TOWN OF

MUNSTER, INDIANA

CHARACTER-BASED CODE

T·P·U·D·C

TOWN PLANNING & URBAN DESIGN COLLABORATIVE LLC

LIVABLE MUNSTER

CHARACTER-BASED CODE

ADOPTION DRAFT

NOVEMBER 2019

ADOPTION
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SECTION 26-6.101 EFFECTIVE DATE.

The Effective Date of this Article shall be ten (10) days after posting and publication pursuant to Section 26-6.804.K and Section 26-6.804.L.

SECTION 26-6.102 SHORT TITLE.

This Article, as the same may be amended from time to time, shall be known and may be cited as the "Munster Zoning Code." This Article is referred to herein as "this Article" or "these Regulations".

SECTION 26-6.103 AUTHORITY.

This Article has been adopted pursuant to the State of Indiana (the "State") Code (the "State Code"), Sections 36-7-4, et seq.

SECTION 26-6.104 COMPREHENSIVE PLAN.

By action of the Town Council, the Town adopted the Town Comprehensive Plan (2010). The Town Council has determined that this Article is consistent with the Comprehensive Plan, which together with this Article and the adopted Zoning Map, are hereby declared to constitute the comprehensive zoning plan for the Town.

SECTION 26-6.105 PURPOSES & OBJECTIVES.

The Town Council has adopted this Article based upon its determination that it promotes and is necessary to the health, safety, general welfare, comfort, and convenience of the Town and its residents, including without limitation, protection of the environment, conservation of land, energy and natural resources, reduction in traffic congestion, more efficient use of public funds, health benefits of a pedestrian environment, historic preservation, education and recreation, reduction in sprawl development, improvement of the built environment, preservation of Open Space, stability and protection of property values, preservation of the public peace, safety, morals, and order, the orderly Development of the Town, and such other and additional purposes and objectives as are provided elsewhere in this Article.

SECTION 26-6.106 APPLICABILITY.

A. General.

This Article, the Zoning Map, and the standards and requirements of this Article, are applicable to all Development, re-Development, Improvements, land, Structures, Alterations, modifications, construction, re-construction, Buildings, Lots, and Uses within the Town.

B. Supersession.

This Article supersedes and replaces in its entirety Chapter 26, Article VI of the Town Code of Ordinances as the same has heretofore been in effect.

C. Exclusive & Mandatory.

This Article shall be the exclusive and mandatory zoning regulation for the Town.

SECTION 26-6.107 PLANS UNDER THIS ARTICLE.

This Article contemplates several types of Plans, as follows:

A. Building & Lot Plans.

1. Purpose of Building & Lot Plans.

A Building and Lot Plan is a Plan that includes the information required by Section 26-6.404 and demonstrates compliance with all requirements of Division 4 related to such information. A Building and Lot Plan is a Development Plan, as contemplated in State Code Section 36-7-1-6.

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Reviewing and taking action on a Building and Lot Plan is delegated to the Zoning Administrator, as Plan Commission staff.

Appeal of action taken by the Zoning Administrator on a Building and Lot Plan shall be to the Plan Commission.

2. When Plan Required.

A Building and Lot Plan is required pursuant to Section 26-6.402.A as part of any application for issuance or approval of a subdivision, plat, or a Building Permit.

3. Condition to Building Permit.

A Building and Lot Plan certified by the Zoning Administrator pursuant to Section 26-6.804.E as being in compliance with Division 4, is an Improvement Location Permit, as contemplated in State Code Section 36-7-4-802, and is a condition to issuance of a Building Permit.

B. Development Parcel Plans.

1. Development Parcel Plan Defined.

A Development Parcel Plan is a Plan that includes the information required by Section 26-6.804.F.3.b and demonstrates compliance with all requirements of Division 5 related to such information.

A Development Parcel Plan is a Development Plan, as contemplated in State Code Section 36-7-1-6.

Reviewing and taking action on a Development Parcel Plan is delegated to Plan Commission staff.

Appeal of action taken by the Zoning Administrator on a Development Parcel Plan shall be to the Plan Commission.

2. Development Parcel Defined.

A Development Parcel is a parcel:

a. That, either alone or together with one or more other parcels under a common Development scheme, program or plan, is for four (4) or more gross acres;

b. With respect to the Development of which any new Thoroughfare or extension or change of the design of any existing Thoroughfare is required or will be made or proposed; or

c. With respect to which any District or Civic Zone assignment or any Thoroughfare alignment is proposed to be made or changed by a Zoning Map amendment.

3. When Plan Required.

A Development Parcel Plan certified by the Zoning Administrator pursuant to Section 26-6.804.F is required as part of any application for issuance or approval of a subdivision or plat, Building Permit, Building and Lot Plan, or Site Plan that relates to a Development Parcel, and as part of each application for Zoning Map amendment other than one prepared by or on behalf of the Town.

4. Condition to Site Plan Review.

If required, a Development Parcel Plan certified by the Zoning Administrator pursuant to Section 26-6.804.F as being in compliance with Division 5, is an Improvement Location Permit, as contemplated in State Code Section 36-7-4-802, and is a condition to the review and approval of a Site Plan.

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C. Zoning Map.

1. Official Map.

When adopted, the Zoning Map, as may be amended from time to time, shall be the Town's Official Zoning Map.

2. Map Elements.

The adopted Zoning Map, and any proposed Zoning Map amendment, shall include designations of Districts, Civic Zones, and any Special Requirements.

D. Site Plans.

1. Definition.

A Site Plan is a plan that includes the information required by Section 26-6.804.G.6 and demonstrates compliance with all requirements of this Article related to such information.

A Site Plan is a Development Plan, as contemplated in State Code Section 36-7-1-6.

Reviewing and taking action on a Site Plan is delegated to the Plan Commission or to the Zoning Administrator pursuant to Section 26-6.804.G.5.a.i or Section 26-6.804.G.5.a.ii, as applicable.

Appeal of action taken by the Plan Commission on a Site Plan shall be to the Board of Zoning Appeals.

2. When Plan Required.

A Site Plan is required for all:

a. New Buildings other than Single-Family Detached Dwellings and Two-Family Detached Dwellings;

b. Additions to Buildings other than Single-Family Detached Dwellings and Two-Family Detached Dwellings that increase the exterior dimensions or the Usable Floor Area;

c. Alterations or modifications to a site, such as changes to parking layout, Driveways, landscaped areas, Screening Walls, and public walkways;

d. Any Development or application involving a Development Parcel;

e. Zoning Map amendment requests;

f. Any use of vacant land;

g. Proposals involving a primary subdivision plat;

h. Changes in use;

i. Facade improvements for which a Building Permit is required and which affect greater than fifty percent (50%) of a street-facing Facade, excluding Ordinary Maintenance and Repair; and

j. Any other Development, Improvement or application for which a Site Plan is specifically required by this Article.

E. Sign Plans.

1. Purpose.

A Sign Plan is a Plan that demonstrates compliance with the Sign standards of Division 7.

A Sign Plan is a Development Plan, as contemplated in State Code Section 36-7-1-6.

Reviewing and taking action on a Sign Plan is delegated to the Zoning Administrator, as Plan Commission staff.

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Appeal of action taken by the Zoning Administrator on a Sign Plan shall be to the Plan Commission.

2. When Plan Required.

A Sign Plan is required as part of each Sign Permit Application.

A Sign Permit evidencing approved by the Zoning Administrator is an Improvement Location Permit, as contemplated in State Code Section 36-7-4-802.

SECTION 26-6.108 RELATIONSHIP TO PRIVATE COVENANTS AND AGREEMENTS.

A. Effect of Article.

It is not intended by this Article to interfere with or abrogate or annul any Easement, covenant or other agreement between parties; provided, however, that when this Article imposes a greater restriction upon the Use of Structures, premises, Lots, or land, or upon height of Structures, or requires larger Lots, Yards, or other Open Spaces than imposed or required by such other provision of law, ordinance or regulation, or by any such Easement, covenant, or agreement, the provisions of this Article shall control.

B. No Encroachment.

No provision contained in this Article shall be construed as justifying the Encroachment of any Structure within any Thoroughfare lines now or hereafter laid down on any subdivision plat filed in the office of the Lake County Recorder or within any federal, state, county or Town Thoroughfare, unless specifically approved by action of the Town Council.

SECTION 26-6.109 RELATIONSHIP TO OTHER LAWS, ETC.

A. Precedence of Article.

The provisions of this Article shall take precedence over those of other Town, Count, and State laws, codes, ordinances, regulations, and standards that may be in conflict with this Article, except Town, County, and State Health and Safety Codes.

B. Effect on Other Laws.

Nothing contained in this Article shall be taken to repeal, abrogate, annul or in any way impair or interfere with the Town Building Code or any rules or regulations adopted or issued thereunder, or any other existing or future law, code, ordinance, regulation, or standard that is not in conflict with this Article.

C. Effect of Non-Conflicting Provisions.

Without limitation to Sections 26-6.109.A and 26-6.109.B, except where the Existing Local Codes are inconsistent with, or in conflict with, this Article or are expressly superseded by this Article, the Existing Local Codes, including without limitation, the Town Subdivision Regulations and the Town Building Code, shall continue to be applicable to matters not covered by this Article,

D. Compliance with Other Legal Requirements.

Without limitation to any other provision of the Town Code, it shall be a condition to issuance of all Certificates of Occupancy and the Use of all land and Improvements in the Town that all necessary federal, state, county and Town licenses, registrations, and permits for the Use and operation of such land and Improvements shall have been validly obtained and remain at all times in full force and effect.

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E. Compliance with Other Articles.

Reference is hereby made to the provisions of the following Chapters, Articles and Appendices of the Town Code:

CHAPTER 26 – LAND DEVELOPMENT CODE

ARTICLE I – IN GENERAL

ARTICLE II – BUILDING CODE

ARTICLE III – SWIMMING POOLS

ARTICLE IV – MANUFACTURED HOUSING

ARTICLE V – SUBDIVISIONS

ARTICLE VII – PROPERTY MAINTENANCE CODE

ARTICLE XI – UNSAFE BUILDING REGULATIONS

CHAPTER 46 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

CHAPTER 54 – TRAFFIC AND VEHICLES

CHAPTER 58 – UTILITIES

CHAPTER 62 – VEGETATION

Without limitation to any other means by which a violation of any of the Chapters, Articles, or Appendices listed in this Section 26-6.109.E may be enforced, any such violation shall constitute a violation of this Article and may be enforced as such under Division 8 hereof.

SECTION 26-6.110 COMPLIANCE WITH ARTICLE

Except for non-conformities allowed pursuant to Section 26-6.122 or as otherwise provided in this Article, all Development, re-Development, land, Lots, Improvements, Structures, all Buildings and Structures and parts thereof, and all Uses, construction, re-construction, modifications, Alterations, raising, converting, moving, extension, and enlargements thereof, and all parts thereof, and all Plans, applications, requests, and submissions required or made under this Article, must comply with this Article and the applicable standards, requirements, and conditions of this Article, including without limitation (a) the provisions for the District, Civic Zone, or area in which the same or any part thereof are located on the Zoning Map, (b) any license, registration, permit, approval, certification, or authorization issued pursuant to this Article, and (c) any applicable Plan approved or certified Plan under this Article.

SECTION 26-6.111 DEVELOPMENT RESTRICTED WITHIN CERTAIN AREAS

Notwithstanding anything to the contrary contained or implied in this Article, unless specifically approved by action of the Town Council, no Development shall occur within the bounds of an existing or future Thoroughfare, Civic Space, or other public facility shown or described in the Town Comprehensive Plan, the Town Official Map, or other planning documents.

SECTION 26-6.112 RESTORATIONS & REPAIRS

When any Building is declared unsafe by the Fire Chief or Building Inspector, nothing in this Article shall prevent compliance with lawful requirements or strengthening or restoring the same to a safe condition.

SECTION 26-6.113 DEFINED TERMS; CONSTRUCTION OF TERMS; INTERPRETATION OF ARTICLE.

Certain capitalized terms used throughout this Article are defined in Division 9. Such definitions are integral to this Article. Uncapitalized terms and terms not so defined shall be accorded their commonly accepted meanings unless otherwise provided in this Article.

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In the event of conflicts between the definitions in this Article and the definitions of the Existing Local Codes, those of this Article shall take precedence as applied to this Article.

SECTION 26-6.114 TABLES, MAPS, PHOTOGRAPHS, IMAGES, ILLUSTRATIONS, FIGURES, GRAPHICS, DIAGRAMS, & DEPICTIONS

A. Table & Map Standards / Requirements Integral.

The standards and requirements of Tables herein and the adopted Zoning Map are integral parts of this Article.

B. Effect of Graphical Material.

1. Table Graphics.

The diagrams, photographs and illustrations in **Tables 26-6.405.A-1 – 26-6..405.A-10 (District Standards)**, **Table 26-6.307.A (District Descriptions – Summary)**, **Table 26-6.307.B (Civic Zone Standards)**, **Table 26-6..405.G-1 (Private Frontage Types)**, **Table 26-6..405.J-1 (Principal Building Types – Summary)**, **Table 26-6..405.J-2 (Principal Building Types – Specific Standards)**, **Table 26-6..502.B-1 (Thoroughfare Types – Summary)**, **Table 26-6..502.B-2 (Thoroughfare Assemblies & Standards)**, **Table 26-6..502.D (Bikeway Types)**, **Table 26-6..502.E (Public Lighting Types)**, **Table 26-6..502.F (Public Planting)**, **Table 26-6..504.B-1 (Civic Space Types – Summary)**, and **Table 26-6..504.B-2 (Civic Space Types – Specific Standards)** are provided only to indicate the general character or placement of and/or reference to the various Districts, Civic Zones, and Civic Spaces, and elements thereof,shown thereon, and they shall have regulatory force and effect only to that extent.

2. Illustrations, Figures, & "Illustrative" Material.

All graphical and tabular depictions entitled "Illustration" or "Figure", or denoted as "illustrative" are provided for illustrative, explanatory purposes only and are not regulatory.

3. Certain Illustrations.

The illustrations in **Table 26-6.502.F (Public Planting)**, **Table 26-6..405.Q-1 (Private Lighting Types)** and **Table 26-6..502.E (Public Lighting Types)** are provided only as an approximation of Planting Types and Lighting Types and they shall have regulatory force and effect only to that extent.

C. Conflict Between Metrics.

Where in conflict, numerical metrics shall take precedence over graphic metrics.

SECTION 26-6.115 PREPARATION & ADOPTION OF ZONING MAP

A. Conformance with Division 2.

Each Zoning Map, Zoning Map amendment, and any proposed Zoning Map or Zoning Map amendment must conform to the requirements of Division 2.

B. Preparation.

The Zoning Map for the Town to be applicable upon the Effective Date of this Article shall be prepared by or on behalf of the Town and adopted simultaneously with this Article.

SECTION 26-6.116 DETERMINATION OF STANDARDS

The Town Council has established the standards in this Article and, upon approval of the Zoning Map or any amendment thereof, such standards are applicable to the

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Town.

SECTION 26-6.117 ADMINISTRATION

Except as otherwise expressly provided herein, this Article shall be administered by the Zoning Administrator, as more specifically provided in Section 26-6.801 hereof.

SECTION 26-6.118 APPLICATIONS

A. Building Permits.

An application for issuance of a Building Permit shall be processed, reviewed, and acted upon in accordance with Article II Sec. 26-71 and applicable state law; provided that no Building Permit shall be issued unless and until all certifications and approvals required pursuant to this Article have been issued or granted, as applicable.

B. Zoning Map Amendments.

Applications for approval of a Zoning Map amendment that are determined by the Zoning Administrator to be complete shall be certified as such and forwarded for further processing, review, consideration and/ or action, as applicable, as a Zoning Map amendment under Division 8.

C. Building & Lot Plans.

1. Submission.

A Building and Lot Plan shall be submitted to the Zoning Administrator for review and action.

2. Improvement Location Permit Required.

No Development, re-Development, Improvement, subdivision, re-subdivision, construction, re-construction, or Substantial Modification, raising, converting, moving, extension, or enlargement of or on any Building, Lot or parcel of land or any part thereof shall occur without prior submission of a complete application for review and the Zoning Administrator's issuance pursuant to Section 26-6.804.E of an Improvement Location Permit with respect to a Building and Lot Plan that complies with Division 4.

3. Ordinary Maintenance / Repair Exempt.

A Building and Lot Plan is not required for Ordinary Maintenance or Repair of an existing Structure.

D. Development Parcel Plans.

1. Submission.

A Development Parcel Plan, if required by Division 5, shall be submitted as follows:

a. if not related to a request for Zoning Map amendment, as a part of the application for approval of the Site Plan, and in addition to satisfaction of all other applicable Site Plan application requirements, such Site Plan may be approved only upon the Zoning Administrator's certification that the Development Parcel Plan complies with all applicable Development Parcel standards and requirements of Division 5, taking into account any applicable approved Deviations; or

b. if related to a request for Zoning Map Amendment, as a part of the application for approval of the applicable Zoning Map Amendment, and in addition to satisfaction of all other applicable zoning application requirements, such Zoning Map and zoning map amendment may be approved only upon the Zoning Administrator's certification that the Development Parcel Plan complies with all applicable Development Parcel standards

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and requirements of Division 5, taking into account any applicable approved Deviations.

2. Certificate Required.

If such certificate is required by Section 26-6.501.B.3, no Development, re-Development, Improvement, subdivision, re-subdivision, construction, re-construction, modification, Alteration, raising, converting, moving, extension, or enlargement of or on any Building, Lot or parcel of land or any part thereof shall occur without prior submission of a complete application for review and the Zoning Administrator's issuance pursuant to Section 26-6.804.F of a Certificate of Compliance with respect to a Development Parcel Plan that complies with Section 26-6.501.B.2.

E. Site Plans.

1. Governed by Division 8.

An application for approval of a Site Plan shall be processed, reviewed, and acted upon pursuant to Division 8.

2. When Plan Required.

Except for Single-Family Detached Dwellings and Two-Family Detached Dwellings, no Development, re-Development, Improvement, subdivision, re-subdivision, construction, re-construction, Alteration, Substantial Modification, raising, converting, moving, extension, or enlargement of or on any Building, Lot or parcel of land or any part thereof shall occur unless a Site Plan has been approved therefor.

3. Ordinary Maintenance / Repair Exempt.

A Site Plan is not required for Ordinary Maintenance or Repair of an existing Structure.

SECTION 26-6.119 WAIVERS, CONDITIONAL USES, AND VARIANCES

A. Waivers.

To the extent expressly provided in this Article with respect to any standard or requirement hereof, a Waiver of such standard or requirement may be granted pursuant to Section 26-6.804.I.2 by the Zoning Administrator upon written request of an Applicant if allowance of such Waiver is determined by the Zoning Administrator to be consistent with the intent of this Article.

B. Conditional Use.

A Conditional Use may be permitted by the Decision-Making Authority for those Uses indicated for a District or Civic Zone as "CU" on **Table 26-6.405.L-1 (Building & Lot Principal Uses)**, **Table 26-6.405.L-2 (Building & Lot Accessory Uses)**, or **Table 26-6.405.L-3 (Building & Lot Temporary Uses)** in accordance with Section 26-6.804.A.

C. Variances.

Variances may be granted by the Board of Zoning Appeals or Town Council, as applicable, pursuant to Section 26-6.804.I.1 to deviate from a standard or requirement otherwise applicable under this Article, or otherwise applicable to any land, Lot, Improvement, Building, or Structure regulated under this Article.

SECTION 26-6.120 APPEALS

Appeals from decisions or determinations under this Article may be taken in accordance with Section 26-6.804.J.

SECTION 26-6.121 VIOLATIONS

Penalties for and enforcement of any violation of this Article shall be as provided in Section 26-6.804.M.

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SECTION 26–6.122 NONCONFORMITIES

A. Legally Existing Buildings, Structures, Lots, and Uses.

Except as otherwise provided in this Article, a Use, Building, Structure, Sign, or Lot of any of the following types that legally existed as of the Effective Date of this Article, any amendment of this Article or any amendment to the Zoning Map may be continued as a legal nonconformity in accordance with and subject to the provisions of this Section:

1. a lawfully permitted Use of land, Building, or Structure,
2. a lawfully permitted Building, Structure, or Sign, and
3. a lawfully permitted Lot.

B. Nonconforming Use of Land.

1. Change of Nonconforming Use of Land.

If a Nonconforming Use of land is enlarged, increased, or extended to occupy more of such land than that occupied by such Use on the Effective Date of this Article, any amendment of this Article, or any amendment to the Zoning Map, or if any such Nonconforming Use is moved in whole or in part to any other portion of the land occupied by such Nonconforming Use at such time, the legal status of such Nonconforming Use will terminate, and thereafter the Use of such land must comply with the this Article.

2. Cessation of Nonconforming Use of Land or Grant of Conditional Use.

If a Nonconforming Use of land, or any portion thereof, ceases for any reason for any continuous period of more than one (1) year, is changed to a conforming Use, or a Conditional Use is granted with respect to such land or portion thereof, any future Use of the land must conform with the provisions of this Article.

3. Termination of Nonconforming Uses Not within a Building.

Any Nonconforming Use not housed in a permanent Building shall be terminated within two (2) years after the Effective Date or this Article, unless, upon written application of the owner, the Board of Zoning Appeals after public notice and hearing approves the extension of time for such Use for one or more successive terms not exceeding two (2) years each, upon demonstration of hardship and subject to such conditions and safeguards as the Board of Zoning Appeals may prescribe and upon determination by the Board of Zoning Appeals that the continuance of such nonconforming Use under the conditions prescribed is not hazardous, offensive or detrimental to the Town or any part thereof by reason of the emission of dust, noise, vibration, smoke, glare or fumes.

C. Nonconforming Use of Building or Structure.

1. Damage or Destruction of Building or Structure.

If any Building or Structure used for a Nonconforming Use is damaged or destroyed by any means:

a. to an extent of more than 50% of the Full Value of the Building or Structure, no reconstruction or repairs shall be made unless the Use of every portion of the Structure is made to conform this Article; or

b. to an extent of 50% or less of the Full Value of the Building or Structure, it may be reconstructed or repaired and the

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Nonconforming Use continued, if the reconstruction or repair is started within one (1) year of such damage or destruction and is diligently pursued to completion.

2. Change of Nonconforming Use of Building or Structure.

If a Nonconforming Use of a Building or Structure is enlarged, increased, or extended to occupy more or such Building or Structure than that occupied by such Use on the Effective Date of this Article, any amendment of this Article, or any amendment to the Zoning Map, or if any such Nonconforming Use is moved to any other land or is moved in whole or in part to any other portion of the Building or Structure occupied by such Nonconforming Use at such time, the legal status of such Nonconforming Use will terminate, and thereafter the Use of such of the Building or Structure must comply with this Article.

3. Cessation of Nonconforming Use of Building or Structure or Grant of Conditional Use.

If any Nonconforming Use of a Building or Structure ceases for any reason for a continuous period of one (1) year or more, is changed to a conforming Use, or a Conditional Use is granted with respect thereto, or if the Building or Structure in or on which such Use is conducted or maintained is moved for any distance whatever, for any reason, then the legal status of such Nonconforming Use shall terminate and any future Use of such Building or Structure must conform to this Article.

4. Removal of Structure Used for Nonconforming Use.

If any Building or Structure in or on which any Nonconforming Use is conducted or maintained is removed, then the legal status of such Nonconforming Use shall terminate and the subsequent Use of the land on which such Building or Structure was located and the subsequent Use of any Building or Structure thereon must conform to this Article.

D. Nonconforming Buildings, Structures, Improvements, and Signs.

1. Damage or Destruction of Building, Structure, or Sign.

If any Nonconforming Building, Structure, Improvement, or Sign is damaged or destroyed by any means:

a. to an extent of more than 50% of the Full Value thereof, no reconstruction or repairs shall be made unless every portion of the Building, Structure, or Sign is made to conform this Article; or

b. to an extent of 50% or less of the Full Value thereof, it may be reconstructed or repaired and the legality of the Nonconforming Building, Structure, or Sign continued, if the reconstruction or repair is started within one (1) year of such damage or destruction and is diligently pursued to completion.

2. Alteration, Enlargement, Extension, etc. of Nonconforming Buildings, Structures, Improvements, or Signs.

a. If a Nonconforming Building, Improvement, or Structure is Substantially Modified, Altered, enlarged, increased, or extended to occupy more land than that occupied by such Building, Structure, or Improvement on the Effective Date of this Article, any amendment of this Article, or any amendment to the Zoning Map, or if any such Nonconforming Building, Structure, or Improvement is moved in whole or in part to any other land or any

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other portion of the Lot or parcel of land occupied by such Nonconforming Building or Structure at such time, the legal status of such Nonconforming Building, Structure, or Improvement shall terminate and such Building, Structure, or Improvement must conform to this Article.

b. If a Nonconforming Sign is Altered after the date of this Article, any amendment of this Article, or any amendment to the Zoning Map, or if any such Nonconforming Sign is moved in whole or in part to any other land or any other portion of the Lot or parcel of land occupied by such Nonconforming Sign at such time, the legal status of such Nonconforming Sign shall terminate and such Sign must conform to this Article.

3. Cessation of Use of Nonconforming Building, Structure, or Improvement or Grant of Conditional Use.

If any Nonconforming Building, Structure, or Improvement ceases to be in use for any reason for a continuous period of one (1) year more, is changed to a conforming Building, Structure, or Improvement, is used for a conforming Use, a Conditional Use is granted with respect thereto, or if the Building, Structure, or Improvement is moved for any distance whatever, for any reason, then such Building or Structure shall not be used without conforming to this Article.

4. Removal of Nonconforming Building, Structure, or Improvement.

If any Nonconforming Building, Structure, or Improvement is removed, the legal status of such Nonconforming Building, Structure, or Improvement shall terminate and any subsequent Building, Structure or Improvement must conform to this Article.

5. Removal of Nonconforming Signs.

Any Nonconforming Sign that is not a legal Nonconforming Sign shall be removed by the earlier of:

a. 30 days after such Sign lost its status as a legal Non–Conforming Sign;

b. two (2) years from the issuance of any Building Permit covering the property on which such Sign is located;

c. two (2) years from the issuance of the Sign Permit covering the Sign; or

d. two (2) years from the effective date of this Article or any amendment thereof, which resulted in such Sign being nonconforming.

6. Certain Changes to Improvements Requiring Compliance with Requirements.

a. If any Alteration to a nonconforming Improvement on a parcel of land or part thereof is limited solely to the following, such Improvement must comply with all requirements of this Article with respect to such Improvement, but such Alteration shall not result in the termination of the legal status of any other nonconforming Improvements on such land:

i. Parking Area or Parking Lot changes;

ii. Private landscaping;

iii. Curb cuts;

iv. Provision of an alley or access easement;

v. Change to or establishment of sidewalk, street trees, or other streetscape or public frontage elements;

vi. Change to utilities serving or existing on

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a parcel of land that is 4 acres or more.

b. No Sign may be added to a single-tenant Building or tenant space at any time during which such property contains any Non-Conforming Sign, whether or not such non-conformity is a legal Nonconforming Sign.

E. Nonconforming Lots.

1. Lots Subject to Conveyance.

A Building Permit may be issued for the erection of a Building or Structure on a Lot or other parcel for which a valid conveyance or contract of sale has been executed or delivered prior to the Effective Date of this Article, or any amendment of this Article, or any amendment of the Zoning Map, even though the area or dimensions of such Lot or parcel are less than that required by this Article if:

a. all other standards and requirements of this Article are met and

b. the owner of such Lot or parcel does not also own or have other Lots or parcels contiguous thereto under option or contract to purchase as of the Effective Date of this Article, any amendment of this Article, or any amendment of the Zoning Map.

2. Combination of Lots Required.

In the case of Section 26-6.122.E1.b, such other Lots or parcels, or as much thereof as may be necessary, shall be combined with the original Lot or parcel to make a single property, whereupon a Building Permit for the erection of a Structure may be issued if all other requirements of this Article are met.

F. Extension of Legal Nonconforming Lot Status for Certain Subdivisions of Land.

1. Treatment of Certain Subdivisions.

Without limitation to Section 26-6.122.A or 26-6.122.E, and in addition thereto, if the conditions of clause 26-6.122.F.2 below are met, an Existing Parcel:

a. may be subdivided in such a manner that creates

i. a Non-Conformity-Bearing Lot; and

ii. one or more Remainder Lots; and

b. the Remainder Lots may be Developed or re-Developed.

2. Conditions for Eligibility.

The following are the conditions which must be satisfied to be eligible under Section 26-6.122.F.1:

a. the Remainder Lots, and all Development, re-Development, Structures, Improvements and Buildings thereon and thereto, and all Uses thereof, must conform to all standards and requirements of this Article;

b. the Non-Conformity-Bearing Lot and all Buildings, Structures and Improvements thereon

i. must meet all Building and Lot standards and requirements of this Article other than the following standards and requirements as set forth in **Table 26.6.405.A-1 – 26-6.405.A.10 (District Standards)**: Private Frontage Type, Lot Occupation, Building Height, Ceiling Height, Facade, Finished Floor Level, Roof Type and Pitch, Principal Building Type, Vehicular Parking, Bicycle Parking, Private Landscaping and Fencing, Signs, Lighting, and Screens; and

ii. are not required to meet any additional

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requirements applicable to only to Development Parcels.

3. Effect of Subdivision, Development or Re-Development.

The effect of subdivision, Development or re-Development pursuant to Sections 26-6.122.F.1 and 26-6.122.F.2 is as follows:

a. the Non-Conformity-Bearing Lot shall thereafter constitute a legal non-conforming Lot and the legal non-conforming status of the Structure, Improvement or Use of or on the Non-Conformity-Bearing Lot shall continue notwithstanding such subdivision, Development or re-Development; and

b. the legal non-conforming status of any Structure, Improvement or Use on or of all other portions of the Existing Parcel other than the Non-Conformity-Bearing Lot (i.e., the Remainder Lots), and of the Remainder Lots themselves, shall cease.

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ILLUSTRATION 26-6.122.F-1 SPECIAL LEGAL NON-CONFORMITY STATUS FOR CERTAIN SUBDIVISIONS & IMPROVEMENTS

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G. Completion of Building or Structure under Construction.

Any Building or Structure for which a Building Permit has been duly granted, and the construction of which has been started before the Effective Date of this Article, any amendment of this Article, or any amendment of the Zoning Map, may be completed in accordance with approved Plans on file with the Zoning Administrator, provided that such construction is diligently pursued and such Structure is completed within three (3) years of the issuance of the Building Permit.

Any such Building or Structure so completed shall be a legal Nonconforming Building, Structure, or Use, as applicable.

H. Ordinary Maintenance & Repair.

Notwithstanding any other provision of this Article, Ordinary Maintenance and Repair of a Building or Structure may be undertaken without affecting the lawful status of a Nonconforming Use or Nonconforming Building or Structure.

SECTION 26–6.123 VESTED RIGHTS

Any property that has been granted approvals under Chapter 26, Article VI (Zoning) of the Town Code of Ordinances in effect immediately prior to the Effective Date of this Article to such extent as is necessary for such approvals to have created Vested Rights pursuant to I.C. Section 36–7–4–1109, may proceed in accordance with such approvals.

The owner of any such property, however, shall be entitled to elect to make application under this Article in lieu of proceeding under such approvals. In that case, the application under this Application under this Article shall be given priority processing to the extent possible and all additional fees for application under this Code shall be waived for application under this Code.

SECTION 26–6.124 REIMBURSEMENT OF PROFESSIONAL FEES.

A. Purposes.

The Town Council hereby finds that the Town incurs significant expenses related to professional consultant review of Plans and land use and Development applications. For such reviews, the expertise of professional consultants may be necessary to assist the Zoning Administrator, Town staff, and Approval Bodies in making a reasoned and informed determination in compliance with law. Therefore, it is the purpose of this Section to authorize the Zoning Administrator, the Town Council, the Plan Commission, the Board of Zoning Appeals, the Zoning Administrator, and the Town Engineer to require Applicants to reimburse the Town for the reasonable expenses of professional consultants, such as engineers, planners, attorneys, surveyors, or other experts, that have been retained. This expense shall be in addition to any fee required by other law, regulation or resolution of the Town.

B. Consultant Review Fees.

1. Expense.

The expense of such professional consultants shall be in accord with fees usually charged for such services in the Chicago metropolitan region and pursuant to a contractual agreement of the Town and such consultant. All such charges shall be paid by the Town upon submission of a Town voucher.

2. Reimbursement.

The applicant shall reimburse the Town for the cost of such services in accordance with the procedures described in Section 26–6.124.C.

3. Evidence of Payment.

Evidence of payment of all professional

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consultant review fees shall be provided by the Town Treasurer to the Approval Body, the Zoning Administrator, or other Town Staff having jurisdiction over the application.

4. Payment as Condition to Issuance / Action.

Full payment of such fees shall be a condition of issuing any permit or certification or taking any final action pursuant to this Article.

C. Escrow Accounts.

1. Establishment of Account.

At the time of submission of any application, submission, or request pursuant to this Article, the Applicant shall tender an amount as set by the Town Manager to allow the Town to establish an escrow account for consultant fees which may be incurred by the Town related to a proposal. No application shall be deemed complete until such time as said tender is made.

2. Withdrawals.

Withdrawals from the escrow account shall be made to reimburse the Town for the cost of professional consulting services.

3. Deposit of Additional Funds.

When the balance in such escrow account is reduced to 1/3 of its initial amount, the Applicant shall deposit additional funds into such account in an amount to be determined by the Town Manager. In no event, however, shall the Applicant be required to maintain a balance in the escrow account in excess of the initial amount. If the escrow account is not replenished by the Applicant within thirty (30) days after the Applicant is notified in writing of the requirement of an additional deposit, the Decision-Making Authority and the Zoning Administrator may suspend its further review of the application. In addition, the Decision-Making Authority, the Zoning Administrator, or other staff, as applicable, shall not be required to comply with the time periods, if any, under applicable law, if the Applicant fails to replenish the account as aforesaid. Any such time periods shall begin to accrue again upon receipt of the required payment.

4. Refund of Excess Escrow.

After all pertinent charges have been paid, and upon final approval, certification, denial, or withdrawal of the application, request, or submission, the Town shall refund to the Applicant any funds remaining on deposit, less any fees incurred for the establishment and maintenance of the account.

SECTION 26-6.125 PERFORMANCE GUARANTEES / COMMITMENTS

A. Security for Compliance & Completion.

1. Security for Compliance.

To ensure compliance with this Article and any conditions imposed under this Article, the Town may require that a cash deposit, certified check, irrevocable letter of credit, or surety bond acceptable to the Town (each, a "Performance Guarantee") covering the estimated costs of Improvements, performance, and/or compliance be deposited with the Town Clerk, including without limitation public Improvements required pursuant to an approved Site Plan. The Performance Guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project.

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2. Cost Estimate.

The estimated cost of Improvements, performance, and/or compliance shall be determined by the Plan Commission. If the value of the public Improvements is less than $5,000, the Plan Commission may waive this requirement.

3. Completion / Function of Public Improvements.

Such Performance Guarantee shall be conditioned upon the property owner's or developer's completing the required public Improvements enumerated on the approved Site Plan in a manner satisfactory to the Town, and said Improvements must be functioning properly for a period of two (2) years from their completion. If such Improvements are not so completed or do not so function, said Performance Guarantee shall be forfeited, and the Town shall be entitled to the full amount thereof and shall use the amount necessary to complete the Improvements not completed, or to replace or repair any Improvements that are not functioning properly. If any amount of money remains after the Town has completed such work or replaced or repaired any non-functioning Improvements, such excess money shall be returned to the surety or person that provided the Performance Guarantee.

B. Security for Temporary Certificate of Occupancy.

Additionally, the Building Inspector may require Performance Guarantees for incomplete projects where temporary Certificates of Occupancy are requested and non-health and safety items remain to be completed.

C. Commitments.

As a condition to the:

1. approval of a rezoning proposal;
2. primary approval of a proposed subdivision plat or development plan;
3. approval of a vacation of all or part of the plat; or
4. approval of an application for a Conditional Use or Variance;

the owner of a parcel of real property may be required or allowed to make a commitment concerning the use or development of that parcel in accordance with Indiana Code Section 36-7-4-1015.

SECTION 26-6.126 AMENDMENT

This Article may be amended from time to time in accordance with Section 26-6.804.L hereof.

SECTION 26-6.127 SEPARABILITY

In case any provision of this Article shall be held invalid or unenforceable by a court of competent jurisdiction, it shall not affect any other Division, Section or provision as long as the invalid or unenforceable portion can be separated from the remainder of the provisions.

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DIVISION 2:
ZONING MAP

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SECTION 26-6.201 ZONING MAP

A. General.

The Districts, Civic Zones, Thoroughfares, and any Special Requirements, as referred to in this Article, shall be bounded or otherwise defined on the Zoning Map adopted by the Town Council pursuant to this Article.

B. Incorporation into Article.

The Zoning Map, as may be subsequently amended from time to time, and all notations, references and explanatory and other matter thereon, is incorporated into and made a part of this Article by reference.

C. Maintenance of Zoning Map.

The Zoning Map, as the same may be amended from time to time by the Town Council, shall be maintained by the Zoning Administrator and shall be kept on file (which may be in a digital format) in the office of the Zoning Administrator or designee.

D. District & Civic Zone Boundaries.

1. Establishment of Boundaries.

The boundaries of the various Districts and Civic Zones within the Town as established by the Town Council are shown on the Town Zoning Map.

2. Intent.

The District and Civic Zone boundary lines, unless shown otherwise, are intended generally to follow Thoroughfare center lines, railroad right-of-way boundary lines or their center lines, other similar right- of-way lines, or Lot Lines, boundaries of subdivisions, or Town boundary lines, all as shown on the Zoning Map. Where a District boundary line does not follow such a line, but is shown parallel to such a line on the Zoning Map, the distance between the parallel lines shall be as dimensioned on the Zoning Map. Such dimensions shall be construed to read from the outside edge of all rights-of-way rather than from their center lines.

3. Discrepancy in Map and Physical Boundaries.

Where the Thoroughfare layout that actually exists on the ground varies from the Thoroughfare layout shown on the Zoning Map, the designation shown on the mapped Thoroughfare shall be applied in such a way as to carry out the Zoning Administrator's determination as to the purpose and intent of the Zoning Map for the particular area in question.

4. Determination of Boundary Location.

When the location of a District or Civic Zone boundary line cannot be otherwise determined, the determination thereof shall be made by the Zoning Administrator by scaling the distance on the Zoning Map from a line of known location to such boundary line.

5. Appeal to Board of Zoning Appeals.

In the case of uncertainty as to the true location of a District or Civic Zone boundary line in a particular instance, an appeal may be taken to the Board of Zoning Appeals, as provided in Division 8.

6. Boundary Dividing Lot.

Where a District boundary line divides a Lot held under a single ownership and existing at the Effective Date of this Article, any amendment thereto, or any amendment of the Zoning Map, a permit may be issued after application to and approval by the Board of Zoning Appeals, subject to such conditions as it may prescribe in the

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public interest for the whole Lot, for a Building, Structure, Improvement, or Use permitted in the less restricted District, provided that this shall not apply for a distance greater than 35 feet beyond a District boundary line.

SECTION 26-6.202 SPECIAL REQUIREMENTS.

A. Designation on Zoning Map.

The Zoning Map and any amendment thereto may designate any of the Special Requirements listed in Section 26-6.202.B below. If there is any conflict between an applicable Special Requirement and another standard or requirement, the Special Requirement shall be controlling.

B. Effect of Designation.

If the Zoning Map or any amendment, or any proposed amendment to the Zoning Map, designates any one or more of the following Special Requirements, such designation indicates that the following requirements shall be applied as follows:

1. Shopfront Frontage.

A Shopfront Frontage designation requires that each Private Frontage within the designated area be provided a Shopfront Frontage at Sidewalk level, except at any allowed Driveways or Streetscreen areas, as provided in **Table 26-6.405.G-1 (Private Frontage Types)** and specified in Division 4.

2. Retail Frontage.

A Retail Frontage designation requires that each Private Frontage within the designated area be provided a Shopfront Frontage at Sidewalk level, except at any allowed Driveways or Streetscreen areas, as provided in **Table 26-6.405.G-1 Private Frontage Types)** and specified in Division 4, and that the ground level be available for Retail Use.

3. Terminated Vista.

A Terminated Vista designation requires that a Building be provided with a cupola, chimney, entry feature, or habitable tower that intersects the centerline axis of the view to which they respond.

4. Cross Block Passage.

A Cross Block Passage designation requires that a minimum 10-foot-wide pedestrian access be reserved between Buildings.

5. Special Height Range.

A designation of Special Height Range requires that Buildings within the designated area comply with the Height noted rather than the Height standard that otherwise would be applicable within the District or Civic Zone, as applicable.

6. Ground Floor Residential/Dwelling Use Restriction.

A designation of Residential/Dwelling Use Restriction prohibits Uses categorized as Residential/Dwelling Uses within the ground floor of Buildings within the designated area, irrespective of whether Residential/Dwelling Use would otherwise be permitted within the applicable District or Civic Zone.

7. Residential/Dwelling Use Prohibited.

A designation of Residential/Dwelling Use Prohibited prohibits Uses categorized as Residential/Dwelling Uses within the designated area, irrespective of whether Residential/Dwelling Use would otherwise be permitted within the applicable District or Civic Zone.

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8. Residential/Dwelling Use Only.

A designation of Residential/Dwelling Use Only requires that the only Principal Uses that are allowed within the designated area are Uses categorized as Residential/Dwelling in **Table 26-6.405.L-1 (Building & Lot Principal Use)**, irrespective of whether other Principal Uses would otherwise be permitted within the applicable District or Civic Zone.

9. Special Setback Range.

A designation of Special Front Setback Range requires that Buildings within the designated area comply with the Setback noted rather than the Setback standard that otherwise would be applicable within the District or Civic Zone, as applicable.

10. Special Lot Width Range.

A designation of Special Lot Width Range requires that Buildings within the designated area comply with the Lot Width noted rather than the Lot Width standard that otherwise would be applicable within the District or Civic Zone, as applicable.

11. Ridge Preservation.

A designation of Ridge Preservation indicates an area where there shall be no alteration of topography, no reduction in grade, and no removal of or damage to high quality trees in these areas..

12. Ridge Road Alternate Parking Area.

A designation of Ridge Road Alternate Parking Area indicates that instead of locating on -street Parking and the Public Frontage of the Thoroughfare within the public Right-of-Way, the minimum Front Setback of each Lot along such area may be increased by that number of feet assigned by the applicable Thoroughfare type to the Vehicular Parking lane, curb, and Public Frontage and such Vehicular Parking lane, curb, and Public Frontage may be located within the Lot instead of being within the public right of way.

SECTION 26-6.203 ESTABLISHMENT OF DISTRICTS & CIVIC ZONE

A. Districts & Civic Zone.

For the purposes of this Article, there are hereby established within the Town, and the Town is hereby divided into, a Civic Zone and the following zoning districts:

Character District CD-3 (Neighborhood)

Character District CD-3.R1 (Neighborhood – 70' Lot One Family Residence District)

Character District CD-3.R2 (Neighborhood – 60' Lot One Family Residence District)

Character District CD-3.R3 (Neighborhood – 60' Lot One Family and Two Family Residence District)

Character District CD-4.R4 (General Urban – Multifamily Residence District)

Character District CD-4.A (General Urban - A District)

Character District CD-4.B (General Urban - B District)

Character District CD-5 (Urban Center)

Special District SD-M (Special District - Manufacturing)

Special District SD-PUD (Special District - Planned Unit Development)

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Such Districts and the Civic Zone are described in **Table 26-6.203 (District Descriptions – Summary)**, Section 26-6.305 and Section 26-6.306, and the standards therefor are set forth in Articles 4 and 5, **Tables 26-6.405.A-1 – 26-6.405.A-10 (District Standards)** and **26-6.405.B (Civic Zone Standards)**, and elsewhere in this Chapter.

B. Assignment of Districts & Civic Zones

1. Assignment on Map.

Districts and Civic Zones shall be assigned for and mapped on the Zoning Map, for and on each Zoning Map amendment, and for and on each Development Parcel Plan, in each case subject to review and certification and/or approval as provided in this Article.

2. Town Council Determination.

Assignment of Districts and Civic Zones shall be as determined by the Town Council.

C. Establishment of Additional Districts.

Districts in addition to those identified in Section 26-6.203.A.1 shall be subject to establishment and assignment by the Town Council of standards and requirements as a zoning text amendment pursuant to Section 26-6.126 and Section 26-6.804.L.

D. Zoning Map Amendment.

Zoning or re-zoning of property to any District or Civic Zone established pursuant to this Section shall be subject to approval of a Zoning Map amendment pursuant to Section 26-6.804.L.

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TABLE 26-6.203 ZONING DISTRICTS – SUMMARY

Zoning Districts	
	CD-3 (Neighborhood Character District) The CD-3 Neighborhood Character District consists of primarily a low density Single-Family Detached Residential area in which the House is the predominant Building Type. It has medium to deep front Setbacks and medium to wide side Setbacks. Its Thoroughfares have Curbs and may include Sidewalks and/or street trees, and form medium to large Blocks.
	CD-3.R1 (Neighborhood – 70′ Lot One Family Residence Character District) The CD-3R-1 Character District consists of primarily a low density Single-Family Detached Residential area in which Houses are the predominant Building Type. It has medium to deep front Setbacks and medium to wide side Setbacks. Some Thoroughfares have Sidewalks and Curbs, and form medium to large Blocks.
	CD-3.R2 (Neighborhood – 60′ Lot One Family Residence Character District) The CD-3R-2 Character District consists of primarily a low density Single-Family Detached Residential area in which Houses are the predominant Building Type. It has medium to deep front Setbacks and medium to wide side Setbacks. Some Thoroughfares have Sidewalks and Curbs, and form medium to large Blocks.
	CD-3.R3 (Neighborhood – 60′ Lot One Family and Two Family Residence Character District) The CD-3 R3 Character District consists of primarily a low density Single-Family Detached Residential area in which Houses and Two-Family Dwellings are the predominant Building Types. It has medium to deep front Setbacks and medium to wide side Setbacks. Most Thoroughfares have Sidewalks, street trees and Curbs, and form medium to large Blocks.

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TABLE 26-6.203 ZONING DISTRICTS – SUMMARY

Zoning Districts	
	CD-4.R4 (General Urban – Multifamily Residence Character District) The CD-4.R4 Character District consists of primarily a medium density attached Residential area in which Multifamily Buildings are the predominant Building Type. It has medium to deep front Setbacks and medium to wide side Setbacks. Most Thoroughfares have Sidewalks, street trees and Curbs, and form medium to large Blocks.
	CD-4.A (General Urban – A Character District) The CD-4.A General Urban – A Character District consists of a medium density area that has a mix of Building Types and primarily Residential, Retail, Personal Service, and Office Uses; there are medium, shallow or no front Setbacks and narrow to medium side Setbacks; it has variable private Landscaping; and it has Thoroughfares with Curbs, Sidewalks and trees that define medium-sized Blocks.
	CD-4.B (General Urban – B Character District) The CD-4.B General Urban – B Character District consists of a medium density area that has a mix of Building Types and primarily Residential, Retail, Personal Service, Office, and Light Industrial Uses; Setbacks vary as compared to the CD-4.A General Urban – A Character District; it has variable private and public Open Spaces and Landscaping; Thoroughfares typically have Curbs, Sidewalks and trees. Blocks may vary in size to accommodate a variety of uses.
	CD-5 (Urban Center Character District) The CD-5 Urban Center Character District consists of higher density Mixed Use areas. It has a tight network of Thoroughfares with side Sidewalks, street lights and regular tree spacing, defining medium-sized Blocks. Buildings are set close to the Sidewalks.

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TABLE 26–6.203 ZONING DISTRICTS – SUMMARY

Zoning Districts
SD–M (Special District – Manufacturing) The SD–M Manufacturing Special District is an area for Light Industrial development compatible with a limited residential community, and is intended to encourage development with suitable uses, space, landscaping and parking area.
SD–PUD (Special District – Planned Unit Development) The SD–PUD Planned Unit Development Special District is for areas in which diverse Uses may be brought together with innovative planning and design as a compatible and unified plan of development that is in the interest of the general welfare of the public.
CZ (Civic Zone) Civic Zone (CZ) is assigned to areas designated for Civic purposes. These may be Open Space of one or more Civic Space Types allowed within or Adjacent to any specific Character District or Special District, as well as sites dedicated to significant Buildings to be used for Civic purposes, such as town halls, Post Offices, Libraries, Places of Assembly, Places of Worship, and community centers.

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DIVISION 3:
ZONING DISTRICTS & CIVIC ZONES

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SECTION 26-6.301 GENERAL

A. Applicability.

This Division 3 applies to Districts and Civic Zones to the extent provided herein.

B. Compliance.

Except for non-conformances allowed pursuant to Section 26-6.122 or as otherwise provided in this Article, with respect to each District or Civic Zone, as applicable, all Development, re-Development, land, Lots, Improvements, Buildings, Structures, and all Uses, construction, re-construction, modifications, Alterations, and enlargements thereof, and all parts thereof, and all Plans, applications, requests, and submissions for proposals required or made under this Article must include the elements required by and must comply with this Division 3 and the applicable standards, requirements, and conditions of this Division and any license, permit, approval, certification, or authorization issued pursuant to this Article, any applicable approved Site Plan or other approval granted under this Article.

SECTION 26-6.302 CHARACTER DISTRICT DEFINED

Character District is defined in Division 9.

SECTION 26-6.303 SPECIAL DISTRICTS

A. Defined.

Special District is defined in Division 9.

B. Effect of Special District Designation.

If a Special District is designated for an area on the Zoning Map or any amendment thereof, such area is subject to certain Special District Development, parcel, Lot and Building standards as applicable, as described in Section 26-6.203.

C. Planned Unit Developments.

Planned Unit Developments established pursuant to this Article are Special Districts, which are subject to the Special District provisions of this Article and Section 26-6.804.L.9.

SECTION 26-6.304 CIVIC ZONE DEFINED

Civic Zone is defined in Division 9.

SECTION 26-6.305 DISTRICT DESCRIPTION

District descriptions are set forth in Section 26-6.203 and **Tables 26-6.405.A-1 – 26-6.405.A-10 (District Standards)**.

SECTION 26-6.306 CIVIC ZONE DESCRIPTION

Civic Zone is described in Section 26-6.203 and **Table 26-6.405.B (Civic Zone Standards)**.

Civic Spaces are described in **Table 26-6.504.B-1 (Civic Space Types – Summary)** and **Table 26-6.504.B-2 (Civic Space – Specific Standards)**.

SECTION 26-6.307 ASSIGNMENT OF DISTRICTS AND CIVIC ZONES

A. General.

Districts, Special Districts, and Civic Zones shall be assigned for and mapped on the Zoning Map, for and on each actual or proposed Zoning Map amendment, and for and on each Development Parcel Plan, in each case subject to review and certification and/or approval as provided in this Article.

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B. Determination by Town Council.

Assignment of District and Civic Zones on the Zoning Map shall be as determined by the Town Council at the time of adoption of the Zoning Map or any amendment thereof.

C. Changes to Zoning Map.

Any change to the adopted Zoning Map shall be subject to compliance with the requirements and procedures of this Article, including without limitation, submission, review and approval of an application for approval of a proposed Zoning Map amendment that complies with all standards, conditions, and requirements of this Article, in accordance with Section 26-6.804.L and related provisions of Division 8.

D. Assignment of Character Districts for Development Parcel.

For any Development Parcel over 20 gross acres excluding any Special Districts, assignment of each Character District type (i.e., CD-3, CD-3.R-1, CD-3.R-2, CD-3.R-3, CD-4, CD-4R, CD-4.A, CD-4.B, or CD-5) for any Zoning Map amendment not prepared by the Town shall be in accordance with the percentages of Net Site Area indicated in **Table 26-6.307 (Assignment of Character Districts for Development Parcels > 20 Acres)**.

TABLE 26-6.307
ASSIGNMENT OF CHARACTER DISTRICTS FOR DEVELOPMENT PARCELS > 20 ACRES

CD DISTRICT	% OF DEVELOPMENT PARCEL NET SITE AREA
CD-3	10-30%
CD-3R.1, CD-3R.2, CD-3R.3, & CD-4R.1	0%
CD-4.A &CD-4.B	30-60%
CD-5	10-30%
See Division 5 for Civic Zone Requirements	

All applications for and approvals of a zoning amendment covering a Development Parcel over 20 acres (such acreage excluding any Special Districts) must be in accordance with this Section 26-6.307.

E. Assignment of Civic Zones for Development Parcel.

Civic Zones shall be assigned within Development Parcels in accordance with Division 5.

F. Assignment of Special Districts for Development Parcel.

1. Limitation on Assignment.

a. A Special District may be assigned to an area within a Development Parcel only if such area, due to the intrinsic size, Use, Building Placement, Building Elements, Building Configuration, Building type, or other Building and Development characteristics, cannot conform to one or more of the applicable Character Districts or standards therefor specified in this Article.

Without limitation to the foregoing, a Planned Unit Development shall be subject to the additional conditions and requirements set forth in Section 26-6.804.L.9.

b. Special Districts shall not be used to avoid compliance with standards and requirements for Character Districts, and instead, shall be used sparingly.

2. Zoning Map Amendment.

Assignment of Special Districts shall be subject to approval as a zoning map amendment pursuant to Section 26-6.804.L.

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SECTION 26-6.308 ESTABLISHMENT OF ADDITIONAL DISTRICTS

A. Town Council Approval.

Districts in addition to those described in Sections 26-6.203 and **Tables 26-6.405.A-1 - 26-6.405.A-10 (District Standards)** shall be subject to Town Council establishment and assignment of standards and requirements by zoning text amendment pursuant to Section 26-6.125 and Section 26-6.804.L.

Special Districts, including without limitation Planned Unit Developments, shall be subject to Town Council establishment and assignment of standards and requirements by zoning text amendment pursuant to Section 26-6.126 and Section 26-6.804.L.

B. Map Amendment.

Zoning or re-zoning of property to any District or Civic Zone established pursuant to this Section shall be subject to approval of a Zoning Map amendment pursuant to Section 26-6.126 and Section 26-6.804.L.

SECTION 26-6.309 ELEMENTS & STANDARDS

Development, re-Development, land, Structures, Buildings, Improvements, and Lots within each District and Civic Zone shall include the elements indicated for such District or Civic Zone throughout this Article and shall comply with the applicable District or Civic Zone general description and intent thereof and the standards applicable to such District or Civic Zone set forth in **Tables 26-6.405.A-1 - 26-6.405.A-10 (District Standards)** or **Table 26-6.405.B (Civic Zone Standards)** and elsewhere in this Article.

SECTION 26-6.310 ADDITIONAL REQUIREMENTS

In addition to all standards and requirements that are applicable to a specific District or Civic Zone, all Development, re-Development, land, Structures, Buildings, Improvements, and Lots within Districts or Civic Zones must comply with all other applicable standards and requirements of this Article, including without limitation, the Supplemental Standards set forth in Division 6.

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DIVISION 4: BUILDING LOT PLANS & STANDARDS

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33 SECTION 26-6.402 BUILDING & LOT PLANS
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239 N. Screens, Streetscreens, & Buffers.
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263 R. Signage.
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SECTION 26-6.401 APPLICABILITY

This Division 4 is applicable to all Buildings, Lots and land within the Town.

SECTION 26-6.402 BUILDING & LOT PLANS

A. Plan Required.

Except for changes to Nonconforming Uses, Buildings, Structures, Improvements, Lots and Signs that may be made without loss of the legal status thereof, no Building shall be constructed, re-constructed, Substantially Modified, raised, moved, extended, reduced, or enlarged, and no Lot or other land shall be Developed, re-Developed, Improved, subdivided, or re-subdivided, and none of the same shall be used, except in compliance with this Division 4, the Zoning Map, any applicable Development Parcel Plan, any applicable Site Plan, and pursuant to a Building and Lot Plan that has been prepared, submitted, reviewed and certified in accordance with this Division and all standards and requirements applicable thereto.

B. Preparation and Requirements.

Each Building and Lot Plan shall be prepared in accordance with Section 26-6.403 and Section 26-6.804.E below and shall conform to the requirements of Section 26-6.404 and 26-6.804.E and other provisions hereof.

