs or attached decks.

Z

Zoning Lot - A tract or parcel of land designated by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control.

Zoning Map - The official zoning map incorporated into this ordinance as a part thereof showing the division of land into various zoning district classifications within the jurisdiction of the Town.

(cont.)

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Definitions

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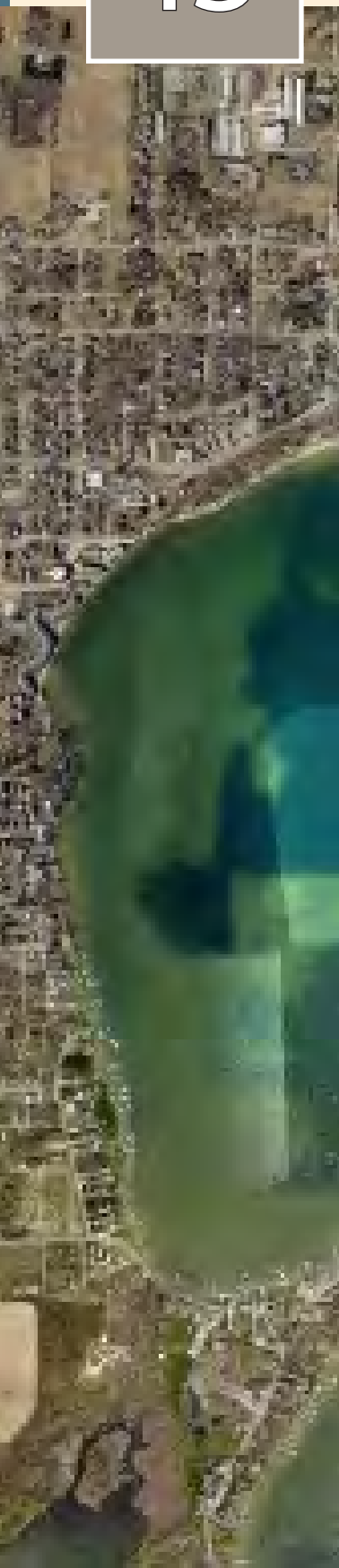
Definitions

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Notes

Suggestions for Future Changes



Prepared by the Marshall County
Plan Department
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Editor