C. Plan Submission.

Each Building and Lot Plan shall be submitted for review and action in accordance with Section 26-6.118.C and Section 26-6.804.E.

D. Action on Plan.

Action shall be taken on each Building and Lot Plan application in accordance with Section 26-6.118.C and Section 26-6.804.E.

SECTION 26-6.403 PREPARATION

Each Building and Lot Plan required under this Division shall be prepared and submitted by or on behalf of the Owner of the applicable property.

SECTION 26-6.404 PLAN REQUIREMENTS

Each Building and Lot Plan submitted under this Division shall:

A. Compliance.

Comply with any applicable Development Parcel Plan, the Zoning Map, and all standards and requirements of this Article, including without limitation those applicable to the District or Civic Zone in which the land covered by such Building and Lot Plan is situated; and

B. Contents.

Show and include all items required by Section 26-6.804.E, in compliance with the standards and requirements of the Zoning Map, any applicable Development Parcel Plan, and this Division, including without limitation those applicable to the District or Civic Zone in which the land covered by such Building and Lot Plan is situated.

SECTION 26-6.405 BUILDING & LOT STANDARDS

A. District Buildings & Lots

The standards for Buildings and Lots within Districts are set forth in **Tables 26-6.405.A-1 – 26-6.405.A-10 (District Standards)** and elsewhere in this Division 4.

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CD–3

TABLE 26–6.405.A–1 DISTRICT STANDARDS: NEIGHBORHOOD CHARACTER DISTRICT

General Description

The CD–3 Neighborhood Character District consists of primarily a low density Single–Family Detached Residential area in which the House is the predominant Building Type. It has medium to deep front Setbacks and medium to wide side Setbacks. Its Thoroughfares have Curbs and may include Sidewalks and/or street trees, and form medium to large Blocks.

CD-3 TABLE 26-6.405.A-1 DISTRICT STANDARDS: NEIGHBORHOOD CHARACTER DISTRICT

District Density
4 units per acre, gross, max

Block Size	
Block Perimeter	2400 ft. max

Private Frontage Types			
Common Yard	P	Stoop	P
Porch	P	Shopfront	NP
Fence	P	Gallery	NP
Terrace/Lightwell	NP	Arcade	NP
Forecourt	NP	Officefront	NP
Dooryard	NP		

See Table 26-6.405.G-1 (Private Frontage Types)

Civic Space Types			
Park	P	Playground	P
Green	P	Sport Field	P
Square	NP	Community Garden	P
Plaza	NP		

See Table 26-6.504.B-1 (Civic Space Types – Summary) and Table 26-6.504..B-2 (Civic Space – Specific Standards)

Lot Occupation	
Lot Width	50 ft. min; 100 ft. max
Lot Area	NR
Lot Coverage	60% max.
Lot Enfrontment	Must Enfront a vehicular Thoroughfare, except ≤ 20% of the Lots within each type of Character District of a Development Parcel may Enfront a Pedestrian Path, Passage, pedestrian walkway or water body if such Lots have legal and physical vehicular access to a vehicular Thoroughfare via Driveway or Easement.

Number of Buildings	
Principal Building	1 max
Accessory Buildings	NR

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NR Not Regulated	R Required

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CD-3 TABLE 26-6.405.A-1 DISTRICT STANDARDS: NEIGHBORHOOD CHARACTER DISTRICT

Setbacks – Principal Building		
Front Setback, Principal Frontage	10 ft. min, 40 ft. max	A
Front Setback, Secondary Frontage	10 ft. min, 30 ft. max	B
Side Setback	6 ft. min	C
Rear Setback	3 ft. min; or 15 ft. from center line of Rear Lane or Rear Alley	D

Setbacks – Accessory Building		
Front Setback, Principal Frontage	20 ft. min + Principal Building Front Setback	E
Front Setback, Secondary Frontage	10 ft. min	F
Side Setback	0 ft. min	G
Rear Setback	3 ft. min or 5 ft. min if Garage door faces Rear Lane or Rear Alley	H

Building Standards	
Building Height	
Principal Building	2.5 Stories (40 ft.) max
Accessory Building	2 Stories (35 ft.) max
Facade	
Frontage Buildout	40% min
Entrances	Main Entrance must be in Facade of the Principal Frontage. Main Entrance must be clearly distinguishable from other parts of the Building through the use of architectural design, elements, and treatment, including its detail and relief and use of architectural elements such as lintels, pediments, pilasters, columns, and other elements appropriate to the architectural style and details of the Building.
Location of Building at Frontage	Parallel to Frontage Lines
Facade Position	Parallel to straight Frontage Line or to tangent of curved Frontage Line

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DIVISION 4

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required

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CD-3 TABLE 26-6.405.A-1 DISTRICT STANDARDS: NEIGHBORHOOD CHARACTER DISTRICT

Building Standards (continued)	
Blank Walls	NP at Frontage
Facade Glazing	20% – 60% of total Facade area
Finished Floor Level	If Residential: 18"-36" above avg. grade at Facade
Facade Window Sill Height	If Residential: 5 ft. min above avg. grade at Facade
Roof Type & Roof Pitch	
Flat	NP
Shed	P at rear only and if ridge is attached to an exterior Building Wall; except for dormers which may have a shed roof anywhere on the Building
Hip	P
Gable	P
Pitch	8:12 - 14:12, except for shed roofs which may be 3:12 - 14:12 and that roof pitch may match the primary roof pitch of an existing Building that is less than 8:12
Notes:	

*Stories do not include Attics and Basements.

Building Types			
House	P	Commercial	NP
Duplex	NP	Mixed Use	NP
Rowhouse	NP	Flex	NP
Multifamily	NP	Mid-Rise	NP
Live/Work	NP	Civic	NP

See Table 26-6.405.J-1 (Principal Building Types - Summary) and Table 26-6.405.J-2 (Principal Building Types - Specific Standards)

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required

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CD-3 TABLE 26-6.405.A-1 DISTRICT STANDARDS: CD-3 NEIGHBORHOOD CHARACTER DISTRICT

Encroachments – Required Setbacks

Encroachment Type	Front	Side	Rear
Steps to Building Entrance	P up to 50% of Setback	P	P
Open Porches, including steps	P up to 50% of Setback	P	P
Patio Decks, in permitted applicable Lot Layer	NP	P	P
Open Fire Balconies and Fire Escapes	NP	P up to 6′	P up to 6′
Chimney flues, sills, belt courses, cornices, buttresses eaves and other Architectural Features	P	P	P
Satellite dishes/ antennae	P	P	P
Mechanical equipment, including HVAC	NP	P	P
Utility lines, wires and associated Structures (e.g. poles)	P	P	P
Fences, hedges, Walls, Shrubbery, and other landscape features	P	P	P
Parking Areas, Loading Areas and Driveways in 3rd Lot Layer	P	P	P
Bicycle Parking	P	P	P
Stoops	P up to 50% of Setback	P	P
Balconies and Bay Windows	P	P	P

Vehicular Parking Requirements

Off-Street Parking Location	P only in 3rd Lot Layer only except for Driveway. Parking Lots NP
Off-Street Parking Surface	Prepared surface of gravel, asphalt, concrete or other hard surface
Garage Location	P in 3rd Lot Layer only
Driveway/Vehicular Entrance Maximum Width	10 ft. max in 1st Lot Layer
Parking Structures	NP

Bicycle Parking Requirements

See Bicycle Parking Standards in Table 26-6.405.O-6 (Bicycle Parking Requirements)

Off-Street Loading, Storage, Drive-Through, Trash Receptacle/Dumpster, Utility Box & Service Meter* Requirements

Off-Street Loading, Storage, Utility Box & Service Meter* Locations	P in 3rd Lot Layer only
Drive-Through Locations	NA
Trash Receptacle Locations	Per Chapter 38 (Solid Waste)
Dumpster Locations	NA

* Not including water meters

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required

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CD-3 TABLE 26-6.405.A-1 DISTRICT STANDARDS: CD-3 NEIGHBORHOOD CHARACTER DISTRICT

Non-Building Components	
Heating and Air Conditioning Equipment, Utility, Service and Mechanical Equipment	NP in 1st Lot Layer
Solar Panels	P in 3rd Lot Layer; P in 1st or 2nd Lot Layer if parallel to and integrated into roof design
Antennas & Satellite Equipment	NP in 1st Lot Layer unless such Lot Layer is only possible location possible for satisfactory reception.
Swimming Pools, Hot Tubs and Spas	P in 3rd Lot Layer only
Transmitting and/ or receiving towers or antennas and wind-generating machines	P in 3rd Lot Layer only

Private Landscaping and Fencing
Landscaping
R for all areas not covered by Structure, Parking Area, walkway, patio, terrace, or deck: Minimum of 25% of landscaped area must be covered with groundcover or evergreen trees or shrubs. Minimum of 30% of 1st Lot Layer must be landscaped in compliance with Section 26-6.405.P. 1st Lot Layer may not be paved except for driveway and sidewalk.

Private Landscaping and Fencing (continued)		
Walls & Fencing (not including Screens)		
Height	4 ft. max. at Frontage; otherwise 6 ft. max; height measured from avg. undisturbed grade of Adjacent property at property line	
Construction	Finished side must face Adjacent property, Thoroughfare, Path, Passage or Waterbody	
Allowed Materials	Natural Wood	P
	Brick or Stucco over Masonry	P
	Wrought Iron or Aluminum	P
	Vinyl	P
	Chain Link	NP in 1st Lot Layer; P in 2nd or 3rd Lot Layer only
	Barbed/razor	NP

Signs
See Sign Standards in Division 7.

Lighting
See Private Lighting Standards in Section 26-6.405.Q

Screens
NR

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NR Not Regulated	R Required

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CD-3 TABLE 26-6.405.A-1 DISTRICT STANDARDS: CD-3 NEIGHBORHOOD CHARACTER DISTRICT

PRINCIPAL USE	CD-3
RESIDENTIAL / DWELLING USE CATEGORY	
Assisted Living Apartment	NP
Attached Dwelling – Rowhouse	NP
Attached Dwelling – Multi-Family	NP
Independent Living Apartment	NP
Residence Portion of Live/Work, Mixed-Use, or Flex Building	NP
Single-Family Detached Dwelling	P
Two-Family Detached Dwelling or Duplex	NP
Other Residential Not Listed Under any Use Category	NP
LODGING USE CATEGORY	
Bed & Breakfast	NP
Hostel/Hotel/Inn	NP
Motel	NP
Boardinghouse, Lodginghouse	NP
Tourist Home	NP
Other Lodging Not Listed Under any Use Category	NP
OFFICE USE CATEGORY	
Business / Governmental / Non-Profit / Professional Office	NP
Counseling Service	NP
Crisis Counseling Center	NP
Medical Lab / Dental Lab / Research Lab	NP
Medical or Dental Office / Medical or Dental Clinic / Outpatient Clinic	NP

PRINCIPAL USE	CD-3
Office Portion of Live/Work, Mixed-Use, or Flex Building	NP
Photography Lab	NP
Radio / Television / Recording Studio or Station without Communications Tower	NP
Other Office Use Not Listed Under any Use Category	NP
RETAIL/PERSONAL SERVICE USE CATEGORY	
Adult Bookstore / Adult Cabaret / Adult Entertainment	NP
Alcoholic Beverage Retail Sales	NP
Alcoholic Beverage - Serving Establishment other than Bar or Tavern	NP
Animal (Small) Boarding/Kennel or Grooming without Outside Boarding	NP
Art or Photography Studio	NP
Bar or Tavern	NP
Brewpub	NP
Craftsman Establishment, with or without Retail Sales	NP
Dry Cleaning / Laundry Pick Up without Drive-Through Service	NP
Entertainment Facility (non-Civic)	NP
Gallery - Private	NP
Financial Services without Drive-Through Service	NP
Garden Center	NP
Hair / Skin / Nail Care / Health Club or Day Spa	NP
Laundromat	NP
Motor Vehicle Retail Parts Sales	NP

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CD-3 TABLE 26-6.405.A-1 DISTRICT STANDARDS: CD-3 NEIGHBORHOOD CHARACTER DISTRICT

PRINCIPAL USE	CD-3
Open Air Market	NP
Open Front or Open Lot Retail / Personal Service Establishment, excluding Restaurant outdoor dining & Open Air Market	NP
Pawnshop	NP
Performing Arts Studio / Music Conservatory	NP
Pharmacy	NP
Printing Services Retail Shop without Drive Through Service	NP
Recreation Facility (Non-Civic)	NP
Restaurant	NP
Restaurant with Outdoor Dining	NP
Retail Membership Club	NP
Retail / Personal Service / Craftsman Establishment with Drive-Through Service	NP
Retail / Personal Service / Craftsman Establishment without Drive-Through Service	NP
Smoke, Tobacco, or CBD Shop	NP
Tailor or Seamstress Shop	NP
Tasting Room	NP
Tattoo Studio	NP
Theater or Performing Arts Venue (non-Civic)	NP
Ticket Office	NP
Veterinary Office, Clinic, or Hospital, without Outside Boarding	NP
Warehouse Retail	NP
Other Retail, Personal Service, or Craftsman Use Not Listed Under any Use Category	NP

PRINCIPAL USE	CD-3
CIVIC USE CATEGORY	
Adult Day Care Facility (Civic)	NP
Civic Building (Publicly Owned or Operated)	NP
Civic Building (Privately Owned & Operated)	NP
Civic Space - Sports Field (Privately Owned & Operated)	CU
Civic Space - Sports Field (Publicly Owned or Operated)	NP
Civic Space – Green, Square, Plaza (Privately Owned & Operated)	CU
Civic Space – Green, Square, or Plaza (Publicly Owned or Operated)	NP
Civic Space – Park, Playground, or Community Garden (Privately Owned & Operated)	CU
Civic Space – Park, Playground, or Community Garden (Publicly Owned or Operated)	P
Community Center - not-for-profit	NP
Conference / Convention / Exhibition Center	NP
Courthouse	NP
Entertainment Facility (Civic)	NP
Food Distribution Center (Civic)	NP
Gallery (Civic)	NP
Library	NP
Museum	NP
Parking Lot	NP
Parking Structure	NP
Performing Arts Venue	NP
Place of Assembly or Place of Worship	NP

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CD-3 TABLE 26-6.405.A-1 DISTRICT STANDARDS: CD-3 NEIGHBORHOOD CHARACTER DISTRICT

PRINCIPAL USE	CD-3
Post Office	NP
Public Transit	NP
Recreation Facility (Civic)	NP
Sports Venue	NP
Transit Shelter	P
Transit Station or Terminal	NP
Other Civic Use Not Listed Under any Use Category	NP
MOTOR VEHICLE - RELATED USE CATEGORY	
Gasoline Station	NP
Motor Vehicle Shop Maintenance / Repair / Service / Cleaning	NP
Motor Vehicle Sales, Rental, or Leasing, with or without Parts Sales	NP
Taxi Center or Ride-Share Center	NP
Tire Sales	NP
Other Motor Vehicle Use Not Listed Under any Use Category	NP
CIVIL SUPPORT USE CATEGORY	
Cemetery (Non-Commercial)	NP
Cemetery (Commercial)	NP
Fire / EMS Station	P
Funeral Services	NP
Police Station	P
Public Works Yard	NP

PRINCIPAL USE	CD-3
RECREATION USE CATEGORY	
Adult Day Care Facility (non-Civic)	NP
Amusement Center with amusement devices	NP
Athletic Field (Commercial), other than a Sports Field Civic Space	NP
Athletic Field (Non-Commercial), other than a Sports Field Civic Space	NP
Club-Private not -for-profit	NP
Commercial Indoor Athletic Training Facility	NP
Country Club	NP
Recreation Facility (non-Civic)	NP
Shooting or Firing Range, with or without firearms sales	NP
Social (or Civic) Club, Lodge, or Organization	NP
Other Recreation Use Not Listed in any Use Category	NP
INSTITUTIONAL USE CATEGORY	
Long Term Care Facility	NP
Hospital	NP
Rehabilitation Facility	NP
LIGHT INDUSTRIAL USE CATEGORY	
Brewery without tap room, bar or tasting room	NP
Building Systems / Construction Business	NP
Catering Service or Catering Events Establishment	NP
Distillery	NP
Food Processing for Wholesale Sales	NP

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CD-3 TABLE 26-6.405.A-1 DISTRICT STANDARDS: CD-3 NEIGHBORHOOD CHARACTER DISTRICT

PRINCIPAL USE	CD-3
Horticulture & Landscaping Services	NP
Information Services	NP
Light Manufacturing Plant with or without Retail Sales	NP
Machine Shop / Woodworking Shop	NP
Microbrewery /Microdistillery / Microwinery / Nanobrewery	NP
Non-Nuisance Industry	NP
Publishing Plant	NP
Rail Equipment Storage / Repair	NP
Research Laboratory	NP
Septic Equipment Installation Services or Cleaning	NP
Towing Facility	NP
Warehouse / Warehousing Facility	NP
Wholesale Sales	NP
Winery	NP
Other Light Industrial Use Not Listed Under any Use Category	NP
EDUCATION USE CATEGORY	
Building exclusively for Non-Profit Educational Institution	NP
Business or Trade School	NP
Child Care Facility	NP
Children's Day Camp	NP
College / University	NP

PRINCIPAL USE	CD-3
K-12 School (Kindergarten, Elementary, Middle, or High School)	CU
Pre-School or Nursery School	NP
Other Education Use Not Listed in any other Category	NP
UTILITIES USE CATEGORY	
Communications Tower	NP
Communications and Power Lines	CU
Power Distribution / Substation	NP
Public Utilities	CU
Sewage Facility (Non-Commercial)	NP
Sewage Facility (Non-Commercial)	NP
Utility Pumping Station	CU
Utility Substation	CU
Water Treatment / Supply Facility	NP
Wireless Telecommunications Facility	NP
Other Utilities Use Not Listed Under any other Category	NP
OTHER USE CATEGORY	
Animal (non-domestic) Raising / Maintaining	NP
Heavy Manufacturing	NP

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CD-3 TABLE 26-6.405.A-1 DISTRICT STANDARDS: CD-3 NEIGHBORHOOD CHARACTER DISTRICT

ACCESSORY USE	CD-3
RESIDENTIAL / DWELLING	
Accessory Building	P
Accessory Dwelling Unit	P
Accessory Garden Center	NP
Child Care In Home	CU
Convent on Site with Place of Worship	P
Dormitory on Site with Educational Institution	NP
Family Day Care	NP
Food / Refreshment Stand	NP
Food Truck	NP
Garden	P
Gift Shop	NP
Home Occupations	P
Home Office	P
Massage Services by Indiana licensed masseuse, accessory to Spa or Salon	NP
News Stand	NP
Office uses as accessory to manufacturing or warehouse	NP
Other Uses not listed in this Table that are subordinate and customarily incidental to a permitted Principal Use	P
Outdoor Storage *	NP

* Outdoor storage must be Screened from Adjacent properties with a barrier of man-made or growing materials which Screen such area from both public street(s) and adjacent or neighboring property.

ACCESSORY USE	CD-3
Parish House, Rectory, Parsonage, or other Residence on site with Place of Worship	P
Parking Area	P
Playhouses	P
Patio	P
Recreation, refreshment and service uses of Structures in Civic Space incidental to the Civic Principal Use	P
Retail Sales Accessory to Manufacturing or Warehouse	NP
Motor Vehicle maintenance that is routine, periodic and incidental, if inside Garage or in 3rd Lot Layer & vehicle is owned and registered occupant of Dwelling	P
School on site with Place of Worship	P
Seminary on site with Place of Worship	P
Storage Building in Third Lot Layer	P
Storage of odor- or dust-producing substances	NP
Solar Panels	P
Sports Court, Swimming Pool, Hot Tub in 3rd Lot Layer	P
Tasting Room on site with Brewery, Distillery, Winery	NP
Telecommunications Receiving Equipment	NP
Wireless Telecommunications Facility	NP
Other Uses that are Subordinate and Customarily Incidental to a Permitted Principal Use	P

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CD–3 TABLE 26–6.405.A–1 DISTRICT STANDARDS: CD–3 NEIGHBORHOOD CHARACTER DISTRICT

TEMPORARY USE	CD–3
RESIDENTIAL / DWELLING	
A trailer in Third Lot Layer for Storage of Goods Associated with Commercial Principal Use, for up to 6 mos w/ possible extension to 12 mos; must not be closer to any Structure than 10 feet	NP
Seasonal Uses or Uses for Unusual Non–Recurrent Events, for no more than 30 days (subject to obtaining special event permit)	P
New Subdivision Sales & Management Office, for up to 1 yr	P
Sales or Construction Office Trailer	P

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LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CD-3.R1

TABLE 26-6.405.A-2 DISTRICT STANDARDS: NEIGHBORHOOD – 70′ LOT ONE FAMILY RESIDENCE CHARACTER DISTRICT

General Description

The CD-3.R-1 Neighborhood - 70′ Lot One Family Residence Character District consists of primarily a low density Single-Family Detached Residential area in which Houses are the predominant Building Type. It has medium to deep front Setbacks and medium to wide side Setbacks. Some Thoroughfares have Sidewalks or Curbs, and form medium to large Blocks.

CD-3.R1 TABLE 26-6.405.A-2 DISTRICT STANDARDS: NEIGHBORHOOD – 70' LOT ONE FAMILY RESIDENCE CHARACTER DISTRICT

Block Size	
Block Perimeter	NR

Private Frontage Types
NR

Civic Space Types
NR

Lot Occupation	
Lot Width	75 ft. average
Lot Area	12,000 sf. min
Lot Coverage	30% of Lot Area max. Accessory Structures shall not exceed 900 sf.
Minimum Frontage	75 ft. min
	All Dwellings or Principal Buildings in CD-3.R1 shall be so constructed or located upon the Lot as to have unobstructed frontage upon a public street or a private street of record.

Number of Buildings	
Principal Building	NR
Accessory Buildings	NR

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-3.R1 TABLE 26-6.405.A-2 DISTRICT STANDARDS: NEIGHBORHOOD – 70' LOT ONE FAMILY RESIDENCE CHARACTER DISTRICT

Setbacks – Principal Building

Front Yard	R, min 1 ft. in least dimension for each 1 ft. in height of the Principal Building or 35 ft, whichever is greater.	A
Rear Yard	R Interior Lot: min 20 ft. Corner Lot: min 15 ft.	B C
Side Yard*	R 2 Side Yards, maintained for full length of Lot Total min width of Side Yards is 25% of Lot Width, measured at the Building Line Least dimension of the narrower Side Yard is min 10% of the total Lot Width, measured at the Building Line	D

*For existing subdivided Lot with Front Lot Line length greater than Rear Lot Line length, Side Yards shall be maintained at the Building Line, but may be reduced beyond Building Line to 7 ft. min at the rear of Building.

Setbacks – Accessory Building

Front Yard	min 60 ft. from the Front Lot Line	E
Rear Yard	min 3 ft. from a Rear Lot Line that does not also serve as a Side Lot Line of adjoining property min 10 ft. from a Rear Lot Line that also serves as a Side Lot Line of adjoining property Accessory Building must be located as specified in the definition of the term "Rear Yard"	F G
Side Yard	Side Yard abutting side street: same as permitted for Principal Building Side Yard not abutting side street: min 3 ft.	H J

Building Types

NR

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-3.R1 TABLE 26-6.405.A-2 DISTRICT STANDARDS: NEIGHBORHOOD – 70' LOT ONE FAMILY RESIDENCE CHARACTER DISTRICT

Building Standards

Building Height

Dwellings 5,000 sf. or more	39 ft. max
Dwellings less than 5,000 sf.	2.5 Stories or 35 ft. max
Other Structures	4 Stories or 50 ft. max

Facade

NR

Roof Type & Roof Pitch

NR

Private Garages

P as a structural part of Principal Building. Garage Wall shall be treated as any other Wall in the Principal Building in applying the Front, Side and Rear Yard requirements.

Accessory Buildings

NP unless the Principal Building to which it is accessory exists on the same Lot and was properly permitted

Encroachments – Required Setbacks

Encroachment Type	Front	Side	Rear
Steps to Building Entrance	P 5 ft. or less	P 5 ft. or less	P 5 ft. or less
Open Porches, including steps	P 5 ft. or less	P 5 ft. or less	P 5 ft. or less
Patio Decks, in permitted applicable Lot Layer	P	P	NR
Open Fire Balconies & Fire Escapes	NP	NP	NP
Chimney flues	NP	NP	NP
Sills, belt courses, cornices projecting not more than 30 inches, buttresses, eaves and other Architectural Features	P	P	P
Satellite dishes/ antennae	P	P	NR
Mechanical equipment, including HVAC	P	P	NR
Utility lines, wires and associated Structures (e.g. poles)	P	P	NR
Fences, hedges, Walls, Shrubbery, and other landscape features	P	P	NR
Parking Areas, Loading Areas and Driveways in 3rd Lot Layer	P	P	NR
Bicycle Parking	P	P	NR
Stoops	P 5 ft. or less	P 5 ft. or less	P 5 ft. or less
Balconies and Bay Windows	P	P	NR
Open terraces	P 5 ft. or less	P 5 ft. or less	P 5 ft. or less

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-3.R1 TABLE 26-6.405.A-2 DISTRICT STANDARDS: NEIGHBORHOOD – 70' LOT ONE FAMILY RESIDENCE CHARACTER DISTRICT

Vehicular Parking Requirements	
Off-Street Parking Location	P only in 2nd or 3rd Lot Layer only, except for Driveway. Parking Lots NP
Off-Street Parking Surface	Shall be graded and surfaced with concrete or other material approved by the Town Engineer or Building Official.
Garage Location	See "Setbacks – Accessory Building"
Garage Size	For a residence with 5,000 sf. or more of living space excluding Basements: 4 car Garage max. For a residence with less than 5,000 sf. of living space excluding Basements: 3 car Garage max. Garages may be attached, detached, or a combination of both, however, the total capacity of said private Garage(s) shall be no more than the number of vehicles indicated above.
Driveway/ Vehicular Entrance Maximum Width	10' max for 1-car Garage; 20' max for 2-car Garage; 30' max for 3-car Garage
Parking Structures	NP

Vehicular Parking Requirements (continued)	
Vehicular Storage	Recreational Vehicles, Motor Homes, Campers, Trailers, Boats, Boat Trailers, & similar personal property owned by resident and unoccupied: P, up to total of 2 in paved area of 3rd Lot Layer, if Screened from abutting properties by opaque Fence or Landscaping of min 6 ft height above average grade P, up to 1 temporarily parked in a Front or Side Yard Driveway for max 3 days in any consecutive 30-day period, for loading, unloading, or servicing.

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-3.R1 TABLE 26-6.405.A-2 DISTRICT STANDARDS: NEIGHBORHOOD – 70' LOT ONE FAMILY RESIDENCE CHARACTER DISTRICT

Bicycle Parking Requirements

NR

Off-Street Loading, Storage, Drive-Through, Trash Receptacle/Dumpster, Utility Box & Service Meter* Requirements

Off-Street Loading, Storage, Utility Box & Service Meter* Locations	NR
Drive-Through Locations	NR
Trash Receptacle Locations	Per Chapter 38 (Solid Waste)
Dumpster Locations	Per Chapter 38 (Solid Waste)

* Not including water meters

Non-Building Components

No personal property other than lawn furniture shall be stored, maintained or permitted outside an enclosed building, Garage or carport in the CD-3.R1 Character District, except as provided in this section.

Private Landscaping and Fencing

Landscaping

NR

Walls & Fencing (not including Screens)

Height	42 inches max. in Front and Side Yards, with up to 6 additional inches allowed for decorative post tops; otherwise 6 ft. max in rear Setback; height measured above the Finished Grade
Length	NR in Side and Rear Yards.

Private Landscaping and Fencing (continued)

Length	Fences in the Front Yard may only be located as landscape amenities, in an aggregate length of no greater than 16 feet, with a maximum of 8 feet in any one direction. Fences in the Front Yard shall not be installed so as to result in the creation of enclosed areas within the fence, visibility problems or hazards to pedestrians.	
Construction	NR	
Allowed Materials	Natural Wood	P Only open construction such as split-rail and picket in the Front Yard.
	Brick or Stucco over Masonry	P Permit required
	Wrought Iron or Aluminum	P Only open construction in the Front Yard.
	Chain Link	P At rear and sides only
	Barbed/razor/ electric	NP
	Vinyl	P
Building Permits	All fences require a permit.	

Signs

See Sign Standards in Division 7.

Lighting

See Private Lighting Standards in Section 26-6.405.Q

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

ADOPTION DRAFT

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CD-3.R1 TABLE 26-6.405.A-2 DISTRICT STANDARDS: NEIGHBORHOOD – 70' LOT ONE FAMILY RESIDENCE CHARACTER DISTRICT

PRINCIPAL USE	CD-3. R1
RESIDENTIAL / DWELLING USE CATEGORY	
Assisted Living Apartment	NP
Attached Dwelling – Rowhouse	NP
Attached Dwelling – Multi-Family	NP
Independent Living Apartment	NP
Residence Portion of Live/Work, Mixed-Use, or Flex Building	NP
Single-Family Detached Dwelling	P
Two-Family Detached Dwelling or Duplex	NP
Other Residential Not Listed Under any Use Category	NP
LODGING USE CATEGORY	
Bed & Breakfast	NP
Hostel/Hotel/Inn	NP
Motel	NP
Boardinghouse, Lodginghouse	NP
Tourist Home	NP
Other Lodging Not Listed Under any Use Category	NP
OFFICE USE CATEGORY	
Business / Governmental / Non-Profit / Professional Office	NP *
Counseling Service	NP
Crisis Counseling Center	NP
Medical Lab / Dental Lab / Research Lab	NP
Medical or Dental Office / Medical or Dental Clinic / Outpatient Clinic	NP

PRINCIPAL USE	CD-3. R1
Office Portion of Live/Work, Mixed-Use, or Flex Building	NP
Photography Lab	NP
Radio / Television / Recording Studio or Station without Communications Tower	NP
Other Office Use Not Listed Under any Use Category	NP
RETAIL/PERSONAL SERVICE USE CATEGORY	
Adult Bookstore / Adult Cabaret / Adult Entertainment	NP
Alcoholic Beverage Retail Sales	NP
Alcoholic Beverage - Serving Establishment other than Bar or Tavern	NP
Animal (Small) Boarding/Kennel or Grooming without Outside Boarding	NP
Art or Photography Studio	NP
Bar or Tavern	NP
Brewpub	NP
Craftsman Establishment, with or without Retail Sales	NP
Dry Cleaning / Laundry Pick Up without Drive-Through Service	NP
Entertainment Facility (non-Civic)	NP
Gallery - Private	NP
Financial Services without Drive-Through Service	NP
Garden Center	NP
Hair / Skin / Nail Care / Health Club or Day Spa	NP
Laundromat	NP

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CD-3.R1 TABLE 26-6.405.A-2 DISTRICT STANDARDS: NEIGHBORHOOD – 70' LOT ONE FAMILY RESIDENCE CHARACTER DISTRICT

PRINCIPAL USE	CD-3. R1
Motor Vehicle Retail Parts Sales	NP
Open Air Market	NP
Open Front or Open Lot Retail / Personal Service Establishment, excluding Restaurant outdoor dining & Open Air Market	NP
Pawnshop	NP
Performing Arts Studio / Music Conservatory	NP
Pharmacy	NP
Printing Services Retail Shop without Drive Through Service	NP
Recreation Facility (Non-Civic)	NP
Restaurant	NP
Restaurant with Outdoor Dining	NP
Retail Membership Club	NP
Retail / Personal Service / Craftsman Establishment with Drive-Through Service	NP
Retail / Personal Service / Craftsman Establishment without Drive-Through Service	NP
Smoke, Tobacco, or CBD Shop	NP
Tailor or Seamstress Shop	NP
Tasting Room	NP
Tattoo Studio	NP
Theater or Performing Arts Venue (non-Civic)	NP
Ticket Office	NP
Veterinary Office, Clinic, or Hospital, without Outside Boarding	NP
Warehouse Retail	NP

PRINCIPAL USE	CD-3. R1
Other Retail, Personal Service, or Craftsman Use Not Listed Under any Use Category	NP
CIVIC USE CATEGORY	
Adult Day Care Facility (Civic)	NP
Civic Building (Publicly Owned or Operated)	NP
Civic Building (Privately Owned & Operated)	NP
Civic Space – Sports Field (Privately Owned & Operated)	CU
Civic Space – Sports Field (Publicly Owned or Operated)	NP
Civic Space – Green, Square, Plaza (Privately Owned & Operated)	CU
Civic Space – Green, Square, or Plaza (Publicly Owned or Operated)	NP
Civic Space – Park, Playground, or Community Garden (Privately Owned & Operated)	CU
Civic Space – Park, Playground, or Community Garden (Publicly Owned or Operated)	P
Community Center – not-for-profit	NP
Conference / Convention / Exhibition Center	NP
Courthouse	NP
Entertainment Facility (Civic)	NP
Food Distribution Center (Civic)	NP
Gallery (Civic)	NP
Library	NP
Museum	NP
Parking Lot	NP
Parking Structure	NP

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CD-3.R1 TABLE 26-6.405.A-2 DISTRICT STANDARDS: NEIGHBORHOOD – 70' LOT ONE FAMILY RESIDENCE CHARACTER DISTRICT

PRINCIPAL USE	CD-3. R1
Performing Arts Venue	NP
Place of Assembly or Place of Worship	NP
Post Office	NP
Public Transit	NP
Recreation Facility (Civic)	NP
Sports Venue	NP
Transit Shelter	P
Transit Station or Terminal	NP
Other Civic Use Not Listed Under any Use Category	NP
MOTOR VEHICLE – RELATED USE CATEGORY	
Gasoline Station	NP
Motor Vehicle Shop Maintenance / Repair / Service / Cleaning	NP
Motor Vehicle Sales, Rental, or Leasing, with or without Parts Sales	NP
Taxi Center or Ride-Share Center	NP
Tire Sales	NP
Other Motor Vehicle Use Not Listed Under any Use Category	NP
CIVIL SUPPORT USE CATEGORY	
Cemetery (Non-Commercial)	NP
Cemetery (Commercial)	NP
Fire / EMS Station	NP
Funeral Services	NP

PRINCIPAL USE	CD-3. R1
Police Station	NP
Public Works Yard	NP
RECREATION USE CATEGORY	
Adult Day Care Facility (non-Civic)	NP
Amusement Center with amusement devices	NP
Athletic Field (Commercial), other than a Sports Field Civic Space	NP
Athletic Field (Non-Commercial), other than a Sports Field Civic Space	NP
Club-Private not -for-profit	NP
Commercial Indoor Athletic Training Facility	NP
Country Club	NP
Recreation Facility (non-Civic)	NP
Shooting or Firing Range, with or without firearms sales	NP
Social (or Civic) Club, Lodge, or Organization	NP
Other Recreation Use Not Listed in any Use Category	NP
INSTITUTIONAL USE CATEGORY	
Long Term Care Facility	NP
Hospital	NP
Rehabilitation Facility	NP
LIGHT INDUSTRIAL USE CATEGORY	
Brewery without tap room, bar or tasting room	NP
Building Systems / Construction Business	NP
Catering Service or Catering Events Establishment	NP

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CD-3.R1 TABLE 26-6.405.A-2 DISTRICT STANDARDS: NEIGHBORHOOD – 70' LOT ONE FAMILY RESIDENCE CHARACTER DISTRICT

PRINCIPAL USE	CD-3. R1
Distillery	NP
Food Processing for Wholesale Sales	NP
Horticulture & Landscaping Services	NP
Information Services	NP
Light Manufacturing Plant with or without Retail Sales	NP
Machine Shop / Woodworking Shop	NP
Microbrewery /Microdistillery / Microwinery / Nanobrewery	NP
Non-Nuisance Industry	NP
Publishing Plant	NP
Rail Equipment Storage / Repair	NP
Research Laboratory	NP
Septic Equipment Installation Services or Cleaning	NP
Towing Facility	NP
Warehouse / Warehousing Facility	NP
Wholesale Sales	NP
Winery	NP
Other Light Industrial Use Not Listed Under any Use Category	NP
EDUCATION USE CATEGORY	
Building exclusively for Non-Profit Educational Institution	NP
Business or Trade School	NP
Child Care Facility	NP

PRINCIPAL USE	CD-3. R1
Children's Day Camp	NP
College / University	NP
K-12 School (Kindergarten, Elementary, Middle, or High School)	NP
Pre-School or Nursery School	NP
Other Education Use Not Listed in any other Category	NP
UTILITIES USE CATEGORY	
Communications Tower	NP
Communications and Power Lines	CU
Power Distribution / Substation	NP
Public Utilities	CU
Sewage Facility (Non-Commercial)	NP
Sewage Facility (Non-Commercial)	NP
Utility Pumping Station	CU
Utility Substation	CU
Water Treatment / Supply Facility	NP
Wireless Telecommunications Facility	NP
Other Utilities Use Not Listed Under any other Category	NP
OTHER USE CATEGORY	
Animal (non-domestic) Raising / Maintaining	NP
Heavy Manufacturing	NP

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CD-3.R1 TABLE 26-6.405.A-2 DISTRICT STANDARDS: NEIGHBORHOOD – 70' LOT ONE FAMILY RESIDENCE CHARACTER DISTRICT

ACCESSORY USE	CD-3 R1
RESIDENTIAL / DWELLING	
Accessory Building	P
Accessory Dwelling Unit	P
Accessory Garden Center	NP
Child Care In Home	NP
Convent on Site with Place of Worship	P
Dormitory on Site with Educational Institution	NP
Family Day Care	NP
Food / Refreshment Stand	NP
Food Truck	NP
Garden	P
Gift Shop	NP
Home Occupations	P
Home Office	P
Massage Services by Indiana licensed masseuse, accessory to Spa or Salon	NP
News Stand	NP
Office uses as accessory to manufacturing or warehouse	NP
Other Uses not listed in this Table that are subordinate and customarily incidental to a permitted Principal Use	P
Outdoor Storage *	NP

* Outdoor storage must be screened from adjacent properties with a barrier of man-made or growing materials which screen such area from both public street(s) and adjacent or neighboring property.

ACCESSORY USE	CD-3 R1
Parish House, Rectory, Parsonage, or other Residence on site with Place of Worship	P
Parking Area	P
Playhouses	P
Patio	P
Recreation, refreshment and service uses of Structures in Civic Space incidental to the Civic Principal Use	P
Retail Sales Accessory to Manufacturing or Warehouse	NP
Motor Vehicle maintenance that is routine, periodic and incidental, if inside Garage or in 3rd Lot Layer & vehicle is owned and registered occupant of Dwelling	P
School on site with Place of Worship	P
Seminary on site with Place of Worship	P
Storage Building in Third Lot Layer	P
Storage of odor- or dust-producing substances	NP
Solar Panels	P
Sports Court, Swimming Pool, Hot Tub in 3rd Lot Layer	P
Tasting Room on site with Brewery, Distillery, Winery	NP
Telecommunications Receiving Equipment	NP
Wireless Telecommunications Facility	NP
Other Uses that are Subordinate and Customarily Incidental to a Permitted Principal Use	P

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CD-3.R1 TABLE 26-6.405.A-2 DISTRICT STANDARDS: NEIGHBORHOOD – 70' LOT ONE FAMILY RESIDENCE CHARACTER DISTRICT

TEMPORARY USE	CD-3 R1
RESIDENTIAL / DWELLING	
A trailer in Third Lot Layer for Storage of Goods Associated with Commercial Principal Use, for up to 6 mos w/ possible extension to 12 mos; must not be closer to any Structure than 10 feet	NP
Seasonal Uses or Uses for Unusual Non-Recurrent Events, for no more than 30 days (subject to obtaining special event permit)	P
New Subdivision Sales & Management Office, for up to 1 yr	P
Sales or Construction Office Trailer	P

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LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CD–3.R2

TABLE 26–6.405.A–3 DISTRICT STANDARDS: NEIGHBORHOOD – 60′ LOT ONE FAMILY RESIDENCE CHARACTER DISTRICT

General Description

The CD-3.R2 Neighborhood - 60′ Lot One Family Residence Character District consists of primarily a low density Single-Family Detached Residential area in which Houses are the predominant Building Type. It has medium to deep front Setbacks and medium to wide side Setbacks. Some Thoroughfares have Sidewalks or Curbs, and form medium to large Blocks.

CD-3.R2 TABLE 26-6.405.A-3 DISTRICT STANDARDS: NEIGHBORHOOD -60' LOT ONE FAMILY RESIDENCE CHARACTER DISTRICT

Block Size	
Block Perimeter	NR

Private Frontage Types
NR

Civic Space Types
NR

Lot Occupation	
Lot Width	60 ft. average
Lot Area	9,000 sf. min
Lot Coverage	30% of Lot Area max. Accessory Structures shall not exceed 900 sf.
Minimum Frontage	60 ft. min
	All Dwellings or main buildings in CD-3.R2 shall be so constructed or located upon the Lot as to have unobstructed frontage upon a public street or a private street of record.

Number of Buildings	
Principal Building	NR
Accessory Buildings	NR

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-3.R2 TABLE 26-6.405.A-2 DISTRICT STANDARDS: NEIGHBORHOOD -60' LOT ONE FAMILY RESIDENCE CHARACTER DISTRICT

Setbacks – Principal Building		
Front Yard	R, min 1 ft. in least dimension for each 1 ft. in height of the Principal Building or 35 ft, whichever is greater.	A
Rear Yard	R Interior Lot: min 20 ft. Corner Lot: min 15 ft.	B C
Side Yard*	R 2 Side Yards, maintained for full length of Lot* Min 0.2 ft. each in least dimension for each foot in height of Principal Building, provided total min width of Side Yards is 25% of Lot Width, measured at the Building Line Least dimension of the narrower Side Yard shall min 5 ft. Any Structure other than a Dwelling shall conform to the Side Yard requirements for CD-3.R1 Character District. Exterior Side Yard Lines of Corner Lots must be: (a) min distance from the side street line equal to lesser of (a) 10% of the depth of the Lot measured at right angles to such side street or (b) ten feet *unless the* side street line is in a Block with a Lot or Lots with Frontage on the same side of the street, in which case, the exterior Side Yard Line at the rear of such Corner Lot shall be the same as the established Front Yard Line of such other Lots	D

Setbacks – Principal Building (continued)	
Side Yard*	For each foot that any Building located on such Corner Lot is distant from the rear of the Lot, such Building may be 6" nearer to the side street line, but in no case shall the exterior Side Yard Line along such side street be less than 10% of the dimension of the Lot measured at right angles to the side street line.
*For existing subdivided Lot with Front Lot Line length greater than Rear Lot Line length, Side Yards shall be maintained at the Building Line, but may be reduced beyond Building Line to 7 ft. min at the rear of Building.	

Setbacks – Accessory Building		
Front Yard	min 60 ft. from the Front Lot Line	E
Rear Yard	min 3 ft. from a Rear Lot Line that does not also serve as a Side Lot Line of adjoining property min 10 ft. from a Rear Lot Line that also serves as a Side Lot Line of adjoining property Accessory Building must be located as specified in the definition of the term "Rear Yard"	F G
Side Yard	Side Yard abutting side street: same as permitted for Principal Building Side Yard not abutting side street: min 3 ft.	H J

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CD-3.R2 TABLE 26-6.405.A-3 DISTRICT STANDARDS: NEIGHBORHOOD -60' LOT ONE FAMILY RESIDENCE CHARACTER DISTRICT

Building Types

NR

Building Standards

Building Height

Dwellings 5,000 sf. or more	39 ft. max
Dwellings less than 5,000 sf.	2.5 Stories or 35 ft. max
Other Structures	4 Stories or 50 ft. max

Facade

NR

Roof Type & Roof Pitch

NR

Private Garages

P as a structural part of Principal Building. Garage Wall shall be treated as any other Wall in the Principal Building in applying the Front, Side and Rear Yard requirements.

Accessory Buildings

NP unless the Principal Building to which it is accessory exists on the same Lot and was properly permitted

Encroachments – Required Setbacks

Encroachment Type	Front	Side	Rear
Steps to Building Entrance	P 5 ft. or less	P 5 ft. or less	P 5 ft. or less
Open Porches, including steps	P 5 ft. or less	P 5 ft. or less	P 5 ft. or less
Patio Decks, in permitted applicable Lot Layer	P	P	NR
Open Fire Balconies & Fire Escapes	NP	NP	NP
Chimney flues	NP	NP	NP
Sills, belt courses, cornices projecting not more than 30 inches, buttresses, eaves and other Architectural Features	P	P	P
Satellite dishes/ antennae	P	P	NR
Mechanical equipment, including HVAC	P	P	NR
Utility lines, wires and associated Structures (e.g. poles)	P	P	NR
Fences, hedges, Walls, Shrubbery, and other landscape features	P	P	NR
Parking Areas, Loading Areas and Driveways in 3rd Lot Layer	P	P	NR
Bicycle Parking	P	P	NR
Stoops	P 5 ft. or less	P 5 ft. or less	P 5 ft. or less
Balconies and Bay Windows	P	P	NR
Open terraces	P 5 ft. or less	P 5 ft. or less	P 5 ft. or less

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-3.R2 TABLE 26-6.405.A-2 DISTRICT STANDARDS: NEIGHBORHOOD -60' LOT ONE FAMILY RESIDENCE CHARACTER DISTRICT

Vehicular Parking Requirements	
Off-Street Parking Location	P only in 2nd or 3rd Lot Layer only, except for Driveway. Parking Lots NP
Off-Street Parking Surface	NR
Garage Location	See "Setbacks – Accessory Building"
Garage Size	For a residence with 5,000 sf. or more of living space excluding Basements: 4 car Garage max. For a residence with less than 5,000 sf. of living space excluding Basements: 3 car Garage max. Garages may be attached, detached, or a combination of both, however, the total capacity of said private Garage(s) shall be no more than the number of vehicles indicated above.
Driveway/ Vehicular Entrance Maximum Width	10' max for 1-car Garage; 20' max for 2-car Garage; 30' max for 3-car Garage
Parking Structures	NP

Vehicular Parking Requirements (continued)	
Vehicular Storage	Recreational Vehicles, Motor Homes, Campers, Trailers, Boats, Boat Trailers, & similar personal property owned by resident and unoccupied: P, up to total of 2 in paved area of 3rd Lot Layer, if Screened from abutting properties by opaque Fence or Landscaping of min 6 ft height above average grade P, up to 1 temporarily parked in a Front or Side Yard Driveway for max 3 days in any consecutive 30-day period, for loading, unloading, or servicing.

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-3.R2 TABLE 26-6.405.A-3 DISTRICT STANDARDS: NEIGHBORHOOD -60' LOT ONE FAMILY RESIDENCE CHARACTER DISTRICT

Bicycle Parking Requirements

NR

Off-Street Loading, Storage, Drive-Through, Trash Receptacle/Dumpster, Utility Box & Service Meter* Requirements

Off-Street Loading, Storage, Utility Box & Service Meter* Locations	NR
Drive-Through Locations	NR
Trash Receptacle Locations	Per Chapter 38 (Solid Waste)
Dumpster Locations	Per Chapter 38 (Solid Waste)

* Not including water meters

Non-Building Components

No personal property other than lawn furniture shall be stored, maintained or permitted outside an enclosed building, Garage or carport in the CD-3.R3 Character District, except as provided in this section.

Private Landscaping and Fencing

Landscaping

NR

Walls & Fencing (not including Screens)

Height	42 inches max. in Front and Side Yards, with up to 6 additional inches allowed for decorative post tops; otherwise 6 ft. max in rear Setback; height measured above the Finished Grade
Length	NR in Side and Rear Yards.

Private Landscaping and Fencing (continued)

Length	Fences in the Front Yard may only be located as landscape amenities, in an aggregate length of no greater than 16 feet, with a maximum of 8 feet in any one direction. Fences in the Front Yard shall not be installed so as to result in the creation of enclosed areas within the fence, visibility problems or hazards to pedestrians.	
Construction	NR	
Allowed Materials	Natural Wood	P Only open construction such as split-rail and picket in the Front Yard.
	Brick or Stucco over Masonry	P Permit required
	Wrought Iron or Aluminum	P Only open construction in the Front Yard.
	Chain Link	P At rear and sides only
	Barbed/razor/ electric	NP
	Vinyl	P
Building Permits	All fences require a permit.	

Signs

See Sign Standards in Division 7.

Lighting

See Private Lighting Standards in Section 26-6.405.Q

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-3.R2 TABLE 26-6.405.A-2 DISTRICT STANDARDS: NEIGHBORHOOD -60' LOT ONE FAMILY RESIDENCE CHARACTER DISTRICT

PRINCIPAL USE	CD-3. R2
RESIDENTIAL / DWELLING USE CATEGORY	
Assisted Living Apartment	NP
Attached Dwelling – Rowhouse	NP
Attached Dwelling – Multi-Family	NP
Independent Living Apartment	NP
Residence Portion of Live/Work, Mixed-Use, or Flex Building	NP
Single-Family Detached Dwelling	P
Two-Family Detached Dwelling or Duplex	NP
Other Residential Not Listed Under any Use Category	NP
LODGING USE CATEGORY	
Bed & Breakfast	NP
Hostel/Hotel/Inn	NP
Motel	NP
Boardinghouse, Lodginghouse	NP
Tourist Home	NP
Other Lodging Not Listed Under any Use Category	NP
OFFICE USE CATEGORY	
Business / Governmental / Non-Profit / Professional Office	NP
Counseling Service	NP
Crisis Counseling Center	NP
Medical Lab / Dental Lab / Research Lab	NP
Medical or Dental Office / Medical or Dental Clinic / Outpatient Clinic	NP

PRINCIPAL USE	CD-3. R2
Office Portion of Live/Work, Mixed-Use, or Flex Building	NP
Photography Lab	NP
Radio / Television / Recording Studio or Station without Communications Tower	NP
Other Office Use Not Listed Under any Use Category	NP
RETAIL/PERSONAL SERVICE USE CATEGORY	
Adult Bookstore / Adult Cabaret / Adult Entertainment	NP
Alcoholic Beverage Retail Sales	NP
Alcoholic Beverage - Serving Establishment other than Bar or Tavern	NP
Animal (Small) Boarding/Kennel or Grooming without Outside Boarding	NP
Art or Photography Studio	NP
Bar or Tavern	NP
Brewpub	NP
Craftsman Establishment, with or without Retail Sales	NP
Dry Cleaning / Laundry Pick Up without Drive-Through Service	NP
Entertainment Facility (non-Civic)	NP
Gallery - Private	NP
Financial Services without Drive-Through Service	NP
Garden Center	NP
Hair / Skin / Nail Care / Health Club or Day Spa	NP
Laundromat	NP

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CD-3.R2 TABLE 26-6.405.A-3 DISTRICT STANDARDS: NEIGHBORHOOD -60' LOT ONE FAMILY RESIDENCE CHARACTER DISTRICT

PRINCIPAL USE	CD-3. R2
Motor Vehicle Retail Parts Sales	NP
Open Air Market	NP
Open Front or Open Lot Retail / Personal Service Establishment, excluding Restaurant outdoor dining & Open Air Market	NP
Pawnshop	NP
Performing Arts Studio / Music Conservatory	NP
Pharmacy	NP
Printing Services Retail Shop without Drive Through Service	NP
Recreation Facility (Non-Civic)	NP
Restaurant	NP
Restaurant with Outdoor Dining	NP
Retail Membership Club	NP
Retail / Personal Service / Craftsman Establishment with Drive-Through Service	NP
Retail / Personal Service / Craftsman Establishment without Drive-Through Service	NP
Smoke, Tobacco, or CBD Shop	NP
Tailor or Seamstress Shop	NP
Tasting Room	NP
Tattoo Studio	NP
Theater or Performing Arts Venue (non-Civic)	NP
Ticket Office	NP
Veterinary Office, Clinic, or Hospital, without Outside Boarding	NP
Warehouse Retail	NP

PRINCIPAL USE	CD-3. R2
Other Retail, Personal Service, or Craftsman Use Not Listed Under any Use Category	NP
CIVIC USE CATEGORY	
Adult Day Care Facility (Civic)	NP
Civic Building (Publicly Owned or Operated)	NP
Civic Building (Privately Owned & Operated)	NP
Civic Space - Sports Field (Privately Owned & Operated)	CU
Civic Space - Sports Field (Publicly Owned or Operated)	NP
Civic Space – Green, Square, Plaza (Privately Owned & Operated)	CU
Civic Space – Green, Square, or Plaza (Publicly Owned or Operated)	NP
Civic Space – Park, Playground, or Community Garden (Privately Owned & Operated)	CU
Civic Space – Park, Playground, or Community Garden (Publicly Owned or Operated)	P
Community Center - not-for-profit	NP
Conference / Convention / Exhibition Center	NP
Courthouse	NP
Entertainment Facility (Civic)	NP
Food Distribution Center (Civic)	NP
Gallery (Civic)	NP
Library	NP
Museum	NP
Parking Lot	NP
Parking Structure	NP

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CD-3.R2 TABLE 26-6.405.A-2 DISTRICT STANDARDS: NEIGHBORHOOD -60' LOT ONE FAMILY RESIDENCE CHARACTER DISTRICT

PRINCIPAL USE	CD-3. R2
Performing Arts Venue	NP
Place of Assembly or Place of Worship	NP
Post Office	NP
Public Transit	NP
Recreation Facility (Civic)	NP
Sports Venue	NP
Transit Shelter	P
Transit Station or Terminal	NP
Other Civic Use Not Listed Under any Use Category	NP
MOTOR VEHICLE - RELATED USE CATEGORY	
Gasoline Station	NP
Motor Vehicle Shop Maintenance / Repair / Service / Cleaning	NP
Motor Vehicle Sales, Rental, or Leasing, with or without Parts Sales	NP
Taxi Center or Ride-Share Center	NP
Tire Sales	NP
Other Motor Vehicle Use Not Listed Under any Use Category	NP
CIVIL SUPPORT USE CATEGORY	
Cemetery (Non-Commercial)	NP
Cemetery (Commercial)	NP
Fire / EMS Station	NP
Funeral Services	NP

PRINCIPAL USE	CD-3. R2
Police Station	NP
Public Works Yard	NP
RECREATION USE CATEGORY	
Adult Day Care Facility (non-Civic)	NP
Amusement Center with amusement devices	NP
Athletic Field (Commercial), other than a Sports Field Civic Space	NP
Athletic Field (Non-Commercial), other than a Sports Field Civic Space	NP
Club-Private not -for-profit	NP
Commercial Indoor Athletic Training Facility	NP
Country Club	NP
Recreation Facility (non-Civic)	NP
Shooting or Firing Range, with or without firearms sales	NP
Social (or Civic) Club, Lodge, or Organization	NP
Other Recreation Use Not Listed in any Use Category	NP
INSTITUTIONAL USE CATEGORY	
Long Term Care Facility	NP
Hospital	NP
Rehabilitation Facility	NP
LIGHT INDUSTRIAL USE CATEGORY	
Brewery without tap room, bar or tasting room	NP
Building Systems / Construction Business	NP
Catering Service or Catering Events Establishment	NP

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CD-3.R2 TABLE 26-6.405.A-3 DISTRICT STANDARDS: NEIGHBORHOOD -60' LOT ONE FAMILY RESIDENCE CHARACTER DISTRICT

PRINCIPAL USE	CD-3. R2
Distillery	NP
Food Processing for Wholesale Sales	NP
Horticulture & Landscaping Services	NP
Information Services	NP
Light Manufacturing Plant with or without Retail Sales	NP
Machine Shop / Woodworking Shop	NP
Microbrewery /Microdistillery / Microwinery / Nanobrewery	NP
Non-Nuisance Industry	NP
Publishing Plant	NP
Rail Equipment Storage / Repair	NP
Research Laboratory	NP
Septic Equipment Installation Services or Cleaning	NP
Towing Facility	NP
Warehouse / Warehousing Facility	NP
Wholesale Sales	NP
Winery	NP
Other Light Industrial Use Not Listed Under any Use Category	NP
EDUCATION USE CATEGORY	
Building exclusively for Non-Profit Educational Institution	NP
Business or Trade School	NP
Child Care Facility	NP

PRINCIPAL USE	CD-3. R2
Children's Day Camp	NP
College / University	NP
K-12 School (Kindergarten, Elementary, Middle, or High School)	NP
Pre-School or Nursery School	NP
Other Education Use Not Listed in any other Category	NP
UTILITIES USE CATEGORY	
Communications Tower	NP
Communications and Power Lines	CU
Power Distribution / Substation	NP
Public Utilities	CU
Sewage Facility (Non-Commercial)	NP
Sewage Facility (Non-Commercial)	NP
Utility Pumping Station	CU
Utility Substation	CU
Water Treatment / Supply Facility	NP
Wireless Telecommunications Facility	NP
Other Utilities Use Not Listed Under any other Category	NP
OTHER USE CATEGORY	
Animal (non-domestic) Raising / Maintaining	NP
Heavy Manufacturing	NP

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CD-3.R2 TABLE 26-6.405.A-2 DISTRICT STANDARDS: NEIGHBORHOOD -60' LOT ONE FAMILY RESIDENCE CHARACTER DISTRICT

ACCESSORY USE	CD-3 R2
RESIDENTIAL / DWELLING	
Accessory Building	P
Accessory Dwelling Unit	P
Accessory Garden Center	NP
Child Care In Home	NP
Convent on Site with Place of Worship	P
Dormitory on Site with Educational Institution	NP
Family Day Care	NP
Food / Refreshment Stand	NP
Food Truck	NP
Garden	P
Gift Shop	NP
Home Occupations	P
Home Office	P
Massage Services by Indiana licensed masseuse, accessory to Spa or Salon	NP
News Stand	NP
Office uses as accessory to manufacturing or warehouse	NP
Other Uses not listed in this Table that are subordinate and customarily incidental to a permitted Principal Use	P
Outdoor Storage *	NP

* Outdoor storage must be screened from adjacent properties with a barrier of man-made or growing materials which screen such area from both public street(s) and adjacent or neighboring property.

ACCESSORY USE	CD-3 R2
Parish House, Rectory, Parsonage, or other Residence on site with Place of Worship	P
Parking Area	P
Playhouses	P
Patio	P
Recreation, refreshment and service uses of Structures in Civic Space incidental to the Civic Principal Use	P
Retail Sales Accessory to Manufacturing or Warehouse	NP
Motor Vehicle maintenance that is routine, periodic and incidental, if inside Garage or in 3rd Lot Layer & vehicle is owned and registered occupant of Dwelling	P
School on site with Place of Worship	P
Seminary on site with Place of Worship	P
Storage Building in Third Lot Layer	P
Storage of odor- or dust-producing substances	NP
Solar Panels	P
Sports Court, Swimming Pool, Hot Tub in 3rd Lot Layer	P
Tasting Room on site with Brewery, Distillery, Winery	NP
Telecommunications Receiving Equipment	NP
Wireless Telecommunications Facility	NP
Other Uses that are Subordinate and Customarily Incidental to a Permitted Principal Use	P

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CD-3.R2 TABLE 26-6.405.A-3 DISTRICT STANDARDS: NEIGHBORHOOD -60' LOT ONE FAMILY RESIDENCE CHARACTER DISTRICT

TEMPORARY USE	CD-3 R2
RESIDENTIAL / DWELLING	
A trailer in Third Lot Layer for Storage of Goods Associated with Commercial Principal Use, for up to 6 mos w/ possible extension to 12 mos; must not be closer to any Structure than 10 feet	NP
Seasonal Uses or Uses for Unusual Non-Recurrent Events, for no more than 30 days (subject to obtaining special event permit)	P
New Subdivision Sales & Management Office, for up to 1 yr	P
Sales or Construction Office Trailer	P

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LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CD–3.R3

TABLE 26–6.405.A–4 DISTRICT STANDARDS: NEIGHBORHOOD – 60′ LOT ONE FAMILY AND TWO FAMILY RESIDENCE CHARACTER DISTRICT

General Description

The CD-3.R3 Neighborhood - 60′ Lot One Family and Two Family Resicence Character District consists of primarily a low density Single-Family Detached Residential area in which Houses and Two-Family Dwellings are the predominant Building Types. It has medium to deep front Setbacks and medium to wide side Setbacks. Most Thoroughfares have Sidewalks, street trees and Curbs, and form medium to large Blocks.

CD-3.R3 TABLE 26-6.405.A-4 DISTRICT STANDARDS: NEIGHBORHOOD – 60' LOT ONE FAMILY AND TWO FAMILY RESIDENCE CHARACTER DISTRICT

Block Size	
Block Perimeter	NR

Private Frontage Types
NR

Civic Space Types
NR

Lot Occupation	
Lot Width	60 ft. average
Lot Area	7,500 sf. min; except for Lots intended for Two-Family Dwellings shall have a Lot Area of not less than 4,500 sf per Dwelling Unit
Lot Coverage	30% of Lot Area max. Accessory Structures shall not exceed 900 sf.
Minimum Frontage	60 ft. min
	All Dwellings or main buildings in CD-3.R1 shall be so constructed or located upon the Lot as to have unobstructed frontage upon a public street or a private street of record.
	Lots having less frontage and area than required by this subdivision and which were duly recorded in the office of the county recorder as of September 19, 1938, may be occupied by a Single-Family Dwelling only.

Number of Buildings	
Principal Building	NR
Accessory Buildings	NR

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-3.R3 TABLE 26-6.405.A-4 DISTRICT STANDARDS: NEIGHBORHOOD – 60' LOT ONE FAMILY AND TWO FAMILY RESIDENCE CHARACTER DISTRICT

Setbacks – Principal Building

Front Yard	R, min 1 ft. in least dimension for each 1 ft. in height of the Principal Building or 35 ft, whichever is greater.	A
Rear Yard	R Interior Lot: min 20 ft. Corner Lot: min 15 ft.	B C
Side Yard*	R 2 Side Yards, maintained for full length of Lot* Total min width of Side Yards is 25% of Lot Width, measured at the Building Line Least dimension of the narrower Side Yard shall min 5 ft., measured at the Building Line.	D

*For existing subdivided Lot with Front Lot Line length greater than Rear Lot Line length, Side Yards shall be maintained at the Building Line, but may be reduced beyond Building Line to 7 ft. min at the rear of Building.

Setbacks – Accessory Building

Front Yard	min 60 ft. from the Front Lot Line	E
Rear Yard	min 3 ft. from a Rear Lot Line that does not also serve as a Side Lot Line of adjoining property min 10 ft. from a Rear Lot Line that also serves as a Side Lot Line of adjoining property Accessory Building must be located as specified in the definition of the term "Rear Yard"	F G
Side Yard	Side Yard abutting side street: same as permitted for Principal Building Side Yard not abutting side street: min 3 ft.	H J

Building Types

NR

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-3.R3 TABLE 26-6.405.A-4 DISTRICT STANDARDS: NEIGHBORHOOD – 60' LOT ONE FAMILY AND TWO FAMILY RESIDENCE CHARACTER DISTRICT

Building Standards

Building Height

Dwellings 5,000 sf. or more	39 ft. max
Dwellings less than 5,000 sf.	2.5 Stories or 35 ft. max
Other Structures	4 Stories or 50 ft. max

Facade

NR

Roof Type & Roof Pitch

NR

Private Garages

P as a structural part of Principal Building. Garage Wall shall be treated as any other Wall in the Principal Building in applying the Front, Side and Rear Yard requirements.

Accessory Buildings

NP unless the Principal Building to which it is accessory exists on the same Lot and was properly permitted

Encroachments – Required Setbacks

Encroachment Type	Front	Side	Rear
Steps to Building Entrance	P 5 ft. or less	P 5 ft. or less	P 5 ft. or less
Open Porches, including steps	P 5 ft. or less	P 5 ft. or less	P 5 ft. or less
Patio Decks, in permitted applicable Lot Layer	P	P	P
Open Fire Balconies & Fire Escapes	P	P	P
Chimney flues, sills, belt courses, cornices, buttresses eaves and other Architectural Features	P	P	P
Satellite dishes/ antennae	P	P	P
Mechanical equipment, including HVAC	P	P	P
Utility lines, wires and associated Structures (e.g. poles)	P	P	P
Fences, hedges, Walls, Shrubbery, and other landscape features	P	P	P
Parking Areas, Loading Areas and Driveways in 3rd Lot Layer	P	P	P
Bicycle Parking	P	P	P
Stoops	P 5 ft. or less	P 5 ft. or less	P 5 ft. or less
Balconies and Bay Windows	P	P	P
Open terraces	P 5 ft. or less	P 5 ft. or less	P 5 ft. or less

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-3.R3 TABLE 26-6.405.A-4 DISTRICT STANDARDS: NEIGHBORHOOD – 60' LOT ONE FAMILY AND TWO FAMILY RESIDENCE CHARACTER DISTRICT

Vehicular Parking Requirements	
Off-Street Parking Location	P only in 2nd or 3rd Lot Layer only, except for Driveway. Parking Lots NP
Off-Street Parking Surface	NR
Garage Location	See "Setbacks – Accessory Building"
Garage Size	For a residence with 5,000 sf. or more of living space excluding Basements: 4 car Garage max. For a residence with less than 5,000 sf. of living space excluding Basements: 3 car Garage max. Garages may be attached, detached, or a combination of both, however, the total capacity of said private Garage(s) shall be no more than the number of vehicles indicated above.
Driveway/ Vehicular Entrance Maximum Width	10' max for 1-car Garage; 20' max for 2-car Garage; 30' max for 3-car Garage
Parking Structures	NP

Vehicular Parking Requirements (continued)	
Vehicular Storage	Recreational Vehicles, Motor Homes, Campers, Trailers, Boats, Boat Trailers, & similar personal property owned by resident and unoccupied: P, up to total of 2 in paved area of 3rd Lot Layer, if Screened from abutting properties by opaque Fence or Landscaping of min 6 ft height above average grade P, up to 1 temporarily parked in a Front or Side Yard Driveway for max 3 days in any consecutive 30-day period, for loading, unloading, or servicing.

ADOPTION DRAFT

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-3.R3 TABLE 26-6.405.A-4 DISTRICT STANDARDS: NEIGHBORHOOD – 60' LOT ONE FAMILY AND TWO FAMILY RESIDENCE CHARACTER DISTRICT

Bicycle Parking Requirements

NR

Off-Street Loading, Storage, Drive-Through, Trash Receptacle/Dumpster, Utility Box & Service Meter* Requirements

Off-Street Loading, Storage, Utility Box & Service Meter* Locations	NR
Drive-Through Locations	NR
Trash Receptacle Locations	Per Chapter 38 (Solid Waste)
Dumpster Locations	Per Chapter 38 (Solid Waste)

* Not including water meters

Non-Building Components

No personal property other than lawn furniture shall be stored, maintained or permitted outside an enclosed building, Garage or carport in the CD-4.R4 Character District, except as provided in Section 26-6.405.

Private Landscaping and Fencing

Landscaping

NR

Walls & Fencing (not including Screens)

Height	42 inches max. in Front and Side Yards, with up to 6 additional inches allowed for decorative post tops; otherwise 6 ft. max in rear Setback; height measured above the Finished Grade
Length	NR in Side and Rear Yards.

Private Landscaping and Fencing (continued)

Length	Fences in the Front Yard may only be located as landscape amenities, in an aggregate length of no greater than 16 feet, with a maximum of 8 feet in any one direction. Fences in the Front Yard shall not be installed so as to result in the creation of enclosed areas within the fence, visibility problems or hazards to pedestrians.	
Construction	NR	
Allowed Materials	Natural Wood	P Only open construction such as split-rail and picket in the Front Yard.
	Brick or Stucco over Masonry	P Permit required
	Wrought Iron or Aluminum	P Only open construction in the Front Yard.
	Chain Link	P At rear and sides only
	Barbed/razor/ electric	NP
	Vinyl	P
Building Permits	All fences require a permit.	

Signs

See Sign Standards in Division 7.

Lighting

NR

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

ADOPTION DRAFT

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CD-3.R3 TABLE 26-6.405.A-4 DISTRICT STANDARDS: NEIGHBORHOOD – 60' LOT ONE FAMILY AND TWO FAMILY RESIDENCE CHARACTER DISTRICT

PRINCIPAL USE	CD-3. R3
RESIDENTIAL / DWELLING USE CATEGORY	
Assisted Living Apartment	NP
Attached Dwelling – Rowhouse	NP
Attached Dwelling – Multi-Family	NP
Independent Living Apartment	NP
Residence Portion of Live/Work, Mixed-Use, or Flex Building	NP
Single-Family Detached Dwelling	P
Two-Family Detached Dwelling or Duplex	NP
Other Residential Not Listed Under any Use Category	NP
LODGING USE CATEGORY	
Bed & Breakfast	NP
Hostel/Hotel/Inn	NP
Motel	NP
Boardinghouse, Lodginghouse	NP
Tourist Home	NP
Other Lodging Not Listed Under any Use Category	NP
OFFICE USE CATEGORY	
Business / Governmental / Non-Profit / Professional Office	NP
Counseling Service	NP
Crisis Counseling Center	NP
Medical Lab / Dental Lab / Research Lab	NP
Medical or Dental Office / Medical or Dental Clinic / Outpatient Clinic	NP

PRINCIPAL USE	CD-3. R3
Office Portion of Live/Work, Mixed-Use, or Flex Building	NP
Photography Lab	NP
Radio / Television / Recording Studio or Station without Communications Tower	NP
Other Office Use Not Listed Under any Use Category	NP
RETAIL/PERSONAL SERVICE USE CATEGORY	
Adult Bookstore / Adult Cabaret / Adult Entertainment	NP
Alcoholic Beverage Retail Sales	NP
Alcoholic Beverage - Serving Establishment other than Bar or Tavern	NP
Animal (Small) Boarding/Kennel or Grooming without Outside Boarding	NP
Art or Photography Studio	NP
Bar or Tavern	NP
Brewpub	NP
Craftsman Establishment, with or without Retail Sales	NP
Dry Cleaning / Laundry Pick Up without Drive-Through Service	NP
Entertainment Facility (non-Civic)	NP
Gallery - Private	NP
Financial Services without Drive-Through Service	NP
Garden Center	NP
Hair / Skin / Nail Care / Health Club or Day Spa	NP
Laundromat	NP

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

ADOPTION DRAFT

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CD-3.R3 TABLE 26-6.405.A-4 DISTRICT STANDARDS: NEIGHBORHOOD – 60' LOT ONE FAMILY AND TWO FAMILY RESIDENCE CHARACTER DISTRICT

PRINCIPAL USE	CD-3. R3
Motor Vehicle Retail Parts Sales	NP
Open Air Market	NP
Open Front or Open Lot Retail / Personal Service Establishment, excluding Restaurant outdoor dining & Open Air Market	NP
Pawnshop	NP
Performing Arts Studio / Music Conservatory	NP
Pharmacy	NP
Printing Services Retail Shop without Drive Through Service	NP
Recreation Facility (Non-Civic)	NP
Restaurant	NP
Restaurant with Outdoor Dining	NP
Retail Membership Club	NP
Retail / Personal Service / Craftsman Establishment with Drive-Through Service	NP
Retail / Personal Service / Craftsman Establishment without Drive-Through Service	NP
Smoke, Tobacco, or CBD Shop	NP
Tailor or Seamstress Shop	NP
Tasting Room	NP
Tattoo Studio	NP
Theater or Performing Arts Venue (non-Civic)	NP
Ticket Office	NP
Veterinary Office, Clinic, or Hospital, without Outside Boarding	NP
Warehouse Retail	NP

PRINCIPAL USE	CD-3. R3
Other Retail, Personal Service, or Craftsman Use Not Listed Under any Use Category	NP
CIVIC USE CATEGORY	
Adult Day Care Facility (Civic)	NP
Civic Building (Publicly Owned or Operated)	NP
Civic Building (Privately Owned & Operated)	NP
Civic Space – Sports Field (Privately Owned & Operated)	CU
Civic Space – Sports Field (Publicly Owned or Operated)	NP
Civic Space – Green, Square, Plaza (Privately Owned & Operated)	CU
Civic Space – Green, Square, or Plaza (Publicly Owned or Operated)	NP
Civic Space – Park, Playground, or Community Garden (Privately Owned & Operated)	CU
Civic Space – Park, Playground, or Community Garden (Publicly Owned or Operated)	P
Community Center – not-for-profit	NP
Conference / Convention / Exhibition Center	NP
Courthouse	NP
Entertainment Facility (Civic)	NP
Food Distribution Center (Civic)	NP
Gallery (Civic)	NP
Library	NP
Museum	NP
Parking Lot	NP
Parking Structure	NP

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CD-3.R3 TABLE 26-6.405.A-4 DISTRICT STANDARDS: NEIGHBORHOOD – 60' LOT ONE FAMILY AND TWO FAMILY RESIDENCE CHARACTER DISTRICT

PRINCIPAL USE	CD-3. R3
Performing Arts Venue	NP
Place of Assembly or Place of Worship	NP
Post Office	NP
Public Transit	NP
Recreation Facility (Civic)	NP
Sports Venue	NP
Transit Shelter	P
Transit Station or Terminal	NP
Other Civic Use Not Listed Under any Use Category	NP
MOTOR VEHICLE – RELATED USE CATEGORY	
Gasoline Station	NP
Motor Vehicle Shop Maintenance / Repair / Service / Cleaning	NP
Motor Vehicle Sales, Rental, or Leasing, with or without Parts Sales	NP
Taxi Center or Ride-Share Center	NP
Tire Sales	NP
Other Motor Vehicle Use Not Listed Under any Use Category	NP
CIVIL SUPPORT USE CATEGORY	
Cemetery (Non-Commercial)	NP
Cemetery (Commercial)	NP
Fire / EMS Station	NP
Funeral Services	NP

PRINCIPAL USE	CD-3. R3
Police Station	NP
Public Works Yard	NP
RECREATION USE CATEGORY	
Adult Day Care Facility (non-Civic)	NP
Amusement Center with amusement devices	NP
Athletic Field (Commercial), other than a Sports Field Civic Space	NP
Athletic Field (Non-Commercial), other than a Sports Field Civic Space	NP
Club-Private not -for-profit	NP
Commercial Indoor Athletic Training Facility	NP
Country Club	NP
Recreation Facility (non-Civic)	NP
Shooting or Firing Range, with or without firearms sales	NP
Social (or Civic) Club, Lodge, or Organization	NP
Other Recreation Use Not Listed in any Use Category	NP
INSTITUTIONAL USE CATEGORY	
Long Term Care Facility	NP
Hospital	NP
Rehabilitation Facility	NP
LIGHT INDUSTRIAL USE CATEGORY	
Brewery without tap room, bar or tasting room	NP
Building Systems / Construction Business	NP
Catering Service or Catering Events Establishment	NP

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CD-3.R3 TABLE 26-6.405.A-4 DISTRICT STANDARDS: NEIGHBORHOOD – 60' LOT ONE FAMILY AND TWO FAMILY RESIDENCE CHARACTER DISTRICT

PRINCIPAL USE	CD-3. R3
Distillery	NP
Food Processing for Wholesale Sales	NP
Horticulture & Landscaping Services	NP
Information Services	NP
Light Manufacturing Plant with or without Retail Sales	NP
Machine Shop / Woodworking Shop	NP
Microbrewery /Microdistillery / Microwinery / Nanobrewery	NP
Non-Nuisance Industry	NP
Publishing Plant	NP
Rail Equipment Storage / Repair	NP
Research Laboratory	NP
Septic Equipment Installation Services or Cleaning	NP
Towing Facility	NP
Warehouse / Warehousing Facility	NP
Wholesale Sales	NP
Winery	NP
Other Light Industrial Use Not Listed Under any Use Category	NP
EDUCATION USE CATEGORY	
Building exclusively for Non-Profit Educational Institution	NP
Business or Trade School	NP
Child Care Facility	NP

PRINCIPAL USE	CD-3. R3
Children's Day Camp	NP
College / University	NP
K-12 School (Kindergarten, Elementary, Middle, or High School)	NP
Pre-School or Nursery School	NP
Other Education Use Not Listed in any other Category	NP
UTILITIES USE CATEGORY	
Communications Tower	NP
Communications and Power Lines	CU
Power Distribution / Substation	NP
Public Utilities	CU
Sewage Facility (Non-Commercial)	NP
Sewage Facility (Non-Commercial)	NP
Utility Pumping Station	CU
Utility Substation	CU
Water Treatment / Supply Facility	NP
Wireless Telecommunications Facility	NP
Other Utilities Use Not Listed Under any other Category	NP
OTHER USE CATEGORY	
Animal (non-domestic) Raising / Maintaining	NP
Heavy Manufacturing	NP

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CD-3.R3 TABLE 26-6.405.A-4 DISTRICT STANDARDS: NEIGHBORHOOD – 60' LOT ONE FAMILY AND TWO FAMILY RESIDENCE CHARACTER DISTRICT

ACCESSORY USE	CD-3 R3
RESIDENTIAL / DWELLING	
Accessory Building	P
Accessory Dwelling Unit	P
Accessory Garden Center	NP
Child Care In Home	NP
Convent on Site with Place of Worship	P
Dormitory on Site with Educational Institution	NP
Family Day Care	NP
Food / Refreshment Stand	NP
Food Truck	NP
Garden	P
Gift Shop	NP
Home Occupations	P
Home Office	P
Massage Services by Indiana licensed masseuse, accessory to Spa or Salon	NP
News Stand	NP
Office uses as accessory to manufacturing or warehouse	NP
Other Uses not listed in this Table that are subordinate and customarily incidental to a permitted Principal Use	P
Outdoor Storage *	NP

* Outdoor storage must be screened from adjacent properties with a barrier of man-made or growing materials which screen such area from both public street(s) and adjacent or neighboring property.

ACCESSORY USE	CD-3 R3
Parish House, Rectory, Parsonage, or other Residence on site with Place of Worship	P
Parking Area	P
Playhouses	P
Patio	P
Recreation, refreshment and service uses of Structures in Civic Space incidental to the Civic Principal Use	P
Retail Sales Accessory to Manufacturing or Warehouse	NP
Motor Vehicle maintenance that is routine, periodic and incidental, if inside Garage or in 3rd Lot Layer & vehicle is owned and registered occupant of Dwelling	P
School on site with Place of Worship	P
Seminary on site with Place of Worship	P
Storage Building in Third Lot Layer	P
Storage of odor- or dust-producing substances	NP
Solar Panels	P
Sports Court, Swimming Pool, Hot Tub in 3rd Lot Layer	P
Tasting Room on site with Brewery, Distillery, Winery	NP
Telecommunications Receiving Equipment	NP
Wireless Telecommunications Facility	NP
Other Uses that are Subordinate and Customarily Incidental to a Permitted Principal Use	P

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CD-3.R3 TABLE 26-6.405.A-4 DISTRICT STANDARDS: NEIGHBORHOOD – 60' LOT ONE FAMILY AND TWO FAMILY RESIDENCE CHARACTER DISTRICT

TEMPORARY USE	CD-3 R3
RESIDENTIAL / DWELLING	
A trailer in Third Lot Layer for Storage of Goods Associated with Commercial Principal Use, for up to 6 mos w/ possible extension to 12 mos; must not be closer to any Structure than 10 feet	NP
Seasonal Uses or Uses for Unusual Non-Recurrent Events, for no more than 30 days (subject to obtaining special event permit)	P
New Subdivision Sales & Management Office, for up to 1 yr	P
Sales or Construction Office Trailer	P

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LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CD-4.R4

TABLE 26-6.405.A-5 DISTRICT STANDARDS: GENERAL URBAN – MULTIFAMILY RESIDENCE CHARACTER DISTRICT

General Description

The CD-4.R4 General Urban - Multifamily Residence Character District consists of primarily a medium density attached Residential area in which Apartment Houses are the predominant Building Type. It has medium to deep front Setbacks and medium to wide side Setbacks. Most Thoroughfares have Sidewalks, street trees and Curbs, and form medium to large Blocks.

CD-4.R4 TABLE 26-6.405.A-5 DISTRICT STANDARDS: GENERAL URBAN – MULTIFAMILY RESIDENCE CHARACTER DISTRICT

Block Size	
Block Perimeter	NR

Private Frontage Types
NR

Civic Space Types
NR

Lot Occupation	
Lot Width	NR
Lot Area	4,500 sf. min per Dwelling Unit
Lot Coverage	30% of Lot Area max. Accessory Structures shall not exceed 900 sf.
Minimum Frontage	100 ft. min
Courts	Inner Courts in CD-4.R4 Character Districts shall have a width equal to not less than one-third the height of the building and not less than 8 ft., and the area shall not be less than twice the square of the required least dimension. Outer Courts shall not be less than 7 ft. wide or less in width than one-sixth the height of the building, or less in width than one-sixth the length.

Number of Buildings	
Principal Building	NR
Accessory Buildings	NR

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-4.R4 TABLE 26-6.405.A-5 DISTRICT STANDARDS: GENERAL URBAN – MULTIFAMILY RESIDENCE CHARACTER DISTRICT

Setbacks – Principal Building

Front Yard	R, min 1 ft. in least dimension for each 1 ft. in height of the Principal Building or 40 ft, whichever is greater.	A
Rear Yard	R, min 2ft. in least dimension for each 1 ft. in height of the Principal Building or 40 ft, whichever is greater	B
Side Yard	R 2 Side Yards, maintained for full length of Lot* Each Side Yard: min 1 ft. in least dimension for each 1 ft. in height of the Principal Building. Total min width of Side Yards is 25% of Lot Width, measured at the Building Line For multiple Building Apartment development on a single Lot, min dimension of each Side Yard is 1.5 times the height of the Building nearest the Side Lot Line For development other than multiple Building Apartment development, the least dimension of the narrower Side Yard shall min 10% of total Lot Width, measured at the Building Line	D

Setbacks – Accessory Building

Front Yard	min 60 ft. from the Front Lot Line	E
Rear Yard	min 3 ft. from a Rear Lot Line that does not also serve as a Side Lot Line of adjoining property	F
	min 10 ft. from a Rear Lot Line that also serves as a Side Lot Line of adjoining property Accessory Building must be located as specified in the definition of the term "Rear Yard"	G
Side Yard	Side Yard abutting side street: same as permitted for Principal Building	H
	Side Yard not abutting side street: min 3 ft.	J

Building Types

NR

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-4.R4 TABLE 26-6.405.A-5 DISTRICT STANDARDS: GENERAL URBAN – MULTIFAMILY RESIDENCE CHARACTER DISTRICT

Building Standards

Building Height

All Structures 4 Stories or 50 ft. max

Facade

All Dwellings or main buildings in CD-4.R4 shall be so constructed or located upon the Lot as to have unobstructed frontage upon a public street or a private street of record.

Roof Type & Roof Pitch

NR

Private Garages

P as a structural part of Principal Building. Garage Wall shall be treated as any other Wall in the Principal Building in applying the Front, Side and Rear Yard requirements.

Accessory Buildings

NP unless the Principal Building to which it is accessory exists on the same Lot and was properly permitted

Encroachments – Required Setbacks

Encroachment Type	Front	Side	Rear
Steps to Building Entrance	P 5 ft. or less	P 5 ft. or less	P 5 ft. or less
Open Porches, including steps	P 5 ft. or less	P 5 ft. or less	P 5 ft. or less
Patio Decks, in permitted applicable Lot Layer	P	P	P
Open Fire Balconies & Fire Escapes	P	P	P
Chimney flues, sills, belt courses, cornices, buttresses eaves and other Architectural Features	NP	NP	NP
Satellite dishes/ antennae	P	P	P
Mechanical equipment, including HVAC	P	P	P
Utility lines, wires and associated Structures (e.g. poles)	P	P	P
Fences, hedges, Walls, Shrubbery, and other landscape features	P	P	P
Parking Areas, Loading Areas and Driveways in 3rd Lot Layer	P	P	P
Bicycle Parking	P	P	P
Stoops	P 5 ft. or less	P 5 ft. or less	P 5 ft. or less
Balconies and Bay Windows	P	P	P
Open terraces	P 5 ft. or less	P 5 ft. or less	P 5 ft. or less

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-4.R4 TABLE 26-6.405.A-5 DISTRICT STANDARDS: GENERAL URBAN – MULTIFAMILY RESIDENCE CHARACTER DISTRICT

Vehicular Parking Requirements	
Off-Street Parking Location	P only in 2nd or 3rd Lot Layer only, except for Driveway. Parking Lots NP
Off-Street Parking Surface	NR
Garage Location	See "Setbacks – Accessory Building"
Garage Size	For a residence with 5,000 sf. or more of living space excluding Basements: 4 car Garage max. For a residence with less than 5,000 sf. of living space excluding Basements: 3 car Garage max. Garages may be attached, detached, or a combination of both, however, the total capacity of said private Garage(s) shall be no more than the number of vehicles indicated above.
Driveway/ Vehicular Entrance Maximum Width	NR
Parking Structures	NP

Vehicular Parking Requirements (continued)	
Vehicular Storage	Recreational Vehicles, Motor Homes, Campers, Trailers, Boats, Boat Trailers, & similar personal property owned by resident and unoccupied: P, up to total of 2 in paved area of 3rd Lot Layer, if Screened from abutting properties by opaque Fence or Landscaping of min 6 ft height above average grade P, up to 1 temporarily parked in a Front or Side Yard Driveway for max 3 days in any consecutive 30-day period, for loading, unloading, or servicing.

ADOPTION DRAFT

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-4.R4 TABLE 26-6.405.A-5 DISTRICT STANDARDS: GENERAL URBAN – MULTIFAMILY RESIDENCE CHARACTER DISTRICT

Bicycle Parking Requirements

NR

Off-Street Loading, Storage, Drive-Through, Trash Receptacle/Dumpster, Utility Box & Service Meter* Requirements

Off-Street Loading, Storage, Utility Box & Service Meter* Locations	NR
Drive-Through Locations	NR
Trash Receptacle Locations	Per Chapter 38 (Solid Waste)
Dumpster Locations	Per Chapter 38 (Solid Waste)

* Not including water meters

Non-Building Components

No personal property other than lawn furniture shall be stored, maintained or permitted outside an enclosed building, Garage or carport in the CD-4.R4 Character District, except as provided in this Section 26-6.405.

Private Landscaping and Fencing

Landscaping

NR

Walls & Fencing (not including Screens)

Height	42 inches max. in Front and Side Yards, with up to 6 additional inches allowed for decorative post tops; otherwise 6 ft. max in rear Setback; height measured above the Finished Grade
Length	NR in Side and Rear Yards.

Private Landscaping and Fencing (continued)

Length	Fences in the Front Yard may only be located as landscape amenities, in an aggregate length of no greater than 16 feet, with a maximum of 8 feet in any one direction. Fences in the Front Yard shall not be installed so as to result in the creation of enclosed areas within the fence, visibility problems or hazards to pedestrians.	
Construction	NR	
Allowed Materials	Natural Wood	P Only open construction such as split-rail and picket in the Front Yard.
	Brick or Stucco over Masonry	P
	Wrought Iron or Aluminum	P Only open construction in the Front Yard.
	Chain Link	P At rear and sides only
	Barbed/razor/ electric	NP
	Vinyl	P
Building Permits	All fences require a permit.	

Signs

See Sign Standards in Division 7.

Lighting

See Private Lighting Standards in Section 26-6.405.Q

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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CD-4.R4 TABLE 26-6.405.A-5 DISTRICT STANDARDS: GENERAL URBAN – MULTIFAMILY RESIDENCE CHARACTER DISTRICT

PRINCIPAL USE	CD-4. R4
RESIDENTIAL / DWELLING USE CATEGORY	
Assisted Living Apartment	P
Attached Dwelling – Rowhouse	P
Attached Dwelling – Multi-Family	P
Independent Living Apartment	P
Residence Portion of Live/Work, Mixed-Use, or Flex Building	NP
Single-Family Detached Dwelling	NP
Two-Family Detached Dwelling or Duplex	P
Other Residential Not Listed Under any Use Category	NP
LODGING USE CATEGORY	
Bed & Breakfast	P
Hostel/Hotel/Inn	NP
Motel	NP
Boardinghouse, Lodginghouse	NP
Tourist Home	NP
Other Lodging Not Listed Under any Use Category	NP
OFFICE USE CATEGORY	
Business / Governmental / Non-Profit / Professional Office	NP
Counseling Service	NP
Crisis Counseling Center	NP
Medical Lab / Dental Lab / Research Lab	NP
Medical or Dental Office / Medical or Dental Clinic / Outpatient Clinic	NP

PRINCIPAL USE	CD-4. R4
Office Portion of Live/Work, Mixed-Use, or Flex Building	NP
Photography Lab	NP
Radio / Television / Recording Studio or Station without Communications Tower	NP
Other Office Use Not Listed Under any Use Category	NP
RETAIL/PERSONAL SERVICE USE CATEGORY	
Adult Bookstore / Adult Cabaret / Adult Entertainment	NP
Alcoholic Beverage Retail Sales	NP
Alcoholic Beverage - Serving Establishment other than Bar or Tavern	NP
Animal (Small) Boarding/Kennel or Grooming without Outside Boarding	NP
Art or Photography Studio	NP
Bar or Tavern	NP
Brewpub	NP
Craftsman Establishment, with or without Retail Sales	NP
Dry Cleaning / Laundry Pick Up without Drive-Through Service	NP
Entertainment Facility (non-Civic)	NP
Gallery - Private	NP
Financial Services without Drive-Through Service	NP
Garden Center	NP
Hair / Skin / Nail Care / Health Club or Day Spa	NP
Laundromat	NP

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CD-4.R4 TABLE 26-6.405.A-5 DISTRICT STANDARDS: GENERAL URBAN – MULTIFAMILY RESIDENCE CHARACTER DISTRICT

PRINCIPAL USE	CD-4. R4
Motor Vehicle Retail Parts Sales	NP
Open Air Market	NP
Open Front or Open Lot Retail / Personal Service Establishment, excluding Restaurant outdoor dining & Open Air Market	NP
Pawnshop	NP
Performing Arts Studio / Music Conservatory	NP
Pharmacy	NP
Printing Services Retail Shop without Drive Through Service	NP
Recreation Facility (Non-Civic)	NP
Restaurant	NP
Restaurant with Outdoor Dining	NP
Retail Membership Club	NP
Retail / Personal Service / Craftsman Establishment with Drive-Through Service	NP
Retail / Personal Service / Craftsman Establishment without Drive-Through Service	NP
Smoke, Tobacco, or CBD Shop	NP
Tailor or Seamstress Shop	NP
Tasting Room	NP
Tattoo Studio	NP
Theater or Performing Arts Venue (non-Civic)	NP
Ticket Office	NP
Veterinary Office, Clinic, or Hospital, without Outside Boarding	NP
Warehouse Retail	NP

PRINCIPAL USE	CD-4. R4
Other Retail, Personal Service, or Craftsman Use Not Listed Under any Use Category	NP
CIVIC USE CATEGORY	
Adult Day Care Facility (Civic)	NP
Civic Building (Publicly Owned or Operated)	NP
Civic Building (Privately Owned & Operated)	NP
Civic Space – Sports Field (Privately Owned & Operated)	CU
Civic Space – Sports Field (Publicly Owned or Operated)	P
Civic Space – Green, Square, Plaza (Privately Owned & Operated)	CU
Civic Space – Green, Square, or Plaza (Publicly Owned or Operated)	P
Civic Space – Park, Playground, or Community Garden (Privately Owned & Operated)	CU
Civic Space – Park, Playground, or Community Garden (Publicly Owned or Operated)	P
Community Center – not-for-profit	NP
Conference / Convention / Exhibition Center	CU
Courthouse	CU
Entertainment Facility (Civic)	CU
Food Distribution Center (Civic)	NP
Gallery (Civic)	P
Library	NP
Museum	NP
Parking Lot	NP
Parking Structure	NP

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CD-4.R4 TABLE 26-6.405.A-5 DISTRICT STANDARDS: GENERAL URBAN – MULTIFAMILY RESIDENCE CHARACTER DISTRICT

PRINCIPAL USE	CD-4. R4
Performing Arts Venue	CU
Place of Assembly or Place of Worship	CU
Post Office	NP
Public Transit	NP
Recreation Facility (Civic)	NP
Sports Venue	NP
Transit Shelter	P
Transit Station or Terminal	NP
Other Civic Use Not Listed Under any Use Category	NP
MOTOR VEHICLE – RELATED USE CATEGORY	
Gasoline Station	NP
Motor Vehicle Shop Maintenance / Repair / Service / Cleaning	NP
Motor Vehicle Sales, Rental, or Leasing, with or without Parts Sales	NP
Taxi Center or Ride-Share Center	NP
Tire Sales	NP
Other Motor Vehicle Use Not Listed Under any Use Category	NP
CIVIL SUPPORT USE CATEGORY	
Cemetery (Non-Commercial)	NP
Cemetery (Commercial)	NP
Fire / EMS Station	NP
Funeral Services	NP

PRINCIPAL USE	CD-4. R4
Police Station	NP
Public Works Yard	NP
RECREATION USE CATEGORY	
Adult Day Care Facility (non-Civic)	NP
Amusement Center with amusement devices	NP
Athletic Field (Commercial), other than a Sports Field Civic Space	NP
Athletic Field (Non-Commercial), other than a Sports Field Civic Space	NP
Club-Private not -for-profit	NP
Commercial Indoor Athletic Training Facility	NP
Country Club	NP
Recreation Facility (non-Civic)	NP
Shooting or Firing Range, with or without firearms sales	NP
Social (or Civic) Club, Lodge, or Organization	NP
Other Recreation Use Not Listed in any Use Category	NP
INSTITUTIONAL USE CATEGORY	
Long Term Care Facility	NP
Hospital	NP
Rehabilitation Facility	NP
LIGHT INDUSTRIAL USE CATEGORY	
Brewery without tap room, bar or tasting room	NP
Building Systems / Construction Business	NP
Catering Service or Catering Events Establishment	NP

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CD-4.R4 TABLE 26-6.405.A-5 DISTRICT STANDARDS: GENERAL URBAN – MULTIFAMILY RESIDENCE CHARACTER DISTRICT

PRINCIPAL USE	CD-4. R4
Distillery	NP
Food Processing for Wholesale Sales	NP
Horticulture & Landscaping Services	NP
Information Services	NP
Light Manufacturing Plant with or without Retail Sales	NP
Machine Shop / Woodworking Shop	NP
Microbrewery /Microdistillery / Microwinery / Nanobrewery	NP
Non-Nuisance Industry	NP
Publishing Plant	NP
Rail Equipment Storage / Repair	NP
Research Laboratory	NP
Septic Equipment Installation Services or Cleaning	NP
Towing Facility	NP
Warehouse / Warehousing Facility	NP
Wholesale Sales	NP
Winery	NP
Other Light Industrial Use Not Listed Under any Use Category	NP
EDUCATION USE CATEGORY	
Building exclusively for Non-Profit Educational Institution	NP
Business or Trade School	NP
Child Care Facility	NP

PRINCIPAL USE	CD-4. R4
Children's Day Camp	NP
College / University	NP
K-12 School (Kindergarten, Elementary, Middle, or High School)	NP
Pre-School or Nursery School	NP
Other Education Use Not Listed in any other Category	NP
UTILITIES USE CATEGORY	
Communications Tower	NP
Communications and Power Lines	CU
Power Distribution / Substation	CU
Public Utilities	CU
Sewage Facility (Non-Commercial)	NP
Sewage Facility (Non-Commercial)	NP
Utility Pumping Station	CU
Utility Substation	CU
Water Treatment / Supply Facility	NP
Wireless Telecommunications Facility	NP
Other Utilities Use Not Listed Under any other Category	NP
OTHER USE CATEGORY	
Animal (non-domestic) Raising / Maintaining	NP
Heavy Manufacturing	NP

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CD-4.R4 TABLE 26-6.405.A-5 DISTRICT STANDARDS: GENERAL URBAN – MULTIFAMILY RESIDENCE CHARACTER DISTRICT

ACCESSORY USE	CD-4. R4
RESIDENTIAL / DWELLING	
Accessory Building	P
Accessory Dwelling Unit	P
Accessory Garden Center	NP
Child Care In Home	NP
Convent on Site with Place of Worship	P
Dormitory on Site with Educational Institution	NP
Family Day Care	NP
Food / Refreshment Stand	NP
Food Truck	NP
Garden	P
Gift Shop	NP
Home Occupations	P
Home Office	P
Massage Services by Indiana licensed masseuse, accessory to Spa or Salon	NP
News Stand	NP
Office uses as accessory to manufacturing or warehouse	NP
Other Uses not listed in this Table that are subordinate and customarily incidental to a permitted Principal Use	P
Outdoor Storage *	NP
* Outdoor storage must be screened from adjacent properties with a barrier of man-made or growing materials which screen such area from both public street(s) and adjacent or neighboring property.	

ACCESSORY USE	CD-4. R4
Parish House, Rectory, Parsonage, or other Residence on site with Place of Worship	P
Parking Area	P
Playhouses	P
Patio	P
Recreation, refreshment and service uses of Structures in Civic Space incidental to the Civic Principal Use	P
Retail Sales Accessory to Manufacturing or Warehouse	NP
Motor Vehicle maintenance that is routine, periodic and incidental, if inside Garage or in 3rd Lot Layer & vehicle is owned and registered occupant of Dwelling	P
School on site with Place of Worship	P
Seminary on site with Place of Worship	P
Storage Building in Third Lot Layer	P
Storage of odor- or dust-producing substances	NP
Solar Panels	P
Sports Court, Swimming Pool, Hot Tub in 3rd Lot Layer	P
Tasting Room on site with Brewery, Distillery, Winery	NP
Telecommunications Receiving Equipment	CU
Wireless Telecommunications Facility	CU
Other Uses that are Subordinate and Customarily Incidental to a Permitted Principal Use	P

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CD-4.R4 TABLE 26-6.405.A-5 DISTRICT STANDARDS: GENERAL URBAN – MULTIFAMILY RESIDENCE CHARACTER DISTRICT

TEMPORARY USE	CD-4.R4
RESIDENTIAL / DWELLING	
A trailer in Third Lot Layer for Storage of Goods Associated with Commercial Principal Use, for up to 6 mos w/ possible extension to 12 mos; must not be closer to any Structure than 10 feet	CU
Seasonal Uses or Uses for Unusual Non-Recurrent Events, for no more than 30 days (subject to obtaining special event permit)	P
New Subdivision Sales & Management Office, for up to 1 yr	P
Sales or Construction Office Trailer	P

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LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CD-4.A

TABLE 26-6.405.A-6 DISTRICT STANDARDS: GENERAL URBAN – A CHARACTER DISTRICT

General Description

The CD-4.A General Urban - A Character District consists of a medium density area that has a mix of Building Types and primarily Residential, Retail, Personal Service, and Office Uses; there are medium, shallow or no front Setbacks and narrow to medium side Setbacks; it has variable private Landscaping; and it has Thoroughfares with Curbs, Sidewalks and trees that define medium-sized Blocks.

CD-4.A TABLE 26-6.405.A-6 DISTRICT STANDARDS: GENERAL URBAN – A CHARACTER DISTRICT

District Density
12 units per acre, gross, max

Block Size	
Block Perimeter	2400 ft. max

Private Frontage Types			
Common Yard	P	Stoop	P
Porch	P	Shopfront	P
Fence	P	Gallery	P
Terrace/Lightwell	P	Arcade	NP
Forecourt	P	Officefront	P
Dooryard	P		

See Table 26-6.405.G-1 (Private Frontage Types)

Civic Space Types			
Park	P	Playground	P
Green	P	Sport Field	P
Square	P	Community Garden	P
Plaza	NP		

See Table 26-6.504.B-1 (Civic Space Types – Summary) and Table 26-6.504.B-2 (Civic Space – Specific Standards)

Lot Occupation	
Lot Width	18 ft. min; 180 ft. max
Lot Area	NR
Lot Coverage	70% max
Lot Enfrontment	Must Enfront a vehicular Thoroughfare, except ≤ 20% of the Lots within each type of Character District of a Development Parcel may Enfront a Pedestrian Path, Passage, pedestrian walkway or water body if such Lots have legal and physical vehicular access to a vehicular Thoroughfare via Driveway or Easement.

Number of Buildings	
Principal Building	1 max
Accessory Buildings	1 max

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NR Not Regulated	R Required

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CD-4.A TABLE 26-6.405.A-6 DISTRICT STANDARDS: GENERAL URBAN – A CHARACTER DISTRICT

Setbacks – Principal Building		
Front Setback, Principal Frontage	0 ft. min, 20 ft. max; the max. setback may be increased by the amount necessary to provide a passenger drop off area where there is no on-street parking and the Principal Use of the Lot is Hotel or Medical.	A
Front Setback, Secondary Frontage	0 ft. min, 20 ft. max	B
Side Setback	0 ft. or 6 ft. min per side	C
Rear Setback	3 ft. min; or 15 ft. from center line of Rear Lane or Rear Alley	D

Setbacks – Accessory Building		
Front Setback, Principal Frontage	20 ft. min + Principal Building Front Setback	E
Front Setback, Secondary Frontage	0 ft. min	F
Side Setback	0 ft. min	G
Rear Setback	3 ft. min or 5 ft. min if Garage door faces Rear Lane or Rear Alley	H

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required

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CD-4.A TABLE 26-6.405.A-6 DISTRICT STANDARDS: GENERAL URBAN – A CHARACTER DISTRICT

Building Standards	
Building Composition	
Each Principal Building must have an identifiable Base, Middle, & Cap	
Buildings at intersections must be at least 1 Story taller than the tallest Adjacent Building, provided that in no event shall Buildings at intersections be taller than 4 stories.	
Building Height	
Principal Building	4 Stories (50 ft.) max
Accessory Building	2 Stories (35 ft.) max
Ceiling Height	
May not exceed 14 ft. from finished floor to finished ceiling, except for a first floor Business/Commercial, Office, Retail/Personal Service, or Lodging Use which must be a minimum of 11 ft. with a maximum of 25 ft.	
Building Materials	
Building Materials	Primary: brick or natural stone Accent: glass, metal, wood, porcelain, ceramic or glass tiles Windows at Frontage: clear glass Awnings / Canopies: canvas or steel
Facade	
Frontage Buildout	60% min

Building Standards (continued)	
Entrances	Main Entrance must be in Facade of Principal Frontages. If shopfront Frontage at corner, Main Entrance may be at Principal Frontage or at corner. Main Entrance must be clearly distinguishable from other parts of the Building through the use of architectural design, elements, and treatment, including its detail and relief and use of architectural elements such as lintels, pediments, pilasters, columns, and other elements appropriate to the architectural style and details of the Building.
Location of Building at Frontage	Parallel to Frontage Lines
Facade Position	Parallel to straight Frontage Line or to tangent of curved Frontage Line
Facade Design Proportions	Must be based approximately either on (a) proportions that can be expressed as a fraction using whole numbers (e.g. 1:1, 2:1, 3:2, 4:3, etc) or (b) the following proportions: 1.414:1 or 1.618:1
Blank Walls	NP at Frontage
Facade Void Areas	20–60% of total Facade area, except for first Story of Shopfront Frontages, where it must be ≥ 70% min.
Facade Openings	Windows and/or doors spaced ≤ 20 ft. apart. Square or vertical in proportion except for transoms and sidelights. Windows in the Facade and 1st and 2nd Lot Layers shall be single- or double-sashed, casement, awning, or fixed types. In Stories above first, Facade openings must be ≤ 50% of total Facade area.

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required

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CD-4.A TABLE 26-6.405.A-6 DISTRICT STANDARDS: GENERAL URBAN A CHARACTER DISTRICT

Building Standards (continued)	
Window Alignment	Upper floor windows and other features must be aligned with those of first floor.
Security Bars in Windows	NP at Frontage
Awning Construction	Must be attached to Building Wall and not supported by poles
Facade Articulation	A Facade greater than 100 ft. in width must be differentiated so that it appears to be comprised of two or more Adjacent Buildings, by dividing such Facade into two segments each of which includes a separate Main Entrance and (1) differs from each of the other segments with respect to all of the following: (a) a change in shape, sill, and header height, detail, size, spacing, rhythm, and muntin pattern of windows; (b) a change of Building or cornice height; (c) a change in cornice details; (d) a change of Wall material or Wall color; a change in trim courses and other horizontal elements; (e) a change in dormer or balcony design, if any, and (f) providing or changing pilasters, columns, or other Facade elements; and (2) is composed with a defined center and edges.
Finished Floor Level	If Residential: 2 ft.-6 ft. above avg. grade at Facade
Facade Window Sill Height	If Residential: 5 ft. min above avg. grade at Facade
Shopfront Frontages	12"-24" knee Wall required at Frontage
Decks	NP at Frontage
Roof Type & Roof Pitch	
Flat	P

Building Standards (continued)	
Shed	P at rear only and if ridge is attached to an exterior Building Wall; except for dormers which may have a shed roof anywhere on the Building
Hip	P
Gable	P
Pitch	8:12 - 14:12, except (a) shed roofs may be 3:12 - 14:12 and (b) roof pitch may match the primary roof pitch of an existing Building
Notes:	
*Stories do not include Attics and Basements.	

Building Types			
House	P	Commercial	P
Duplex	NP	Mixed Use	P
Rowhouse	P	Flex	P
Multifamily	NP	Mid-Rise	NP
Live/Work	P	Civic	NP

See Table 26-6.405.J-1 (Principal Building Types - Summary) and Table 26-6.405.J-2 (Principal Building Types - Specific Standards)

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LEGEND The following notations are utilized in this table.	P Permitted	CU Conditional Use	NP Not Permitted	* Per PUD Approval

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CD-4.A TABLE 26-6.405.A-6 DISTRICT STANDARDS: GENERAL URBAN A CHARACTER DISTRICT

Encroachments – Required Setbacks

Encroachment Type	Front	Side	Rear
Steps to Building Entrance	P up to 50% of Setback	P	P
Open Porches, including steps	P up to 50% of Setback	P	P
Patio Decks, in permitted applicable Lot Layer	NP	P	P
Open Fire Balconies or Fire Escapes	NP	P ≤ 6′	P ≤ 6′
Chimney flues, sills, belt courses, cornices, buttresses eaves and other Architectural Features	P	P	P
Satellite dishes/ antennae	P	P	P
Mechanical equipment, including HVAC	NP	P	P
Utility lines, wires and associated Structures (e.g. poles)	P	P	P
Fences, hedges, Walls, Shrubbery, and other landscape features	P	P	P
Parking Areas, Loading Areas and Driveways in 3rd Lot Layer	NA	P	P
Bicycle Parking	P	P	P
Stoops	P up to 50% of Setback	P	P
Balconies and Bay Windows	P	P	P

Vehicular Parking Requirements

Off-Street Parking Location	P only in 3rd Lot Layer only. Parking must be Screened from abutting properties by opaque Wall Screen, Fence Screen, or Hedge Screen. Parking Lots NP.
Off-Street Parking Surface	Asphalt, concrete or other hard surface
Garage Location	P in 3rd Lot Layer only
Driveway/Vehicular Entrance Maximum Width	10′ max in 1st and 2nd Lot Layers
Driveway/Vehicular Entrance Maximum Width	10 ft. max in 1st Lot Layer if Residential; 24 ft. max in 1st Lot Layer if non-Residential, regardless if shared or not
Parking Structures	P, if Screened from Frontage by Liner Buildings
Parking Structure Pedestrian Exit Location	Via pedestrian access to Frontage

Bicycle Parking Requirements

See Bicycle Parking Standards in Table 26-6.405.O-6 (Bicycle Parking)

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	NP	Not Permitted	*	Per PUD Approval

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CD-4.A TABLE 26-6.405.A-6 DISTRICT STANDARDS: GENERAL URBAN A CHARACTER DISTRICT

Off-Street Loading, Storage, Drive-Through, Trash Receptacle/Dumpster, Utility Box & Service Meter* Requirements	
Off-Street Trash Receptacle/Dumpster	R for all Building types and must be fully enclosed on 3 sides and enclosed on the 4th side with self-closing gate. Enclosure must be constructed of a material that matches the Principal Building.
Off-Street Loading, Storage, Utility Box & Service Meter* Locations	For Lots with Building Types other than House or Duplex: P in 3rd Lot Layer only. For Lots with House or Duplex: P in 2nd or 3rd Lot Layer.

* Not including water meters

Non-Building Components	
Heating and Air Conditioning Equipment, Utility, Service and Mechanical Equipment	P in 3rd Lot Layer; P in 2nd Lot Layer if Screened from Frontage; NP in 1st Lot Layer
Solar Panels	P in 3rd Lot Layer; P in 1st or 2nd Lot Layer if parallel to and integrated into roof design
Antennas & Satellite Equipment	P in 3rd Lot Layer; P in 1st or 2nd Lot Layer if such Lot Layer is only possible location possible for satisfactory reception.
Outdoor Grilling Equipment	P in 3rd Lot Layer only
Recreation or Play Equipment	P in 3rd Lot Layer only
Animal Enclosures, Runs or Shelters	P in 3rd Lot Layer only
Swimming Pools, Hot Tubs and Spas	P in 3rd Lot Layer only
Transmitting and/ or receiving towers or antennas and wind-generating machines	P in 3rd Lot Layer only

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CD-4.A TABLE 26-6.405.A-6 DISTRICT STANDARDS: GENERAL URBAN A CHARACTER DISTRICT

Private Landscaping and Fencing

Landscaping

R for all areas not covered by Structure, Parking Area, walkway, patio, terrace, or deck. If First Lot Layer ≥ 10 ft., minimum of 30% of 1st Lot Layer must be landscaped in compliance with Section 26-6.405.P. 1st Lot Layer may not be paved except for driveway and sidewalk.

R minimum of 25% of landscaped area must be covered with groundcover or evergreen trees or shrubs.

R 1 Tree per 30 feet of non-building Frontage if 1st Lot Layer ≥ 15 ft. deep, planted in 1st Lot Layer. If small or medium tree species are used, spacing must assure that at maturity, spacing will provide a continuous canopy

Private Landscaping and Fencing (continued)

Walls & Fencing (not including Screens)

Height	3.5-4 ft. at Frontage; otherwise 6 ft. max; height measured from avg. undisturbed grade of Adjacent property at property line	
Construction	Finished side must face Adjacent property, Thoroughfare, Path, Passage or Waterbody	
Allowed Materials	Natural Wood	Only picket type allowed at Frontage; other types allowed on sides and at rear
	Brick or Stucco over Masonry	P
	Wrought Iron or Aluminum	P
	Chain Link	P at rear and sides only
	Barbed/razor	NP

Signs

See Sign Standards in Division 7

Lighting

See Private Lighting Standards in Section 26-6.405.Q

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CD-4.A TABLE 26-6.405.A-6 DISTRICT STANDARDS: GENERAL URBAN A CHARACTER DISTRICT

Screens	
Location	Any Streetscreen shall be located coplanar with the Facade
Wall Screen Height at Frontage or Adjacent to Civic Space	3 ft. to 3.5 ft.
Hedge Screen Height at Frontage or Adjacent to Civic Space	3 ft to 3.5 ft. at installation, planted 15 ft. on center and having an opacity from the ground through the highest portion of the hedge of at least 90%
Wall or Fence Screen Height not at Frontage or Adjacent to Civic Space	5 ft. to 6 ft.; Min. 6' for Dumpsters and Trash Receptacles
Hedge Screen Height not at Frontage or Adjacent to Civic Space	5 ft. to 6 ft. at installation; Min. 80% opacity within 12 in of grade.
Materials	Wall Screen or Wall Streetscreen: Masonry
	Fence Screen or Fence Streetscreen: Wood
	Hedge Screen or hedge Streetscreen: Must consist of evergreen plants having a height between 3 ft. and 3.5 ft., planted 15 ft. on center, with an opacity from the ground through the highest portion of the hedge of at least 90%.
Non-Residential & Multi-Family Residential Screen Adjacent to or across Thoroughfare from Non-Multi-Family Residential	None Required

Screens (continued)	
Parking, Loading Areas, Service Areas, Outdoor Storage, Drive-Throughs, Trash Receptacles/ Dumpsters, HVAC and other equipment Screened from Frontage, Civic Space and Adjacent Property	R; except at Driveways: Parking Lots and Parking Areas shall be Screened from Frontage and Civic Space by Building or Streetscreen; Parking Structures shall be Screened from Frontages by Liner Buildings. Otherwise, Screening shall be by Building or opaque Wall Screen, Hedge Screen, or Fence Screen.
Satellite Dish Screen	R
Rooftop Antennas and HVAC, Mechanical and other Equipment Screening	R; shall be Screened from Frontage and Civic Space by Building parapet or other Building Element

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CD-4.A TABLE 26-6.405.A-6 DISTRICT STANDARDS: GENERAL URBAN A CHARACTER DISTRICT

PRINCIPAL USE	CD-4.A
RESIDENTIAL / DWELLING USE CATEGORY	
Assisted Living Apartment	NP
Attached Dwelling – Rowhouse	NP
Attached Dwelling – Multi-Family	NP
Independent Living Apartment	NP
Residence Portion of Live/Work, Mixed-Use, or Flex Building	P
Single-Family Detached Dwelling	NP
Two-Family Detached Dwelling or Duplex	NP
Other Residential Not Listed Under any Use Category	NP
LODGING USE CATEGORY	
Bed & Breakfast	P
Hostel/Hotel/Inn	CU
Motel	NP
Boardinghouse, Lodginghouse	NP
Tourist Home	P
Other Lodging Not Listed Under any Use Category	NP
OFFICE USE CATEGORY	
Business / Governmental / Non-Profit / Professional Office	P
Counseling Service	P
Crisis Counseling Center	P
Medical Lab / Dental Lab / Research Lab	P
Medical or Dental Office / Medical or Dental Clinic / Outpatient Clinic	P

PRINCIPAL USE	CD-4.A
Office Portion of Live/Work, Mixed-Use, or Flex Building	P
Photography Lab	P
Radio / Television / Recording Studio or Station without Communications Tower	P
Other Office Use Not Listed Under any Use Category	P
RETAIL/PERSONAL SERVICE USE CATEGORY	
Adult Bookstore / Adult Cabaret / Adult Entertainment	NP
Alcoholic Beverage Retail Sales	CU
Alcoholic Beverage - Serving Establishment other than Bar or Tavern	P
Animal (Small) Boarding/Kennel or Grooming without Outside Boarding	CU
Art or Photography Studio	P
Bar or Tavern	CU
Brewpub	P
Craftsman Establishment, with or without Retail Sales	P
Dry Cleaning / Laundry Pick Up without Drive-Through Service	P
Entertainment Facility (non-Civic)	P
Gallery - Private	P
Financial Services without Drive-Through Service	P
Garden Center	CU
Hair / Skin / Nail Care / Health Club or Day Spa	P
Laundromat	P

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CD-4.A TABLE 26-6.405.A-6 DISTRICT STANDARDS: GENERAL URBAN A CHARACTER DISTRICT

PRINCIPAL USE	CD-4.A
Motor Vehicle Retail Parts Sales	P
Open Air Market	P
Open Front or Open Lot Retail / Personal Service Establishment, excluding Restaurant outdoor dining & Open Air Market	CU
Pawnshop	CU
Performing Arts Studio / Music Conservatory	P
Pharmacy	P
Printing Services Retail Shop without Drive Through Service	P
Recreation Facility (Non-Civic)	P
Restaurant	P
Restaurant with Outdoor Dining	CU
Retail Membership Club	P
Retail / Personal Service / Craftsman Establishment with Drive-Through Service	CU
Retail / Personal Service / Craftsman Establishment without Drive-Through Service	P
Smoke, Tobacco, or CBD Shop	CU
Tailor or Seamstress Shop	P
Tasting Room	CU
Tattoo Studio	NP
Theater or Performing Arts Venue (non-Civic)	P
Ticket Office	P
Veterinary Office, Clinic, or Hospital, without Outside Boarding	P
Warehouse Retail	CU

PRINCIPAL USE	CD-4.A
Other Retail, Personal Service, or Craftsman Use Not Listed Under any Use Category	P
CIVIC USE CATEGORY	
Adult Day Care Facility (Civic)	P
Civic Building (Publicly Owned or Operated)	P
Civic Building (Privately Owned & Operated)	NP
Civic Space - Sports Field (Privately Owned & Operated)	CU
Civic Space - Sports Field (Publicly Owned or Operated)	P
Civic Space – Green, Square, Plaza (Privately Owned & Operated)	CU
Civic Space – Green, Square, or Plaza (Publicly Owned or Operated)	P
Civic Space – Park, Playground, or Community Garden (Privately Owned & Operated)	CU
Civic Space – Park, Playground, or Community Garden (Publicly Owned or Operated)	P
Community Center - not-for-profit	P
Conference / Convention / Exhibition Center	CU
Courthouse	CU
Entertainment Facility (Civic)	CU
Food Distribution Center (Civic)	P
Gallery (Civic)	P
Library	P
Museum	P
Parking Lot	NP
Parking Structure	NP

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CD-4.A TABLE 26-6.405.A-6 DISTRICT STANDARDS: GENERAL URBAN A CHARACTER DISTRICT

PRINCIPAL USE	CD-4.A
Performing Arts Venue	CU
Place of Assembly or Place of Worship	CU
Post Office	P
Public Transit	P
Recreation Facility (Civic)	P
Sports Venue	CU
Transit Shelter	P
Transit Station or Terminal	P
Other Civic Use Not Listed Under any Use Category	P
MOTOR VEHICLE – RELATED USE CATEGORY	
Gasoline Station	CU
Motor Vehicle Shop Maintenance / Repair / Service / Cleaning	CU
Motor Vehicle Sales, Rental, or Leasing, with or without Parts Sales	CU
Taxi Center or Ride-Share Center	CU
Tire Sales	CU
Other Motor Vehicle Use Not Listed Under any Use Category	NP
CIVIL SUPPORT USE CATEGORY	
Cemetery (Non-Commercial)	NP
Cemetery (Commercial)	NP
Fire / EMS Station	P
Funeral Services	CU

PRINCIPAL USE	CD-4.A
Police Station	CU
Public Works Yard	NP
RECREATION USE CATEGORY	
Adult Day Care Facility (non-Civic)	CU
Amusement Center with amusement devices	P
Athletic Field (Commercial), other than a Sports Field Civic Space	NP
Athletic Field (Non-Commercial), other than a Sports Field Civic Space	CU
Club-Private not -for-profit	P
Commercial Indoor Athletic Training Facility	P
Country Club	CU
Recreation Facility (non-Civic)	P
Shooting or Firing Range, with or without firearms sales	NP
Social (or Civic) Club, Lodge, or Organization	P
Other Recreation Use Not Listed in any Use Category	CU
INSTITUTIONAL USE CATEGORY	
Long Term Care Facility	CU
Hospital	CU
Rehabilitation Facility	CU
LIGHT INDUSTRIAL USE CATEGORY	
Brewery without tap room, bar or tasting room	NP
Building Systems / Construction Business	NP
Catering Service or Catering Events Establishment	CU

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CD-4.A TABLE 26-6.405.A-6 DISTRICT STANDARDS: GENERAL URBAN A CHARACTER DISTRICT

PRINCIPAL USE	CD-4.A
Distillery	NP
Food Processing for Wholesale Sales	NP
Horticulture & Landscaping Services	NP
Information Services	NP
Light Manufacturing Plant with or without Retail Sales	NP
Machine Shop / Woodworking Shop	NP
Microbrewery /Microdistillery / Microwinery / Nanobrewery	CU
Non-Nuisance Industry	NP
Publishing Plant	NP
Rail Equipment Storage / Repair	NP
Research Laboratory	NP
Septic Equipment Installation Services or Cleaning	NP
Towing Facility	NP
Warehouse / Warehousing Facility	NP
Wholesale Sales	NP
Winery	NP
Other Light Industrial Use Not Listed Under any Use Category	NP
EDUCATION USE CATEGORY	
Building exclusively for Non-Profit Educational Institution	CU
Business or Trade School	CU
Child Care Facility	CU

PRINCIPAL USE	CD-4.A
Children's Day Camp	CU
College / University	CU
K-12 School (Kindergarten, Elementary, Middle, or High School)	CU
Pre-School or Nursery School	CU
Other Education Use Not Listed in any other Category	CU
UTILITIES USE CATEGORY	
Communications Tower	CU
Communications and Power Lines	CU
Power Distribution / Substation	CU
Public Utilities	CU
Sewage Facility (Non-Commercial)	NP
Sewage Facility (Non-Commercial)	NP
Utility Pumping Station	CU
Utility Substation	CU
Water Treatment / Supply Facility	NP
Wireless Telecommunications Facility	CU
Other Utilities Use Not Listed Under any other Category	NP
OTHER USE CATEGORY	
Animal (non-domestic) Raising / Maintaining	NP
Heavy Manufacturing	NP

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CD-4.A TABLE 26-6.405.A-6 DISTRICT STANDARDS: GENERAL URBAN A CHARACTER DISTRICT

ACCESSORY USE	CD-4.A
RESIDENTIAL / DWELLING	
Accessory Building	P
Accessory Dwelling Unit	P
Accessory Garden Center	CU
Child Care In Home	CU
Convent on Site with Place of Worship	P
Dormitory on Site with Educational Institution	P
Family Day Care	CU
Food / Refreshment Stand	P
Food Truck	P
Garden	P
Gift Shop	P
Home Occupations	P
Home Office	P
Massage Services by Indiana licensed masseuse, accessory to Spa or Salon	CU
News Stand	P
Office uses as accessory to manufacturing or warehouse	NP
Other Uses not listed in this Table that are subordinate and customarily incidental to a permitted Principal Use	P
Outdoor Storage *	NP

* Outdoor storage must be screened from adjacent properties with a barrier of man-made or growing materials which screen such area from both public street(s) and adjacent or neighboring property.

ACCESSORY USE	CD-4.A
Parish House, Rectory, Parsonage, or other Residence on site with Place of Worship	P
Parking Area	P
Playhouses	P
Patio	P
Recreation, refreshment and service uses of Structures in Civic Space incidental to the Civic Principal Use	P
Retail Sales Accessory to Manufacturing or Warehouse	NP
Motor Vehicle maintenance that is routine, periodic and incidental, if inside Garage or in 3rd Lot Layer & vehicle is owned and registered occupant of Dwelling	P
School on site with Place of Worship	P
Seminary on site with Place of Worship	P
Storage Building in Third Lot Layer	P
Storage of odor- or dust-producing substances	NP
Solar Panels	P
Sports Court, Swimming Pool, Hot Tub in 3rd Lot Layer	P
Tasting Room on site with Brewery, Distillery, Winery	CU
Telecommunications Receiving Equipment	CU
Wireless Telecommunications Facility	CU
Other Uses that are Subordinate and Customarily Incidental to a Permitted Principal Use	P

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CD-4.A TABLE 26-6.405.A-6 DISTRICT STANDARDS: GENERAL URBAN A CHARACTER DISTRICT

TEMPORARY USE	CD-4.A
RESIDENTIAL / DWELLING	
A trailer in Third Lot Layer for Storage of Goods Associated with Commercial Principal Use, for up to 6 mos w/ possible extension to 12 mos; must not be closer to any Structure than 10 feet	P
Seasonal Uses or Uses for Unusual Non-Recurrent Events, for no more than 30 days (subject to obtaining special event permit)	P
New Subdivision Sales & Management Office, for up to 1 yr	P
Sales or Construction Office Trailer	P

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CD-4.B

TABLE 26-6.405.A-7 DISTRICT STANDARDS: GENERAL URBAN B CHARACTER DISTRICT B

General Description

The CD–4.B General Urban – B Character District consists of a medium density area that has a mix of Building Types and primarily Residential, Retail, Personal Service, Office, and Light Industrial Uses; Setbacks vary as compared to the CD–4.A General Urban –A Character District; it has variable private and public Open Spaces and Landscaping; Thoroughfares typically have Curbs, Sidewalks and trees. Blocks may vary in size to accommodate a variety of uses.

CD-4.B TABLE 26-6.405.A-7 DISTRICT STANDARDS: GENERAL URBAN B CHARACTER DISTRICT

District Density
12 units per acre, gross, max

Block Size	
Block Perimeter	2400 ft. max

Private Frontage Types			
Common Yard	NP	Stoop	P
Porch	NP	Shopfront	P
Fence	NP	Gallery	P
Terrace/Lightwell	P	Arcade	P
Forecourt	P	Officefront	P
Dooryard	P		

See Table 26-6.405.G-1 (Private Frontage Types)

Civic Space Types			
Park	P	Playground	P
Green	P	Sport Field	P
Square	P	Community Garden	P
Plaza	NP		

See Table 26-6.504.B-1 (Civic Space Types – Summary) and Table 26-6.504.B-2 (Civic Space – Specific Standards)

Lot Occupation	
Lot Width	18 ft. min; 180 ft. max
Lot Area	NR
Lot Coverage	70% max
Lot Enfrontment	Must Enfront a vehicular Thoroughfare, except ≤ 20% of the Lots within each type of Character District of a Development Parcel may Enfront a Pedestrian Path, Passage, pedestrian walkway or water body if such Lots have legal and physical vehicular access to a vehicular Thoroughfare via Driveway or Easement.

Number of Buildings	
Principal Building	1 max
Accessory Buildings	1 max

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NR Not Regulated	R Required

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CD-4.B TABLE 26-6.405.A-7 DISTRICT STANDARDS: GENERAL URBAN B CHARACTER DISTRICT

Setbacks – Principal Building		
Front Setback, Principal Frontage	0 ft. min, 20 ft. max; the max. setback may be increased by the amount necessary to provide a passenger drop off area where there is no on-street parking and the Principal Use of the Lot is Hotel or Medical.	A
Front Setback, Secondary Frontage	0 ft. min, 20 ft. max	B
Side Setback	0 ft. or 6 ft. min per side	C
Rear Setback	3 ft. min; or 15 ft. from center line of Rear Lane or Rear Alley	D

Setbacks – Accessory Building		
Front Setback, Principal Frontage	20 ft. min + Principal Building Front Setback	E
Front Setback, Secondary Frontage	0 ft. min	F
Side Setback	0 ft. or 6 ft. min per side	G
Rear Setback	3 ft. min or 5 ft. min if Garage door faces Rear Lane or Rear Alley	H

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required

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CD-4.B TABLE 26-6.405.A-7 DISTRICT STANDARDS: GENERAL URBAN B CHARACTER DISTRICT

Building Standards	
Building Composition	
Each Principal Building must have an identifiable Base, Middle, & Cap	
Buildings at intersections must be at least 1 Story taller than the tallest Adjacent Building, provided that in no event shall Buildings at intersections be taller than 4 stories.	
Building Height	
Principal Building	4 Stories (50 ft.) max
Accessory Building	2 Stories (35 ft.) max
Ceiling Height	
May not exceed 14 ft. from finished floor to finished ceiling, except for a first floor Business/Commercial, Office, Retail/Personal Service, or Lodging Use which must be a minimum of 11 ft. with a maximum of 25 ft.	
Building Materials	
Building Materials	Primary: brick or natural stone Accent: glass, metal, wood Windows at Frontage: clear glass Awnings/Canopies: canvas or steel
Facade	
Frontage Buildout	60% min
Entrances	Main Entrance must be in Facade of Principal Frontages. If shopfront Frontage at corner, Main Entrance may be at Principal Frontage or at corner. Main Entrance must be clearly distinguishable from other parts of the Building through the use of architectural design, elements, and treatment, including its detail and relief and use of architectural elements such as lintels, pediments, pilasters, columns, and other elements appropriate to the architectural style and details of the Building.

Building Standards (continued)	
Location of Building at Frontage	Parallel to Frontage Lines
Facade Position	Parallel to straight Frontage Line or to tangent of curved Frontage Line
Facade Design Proportions	Must be based approximately either on (a) proportions that can be expressed as a fraction using whole numbers (e.g. 1:1, 2:1, 3:2, 4:3, etc) or (b) the following proportions: 1.414:1 or 1.618:1
Blank Walls	NP at Frontage
Facade Void Areas	20–60% of total Facade area, except for first Story of Shopfront Frontages, where it must be ≥ 70% min.
Facade Openings	Windows and/or doors spaced ≤ 20 ft. apart. Square or vertical in proportion except for transoms and sidelights. Windows in the Facade and 1st and 2nd Lot Layers shall be single- or double-sashed, casement, awning, or fixed types. In Stories above first, Facade openings must be ≤ 50% of total Facade area.
Window Alignment	Upper floor windows and other features must be aligned with those of first floor.
Security Bars in Windows	NP at Frontage

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required

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CD-4.B TABLE 26-6.405.A-7 DISTRICT STANDARDS: GENERAL URBAN -B CHARACTER DISTRICT

Building Standards (continued)	
Facade Articulation	A Facade greater than 100 ft. in width must be differentiated so that it appears to be comprised of two or more Adjacent Buildings, by dividing such Facade into two segments each of which includes a separate entrance and (1) differs from each of the other segments with respect to all of the following: (a) a change in shape, sill, and header height, detail, size, spacing, rhythm, and muntin pattern of windows; (b) a change of Building or cornice height; (c) a change in cornice details; (d) a change of Wall material or Wall color; a change in trim courses and other horizontal elements; (e) a change in dormer or balcony design, if any, and (f) providing or changing pilasters, columns, or other Facade elements; and (2) is composed with a defined center and edges.
Finished Floor Level	If Residential: 2 ft.-6 ft. above avg. grade at Facade
Facade Window Sill Height	If Residential: 5 ft. min above avg. grade at Facade
Shopfront Frontages	12"-24" knee Wall required at Frontage
Decks	NP at Frontage
Roof Type & Roof Pitch	

Building Standards (continued)	
Flat	P
Shed	P at rear only and if ridge is attached to an exterior Building Wall; except for dormers which may have a shed roof anywhere on the Building
Hip	P
Gable	P
Pitch	8:12 - 14:12, except for shed roofs which may be 3:12 - 14:12 and that roof pitch may match the primary roof pitch of an existing building that is less than 8:12
Notes:	
*Stories do not include Attics and Basements.	

Building Types			
House	NP	Commercial	P
Duplex	NP	Mixed Use	P
Rowhouse	P	Flex	P
Multifamily	NP	Mid-Rise	NP
Live/Work	P	Civic	NP

See Table 26-6.405.J-1 (Principal Building Types - Summary) and Table 26-6.405.J-2 (Principal Building Types - Specific Standards)

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required

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CD-4.B TABLE 26-6.405.A-7 DISTRICT STANDARDS: GENERAL URBAN -B CHARACTER DISTRICT

Encroachments – Required Setbacks

Encroachment Type	Front	Side	Rear
Steps to Building Entrance	P up to 50% of Setback	P	P
Open Porches, including steps	P up to 50% of Setback	P	P
Patio Decks, in permitted applicable Lot Layer	NP	P	P
Open Fire Balconies or Fire Escapes	NP	P ≤ 6′	P ≤ 6′
Chimney flues, sills, belt courses, cornices, buttresses eaves and other Architectural Features	P	P	P
Satellite dishes/ antennae	P	P	P
Mechanical equipment, including HVAC	NP	P	P
Utility lines, wires and associated Structures (e.g. poles)	P	P	P
Fences, hedges, Walls, Shrubbery, and other landscape features	P	P	P
Parking Areas, Loading Areas and Driveways in 3rd Lot Layer	NA	P	P
Bicycle Parking	P	P	P
Stoops	P up to 50% of Setback	P	P
Balconies and Bay Windows	P	P	P

Vehicular Parking Requirements

Off-Street Parking Location	P in 3rd Lot Layer only. Parking must be Screened from abutting properties by Building or opaque Wall Screen, Fence Screen, or Hedge Screen. Parking Lots NP.
Off-Street Parking Surface	Asphalt, concrete or other hard surface
Garage Location	P in 3rd Lot Layer only
Driveway/Vehicular Entrance Maximum Width	10′ max in 1st Lot Layer and 2nd Lot Layer
Driveway/Vehicular Entrance Maximum Width	10 ft. max in 1st Lot Layer if Residential; 24 ft. max in 1st Lot Layer if non-Residential, regardless if shared or not
Parking Structures	P, if Screened from Frontage by Liner Buildings
Parking Structure Pedestrian Exit Location	Via pedestrian access to Frontage

Bicycle Parking Requirements

See Bicycle Parking Standards in Table 26-6.405.O-6 (Bicycle Parking)

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required

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CD-4.B TABLE 26-6.405.A-7 DISTRICT STANDARDS: GENERAL URBAN -B CHARACTER DISTRICT

Off-Street Loading, Storage, Drive-Through, Trash Receptacle/Dumpster, Utility Box & Service Meter* Requirements	
Off-Street Trash Receptacle/Dumpster	R for all Building types except House or Duplex and must be fully enclosed on 3 sides and enclosed on the 4th side with self-closing gate
Off-Street Loading, Storage, Utility Box & Service Meter* Locations	or Lots with Building Types other than House or Duplex: P in 3rd Lot Layer only. For Lots with House or Duplex: P in 2nd or 3rd Lot Layer.

* Not including water meters

Non-Building Components	
Heating and Air Conditioning Equipment, Utility, Service and Mechanical Equipment	P in 3rd Lot Layer; P in 2nd Lot Layer if Screened from Frontage; NP in 1st Lot Layer
Solar Panels	P in 3rd Lot Layer; P in 1st or 2nd Lot Layer if parallel to and integrated into roof design
Antennas & Satellite Equipment	P in 3rd Lot Layer; P in 1st or 2nd Lot Layer if such Lot Layer is only possible location possible for satisfactory reception.
Outdoor Grilling Equipment	P in 3rd Lot Layer only
Recreation or Play Equipment	P in 3rd Lot Layer only
Animal Enclosures, Runs or Shelters	P in 3rd Lot Layer only
Swimming Pools, Hot Tubs and Spas	P in 3rd Lot Layer only
Transmitting and/ or receiving towers or antennas and wind-generating machines	P in 3rd Lot Layer only

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required

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CD-4.B TABLE 26-6.405.A-7 DISTRICT STANDARDS: GENERAL URBAN -B CHARACTER DISTRICT

Private Landscaping and Fencing

Landscaping

R for all areas not covered by Structure, Parking Area, walkway, patio, terrace, or deck. If First Lot Layer ≥ 10 ft., minimum of 30% of 1st Lot Layer must be landscaped in compliance with Section 26-6.405.P. 1st Lot Layer may not be paved except for driveway and sidewalk.

R minimum of 25% of landscaped area must be covered with groundcover or evergreen trees or shrubs.

R 1 Tree per 30 feet of non-building Frontage if 1st Lot Layer ≥ 15 ft. deep, planted in 1st Lot Layer. If small or medium tree species are used, spacing must assure that at maturity, spacing will provide a continuous canopy

Walls & Fencing (not including Screens)

Height	3.5-4 ft. at Frontage; otherwise 6 ft. max; height measured from avg. undisturbed grade of Adjacent property at property line	
Construction	Finished side must face Adjacent property, Thoroughfare, Path, Passage or Waterbody	
Allowed Materials	Natural Wood	Only picket type allowed at Frontage; other types allowed on sides and at rear
	Brick or Stucco over Masonry	P
	Wrought Iron or Aluminum	P
	Chain Link	P at rear and sides only
	Barbed/razor	NP

Signs

See Sign Standards in Division 7

Lighting

See Private Lighting Standards in Section 26-6.405.Q

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CD-4.B TABLE 26-6.405.A-7 DISTRICT STANDARDS: GENERAL URBAN – B CHARACTER DISTRICT

Screens	
Location	Any Streetscreen shall be located coplanar with the Facade
Wall Screen Height at Frontage or Adjacent to Civic Space	3 ft. to 3.5 ft.
Hedge Screen Height at Frontage or Adjacent to Civic Space	3 ft to 3.5 ft. at installation, planted 15 ft. on center and having an opacity from the ground through the highest portion of the hedge of at least 90%
Wall or Fence Screen Height not at Frontage or Adjacent to Civic Space	5 ft. to 6 ft.; Min. 6' for Dumpsters and Trash Receptacles
Hedge Screen Height not at Frontage or Adjacent to Civic Space	5 ft. to 6 ft. at installation; Min. 80% opacity within 12 in of grade.
Materials	A Wall Screen or Streetscreen shall be constructed from masonry.
	A Fence Screen or Streetscreen shall be constructed from wood.
	A hedge Screen or Streetscreen shall consist of evergreen plants having a height between 3 ft. and 3.5 ft., planted 15 ft. on center and having an opacity from the ground through the highest portion of the hedge of at least 90%.
Non-Residential & Multi-Family Residential Screen Adjacent to or across Thoroughfare from Non-Multi-Family Residential	None Required

Screens (continued)	
Parking, Loading Areas, Service Areas, Outdoor Storage, Drive-Throughs, Trash Receptacles/ Dumpsters, HVAC and other equipment Screened from Frontage, Civic Space and Adjacent Property	R; except at Driveways: Parking Areas shall be Screened from Frontage and Civic Space by Building or Streetscreen; Parking Structures shall be Screened from Frontages by Liner Buildings. Otherwise, Screening shall be by Building or opaque Wall Screen, Hedge Screen, or Fence Screen.
Satellite Dish Screen	R
Rooftop Antennas and HVAC, Mechanical and other Equipment Screening	R; shall be Screened from Frontage and Civic Space by Building parapet or other Building Element

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CD-4.B TABLE 26-6.405.A-7 DISTRICT STANDARDS: GENERAL URBAN – B CHARACTER DISTRICT

PRINCIPAL USE	CD-4.B
RESIDENTIAL / DWELLING USE CATEGORY	
Assisted Living Apartment	NP
Attached Dwelling – Rowhouse	NP
Attached Dwelling – Multi-Family	NP
Independent Living Apartment	NP
Residence Portion of Live/Work, Mixed-Use, or Flex Building	P
Single-Family Detached Dwelling	NP
Two-Family Detached Dwelling or Duplex	NP
Other Residential Not Listed Under any Use Category	NP
LODGING USE CATEGORY	
Bed & Breakfast	P
Hostel/Hotel/Inn	CU
Motel	NP
Boardinghouse, Lodginghouse	NP
Tourist Home	P
Other Lodging Not Listed Under any Use Category	NP
OFFICE USE CATEGORY	
Business / Governmental / Non-Profit / Professional Office	P
Counseling Service	P
Crisis Counseling Center	P
Medical Lab / Dental Lab / Research Lab	P
Medical or Dental Office / Medical or Dental Clinic / Outpatient Clinic	P

PRINCIPAL USE	CD-4.B
Office Portion of Live/Work, Mixed-Use, or Flex Building	P
Photography Lab	P
Radio / Television / Recording Studio or Station without Communications Tower	P
Other Office Use Not Listed Under any Use Category	P
RETAIL/PERSONAL SERVICE USE CATEGORY	
Adult Bookstore / Adult Cabaret / Adult Entertainment	NP
Alcoholic Beverage Retail Sales	CU
Alcoholic Beverage - Serving Establishment other than Bar or Tavern	P
Animal (Small) Boarding/Kennel or Grooming without Outside Boarding	CU
Art or Photography Studio	P
Bar or Tavern	CU
Brewpub	P
Craftsman Establishment, with or without Retail Sales	P
Dry Cleaning / Laundry Pick Up without Drive-Through Service	P
Entertainment Facility (non-Civic)	P
Gallery - Private	P
Financial Services without Drive-Through Service	P
Garden Center	CU
Hair / Skin / Nail Care / Health Club or Day Spa	P
Laundromat	P

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CD-4.B TABLE 26-6.405.A-7 DISTRICT STANDARDS: GENERAL URBAN -B CHARACTER DISTRICT

PRINCIPAL USE	CD-4.B
Motor Vehicle Retail Parts Sales	P
Open Air Market	P
Open Front or Open Lot Retail / Personal Service Establishment, excluding Restaurant outdoor dining & Open Air Market	CU
Pawnshop	CU
Performing Arts Studio / Music Conservatory	P
Pharmacy	P
Printing Services Retail Shop without Drive Through Service	P
Recreation Facility (Non-Civic)	P
Restaurant	P
Restaurant with Outdoor Dining	CU
Retail Membership Club	P
Retail / Personal Service / Craftsman Establishment with Drive-Through Service	CU
Retail / Personal Service / Craftsman Establishment without Drive-Through Service	P
Smoke, Tobacco, or CBD Shop	CU
Tailor or Seamstress Shop	P
Tasting Room	CU
Tattoo Studio	NP
Theater or Performing Arts Venue (non-Civic)	P
Ticket Office	P
Veterinary Office, Clinic, or Hospital, without Outside Boarding	P
Warehouse Retail	CU

PRINCIPAL USE	CD-4.B
Other Retail, Personal Service, or Craftsman Use Not Listed Under any Use Category	P
CIVIC USE CATEGORY	
Adult Day Care Facility (Civic)	P
Civic Building (Publicly Owned or Operated)	P
Civic Building (Privately Owned & Operated)	NP
Civic Space - Sports Field (Privately Owned & Operated)	CU
Civic Space - Sports Field (Publicly Owned or Operated)	P
Civic Space – Green, Square, Plaza (Privately Owned & Operated)	CU
Civic Space – Green, Square, or Plaza (Publicly Owned or Operated)	P
Civic Space – Park, Playground, or Community Garden (Privately Owned & Operated)	CU
Civic Space – Park, Playground, or Community Garden (Publicly Owned or Operated)	P
Community Center - not-for-profit	P
Conference / Convention / Exhibition Center	CU
Courthouse	CU
Entertainment Facility (Civic)	CU
Food Distribution Center (Civic)	P
Gallery (Civic)	P
Library	P
Museum	P
Parking Lot	NP
Parking Structure	NP

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CD-4.B TABLE 26-6.405.A-7 DISTRICT STANDARDS: GENERAL URBAN -B CHARACTER DISTRICT

PRINCIPAL USE	CD-4.B
Performing Arts Venue	CU
Place of Assembly or Place of Worship	CU
Post Office	P
Public Transit	P
Recreation Facility (Civic)	P
Sports Venue	CU
Transit Shelter	P
Transit Station or Terminal	P
Other Civic Use Not Listed Under any Use Category	P
MOTOR VEHICLE - RELATED USE CATEGORY	
Gasoline Station	CU
Motor Vehicle Shop Maintenance / Repair / Service / Cleaning	CU
Motor Vehicle Sales, Rental, or Leasing, with or without Parts Sales	CU
Taxi Center or Ride-Share Center	CU
Tire Sales	CU
Other Motor Vehicle Use Not Listed Under any Use Category	NP
CIVIL SUPPORT USE CATEGORY	
Cemetery (Non-Commercial)	NP
Cemetery (Commercial)	NP
Fire / EMS Station	P
Funeral Services	CU

PRINCIPAL USE	CD-4.B
Police Station	CU
Public Works Yard	NP
RECREATION USE CATEGORY	
Adult Day Care Facility (non-Civic)	CU
Amusement Center with amusement devices	P
Athletic Field (Commercial), other than a Sports Field Civic Space	NP
Athletic Field (Non-Commercial), other than a Sports Field Civic Space	CU
Club-Private not -for-profit	P
Commercial Indoor Athletic Training Facility	P
Country Club	CU
Recreation Facility (non-Civic)	P
Shooting or Firing Range, with or without firearms sales	NP
Social (or Civic) Club, Lodge, or Organization	P
Other Recreation Use Not Listed in any Use Category	CU
INSTITUTIONAL USE CATEGORY	
Long Term Care Facility	CU
Hospital	CU
Rehabilitation Facility	CU
LIGHT INDUSTRIAL USE CATEGORY	
Brewery without tap room, bar or tasting room	CU
Building Systems / Construction Business	NP
Catering Service or Catering Events Establishment	CU

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CD-4.B TABLE 26-6.405.A-7 DISTRICT STANDARDS: GENERAL URBAN – B CHARACTER DISTRICT

PRINCIPAL USE	CD-4.B
Distillery	NP
Food Processing for Wholesale Sales	NP
Horticulture & Landscaping Services	NP
Information Services	NP
Light Manufacturing Plant with or without Retail Sales	NP
Machine Shop / Woodworking Shop	NP
Microbrewery /Microdistillery / Microwinery / Nanobrewery	CU
Non-Nuisance Industry	NP
Publishing Plant	NP
Rail Equipment Storage / Repair	NP
Research Laboratory	NP
Septic Equipment Installation Services or Cleaning	NP
Towing Facility	NP
Warehouse / Warehousing Facility	NP
Wholesale Sales	NP
Winery	NP
Other Light Industrial Use Not Listed Under any Use Category	NP
EDUCATION USE CATEGORY	
Building exclusively for Non-Profit Educational Institution	CU
Business or Trade School	CU
Child Care Facility	CU

PRINCIPAL USE	CD-4.B
Children's Day Camp	CU
College / University	CU
K-12 School (Kindergarten, Elementary, Middle, or High School)	CU
Pre-School or Nursery School	CU
Other Education Use Not Listed in any other Category	CU
UTILITIES USE CATEGORY	
Communications Tower	CU
Communications and Power Lines	CU
Power Distribution / Substation	CU
Public Utilities	CU
Sewage Facility (Non-Commercial)	NP
Sewage Facility (Non-Commercial)	NP
Utility Pumping Station	CU
Utility Substation	CU
Water Treatment / Supply Facility	NP
Wireless Telecommunications Facility	CU
Other Utilities Use Not Listed Under any other Category	NP
OTHER USE CATEGORY	
Animal (non-domestic) Raising / Maintaining	NP
Heavy Manufacturing	NP

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CD-4.B TABLE 26-6.405.A-7 DISTRICT STANDARDS: GENERAL URBAN – B CHARACTER DISTRICT

ACCESSORY USE	CD-4.B
RESIDENTIAL / DWELLING	
Accessory Building	P
Accessory Dwelling Unit	P
Accessory Garden Center	NP
Child Care In Home	CU
Convent on Site with Place of Worship	P
Dormitory on Site with Educational Institution	P
Family Day Care	CU
Food / Refreshment Stand	P
Food Truck	P
Garden	P
Gift Shop	P
Home Occupations	P
Home Office	P
Massage Services by Indiana licensed masseuse, accessory to Spa or Salon	CU
News Stand	P
Office uses as accessory to manufacturing or warehouse	NP
Other Uses not listed in this Table that are subordinate and customarily incidental to a permitted Principal Use	P
Outdoor Storage *	NP
* Outdoor storage must be screened from adjacent properties with a barrier of man-made or growing materials which screen such area from both public street(s) and adjacent or neighboring property.	

ACCESSORY USE	CD-4.B
Parish House, Rectory, Parsonage, or other Residence on site with Place of Worship	P
Parking Area	P
Playhouses	P
Patio	P
Recreation, refreshment and service uses of Structures in Civic Space incidental to the Civic Principal Use	P
Retail Sales Accessory to Manufacturing or Warehouse	NP
Motor Vehicle maintenance that is routine, periodic and incidental, if inside Garage or in 3rd Lot Layer & vehicle is owned and registered occupant of Dwelling	P
School on site with Place of Worship	P
Seminary on site with Place of Worship	P
Storage Building in Third Lot Layer	P
Storage of odor- or dust-producing substances	NP
Solar Panels	P
Sports Court, Swimming Pool, Hot Tub in 3rd Lot Layer	P
Tasting Room on site with Brewery, Distillery, Winery	CU
Telecommunications Receiving Equipment	CU
Wireless Telecommunications Facility	CU
Other Uses that are Subordinate and Customarily Incidental to a Permitted Principal Use	P

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CD-4.B TABLE 26-6.405.A-7 DISTRICT STANDARDS: GENERAL URBAN – B CHARACTER DISTRICT

TEMPORARY USE	CD-4.B
RESIDENTIAL / DWELLING	
A trailer in Third Lot Layer for Storage of Goods Associated with Commercial Principal Use, for up to 6 mos w/ possible extension to 12 mos; must not be closer to any Structure than 10 feet	P
Seasonal Uses or Uses for Unusual Non-Recurrent Events, for no more than 30 days (subject to obtaining special event permit)	P
New Subdivision Sales & Management Office, for up to 1 yr	P
Sales or Construction Office Trailer	P

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LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CD-5

TABLE 26-6.405.A-9 DISTRICT STANDARDS: URBAN CENTER CHARACTER DISTRICT

General Description

The CD-5 Urban Center Character District consists of higher density Mixed Use areas. It has a tight network of Thoroughfares with side Sidewalks, street lights and regular tree spacing, defining medium-sized Blocks. Buildings are set close to the Sidewalks.

CD-5 TABLE 26-6.405.A-8 DISTRICT STANDARDS: URBAN CENTER CHARACTER DISTRICT

District Density
96 units per acre, gross, max

Block Size	
Block Perimeter	2,000 ft. max or 3,000 ft. max if a Parking Structure provided within Block

Private Frontage Types			
Common Yard	NP	Stoop	P
Porch	NP	Shopfront	P
Fence	NP	Gallery	P
Terrace/Lightwell	P	Arcade	P
Forecourt	P	Officefront	P
Dooryard	P		

See Table 26-6.405.G-1 (Private Frontage Types)

Civic Space Types			
Park	NP	Playground	P
Green	NP	Sport Field	NP
Square	P	Community Garden	P
Plaza	P		

See Table 26-6.504.B-1 (Civic Space Types – Summary) and Table 26-6.504.B-2 (Civic Space – Specific Standards)

Lot Occupation	
Lot Width	18 ft. min; 100 ft. max
Lot Area	NR
Lot Coverage	80% max
Lot Enfrontment	Must Enfront a vehicular Thoroughfare, except ≤ 20% of the Lots within each type of Character District of a Development Parcel may Enfront a Pedestrian Path, Passage, pedestrian walkway or water body if such Lots have legal and physical vehicular access to a vehicular Thoroughfare via Driveway or Easement.

Number of Buildings	
Principal Building	1 max
Accessory Buildings	1 max

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NR Not Regulated	R Required

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CD-5 TABLE 26-6.405.A-8 DISTRICT STANDARDS: URBAN CENTER CHARACTER DISTRICT

Setbacks – Principal Building		
Front Setback, Principal Frontage	0 ft. at corners unless a setback is required for sight lines; 0 ft. min; 15 ft. max elsewhere; the max. setback may be increased by the amount necessary to provide a passenger drop off area where there is no on-street parking and the Principal Use of the Lot is Hotel or Medical, if the Frontage complies with all Public Frontage requirements to the same extent as if the additional setback area were in the public right-of-way.	A

Setbacks – Principal Building (continued)		
Front Setback, Secondary Frontage	0 ft. at corners; 0 ft. min; 15 ft. max elsewhere	B
Side Setback	0 ft. or 6 ft. min per side; 24 ft. max per side	C
Rear Setback	3 ft. min; or 15 ft. from center line of Rear Lane or Rear Alley	D

Setbacks – Accessory Building		
Front Setback, Principal Frontage	40 ft. max from rear property line	E
Side Setback	0 ft. or 6 ft. min per side	F
Rear Setback	0 ft. or 6 ft. min	G

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required

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CD-5 TABLE 26-6.405.A-8 DISTRICT STANDARDS: URBAN CENTER CHARACTER DISTRICT

Building Standards	
Building Composition	
Each Principal Building must have an identifiable Base, Middle, & Cap	
Buildings at intersections must be at least 1 Story taller than the tallest Adjacent Building, provided that in no event shall Buildings at intersections be taller than 6 stories.	
Building Height	
Principal Building	2 Stories min in 2nd Lot Layer, 6 Stories max
Accessory Building	2 Stories max
Building Materials	
Building Materials	Primary: brick or natural stone Accent: glass, metal, wood Windows at Frontage: clear glass Awnings/Canopies: canvas or steel
Ceiling Height	
May not exceed 14 ft. from finished floor to finished ceiling, except for a first floor Business/Commercial, Office, Retail/Personal Service, or Lodging Use which must be a minimum of 11 ft. with a maximum of 25 ft.	
Facade	
Frontage Buildout	80% min
Entrances	Main Entrance must be in Facade of Principal Frontages. If shopfront Frontage at corner, Main Entrance may be at Principal Frontage or at corner. Main Entrance must be clearly distinguishable from other parts of the Building through the use of architectural design, elements, and treatment, including its detail and relief and use of architectural elements such as lintels, pediments, pilasters, columns, and other elements appropriate to the architectural style and details of the Building.

Building Standards (continued)	
Location of Building at Frontage	Parallel to Frontage Lines
Facade Position	Parallel to straight Frontage Line or to tangent of curved Frontage Line
Facade Design Proportions	Must be based approximately either on (a) proportions that can be expressed as a fraction using whole numbers (e.g. 1:1, 2:1, 3:2, 4:3, etc) or (b) the following proportions: 1.414:1 or 1.618:1
Blank Walls	NP at Frontage
Facade Void Areas	20–80% of total Facade area, except for first Story of Shopfront Frontages, where it must be ≥ 70% min.
Facade Openings	Windows and/or doors spaced ≤ 20 ft. apart. Square or vertical in proportion except for transoms and sidelights. Windows in the Facade and 1st and 2nd Lot Layers shall be single- or double-sashed, casement, awning, or fixed types. In Stories above first, Facade openings must be ≤ 50% of total Facade area.
Window Alignment	Upper floor windows and other features must be aligned with those of first floor.
Security Bars in Windows	NP at Frontage
Facade Articulation	NA
Facade Window Sill Height	If Residential: 5 ft. min above avg. grade at Facade. Shopfront Frontages: at knee Wall.
Shopfront Frontages	12"–24" knee Wall required at Frontage
Decks	NP at Frontage

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required

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CD-5 TABLE 26-6.405.A-8 DISTRICT STANDARDS: URBAN CENTER CHARACTER DISTRICT

Building Standards (continued)	
Roof Type & Roof Pitch	
Flat	P
Shed	P at rear only and if ridge is attached to an exterior Building Wall; except for dormers which may have a shed roof anywhere on the Building
Hip	P
Gable	P
Pitch	8:12 – 14:12, except for shed roofs which may be 3:12 – 14:12
Notes:	
*Stories do not include Attics and Basements.	

Building Types			
House	NP	Commercial	P
Duplex	NP	Mixed Use	P
Rowhouse	P	Flex	P
Multifamily	NP	Mid-Rise	P
Live/Work	P	Civic	NP

See **T**able 26-6.405.J-1 (Principal Building Types – Summary) and Table 26-6.405.J-2 (Principal Building Types – Specific Standards)

Encroachments – Required Setbacks			
Encroachment Type	**Front**	**Side**	**Rear**
Steps to Building Entrance	P up to 50% of Setback	P	P
Open Porches, including steps	NP	P	P
Patio Decks, in permitted applicable Lot Layer	NP	P	P
Open Fire Balconies & Fire Escapes	NP	P ≤ 6′	P ≤ 6′
Chimney flues, sills, belt courses, cornices, buttresses eaves and other Architectural Features	P	P	P
Satellite dishes/ antennae	P	P	P
Mechanical equipment, including HVAC	NP	P	P
Utility lines, wires and associated Structures (e.g. poles)	P	P	P
Fences, hedges, Walls, Shrubbery, and other landscape features	P	P	P
Parking Areas, Loading Areas and Driveways in 3rd Lot Layer	NA	P	P
Bicycle Parking	P	P	P
Stoops	P	P	P
Balconies and Bay Windows	P	P	P

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required

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CD-5 TABLE 26-6.405.A-8 DISTRICT STANDARDS: URBAN CENTER CHARACTER DISTRICT

Vehicular Parking Requirements	
Off-Street Parking Location	P in 3rd Lot Layer only. Parking must be Screened from abutting properties by Building or opaque Wall Screen, Fence Screen, or Hedge Screen. Parking Lots NP.
Off-Street Parking Surface	Asphalt, concrete or other hard surface
Garage Location	P in 3rd Lot Layer only
Driveway/Vehicular Entrance Maximum Width	24 ft. max in 1st Lot Layer and 2nd Lot Layer, regardless if shared or not
Parking Structures	P, if Screened from Frontage by Liner Buildings
Parking Structure Pedestrian Exit Location	Via pedestrian access to Frontage

Bicycle Parking Requirements
See Bicycle Parking Standards in Table 26-6.405.O-6 (Bicycle Parking)

Off-Street Loading, Storage, Drive-Through, Trash Receptacle/Dumpster, Utility Box & Service Meter* Requirements	
Off-Street Trash Receptacle/Dumpster	R and must be fully enclosed on 3 sides and enclosed on the 4th side with self-closing gate
Off-Street Loading, Storage, Utility Box & Service Meter* Locations	P in 3rd Lot Layer only.

* Not including water meters

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LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required

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CD-5 TABLE 26-6.405.A-8 DISTRICT STANDARDS: URBAN CENTER CHARACTER DISTRICT

Non-Building Components	
Heating and Air Conditioning Equipment, Utility, Service and Mechanical Equipment	P in 3rd Lot Layer; P in 2nd Lot Layer if Screened from Frontage; NP in 1st Lot Layer
Solar Panels	P in 3rd Lot Layer; P in 1st or 2nd Lot Layer if parallel to and integrated into roof design
Antennas & Satellite Equipment	P in 3rd Lot Layer; P in 1st or 2nd Lot Layer only if such Lot Layer is only possible location possible for satisfactory reception.
Outdoor Grilling Equipment	P in 3rd Lot Layer only
Recreation or Play Equipment	P in 3rd Lot Layer only
Animal Enclosures, Runs or Shelters	P in 3rd Lot Layer only
Swimming Pools, Hot Tubs and Spas	P in 3rd Lot Layer only
Transmitting and/ or receiving towers or antennas and wind-generating machines	P in 3rd Lot Layer only

Private Landscaping and Fencing		
Landscaping		
Unless paved or < 3 ft. front Setback: R Shrubs continuous around foundation at Frontage.		
Walls & Fencing (not including Screens)		
Height	3.5-4 ft. at Frontage; otherwise 6 ft. max; height measured from avg. undisturbed grade of Adjacent property at property line	
Construction	Finished side must face Adjacent property, Thoroughfare, Path, Passage or Waterbody	
Allowed Materials	Natural Wood	P at side and rear only
	Brick or Stucco over Masonry	P at side and rear only
	Wrought Iron or Aluminum	P
	Chain Link	P at side and rear only
	Barbed/razor	NP

Signs
See Sign Standards in Division 7

Lighting
See Private Lighting Standards in Section 26-6.405.Q

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CD-5 TABLE26-6.405.A-8 DISTRICT STANDARDS: URBAN CENTER CHARACTER DISTRICT

Screens	
Location	Any Streetscreen shall be located coplanar with the Facade
Wall Screen Height at Frontage or Adjacent to Civic Space	3 ft. to 3.5 ft.
Hedge Screen Height at Frontage or Adjacent to Civic Space	3 ft to 3.5 ft. at installation, planted 15 ft. on center and having an opacity from the ground through the highest portion of the hedge of at least 90%
Wall or Fence Screen Height not at Frontage or Adjacent to Civic Space	5 ft. to 6 ft.; Min. 6' for Dumpsters and Trash Receptacles
Hedge Screen Height not at Frontage or Adjacent to Civic Space	5 ft. to 6 ft. at installation; Min. 80% opacity within 12 in of grade.
Materials	A Wall Screen or Streetscreen shall be constructed from masonry.
	A Fence Screen or Streetscreen shall be constructed from wood.
	A hedge Screen or Streetscreen shall consist of evergreen plants having a height between 3 ft. and 3.5 ft., planted 15 ft. on center and having an opacity from the ground through the highest portion of the hedge of at least 90%.
Non-Residential & Multi-Family Residential Screen Adjacent to or across Thoroughfare from Non-Multi-Family Residential	None Required

Screens (continued)	
Parking, Loading Areas, Service Areas, Outdoor Storage, Drive-Throughs, Trash Receptacles/ Dumpsters, HVAC and other equipment Screened from Frontage, Civic Space and Adjacent Property	R; except at Driveways: Parking Lots and Parking Areas shall be Screened from Frontage and Civic Space by Building or Streetscreen; Parking Structures shall be Screened from Frontages by Liner Buildings. Otherwise, Screening shall be by Building or opaque Wall Screen, Hedge Screen, or Fence Screen.
Satellite Dish Screen	R
Rooftop Antennas and HVAC, Mechanical and other Equipment Screening	R; shall be Screened from Frontage and Civic Space by Building parapet or other Building Element

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CD-5 TABLE 26-6.405.A-8 DISTRICT STANDARDS: URBAN CENTER CHARACTER DISTRICT

PRINCIPAL USE	CD-5
RESIDENTIAL / DWELLING USE CATEGORY	
Assisted Living Apartment	NP
Attached Dwelling – Rowhouse	NP
Attached Dwelling – Multi-Family	NP
Independent Living Apartment	NP
Residence Portion of Live/Work, Mixed-Use, or Flex Building	P
Single-Family Detached Dwelling	NP
Two-Family Detached Dwelling or Duplex	NP
Other Residential Not Listed Under any Use Category	NP
LODGING USE CATEGORY	
Bed & Breakfast	P
Hostel/Hotel/Inn	CU
Motel	NP
Boardinghouse, Lodginghouse	NP
Tourist Home	P
Other Lodging Not Listed Under any Use Category	NP
OFFICE USE CATEGORY	
Business / Governmental / Non-Profit / Professional Office	P
Counseling Service	P
Crisis Counseling Center	P
Medical Lab / Dental Lab / Research Lab	P
Medical or Dental Office / Medical or Dental Clinic / Outpatient Clinic	P

PRINCIPAL USE	CD-5
Office Portion of Live/Work, Mixed-Use, or Flex Building	P
Photography Lab	P
Radio / Television / Recording Studio or Station without Communications Tower	P
Other Office Use Not Listed Under any Use Category	P
RETAIL/PERSONAL SERVICE USE CATEGORY	
Adult Bookstore / Adult Cabaret / Adult Entertainment	NP
Alcoholic Beverage Retail Sales	CU
Alcoholic Beverage - Serving Establishment other than Bar or Tavern	P
Animal (Small) Boarding/Kennel or Grooming without Outside Boarding	CU
Art or Photography Studio	P
Bar or Tavern	CU
Brewpub	P
Craftsman Establishment, with or without Retail Sales	P
Dry Cleaning / Laundry Pick Up without Drive-Through Service	P
Entertainment Facility (non-Civic)	P
Gallery - Private	P
Financial Services without Drive-Through Service	P
Garden Center	CU
Hair / Skin / Nail Care / Health Club or Day Spa	P
Laundromat	P

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CD-5 TABLE26-6.405.A-8 DISTRICT STANDARDS: URBAN CENTER CHARACTER DISTRICT

PRINCIPAL USE	CD-5
Motor Vehicle Retail Parts Sales	P
Open Air Market	P
Open Front or Open Lot Retail / Personal Service Establishment, excluding Restaurant outdoor dining & Open Air Market	CU
Pawnshop	CU
Performing Arts Studio / Music Conservatory	P
Pharmacy	P
Printing Services Retail Shop without Drive Through Service	P
Recreation Facility (Non-Civic)	P
Restaurant	P
Restaurant with Outdoor Dining	CU
Retail Membership Club	P
Retail / Personal Service / Craftsman Establishment with Drive-Through Service	CU
Retail / Personal Service / Craftsman Establishment without Drive-Through Service	P
Smoke, Tobacco, or CBD Shop	CU
Tailor or Seamstress Shop	P
Tasting Room	CU
Tattoo Studio	NP
Theater or Performing Arts Venue (non-Civic)	P
Ticket Office	P
Veterinary Office, Clinic, or Hospital, without Outside Boarding	P
Warehouse Retail	CU

PRINCIPAL USE	CD-5
Other Retail, Personal Service, or Craftsman Use Not Listed Under any Use Category	P
CIVIC USE CATEGORY	
Adult Day Care Facility (Civic)	P
Civic Building (Publicly Owned or Operated)	P
Civic Building (Privately Owned & Operated)	NP
Civic Space - Sports Field (Privately Owned & Operated)	CU
Civic Space - Sports Field (Publicly Owned or Operated)	P
Civic Space – Green, Square, Plaza (Privately Owned & Operated)	CU
Civic Space – Green, Square, or Plaza (Publicly Owned or Operated)	P
Civic Space – Park, Playground, or Community Garden (Privately Owned & Operated)	CU
Civic Space – Park, Playground, or Community Garden (Publicly Owned or Operated)	P
Community Center - not-for-profit	P
Conference / Convention / Exhibition Center	CU
Courthouse	CU
Entertainment Facility (Civic)	CU
Food Distribution Center (Civic)	P
Gallery (Civic)	P
Library	P
Museum	P
Parking Lot	NP
Parking Structure	NP

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CD-5 TABLE 26-6.405.A-8 DISTRICT STANDARDS: URBAN CENTER CHARACTER DISTRICT

PRINCIPAL USE	CD-5
Performing Arts Venue	CU
Place of Assembly or Place of Worship	CU
Post Office	P
Public Transit	P
Recreation Facility (Civic)	P
Sports Venue	CU
Transit Shelter	P
Transit Station or Terminal	P
Other Civic Use Not Listed Under any Use Category	P
MOTOR VEHICLE - RELATED USE CATEGORY	
Gasoline Station	CU
Motor Vehicle Shop Maintenance / Repair / Service / Cleaning	CU
Motor Vehicle Sales, Rental, or Leasing, with or without Parts Sales	CU
Taxi Center or Ride-Share Center	CU
Tire Sales	CU
Other Motor Vehicle Use Not Listed Under any Use Category	NP
CIVIL SUPPORT USE CATEGORY	
Cemetery (Non-Commercial)	NP
Cemetery (Commercial)	NP
Fire / EMS Station	P
Funeral Services	CU

PRINCIPAL USE	CD-5
Police Station	CU
Public Works Yard	NP
RECREATION USE CATEGORY	
Adult Day Care Facility (non-Civic)	CU
Amusement Center with amusement devices	P
Athletic Field (Commercial), other than a Sports Field Civic Space	NP
Athletic Field (Non-Commercial), other than a Sports Field Civic Space	CU
Club-Private not -for-profit	P
Commercial Indoor Athletic Training Facility	P
Country Club	CU
Recreation Facility (non-Civic)	P
Shooting or Firing Range, with or without firearms sales	NP
Social (or Civic) Club, Lodge, or Organization	P
Other Recreation Use Not Listed in any Use Category	CU
INSTITUTIONAL USE CATEGORY	
Long Term Care Facility	CU
Hospital	CU
Rehabilitation Facility	CU
LIGHT INDUSTRIAL USE CATEGORY	
Brewery without tap room, bar or tasting room	NP
Building Systems / Construction Business	NP
Catering Service or Catering Events Establishment	CU

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CD-5 TABLE26-6.405.A-8 DISTRICT STANDARDS: URBAN CENTER CHARACTER DISTRICT

PRINCIPAL USE	CD-5
Distillery	NP
Food Processing for Wholesale Sales	NP
Horticulture & Landscaping Services	NP
Information Services	NP
Light Manufacturing Plant with or without Retail Sales	NP
Machine Shop / Woodworking Shop	NP
Microbrewery /Microdistillery / Microwinery / Nanobrewery	CU
Non-Nuisance Industry	NP
Publishing Plant	NP
Rail Equipment Storage / Repair	NP
Research Laboratory	NP
Septic Equipment Installation Services or Cleaning	NP
Towing Facility	NP
Warehouse / Warehousing Facility	NP
Wholesale Sales	NP
Winery	NP
Other Light Industrial Use Not Listed Under any Use Category	NP
EDUCATION USE CATEGORY	
Building exclusively for Non-Profit Educational Institution	CU
Business or Trade School	CU
Child Care Facility	CU

PRINCIPAL USE	CD-5
Children's Day Camp	CU
College / University	CU
K-12 School (Kindergarten, Elementary, Middle, or High School)	CU
Pre-School or Nursery School	CU
Other Education Use Not Listed in any other Category	CU
UTILITIES USE CATEGORY	
Communications Tower	CU
Communications and Power Lines	CU
Power Distribution / Substation	CU
Public Utilities	CU
Sewage Facility (Non-Commercial)	NP
Sewage Facility (Non-Commercial)	NP
Utility Pumping Station	CU
Utility Substation	CU
Water Treatment / Supply Facility	NP
Wireless Telecommunications Facility	CU
Other Utilities Use Not Listed Under any other Category	NP
OTHER USE CATEGORY	
Animal (non-domestic) Raising / Maintaining	NP
Heavy Manufacturing	NP

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CD-5 TABLE 26-6.405.A-8 DISTRICT STANDARDS: URBAN CENTER CHARACTER DISTRICT

ACCESSORY USE	CD-5
RESIDENTIAL / DWELLING	
Accessory Building	P
Accessory Dwelling Unit	P
Accessory Garden Center	NP
Child Care In Home	CU
Convent on Site with Place of Worship	P
Dormitory on Site with Educational Institution	P
Family Day Care	CU
Food / Refreshment Stand	P
Food Truck	P
Garden	P
Gift Shop	P
Home Occupations	P
Home Office	P
Massage Services by Indiana licensed masseuse, accessory to Spa or Salon	CU
News Stand	P
Office uses as accessory to manufacturing or warehouse	NP
Other Uses not listed in this Table that are subordinate and customarily incidental to a permitted Principal Use	P
Outdoor Storage *	NP
* Outdoor storage must be screened from adjacent properties with a barrier of man-made or growing materials which screen such area from both public street(s) and adjacent or neighboring property.	

ACCESSORY USE	CD-5
Parish House, Rectory, Parsonage, or other Residence on site with Place of Worship	P
Parking Area	P
Playhouses	P
Patio	P
Recreation, refreshment and service uses of Structures in Civic Space incidental to the Civic Principal Use	P
Retail Sales Accessory to Manufacturing or Warehouse	NP
Motor Vehicle maintenance that is routine, periodic and incidental, if inside Garage or in 3rd Lot Layer & vehicle is owned and registered occupant of Dwelling	P
School on site with Place of Worship	P
Seminary on site with Place of Worship	P
Storage Building in Third Lot Layer	P
Storage of odor- or dust-producing substances	NP
Solar Panels	P
Sports Court, Swimming Pool, Hot Tub in 3rd Lot Layer	P
Tasting Room on site with Brewery, Distillery, Winery	CU
Telecommunications Receiving Equipment	CU
Wireless Telecommunications Facility	CU
Other Uses that are Subordinate and Customarily Incidental to a Permitted Principal Use	P

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LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CD-5 TABLE26-6.405.A-8 DISTRICT STANDARDS: URBAN CENTER CHARACTER DISTRICT

TEMPORARY USE	CD-5
RESIDENTIAL / DWELLING	
A trailer in Third Lot Layer for Storage of Goods Associated with Commercial Principal Use, for up to 6 mos w/ possible extension to 12 mos; must not be closer to any Structure than 10 feet	P
Seasonal Uses or Uses for Unusual Non-Recurrent Events, for no more than 30 days (subject to obtaining special event permit)	P
New Subdivision Sales & Management Office, for up to 1 yr	P
Sales or Construction Office Trailer	P

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LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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SD-M

TABLE 26-6.405.A-9 DISTRICT STANDARDS: MANUFACTURING SPECIAL DISTRICT

General Description

The SD-M Manufacturing Special District is an area for Light Industrial development compatible with a limited residential community, and is intended to encourage development with suitable uses, space, landscaping, and parking area.

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SD-M TABLE 26-6.405.A-9 DISTRICT STANDARDS: MANUFACTURING SPECIAL DISTRICT

Block Size	
Block Perimeter	NR

Private Frontage Types
NR

Civic Space Types
NR

Lot Occupation	
Lot Width	NR
Lot Area	20,000 sf. min
Lot Coverage	NR
Minimum Frontage	100 ft. min

Number of Buildings	
Principal Building	NR
Accessory Buildings	NR

Setbacks – Principal Building	
Front Yard	Non-arterial street: 35 ft. min from street Arterial street: 50 ft. min from street or 1 ft. for each ft. of building height
Rear Yard	20 ft. min
Side Yard	Two Side Yards required, each 20 ft. min. If a Side Yard abuts or is adjacent to a public street, the standards for Front Yards shall apply.
Other Standards	Whenever a building or Structure is used for any other than business industrial purposes as may be permitted by [the use table], the Front, Side and Rear Yard line shall conform to those required in the highest use District in which a proposed use is permitted.

Setbacks – Accessory Building
NR

ADOPTION DRAFT

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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SD-M TABLE 26-6.405.A-9 DISTRICT STANDARDS: MANUFACTURING SPECIAL DISTRICT

Building Types

NR

Building Standards

Building Height

All Structures 4 Stories or 50 ft. max

Facade

All Principal Buildings in SD-M shall be so constructed or located upon the Lot as to have unobstructed Frontage upon a public street or a private street of record.

Building Materials

Block, pre-stressed concrete, precise concrete panels, brick, poured-in-place tilt-up concrete components, glass or stone.

Roof Type & Roof Pitch

NR

Private Garages

NR

Accessory Buildings

NR

Encroachments – Required Setbacks

Encroachment Type	Front	Side	Rear
Steps to Building Entrance	P 5 ft. or less	P 5 ft. or less	P 5 ft. or less
Open Porches, including steps	P 5 ft. or less	P 5 ft. or less	P 5 ft. or less
Patio Decks, in permitted applicable Lot Layer	P	P	P
Open Fire Balconies & Fire Escapes	P	P	P
Chimney flues, sills, belt courses, cornices, buttresses eaves and other Architectural Features	P	P	P
Satellite dishes/ antennae	P	P	P
Mechanical equipment, including HVAC	P	P	P
Utility lines, wires and associated Structures (e.g. poles)	P	P	P
Fences, hedges, Walls, Shrubbery, and other landscape features	P	P	P
Parking Areas, Loading Areas and Driveways in 3rd Lot Layer	P	P	P
Bicycle Parking	P	P	P
Stoops	P	P	P
Balconies and Bay Windows	P	P	P
Open terraces	P	P	P

ADOPTION DRAFT

LEGEND
The following notations are utilized in this table.

P	Permitted	NP	Not Permitted	NA	Not Applicable	R	Required	NR	Not Regulated

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SD-M TABLE 26-6.405.A-9 DISTRICT STANDARDS: MANUFACTURING SPECIAL DISTRICT

Vehicular Parking Requirements	
Off-Street Parking Location	Parking, paving and associated curbing (except Driveways, stops and walkways) shall be set back a minimum of 25 ft. from any Thoroughfare. Parking in the 2nd Lot Layer and 3rd Lot Layer must be Screened from Frontage and abutting properties by opaque Fence or Landscaping of min 6 ft height above average grade, except at Driveway.
Off-Street Parking Surface	NR
Garage Location	NR
Driveway/ Vehicular Entrance Maximum Width	35 feet, subject to waiver by the Zoning Administrator upon advice of Town Engineer
Parking Structures	NR

Bicycle Parking Requirements
NR

Off-Street Loading, Storage, Drive-Through, Trash Receptacle/Dumpster, Utility Box & Service Meter* Requirements	
Off-Street Loading, Storage, Utility Box & Service Meter* Locations	Loading facilities, loading docks or other service areas shall be set back a minimum of 70 ft. from any public street. Loading doors, docks and facilities and other service areas shall be Screened with man-made or growing materials so that they are not readily viewed from any public street or from any property zoned other than SD-M
Drive-Through Locations	NR
Trash Receptacle Locations	Per Chapter 38 (Solid Waste)
Dumpster Locations	Per Chapter 38 (Solid Waste)

* Not including water meters

Non-Building Components
Materials, supplies, merchandise or equipment shall not be stored in any area on a site except inside a closed building, or on a paved surface behind a barrier of man-made or growing materials which Screens such area from both streets and adjacent or neighboring property.

ADOPTION DRAFT

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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SD-M TABLE 26-6.405.A-9 DISTRICT STANDARDS: MANUFACTURING SPECIAL DISTRICT

Private Landscaping and Fencing
Landscaping
A min of 65% of the First Lot Layer shall be landscaped., without considering any areas covered by Structures, Driveways, Parking Areas, Parking Lots, or pavement. If a Building used for business or industrial purposes is set back in excess of the min setback requirement, no Structure or Sign may occupy the Front Yard except as expressly permitted by this Article. A maximum of 80% of any area in excess of the minimum Front Yard requirement may be used to increase the off-street Parking in the First Lot Layer in accordance with Section 26-6.405.O. Any part of a Lot held or designated for future expansion shall be maintained in Landscaping and/or greenbelt. The expansion of any Building or facility shall be subject to the provisions of these landscaping requirements and compliance must be demonstrated at the time of the building permit application. At least 10% of the Side Yard and Rear Yard must be landscaped.

Private Landscaping and Fencing (continued)	
Walls & Fencing (not including Screens)	
Height	Fences shall conform to the requirements of the CD-3.R1 Character District, except that Fences may be constructed to a maximum height of 8 ft. Wherever an SD-M Special District abuts a Residential District, a Fence 8 ft. in height shall be erected along the District boundary unless: (1) The District boundary is separated from the Residential District by a street. (2) The District boundary is located on a Side Lot Line, in which case the required Fence shall be limited in height to 42 inches from the point at which the Side Lot Line intersects the front building line of the abutting Residential property to the front property line.
Construction	The structural design of all 8 ft. Fences shall be approved by a registered engineer or architect. Where proper engineering practice calls for a berm as part of the Fence construction, a berm shall be required.

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

ADOPTION DRAFT

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SD-M TABLE 26-6.405.A-9 DISTRICT STANDARDS: MANUFACTURING SPECIAL DISTRICT

Private Landscaping and Fencing (continued)

Allowed Materials	Wherever an SD-M Special District abuts a Residential District, all Fences constructed to a height of 8 ft. shall be made of a solid material, without gaps or spaces, to reduce noise transmission.	
	Natural Wood	P Shall be of tongue and groove or similar design to present a solid face. Shall be water-resistant treated.
	Brick or Stucco over Masonry	P Permit required
	Wrought Iron or Aluminum	P Only open construction
	Chain Link	P At rear and sides only
	Barbed/razor/ electric	NP
Building Permits	All fences require permits.	

Signs

See Sign Standards in Division 7

Lighting

See Private Lighting Standards in Section 26-6.405.Q

Railroad Tracks and Rights-of-Way

In an SD-M Special District, railroad service trackage shall be built and maintained in accordance with the minimum standards as promulgated from time to time by the railroad company servicing the spur connection.

Areas within an SD-M Special District which contain a railroad right-of-way, either within or without a Lot, shall be maintained in Landscaping and/or greenbelt up to 1.5 ft. from any existing and occupied railroad trackage.

Driveways, Parking Areas, Landscaping and the like shall be maintained in a neat and orderly manner.

Nuisances, Performance Standards

No owner, operator, lessee, licensee or occupant within an SD-M Special District shall cause or create a nuisance.

No rubbish, debris, or solid waste of any kind shall be placed or permitted to accumulate upon or adjacent to any property, and no odor which is unsanitary, unsightly, or unhealthy to persons or property shall be permitted to arise from any such property.

No use or operation shall be conducted or maintained in a manufacturing District which is noxious, unsightly, unsanitary or unhealthy to persons or property in any manner whatsoever, caused in whole or in part by vibration, sound, electro-mechanical disturbances, radiation, air pollution, water pollution, dust, or the emission of odorous toxic or nontoxic matters.

ADOPTION DRAFT

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required	NR Not Regulated

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SD-M TABLE 26-6.405.A-9 DISTRICT STANDARDS: MANUFACTURING SPECIAL DISTRICT

PRINCIPAL USE	SD-M
RESIDENTIAL / DWELLING USE CATEGORY	
Assisted Living Apartment	NP
Attached Dwelling – Rowhouse	NP
Attached Dwelling – Multi-Family	NP
Independent Living Apartment	NP
Residence Portion of Live/Work, Mixed-Use, or Flex Building	NP
Single-Family Detached Dwelling	NP
Two-Family Detached Dwelling or Duplex	NP
Other Residential Not Listed Under any Use Category	NP
LODGING USE CATEGORY	
Bed & Breakfast	NP
Hostel/Hotel/Inn	NP
Motel	NP
Boardinghouse, Lodginghouse	NP
Tourist Home	CU
Other Lodging Not Listed Under any Use Category	NP
OFFICE USE CATEGORY	
Business / Governmental / Non-Profit / Professional Office	NP
Counseling Service	NP
Crisis Counseling Center	NP
Medical Lab / Dental Lab / Research Lab	P
Medical or Dental Office / Medical or Dental Clinic / Outpatient Clinic	NP

PRINCIPAL USE	SD-M
Office Portion of Live/Work, Mixed-Use, or Flex Building	NP
Photography Lab	P
Radio / Television / Recording Studio or Station without Communications Tower	P
Other Office Use Not Listed Under any Use Category	NP
RETAIL/PERSONAL SERVICE USE CATEGORY	
Adult Bookstore / Adult Cabaret / Adult Entertainment	CU
Alcoholic Beverage Retail Sales	NP
Alcoholic Beverage - Serving Establishment other than Bar or Tavern	NP
Animal (Small) Boarding/Kennel or Grooming without Outside Boarding	CU
Art or Photography Studio	NP
Bar or Tavern	NP
Brewpub	NP
Craftsman Establishment, with or without Retail Sales	P
Dry Cleaning / Laundry Pick Up without Drive-Through Service	P
Entertainment Facility (non-Civic)	NP
Gallery - Private	NP
Financial Services without Drive-Through Service	NP
Garden Center	CU
Hair / Skin / Nail Care / Health Club or Day Spa	NP
Laundromat	P

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

ADOPTION DRAFT

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SD-M TABLE 26-6.405.A-9 DISTRICT STANDARDS: MANUFACTURING SPECIAL DISTRICT

PRINCIPAL USE	SD-M
Motor Vehicle Retail Parts Sales	P
Open Air Market	NP
Open Front or Open Lot Retail / Personal Service Establishment, excluding Restaurant outdoor dining & Open Air Market	CU
Pawnshop	NP
Performing Arts Studio / Music Conservatory	NP
Pharmacy	NP
Printing Services Retail Shop without Drive Through Service	NP
Recreation Facility (Non-Civic)	NP
Restaurant	P
Restaurant with Outdoor Dining	CU
Retail Membership Club	P
Retail / Personal Service / Craftsman Establishment with Drive-Through Service	NP
Retail / Personal Service / Craftsman Establishment without Drive-Through Service	P
Smoke, Tobacco, or CBD Shop	NP
Tailor or Seamstress Shop	NP
Tasting Room	NP
Tattoo Studio	CU
Theater or Performing Arts Venue (non-Civic)	NP
Ticket Office	NP
Veterinary Office, Clinic, or Hospital, without Outside Boarding	NP
Warehouse Retail	NP

PRINCIPAL USE	SD-M
Other Retail, Personal Service, or Craftsman Use Not Listed Under any Use Category	NP
CIVIC USE CATEGORY	
Adult Day Care Facility (Civic)	NP
Civic Building (Publicly Owned or Operated)	NP
Civic Building (Privately Owned & Operated)	NP
Civic Space - Sports Field (Privately Owned & Operated)	CU
Civic Space - Sports Field (Publicly Owned or Operated)	NP
Civic Space – Green, Square, Plaza (Privately Owned & Operated)	CU
Civic Space – Green, Square, or Plaza (Publicly Owned or Operated)	NP
Civic Space – Park, Playground, or Community Garden (Privately Owned & Operated)	NP
Civic Space – Park, Playground, or Community Garden (Publicly Owned or Operated)	NP
Community Center - not-for-profit	NP
Conference / Convention / Exhibition Center	CU
Courthouse	CU
Entertainment Facility (Civic)	CU
Food Distribution Center (Civic)	NP
Gallery (Civic)	NP
Library	NP
Museum	NP
Parking Lot	NP
Parking Structure	NP

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

ADOPTION DRAFT

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SD-M TABLE 26-6.405.A-9 DISTRICT STANDARDS: MANUFACTURING SPECIAL DISTRICT

PRINCIPAL USE	SD-M
Performing Arts Venue	CU
Place of Assembly or Place of Worship	CU
Post Office	NP
Public Transit	P
Recreation Facility (Civic)	NP
Sports Venue	CU
Transit Shelter	P
Transit Station or Terminal	NP
Other Civic Use Not Listed Under any Use Category	NP
MOTOR VEHICLE - RELATED USE CATEGORY	
Gasoline Station	CU
Motor Vehicle Shop Maintenance / Repair / Service / Cleaning	CU
Motor Vehicle Sales, Rental, or Leasing, with or without Parts Sales	CU
Taxi Center or Ride-Share Center	CU
Tire Sales	CU
Other Motor Vehicle Use Not Listed Under any Use Category	NP
CIVIL SUPPORT USE CATEGORY	
Cemetery (Non-Commercial)	NP
Cemetery (Commercial)	NP
Fire / EMS Station	P
Funeral Services	CU

PRINCIPAL USE	SD-M
Police Station	CU
Public Works Yard	CU
RECREATION USE CATEGORY	
Adult Day Care Facility (non-Civic)	NP
Amusement Center with amusement devices	NP
Athletic Field (Commercial), other than a Sports Field Civic Space	P
Athletic Field (Non-Commercial), other than a Sports Field Civic Space	CU
Club-Private not -for-profit	NP
Commercial Indoor Athletic Training Facility	NP
Country Club	NP
Recreation Facility (non-Civic)	NP
Shooting or Firing Range, with or without firearms sales	NP
Social (or Civic) Club, Lodge, or Organization	NP
Other Recreation Use Not Listed in any Use Category	NP
INSTITUTIONAL USE CATEGORY	
Long Term Care Facility	NP
Hospital	NP
Rehabilitation Facility	NP
LIGHT INDUSTRIAL USE CATEGORY	
Brewery without tap room, bar or tasting room	P
Building Systems / Construction Business	P
Catering Service or Catering Events Establishment	P

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

ADOPTION DRAFT

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SD-M TABLE 26-6.405.A-9 DISTRICT STANDARDS: MANUFACTURING SPECIAL DISTRICT

PRINCIPAL USE	SD-M
Distillery	P
Food Processing for Wholesale Sales	P
Horticulture & Landscaping Services	P
Information Services	P
Light Manufacturing Plant with or without Retail Sales	P
Machine Shop / Woodworking Shop	P
Microbrewery /Microdistillery / Microwinery / Nanobrewery	P
Non-Nuisance Industry	P
Publishing Plant	P
Rail Equipment Storage / Repair	CU
Research Laboratory	P
Septic Equipment Installation Services or Cleaning	CU
Towing Facility	P
Warehouse / Warehousing Facility	CU
Wholesale Sales	P
Winery	CU
Other Light Industrial Use Not Listed Under any Use Category	CU
EDUCATION USE CATEGORY	
Building exclusively for Non-Profit Educational Institution	CU
Business or Trade School	NP
Child Care Facility	NP

PRINCIPAL USE	SD-M
Children's Day Camp	NP
College / University	NP
K-12 School (Kindergarten, Elementary, Middle, or High School)	NP
Pre-School or Nursery School	CU
Other Education Use Not Listed in any other Category	CU
UTILITIES USE CATEGORY	
Communications Tower	CU
Communications and Power Lines	CU
Power Distribution / Substation	CU
Public Utilities	CU
Sewage Facility (Non-Commercial)	CU
Sewage Facility (Non-Commercial)	CU
Utility Pumping Station	CU
Utility Substation	CU
Water Treatment / Supply Facility	CU
Wireless Telecommunications Facility	CU
Other Utilities Use Not Listed Under any other Category	NP
OTHER USE CATEGORY	
Animal (non-domestic) Raising / Maintaining	NP
Heavy Manufacturing	NP

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

ADOPTION DRAFT

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SD-M TABLE 26-6.405.A-9 DISTRICT STANDARDS: MANUFACTURING SPECIAL DISTRICT

ACCESSORY USE	SD-M
RESIDENTIAL / DWELLING	
Accessory Building	P
Accessory Dwelling Unit	NP
Accessory Garden Center	CU
Child Care In Home	NP
Convent on Site with Place of Worship	P
Dormitory on Site with Educational Institution	CU
Family Day Care	CU
Food / Refreshment Stand	P
Food Truck	P
Garden	P
Gift Shop	NP
Home Occupations	NP
Home Office	NP
Massage Services by Indiana licensed masseuse, accessory to Spa or Salon	CU
News Stand	NP
Office uses as accessory to manufacturing or warehouse	P
Other Uses not listed in this Table that are subordinate and customarily incidental to a permitted Principal Use	P
Outdoor Storage *	CU

* Outdoor storage must be screened from adjacent properties with a barrier of man-made or growing materials which screen such area from both public street(s) and adjacent or neighboring property.

ACCESSORY USE	SD-M
Parish House, Rectory, Parsonage, or other Residence on site with Place of Worship	P
Parking Area	P
Playhouses	NP
Patio	P
Recreation, refreshment and service uses of Structures in Civic Space incidental to the Civic Principal Use	NP
Retail Sales Accessory to Manufacturing or Warehouse	P
Motor Vehicle maintenance that is routine, periodic and incidental, if inside Garage or in 3rd Lot Layer & vehicle is owned and registered occupant of Dwelling	NP
School on site with Place of Worship	P
Seminary on site with Place of Worship	P
Storage Building in Third Lot Layer	P
Storage of odor- or dust-producing substances	NP
Solar Panels	P
Sports Court, Swimming Pool, Hot Tub in 3rd Lot Layer	P
Tasting Room on site with Brewery, Distillery, Winery	CU
Telecommunications Receiving Equipment	CU
Wireless Telecommunications Facility	CU
Other Uses that are Subordinate and Customarily Incidental to a Permitted Principal Use	P

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

ADOPTION DRAFT

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SD–M TABLE 26–6.405.A–9 DISTRICT STANDARDS: MANUFACTURING SPECIAL DISTRICT

TEMPORARY USE	SD–M
RESIDENTIAL / DWELLING	
A trailer in Third Lot Layer for Storage of Goods Associated with Commercial Principal Use, for up to 6 mos w/ possible extension to 12 mos; must not be closer to any Structure than 10 feet	P
Seasonal Uses or Uses for Unusual Non–Recurrent Events, for no more than 30 days (subject to obtaining special event permit)	P
New Subdivision Sales & Management Office, for up to 1 yr	P
Sales or Construction Office Trailer	P

ADOPTION DRAFT

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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SD-PUD

TABLE 26-6.405.A-10 DISTRICT STANDARDS: PLANNED UNIT DEVELOPMENT SPECIAL DISTRICT

General Description

The SD-PUD Planned Unit Development Special District is for areas in which diverse Uses may be brought together with innovative planning and design as a compatible and unified plan of development that is in the interest of the general welfare of the public.

ADOPTION DRAFT

SD-PUD TABLE 26-6.405.A-10 DISTRICT STANDARDS: PLANNED UNIT DEVELOPMENT SPECIAL DISTRICT

District Density (FAR)

*

Block Size

Block Perimeter	NR

Private Frontage Types

NR

Civic Space Types

NR

Lot Occupation

Lot Width	*
Lot Depth	*
Lot Area	*
Lot Coverage	*
Usable Open Space	*
Minimum Street/Highway Frontage	*

Number of Buildings

Principal Building	1 per Lot
Accessory Buildings	1 per Lot

Setbacks – Principal Building

*

Setbacks – Accessory Building

*

Building Standards

Building Height

*

Facade

*

Roof Type & Roof Pitch

*

Notes:

*Stories do not include Attics and Basements.

Building Types

*

ADOPTION DRAFT

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required
	* Per PUD Approval	NR Not Regulated		

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SD-PUD TABLE 26-6.405.A-10 DISTRICT STANDARDS: PLANNED UNIT DEVELOPMENT SPECIAL DISTRICT

Encroachments – Required Setbacks

Encroachment Type	Front	Side	Rear
Steps to Building Entrance	*	*	*
Open Porches, including steps	*	*	*
Patio Decks, in permitted applicable Lot Layer	*	*	*
Open Fire Balconies & Fire Escapes	NP	P ≤ 6′	P ≤ 6′
Chimney flues, sills, belt courses, cornices, buttresses eaves and other Architectural Features	*	*	*
Satellite dishes/ antennae	*	*	*
Mechanical equipment, including HVAC	*	*	*
Utility lines, wires and associated Structures (e.g. poles)	*	*	*
Fences, hedges, Walls, Shrubbery, and other landscape features	P	P	P
Parking Areas, Loading Areas and Driveways in 3rd Lot Layer	*	*	*
Bicycle Parking	*	*	*
Stoops	*	*	*
Bay Windows, 2 ft. projection max	P	P	P

Vehicular Parking Requirements

Off-Street Parking Location	P in Rear Yard only, except for at Driveway and parallel along a Drive Aisle. Except for at Driveway and parallel along a Drive Aisle. Parking must be Screened from abutting properties by opaque Fence Screen, Wall Screen, or Hedge Screen of min 6 ft height above average grade
Off-Street Parking Surface	NR
Garage Location	P in required Rear Yard only
Driveway/Vehicular Entrance Maximum Width	35 ft max in required Front and Side Yards
Parking Structures	NP

Bicycle Parking Requirements

NR

Off-Street Loading, Storage, Drive-Through, Trash Receptacle/Dumpster, Utility Box & Service Meter* Requirements

Off-Street Loading, Storage, Utility Box & Service Meter* Locations	*
Drive-Through Locations	*
Trash Receptacle Locations	*
Dumpster Locations	*

* Not including water meters

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required
	* Per PUD Approval	NR Not Regulated		

ADOPTION DRAFT

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SD-PUD TABLE 26-6.405.A-10 DISTRICT STANDARDS: PLANNED UNIT DEVELOPMENT SPECIAL DISTRICT

Non-Building Components	
Heating and Air Conditioning Equipment, Utility, Service and Mechanical Equipment	*
Solar Panels	*
Antennas & Satellite Equipment	*
Swimming Pools, Hot Tubs and Spas	*
Transmitting and/ or receiving towers or antennas and wind-generating machines	*

Private Landscaping and Fencing

Landscaping

R for all areas not covered by Structure, Parking Area, walkway, patio, terrace, or deck. If First Lot Layer ≥ 10 ft., minimum of 30% of 1st Lot Layer must be landscaped in compliance with Section 26-6.405.P. 1st Lot Layer may not be paved except for driveway and sidewalk.

R minimum of 25% of landscaped area must be covered with groundcover or evergreen trees or shrubs.

R 1 Tree per 30 feet of non-building Frontage if 1st Lot Layer ≥ 15 ft. deep, planted in 1st Lot Layer. If small or medium tree species are used, spacing must assure that at maturity, spacing will provide a continuous canopy

Walls & Fencing (not including Screens)

Height	4 ft. max. in front and Side Yards; otherwise 6 ft. max in rear Setback; height measured above the Finished Grade
Construction	NR
Allowed Materials	NR

Signs

See Sign Standards in Division 7

Lighting

See Private Lighting Standards in Section 26-6.405.Q

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required
	* Per PUD Approval	NR Not Regulated		

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SD-PUD TABLE 26-6.405.A-10 DISTRICT STANDARDS: PLANNED UNIT DEVELOPMENT SPECIAL DISTRICT

PRINCIPAL USE	SD-PUD
RESIDENTIAL / DWELLING USE CATEGORY	
Assisted Living Apartment	*
Attached Dwelling – Rowhouse	NP
Attached Dwelling – Multi-Family	NP
Independent Living Apartment	*
Residence Portion of Live/Work, Mixed-Use, or Flex Building	NP
Single-Family Detached Dwelling	NP
Two-Family Detached Dwelling or Duplex	NP
Other Residential Not Listed Under any Use Category	NP
LODGING USE CATEGORY	
Bed & Breakfast	*
Hostel/Hotel/Inn	*
Motel	NP
Boardinghouse, Lodginghouse	NP
Tourist Home	NP
Other Lodging Not Listed Under any Use Category	NP
OFFICE USE CATEGORY	
Business / Governmental / Non-Profit / Professional Office	*
Counseling Service	*
Crisis Counseling Center	*
Medical Lab / Dental Lab / Research Lab	*
Medical or Dental Office / Medical or Dental Clinic / Outpatient Clinic	*

PRINCIPAL USE	SD-PUD
Office Portion of Live/Work, Mixed-Use, or Flex Building	*
Photography Lab	*
Radio / Television / Recording Studio or Station without Communications Tower	*
Other Office Use Not Listed Under any Use Category	*
RETAIL/PERSONAL SERVICE USE CATEGORY	
Adult Bookstore / Adult Cabaret / Adult Entertainment	NP
Alcoholic Beverage Retail Sales	CU
Alcoholic Beverage - Serving Establishment other than Bar or Tavern	CU
Animal (Small) Boarding/Kennel or Grooming without Outside Boarding	CU
Art or Photography Studio	*
Bar or Tavern	*
Brewpub	*
Craftsman Establishment, with or without Retail Sales	*
Dry Cleaning / Laundry Pick Up without Drive-Through Service	*
Entertainment Facility (non-Civic)	*
Gallery - Private	*
Financial Services without Drive-Through Service	*
Garden Center	CU
Hair / Skin / Nail Care / Health Club or Day Spa	*
Laundromat	*

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

ADOPTION DRAFT

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SD-PUD TABLE 26-6.405.A-10 DISTRICT STANDARDS: PLANNED UNIT DEVELOPMENT SPECIAL DISTRICT

PRINCIPAL USE	SD-PUD
Motor Vehicle Retail Parts Sales	*
Open Air Market	*
Open Front or Open Lot Retail / Personal Service Establishment, excluding Restaurant outdoor dining & Open Air Market	*
Pawnshop	*
Performing Arts Studio / Music Conservatory	*
Pharmacy	*
Printing Services Retail Shop without Drive Through Service	*
Recreation Facility (Non-Civic)	*
Restaurant	*
Restaurant with Outdoor Dining	*
Retail Membership Club	*
Retail / Personal Service / Craftsman Establishment with Drive-Through Service	*
Retail / Personal Service / Craftsman Establishment without Drive-Through Service	*
Smoke, Tobacco, or CBD Shop	NP
Tailor or Seamstress Shop	*
Tasting Room	*
Tattoo Studio	NP
Theater or Performing Arts Venue (non-Civic)	*
Ticket Office	*
Veterinary Office, Clinic, or Hospital, without Outside Boarding	*
Warehouse Retail	*

PRINCIPAL USE	SD-PUD
Other Retail, Personal Service, or Craftsman Use Not Listed Under any Use Category	*
CIVIC USE CATEGORY	
Adult Day Care Facility (Civic)	*
Civic Building (Publicly Owned or Operated)	*
Civic Building (Privately Owned & Operated)	NP
Civic Space - Sports Field (Privately Owned & Operated)	CU
Civic Space - Sports Field (Publicly Owned or Operated)	*
Civic Space – Green, Square, Plaza (Privately Owned & Operated)	CU
Civic Space – Green, Square, or Plaza (Publicly Owned or Operated)	*
Civic Space – Park, Playground, or Community Garden (Privately Owned & Operated)	CU
Civic Space – Park, Playground, or Community Garden (Publicly Owned or Operated)	*
Community Center - not-for-profit	*
Conference / Convention / Exhibition Center	CU
Courthouse	CU
Entertainment Facility (Civic)	CU
Food Distribution Center (Civic)	*
Gallery (Civic)	*
Library	*
Museum	*
Parking Lot	*
Parking Structure	*

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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SD-PUD TABLE 26-6.405.A-10 DISTRICT STANDARDS: PLANNED UNIT DEVELOPMENT SPECIAL DISTRICT

PRINCIPAL USE	SD-PUD
Performing Arts Venue	CU
Place of Assembly or Place of Worship	CU
Post Office	*
Public Transit	*
Recreation Facility (Civic)	*
Sports Venue	CU
Transit Shelter	*
Transit Station or Terminal	*
Other Civic Use Not Listed Under any Use Category	NP
MOTOR VEHICLE - RELATED USE CATEGORY	
Gasoline Station	CU
Motor Vehicle Shop Maintenance / Repair / Service / Cleaning	CU
Motor Vehicle Sales, Rental, or Leasing, with or without Parts Sales	CU
Taxi Center or Ride-Share Center	CU
Tire Sales	CU
Other Motor Vehicle Use Not Listed Under any Use Category	NP
CIVIL SUPPORT USE CATEGORY	
Cemetery (Non-Commercial)	NP
Cemetery (Commercial)	NP
Fire / EMS Station	*
Funeral Services	CU

PRINCIPAL USE	SD-PUD
Police Station	CU
Public Works Yard	CU
RECREATION USE CATEGORY	
Adult Day Care Facility (non-Civic)	CU
Amusement Center with amusement devices	*
Athletic Field (Commercial), other than a Sports Field Civic Space	*
Athletic Field (Non-Commercial), other than a Sports Field Civic Space	CU
Club-Private not -for-profit	*
Commercial Indoor Athletic Training Facility	P
Country Club	CU
Recreation Facility (non-Civic)	*
Shooting or Firing Range, with or without firearms sales	NP
Social (or Civic) Club, Lodge, or Organization	P
Other Recreation Use Not Listed in any Use Category	CU
INSTITUTIONAL USE CATEGORY	
Long Term Care Facility	CU
Hospital	CU
Rehabilitation Facility	CU
LIGHT INDUSTRIAL USE CATEGORY	
Brewery without tap room, bar or tasting room	CU
Building Systems / Construction Business	CU
Catering Service or Catering Events Establishment	CU

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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SD-PUD TABLE 26-6.405.A-10 DISTRICT STANDARDS: PLANNED UNIT DEVELOPMENT SPECIAL DISTRICT

PRINCIPAL USE	SD-PUD
Distillery	CU
Food Processing for Wholesale Sales	CU
Horticulture & Landscaping Services	CU
Information Services	CU
Light Manufacturing Plant with or without Retail Sales	CU
Machine Shop / Woodworking Shop	CU
Microbrewery /Microdistillery / Microwinery / Nanobrewery	CU
Non-Nuisance Industry	CU
Publishing Plant	CU
Rail Equipment Storage / Repair	CU
Research Laboratory	CU
Septic Equipment Installation Services or Cleaning	CU
Towing Facility	CU
Warehouse / Warehousing Facility	CU
Wholesale Sales	CU
Winery	CU
Other Light Industrial Use Not Listed Under any Use Category	CU
EDUCATION USE CATEGORY	
Building exclusively for Non-Profit Educational Institution	CU
Business or Trade School	NP
Child Care Facility	CU

PRINCIPAL USE	SD-PUD
Children's Day Camp	CU
College / University	CU
K-12 School (Kindergarten, Elementary, Middle, or High School)	CU
Pre-School or Nursery School	CU
Other Education Use Not Listed in any other Category	CU
UTILITIES USE CATEGORY	
Communications Tower	CU
Communications and Power Lines	CU
Power Distribution / Substation	CU
Public Utilities	CU
Sewage Facility (Non-Commercial)	CU
Sewage Facility (Non-Commercial)	CU
Utility Pumping Station	CU
Utility Substation	CU
Water Treatment / Supply Facility	CU
Wireless Telecommunications Facility	CU
Other Utilities Use Not Listed Under any other Category	NP
OTHER USE CATEGORY	
Animal (non-domestic) Raising / Maintaining	NP
Heavy Manufacturing	NP

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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SD-PUD TABLE 26-6.405.A-10 DISTRICT STANDARDS: PLANNED UNIT DEVELOPMENT SPECIAL DISTRICT

ACCESSORY USE	SD-PUD
RESIDENTIAL / DWELLING	
Accessory Building	*
Accessory Dwelling Unit	NP
Accessory Garden Center	CU
Child Care In Home	NP
Convent on Site with Place of Worship	*
Dormitory on Site with Educational Institution	*
Family Day Care	CU
Food / Refreshment Stand	*
Food Truck	NP
Garden	*
Gift Shop	*
Home Occupations	NP
Home Office	NP
Massage Services by Indiana licensed masseuse, accessory to Spa or Salon	CU
News Stand	*
Office uses as accessory to manufacturing or warehouse	NP
Other Uses not listed in this Table that are subordinate and customarily incidental to a permitted Principal Use	P
Outdoor Storage *	NP

* Outdoor storage must be screened from adjacent properties with a barrier of man-made or growing materials which screen such area from both public street(s) and adjacent or neighboring property.

ACCESSORY USE	SD-PUD
Parish House, Rectory, Parsonage, or other Residence on site with Place of Worship	*
Parking Area	*
Playhouses	NP
Patio	*
Recreation, refreshment and service uses of Structures in Civic Space incidental to the Civic Principal Use	*
Retail Sales Accessory to Manufacturing or Warehouse	*
Motor Vehicle maintenance that is routine, periodic and incidental, if inside Garage or in 3rd Lot Layer & vehicle is owned and registered occupant of Dwelling	NP
School on site with Place of Worship	*
Seminary on site with Place of Worship	*
Storage Building in Third Lot Layer	*
Storage of odor- or dust-producing substances	*
Solar Panels	*
Sports Court, Swimming Pool, Hot Tub in 3rd Lot Layer	*
Tasting Room on site with Brewery, Distillery, Winery	CU
Telecommunications Receiving Equipment	*
Wireless Telecommunications Facility	CU
Other Uses that are Subordinate and Customarily Incidental to a Permitted Principal Use	P

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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SD-PUD TABLE 26-6.405.A-10 DISTRICT STANDARDS: PLANNED UNIT DEVELOPMENT SPECIAL DISTRICT

TEMPORARY USE	SD-PUD
RESIDENTIAL / DWELLING	
A trailer in Third Lot Layer for Storage of Goods Associated with Commercial Principal Use, for up to 6 mos w/ possible extension to 12 mos; must not be closer to any Structure than 10 feet	*
Seasonal Uses or Uses for Unusual Non-Recurrent Events, for no more than 30 days (subject to obtaining special event permit)	P
New Subdivision Sales & Management Office, for up to 1 yr	P
Sales or Construction Office Trailer	P

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LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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B. Civic Zone Buildings & Lots

1. Definitions.

The terms Civic Zone, Civic Space and Civic Building are defined in Division 9.

2. Design; Compliance.

If a Building or Lot is located within an area designated on the applicable Zoning Map as Civic Zone, Civic Space or Civic Building:

a. Civic Space shall be designed generally as described in **Table 26-6.504.B-1 (Civic Space Types – Summary)** and **Table 26-6.504.B-2 (Civic Space – Specific Standards)**, as related to the Adjacent District, or if Adjacent more than one, as related to the Adjacent District with the largest number of linear feet of common boundary with the Civic Space.

b. Development, re-Development, Lots, Buildings, Structures, and Improvements and Use thereof within Civic Zones shall comply with the applicable standards and requirements of **Table 26-6.405.B (Civic Zone Standards)**, subject, however, to Section 26-6.405.B.2.d.

c. Without limitation to Sections 26-6.405.B.2.a or 26-6.405.B.2.b, Civic Buildings within Civic Zones shall comply with the standards and requirements of **Table 26-6.405.B (Civic Zone Standards)** and any other requirements as may be determined by the Town Council.

d. Buildings operated for Civic purposes but not located within a Civic Zone must comply with the applicable District standards of the District in which they are situated.

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CZ

TABLE 26–6.405.B CIVIC ZONE STANDARDS: CIVIC ZONE

General Description

Civic Zone (CZ) is assigned to areas designated for Civic purposes. These may be Open Space of one or more Civic Space Types allowed within or Adjacent to any specific Character District or Special District, as well as sites dedicated to significant Buildings to be used for Civic purposes, such as town halls, Post Offices, Libraries, Places of Assembly, Places of Worship, and community centers.

CZ TABLE 26-6.405.B CIVIC ZONE STANDARDS: CIVIC ZONE

Lot Occupation	
Lot Width	NR
Lot Area	NR
Lot Enfrontment	Must Enfront a vehicular Thoroughfare.

Number of Buildings	
Principal Building	NR
Accessory Buildings	NR

Setbacks		
Front Setback, Principal Frontage	0 ft. min, 50% of Lot Depth max	A
Front Setback, Secondary Frontage	0 ft. min	B
Side Setback	0 ft. min	
Rear Setback	0 ft. min	

Private Frontage Types
NR

Number of Buildings
NR

Building Standards	
Building Height	
Principal Building	1 may be 20 ft. higher than maximum Height of any Adjacent Character District, max.; others max 30 ft. max.
Accessory Building	30 ft. max
Ceiling Height	NR
Facade	
Frontage Buildout	NR
Entrances	Main Entrance must be in Facade of Principal Frontage. Main Entrance must be clearly distinguishable from other parts of the Building through the use of architectural design, elements, and treatment, including its detail and relief and use of architectural elements such as lintels, pediments, pilasters, columns, and other elements appropriate to the architectural style and details of the Building.
Location of Building at Frontage	Parallel to Frontage Lines
Facade Position	Parallel to straight Frontage Line or to tangent of curved Frontage Line
Facade Design Proportions	Must be based approximately either on (a) proportions that can be expressed as a fraction using whole numbers (e.g. 1:1, 2:1, 3:2, 4:3, etc) or (b) the following proportions: 1.414:1 or 1.618:1
Blank Walls	NP at Frontage

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required
	* Per PUD Approval	NR Not Regulated		

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CZ TABLE 26-6.405.B CIVIC ZONE STANDARDS: CIVIC ZONE

Building Standards (continued)	
Facade Void Area %	20-60% of total Facade area
Facade Openings	Square or vertical in proportion. In Stories above first, Facade openings must be ≤ 50%
Window Alignment	Upper floors windows and other features must be aligned with those of first floor.
Facade Articulation	NR
Finished Floor Level	NR
Facade Window Fill Height	NR
Shopfront Frontages	NP
Decks	NR
Roof Type & Roof Pitch	
Flat	P
Shed	P at rear only; except for dormers which may have a shed roof anywhere on the Building
Hip	P
Gable	P
Pitch, if any	8:12 – 14:12, except for shed roofs which may be 3:12 – 14:12
Notes	
*Stories do not include Attics and Basements.	

Building Types			
House	NP	Commercial	NP
Duplex	NP	Mixed Use	NP
Rowhouse	NP	Flex	NP
Multifamily	NP	Mid-Rise	NP
Live/Work	NP	Civic	P

Encroachments – Required Setbacks
NR

Vehicular Parking Requirements	
Off-Street Parking Location	P in 3rd Lot Layer only; Parking must be Screened from Frontage and abutting properties by Building, or opaque Fence Screen, Wall Screen, or Hedge Screen except at Driveways.
Off-Street Parking Surface	Asphalt, concrete or other hard surface
Garage Location	3rd Lot Layer
Driveway to Off-Street Parking & Passenger Drop-Off Location	Any Lot Layer
Driveway/Vehicular Entrance Maximum Width	24 ft. in 1st Lot Layer and 2nd Lot Layer
Parking Structures	P if Screened from Frontage by Liner Building
Parking Structures Pedestrian Exit Location	Via pedestrian access to Frontage

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required
	* Per PUD Approval	NR Not Regulated		

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CZ TABLE 26-6.405.B CIVIC ZONE STANDARDS: CIVIC ZONE

Bicycle Parking Requirements
See Bicycle Parking Standards in Table 26-6.405.O-6(Bicycle Parking).

Off-Street Loading, Storage, Drive-Through, Trash Receptacle/Dumpster, Utility Box & Service Meter* Requirements	
Off-Street Trash Receptacle/Dumpster	R, and must be fully enclosed on 3 sides and enclosed on the 4th side with self-closing gate
Off-Street Loading, Storage, Utility Box & Service Meter* Locations	P in 3rd Lot Layer only

* Not including water meters

Non-Building Components	
Heating and Air Conditioning Equipment, Utility, Service and Mechanical Equipment	P in 3rd Lot Layer; P in 2nd Lot Layer if Screened from Frontage; NP in 1st Lot Layer
Solar Panels	P in 3rd Lot Layer; P in 1st or 2nd Lot Layer if parallel to and integrated into roof design
Antennas & Satellite Equipment	NR
Recreation or Play Equipment	NR
Swimming Pools, Hot Tubs and Spas	NR

Private Landscaping and Fencing		
Landscaping		
Around Civic Buildings R for 100% of setbacks, except for sidewalks and driveways. Civic Spaces in setbacks must comply with Civic Space standards.		
Civic Space	Per Civic Space standards	
Walls & Fencing (not including Screens)		
Height	3.5-4 ft. max at Frontage; otherwise 6 ft. max; height measured from avg. undisturbed grade of Adjacent property at property line	
Construction	Finished side must face Adjacent property, Thoroughfare, Path, Passage or Waterbody	
Allowed Materials	Natural Wood	P at side & rear only
	Brick or Stucco over Masonry	P
	Wrought Iron or Aluminum	P
	Vinyl	P in 3rd Lot Layer only
	Chain Link	P at rear only
	Barbed/razor	NP
Maintenance	Must be well-maintained, in upright condition and free of missing or broken parts and graffiti.	

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required
	* Per PUD Approval	NR Not Regulated		

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CZ TABLE 26-6.405.B CIVIC ZONE STANDARDS: CIVIC ZONE

Signs

See Sign Standards in Division 7.

Lighting

See Private Lighting Standards in Section 26-6.405.Q

Screens

Wall Screen Height at Frontage or Adjacent to Civic Space	3.5 ft. to 5 ft.
Hedge Screen Height at Frontage or Adjacent to Civic Space	3.5 ft. to 5 ft. at installation; Min. 80% opacity within 12 in of grade
Wall or Fence Screen Height not at Frontage or Adjacent to Civic Space	5 ft. to 6 ft.; Min. 6' for Dumpsters and Trash Receptacles
Hedge Screen Height not at Frontage or Adjacent to Civic Space	5 ft. to 6 ft. at installation; Min. 80% opacity
Parking, Loading Areas, Service Areas, Outdoor Storage, Drive-Throughs, Trash Receptacles/ Dumpsters, HVAC and other equipment Screened from Frontage, Civic Space and Adjacent Property	R; except at Driveways: Parking Lots and Parking Areas shall be Screened from Frontage and Civic Space by Building or Streetscreen; Parking Structures shall be Screened from Frontages by Liner Buildings. Otherwise, Screening shall be by Building, Wall, hedge or Fence at Frontage or Building, Wall, hedge or Fence not at Frontages or Adjacent to Civic Space.
Rooftop Antennas and HVAC, Mechanical and other Equipment Screening	R; shall be Screened from Frontage and Civic Space by Building parapet or other Building Element

LEGEND The following notations are utilized in this table.	P Permitted	NP Not Permitted	NA Not Applicable	R Required
	* Per PUD Approval	NR Not Regulated		

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CZ TABLE 26-6.405.B CIVIC ZONE STANDARDS: CIVIC ZONE

PRINCIPAL USE	CZ
RESIDENTIAL / DWELLING USE CATEGORY	
Assisted Living Apartment	NP
Attached Dwelling – Rowhouse	NP
Attached Dwelling – Multi-Family	NP
Independent Living Apartment	NP
Residence Portion of Live/Work, Mixed-Use, or Flex Building	NP
Single-Family Detached Dwelling	NP
Two-Family Detached Dwelling or Duplex	NP
Other Residential Not Listed Under any Use Category	NP
LODGING USE CATEGORY	
Bed & Breakfast	NP
Hostel/Hotel/Inn	NP
Motel	NP
Boardinghouse, Lodginghouse	NP
Tourist Home	NP
Other Lodging Not Listed Under any Use Category	NP
OFFICE USE CATEGORY	
Business / Governmental / Non-Profit / Professional Office	NP
Counseling Service	NP
Crisis Counseling Center	NP
Medical Lab / Dental Lab / Research Lab	NP
Medical or Dental Office / Medical or Dental Clinic / Outpatient Clinic	NP

PRINCIPAL USE	CZ
Office Portion of Live/Work, Mixed-Use, or Flex Building	NP
Photography Lab	NP
Radio / Television / Recording Studio or Station without Communications Tower	NP
Other Office Use Not Listed Under any Use Category	NP
RETAIL/PERSONAL SERVICE USE CATEGORY	
Adult Bookstore / Adult Cabaret / Adult Entertainment	NP
Alcoholic Beverage Retail Sales	NP
Alcoholic Beverage - Serving Establishment other than Bar or Tavern	NP
Animal (Small) Boarding/Kennel or Grooming without Outside Boarding	NP
Art or Photography Studio	NP
Bar or Tavern	NP
Brewpub	NP
Craftsman Establishment, with or without Retail Sales	NP
Dry Cleaning / Laundry Pick Up without Drive-Through Service	NP
Entertainment Facility (non-Civic)	NP
Gallery - Private	NP
Financial Services without Drive-Through Service	NP
Garden Center	NP
Hair / Skin / Nail Care / Health Club or Day Spa	NP
Laundromat	NP

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CZ TABLE 26-6.405.B CIVIC ZONE STANDARDS: CIVIC ZONE

PRINCIPAL USE	CZ
Motor Vehicle Retail Parts Sales	NP
Open Air Market	NP
Open Front or Open Lot Retail / Personal Service Establishment, excluding Restaurant outdoor dining & Open Air Market	NP
Pawnshop	NP
Performing Arts Studio / Music Conservatory	NP
Pharmacy	NP
Printing Services Retail Shop without Drive Through Service	NP
Recreation Facility (Non-Civic)	NP
Restaurant	NP
Restaurant with Outdoor Dining	NP
Retail Membership Club	NP
Retail / Personal Service / Craftsman Establishment with Drive-Through Service	NP
Retail / Personal Service / Craftsman Establishment without Drive-Through Service	NP
Smoke, Tobacco, or CBD Shop	NP
Tailor or Seamstress Shop	NP
Tasting Room	NP
Tattoo Studio	NP
Theater or Performing Arts Venue (non-Civic)	NP
Ticket Office	NP
Veterinary Office, Clinic, or Hospital, without Outside Boarding	NP
Warehouse Retail	NP

PRINCIPAL USE	CZ
Other Retail, Personal Service, or Craftsman Use Not Listed Under any Use Category	NP
CIVIC USE CATEGORY	
Adult Day Care Facility (Civic)	P
Civic Building (Publicly Owned or Operated)	P
Civic Building (Privately Owned & Operated)	CU
Civic Space - Sports Field (Privately Owned & Operated)	CU
Civic Space - Sports Field (Publicly Owned or Operated)	P
Civic Space – Green, Square, Plaza (Privately Owned & Operated)	CU
Civic Space – Green, Square, or Plaza (Publicly Owned or Operated)	P
Civic Space – Park, Playground, or Community Garden (Privately Owned & Operated)	P
Civic Space – Park, Playground, or Community Garden (Publicly Owned or Operated)	P
Community Center - not-for-profit	P
Conference / Convention / Exhibition Center	P
Courthouse	P
Entertainment Facility (Civic)	P
Food Distribution Center (Civic)	P
Gallery (Civic)	P
Library	P
Museum	P
Parking Lot	P
Parking Structure	P

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CZ TABLE 26-6.405.B CIVIC ZONE STANDARDS: CIVIC ZONE

PRINCIPAL USE	CZ
Performing Arts Venue	P
Place of Assembly or Place of Worship	P
Post Office	P
Public Transit	P
Recreation Facility (Civic)	P
Sports Venue	P
Transit Shelter	P
Transit Station or Terminal	P
Other Civic Use Not Listed Under any Use Category	P
MOTOR VEHICLE – RELATED USE CATEGORY	
Gasoline Station	NP
Motor Vehicle Shop Maintenance / Repair / Service / Cleaning	NP
Motor Vehicle Sales, Rental, or Leasing, with or without Parts Sales	NP
Taxi Center or Ride-Share Center	NP
Tire Sales	NP
Other Motor Vehicle Use Not Listed Under any Use Category	NP
CIVIL SUPPORT USE CATEGORY	
Cemetery (Non-Commercial)	NP
Cemetery (Commercial)	NP
Fire / EMS Station	P
Funeral Services	CU

PRINCIPAL USE	CZ
Police Station	CU
Public Works Yard	CU
RECREATION USE CATEGORY	
Adult Day Care Facility (non-Civic)	NP
Amusement Center with amusement devices	NP
Athletic Field (Commercial), other than a Sports Field Civic Space	NP
Athletic Field (Non-Commercial), other than a Sports Field Civic Space	CU
Club-Private not -for-profit	P
Commercial Indoor Athletic Training Facility	NP
Country Club	NP
Recreation Facility (non-Civic)	NP
Shooting or Firing Range, with or without firearms sales	NP
Social (or Civic) Club, Lodge, or Organization	CU
Other Recreation Use Not Listed in any Use Category	CU
INSTITUTIONAL USE CATEGORY	
Long Term Care Facility	NP
Hospital	NP
Rehabilitation Facility	NP
LIGHT INDUSTRIAL USE CATEGORY	
Brewery without tap room, bar or tasting room	NP
Building Systems / Construction Business	NP
Catering Service or Catering Events Establishment	NP

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CZ TABLE 26-6.405.B CIVIC ZONE STANDARDS: CIVIC ZONE

PRINCIPAL USE	CZ
Distillery	NP
Food Processing for Wholesale Sales	NP
Horticulture & Landscaping Services	NP
Information Services	NP
Light Manufacturing Plant with or without Retail Sales	NP
Machine Shop / Woodworking Shop	NP
Microbrewery /Microdistillery / Microwinery / Nanobrewery	NP
Non-Nuisance Industry	NP
Publishing Plant	NP
Rail Equipment Storage / Repair	NP
Research Laboratory	NP
Septic Equipment Installation Services or Cleaning	NP
Towing Facility	NP
Warehouse / Warehousing Facility	NP
Wholesale Sales	NP
Winery	NP
Other Light Industrial Use Not Listed Under any Use Category	NP
EDUCATION USE CATEGORY	
Building exclusively for Non-Profit Educational Institution	NP
Business or Trade School	NP
Child Care Facility	NP

PRINCIPAL USE	CZ
Children's Day Camp	NP
College / University	CU
K-12 School (Kindergarten, Elementary, Middle, or High School)	CU
Pre-School or Nursery School	NP
Other Education Use Not Listed in any other Category	NP
UTILITIES USE CATEGORY	
Communications Tower	NP
Communications and Power Lines	CU
Power Distribution / Substation	NP
Public Utilities	CU
Sewage Facility (Non-Commercial)	NP
Sewage Facility (Non-Commercial)	NP
Utility Pumping Station	CU
Utility Substation	CU
Water Treatment / Supply Facility	NP
Wireless Telecommunications Facility	NP
Other Utilities Use Not Listed Under any other Category	CU
OTHER USE CATEGORY	
Animal (non-domestic) Raising / Maintaining	NP
Heavy Manufacturing	NP

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LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CZ TABLE 26-6.405.B CIVIC ZONESTANDARDS: CIVIC ZONE

ACCESSORY USE	CZ
RESIDENTIAL / DWELLING	
Accessory Building	P
Accessory Dwelling Unit	NP
Accessory Garden Center	NP
Child Care In Home	NP
Convent on Site with Place of Worship	P
Dormitory on Site with Educational Institution	CU
Family Day Care	NP
Food / Refreshment Stand	P
Food Truck	NP
Garden	P
Gift Shop	CU
Home Occupations	NP
Home Office	NP
Massage Services by Indiana licensed masseuse, accessory to Spa or Salon	NP
News Stand	NP
Office uses as accessory to manufacturing or warehouse	NP
Other Uses not listed in this Table that are subordinate and customarily incidental to a permitted Principal Use	P
Outdoor Storage *	NP

* Outdoor storage must be screened from adjacent properties with a barrier of man-made or growing materials which screen such area from both public street(s) and adjacent or neighboring property.

ACCESSORY USE	CZ
Parish House, Rectory, Parsonage, or other Residence on site with Place of Worship	P
Parking Area	P
Playhouses	CU
Patio	CU
Recreation, refreshment and service uses of Structures in Civic Space incidental to the Civic Principal Use	CU
Retail Sales Accessory to Manufacturing or Warehouse	NP
Motor Vehicle maintenance that is routine, periodic and incidental, if inside Garage or in 3rd Lot Layer & vehicle is owned and registered occupant of Dwelling	NP
School on site with Place of Worship	P
Seminary on site with Place of Worship	P
Storage Building in Third Lot Layer	NP
Storage of odor- or dust-producing substances	NP
Solar Panels	P
Sports Court, Swimming Pool, Hot Tub in 3rd Lot Layer	NP
Tasting Room on site with Brewery, Distillery, Winery	CU
Telecommunications Receiving Equipment	CU
Wireless Telecommunications Facility	CU
Other Uses that are Subordinate and Customarily Incidental to a Permitted Principal Use	P

LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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CZ TABLE 26-6.405.B CIVIC ZONE STANDARDS: CIVIC ZONE

TEMPORARY USE	CZ
RESIDENTIAL / DWELLING	
A trailer in Third Lot Layer for Storage of Goods Associated with Commercial Principal Use, for up to 6 mos w/ possible extension to 12 mos; must not be closer to any Structure than 10 feet	NP
Seasonal Uses or Uses for Unusual Non-Recurrent Events, for no more than 30 days (subject to obtaining special event permit)	P
New Subdivision Sales & Management Office, for up to 1 yr	P
Sales or Construction Office Trailer	P

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LEGEND The following notations are utilized in this table.	P	Permitted	CU	Conditional Use	NP	Not Permitted	*	Per PUD Approval

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C. Lots

1. Lot Layers

a. Lots are comprised of three Lot Layers, the First Lot Layer, the Second Lot Layer, and the Third Lot Layer, as related to the Lot Frontage, as shown in **Illustration 26-6.405.C (Lot Layers)** and as defined in Division 9.

b. Lot Layers are used to regulate in what parts of a Lot certain Development, Building elements, and Uses are allowed or required, as set forth in **Tables 26-6.405.A-1 – 26-6.405.A-10 (District Standards)** and **Table 26-6.405.B (Civic Zone Standards)**.

c. For Corner Lots, which have both a Principal Frontage and a Secondary Frontage:

i. standards and prescriptions for the First Lot Layer apply to the First Lot Layer as related to both Frontages; and

ii. standards and prescriptions for the Second Lot Layer and Third Lot Layer pertain only to such Layers as related to the Principal Frontage.

ILLUSTRATION 26-6.405.C (LOT LAYERS)

2. Lot Dimensions

a. Except as otherwise provided for Character Districts CD-3.R1, CD-3.R2, and CD-3.R3, Lots within each District shall be dimensioned according to **Tables 26-6.405.A-1 – 26-6.405.A-10 (District Standards)**; and

b. Lots within each Civic Zone shall be dimensioned according to **Table 26-6.405.B (Civic Zone Standards)**.

3. Lot Enfrontment

Within all Districts and Civic Zones, each Lot shall Enfront a vehicular Thoroughfare that has been approved by the Plan Commission, as provided in **Tables 26-6.405.A-1 – 26-6.405.A-10 (District Standards)**; provided, however, that up to five percent (5%) of the Lots in a Development Parcel may Enfront a water body, Civic Space, Path, or Passage.

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4. Through Lots

Through Lots are prohibited. In any case in which a Nonconforming Lot is a Through Lot, the Frontage and Front Setback regulations shall apply on both Frontages.

5. Required Spaces or Areas.

a. Except as provided in Section 26-6.122.F, no Lot shall be divided, expanded, or reduced so as to result in its area or dimensions not complying with the standards required by this Section 26-6.405.C, nor shall any Setback required for a Principal Building be included as part of a Setback required under this Article for any other Building.

b. A minimum required Lot or Yard size for one Building or Structure shall not be used in whole or in part as any part of a required Lot or Yard for a second Structure.

c. The required Lot or Yard for an existing Building or Structure shall not be changed so that it does not meet the requirements of this Division.

d. In addition to all Yard, Setback, and Civic Space standards and requirements of this Division 4 and Division 5, each Lot in Districts CD-3, CD-3.R-1, CD-3.R-2, and CD-3.R-3 shall be provided with the required area of Usable Open Space indicated for the applicable District in **Tables 26-6.405.A-1 – 26-6.405.A-10 (District Standards)**.

7. Visibility at Intersections.

On a Corner Lot, no Fence, Wall, hedge, Structure, or planting more than 3 1/2 feet in height measured above the Curb level shall be erected, placed or maintained within the triangular area formed by the intersecting lines of the Enfronting Thoroughfares and a line drawn between points along such Thoroughfare Lines that are 30 feet distant from their point of intersection.

D. Building Placement & Number

1. Building Placement.

a. Every Building shall be located on a Lot. Buildings shall be located in relation to the boundaries of their Lots and shall comply with the Setback standards:

i. within each District according to **Tables 26-6.405.A-1 – 26-6.405.A-10 (District Standards)**; and

ii. within each Civic Zone, according to the applicable standards set forth on **Table 26-6.405.B (Civic Zone Standards)**.

b. To accommodate slopes over ten percent (10%), relief from front Setback requirements may be granted by Waiver of the Zoning Administrator.

ILLUSTRATION 26-6.405.D-1 SETBACK DESIGNATIONS

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2. Principal Buildings

Within each District:

a. the number of Principal Buildings on each Lot shall not exceed that indicated in **Tables 26-6.405.A-1 – 26-6.405.A-10 (District Standards)**; and

b. Principal Buildings shall be oriented and situated as specified in **Tables 26-6.405.A-1 – 26-6.405.A-10 (District Standards)**.

ILLUSTRATION 26-6.405.D-2 PRINCIPAL BUILDING / ACCESSORY BUILDING

3. Accessory Buildings & Accessory Structures

a. Within each District:

i. the number of Accessory Buildings on each Lot shall not exceed that indicated in **Tables 26-6.405.A-1 – 26-6.405.A-10 (District Standards)**; and

ii. any such Accessory Buildings shall be located as specified in **Tables 26-6.405.A-1 – 26-6.405.A-10 (District Standards)** as applicable and illustrated generally in **Illustration 26-6.405.D-2 (Principal Building / Accessory Building)**.

b. Except within Civic Zones, Accessory Buildings or other Structures may not be erected on a Lot on which there is no Principal Building.

c. Where Accessory Buildings and Structures are permitted, any Accessory Building must be located in the Lot Layer indicated in **Tables 26-6.405.A-1 – 26-6.405.A-10 (District Standards)**;

d. An Accessory Building or Accessory Structure may be detached from or constructed as a structural part of a Principal Building, including those attached by means of a breezeway or a roofed passageway with open or latticed sides. If constructed as a structural part of a Principal Building, its Walls shall be regarded as Walls of the Principal Building in applying the standards and requirements of this Article.

e. Where more than one Building exists or is proposed to be constructed on a single Lot, all zoning requirements applicable to Principal Buildings or Accessory Buildings, respectively shall be applicable to each of such Buildings.

E. Building Facades

1. General.

Within each District, Building Facades shall conform to **Tables 26-6.405.A-1- 26-6.405.A-10 (District Standards)**.

2. Frontage Buildout.

In each Character District, the Facade of the Principal Building shall be built along the

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minimum percentage of the Front Lot Line width at the Setback, specified as Frontage Buildout on **Tables 26–6.405.A–1 – 26–6.405.A–10 (District Standards)**. A Streetscreen may be substituted for a Facade for up to twenty percent (20%) of the applicable Frontage Buildout requirement.

F. Fences, Walls, & Appurtenances

Within each District and Civic Zone, Fences and non–Building Walls shall comply with the applicable standards in **Tables 26–6.405.A–1 – 26–6.405.A–10 (District Standards)** and **Table 26–6.405.B (Civic Zone Standards)**.

G. Private Frontage

1. General.

Within each Character District, the Private Frontage of Buildings shall conform to and be allocated in accordance with **Table 26–6.405.G–1 (Private Frontage Types)** and **Tables 26–6.405.A–1. – 26–6.405.A–10 (District Standards)**.

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COMMON YARD

TABLE 26-6.405.G-1 PRIVATE FRONTAGE TYPES

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Permitted Districts

CD-3 **CD-4.A** **CD-4.B**

** This Private Frontage type is allowed in SD-PUD Districts if included in approved PUD standards*

A planted Frontage wherein the Facade is set back substantially from the Frontage Line. The front yard created remains unfenced and is visually continuous with Adjacent yards, supporting a common landscape.

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FENCE

TABLE 26-6.405.G-1 PRIVATE FRONTAGE TYPES

ADOPTION DRAFT

Permitted Districts

CD-3 **CD-4.A**

** This Private Frontage type is allowed in SD-PUD Districts if included in approved PUD standards*

A planted Frontage wherein the Facade is set back from the Frontage Line and a fence is used to maintain Thoroughfare spatial definition. This may be used with or without a porch.

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PORCH

TABLE 26-6.405.G-1 PRIVATE FRONTAGE TYPES

Permitted Districts

CD-3 **CD-4.A**

** This Private Frontage type is allowed in SD-PUD Districts if included in approved PUD standards*

ADOPTION DRAFT

A planted Frontage wherein the Facade is set back from the Frontage Line with an attached exterior covered area large enough to accommodate outdoor furniture and/or gathering, and that is permitted to Encroach. This may be used with or without a fence to maintain Thoroughfare spatial definition. Porches shall be a minimum of eight (8') feet deep.

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STOOP

TABLE 26-6.405.G-1 PRIVATE FRONTAGE TYPES

ADOPTION DRAFT

Permitted Districts

CD-3 **CD-4.A** **CD-4.B** **CD-5**

** This Private Frontage type is allowed in SD-PUD Districts if included in approved PUD standards*

A Frontage wherein the Facade is aligned close to the Frontage Line with the first Story elevated from the Sidewalk sufficiently to secure privacy for the windows. An exterior stair and landing provides access to the entrance. This type is recommended for ground-floor Residential Use.

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TERRACE/LIGHTWELL

TABLE 26-6.405.G-1 PRIVATE FRONTAGE TYPES

ADOPTION DRAFT

Permitted Districts

CD-4.A **CD-4.B** **CD-5**

** This Private Frontage type is allowed in SD-PUD Districts if included in approved PUD standards*

A Frontage wherein the Facade is set back from the Frontage Line by an elevated landing and a sunken Lightwell. This type buffers Residential Uses from urban Sidewalks and may allow for activation of below grade space.

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FORECOURT

TABLE 26-6.405.G-1 PRIVATE FRONTAGE TYPES

ADOPTED DRAFT

Permitted Districts

CD-4.A **CD-4.B** **CD-5**

** This Private Frontage type is allowed in SD-PUD Districts if included in approved PUD standards*

A Frontage wherein a portion of the Facade is close to the Frontage Line and the central portion is set back. The Forecourt creates an intimate gathering space for the residents or additional shopping or restaurant seating area within Retail/Personal Service areas. This type should be used sparingly and may be allocated in conjunction with other Frontage types.

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SHOPFRONT

TABLE 26-6.405.G-1 PRIVATE FRONTAGE TYPES

ADOPTION DRAFT

Permitted Districts

CD-4.A **CD-4.B** **CD-5**

** This Private Frontage type is allowed in SD-PUD Districts if included in approved PUD standards*

A Frontage wherein the Facade is aligned close to or at the Frontage Line with the Building entrance at Sidewalk grade. This type is conventional for Retail/Personal Service Use. It has a substantial glazing at the Sidewalk level and may include an awning that may overlap the Sidewalk.

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GALLERY

TABLE 26-6.405.G-1 PRIVATE FRONTAGE TYPES

Permitted Districts

CD-4.A **CD-4.B** **CD-5**

** This Private Frontage type is allowed in SD-PUD Districts if included in approved PUD standards*

A Frontage wherein the Facade is aligned close to the Frontage Line with an attached cantilevered shed or a lightweight colonnade. This type is intended for Buildings with ground floor Business/Commercial, Office, Lodging or Retail/Personal Service Uses and the Gallery may be one or two Stories.

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ARCADE

TABLE 26-6.405.G-1 PRIVATE FRONTAGE TYPES

ADOPTION DRAFT

Permitted Districts

CD-5

** This Private Frontage type is allowed in SD-PUD Districts if included in approved PUD standards*

A Frontage wherein a colonnade supports habitable space and the Facade is set back from the Frontage Line and the arcade meets the Sidewalk. Any Encroachment into the Public Right-of-Way is subject to approval by the Plan Commission or applicable road agency.

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DOORYARD

TABLE 26-6.405.G-1 PRIVATE FRONTAGE TYPES

ADOPTION DRAFT

Permitted Districts

CD-4.A **CD-4.B** **CD-5**

** This Private Frontage type is allowed in SD-PUD Districts if included in approved PUD standards*

A Frontage wherein the Facade of the Building is set back a small distance and the Frontage Line is defined by a low Wall, decorative fence or hedge, creating a small dooryard. The dooryard shall not be used to provide public circulation along a ROW. The dooryard may be raised, sunken, or at grade and is intended for ground floor Residential.

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OFFICEFRONT

TABLE 26-6.405.G-1 PRIVATE FRONTAGE TYPES

ADOPTION DRAFT

Permitted Districts

CD-4.A **CD-4.B** **CD-5**

** This Private Frontage type is allowed in SD-PUD Districts if included in approved PUD standards*

A Frontage wherein the Facade is aligned close to or at the Frontage Line with the Building entrance at or above Sidewalk grade. This type is conventional for Office Use. It may have a substantial glazing on the Facade.

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2. Private Frontage – Corner Lots.

Principal Buildings on Corner Lots shall have two Private Frontages:

a. a Principal Frontage and

b. a Secondary Frontage, as illustrated generally in **Illustration 26-6.405.G-2 (Frontage & Lot Lines)**.

ILLUSTRATION 26-6.405.G-2 (FRONTAGE AND LOT LINES)

1	Frontage Line
2	Lot Line
3	Facades
4	Elevations

H. Building & Ceiling Height; Floor Finish Elevation

1. Building Heights and Ceiling Heights.

Building Heights and Ceiling Heights:

a. within each District shall conform to **Tables 26-6.405.A-1 – 26-6.405.A-10 (District Standards)**; and

b. within each Civic Zone shall conform to any applicable standards set forth or referenced in **Table 26-6.405.B (Civic Zone Standards)**.

i. In calculating the Height of a Building, none of the following shall be considered:

I. Attics under 14 feet in height at their tallest point;

II. Raised Basements; or

III. Masts, belfries, clock towers, chimneys, chimney flues, silos, water tanks, or elevator bulkheads.

ii. Building ground finish floor elevation within each Character District shall conform to **Tables 26-6.405.A-1 – 26-6.405.A-10 (District Standards)**.

I. Roof Type & Pitch

Within each District, Building roof type and pitch shall conform to **Tables 26-6.405.A-1 – 26-6.405.A-10 (District Standards)**.

ILLUSTRATION 26-6.405.I-1 (ROOF TYPES)

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ILLUSTRATION 26-6.405.I-2 (ROOF PITCH)

J. Building Types

Principal Buildings in each District and Civic Zone shall be of one or more of the Principal Building Types specified for such Character District in **Table 26-6.405.J-1 (Principal Building Types - Summary)** and **Table 26-6.405.J-2 (Principal Building Types – Specific Standards).**

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TABLE 26-6.405.J-1 PRINCIPAL BUILDING TYPES – SUMMARY

Principal Building Type		Permitted Districts
	House A detached Building having an Edgeyard yard type that may be shared with an Accessory Building in the backyard. This Building type typically incorporates a single Residential unit.	**CD-3**
	Duplex A small to medium sized Building that consists of two attached units, with separate entrances at least one of which faces the Thoroughfare. Both of the units, side-by-side, front-to-back or over-and-under, are contained within a single Building Massing. This Building type sits on a small to medium sized Lot having an Edgeyard or Sideyard yard type that may be shared with an Accessory Building in the backyard.	**CD-4.A**
	Rowhouse A collection of very narrow- to medium-sized attached Buildings with a Rearyard yard type (or Sideyard if an end unit) that consists of side-by-side units with individual entries facing the Thoroughfare. This type shares at least one party Wall with another Building of the same type and occupies the full Frontage Line.	**CD-4.A** **CD-4.B** **CD-5**
	Multi-family Building A Building that consists of 3 or more side-by-side and/or horizontally stacked units, typically with one or more shared entries.	**CD-4.B** **CD-5**
	Live/Work Building A small- to medium-sized attached or detached Building that consists of a flexible space used for craftsman, studio, or Retail/Personal Service Uses, and a Residential unit above and/or behind. The flexible space and the Residential unit are internally connected. This type is appropriate for providing affordable and flexible Mixed Use space for incubating neighborhood-serving Retail/Personal Service Uses, artists and other craftspeople.	**CD-4.A** **CD-4.B** **CD-5**
	Commercial Building A small- to medium-sized attached or detached non-Residential Building typically designed to facilitate pedestrian-oriented Retail/Personal Service, Business/Commercial, or Office Uses.	**CD-4.A** **CD-4.B** **CD-5**

Illustrations are provided for illustrative purposes only.
Principal Building Types are not regulated in CD-3.R1, CD-3.R2, CD-3.R3, or CD-4.R4

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TABLE 26-6.405.J-1 PRINCIPAL BUILDING TYPES – SUMMARY

Principal Building Type		Permitted Districts
	Mixed-Use Building: A typically attached Building that provides a vertical and/or horizontal mix of Uses typically designed to facilitate pedestrian-oriented Retail/Personal Service, Lodging, Business/Commercial, or Office Uses on the ground floor, with upper floors typically designed for Residential or Office Uses.	**CD-4.A** **CD-4.B** **CD-5**
	Flex Building: A large footprint Building designed to accommodate a single Use or a vertical or horizontal mix of Uses.	**CD-4.A** **CD-4.B** **CD-5**
	Mid-Rise Building: An attached or detached Building that may provide a vertical and/or horizontal mix of Uses, typically designed to facilitate pedestrian-oriented Retail/Personal Service, Lodging, Business/Commercial, or Office Uses on the ground floor, with upper floors typically designed for Residential or Office Uses.	**CD-5**
	Civic Building: A medium- to large-sized attached or detached Building designed to stand apart from its surroundings due to the specialized nature of its public or quasi-public function for public assembly and activity. Examples include libraries, churches, courthouses, schools, centers of government, performing arts, and museums. They are often the most prominently sited and architecturally significant Structures in a community.	**CZ**

Illustrations are provided for illustrative purposes only.
Principal Building Types are not regulated in CD-3.R1, CD-3.R2, CD-3.R3, or CD-4.R4

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HOUSE

TABLE 26-6.405.J-2 PRINCIPAL BUILDING TYPES
SPECIFIC STANDARDS

Permitted Districts

CD-3 **CD-4.A**

General Description
A detached Building having an Edgeyard yard type that may be shared with an Accessory Building in the backyard. This Building type typically incorporates a single Residential unit.

Lot	
Width	Per Character District Lot Width

Number of Units	
Units per Building	1 max.

Building Size and Massing
Height
2 Stories max
Width
Not Regulated

Allowed Private Frontages	
Common Yard	P
Fence	P
Porch	P
Stoop	P

Pedestrian Access	
Main Entrance Location	Principal Frontage

Vehicle Access and Parking
Parking may be accessed from an Alley, side Thoroughfare or front Thoroughfare

Principal Building Types are not regulated in CD-3.R1, CD-3.R2, CD-3.R3, or CD-4.R4

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DUPLEX

TABLE 26-6.405.J-2 PRINCIPAL BUILDING TYPES SPECIFIC STANDARDS

Permitted Districts

CD-4.A

ADOPTION DRAFT

General Description
A small to medium sized Building that consists of two attached units, with separate entrances at least one of which faces the Thoroughfare. Both of the units, side-by-side, front-to-back or over-and-under, are contained within a single Building Massing. This Building type sits on a small to medium sized Lot having an Edgeyard or Sideyard yard type that may be shared with an Accessory Building in the backyard.

Lot	
Width	Per Character District Lot Width

Number of Units	
Units per Building	2

Building Size and Massing
Height
2 Stories max
Width
48 ft. max.

Allowed Private Frontages	
Common Yard	P
Fence	P
Porch	P
Stoop	P

Pedestrian Access	
Main Entrance Location	Principal Frontage
Al least one unit shall have an individual entry at the Principal Frontage	

Vehicle Access and Parking
Parking may be accessed from an Alley, side Thoroughfare or front Thoroughfare

Principal Building Types are not regulated in CD-3.R1, CD-3.R2, CD-3.R3, or CD-4.R4

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ROWHOUSE

TABLE 26-6.405.J-2 PRINCIPAL BUILDING TYPES SPECIFIC STANDARDS

Permitted Districts

CD-4.A | CD-4.B | CD-5

ADOPTION DRAFT

General Description

A collection of very narrow- to medium-sized attached Buildings with a Rearyard yard type (or Sideyard if an end unit) that consists of side-by-side units with individual entries facing the Thoroughfare. This type shares at least one party Wall with another Building of the same type and occupies the full Frontage Line.

Lot

Width	Per Character District Lot Width

Number of Units

Units per Rowhouse	1 max.
Number of Rowhouses connected to other Rowhouses	3 min. - 8 max.

Principal Building Types are not regulated in CD-3.R1, CD-3.R2, CD-3.R3, or CD-4.R4

Building Size and Massing

Height

Per Character District Height Standards

Width

12 ft. min. - 36 ft. max per Townhouse

Allowed Private Frontages

Porch	P
Stoop	P
Dooryard	P
Terrace/Lightwell	P

Pedestrian Access

Main Entrance Location	Principal Frontage

Vehicle Access and Parking

Parking may be accessed from an Alley, side Thoroughfare or front Thoroughfare

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MULTI-FAMILY

TABLE 26-6.405.J-2 PRINCIPAL BUILDING TYPES SPECIFIC STANDARDS

Permitted Districts

CD-4.A | CD-4.B | CD-5

ADOPTION DRAFT

General Description
A Building that consists of 3 or more side-by-side and/or horizontally stacked units, typically with one or more shared entries.

Lot	
Width	Per Character District Lot Width

Number of Units	
Units per Building	3 or more

Building Size and Massing
Height
Per Character District Height Standards
Width
Per Character District Lot Width and Side Setback Standards

Allowed Private Frontages	
Porch	P
Stoop	P
Forecourt	P
Dooryard	P
Terrace/Lightwell	P

Pedestrian Access	
Main Entrance Location	Principal Frontage

Vehicle Access and Parking
Parking may be accessed from an Alley, side Thoroughfare or front Thoroughfare

Principal Building Types are not regulated in CD-3.R1, CD-3.R2, CD-3.R3, or CD-4.R4

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LIVE/WORK

TABLE 26-6.405.J-2 PRINCIPAL BUILDING TYPES SPECIFIC STANDARDS

Permitted Districts

CD-4.A | CD-4.B | CD-5

ADOPTION DRAFT

General Description

A small- to medium-sized attached or detached Building that consists of a flexible space used for craftsman, studio, or Retail/Personal Service Uses, and a Residential unit above and/or behind. The flexible space and the Residential unit are internally connected. This type is appropriate for providing affordable and flexible Mixed Use space for incubating neighborhood-serving Retail/Personal Service Uses, artists and other craftspeople.

Lot

Width	Per Character District Lot Width

Number of Units

Units per Building	2, including 1 Residential and 1 flexible space

Principal Building Types are not regulated in CD-3.R1, CD-3.R2, CD-3.R3, or CD-4.R4

Building Size and Massing

Height

Per Character District Height Standards

Width

18 ft min. - 36 ft max.

Allowed Private Frontages

Stoop	P
Dooryard	P
Terrace/Lightwell	P
Shopfront	P
Officefront	P

Pedestrian Access

Main Entrance Location	Principal Frontage

Vehicle Access and Parking

Parking may be accessed from an Alley, side Thoroughfare or front Thoroughfare

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COMMERCIAL

TABLE 26-6.405.J-2 PRINCIPAL BUILDING TYPES
SPECIFIC STANDARDS

ADOPTION DRAFT

Permitted Districts

CD-4.A | CD-4.B | CD-5

General Description
A small- to medium-sized attached or detached non-Residential Building typically designed to facilitate a single pedestrian-oriented Retail/Personal Service, Business/Commercial, or Office Use.

Lot	
Width	Per Character District Lot Width

Number of Units	
Units per Building	Not Regulated

Building Size and Massing
Height
Per Character District Height Standards
Width
Per Character District Lot Width and Side Setback Standards

Allowed Private Frontages	
Stoop	P
Dooryard	P
Terrace/Lightwell	P
Shopfront	P
Officefront	P

Pedestrian Access	
Main Entrance Location	Principal Frontage

Vehicle Access and Parking
Parking may be accessed from an Alley, side Thoroughfare or front Thoroughfare

Principal Building Types are not regulated in CD-3.R1, CD-3.R2, CD-3.R3, or CD-4.R4

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MIXED USE

TABLE 26-6.405.J-2 PRINCIPAL BUILDING TYPES
SPECIFIC STANDARDS

Permitted Districts

CD-4.A | CD-4.B | CD-5

ADOPTION DRAFT

General Description
A typically attached Building that provides a vertical and/or horizontal mix of Uses typically designed to facilitate pedestrian-oriented Retail/Personal Service, Lodging, Business/Commercial, or Office Uses on the ground floor, with upper floors typically designed for Residential or Office Uses.

Lot	
Width	Per Character District Lot Width

Number of Units	
Units per Building	2 min, which must accommodate different Principal Uses

Building Size and Massing
Height
Per Character District Height Standards
Width
Per Character District Lot Width and Side Setback Standards

Allowed Private Frontages			
Stoop	P	Terrace	P
Forecourt	P	Officefront	P
Dooryard	P	Gallery[1]	P
Terrace/Lightwell	P	Arcade[1]	P
Shopfront	P		

[1]May only be used in conjunction with a Shopfront or Officefront Frontage type.

Pedestrian Access	
Ground Floor Units	Principal Frontage
Upper Floors Units	Principal or Secondary Frontage
Upper floors units shall be accessed by a common entry	

Vehicle Access and Parking
Parking may be accessed from an Alley, side Thoroughfare or front Thoroughfare

Principal Building Types are not regulated in CD-3.R1, CD-3.R2, CD-3.R3, or CD-4.R4

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FLEX

TABLE 26-6.405.J-2 PRINCIPAL BUILDING TYPES
SPECIFIC STANDARDS

Permitted Districts

CD-4.A | CD-4.B | CD-5

ADOPTED DRAFT

General Description

A large footprint Building designed to accommodate a single Use or a vertical or horizontal mix of Uses.

Lot

Width	Per Character District Lot Width

Number of Units

Unrestricted, except as may be due to Building Code, Conditional Use Permit, Special Regulated Use Permit, or license.

Building Size and Massing

Height

Minimum as prescribed for applicable Character District; 3 stories max.

Width

50 ft min.; max per Character District Lot Width and Side Setback Standards

Allowed Private Frontages

Stoop	P	**Terrace**	P
Forecourt	P	**Officefront**	P
Dooryard	P	**Gallery**[1]	P
Terrace/Lightwell	P	**Arcade**[1]	P
Shopfront	P		

[1]May only be used in conjunction with a Shopfront or Officefront Frontage type.

Pedestrian Access

Ground Floor Units	Principal Frontage
Upper Floors Units	Principal or Secondary Frontage

Upper floors units shall be accessed by a common entry

Vehicle Access and Parking

Parking may be accessed from an Alley, side Thoroughfare or front Thoroughfare

Principal Building Types are not regulated in CD-3.R1, CD-3.R2, CD-3.R3, or CD-4.R4

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MID-RISE

TABLE 26-6.405.J-2 PRINCIPAL BUILDING TYPES SPECIFIC STANDARDS

Permitted Districts

CD-5

ADOPTION DRAFT

General Description

An attached or detached Building that may provide a vertical and/or horizontal mix of Uses, typically designed to facilitate pedestrian-oriented Retail/Personal Service, Lodging, Business/Commercial, or Office Uses on the ground floor, with upper floors typically designed for Residential or Office Uses.

Lot

Width	Per Character District Lot Width

Number of Units

Units per Building	2 min, which may be Residential or non-Residential

Building Size and Massing

Height

4 Stories min.; max per Character District Height Standards

Width

Per Character District Lot Width and Side Setback Standards

Allowed Private Frontages

Stoop	P	**Terrace**	P
Forecourt	P	**Officefront**	P
Dooryard	P	**Gallery**[1]	P
Terrace/Lightwell	P	**Arcade**[1]	P
Shopfront	P		

[1]May only be used in conjunction with a Shopfront or Officefront Frontage type.

Pedestrian Access

Ground Floor Units	Principal Frontage
Upper Floors Units	Principal or Secondary Frontage

Upper floors units shall be accessed by a common entry

Vehicle Access and Parking

Parking may be accessed from an Alley, side Thoroughfare or front Thoroughfare

Principal Building Types are not regulated in CD-3.R1, CD-3.R2, CD-3.R3, or CD-4.R4

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CIVIC

TABLE 26-6.405.J-2 PRINCIPAL BUILDING TYPES
SPECIFIC STANDARDS

ADOPTION DRAFT

Permitted Districts

CZ

General Description

A medium- to large-sized attached or detached Building designed to stand apart from its surroundings due to the specialized nature of its public or quasi-public function for public assembly and activity. Examples include libraries, churches, courthouses, schools, centers of government, performing arts, and museums. They are often the most prominently sited and architecturally significant Structures in a community.

Lot

Width	N/A

Number of Units

N/A

Building Size and Massing

Height

The height of Civic Buildings shall be limited to 20 additional feet above the maximum allowed height in any Adjacent Character District.

Width

Not Regulated

Allowed Private Frontages

N/A

Pedestrian Access

Except as specifically provided in this Code, Civic Buildings are not subject to the Building, Lot, or Private Frontage Requirements of this Code.

Vehicle Access and Parking

Parking may be accessed from an Alley, side Thoroughfare or front Thoroughfare

Principal Building Types are not regulated in CD-3.R1, CD-3.R2, CD-3.R3, or CD-4.R4

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K. RESERVED

L. Uses

1. General.

a. Buildings and Lots must comply with the Use standards and requirements of this Section 26-6.405.L.

b. Principal Uses, Accessory Uses, and Temporary Uses are Permitted by Right ("P"), permitted as Conditional Uses ("CU"), or not permitted ("NP"), in each case as indicated in **Table 26-6.405.L-1 (Building and Lot Principal Uses)**, **Table 26-6.405.L-2 (Building & Lot Accessory Uses),** and **Table 26-6.405.L-3 (Building and Lot Temporary Uses)**.

c. Each Principal Use, Accessory Use, and Temporary Use is subject to compliance with all other applicable standards and requirements of this Article.

d. Without limitation, Accessory Uses must be subordinate and customarily incidental to a permitted Principal Use on the Lot.

e. Multiple Principal Uses may exist within a Building or Lot.

2. Uses Permitted by Right.

a. Principal Uses of Buildings and Lots in each District and Civic Zone shall conform to the Principal Uses specified on **Table 26-6.405.L-1 (Building and Lot Principal Uses)** for such District or Civic Zone.

b. Accessory Uses of Buildings and Lots in each District and Civic Zone shall conform to the Accessory Uses specified on **Table 26-6.405.L-3 (Building and Lot Accessory Uses)** for such District or Civic Zone.

c. Temporary Uses of Buildings and Lots in each District and Civic Zone shall conform to the Temporary Uses specified on **Table 26-6.405.L-3 (Building and Lot Temporary Uses)**.

d. Principal Uses, Accessory Uses, or Temporary Uses, as applicable, of Buildings and Lots, which are indicated in **Table 26-6.405.L-1 (Building & Lot Principal Uses), Table 26-6.405.L-2 (Building and Lot Accessory Uses),** or **Table 26-6.405.L-3 (Building and Lot Temporary Uses)** as Permitted ("P") are allowed by right, subject to compliance with all other applicable provisions of this Division.

e. Principal Uses, Accessory Uses, or Temporary Uses, as applicable, of Buildings and Lots, which are indicated in **Table 26-6.405.L-1 (Building & Lot Principal Uses), Table 26-6.405.L-2 (Building and Lot Accessory Uses),** or **Table 26-6.405.L-3 (Building and Lot Temporary Uses)** as Conditional Uses ("CU") are allowed subject to compliance with all applicable provisions of Section 26-6.405.L.4 and other applicable provisions of this Article and approval by the Decision-Making Authority pursuant to Section 26-6.804.A.

3. Prohibited Uses.

Principal Uses, Accessory Uses, or Temporary Uses, as applicable, of Buildings and Lots, which are indicated in **Table 26-6.405.L-1 (Building & Lot Principal Uses), Table 26-6.405.L-2 (Building and Lot Accessory Uses),** or **Table 26-6.405.L-3 (Building and Lot Temporary Uses)** as Not Permitted ("NP"), or are not shown in **Table 26-6.405.L-1 (Building & Lot Principal Uses), Table 26-6.405.L-2 (Building and Lot Accessory Uses),** or **Table 26-6.405.L-3 (Building and Lot Temporary Uses)** as Permitted

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("P") or Permitted as Conditional Uses ("CU"), or are otherwise prohibited pursuant to any other provision of the Town Code, are prohibited.

4. Conditional Uses.

a. Conditional Uses ("CU") are subject to authorization pursuant to Section 26-6.804.A.

b. Any Principal Use, Accessory Use, or Temporary Use shown as Conditional Use ("CU") on **Table 26-6.405.L-1 (Building & Lot Principal Uses), Table 26-6.405.L-2 (Building & Lot Accessory Uses),** or **Table 26-6.405.L-3 (Building & Lot Temporary Uses)**, is allowed subject to:

i. compliance with all applicable conditions and requirements imposed by this Section 26-6.405.L.4, as established by or pursuant to Section 26-6.405.L.4.e, Section 26-6.405.L.4.f, Section 26-6.405.L.4.g, and Section 26-6.405.L.4.h;

ii. review and approval by the Decision-Making Authority; and

iii. issuance of a Conditional Use Permit pursuant to Section 26-6.804.A.

c. The conditions, standards, and requirements of each Conditional Use shall be applicable, irrespective of the Use being a Principal Use, an Accessory Use, or a Temporary Use.

d. The conditions and requirements applicable to any Conditional Use or Conditional Use Permit shall be enforceable, and failure to comply with any condition or requirement of a Conditional Use or Conditional Use Permit shall subject such Conditional Use, Conditional Use Permit, and rights conferred thereby to revocation pursuant to Section 26-6.804.A.19.

e. No Conditional Use shall commence or exist, or be conducted or engaged in, on any Lot or within any Building unless the same has been reviewed and approved by the Decision-Making Authority in accordance with Section 26-6.804.A and a Conditional Use Permit has been issued and is in effect for such Conditional Use.

f. The Decision-Making Authority for a Conditional Use Permit may impose any conditions on its approval of any Conditional Use in addition to those set forth in Section 26-6.405.L.4.e, Section 26-6.405.L.4.g, Section 26-6.405.L.4.h), and Section 6.405.L.4.i.

g. In addition to any applicable conditions, requirements, and standards imposed by Section 26-6.405.L.4.e, Section 26-6.405.L.4.h, and Section 6.405.L.4.i, or otherwise in this Division, and any additional conditions or requirements imposed by the Decision-Making Authority pursuant to Section 26-6.405.L.4.f, such Use must meet the following general conditions and requirements, as applicable, as determined by such Decision-Making Authority:

i. It is in fact a Conditional Use ("CU") listed for the applicable Zoning District involved, as a Principal Use in **Table 26-6.405.L-1 (Building & Lot Principal Uses),** an Accessory Use in **Table 26-6.405.L-2 (Building & Lot Accessory Uses),** or a Temporary Use in **Table 26-6. 405.L-3 (Building & Lot Temporary Uses)**, respectively;

ii. It will be harmonious with and in accordance with the general and specific intent, purposes and objectives

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of this Article as stated in Section 26-6.105 and the Town's Comprehensive Plan;

iii. It will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the same area;

iv. It will not be hazardous or disturbing to existing neighboring uses;

v. It will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

vi. It will not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic welfare of the community;

vii. It will not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;

viii. It will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares; and

ix. It will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

h. The Uses indicated as Conditional Use ("CU") in **Table 26-6.405.L-1 (Building & Lot Principal Uses)**, **Table 26-6.405.L-2 (Building and Lot Accessory Uses)**, or **Table 26-6.405.L-3 (Building and Lot Temporary Uses)** are eligible for consideration as Conditional Uses within the Districts or Civic Zone indicated.

i. Additional Requirements for Certain Conditional Uses.

The following Conditional Uses must comply with the applicable conditions and requirements indicated for each of them in addition to complying with Section 26-6.405.L.4.e, Section 26-6.405.L.4.g, Section 26-6.405.L.4.h, and any additional conditions imposed by the Decision-Making Authority, pursuant to Section 26-6.405.L.4.f:

i. Child Care Facility or Pre-School Facility.

All Child Care Facilities and Pre-School Facilities must meet all state requirements of a child care provider and prior to the granting of a Conditional Use Permit under Section 26-6.804.A, the proposed operator of a Child Care Facility or Pre-School Facility must provide evidence that it possesses a state license as a Class I or Class II child care facility.

ii. Gasoline Stations, Motor Vehicle Sales, Rental, or Leasing, Motor Vehicle Storage, Motor Vehicle, Motor Vehicle Body Shop, Maintenance, Repair, Service, or Cleaning, and other Motor Vehicle-Related Uses.

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The following requirements are applicable to Gasoline Stations, Motor Vehicle Sales, Rental, or Leasing, Motor Vehicle Storage, Motor Vehicle, Motor Vehicle Body Shop, Maintenance, Repair, Service, or Cleaning, and other Motor Vehicle-Related Uses:

I. No Gasoline Station, Motor Vehicle Sales, Rental, or Leasing, Motor Vehicle Storage, Motor Vehicle, Motor Vehicle Body Shop, Maintenance, Repair, Service, or Cleaning, or other Motor Vehicle-Related Uses shall have an opening in any Wall less than 15 feet from any property or street line.

II. No Gasoline Station, Motor Vehicle Sales, Rental, or Leasing, Motor Vehicle Storage, Motor Vehicle, Motor Vehicle Body Shop, Maintenance, Repair, Service, or Cleaning, or other Motor Vehicle-Related Use shall have an entrance closer than 200 feet from a School, Library, Place of Worship, or other Place of Assembly, Civic Space, Civic Zone, Fire Station, or Restaurant, or closer than 1,200 feet from another Gasoline Station, Motor Vehicle Sale, and other Motor Vehicle-Related Use, except at intersections.

III. No Gasoline Station shall be constructed or erected except with provisions for rendering all services on the premises, and only Parking incidental to the business shall be permitted on the premises.

IV. No Gasoline Station shall be constructed or erected unless all service bays and pumps are located in the Third Lot Layer. See **Illustration 26-6.405.L.4 (Gas Backwards)**.

V. No more than two corners of an intersection shall be occupied by a Gasoline Station.

VI. No Gasoline Station shall be located in an area where the increased traffic attendant upon its operation shall contribute to an already existing serious traffic condition.

VII. No truck scale shall be permitted in connection with the operation of a Gasoline Station.

VIII. No Gasoline Station shall be so located that Adjacent Districts are affected by noise or by glare from lights attendant upon its operation.

IX. No provision for sleeping accommodations shall be permitted in connection with the operation of a Gasoline Station.

X. No provision for the sale or dispensing of Alcoholic Beverages shall be permitted in connection with the operation of a Gasoline Station.

XI. Motor Vehicle Sales, Rental, or Leasing Use must be in connection with, or pursuant or incidental to, the operation of a recognized or franchised new car agency conducted in or from a permanent Building located on the same Lot as new car sales.

XII. Whenever a Motor Vehicle-Related Use is Adjacent to a Residential District, a Screen at least five feet (5') in height shall be constructed and maintained along the full length of the sides of the Adjacent side of the Motor Vehicle-Related Use, and whenever lighting is used in connection with Motor Vehicle-Related Use, it shall be so designed that no glare is visible from any Adjacent CD-3, CD-3.R1, CD-3.R2,

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CD–3.R3, CD–4.R4, CD–4.A or CD–4.B Districts, any Civic Zone, or any public Thoroughfare.

ILLUSTRATION 26–6.405.L.4 GAS BACKWARDS

Illustration is provided for illustrative purposes only.

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iii. Garden Centers.

The following requirements are applicable to Garden Center Uses:

I. A Site Plan must be provided, reviewed, and acted on pursuant to Section 26-6.804.G.

II. Circulation of traffic shall be without unreasonable hazard. Ingress and egress to and from the property should be separated.

III. All Parking shall be off-street, and Parking shall be paved and located so as to afford passing traffic a clear view of exiting and entering vehicles.

IV. Truck and customer traffic shall be separated whenever possible.

V. All Outdoor Storage and outdoor display and sales areas shall be enclosed with appropriate fencing, and no merchandise of any kind shall be stored or displayed outside of such fenced areas.

VI. Outdoor Storage and outdoor display and sales areas shall be limited to living plants and uncontained natural materials directly related to the care and maintenance of such living plants. If any other merchandise is to be offered for sale, the storage, display and/or sales of such merchandise, with the exception of seasonal Christmas tree sales, must be entirely contained within an enclosed Building.

VII. Loading doors, docks and other open service and/or sales areas shall be Screened with man-made or permanently growing material so that they are not visible from any Adjacent CD-3, CD-3R1, CD-3R2, CD-3R3, CD-4.A, CD-4.B, or CD-4. R4 Districts, any Civic Zone, or any public Thoroughfare.

VIII. Setback areas shall be landscaped and, together with required fencing, shall provide a Buffer of sufficient density so that no Outdoor Storage or outdoor display or sales area shall be visible from the exterior of the site. Merchandise offered for sale, or being grown for ultimate sale, shall in no way be deemed to satisfy this landscaping requirement.

IX. All Outdoor Storage and outdoor display or sales areas shall be set back a minimum of fifty feet (50') from any Residential District and twenty feet (20') from any public street right-of-way.

X. All Garden Center sites shall be maintained in a neat and orderly manner.

iv. Massage Studios

Massage Studios must meet the following requirements:

I. The proposed establishment must be in compliance with all state laws pertaining to the qualification and licensing of its employees;

II. The proposed Massage Studio Use must not pose any potential negative effect on surrounding property values, or any such potential negative effect must be effectively mitigated by all reasonable measures and actions; for an increase in criminal activity caused by the proposed Massage Studio; or negative effect on the public health, safety and welfare or any such potential negative effect must be effectively mitigated by all reasonable measures and actions.

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v. Adult Bookstores. Adult Bookstores must meet the following requirements:

The proposed Adult Bookstore must not:

I. pose any potential threat that minors will be unduly exposed to the operation of the proposed Adult Bookstore,

II. have any potential negative effect on surrounding property values,

III. be incompatible with any other Use located within 500 feet; or

IV. have any potential to cause an increase in criminal activity in the vicinity.

The Applicant must provide a written proposal setting forth all safeguards, measures, and actions to implemented by Applicant to effectively mitigate all potential negative impacts of the Adult Bookstore and to assure that all requirements of this Section 26–6.405.L.4 are met.

vi. Tattoo Studios. All Tattoo Studios must meet the following requirements:

The proposed Tattoo Studio:

I. must be in compliance with all state laws pertaining to training, qualification, and licensing of its employees;

II. must not pose any risk or threat of injury or to the health of minors or other individuals;

III. must not have any potential negative effect on surrounding property values; and

IV. must not have any potential to cause an increase in criminal activity in the vicinity.

The Applicant must provide a written proposal setting forth all safeguards, measures, and actions to be implemented by Applicant to effectively mitigate all potential negative effects and impacts of the proposed Tattoo Studio and to assure that all requirements of Section 26–6.405.L.4 are met.

vii. Adult Entertainment / Adult Cabarets.

Adult Entertainment or Adult Cabaret establishments must meet the following requirements:

The proposed establishment must not:

I. pose any potential threat that minors will be unduly exposed to the operation of the proposed establishment,

II. have any potential negative effect on surrounding property values,

III. be incompatible with any other Use located within 500 feet; or

IV. have any potential to cause an increase in criminal activity in the vicinity.

The Applicant must provide a written proposal setting forth all safeguards, measures, and actions to implemented by Applicant to effectively mitigate all potential negative effects and impacts of the proposed Adult Entertainment /Adult Cabaret establishment and to assure that all requirements of Section 26–6.405.L.4 are met.

viii. Short–Term Lender.

A Short–Term Lender shall not be located within 0.5 mile of another Short–Term Lender, either within or outside of the Town.

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ix. Smoke, Tobacco, or CBD Shop.

A Smoke, Tobacco, or CBD Shop must not:

I. Have the potential for minors to be unduly exposed to its operations.

II. Have a potential negative effect on surrounding property values.

III. Be incompatible with any other Use located within 1,000 feet.

IV. Have the potential to cause an increase in criminal activity in the vicinity.

V. Be located

within 0.25 mile of another Smoke, Tobacco, or CBD Shop, either within or outside of the Town, or

within 1000 feet of a Place of Worship, Place of Assemby, school, Civic Space, community center, hospital, or similar place at which children regularly gather, either within or outside of the Town.

x. Restaurant with Outdoor Dining.

A Restaurant with Outdoor Dining must meet the following requirements:

I. The Outdoor Dining area may not be fenced.

II. The Outdoor Dining area may encroach the public right of way only if it leaves clear at least a 4 ' clear walkway.

III. Outdoor dining furniture must be made of aluminum, stainless steel, painted metal, or durable finished wood.

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TABLE 26-6.405.L-1 BUILDING AND LOT PRINCIPAL USE

PRINCIPAL USE	CD-3	CD-3. R1	CD-3. R2	CD-3. R3	CD-4. R4	CD-4.A	CD-4.B	CD-5	SD-PUD	SD-M	CZ
RESIDENTIAL / DWELLING USE CATEGORY											
Assisted Living Apartment	NP	NP	NP	NP	P	NP	NP	NP	*	NP	NP
Attached Dwelling – Rowhouse	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	NP
Attached Dwelling – Multi-Family	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	NP
Independent Living Apartment	NP	NP	NP	NP	P	NP	NP	NP	*	NP	NP
Residence Portion of Live/Work, Mixed-Use, or Flex Building	NP	NP	NP	NP	NP	P	P	P	NP	NP	NP
Single-Family Detached Dwelling	P	P	P	P	NP	NP	NP	NP	NP	NP	NP
Two-Family Detached Dwelling or Duplex	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	NP
Other Residential Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
LODGING USE CATEGORY											
Bed & Breakfast	NP	NP	NP	NP	P	P	P	P	*	NP	NP
Hostel/Hotel/Inn	NP	NP	NP	NP	NP	CU	CU	CU	*	NP	NP
Motel	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Boardinghouse, Lodginghouse	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Tourist Home	NP	NP	NP	NP	NP	P	P	P	NP	CU	NP
Other Lodging Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP

LEGEND The following notations are utilized in this table.	P Permitted	CU Conditional Use	NP Not Permitted	* Per PUD Approval

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TABLE 26-6.405.L-1 BUILDING AND LOT PRINCIPAL USE

PRINCIPAL USE	CD-3	CD-3. R1	CD-3. R2	CD-3. R3	CD-4. R4	CD-4.A	CD-4.B	CD-5	SD-PUD	SD-M	CZ
OFFICE USE CATEGORY											
Business / Governmental / Non-Profit / Professional Office	NP	NP	NP	NP	NP	P	P	P	*	NP	NP
Counseling Service	NP	NP	NP	NP	NP	P	P	P	*	NP	NP
Crisis Counseling Center	NP	NP	NP	NP	NP	P	P	P	*	NP	NP
Medical Lab / Dental Lab / Research Lab	NP	NP	NP	NP	NP	P	P	P	*	P	NP
Medical or Dental Office / Medical or Dental Clinic / Outpatient Clinic	NP	NP	NP	NP	NP	P	P	P	*	NP	NP
Office Portion of Live/Work, Mixed-Use, or Flex Building	NP	NP	NP	NP	NP	P	P	P	*	NP	NP
Photography Lab	NP	NP	NP	NP	NP	P	P	P	*	P	NP
Radio / Television / Recording Studio or Station without Communications Tower	NP	NP	NP	NP	NP	P	P	P	*	P	NP
Other Office Use Not Listed Under any Use Category	NP	NP	NP	NP	NP	P	P	P	*	NP	NP

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LEGEND The following notations are utilized in this table.	P Permitted	CU Conditional Use	NP Not Permitted	* Per PUD Approval

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TABLE 26-6.405.L-1 BUILDING AND LOT PRINCIPAL USE

PRINCIPAL USE	CD-3	CD-3. R1	CD-3. R2	CD-3. R3	CD-4. R4	CD-4.A	CD-4.B	CD-5	SD-PUD	SD-M	CZ
RETAIL/PERSONAL SERVICE USE CATEGORY											
Adult Bookstore / Adult Cabaret / Adult Entertainment	NP	NP	NP	NP	NP	NP	NP	NP	NP	CU	NP
Alcoholic Beverage Retail Sales	NP	NP	NP	NP	NP	CU	CU	CU	CU	NP	NP
Alcoholic Beverage - Serving Establishment other than Bar or Tavern	NP	NP	NP	NP	NP	P	P	P	CU	NP	NP
Animal (Small) Boarding/ Kennel or Grooming without Outside Boarding	NP	NP	NP	NP	NP	CU	CU	CU	CU	CU	NP
Art or Photography Studio	NP	NP	NP	NP	NP	P	P	P	*	NP	NP
Bar or Tavern	NP	NP	NP	NP	NP	CU	CU	CU	*	NP	NP
Brewpub	NP	NP	NP	NP	NP	P	P	P	*	NP	NP
Craftsman Establishment, with or without Retail Sales	NP	NP	NP	NP	NP	P	P	P	*	P	NP
Dry Cleaning / Laundry Pick Up without Drive-Through Service	NP	NP	NP	NP	NP	P	P	P	*	P	NP
Entertainment Facility (non-Civic)	NP	NP	NP	NP	NP	P	P	P	*	NP	NP
Gallery - Private	NP	NP	NP	NP	NP	P	P	P	*	NP	NP
Financial Services without Drive-Through Service	NP	NP	NP	NP	NP	P	P	P	*	NP	NP
Garden Center	NP	NP	NP	NP	NP	CU	CU	CU	CU	CU	NP
Hair / Skin / Nail Care / Health Club or Day Spa	NP	NP	NP	NP	NP	P	P	P	*	NP	NP
Laundromat	NP	NP	NP	NP	NP	P	P	P	*	P	NP
Motor Vehicle Retail Parts Sales	NP	NP	NP	NP	NP	P	P	P	*	P	NP
Open Air Market	NP	NP	NP	NP	NP	P	P	P	*	NP	NP

LEGEND The following notations are utilized in this table.	P Permitted	CU Conditional Use	NP Not Permitted	* Per PUD Approval

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TABLE 26-6.405.L-1 BUILDING AND LOT PRINCIPAL USE

PRINCIPAL USE	CD-3	CD-3. R1	CD-3. R2	CD-3. R3	CD-4. R4	CD-4.A	CD-4.B	CD-5	SD-PUD	SD-M	CZ
Open Front or Open Lot Retail / Personal Service Establishment, excluding Restaurant outdoor dining & Open Air Market	NP	NP	NP	NP	NP	CU	CU	CU	*	CU	NP
Pawnshop	NP	NP	NP	NP	NP	CU	CU	CU	*	NP	NP
Performing Arts Studio / Music Conservatory	NP	NP	NP	NP	NP	P	P	P	*	NP	NP
Pharmacy	NP	NP	NP	NP	NP	P	P	P	*	NP	NP
Printing Services Retail Shop without Drive Through Service	NP	NP	NP	NP	NP	P	P	P	*	NP	NP
Recreation Facility (Non-Civic)	NP	NP	NP	NP	NP	P	P	P	*	NP	NP
Restaurant	NP	NP	NP	NP	NP	P	P	P	*	P	NP
Restaurant with Outdoor Dining	NP	NP	NP	NP	NP	CU	CU	CU	*	CU	NP
Retail Membership Club	NP	NP	NP	NP	NP	P	P	P	*	P	NP
Retail / Personal Service / Craftsman Establishment with Drive-Through Service	NP	NP	NP	NP	NP	CU	CU	CU	*	NP	NP
Retail / Personal Service / Craftsman Establishment without Drive-Through Service	NP	NP	NP	NP	NP	P	P	P	*	P	NP
Smoke, Tobacco, or CBD Shop	NP	NP	NP	NP	NP	CU	CU	CU	NP	NP	NP
Tailor or Seamstress Shop	NP	NP	NP	NP	NP	P	P	P	*	NP	NP
Tasting Room	NP	NP	NP	NP	NP	CU	CU	CU	*	NP	NP
Tattoo Studio	NP	NP	NP	NP	NP	NP	NP	NP	NP	CU	NP
Theater or Performing Arts Venue (non-Civic)	NP	NP	NP	NP	NP	P	P	P	*	NP	NP
Ticket Office	NP	NP	NP	NP	NP	P	P	P	*	NP	NP

LEGEND The following notations are utilized in this table.	P Permitted	CU Conditional Use	NP Not Permitted	* Per PUD Approval

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TABLE 26-6.405.L-1 BUILDING AND LOT PRINCIPAL USE

PRINCIPAL USE	CD-3	CD-3. R1	CD-3. R2	CD-3. R3	CD-4. R4	CD-4.A	CD-4.B	CD-5	SD-PUD	SD-M	CZ
Veterinary Office, Clinic, or Hospital, without Outside Boarding	NP	NP	NP	NP	NP	P	P	P	*	NP	NP
Warehouse Retail	NP	NP	NP	NP	NP	CU	CU	CU	*	NP	NP
Other Retail, Personal Service, or Craftsman Use Not Listed Under any Use Category	NP	NP	NP	NP	NP	P	P	P	*	NP	NP
CIVIC USE CATEGORY											
Adult Day Care Facility (Civic)	NP	NP	NP	NP	NP	P	P	P	*	NP	P
Civic Building (Publicly Owned or Operated)	NP	NP	NP	NP	NP	P	P	P	*	NP	P
Civic Building (Privately Owned & Operated)	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	CU
Civic Space - Sports Field (Privately Owned & Operated)	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Civic Space - Sports Field (Publicly Owned or Operated)	NP	NP	NP	NP	P	P	P	P	*	NP	P
Civic Space – Green, Square, Plaza (Privately Owned & Operated)	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Civic Space – Green, Square, or Plaza (Publicly Owned or Operated)	NP	NP	NP	NP	P	P	P	P	*	NP	P
Civic Space – Park, Playground, or Community Garden (Privately Owned & Operated)	CU	CU	CU	CU	CU	CU	CU	CU	CU	NP	P
Civic Space – Park, Playground, or Community Garden (Publicly Owned or Operated)	P	P	P	P	P	P	P	P	*	NP	P
Community Center - not-for-profit	NP	NP	NP	NP	NP	P	P	P	*	NP	P
Conference / Convention / Exhibition Center	NP	NP	NP	NP	CU	CU	CU	CU	CU	CU	P

LEGEND The following notations are utilized in this table.	P Permitted	CU Conditional Use	NP Not Permitted	* Per PUD Approval

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TABLE 26–6.405.L–1 BUILDING AND LOT PRINCIPAL USE

PRINCIPAL USE	CD–3	CD–3. R1	CD–3. R2	CD–3. R3	CD–4. R4	CD–4.A	CD–4.B	CD–5	SD–PUD	SD–M	CZ
Courthouse	NP	NP	NP	NP	CU	CU	CU	CU	CU	CU	P
Entertainment Facility (Civic)	NP	NP	NP	NP	CU	CU	CU	CU	CU	CU	P
Food Distribution Center (Civic)	NP	NP	NP	NP	NP	P	P	P	*	NP	P
Gallery (Civic)	NP	NP	NP	NP	P	P	P	P	*	NP	P
Library	NP	NP	NP	NP	NP	P	P	P	*	NP	P
Museum	NP	NP	NP	NP	NP	P	P	P	*	NP	P
Parking Lot	NP	NP	NP	NP	NP	NP	NP	NP	*	NP	P
Parking Structure	NP	NP	NP	NP	NP	NP	NP	NP	*	NP	P
Performing Arts Venue	NP	NP	NP	NP	CU	CU	CU	CU	CU	CU	P
Place of Assembly or Place of Worship	NP	NP	NP	NP	CU	CU	CU	CU	CU	CU	P
Post Office	NP	NP	NP	NP	NP	P	P	P	*	NP	P
Public Transit	NP	NP	NP	NP	NP	P	P	P	*	P	P
Recreation Facility (Civic)	NP	NP	NP	NP	NP	P	P	P	*	NP	P
Sports Venue	NP	NP	NP	NP	NP	CU	CU	CU	CU	CU	P
Transit Shelter	P	P	P	P	P	P	P	P	*	P	P
Transit Station or Terminal	NP	NP	NP	NP	NP	P	P	P	*	NP	P
Other Civic Use Not Listed Under any Use Category	NP	NP	NP	NP	NP	P	P	P	NP	NP	P
MOTOR VEHICLE – RELATED USE CATEGORY											
Gasoline Station	NP	NP	NP	NP	NP	CU	CU	CU	CU	CU	NP
Motor Vehicle Shop Maintenance / Repair / Service / Cleaning	NP	NP	NP	NP	NP	CU	CU	CU	CU	CU	NP

LEGEND The following notations are utilized in this table.	P Permitted	CU Conditional Use	NP Not Permitted	* Per PUD Approval

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TABLE 26-6.405.L-1 BUILDING AND LOT PRINCIPAL USE

PRINCIPAL USE	CD-3	CD-3. R1	CD-3. R2	CD-3. R3	CD-4. R4	CD-4.A	CD-4.B	CD-5	SD-PUD	SD-M	CZ
Motor Vehicle Sales, Rental, or Leasing, with or without Parts Sales	NP	NP	NP	NP	NP	CU	CU	CU	CU	CU	NP
Taxi Center or Ride-Share Center	NP	NP	NP	NP	NP	CU	CU	CU	CU	CU	NP
Tire Sales	NP	NP	NP	NP	NP	CU	CU	CU	CU	CU	NP
Other Motor Vehicle Use Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
CIVIL SUPPORT USE CATEGORY											
Cemetery (Non-Commercial)	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Cemetery (Commercial)	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Fire / EMS Station	P	NP	NP	NP	NP	P	P	P	*	P	P
Funeral Services	NP	NP	NP	NP	NP	CU	CU	CU	CU	CU	CU
Police Station	P	NP	NP	NP	NP	CU	CU	CU	CU	CU	CU
Public Works Yard	NP	NP	NP	NP	NP	NP	NP	NP	CU	CU	CU
RECREATION USE CATEGORY											
Adult Day Care Facility (non-Civic)	NP	NP	NP	NP	NP	CU	CU	CU	CU	NP	NP
Amusement Center with amusement devices	NP	NP	NP	NP	NP	P	P	P	*	NP	NP
Athletic Field (Commercial), other than a Sports Field Civic Space	NP	NP	NP	NP	NP	NP	NP	NP	*	P	NP
Athletic Field (Non-Commercial), other than a Sports Field Civic Space	NP	NP	NP	NP	NP	CU	CU	CU	CU	CU	CU
Club-Private not -for-profit	NP	NP	NP	NP	NP	P	P	P	*	NP	P
Commercial Indoor Athletic Training Facility	NP	NP	NP	NP	NP	P	P	P	P	NP	NP
Country Club	NP	NP	NP	NP	NP	CU	CU	CU	CU	NP	NP

LEGEND The following notations are utilized in this table.	P Permitted	CU Conditional Use	NP Not Permitted	* Per PUD Approval

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TABLE 26-6.405.L-1 BUILDING AND LOT PRINCIPAL USE

PRINCIPAL USE	CD-3	CD-3. R1	CD-3. R2	CD-3. R3	CD-4. R4	CD-4.A	CD-4.B	CD-5	SD-PUD	SD-M	CZ
Recreation Facility (non-Civic)	NP	NP	NP	NP	NP	P	P	P	*	NP	NP
Shooting or Firing Range, with or without firearms sales	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Social (or Civic) Club, Lodge, or Organization	NP	NP	NP	NP	NP	P	P	P	P	NP	CU
Other Recreation Use Not Listed in any Use Category	NP	NP	NP	NP	NP	CU	CU	CU	CU	NP	CU
INSTITUTIONAL USE CATEGORY											
Long Term Care Facility	NP	NP	NP	NP	NP	CU	CU	CU	CU	NP	NP
Hospital	NP	NP	NP	NP	NP	CU	CU	CU	CU	NP	NP
Rehabilitation Facility	NP	NP	NP	NP	NP	CU	CU	CU	CU	NP	NP
LIGHT INDUSTRIAL USE CATEGORY											
Brewery without tap room, bar or tasting room	NP	NP	NP	NP	NP	NP	CU	NP	CU	P	NP
Building Systems / Construction Business	NP	NP	NP	NP	NP	NP	NP	NP	CU	P	NP
Catering Service or Catering Events Establishment	NP	NP	NP	NP	NP	CU	CU	CU	CU	P	NP
Distillery	NP	NP	NP	NP	NP	NP	NP	NP	CU	P	NP
Food Processing for Wholesale Sales	NP	NP	NP	NP	NP	NP	NP	NP	CU	P	NP
Horticulture & Landscaping Services	NP	NP	NP	NP	NP	NP	NP	NP	CU	P	NP
Information Services	NP	NP	NP	NP	NP	NP	NP	NP	CU	P	NP
Light Manufacturing Plant with or without Retail Sales	NP	NP	NP	NP	NP	NP	NP	NP	CU	P	NP
Machine Shop / Woodworking Shop	NP	NP	NP	NP	NP	NP	NP	NP	CU	P	NP
Microbrewery /Microdistillery / Microwinery / Nanobrewery	NP	NP	NP	NP	NP	CU	CU	CU	CU	P	NP
Non-Nuisance Industry	NP	NP	NP	NP	NP	NP	NP	NP	CU	P	NP

LEGEND The following notations are utilized in this table.	P Permitted	CU Conditional Use	NP Not Permitted	* Per PUD Approval

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TABLE 26-6.405.L-1 BUILDING AND LOT PRINCIPAL USE

PRINCIPAL USE	CD-3	CD-3. R1	CD-3. R2	CD-3. R3	CD-4. R4	CD-4.A	CD-4.B	CD-5	SD-PUD	SD-M	CZ
Publishing Plant	NP	NP	NP	NP	NP	NP	NP	NP	CU	P	NP
Rail Equipment Storage / Repair	NP	NP	NP	NP	NP	NP	NP	NP	CU	CU	NP
Research Laboratory	NP	NP	NP	NP	NP	NP	NP	NP	CU	P	NP
Septic Equipment Installation Services or Cleaning	NP	NP	NP	NP	NP	NP	NP	NP	CU	CU	NP
Towing Facility	NP	NP	NP	NP	NP	NP	NP	NP	CU	P	P
Warehouse / Warehousing Facility	NP	NP	NP	NP	NP	NP	NP	NP	CU	CU	NP
Wholesale Sales	NP	NP	NP	NP	NP	NP	NP	NP	CU	P	NP
Winery	NP	NP	NP	NP	NP	NP	NP	NP	CU	CU	NP
Other Light Industrial Use Not Listed Under any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	CU	CU	NP
EDUCATION USE CATEGORY											
Building exclusively for Non-Profit Educational Institution	NP	NP	NP	NP	NP	CU	CU	CU	CU	CU	NP
Business or Trade School	NP	NP	NP	NP	NP	CU	CU	CU	NP	NP	NP
Child Care Facility	NP	NP	NP	NP	NP	CU	CU	CU	CU	NP	NP
Children's Day Camp	NP	NP	NP	NP	NP	CU	CU	CU	CU	NP	NP
College / University	NP	NP	NP	NP	NP	CU	CU	CU	CU	NP	CU
K-12 School (Kindergarten, Elementary, Middle, or High School)	NP	NP	NP	NP	NP	CU	CU	CU	CU	NP	CU
Pre-School or Nursery School	NP	NP	NP	NP	NP	CU	CU	CU	CU	CU	NP
Other Education Use Not Listed in any other Category	NP	NP	NP	NP	NP	CU	CU	CU	CU	CU	NP

LEGEND The following notations are utilized in this table.	P Permitted	CU Conditional Use	NP Not Permitted	* Per PUD Approval

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TABLE 26-6.405.L-1 BUILDING AND LOT PRINCIPAL USE

PRINCIPAL USE	CD-3	CD-3. R1	CD-3. R2	CD-3. R3	CD-4. R4	CD-4.A	CD-4.B	CD-5	SD-PUD	SD-M	CZ
UTILITIES USE CATEGORY											
Communications Tower	NP	NP	NP	NP	NP	CU	CU	CU	CU	CU	NP
Communications and Power Lines	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Power Distribution / Substation	NP	NP	NP	NP	CU	CU	CU	CU	CU	CU	NP
Public Utilities	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Sewage Facility (Non-Commercial)	NP	NP	NP	NP	NP	NP	NP	NP	CU	CU	NP
Sewage Facility (Non-Commercial)	NP	NP	NP	NP	NP	NP	NP	NP	CU	CU	NP
Utility Pumping Station	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Utility Substation	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Water Treatment / Supply Facility	NP	NP	NP	NP	NP	NP	NP	NP	CU	CU	NP
Wireless Telecommunications Facility	NP	NP	NP	NP	NP	CU	CU	CU	CU	CU	NP
Other Utilities Use Not Listed Under any other Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	CU
OTHER USE CATEGORY											
Animal (non-domestic) Raising / Maintaining	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Heavy Manufacturing	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP

ADOPTION DRAFT

LEGEND The following notations are utilized in this table.	P Permitted	CU Conditional Use	NP Not Permitted	* Per PUD Approval

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5. Accessory Uses

a. Accessory Uses are Permitted by Right, Permitted as Conditional Uses, or Not Permitted, as indicated in **Table 26-6.405.L-2 (Building and Lot Accessory Uses)**.

b. In Districts and Civic Zones, those Uses shown in **Table 26-6.405.L-2 (Building and Lot Accessory Uses)** as "P" (Permitted Accessory Use) are permitted in the applicable District or Civic Zone, as indicated, if subordinate and customarily incidental to a permitted Principal Use on the Lot.

c. In Districts and Civic Zones, those Uses shown in **Table 26-6.405.L-2 (Building and Lot Accessory Uses)** as "CU" (Conditional Use) are permitted in the applicable District or Civic Zone, as indicated, if subordinate and customarily incidental to a permitted Principal Use on the Lot, compliant with all standards, requirements and conditions of Section 26-6.405.L.4, and subject to issuance of a Conditional Use Permit pursuant to Section 26-6.804.A.

ADOPTION DRAFT

TABLE 26-6.405.L-2 BUILDING AND LOT ACCESSORY USE

ACCESSORY USE	CD-3	CD-3 R1	CD-3 R2	CD-3 R3	CD-4. R4	CD-4.A	CD-4.B	CD-5	SD-PUD	SD-M	CZ
RESIDENTIAL / DWELLING											
Accessory Building	P	P	P	P	P	P	P	P	*	P	P
Accessory Dwelling Unit	P	P	P	P	P	P	P	P	NP	NP	NP
Accessory Garden Center	NP	NP	NP	NP	NP	CU	NP	NP	CU	CU	NP
Child Care In Home	CU	NP	NP	NP	NP	CU	CU	CU	NP	NP	NP
Convent on Site with Place of Worship	P	P	P	P	P	P	P	P	*	P	P
Dormitory on Site with Educational Institution	NP	NP	NP	NP	NP	P	P	P	*	CU	CU
Family Day Care	NP	NP	NP	NP	NP	CU	CU	CU	CU	CU	NP
Food / Refreshment Stand	NP	NP	NP	NP	NP	P	P	P	*	P	P
Food Truck	NP	NP	NP	NP	NP	P	P	P	NP	P	NP

LEGEND The following notations are utilized in this table.	P Permitted	CU Conditional Use	NP Not Permitted	* Per PUD Approval

DIVISION 4

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TABLE 26-6.405.L-2 BUILDING AND LOT ACCESSORY USE

ACCESSORY USE	CD-3	CD-3 R1	CD-3 R2	CD-3 R3	CD-4. R4	CD-4.A	CD-4.B	CD-5	SD-PUD	SD-M	CZ
Garden	P	P	P	P	P	P	P	P	*	P	P
Gift Shop	NP	NP	NP	NP	NP	P	P	P	*	NP	CU
Home Occupations	P	P	P	P	P	P	P	P	NP	NP	NP
Home Office	P	P	P	P	P	P	P	P	NP	NP	NP
Massage Services by Indiana licensed masseuse, accessory to Spa or Salon	NP	NP	NP	NP	NP	CU	CU	CU	CU	CU	NP
News Stand	NP	NP	NP	NP	NP	P	P	P	*	NP	NP
Office uses as accessory to manufacturing or warehouse	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP
Other Uses not listed in this Table that are subordinate and customarily incidental to a permitted Principal Use	P	P	P	P	P	P	P	P	P	P	P
Outdoor Storage *	NP	NP	NP	NP	NP	NP	NP	NP	NP	CU	NP
* Outdoor storage must be screened from adjacent properties with a barrier of man-made or growing materials which screen such area from both public street(s) and adjacent or neighboring property.											
Parish House, Rectory, Parsonage, or other Residence on site with Place of Worship	P	P	P	P	P	P	P	P	*	P	P
Parking Area	P	P	P	P	P	P	P	P	*	P	P
Playhouses	P	P	P	P	P	P	P	P	NP	NP	CU
Patio	P	P	P	P	P	P	P	P	*	P	CU
Recreation, refreshment and service uses of Structures in Civic Space incidental to the Civic Principal Use	P	P	P	P	P	P	P	P	*	NP	CU

LEGEND The following notations are utilized in this table.	P Permitted	CU Conditional Use	NP Not Permitted	* Per PUD Approval

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TABLE 26-6.405.L-2 BUILDING AND LOT ACCESSORY USE

ACCESSORY USE	CD-3	CD-3 R1	CD-3 R2	CD-3 R3	CD-4. R4	CD-4.A	CD-4.B	CD-5	SD-PUD	SD-M	CZ
Retail Sales Accessory to Manufacturing or Warehouse	NP	NP	NP	NP	NP	NP	NP	NP	*	P	NP
Motor Vehicle maintenance that is routine, periodic and incidental, if inside Garage or in 3rd Lot Layer & vehicle is owned and registered occupant of Dwelling	P	P	P	P	P	P	P	P	NP	NP	NP
School on site with Place of Worship	P	P	P	P	P	P	P	P	*	P	P
Seminary on site with Place of Worship	P	P	P	P	P	P	P	P	*	P	P
Storage Building in Third Lot Layer	P	P	P	P	P	P	P	P	*	P	NP
Storage of odor- or dust-producing substances	NP	NP	NP	NP	NP	NP	NP	NP	*	NP	NP
Solar Panels	P	P	P	P	P	P	P	P	*	NP	P
Sports Court, Swimming Pool, Hot Tub in 3rd Lot Layer	P	P	P	P	P	P	P	P	*	P	NP
Tasting Room on site with Brewery, Distillery, Winery	NP	NP	NP	NP	NP	CU	CU	CU	CU	CU	CU
Telecommunications Receiving Equipment	NP	NP	NP	NP	CU	CU	CU	CU	*	CU	CU
Wireless Telecommunications Facility	NP	NP	NP	NP	CU	CU	CU	CU	CU	CU	CU
Other Uses that are Subordinate and Customarily Incidental to a Permitted Principal Use	P	P	P	P	P	P	P	P	P	P	P

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LEGEND The following notations are utilized in this table.	P Permitted	CU Conditional Use	NP Not Permitted	* Per PUD Approval

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6. Temporary Uses.

a. Temporary Uses indicated in **Table 26-6.405.L-3 (Building and Lot Temporary Uses)** as Permitted ("P") are allowed by right, subject to the issuance of a Temporary Use Permit by the Zoning Administrator.

b. Temporary Uses indicated in **Table 26-6.405.L-3 (Building and Lot Temporary Uses)** as Conditional Use ("CU") are allowed subject to compliance with the Conditional Use requirements of this Division and the issuance of a Temporary Use Permit by the Zoning Administrator.

c. Temporary Uses indicated in **Table 26-6.405.L-3 (Building and Lot Temporary Uses)** as Not Permitted ("NP"), or not indicated as Permitted ("P") or permitted as Conditional Use ("CU"), or otherwise prohibited by this Division are prohibited as Temporary Uses.

ADOPTION DRAFT

TABLE 26-6.405.L-3 BUILDING AND LOT TEMPORARY USES

TEMPORARY USE	CD-3	CD-3 R1	CD-3 R2	CD-3 R3	CD-4. R4	CD-4.A	CD-4.B	CD-5	SD-PUD	SD-M	CZ
RESIDENTIAL / DWELLING											
A trailer in Third Lot Layer for Storage of Goods Associated with Commercial Principal Use, for up to 6 mos w/ possible extension to 12 mos; must not be closer to any Structure than 10 feet	NP	NP	NP	NP	CU	P	P	P	*	P	NP
Seasonal Uses or Uses for Unusual Non-Recurrent Events, for no more than 30 days (subject to obtaining special event permit)	P	P	P	P	P	P	P	P	P	P	P
New Subdivision Sales & Management Office, for up to 1 yr	P	P	P	P	P	P	P	P	P	P	P
Sales or Construction Office Trailer	P	P	P	P	P	P	P	P	P	P	P

LEGEND The following notations are utilized in this table.	P Permitted	CU Conditional Use	NP Not Permitted	* Per PUD Approval

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M. Encroachments

Encroachments of Building Elements are allowed within each District and Civic Zone only as set forth in **Tables 26-6.405.A-1 - 26-6.405.A-10 (District Standards)** and **Table 26-6.405.B (Civic Zone Standards)**, respectively.

N. Screens, Streetscreens, & Buffers

1. Compliance with Standards.

Any Screen, Streetscreen, or Buffer shall comply with the applicable standards and requirements in **Tables 26-6.405.A-1 - 26-6.405.A-10 (District Standards)** and **Table 26-6.405.B (Civic Zone Standards)**, and this Section 26-6.405.N, as applicable.

2. When Screening Required.

Screening of the items and conditions indicated shall be provided as required for each applicable District in **Tables 26-6.405.A-1 - 26-6.405.A-10 (District Standards)**, or for each applicable Civic Zone in **Table 26-6.405.B (Civic Zone Standards)**, except in each case, at any Driveway.

3. Location of Streetscreen.

Any Streetscreen shall be located as set forth in **Tables 26-6.405.A-1 - 26-6.405.A-10 (District Standards)** and **Table 26-6.405.B (Civic Zone Standards)**.

4. Wall Screen / Streetscreen Material.

A Wall Screen or Streetscreen shall be constructed of the material as set forth in **Tables 26-6.405.A-1 - 26-6.405.A-10 (District Standards)** and **Table 26-6.405.B (Civic Zone Standards)**.

5. Fence Screen / Streetscreen Material.

A Fence Screen or Streetscreen shall be constructed of the material required in **Tables 26-6.405.A-1 - 26-6.405.A-10 (District Standards)** and **Table 26-6.405.B (Civic Zone Standards)**.

6. Hedge Screen / Streetscreen Standards.

A hedge Screen or Streetscreen shall comply with the requirements of **Tables 26-6.405.A-1 - 26-6.405.A-10 (District Standards)** and **Table 26-6.405.B (Civic Zone Standards)**.

7. Openings in Streetscreens.

Streetscreens shall have openings no larger than necessary to allow vehicular and pedestrian access.

8. Buffer Requirements.

Except as otherwise specifically provided in this Article, all required Buffers shall meet the following requirements:

a. Minimum twenty-five foot (25') depth;

b. Consist of evergreen trees:

i. at installation being at two and one-half inches (2.5") in caliper, measured three (3) feet from the base of the trunk, and at least six feet (6') tall;

ii. having a height at maturity that will block the view from Adjoining property of all Parking, operations, loading, and Outdoor Storage and at least the first (1st) two (2) Stories of any Structure; and

iii. having an opacity from the ground through the tallest part of the tree of at least 90%.

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9. Where Buffer Required.

A Buffer shall be required:

a. Where any Special District Adjoins a CD-3, CD-3.R-1, CD-3.R-2, or CD-3.R-3 District boundary, a Buffer shall be provided within the Lot; and

b. In any other location specified in this Article.

O. Vehicular Parking, Bicycle Parking, Loading Space & Trash Receptacles

1. Vehicular Parking.

a. Vehicular Parking shall be provided in accordance with this Section 26-6.405.O and **Table 26-6.405.O-1 (Vehicular Parking Requirements)**, shall comply with and be located and in accordance with **Tables 26-6.405.A-1 – 26-6.405.A-10 (District Standards)** and **Table 26-6.405.B (Civic Zone Standards)**, and shall be designed in accordance with **Table 26-6.405.O-3 (Off-Street Vehicular Parking Space Dimensions)**.

b. Vehicular Parking required for each Lot shall be determined based on the quantity of Principal Use(s) of the Lot and the number of spaces available to the Lot, as determined by Section 26-6.405.O.1.c, Section 26-6.405.O.1.d, and **Table 26-6.405.O-1 (Vehicular Parking Requirements)**.

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TABLE 26-6.405.O-1 VEHICULAR PARKING REQUIREMENTS

PRINCIPAL USE	Number of Minimum Spaces of Parking Available to Lot Per Unit of Measure
RESIDENTIAL / DWELLING USES CATEGORY	
Two-Family Detached Dwellings	2 spaces per Dwelling Unit
Single-Family Detached Dwellings	2 spaces per Dwelling Unit
Attached Dwellings w/ > 2 bedrooms w/ 1-2 bedrooms	 2 spaces per Dwelling Unit 1.5 spaces per Dwelling Unit
Other Residential / Dwelling Use Not Listed Under Any Use Category	1 space per Dwelling Unit or rented guest bedroom, plus 1 space per each 4 employees on the premises at one time
LODGING USES CATEGORY	
Hostel, Hotel or Motel	1.25 space per guest room
Bed & Breakfast or Inn	1 space per guest bedroom
Private Clubs & Lodges w/sleeping facilities	1 space per guest bedroom + .30 space per each additional person of total Building capacity, as determined by Fire Chief
Private Clubs & Lodges w/out sleeping facilities	.30 space per each person of total Building capacity, as determined by Fire Chief
Boarding House / Lodginghouse	1 space per guest bedroom
Tourist Home	1 space per Dwelling Unit, plus 1 per guest bedroom
Other Lodging Use Not Listed Under Any Use Category	1 space per guest bedroom
OFFICE USES CATEGORY	
Business / Governmental / Non-Profit / Professional Office	3.3 spaces per 1,000 square feet of floor area
Counseling Service	3.3 spaces per 1,000 square feet of floor area
Crisis Counseling Center	5.7 spaces per 1,000 square feet of floor area
Medical Lab / Dental Lab / Research Lab	5.7 spaces per 1,000 square feet of floor area
Medical or Dental Office / Medical or Dental Clinic / Outpatient Clinic	5.7 spaces per 1,000 square feet of floor area
Office Portion of Live / Work, Mixed-Use, or Flex Building	3.3 spaces per 1,000 square feet of floor area
Photography Lab	1 per 200 square feet of total Usable Floor Area
Radio / Television / Recording Studio without Communications Tower	1 per 200 square feet of total Usable Floor Area
Other Office Use Not Listed Under Any Use Category	3.3 spaces per 1,000 square feet of floor area

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TABLE 26-6.405.O-1 VEHICULAR PARKING REQUIREMENTS

PRINCIPAL USE	Number of Minimum Spaces of Parking Available to Lot Per Unit of Measure
RETAIL / PERSONAL SERVICE / CRAFTSMAN	
Alcoholic Beverage Retail Sales	4.5 spaces per 1,000 SF of total gross floor area
Animal (Small) Boarding or Grooming without Outside Boarding / Kennel	4.5 spaces per 1,000 SF of total gross floor area
Art or Photography Studio	4.5 spaces per 1,000 SF of total gross floor area
Brewpub	1 per 4 permanent seats at tables, or stools at a bar or 100 square feet of total Usable Floor Area devoted to patron use, whichever is greater
Craftsman Establishment with or without Retail Sales	4.5 spaces per 1,000 SF of total gross floor area
Food Processing for Retail Sales	4.5 spaces per 1,000 SF of total gross floor area
Furniture or Appliance Store	1.5 spaces per 1,000 square feet of floor area
Furniture or Household Equipment Repair	1.5 spaces per 1,000 square feet of floor area
Drive-Through Establishments and Drive-In Restaurants	1 per each 600 square feet of total Lot area, addition to required vehicle stacking space
Financial Services	5 spaces per 1,000 SF of gross floor area,+ 4 stacking spaces for each drive-through window and automatic teller
Hair / Skin / Nail Care	4.5 spaces per 1,000 SF of total gross floor area
Health Club or Day Spa	4.5 spaces per 1,000 SF of total gross floor area
Laundromat	4.5 spaces per 1,000 SF of total gross floor area
Motor Vehicle Retail Parts Sales	1.5 spaces per 1,000 SF of total gross floor area
Non-Motor Vehicle or -Boat Goods Rental or Leasing	1.5 spaces per 1,000 SF of total gross floor area
Non-Motor Vehicle or -Boat Goods Maintenance / Cleaning / Repair / Service	1.5 spaces per 1,000 SF of total gross floor area
Open Air Market	Not Regulated
Pawnshop	4.5 spaces per 1,000 SF of total gross floor area
Performing Arts Studio	4.5 spaces per 1,000 SF of total gross floor area
Pharmacy without Drive-Through	4.5 spaces per 1,000 SF of total gross floor area
Photo Finishing Retail Shop	4.5 spaces per 1,000 SF of total gross floor area
Printing Services Shop	4.5 spaces per 1,000 SF of total gross floor area
Recreation and / or Entertainment Facility (non-Civic)	1 per 3 auditorium seats + adequate bus space for activities of institution +passenger loading space
Restaurant dispensing food or beverages for consumption on premises, without Drive-Through or Drive-In Service	1 space for each 2.5 seats or 5 spaces for each 300 SF of total gross floor area, whichever is greater
Restaurant dispensing food or beverages without seating and without Drive-Through or Drive-In Service	5 spaces for each 250 SF of total gross floor area, but no fewer than 5 spaces
Restaurant dispensing food or beverages for consumption on premises, with Drive-Through or Drive-In Service	1 space for each 2.5 seats or 5 spaces for each 300 SF of total gross floor area, whichever is greater + stacking space clear of drive aisles for 6 cars

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TABLE 26-6.405.O-1 VEHICULAR PARKING REQUIREMENTS

PRINCIPAL USE	Number of Minimum Spaces of Parking Available to Lot Per Unit of Measure
Restaurant dispensing food or beverages without seating, with Drive-Through or Drive-In Service	5 spaces for each 250 SF of total gross floor area, but no fewer than 5 spaces + stacking space clear of drive aisles for 6 cars
Retail Food Sales	4.5 spaces per 1,000 SF of total gross floor area
Retail Membership Club	4.5 spaces per 1,000 SF of total gross floor area
Retail / Personal Service Establishment without Drive-Through	4.5 spaces per 1,000 SF of total gross floor area
Short-Term Lender	4.5 spaces per 1,000 SF of total gross floor area
Tailor or Seamstress Shop	4.5 spaces per 1,000 SF of total gross floor area
Tasting Room	1 per 4 permanent seats at tables, or stools at a bar or 100 square feet of total Usable Floor Area devoted to patron use, whichever is greater
Tattoo Studio	4.5 spaces per 1,000 SF of total gross floor area
Theater or Performing Arts Venue - Indoor or Outdoor, except Drive-In Theater	1 space per every 3 seats
Theater - Drive In	1 per employee plus customer drive-in spaces
Veterinary Office, Clinic, or Hospital, without Outside Boarding	1 per 200 square feet of gross floor area
Warehouse Retail	4.5 spaces per 1,000 SF of total gross floor area
Other Retail, Personal Service, or Craftsman Use Not Listed Under any Use Category	4.5 spaces per 1,000 SF of total gross floor area
CIVIC USE CATEGORY	
Civic Building	1 per 3 seats + adequate bus space for activities of institution +passenger loading space
Civic Space	3.5 spaces per acre
Conference / Convention / Exhibition Center	.3 space per capacity determined by Town Fire Chief
Courthouse	1 per 3 seats + adequate bus space for activities of institution +passenger loading space
Food Distribution Center (Civic)	1.5 spaces per 1,000 SF of total gross floor area
Library / Gallery /Museum	3 spaces / 1,000 square feet of floor area
Performing Arts Venue	1 per 3 auditorium seats + adequate bus space for activities of institution +passenger loading space
Place of Assembly	.3 space per capacity determined by Town Fire Chief
Place of Worship	1 per 3 auditorium seats + adequate bus space for activities of institution +passenger loading space
Post Office	4.5 spaces per 1,000 SF of total gross floor area
Public Transit	3 spaces / 1,000 SF of total gross floor area
Recreation Facility or Entertainment Facility (Civic)	1 per 3 auditorium seats + adequate bus space for activities of institution +passenger loading space
Sports Venue	.3 space per capacity determined by Town Fire Chief

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TABLE 26-6.405.O-1 VEHICULAR PARKING REQUIREMENTS

PRINCIPAL USE	Number of Minimum Spaces of Parking Available to Lot Per Unit of Measure
Transit Station or Terminal	3 spaces / 1,000 SF of total gross floor area
Other Civic Use Not Listed Under Any Other Use Category	As determined by Plan Commission
MOTOR VEHICLE – RELATED USE CATEGORY	
Automotive Service Station	5 spaces per 1,000 square feet of total gross floor area, with a minimum of 3 spaces
Automotive Laundry, fully automatic	1 space per wash rack, plus 20 stacking spaces for each wash rack
Automotive Laundry, self service	1 drying space per wash stall, plus 1 stacking spaces for each wash stall
Motor Vehicle Body Shop, Maintenance, Repair, Service or Cleaning	1 space per service bay
Motor Vehicle Sales, Rental, or Leasing with or without Parts Sales	2.5 spaces per 1,000 square feet of floor area
Motor Vehicle Storage	Sufficient parking spaces for all vehicles stored or being serviced at any one time, with minimum of 5 spaces
Taxi or Ride-Share Center	1 per vehicle stored plus 1 per on-site employee
Tire Sales	1 space per service bay
Other Motor Vehicle -or Boat- Use Not Listed Under Any Use Category	1 space per service bay plus sufficient parking spaces for all vehicles stored or being serviced at any one time, with minimum of 5 spaces
CIVIL SUPPORT USE CATEGORY	
Cemetery	Not Regulated
Fire / EMS Station	Not Regulated
Funeral Services	1 space per every 3 chapel or parlor seats, plus 1 space for each funeral vehicle kept on premises
Police Station	Not Regulated
RECREATION USE CATEGORY	
Adult Day Care Facility	.3 spaces per maximum occupancy as determined by Town Fire Chief
Commercial Indoor Athletic Training Facility	1 per 1,000 square feet of total Usable Floor Area
Recreation Facility (non-Civic) Bowling Alley Other	5 spaces per alley, plus parking for lounge and video game areas as required herein
Shooting or Firing Range , with or without firearms sales	2.5 spaces per 1,000 SF of total gross floor area
Social (or Civic) Club, Lodge, or Organization	.3 space per capacity determined by Town Fire Chief
Other Recreation Use Not Listed Under Any Use Category	.3 spaces per maximum occupancy as determined by Town Fire Chief

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TABLE 26-6.405.O-1 VEHICULAR PARKING REQUIREMENTS

PRINCIPAL USE	Number of Minimum Spaces of Parking Available to Lot Per Unit of Measure
INSTITUTIONAL USE CATEGORY	
Clinic	5.7 spaces per 1,000 square feet of floor area
Long Term Care Facility	.3 space per bed
Hospital	2 per hospital bed + 1 space located separately for every 2 outpatient and emergency beds
Rehabilitation Facility	.3 space per bed
LIGHT INDUSTRIAL USE CATEGORY	
Brewery	Parking equivalent to the total ground coverage of the use, with a minimum of 1 improved space per 2 employees on premises at one time, but no fewer than 2 spaces
Building Systems / Construction Business	3.5 space per 1,000 square feet of customer floor area
Catering Service or Catering Events Establishment	1 per 3 permanent seats, or 1 per each 40 square feet of seating area where fixed seating is not provided
Contractors' or Materials Yard	3.5 space per 1,000 square feet of customer floor area
Distribution Facility	Parking equivalent to the total ground coverage or the use, with a minimum of 1 improved space per 2 employees on premises at one time, but no fewer than 2 spaces
Distillery	Parking equivalent to the total ground coverage or the use, with a minimum of 1 improved space per 2 employees on premises at one time, but no fewer than 2 spaces
Food Processing for Wholesale Sales	Parking equivalent to the total ground coverage or the use, with a minimum of 1 improved space per 2 employees on premises at one time, but no fewer than 2 spaces
Horticulture & Landscaping Services	3.5 spaces per 1,000 square feet of customer floor area
Information Industries	1 improved space per 2 employees on premises at one time, but no fewer than 2 spaces
Light Manufacturing Plant with or without Retail Sales	1.25 spaces per 1,000 square feet of floor area
Machine Shop / Woodworking Shop	1 improved space per 2 employees on premises at one time, but no fewer than 2 spaces
Machinery Sales	2.5 spaces per 1,000 square feet of floor area
Materials, Goods, or Products Production, Processing, Cleaning, Servicing, Testing or Repair	1.25 spaces per 1,000 square feet of floor area
Microbrewery / Microdistillery /Microwinery / Nanobrewery	Parking equivalent to the total ground coverage or the use, with a minimum of 1 improved space per 2 employees on premises at one time, but no fewer than 2 spaces
Non-Hazardous Wast Treatment & Disposal	1 improved space per 2 employees on premises at one time, but no fewer than 2 spaces
Non-Nuisance Industry	1 improved space per 2 employees on premises at one time, but no fewer than 2 spaces
Outdoor Storage	1 improved space per 2 employees on premises at one time, but no fewer than 2 spaces

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TABLE 26-6.405.O-1 VEHICULAR PARKING REQUIREMENTS

PRINCIPAL USE	Number of Minimum Spaces of Parking Available to Lot Per Unit of Measure
Publishing	1 space per 2 employees on premises at one time, but no fewer than 2 spaces
Rail Equipment Storage / Repair	1 space per 2 employees on premises at one time, but no fewer than 2 spaces
Recycling Collection Facility	3.5 spaces per 1,000 square feet of customer floor area plus 1 space per 2 employees on premises at one time, but no fewer than 2 spaces
Scrap or Salvage Yard / Service	2.5 spaces per 1,000 square feet of customer floor area plus 1 space per 2 employees on premises at one time, but no fewer than 2 spaces
Self-Storage Facility	.25 space per storage unit plus 1 space per 2 employees on premises at one time
Septic Equipment Installation and Services or Cleaning	1 space per 2 employees on premises at one time, but no fewer than 2 spaces
Solid Waste Facility	1 space per 2 employees on premises at one time, but no fewer than 2 spaces
Towing Facility	2.5 spaces per 1,000 square feet of customer floor area plus 1 space per 2 employees on premises at one time, but no fewer than 2 spaces
Warehouse / Warehousing Facility	.7 spaces per 1,000 square feet of floor area
Wholesale Establishment / Wholesale Sales	4 spaces per 1,000 square feet of floor area
Winery	Parking equivalent to the total ground coverage or the use, with a minimum of 1 improved space per 2 employees on premises at one time, but no fewer than 2 spaces
Other Light Industrial Use Not Listed Under Any Use Category	2.5 spaces per 1,000 square feet of customer floor area plus 1 space per 2 employees on premises at one time, but no fewer than 2 spaces
EDUCATION USES CATEGORY	
Business or Trade School	.5 spaces per student seat + 1 per 3 auditorium seats + 1 space / employee + adequate bus space for activities of institution +passenger loading space
Child Care Facility	1 space / employee
Child Care in Home	Not Regulated
Children's Day Camp	Not Regulated
College / University	.5 spaces per student seat + 1 per 3 auditorium seats + adequate bus space for activities of institution +passenger loading space
Elementary School	1 space / employee + 1 per 3 auditorium seats + adequate bus space for activities of institution +passenger loading space
Family Day Care	Not Regulated

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TABLE 26-6.405.O-1 VEHICULAR PARKING REQUIREMENTS

PRINCIPAL USE	Number of Minimum Spaces of Parking Available to Lot Per Unit of Measure
High School	1 space / employee + .2 space per student + 1 per 3 auditorium seats + adequate bus space for activities of institution +passenger loading space
Kindergarten	1 space / employee + 1 per 3 auditorium seats + adequate bus space for activities of institution +passenger loading space
Middle School	1 space / employee + 1 per 3 auditorium seats + adequate bus space for activities of institution +passenger loading space 1
Pre-School or Nursery School	1 space / employee + 1 per 3 auditorium seats + adequate bus space for activities of institution +passenger loading space
Other Education Use Not Listed In Any Other Category	.5 spaces per student seat + 1 per 3 auditorium seats + 1 space / employee + adequate bus space for activities of institution +passenger loading space
UTILITIES USES CATEGORY	
Communications Equipment or Communications Tower	.5 space per employee
Public Utility or Public Service	.5 space per employee
Wireless Telecommunications Facility	.5 space per employee
Other Utilities Use Not Listed Under Any Use Category	.5 space per employee
OTHER USES CATEGORY	
Adult Entertainment / Adult Cabaret	4.5 spaces per 1,000 SF of total gross floor area
Heavy Manufacturing	1 space per 2 employees on premises at one time, but no fewer than 2 spaces
Other Uses Not Listed under any Category	Spaces in adequate # determined by Zoning Administrator to service persons employed or residing on premises as well as visiting public

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c. In the SD-M, CD-4.A, and CD-4.B Districts, the number of spaces of parking available to a Lot is the sum of:

i. all spaces within the Lot,

ii. all spaces Adjacent to the Frontage Line on the same side of the Thoroughfare as the Lot, and

iii. if elected by the Applicant, all spaces available to the Lot within the same Block or an Adjacent Block within a public Parking Lot or Parking Structure or by parking agreement or Easement.

Any fractional spaces shall be rounded down to the nearest whole number.

In all other Zoning Districts, the number of spaces of parking available to a Lot is the sum of all spaces within the Lot.

d. The number of spaces of parking available to a Lot shall not be less than, nor more than 10% greater than, the number of spaces of parking determined by **Table 26-6.405.O-1 (Vehicular Parking Requirements)** based on the quantity of Principal Use(s) of the Lot, provided that the minimum number of spaces may be reduced pursuant to Section 26-6.405.O.1.e and Section 26-6.405.O.1.f.

e. For purposes of this Section 26-6.405.O.1.e, the number of parking spaces available to a Lot may be reduced, at the election of the Applicant, by dividing the number of spaces of parking required to be available to the Lot by the applicable Shared Parking Factor.

f. The applicable Shared Parking Factor is determined under **Table 26-6.405.O-2 (Shared Parking Factor)** for any two Principal Uses within the Lot or within the Lot and any other Lot within the same or any Adjacent Block.

g. In determining compliance with this Section 26-6.405.O.1, the following shall not be counted:

i. Accessory Dwelling Units; and

ii. Liner Buildings fewer than 30 feet deep and no more than two Stories.

TABLE 26-6.405.O-2 (SHARED PARKING)

h. Off-Street Parking Design Standards.

i. Parking Space Dimensions - General.

Except as otherwise provided for compact vehicle parking accommodations under Section 26-6.405.O.1.h.ii, the dimensional standards set forth in **Table 26-6.405.O-3 (Off-Street Vehicular Parking Space Dimensions)** are applicable to off-street parking accommodations:

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TABLE 26-6.405.O-3 (OFF-STREET VEHICULAR PARKING SPACE DIMENSIONS)

Parking Angle (degrees)	Stall Width	Minimum Stall Length	Aisle Width
0	9'0"	21'0"	12'0"
30-53	9'0"	18'0"	13'0"
54-74	9'0"	18"0"	16'0"
75-90	9'0"	18'0"	21'0"

ii. Parking Space Dimensions – Compact Cars.

Up to 30% of the total number of parking spaces in Parking Areas, Parking Lots, and Parking Structures that provide parking for at least fifty (50) cars may be provided as Parking for compact cars. Such compact car spaces must be separately signed and marked in distinct separate areas. The dimensional requirements for compact car spaces are as set forth in **Table 26-6.405.O-4 (Off-Street Compact Vehicle Parking Space Dimensions)**:

TABLE 26-6.405.O-4 (OFF-STREET COMPACT VEHICLE PARKING SPACE DIMENSIONS)

Angle of Parking (degrees)	Width of Space (feet)	Length of Space (feet)	Aisle Width (feet)
45	7.5'	17'	12'
60	7.5'	18'	15'
90	7.5'	16'	21'

iii. Access Ramps.

Any ramps leading from a Thoroughfare to a Parking Lot, Parking Area, Garage, or Parking Structure shall be at least twenty feet (20') wide for two-way traffic and ten feet (10') wide for one-way traffic.

iv. Curbs.

Curbs shall be made of granite or concrete at heights between six inches (6") and eight inches ("8") above the elevation of the Thoroughfare and shall be at least six inches ("6") wide.

v. Curb cuts and returns.

Curb cuts shall be at least twenty feet (20') wide for two-way access and ten feet (10') wide for one-way access.

vi. Paving.

Access Driveways and Parking Areas shall be paved in accordance with Town specifications.

vii. Landscaping and Design of Parking Area or Parking Lot.

I. Any Parking Area or Parking Lot having ten (10) or more parking spaces shall conform to the following:

1) Parking Areas and Parking Lots shall contain at least one landscape island for every ten (10) parking spaces. Parking Lots with more than one landscape island shall have such islands distributed throughout the Parking Lot.

2) Interior parking rows shall be terminated at both ends with landscape islands.

3) Each parking island shall be of a minimum size equal to a standard parking space; provided that each parking island abutting two rows of head to head parking spaces shall be of a minimum size and

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length equal to two (2) parking spaces.

4) Parking islands shall contain a minimum of one (1) shade Tree for every single island. If a parking island is double length or width, then two (2) shade Trees shall be required.

5) Rows of parking fronting on drive aisles including alleys shall be provided with a minimum five feet (5') (excluding curbs) landscaped buffer.

6) Root zones for existing Trees to remain shall be a minimum of 48 square feet.

7) For every 2,000 square feet of Parking Area or Parking Lot, at least one Tree shall be installed or preserved within the Parking Area or Parking Lot except to the extent that Trees outside of the Lot containing the Parking Area or Parking Lot are allowed to satisfy this requirement as set forth below.

8) No parking space shall be more than seventy-two feet (72') from a Tree within the Lot, as measured from the center of the Tree to the nearest line demarcating the space.

9) Except for Trees allowed to be counted outside the Parking Area or Parking Lot, new Trees shall be installed and/or existing Trees preserved in Tree islands provided pursuant to this Section 26-6.405.O.1.h.vii and/or at the perimeter of the Parking Area or Parking Lot, provided that the perimeter of the Parking Area or Parking Lot where Trees are installed or preserved to meet this requirement lies within the Lot on which the Parking Area or Parking Lot is located.

10) Trees outside of the Parking Area or Parking Lot located within twenty feet (20') of the closest portion of such Parking Area or Parking Lot, including but not limited to Trees within Thoroughfare Rights-of-Way and Civic Spaces, may be counted toward satisfying the requirements.

11) In addition to any walkway or Sidewalk around a Parking Area or Parking Lot, each such Parking Area or Parking Lot exceeding one hundred and twenty (120) spaces shall have least one pedestrian walkway bisecting the Parking Area or Parking Lot and connecting to adjoining sidewalks of a minimum width of eight feet (8') that is paved differently from the parking spaces with respect to texture, material, style, and/or color.

II. Any Parking Area or Parking Lot in the First or Second Lot Layer shall be Screened from view in accordance with Section 26-6.405.N.

III. Parking Areas and Parking Lots shall

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include Curbs, paving, Sidewalks, drainage facilities and lighting in accordance with this Article as well as any other applicable laws, regulations and specifications.

VI. Parking Area paving shall be confined to the minimum area necessary to comply with the parking requirements of this Article.

V. Arrangement.

Any Plan submitted under this Article shall show the proposed arrangement of Parking accommodations, including access to such areas from the Thoroughfares, with Parking spaces to comply with the requirements of this Section 26-6.405.O.

viii. No Encroachment.

No required Parking accommodation shall be Encroached upon by Buildings, Structures, or Use.

ix. Rental of Parking Spaces.

No required Parking Spaces may be rented to any Person who is not the occupant of the premises.

x. Operation and Maintenance of Required Parking Accommodations.

Required Parking Accommodations must be available and maintained for such period as the Use or Structure exists that the facilities are designed to serve.

xi. Off-Street Parking or Storage of Tractor Trailers, Trucks, Vans and Pickups.

There shall be no off-street Parking or Outdoor Storage of any tractor trailer or part thereof, truck, van, pickup truck, or taxicab in any Zoning DIstrict, between the hours of 6:00 p.m. and 6:00 a.m. on weekdays, all day Saturdays, Sundays and holidays, except that:

I. two vans or pickup trucks having a manufacturer's certified gross vehicle weight of less than 6,600 pounds may be parked in the Third Lot Layer of each Lot so long as the same are kept and maintained by an occupant of the premises and have no display or Sign attached or exhibited; provided that upon request of any police officer, Judge or prosecutor or the Zoning Administrator, the vehicle owner must exhibit the most recent registration on said vehicle showing the weight to be less than the exempt weight; and

II. up to two taxicabs may be parked in the Third Lot Layer of a Lot so long as they are registered to an occupant or occupants of the residence.

This Section 26-6.405.O.1.h.xi shall not apply to vehicles making deliveries or to service or emergency vehicles while the operator is engaged in such activity on the site.

xii. Curb Cuts.

Except as otherwise expressly provided in this Article with respect to required numbers of Driveways, Lots in Districts shall be limited to one curb cut per Lot.

xiii Condition to Subdivision Approval

I. The parking requirements of this Section 26-6.405.O must be complied with before any subdivision may be approved, both for the subdivided Lot

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and for the Lot or Lots which remain the same.

II. In the event that any Lot is unable to comply with such requirements, a Variance may be granted only if alternate parking spaces are provided or if it shall be shown that no such alternate spaces are available, that the Lot otherwise complies with this Article and that no economic return can be realized without the grant of Variance, and that the Variance granted is the minimum necessary.

3) Where two Lots are in the same ownership and one of the Lots is undeveloped, those Lots shall be improved in a coordinated manner to provide parking required for both Lots.

2. Loading Space Requirement

a. Off-street loading spaces shall be provided in accordance with **Table 26-6.405.O-5 (Loading Space Requirement)** and shall be located in accordance with **Tables 26-6.405.A-1 – 26-6.405.A-10 (District Standards)** and **Table 26-6.405.B (Civic Zone Standards)**.

TABLE 26-6.405.O-5 (LOADING SPACE REQUIREMENTS)

Principal Use Category in District	# of Loading Space(s)	Size of Loading Space(s)
Institutional/Light Industrial	1	10'W x 50'L
Lodging/Office/ Retail / Personal Service / Craftsman	1	10' W x 25'L
Other	Not Regulated	Not Regulated

b. Off-street loading spaces shall be provided for each delivery bay, loading dock or delivery entrance shown on a Plan.

c. Availability.

Truck loading spaces shall be available at all times without conflict with any Plan or Improvement element.

d. No Encroachment.

No required loading space shall be Encroached upon by Buildings, Structures, Open Storage or any other Use.

3. Design Requirements for Truck Loading Facilities.

a. Loading Space Dimensions.

Off-street loading spaces shall conform to the requirements of Table 26-6.405.O-5 (Off-Street Loading Requirements)

b. Truck loading areas shall include Curbs, paving, drainage facilities and lighting in accordance with Town standards of this Article as well as any other applicable laws, regulations and specifications.

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4. Bicycle Parking Requirement

Off-street bicycle parking shall be provided in accordance with **Table 26-6.405.O-6 (Bicycle Parking Requirement)**. Bicycle rack design must be approved by the Planning DIrector.

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TABLE 26-6.405.O-6 BICYCLE PARKING REQUIREMENTS

Unless otherwise noted, bicycle parking shall be provided as specified below or at a rate of 1 bicycle space for each 5 vehicular parking spaces provided, whichever is greater. Any fractions round up. Required bicycle parking shall be provided in accordance with specifications and requirements on file with the Department of Planning & Community Development.

Use Type	
RESIDENTIAL / DWELLING USES:	
Single family dwellings	None required
Two family dwellings	None required
Rooming/Boarding	1 space per occupant
Multiple-Family	1 space per unit
LODGING USES:	
All uses	1 space per 10 guest rooms
EDUCATIONAL / INSTITUTIONAL / CIVIC USES:	
All uses	1 space per 5,000 sf gross floor area
MEDICAL USES:	
All uses	1 space per 10 examination or patient rooms
COMMERCIAL, RETAIL / PERSONAL SERVICE / CRAFTSMAN	
All uses	1 space per 2,000 sf gross floor area
OFFICE USES:	
All uses	1 space per 4,000 sf gross floor area
COMMUNICATION USES:	
All uses	None required
LIGHT INDUSTRIAL USES:	
All uses	1 space per 20,000 sf gross floor area or 1 per 10 vehicle parking spaces provided, whichever is greater
AGRICULTURAL USES	
All uses	None required
UTILITY USES:	
All uses	None required
PUBLIC OR PRIVATE PARKING:	
All uses	1 space per 10 vehicle parking spaces

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5. Trash Receptacle Requirement

Trash receptacles shall be provided for each Lot and shall be located in accordance with Section 26-6.405.O.6.

6. Parking, Loading, Driveway, Service, Storage, Drive-Through, Trash Receptacle/Dumpster, Equipment, & Other Items Locations & Standards

a. Provision; Location; Access; Design

i. Within each District, all Parking Areas, Parking Structures, and Garages within Lots shall be located as specified for the applicable Character District in **Tables 26-6.405.A-1 – 26-6.405.A-10 (District Standards)**.

ii. Within each Civic Zone, all Parking Areas, Parking Structures, and Garages within Lots shall be located as specified in **Table 26-6.405.B (Civic Zone Standards)**.

iii. Within each District, trash receptacle/dumpster and loading space shall be located and provided as specified for the applicable Character District in **Tables 26-6.405.A-1 – 26-6.405.A-10 (District Standards)**.

iv. Within each Civic Zone, trash receptacle/dumpster and loading space shall be located and provided as specified in **Table 26-6.405.B (Civic Zone Standards**).

All dumpsters and trash receptacles shall be enclosed as required in this Section 26-6.405.O.6 and **Tables 26-6.405.A-1 – 26-6.405.A-10 (District Standards)** and **Table 26-6.405.B (Civic Zone Standards)**. The enclosures should prevent trash from being scattered by wind or animals. Except for Single-Family Detached Dwellings and Two-Family Detached Dwellings, the dumpster or trash receptacle shall be placed on a concrete pad. The enclosure shall be kept closed at all times other than for servicing. Except for Single-Family Detached Dwellings and Two-Family Detached Dwellings, bollards or posts must be placed on the interior of the enclosure to protect the Walls from damage by the trash containers within.

v. Within each District, all outdoor loading, storage, service, drive-through, heating, ventilation and air-conditioning equipment, utility service meters (not including water meters) and equipment, mechanical equipment, antennas and satellite equipment, communications transmitting and receiving equipment, solar panels, recreation, play, and swimming pool, hot tub and spa locations shall be as specified for the applicable District, as required in **Tables 26-6.405.A-1 – 26-6.405.A-10 (District Standards)**.

vi. Within each Civic Zone, all outdoor loading, storage, service, drive-through, trash receptacle, heating, ventilation and air-conditioning equipment, utility service meters (not including water meters) and equipment, mechanical equipment, antennas and satellite equipment, solar panels, recreation, play, and swimming pool, hot tub and spa locations shall be as specified in **Table 26-6.405.B (Civic Zone Standards)**.

vii. In all Districts and Civic Zones, vehicular access to Parking Areas, Garages, and Parking Lots shall not be in conflict with

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general vehicular movement serving the site. Ingress and egress points shall be at Curb cuts approved by the Public Works Director.

viii. In all Districts and Civic Zones, Parking, loading, service, storage, trash receptacle/dumpster, and any drive-through locations shall be accessed by Rear Alleys, when such are available on the Zoning Map or otherwise available.

ix. In all Districts and Civic Zones, vehicular entrances and exits shall be designed to be easily identifiable by drivers and pedestrians. Any signage shall be simple, clear, and concise. Any gates, arms, or booths shall be set back at least twenty feet (20') from the Frontage.

x. In all Districts and Civic Zones, Parking Lots shall be designed in accordance with Section 26-6.405.O.1.h and other applicable provisions of this Division 4.

xi. Whenever off-street Parking is provided, it shall be located, laid out, constructed and maintained in accordance with the minimum requirements set forth in **Table 26-6.405.O-3 (Off-Street Vehicular Parking Space Dimensions)**, except as they may be modified by handicap parking regulations found in I.C. 5-16-9.

xii. Off-street Parking accommodations shall include spaces for the handicapped in accordance with the provisions of I.C. 5-16-9.

xiii. Off-street Parking accommodations other than those in Districts CD-3, CD-3.R1, CD-3.R2, CD-3.R3, and CD-4. R4 shall provide adequate access so that backing directly onto a Thoroughfare is unnecessary.

xiv. All maneuvering lanes for off-street Parking accommodations must be wide enough to permit at least one-way traffic movement.

xv. A clearly defined and marked Driveway shall be provided for off-street parking accommodations in all Zoning Districts.

xvi. Entrances and exits for off-street Parking accommodations in all Zoning Districts other than Districts CD-3, CD-3.R1. CD-3.R2, and CD-4.R4, shall be at least forty feet (40') from a Thoroughfare right-of-way at an intersection.

xvii. Off-street Parking accommodations shall be surfaced in accordance with specifications approved by the Director of Public Works. The surfacing must be completed within one (1) year of the date the Building Permit is issued. Off-street parking accommodations must be designed, graded, and constructed in accordance with specifications approved by the Director of Public Works, such that surface water does not drain onto adjoining property, toward a Building or into the Thoroughfare right-of-way. Except those in Districts CD-3, CD-3.R1, CD-3.R2, CD-3.R3, and CD-4. R4, off-street Parking accommodations shall be arranged and legibly marked to provide for orderly and safe loading and unloading, parking and storage of vehicles.

xviii. Off-street Parking Areas and Parking Lots shall be Screened in accordance with Section 26-6.405.N.

xix. Parking Structures shall be Screened

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from view of any Frontage by one or more Liner Buildings as set forth in **Table 26-6.405.A-1 – 26-6.405.A-10 (District Standards)**. Such Liner Buildings shall be the same or greater height as the associated Parking Structure that they Screen.

xx. Lighting illuminating off-street Parking accommodations in all Districts and Civic Zones other than Districts CD-3, CD-3.R1, CD-3.R2, CD-3.R3, and CD-4.R4 shall be installed within and directed only onto the applicable Parking Area, Parking Lot, Garage, or Parking Structure.

xxi. Except in Districts CD-3, CD-3.R1, CD-3.R2, CD-3.R3, and CD-4.R4 , cross access Easements shall be provided between all contiguous Parking Areas and Parking Lots except where such areas and lots are accessed from a Rear Alley.

xxii. In all Districts, Driveways at Frontages shall be no wider in the First Lot Layer than the width specified for the applicable District in **Table 26-6.405.A-1 – 26-6.405.A-10 (District Standards)**.

xxiii. In all Districts, pedestrian exits from all Parking Lots, Parking Areas, Garages, and Parking Structures shall conform to **Table 26-6.405.A-1 – 26-6.405.A-10 (District Standards)**, except for underground Parking accommodations.

P. Private Lot Landscape Standards

1. General.

a. In all Districts, Lots shall be landscaped in accordance with **Table 26-6.405.A-1 – 26-6.405.A-10 (District Standards)** and this Section 26-6.405.P.

b. In Civic Zones, Lots shall be landscaped in accordance with **Table 26-6.405.B (Civic Zone Standards)** and this Section 26-6.405.P. Additionally, Civic Spaces shall be designed as set forth in **Table 26-6.504.B-2 (Civic Space -Specific Standards)**.

c. Without limitation to any other provisions of this Section 26-6.405.P, all Screen, Streetscreen, and Buffer standards and requirements of this Article must be met.

d. Without limitation, all bare or exposed ground on a Lot and/or in a landscaped area shall be covered with live plant materials and/or mulch, with the following exceptions:

i. Naturally occurring creek beds, rock outcroppings or similar landscape features typically lacking in vegetation.

ii. Agricultural fields seasonally tilled for cultivation.

iii. Hiking trails and/or traces.

iv. Clay or sand surfaces associated with recreation fields and facilities.

2. Maintenance of Landscaping.

a. All landscaping shall be properly maintained.

b. Without limitation to Section 26-6.405.P.2.a, a maintenance bond lasting one year must be provided for all plantings required in Districts CD-4.A, CD-4.B and CD-5, and Civic Zones under this Section 26-6.405.P.

3. Removal of Walls or Trees.

Existing Walls or trees within thirty feet (30') of any Thoroughfare line or fifty feet (50') of a CD-3, CD-3.R1, CD-3.R2, CD-3.R3, or CD-4.R4 District boundary, which have a diameter of eight inches (8") or more as measured three feet (3') from the base of the trunk, shall not be removed except with the approval of the Plan Commission.

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4. Plant Material Standards and Sizes.

a. Except as otherwise required by Section 26-6.405.P.4.h and Section 26-6.405.P.4.g, all required plant materials shall meet with the minimum container size, class and other requirements outlined in American Standards for Nursery Stock (ANSI Z60.1-2004) published by the American Nursery and Landscape Association (ANLA) or other local Nursery Association Standards.

b. In required landscaped areas, at least 25% of the area shall be covered with non-deciduous shrubs, trees or ground cover.

c. All plantings shall be appropriate for the environmental conditions of their location.

d. Any planting materials required for screening shall be evergreen and have an opacity of at least 90% from the ground through the full height of the plant.

e. Plantings shall not conflict at installation or maturity with any other required Building and Lot elements or other plantings.

f. Ground vegetation or Shrub plantings with spines, thorns or needles that may present hazards to pedestrians, bicyclists or vehicles are prohibited in the first two feet (2') of the First Lot Layer.

g. At installation, Trees shall be a minimum two and a half inches (2.5") in caliper measured three feet (3') from the base of the trunk.

h. At installation, Shrubs shall be a three (3) gallon container minimum.

5. Placement of Trees and Shrubs.

Proposed trees and shrubs shall be placed minimally eighteen (18") from any Sidewalk or pavement edge, measured from the center of the plant.

6. Artificial Plants / Turf.

Artificial plants or artificial turf are prohibited except on active recreation fields that are typically subject to intense use and soil compaction that prohibit the establishment of turf grass, and where paving or grass paving systems will not suffice given the purpose and level of use of the area.

7. Establishment.

All required landscape areas shall be watered and fertilized as necessary to ensure establishment within the first planted year in accordance with best landscape practices.

8. Screens.

Screens shall be provided in accordance with Section 26-6.405.N.

9. Mitigation of Wind Erosion.

Wind erosion shall be mitigated and controlled through dust abatement and similar practices during the period of site work and construction.

10. Compacted Soils.

Landscape soils that have been compacted during construction activities shall be loosened and aerated to a depth of at least six inches (6") before planting.

11. Condition of Plants.

Plants shall have normal, well-developed branches and vigorous root systems.

12. Maintenance.

Any planting(s) required under this Section

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26-6.405.P, which are significantly damaged, removed, infested, disease ridden, or dead shall be replaced within one (1) year or by the next planting season, whichever occurs first.

13. Planted Trees.

Any planted Trees shall be of the Tree Shape indicated for the applicable District or Civic Zone on **Table 26-6.502.F (Public Planting)**.

14. Paving.

The First Lot Layer shall not be paved, except for the following:

a. Driveways;

b. Sidewalks;

c. Terraces/Lightwells;

d. Dooryards; and

e. Pavement matching the adjoining Public Frontage in Character District CD-5 where the Building is set back no more than five feet (5') from the Front Lot Line.

15. Trees Required.

Trees shall be provided in accordance with **Table 26-6.405.A-1 – 26-6.405.A-10 (District Standards)** and **Table 26-6.405.B Civic Zone Standards) ,** as applicable.

16. Lawns.

Lawns are allowed.

17. Minimum Landscaped Area.

The minimum required landscaped area shall be as provided in **Table 26-6.405.A-1 – 26-6.405.A-10 (District Standards)** and **Table 26-6.405.B Civic Zone Standards)**, as applicable.

18. Preservation of Existing Trees & Vegetation.

Preservation of on-site existing Trees and vegetation is encouraged and may be used to fulfill the landscape requirements.

19. Preservation of Root Zones.

The root zones of existing Trees and vegetation to be preserved shall be preserved and protected from clearing or construction activities and shall be enclosed by a temporary protective fence.

20. No Noxious or Invasive Species.

No plant species identified in any prohibited plant list developed by the Zoning Administrator shall be installed and all plants of such species shall be removed.

21. Existing Vegetation.

The size and limits of existing vegetation shall be indicated on the Landscape Plan portion of the Building and Lot Plan.

22. Significant Trees.

Priority shall be given to preserving and protecting significant Trees that provide screening, buffering, wildlife habitat and/or linkages to wildlife habitat.

Trees of ten inches (10") DBH or greater that are removed for development shall be replaced based on the following:

a. 1:1 replacement ratio for removed Trees between 10" DBH and less than 16-inch DBH;

b. 2:1 replacement ratio for removed Trees between 16" DBH and less than 24" DBH;

c. 3:1 replacement ratio for removed Trees between 24" DBH and less than 30" DBH;

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and

d. 4:1 replacement ratio for removed Trees 30" DBH and over.

23. Open Space & Civic Space.

Open Spaces and Civic Space shall remain fenced and protected during all abutting site work and construction activities unless alterations to them are otherwise specified by the plans.

24. Amendment of Topsoil.

The topsoil within the limits of disturbance of a construction site shall be amended with organic soil additives as recommended by a landscape soils test prior to being redistributed in accordance with best landscape practices.

25. Parking Areas / Parking Lots.

Parking Areas and Parking Lots shall conform to the landscaping requirements of Section 26-6.405.O.

All Landscaping required pursuant to Section 26-6.405.O near the paved portion of any Parking Area, Parking Lot, Loading Area, Driveway or Thoroughfare shall be located in a manner to protect the vegetation from vehicular damage. Without limiting the foregoing, all Trees within Tree islands or along the perimeter of the Parking Area or Parking Lot shall be separated from Parking Area or Parking Lot paved surfaces by at least three (3') feet.

Q. Private Lighting Standards.

The following standards and requirements are applicable within all Districts and Civic Zones, except as otherwise noted:

1. Areas to be Lighted.

Except in Districts CD-3, CD-3.R1, CD-3.R2, CD-3.R3, and CD-4.R4, SD-M, and SD-PUD, all Parking Areas, Parking Lots, Parking Structures, and accessways within the Lot shall be lighted.

2. Lighting Standards or Poles.

a. Lighting standards shall comply with **Table 26-6.405.Q-1 (Private Lighting Types)**.

b. A lighting standard shall be of a height and design consistent with the surrounding area Buildings but in no event higher than twenty feet (20').

c. Standards shall be located at distances of four times their height.

3. Illumination.

a. A minimum of one foot-candle (1.0 fc) of illumination shall be provided throughout Parking Areas, Parking Lots, and Parking Structures.

b. Illumination at all Lot Lines shall meet the standard of **Table 26-6.405.Q-2 (Private Lighting Standards)**.

TABLE 26-6.405.Q-2 (PRIVATE LIGHTING STANDARDS)

District	Min/Max Lighting Level at Property and Frontage Lines (in foot-candles)
CD-3, CD-3.R1, CD-3.R2, CD-3.R3	0 fc @ property line Adjacent to CD-3, CD-3.R1, CD-3.R2, CD-3.R3 Otherwise, 0-1.0 fc
CD-4.R4, CD-4.A & CD-4.B, CD-5 & SD-M	0 fc @ property line Adjacent to CD-3, CD-3.R1, CD-3.R2, CD-3.R3 Otherwise, 1.0-2.0 fc
SD-PUD	Per PUD Approved Standards

c. Color temperature of lighting shall not exceed 3000K.

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4. Lighting Fixtures.

Lighting fixtures must be full cut off or fully shielded and directed down.

5. Building Spotlights Not Allowed.

Spotlights installed on Buildings shall not be used to meet the lighting requirements of this Article.

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TABLE 26-6.26-6.405.Q-1 PRIVATE LIGHTING TYPES

LIGHTING TYPE	CD-3	CD-3 R.1	CD-3 R2	CD-3 R3	CD-4. R4	CD-4.A, CD-4.B	CD-5	SD-M	SD-PUD	CZ
HEAD/LUMINAIRE TYPES										
Cobra Head	NP	NR	NR	NR	NR	NP	NP	NR	*	NP
Off-Road Head	NP	NR	NR	NR	NR	NP	NP	NR	*	NP
Colonial Head	P	NR	NR	NR	NR	P	P	NR	*	P
Coach Head	P	NR	NR	NR	NR	P	P	NR	*	P
Acorn Head	P	NR	NR	NR	NR	P	P	NR	*	P

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LEGEND The following notations are utilized in this table.	P	Permitted	NP	Not Permitted
	NR	Not Regulated	*	Per PUD Approved Standards

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TABLE 26-6.26-6.405.Q-1 PRIVATE LIGHTING TYPES

LIGHTING TYPE	CD-3	CD-3. R1	CD-3. R2	CD-3. R3	CD-4. R4	CD-4.A, CD-4.B	CD-5	SD-M	SD-PUD	CZ
STANDARD/POLE TYPES										
Fiberglass Pole	P	NR	NR	NR	NR	P	P	NR	*	P
Aluminum Pole	P	NR	NR	NR	NR	P	P	NR	*	P
Octagonal Concrete Pole	P	NR	NR	NR	NR	P	P	NR	*	P
Fluted Concrete Pole	P	NR	NR	NR	NR	P	P	NR	*	P

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LEGEND The following notations are utilized in this table.	P	Permitted	NP	Not Permitted
	NR	Not Regulated	*	Per PUD Approved Standards

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R. Signage.

All signage must comply with the standards and requirements of Division 7 (Sign Standards).

S. Streetscape Repairs, Replacements & Improvements

1. Applicability.

This Section 26-6.405.S shall apply within all Districts and Civic Zones, but shall not apply to any Building or Lot within a Development Parcel for which Thoroughfares are to be provided or modified in accordance with Division 5.

2. Streetscape Repairs, Replacements & Improvements.

Prior to the issuance of any Certificate of Occupancy for a Building or Improvement, the following Streetscape improvements, repairs, or replacements shall be provided by the Lot Owner with respect to each Building or Improvement and the Streetscape that Enfronts the applicable Lot:

a. Any walkway, planter well or planter strip, street light or curb that exists in the Public Frontage or Thoroughfare Adjacent to the applicable Lot prior to commencement of construction of such Building or Improvement and which is damaged during such construction shall be repaired so that it is in at least as good condition as it was in prior to such damage or shall be replaced.

b. If the Public Frontage Adjacent to the applicable Lot does not include a Sidewalk, Thoroughfare Trees, or street lights, any such absent element that would have been required pursuant to Section 26-6.502 if the Building or Lot were within a Development Parcel shall be provided by the Lot Owner in accordance with the following standards and requirements

i. If there is no Sidewalk, a Sidewalk shall be constructed along the entire Front Lot Line, which Sidewalk shall match any existing Sidewalk Enfronting an Adjacent Lot or if there is none, shall conform to the Thoroughfare standards for the applicable District or Civic Zone, as set forth in Section 26-6.502, as if such Thoroughfare standards were applicable.

ii. If there is no planter strip or plant well, planting accommodations shall be constructed along the entire Front Lot Line which planting accommodations shall match any existing planter strip or plant well Enfronting an Adjacent Lot, or if there is none, shall conform to Thoroughfare standards for the applicable District or Civic Zone, as set forth in Section 26-6.502 as if such Thoroughfare standards were applicable.

iii. If there is no Thoroughfare Tree within the Frontage Adjacent to the Lot, one or more Thoroughfare Trees shall be installed along the Front Lot Line, which Trees shall meet the tree shape, spacing, and size standards for the applicable District or Civic Zone as set forth in Section 26-6.502, as if such standards were applicable.

c. If there is not sufficient public right-of-way area for all or any of the required Streetscape repairs, replacements, or improvements as set forth in this Section 26-6.405.S, such element or elements shall be provided within the Lot Adjacent to the public right-of-way and the property owner shall grant a perpetual non-exclusive easement for

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public use of such elements.

d. Each Streetscape repair, replacement or Improvement made pursuant to this Section 26-6.405.S must comply with the rules, regulations, and requirements of the Town Planning Department and Public Works Department that are applicable and in effect from time to time in respect of such element, so that it qualifies, or would qualify if within the public right-of-way, for dedication to the Town.

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DIVISION 5: DEVELOPMENT PARCEL PLANS & STANDARDS

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298 SECTION 26-6.506 CHARACTER DISTRICTS
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SECTION 26-6.501 DEVELOPMENT PARCEL STANDARDS

A. Definition of Development Parcel.

Development Parcel is defined in Division 9.

B. Development Parcel Plans.

1. When Development Parcel Plan Required.

Except for changes to Nonconforming Uses, Buildings, Structures, Improvements, Lots and Signs that may be made without loss of the legal status thereof pursuant to Section 26.6.122, none of the following shall occur except pursuant to and in compliance with a Development Parcel Plan that has been prepared, submitted and certified in accordance with this Division and Division 8 and all standards and requirements applicable thereto:

a. filing, issuing, applying for, certifying, or approving any subdivision application or plat, Building Permit, Building and Lot Plan, or Site Plan, relating to, or subdividing, re-subdividing, commencing construction on, or developing or improving any part of a Development Parcel; or

b. approving any Zoning Map or Zoning Map amendment other than one prepared by or on behalf of the Town.

2. Preparation and Requirements.

Each Development Parcel Plan shall be prepared in accordance with Section 26-6.501.B.5 below and shall conform to the requirements of Section 26-6.501.B.6 and other provisions hereof.

3. Plan Submission.

a. If a Development Parcel Plan is required by virtue of Section 26-6.501.B.1.a, such Development Parcel Plan shall be submitted for review and Certification of Compliance by the Zoning Administrator prior to taking any of the actions described in Section 26-6.501.B.1.a.

b. If a Development Parcel Plan is required by virtue of Section 26-6.501.B.1.b, such Development Parcel Plan shall be submitted as part of the applicable application for approval of the Zoning Map or Zoning Map amendment pursuant to Section 26-6.118.B.

4. Action on Plan.

An application for review and Certification of Compliance with respect to a Development Parcel Plan shall be processed and acted upon in accordance with Section 26-6.118.D and Section 26-6.804.F.

5. Preparation.

Each Development Parcel Plan required to be submitted under this Article shall be prepared and submitted by or on behalf of the Owner of the applicable property.

6. Plan Requirements.

Each Development Parcel Plan submitted under this Article shall include the standards and requirements for the Development Parcel Plan area and one or more maps reflecting each of the items listed in Section 26-6.804.F, all in compliance with this Chapter and the standards and requirements of the applicable Character District, Civic Zone, or Special District in which the land covered by such Development Parcel Plan is situated, as determined by:

a. the applicable Zoning Map then in effect if such Development Parcel Plan is not being submitted as part of an application for Zoning Map Amendment; or

b. the proposed Zoning Map or Zoning Map

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amendment if such Development Parcel Plan is being submitted as part of an application for a Zoning Map amendment.

7. Items Required on/with Development Parcel Plan.

The items and information required by Section 26-6.804.F shall be shown on or included with each Development Parcel Plan, each in compliance with this Article and, as applicable under Section 26-6.501.B.6 above, the existing or proposed Zoning Map.

8. Pedestrian Sheds.

Any proposed Development Parcel Plan shall be based upon one or several proposed or existing Standard or Linear Pedestrian Sheds, as applicable, located according to existing conditions, such as traffic intersections, Adjacent Development, and natural features. Each Pedestrian Shed shall have a Common Destination near its center. *See* **Illustrations 26-6.501.B.8-1 (Standard Pedestrian Shed)** and **26-6.501.B.8-2 (Linear Pedestrian Shed)**. The Development Parcel Plan site may be smaller or larger than the Pedestrian Shed within which it is situated.

ILLUSTRATION 26-6.501.B.8-1 STANDARD PEDESTRIAN SHED

ILLUSTRATION 26-6.501.B.8-2 LINEAR PEDESTRIAN SHED

9. Civic Zones.

Civic Zones shall be assigned according to and as required by Sections 26-6.504.A.1 and 26-6.307.E.

10. Character Districts.

Character Districts shall be assigned according to and as required by Section 26-6.307.A, Section 26-6.307.B and Section 26-6.307.D.

11. Special Districts.

Special Districts, if any, shall be assigned according to Section 26-6.307.F.

12. Thoroughfare Network.

The Thoroughfare network shall be laid out according to Section 26-6.502.

13. District Density.

District Density, if applicable, shall be calculated and shall conform to Section 26-6.505.

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SECTION 26-6.502 THOROUGHFARES

A. General.

Thoroughfares shall be comprised generally of Vehicular Parking Lanes, Vehicular Travel Lanes, any Bicycle Accommodations, and the Public Frontage, which is comprised of the Sidewalks, tree planting area, Thoroughfare trees, and street lights.

B. Thoroughfare Standards.

Any Thoroughfares within or Adjacent to a Development Parcel on a Development Parcel Plan shall comply with the following standards:

1. Access.

Thoroughfares shall provide for vehicular and non-vehicular traffic and provide access to Lots and Open Spaces.

2. Components.

Thoroughfares shall consist of Vehicular Lanes, any Bicycle Accommodations and Public Frontages.

3. Thoroughfares in Multiple Districts / Civic Zones.

The Public Frontages of Thoroughfares that pass from one District or Civic Zone to another shall be adjusted accordingly or, alternatively, the District may follow the alignment of the Thoroughfare to the depth of one Lot, retaining a single Public Frontage throughout its trajectory.

4. Block Perimeter.

Thoroughfares shall be designed to define Blocks not exceeding any applicable perimeter size prescribed in **Table 26-6.503. (Block Perimeter Standards)**, measured as the sum of Lot Frontage Lines, subject to adjustment by Waiver of the Zoning Administrator at the edge of a Development Parcel.

5. Network / Connections.

Thoroughfares shall terminate at other Thoroughfares, forming a network, with internal Thoroughfares connecting wherever possible to those on Adjacent sites and culs-de-sac not being allowed unless approved by Waiver of the Zoning Administrator to accommodate specific site conditions.

6. Thoroughfare Types.

Each Thoroughfare shall be one of the types described in **Table 26-6.502.B-1 (Thoroughfare Types – Summary)** for the applicable District or the District Adjacent to a Civic Zone.

7. Thoroughfare Assemblies & Standards.

Thoroughfares within Districts and within Civic Zones Adjacent to Districts shall conform to the applicable Thoroughfare Standards for such Districts set forth in **Table 26-6.502.B-2 (Thoroughfare Assemblies and Standards)**. See **Illustration 26-6.502.B.3 (Turning Radius)**.

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TABLE 26–6.502.B–1 THOROUGHFARE TYPES – SUMMARY

Thoroughfare Type	Illustration	Permitted Districts
Rear Alley A vehicular way located to the rear of Lots, providing access to service areas, parking, and Accessory Buildings and containing utility easements. In CD–5, Rear Alleys should be paved from Building face to Building face, with drainage by inverted crown at the center or with roll Curbs at the edges.		CD–3 CD–4.A CD–4.B CD–5
Neighborhood Street A local urban Thoroughfare of low speed and capacity and having a Public Frontage with raised Curbs drained by inlets, Sidewalks separated from the Vehicular Lanes by individual or continuous Planters, and parking on one or both sides. The landscaping consists of Thoroughfare Trees aligned in a regularly spaced Allee.		CD–3 CD–4.A CD–4.B
Commercial Street A Thoroughfare type designed for moderate to high vehicular capacity and slow speed, traversing an urbanized area. The Public Frontage has raised Curbs drained by inlets and very wide Sidewalks along both sides, separated from the Vehicular Lanes by separate tree wells or planters with grates and parking on both sides. The landscaping consists of Trees aligned with regular spacing where possible, which clears the storefront entrances.		CD–4.A CD–4.B CD–5

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Thoroughfare Type (continued)	Illustration	Permitted Districts
Drive A Thoroughfare type with Building Frontages on one side and no or very sporadic Building Frontages on the other side. Frequently, a Drive is used along a boundary between an urbanized area and a natural condition along a waterfront or Park. The Public Frontage has raised Curbs drained by inlets and a wide Sidewalk or paved Path along one side, related to a greenway or waterfront. It is separated from the Vehicular Lanes by individual or continuous planters. The landscaping consists of Thoroughfare Trees aligned in a regularly spaced row.		CD–3 CD–4.A CD–4.B
2–Lane Avenue A Thoroughfare of moderate vehicular capacity and low to moderate speed, acting as a short distance connector between urban centers, and usually equipped with a landscaped median. Its Public Frontage has raised Curbs drained by inlets and wide Sidewalks separated from the Vehicular Lanes by a narrow continuous planter with parking on both sides. The landscaping consists of Trees aligned in a regularly spaced Allee.		CD–3 CD–4.A CD–4.B CD–5
4–Lane Avenue A Thoroughfare of high vehicular capacity and low to moderate speed, acting as a short distance connector between urban centers, and usually equipped with a landscaped median. Its Public Frontage has raised Curbs drained by inlets and wide Sidewalks separated from the Vehicular Lanes by a narrow continuous Planter with parking on both sides. The landscaping consists of Trees aligned in a regularly spaced Allee.		CD–4.A CD–4.B CD–5

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TABLE 26-6.502.B-2 THOROUGHFARE ASSEMBLIES AND STANDARDS
REAR ALLEY

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Permitted Districts CD-3 CD-4.A CD-4.B CD-5

Thoroughfare Type	Rear Lane	
Right of Way Width	24 ft max	A
Pavement Width	24 ft max	B
Movement	Slow Movement	
Assemblies		
Travel Lanes	N/A	
Travel Lane Width	N/A	
Parking Lanes	none	
Parking Lane Width	N/A	
Bikeway Type	N/A	
Walkway		
Walkway Type	none	
Walkway Width	N/A	

Planter		
Planter Type	none	
Planter Width	N/A	
Landscape Type	none	
Tree Species	N/A	
Curb		
Turning Radius	Not Regulated	
Curb Radius	None	C
Curb Type	None	
Lighting		
	Not Regulated	

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TABLE 26-6.502.B-2 THOROUGHFARE ASSEMBLIES AND STANDARDS
NEIGHBORHOOD STREET

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Permitted Districts CD-3 | CD-4.A | CD-4.B

Thoroughfare Type	Rear Lane	
Right of Way Width	54 – 76 ft	A
Pavement Width	28 ft – 36 ft	B
Movement	Slow	
Assemblies		
Travel Lanes	2 Lanes	
Travel Lane Width	10 ft	
Parking Lanes	Parallel, 1 or both sides	
Parking Lane Width	8 ft.	
Bikeway Type	Shared Use Lane, Buffered Bicycle Lane. See Table 26-6.502.D (Bikeway Types)*	

* Bikeways are optional. If bikeways are provided, right of way and pavement width may be increased by the aggregate width of bikeways, in accordance with Table 26-6.502.D (Bikeway Types).

Walkway		
Walkway Type	Sidewalk, both sides	F
Walkway Width	5 – 8 ft	

Planter		
Planter Type	Continuous Planter	
Planter Width	8 – 12 ft	
Landscape Type	Trees at 30 ft o.c. average; first tree shall be placed within 30 ft of Block corner.	
Tree Species	See Town Tree List	
Curb		
Turning Radius	25 ft min	
Curb Radius	10 –20 ft*, except where travel lane is adjacent to the curb, the maximum curb radius shall be 25 ft.	G
Curb Type	Raised Curb (Travel Lane may not include gutter, Parking Lane may)	

* Designated truck routes may have a curb radius larger than 20 feet if required by the Division of Public Works to accommodate the design vehicle for that route.

Lighting	
Lighting Placement	Lighting shall generally be placed midway between Thoroughfare Trees where possible.
In CD-3 and SDs	Not Regulated
In CD-4.A & 4.B	Within 20 ft of each block corner and at mid-block.
Lighting Type	Cobra head lighting not permitted

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TABLE 26-6.502.B-2 THOROUGHFARE ASSEMBLIES AND STANDARDS
COMMERCIAL STREET

Illustration is provided for illustrative purposes only.

ADOPTION DRAFT

Permitted Districts CD-4.A CD-4.B CD-5

Thoroughfare Type	Rear Lane	
Right of Way Width	60 – 76 ft	A
Pavement Width	36 ft	B
Movement	Slow	
Assemblies		
Travel Lanes	2 Lanes	
Travel Lane Width	10 ft	C
Parking Lanes	Parallel, 2 sides	D
Parking Lane Width	8 ft, marked	
Bikeway Type	Shared Use Lane, Buffered Bicycle Lane. Protected Bicycle Lane. See Table 26-6.502.D (Bikeway Types)*	

* Bikeways are optional. If bikeways are provided, right of way and pavement width may be increased by the aggregate width of bikeways, in accordance with Table 26-6.502.D (Bikeway Types).

Walkway		
Walkway Type	Sidewalk, both sides	F
Walkway Width	12 – 20 ft	

Planter		
Planter Type	Tree Well or Planter	E
Planter Width	4 – 6 ft	
Landscape Type	Trees at 30 ft o.c. average; first tree shall be placed within 30 ft of Block corner.	
Tree Species	See Town Tree List	
Curb		
Turning Radius	25 ft min	
Curb Radius	5 – 20 ft*, except where travel lane is adjacent to the curb, the maximum curb radius shall be 25 ft.	G
Curb Type	Raised Curb (Travel Lane may not include gutter, Parking Lane may)	

*Designated truck routes may have a curb radius larger than 20 feet if required by the Division of Public Works to accommodate the design vehicle for that route.

Lighting	
Lighting Placement	Lighting shall generally be placed midway between Thoroughfare Trees where possible.
In CD-3 and SDs	Not Regulated
In CD-4.A & 4.B	Within 20 ft of each block corner and at mid-block.
In CD-5	Within 20 ft of each block corner and at 50 ft min O.C.
Lighting Type	Cobra head lighting not permitted

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TABLE 26-6.502.B.2 THOROUGHFARE ASSEMBLIES AND STANDARDS
DRIVE

Illustration is provided for illustrative purposes only.

ADOPTION DRAFT

Permitted Districts CD-3 | CD-4.A | CD-4.B

Thoroughfare Type	Rear Lane	
Right of Way Width	50 – 72 ft	A
Pavement Width	18 28 ft	B
Movement	Slow	
Assemblies		
Travel Lanes	1 – 2 lanes	
Travel Lane Width	10 ft	C
Parking Lanes	Parallel, 1 side	D
Parking Lane Width	8 ft., unmarked	
Bikeway Type	Shared Use Lane, Buffered Bicycle Lane. See Table 26-6.502.D (Bikeway Types)*	

* Bikeways are optional. If bikeways are provided, right of way and pavement width may be increased by the aggregate width of bikeways, in accordance with Table 26-6.502.D (Bikeway Types).

Walkway		
Walkway Type	Sidewalk, both sides	F
Walkway Width	8 – 10 ft	

Planter		
Planter Type	Continuous Planter	E
Planter Width	8 – 12 ft	
Landscape Type	Trees at 30 ft o.c. average; first tree shall be placed within 30 ft of Block corner.	
Tree Species	See Town Tree List	
Curb		
Turning Radius	25 ft min	
Curb Radius	10 – 20 ft*, except where travel lane is adjacent to the curb, the maximum curb radius shall be 25 ft.	G
Curb Type	Raised Curb (Travel Lane may not include gutter, Parking Lane may)	

* Designated truck routes may have a curb radius larger than 20 feet if required by the Division of Public Works to accommodate the design vehicle for that route.

Lighting	
Lighting Placement	Lighting shall generally be placed midway between Thoroughfare Trees where possible.
In CD-3 and SDs	Not Regulated
In CD-4.A & 4.B	Within 20 ft of each block corner and at mid-block.
Lighting Type	Cobra head lighting not permitted

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TABLE 26-6.502.B-2 THOROUGHFARE ASSEMBLIES AND STANDARDS
2 LANE AVENUE

ADOPTION DRAFT

Permitted Districts CD-3 | CD-4.A | CD-4.B | CD-5

Thoroughfare Type	Rear Lane	
Right of Way Width	79 – 176 ft	A
Pavement Width	36 ft	B
Movement	Slow	
Assemblies		
Median Width	15 – 60 ft	C
Travel Lanes	2 Lanes	
Travel Lane Width	10 ft	
Parking Lanes	Parallel, 2 sides	E
Parking Lane Width	8 ft, marked	
Bikeway Type	Shared Use Lane, Buffered Bicycle Lane. Protected Bicycle Lane. See Table 26-6.502.D (Bikeway Types)*	F

* Bikeways are optional. If bikeways are provided, right of way and pavement width may be increased by the aggregate width of bikeways, in accordance with Table 26-6.502.D (Bikeway Types).

Walkway		
Walkway Type	Sidewalk, both sides	H
Walkway Width	6 – 20 ft	

Planter		
Planter Type	Continuous Planter	
Planter Width	8 – 20 ft	
Landscape Type	Trees at 30 ft o.c. average; first tree shall be placed within 30 ft of Block corner.	
Tree Species	See Town Tree List	
Curb		
Turning Radius	25 ft min	
Curb Radius	10 – 20 ft*, except where travel lane is adjacent to the curb, the maximum curb radius shall be 25 ft.	G
Curb Type	Raised Curb (Travel Lane may not include gutter, Parking Lane may)	

* Designated truck routes may have a curb radius larger than 20 feet if required by the Division of Public Works to accommodate the design vehicle for that route.

Lighting	
Lighting Placement	Lighting shall generally be placed midway between Thoroughfare Trees where possible.
In CD-3 and SDs	Not Regulated
In CD-4.A & 4.B	Within 20 ft of each block corner and at mid-block.
In CD-5	Within 20 ft of each block corner and at 50 ft min O.C.
Lighting Type	Cobra head lighting not permitted

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TABLE 26-6.502.B-2 THOROUGHFARE ASSEMBLIES AND STANDARDS
4 LANE AVENUE

Illustration is provided for illustrative purposes only.

ADOPTION DRAFT

Permitted Districts CD-4.A CD-4.B CD-5

Thoroughfare Type	Rear Lane	
Right of Way Width	99 196 ft	A
Pavement Width	56 ft	B
Movement	Slow	
Assemblies		
Median Width	15 – 60 ft	C
Travel Lanes	4 Lanes	
Travel Lane Width	10 ft	
Parking Lanes	Parallel, 2 sides	E
Parking Lane Width	8 ft, marked	
Bikeway Type	Shared Use Lane, Buffered Bicycle Lane. Protected Bicycle Lane. See Table 26-6.502.D (Bikeway Types)C*	F

* Bikeways are optional. If bikeways are provided, right of way and pavement width may be increased by the aggregate width of bikeways, in accordance with Table 26-6.502.D (Bikeway Types).

Walkway		
Walkway Type	Sidewalk, both sides	H
Walkway Width	6 – 20 ft	

Planter	
Planter Type	Continuous Planter
Planter Width	8 – 20 ft
Landscape Type	Trees at 30 ft o.c. average; first tree shall be placed within 30 ft of Block corner.
Tree Species	See Town Tree List

Curb		
Turning Radius	25 ft min	
Curb Radius	10 – 20 ft*, except where travel lane is adjacent to the curb, the maximum curb radius shall be 25 ft.	G
Curb Type	Raised Curb (Travel Lane may not include gutter, Parking Lane may)	

* Designated truck routes may have a curb radius larger than 20 feet if required by the Division of Public Works to accommodate the design vehicle for that route.

Lighting	
Lighting Placement	Lighting shall generally be placed midway between Thoroughfare Trees where possible.
In CD-3 & SDs	Not Regulated
In CD-4.A & 4.B	Within 20 ft of each block corner and at mid-block.
In CD-5	Within 20 ft of each block corner and at 50 ft min O.C.
Lighting Type	Cobra head lighting not permitted

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ILLUSTRATION 26–6.502.B–3 TURNING RADIUS

8. Sight Triangle.

At all Thoroughfare intersections, the visibility standard of Sector 26–6.405.C.7 must be met.

9. Finished Grade.

Intersections shall have a finished grade that conforms to the technical standards of the Town Public Works Department.

10. Connecting Driveways.

Where a Driveway connects to a collector or major Thoroughfare, it shall be designed to provide for a turnaround to avoid backing into the Thoroughfare.

C. Public Frontages.

1. Elements.

The Public Frontage shall include the Sidewalk, Curb, any planter, any bicycle accommodations, any Thoroughfare trees, and any street lights, allocated within and designed in accordance with this DIvision5, **Table 26–6.502.D (Bikeway Types), Table 26–6.502.B–1 (Thoroughfare Types Summary) and Table 26–6.502.B–2 (Thoroughfare Assemblies and Standards)**.

ADOPTION DRAFT

ILLUSTRATION 26–6.502.C–1 PUBLIC FRONTAGE

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2. Civic Zones

Within Civic Zones, the Public Frontage shall comply with the Public Frontage standards applicable to any Adjacent Character District, or if there is none, the closest Character District.

3. Plantings Provided by Owner.

a. Within the Public Frontage, public planting, if any is required or is to be provided, shall be provided by the property Owner in accordance with **Table 26-6.502.B-2 (Thoroughfare Assemblies and Standards)**, provided that the spacing may be adjusted by Waiver of the Zoning Administrator to accommodate specific site conditions. Tree species shall be selected from the Tree List maintained by the Town; provided that coniferous trees are not allowed within the public right of way.

4. Tree Height at Maturity.

The Public Frontage shall include Thoroughfare trees with shade canopies of a height that, at maturity, leaves clear at least one Story.

5. Plant Species.

Other than Thoroughfare trees prescribed by this Section 26-6.502.C, the introduced landscape shall consist primarily of durable native species and hybrids that are tolerant of soil compaction and require minimal irrigation, fertilization and maintenance.

6. Sidewalk Construction Standards.

Sidewalks meeting the technical standards of the Town Public Works Department and the standards and requirements set forth in **Table 26-6.502.B-2 (Thoroughfare Assemblies and Standards)** shall be required to insure pedestrian movement and safety.

7. Placement of Trees.

Thoroughfare trees, any other landscaping within the Public Frontage, and landscaping within Civic Zones and any Special Districts shall comply with the following standards:

a. The same shall be centered horizontally and placed minimally:

   i. Two (2) feet from walkways, curbs, and other impervious surfaces if planted in a tree well or continuous planter;

   ii. Three (3) feet from walkways, curbs, and other impervious surfaces if planted in a continuous Swale or uncontained area.

b. Five (5) feet from street lights, utility meters and service lines, fences, Walls and other ground level obstructions;

c. Six (6) feet from porch eaves, awnings and similar overhead obstructions associated with the ground level of Buildings; and

d. Eight (8) feet from balconies, verandas, Building eaves and cornices, and similar overhead obstructions associated with the upper stories of Buildings.

8. Tree Size – Installation.

At installation, trees shall be a minimum of two and a half inches (2.5″) in caliper.

9. Shrub Size.

At installation, Shrubs shall be a three (3) gallon container minimum and a height of 30 inches minimum. Shrubs shall be 18″ – 24″ minimum clear from any Sidewalk or pavement edge at the Lot Line.

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10. Bare / Exposed Ground.

All bare or exposed ground on the site and in landscaped areas shall be covered with live plant materials and/or mulch, with the following exceptions:

a. Naturally occurring creek beds, rock outcroppings or similar landscape features typically lacking in vegetation.

b. Agricultural fields seasonally tilled for cultivation.

c. Hiking trails and/or traces.

d. Clay or sand surfaces associated with recreation fields and facilities.

11. Artificial Plants / Turf.

Artificial plants and artificial turf are prohibited.

12. Irrigation.

All required landscape areas shall be irrigated by an automatic underground irrigation system. Where possible and practical, bubbler, drip irrigation, and soaker hose emitters shall be utilized. Each irrigation system shall be equipped with a meter, backflow preventer, rain sensor, and a suitable controller.

13. Temporary Spray Irrigation.

Temporary spray irrigation systems may be used to establish seeded areas for grass and groundcover and native drought-tolerant landscape.

14. Water Features.

Constructed water features such as fountains, streams and ponds that operate with water recirculation systems shall be designed to prevent seepage and leaks.

15. Minimum Requirements.

Except as otherwise required by Section 26-6.502.C.8 and 26-6.502.C.9, all plant materials shall meet with the minimum container size, class and other requirements outlined in American Standards for Nursery Stock (ANSI Z60.1-2004) published by the American Nursery and Landscape Association (ANLA) or other local Nursery Association Standards.

16. Prevention of Compaction.

The soil structure of planting strips shall be protected from compaction with a temporary construction fence. Standards of access, excavation, movement, storage and backfilling of soils in relation to the construction and maintenance of deep utilities and manholes shall be specified.

17. Mitigation of Wind Erosion.

Wind erosion shall be mitigated and controlled through dust abatement and similar practices during the period of site work and construction.

18. Compacted Soils.

Landscape soils that have been compacted during construction activities shall be loosened and aerated to a depth of at least six (6) inches before planting.

19. Condition of Plants.

Plants shall have normal, well-developed branches and vigorous root systems.

D. Bicycle Accommodations

1. Bicycle Parking.

Bicycle Parking shall be provided in accordance with Section 26-6.405.O.4.

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2. Bikeway Types.

Within Character Districts, a bicycle network comprised of the various allowed Bikeway Types indicated in **Table 26–6.502.D (Bikeway Types)** shall be provided throughout each Development Parcel.

3. Bicycle Accommodation Standards – Civic Zones.

Within Civic Zones, any bicycle accommodations shall comply with the standards applicable to any Adjacent Character District, or if not Adjacent to a Character District, the closest Character District.

4. Bicycle Accommodation Standards – Special Districts.

Within Special Districts, any bicycle accommodations shall comply with any applicable standards for the Special District.

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TABLE 26-6.502.D BIKEWAY TYPES

Bicycle Lane

Permitted Districts

CD-3 CD-4.A CD-4.B CD-5

Riding Surface Width	5 ft min
Buffer	None
Movement	With traffic
Intersection Detailing	Signalized, Peg-a-Track, colored, Bicycle Box
Bicycle Parking	Rack, bicycle shelter, bicycle station

Illustration is provided for illustrative purposes only.

ADOPTION DRAFT

Protected Bicycle Lane

Permitted Districts

CD-3 CD-4.A CD-4.B CD-5

Riding Surface Width	5 ft min
Buffer	3 ft min, painted buffer, curb, or planter strip
Movement	With traffic or dual direction
Intersection Detailing	Signalized, Peg-a-Track, colored, Bicycle Box
Bicycle Parking	Rack, bicycle shelter, bicycle station

Illustration is provided for illustrative purposes only.

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TABLE 26-6.502.D BIKEWAY TYPES

Buffered Bicycle Lane

Permitted Districts

CD-3 | CD-4.A | CD-4.B | CD-5

Riding Surface Width	5 ft min each way
Buffer	2 ft min, painted buffer
Movement	With traffic or Contra-flow (2 lanes on the same side of the street or 1 lane on each side)
Intersection Detailing	Signalized, Peg-a-Track, colored, Bicycle Box
Bicycle Parking	Rack, bicycle shelter, bicycle station

Illustration is provided for illustrative purposes only.

ADOPTION DRAFT

Shared Use Lane

Permitted Districts

CD-3 | CD-4.A | CD-4.B | CD-5

Riding Surface Width	Same as Vehicular Lane
Buffer	N/A
Movement	With Traffic
Intersection Detailing	Signed, signalized
Bicycle Parking	Opportunistic, rack, Bicycle Shelter

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TABLE 26-6.502.D BIKEWAY TYPES

Shared Use Path

Permitted Districts

CD-3 | CD-4.A | CD-4.B | CD-5

Riding Surface Width	10 ft min
Buffer	3 ft min, curb or planter strip
Movement	With traffic or dual direction
Intersection Detailing	Signed, signalized, Peg-a-Track
Bicycle Parking	Rack, bicycle shelter, bicycle station

Illustration is provided for illustrative purposes only.

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E. Public Lighting

Public Lighting must be provided within the Public Frontage of Thoroughfares in accordance with, **Table 26-6.502.B-1 (Thoroughfare Types – Summary), Table 26-6.502.B-2 (Thoroughfare Assemblies & Standards)**, and **Table 26-6.502.E (Public Lighting Types).**

ADOPTION DRAFT

TABLE 26-6.502.E (PUBLIC LIGHTING TYPES)

LIGHTING TYPE	CD-3	CD-3 R.1	CD-3 R2	CD-3 R3	CD-4. R4	CD-4.A, CD-4.B	CD-5	SD-M	SD-PUD	CZ
HEAD/LUMINAIRE TYPES										
Cobra Head	NP	NR	NR	NR	NR	NP	NP	NR	*	NP
Off-Road Head	NP	NR	NR	NR	NR	NP	NP	NR	*	NP
Colonial Head	P	NR	NR	NR	NR	P	P	NR	*	P
Coach Head	P	NR	NR	NR	NR	P	P	NR	*	P
Acorn Head	P	NR	NR	NR	NR	P	P	NR	*	P

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TABLE 26-6.502.E (PUBLIC LIGHTING TYPES)

LIGHTING TYPE	CD-3	CD-3. R1	CD-3. R2	CD-3. R3	CD-4. R4	CD-4.A, CD-4.B	CD-5	SD-M	SD-PUD	CZ
POLE/STANDARD TYPES										
Fiberglass Pole	P	NR	NR	NR	NR	P	P	NR	*	P
Aluminum Pole	P	NR	NR	NR	NR	P	P	NR	*	P
Octagonal Concrete Pole	P	NR	NR	NR	NR	P	P	NR	*	P
Fluted Concrete Pole	P	NR	NR	NR	NR	P	P	NR	*	P

ADOPTION DRAFT

LEGEND The following notations are utilized in this table.	P	Permitted	NP	Not Permitted
	NR	Not Regulated	*	Per PUD Approved Standards

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F. Public Planting

Public Planting shall be provided within Public Frontage of Thoroughfares in accordance with **Table 26-6.502.B-1 (Thoroughfare Types – Summary), Table 26-6.502.B-2 (Thoroughfare Assemblies & Standards)**, **Table 26-6.502 F (Public Planting)** and the Town Tree List.

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TABLE 26-6.502.F PUBLIC PLANTING

Tree Shape		CD-3	CD-3.R1, CD-3.R2, CD-3.R3	CD-4. R4	CD-4.A	CD-4.B	CD-5	Example Species
Columnar		*	*	*	*	*	*	See Town Tree List on File at Planning Department
Oval		P	NR	NR	P	P	P	See Town Tree List on File at Planning Department
Rounded / Ball		P	NR	NR	P	P	P	See Town Tree List on File at Planning Department
Conical / Pyramid		P	NR	NR	P	P	NR	See Town Tree List on File at Planning Department
Spreading / Umbrella		P	NR	NR	P	P	NR	See Town Tree List on File at Planning Department
Vase		P	NR	NR	P	P	NR	See Town Tree List on File at Planning Department

LEGEND The following notations are utilized in this table.	P	Permitted	NP	Not Regulated	*	Permitted if approved by Planning Director

ADOPTION DRAFT

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SECTION 26-6.503 BLOCK PERIMETER

Each Block shall conform to the applicable Block Perimeter Standards set forth in **Table 26-6.503 (Block Perimeter Standards)**.

TABLE 26-6.503 BLOCK PERIMETER STANDARDS

District	Max Perimeter
CD-3	2,400 ft max
CD-4.A, & CD-4.B	2,400 ft max
CD-3.R1, CD-3.R2, CD-3.R3, CD-4.R4, & SD-M	Not Regulated
SD-PUD	Not Regulated, unless included in standards of specific PUD
CD-5	2,000 ft max or 3,000 ft max if Parking Structure provided within the Block

SECTION 26-6.504 CIVIC ZONES

A. Civic Space Requirement; Civic Zone Designation.

1. Percentage of Civic Space.

Any Development Parcel Plan having an area of 40 gross acres or more, excluding any Special Districts, shall include at least 5% but not more than 20% of its gross acreage assigned as Civic Space(s). The Civic Space provided pursuant to this Section 26-6.504.A.1 shall be in addition to all Yard, Setback, Usable Open Space, and area required not to be covered, as set forth under Division 4 and Division 5.

2. Designation on Zoning Map.

Civic Zone(s) shall be designated on the applicable Zoning Map as Civic Space (CS) and / or Civic Building (CB). Civic Zones shall be assigned in accordance with Section 26-6.307.

3. Compliance with Civic Zone Standards.

All Lots, Development, Buildings, Structures and Improvements within Civic Zones shall comply with **Table 26-6.405.B (Civic Zone Standards)**.

B. Civic Spaces – Design.

Civic Spaces shall be designed as generally described in **Table 26-6.504.B-1 (Civic Space Types – Summary)** and **Table 26-6.504.B-2 (Civic Space – Specific Standards)** as indicated for the Adjacent Character District, or if not Adjacent to a Character District, for the closest Character District.

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TABLE 26-6.504.B-1 CIVIC SPACE TYPES – SUMMARY

Civic Space Type	Illustration	Permitted In / Adjacent to Character Districts
Park A natural area available for unstructured recreation. A Park may be independent of surrounding Building Frontages. Its landscape shall consist of Paths and trails, meadows, waterbodies, woodland and open shelters, all naturalistically disposed. Parks may be lineal, following the trajectories of natural corridors. The minimum size shall be 8 acres.		CD-3 CD-4.A CD-4.B
Green An Open Space, available for unstructured recreation. A Green may be spatially defined by landscaping rather than Building Frontages. Its landscape shall consist of lawn and Trees, naturalistically disposed. The minimum size shall be 1/2 acre and the maximum shall be 8 acres.		CD-3 CD-4.A CD-4.B CD-5
Square An Open Space available for unstructured recreation and Civic purposes. A Square is spatially defined by Building Frontages. Its landscape shall consist of Paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important Thoroughfares. The minimum size shall be 1/2 acre and the maximum shall be 5 acres.		CD-4.A CD-4.B CD-5
Plaza An Open Space available for Civic purposes. A Plaza shall be spatially defined by Building Frontages. Its landscape shall consist primarily of pavement. Trees are optional. Plazas shall be located at the intersection of important Thoroughfares. The minimum size shall be 1/2 acre and the maximum shall be 2 acres.		CD-4.A CD-4.B CD-5

ADOPTION DRAFT

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TABLE 26-6.504.B-2 CIVIC SPACE – SUMMARY

Civic Space Type (continued)	Illustration	Permitted In / Adjacent to Character Districts
Playground An Open Space designed and equipped for the recreation of children. A Playground may include an open shelter. Playgrounds shall be interspersed within Residential areas and may be placed within a Block. Playgrounds may be included within Parks and Greens. There shall be no minimum or maximum size.		CD-3 CD-4.A CD-4.B CD-5
Community Garden A grouping of garden plots available for small-scale cultivation, generally to residents without private gardens. Community gardens should be fenced and accommodate individual storage sheds. Running water is required. Community Gardens shall be interspersed within Residential areas and may be placed within a Block or included within Parks and Greens. There shall be no minimum or maximum size.		CD-3 CD-4.A CD-4.B
Sports Field A Civic Space that consists of one or more programmed athletic fields and associated facilities. A Sports Field may be spatially defined by landscaping rather than Building Frontages. Its landscape shall consist of Paths and trails, trees, and lawns or fields, formally or informally disposed.		CD-3 CD-4.A CD-4.B

ADOPTION DRAFT

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TABLE 26-6.504.B-2 CIVIC SPACE – SPECIFIC STANDARDS

Park

Permitted In/Adjacent To:

CD-3 | CD-4.A | CD-4.B

Intent

A natural area available for unstructured recreation. A Park may be independent of surrounding Building Frontages. Its landscape shall consist of Paths and trails, meadows, waterbodies, woodland and open shelters, all naturalistically disposed. Parks may be lineal, following the trajectories of natural corridors.

Specifications

Size	8 ac min.
Frontage	Not Regulated
Character	Natural

Typical Facilities

- Passive and active recreation
- Recreational and community facilities
- Playgrounds and play structures
- Paths and trails
- Accessory structures

Green

Permitted In/Adjacent To:

CD-3 | CD-4.A | CD-4.B | CD-5

Intent

An Open Space, available for unstructured recreation. A Green may be spatially defined by landscaping rather than Building Frontages. Its landscape shall consist of lawn and trees, naturalistically disposed.

Specifications

Size	1/2 ac min, 8 ac max
Frontage	Independent
Character	Informal

Typical Facilities

- Passive and active recreation
- Playgrounds and play structures
- Paths and trails
- Accessory structures

ADOPTION DRAFT

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TABLE 26-6.504.B-2 CIVIC SPACE – SPECIFIC STANDARDS

Square

Permitted In/Adjacent To:

CD-4.A | CD-4.B | CD-5

Intent

An Open Space available for unstructured recreation and Civic purposes. A Square is spatially defined by Building Frontages. Its landscape shall consist of Paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important Thoroughfares.

Specifications

Size	0.5 acres min. 5 acres max
Frontage	Buildings
Character	Formal

Typical Facilities

- Passive recreation
- Paths
- Accessory structures

Plaza

Permitted In/Adjacent To:

CD-4.A | CD-4.B | CD-5

Intent

An Open Space available for Civic purposes. A Plaza shall be spatially defined by Building Frontages. Its landscape shall consist primarily of pavement. Trees are optional. Plazas shall be located at the intersection of important Thoroughfares.

Specifications

Size	0.5 ac min. 2 acres max
Frontage	Buildings
Character	Formal

Typical Facilities

- Passive recreation
- Paths
- Accessory structures
- Water features

ADOPTION DRAFT

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TABLE 26-6.504.B-2 CIVIC SPACE – SPECIFIC STANDARDS

Playground

Permitted In/Adjacent To:

CD-3 | CD-4.A | CD-4.B | CD-5

Intent

An Open Space designed and equipped for the recreation of children. A Playground may include an open shelter. Playgrounds shall be interspersed within Residential areas and may be placed within a Block. Playgrounds may be included within Parks and Greens.

Specifications

Size	No min. No max
Frontage	Buildings
Character	Formal or Informal

Typical Facilities

- Active recreation
- Play structures
- Paths
- Water features

Community Garden

Permitted In/Adjacent To:

CD-3 | CD-4.A | CD-4.B | CD-5

Intent

A grouping of garden plots available for small-scale cultivation, generally to residents without private gardens. Community gardens should be fenced and accommodate individual storage sheds. Running water is required. Community Gardens shall be interspersed within Residential areas and may be placed within a Block or included within Parks and Greens.

Specifications

Size	No min. No max
Frontage	May be enfronted by Buildings or be located behind Buildings
Character	Formal

Typical Facilities

- Active recreation
- Garden plots
- Accessory structures
- Running water

ADOPTION DRAFT

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TABLE 26-6.504.B-2 CIVIC SPACE – SPECIFIC STANDARDS

Sports Field

Permitted In/Adjacent To:

CD-3 CD-4.A CD-4.B

ADOPTION DRAFT

Intent

A Civic Space that consists of one or more programmed athletic fields and associated facilities. A Sports Field may be spatially defined by landscaping rather than Building Frontages. Its landscape shall consist of Paths and trails, trees, and lawns or fields, formally or informally disposed.

Specifications

Size	Not Regulated
Frontage	Buildings or Landscape
Character	Formal

Typical Facilities

- Active recreation
- Recreational and community facilities
- Paths
- Accessory structures

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C. Civic Spaces Required.

Any Development Parcel Plan having an aggregate area of 80 gross acres or more, excluding any Special Districts, shall provide the following:

1. Main Civic Space.

Each Pedestrian Shed of which the area is a part shall contain at least one Main Civic Space of the Green, Square, or Plaza type conforming to **Table 26-6.504.B-1 (Civic Space Types – Summary)**, within 800 feet of the geographic center of such Pedestrian Shed, unless topographic conditions, pre-existing Thoroughfare alignments or other circumstances prevent such location;

2. Playground.

Within 800 feet of every Lot in Residential Use, a Civic Space designed and equipped as a Playground conforming to **Table 26-6.504.B-2 (Civic Spaces – Playground)**; and

3. Thoroughfare Enfrontment.

Each Civic Space shall have a minimum of 50% of its perimeter Enfronting a Thoroughfare, except for Playgrounds or Community Gardens.

D. Civic Spaces in or Adjacent to Special Districts.

Civic Space in addition to that permitted or required by this Section 26-6.504 may be permitted or required within Special Districts if approved by the Town Council.

E. Civic Building Standards.

Any Civic Building provided or required pursuant to this Article shall be located within or Adjacent to a Civic Space, or at the axial termination of a significant Thoroughfare.

F. Maintenance of Civic Buildings & Civic Space.

Civic Buildings and Civic Space shall be owned and maintained by a property owners' association unless specifically dedicated to and accepted by the Town. Any such property owner's association shall be organized under the laws of the State. The deed conveying a Civic Building or Civic Space to a property owners' association shall include covenants running with the land that permanently reserve it for Civic purposes and require the association to maintain and pay all expenses associated with such Civic Building or Civic Space.

SECTION 26-6.505 DISTRICT DENSITY

Any proposed Development Parcel having an aggregate area of 80 gross acres or more, excluding any Special Districts, shall require compliance with the following District Density provisions:

A. District Density Calculation.

1. Net Site Area

All developable area within a specific District covered by the Development Parcel Plan, including Thoroughfares but excluding Civic Zones, shall be considered the Net Site Area.

2. Density Units

Density shall be expressed in terms of Density Units per acre as specified for the area of each District by **Table 26-6.505.A.1 (District Density)**.

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TABLE 26-6.505.A.1 DISTRICT DENSITY

	Density Units / Net Site Area of District
CD-3	4 units per acre, gross, max
CD-3.R1	Not Regulated
CD-3.R2	Not Regulated
CD-3.R3	Not Regulated
CD-4.R4	Not Regulated
CD-4.A & CD-4.B	12 units per acre, gross, max
CD-5	96 units per acre, gross, max
SD-M	Not Regulated
SD-PUD	As provided in specific PUD standards

3. Density Equivalences

The quantities of the Principal Uses indicated on **Table 26-6.505.A.2 (Density Equivalences)** shall constitute the indicated number of Density Units or portion thereof.

TABLE 26-6.505.A.2 DENSITY EQUIVALENCES

The following quantities of Principal Uses are equivalent to the indicated number of Density Units

Category of Principal Use	Density Units / Net Site Area of District
1 Residential/Dwelling, each Dwelling Unit	1 Density Unit
1 Bed & Breakfast Dwelling	1 Density Unit plus .5 Density Units for each guest bedroom
1 Lodging Bedroom (Other - Bed & Breakfast)	.5 Density Unit
1500 sf. Educational/ Institutional/Civic/Civic Support	1 Density Unit
1500 sf. Retail/Personal Service/	1 Density Unit
1500 sf. Office	1 Density Unit
3000 sf. Light Industrial	1 Density Unit
1500 sf. Motor Vehicle/Boat	1 Density Unit
3000 sf. Utility	1 Density Unit
3000 sf. Recreation	1 Density Unit
Other (Any Amount)	0 Density Unit
Accessory Building/ Accessory Dwelling (Any Amount)	0 Density Unit
LEGEND	
sf. = Building square feet excluding Basements & Attics	

B. Maximum District Density.

The Maximum Density per District of a Development Parcel having in the aggregate an area of 80 gross acres or more, shall not exceed that set forth in **Table 26-6.505.A.1 (District Density)**.

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SECTION 26–6.506 CHARACTER DISTRICTS

A. Designation on Development Parcel Plan.

A Development Parcel Plan shall designate all Character Districts within it.

B. Assignment of Character Districts.

For Development Parcels having a gross acreage of 80 acres or more, excluding any Special Districts, Character Districts shall be assigned in accordance with Section 26–6.307.D.

SECTION 26–6.507 SPECIAL DISTRICTS

A. Purpose of Special Districts.

Special District designations are for areas which, by their intrinsic size, Use, or Configuration, cannot conform to the requirements of the applicable Character District(s).

B. Not to be Used to Avoid Compliance.

Special Districts shall not be used to avoid compliance with standards and requirements for Character Districts, and instead, shall be used sparingly.

C. Assignment of Special Districts.

Special Districts shall be assigned in accordance with Section 26–6.307.F.

SECTION 26–6.508 SPECIAL REQUIREMENTS

A Development Parcel Plan may designate any of the Special Requirements set forth in Section 26–6.202.B.

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DIVISION 6: SUPPLEMENTAL STANDARDS

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SECTION 26-6.601 GENERAL

The following standards and requirements must be complied with in addition to all other standards and requirements of this Article.

SECTION 26-6.602 SITE GRADING

A. Design.

1. Principal Objectives.

Grading design shall accomplish the following principal objectives:

a. Development of attractive, suitable and economical building sites.

b.. Provision of safe, convenient and functional access to all areas for use and maintenance.

c.. Disposal of surface runoff from the site area without erosion or sedimentation, or its collection as needed for water features, debris basins or irrigation storage.

d. Diversion of surface and subsurface flow away from Buildings and pavements to prevent undue saturation of the subgrade that could damage Structures and weaken pavements.

e. Preservation of the natural character of the site by minimum disturbance of existing ground forms and meeting of satisfactory ground levels at existing trees to be saved.

f. Optimum on-site balance of cut and fill; stockpiling for reuse of existing topsoil suitable for the establishment of ground cover or planting.

g. Avoidance of filled areas that will add to the depth or instability of Building foundations and pavement subgrades.

h. Avoidance of wavy profiles in streets and walks and of steps in walks.

i. Avoidance of earth banks requiring costly erosion control measures, except where these are needed in place of costly retaining Walls.

j. Keeping finished grades as high as practicable where rock will be encountered close to the surface, thus reducing the cost of utility trenching and other excavation and improving conditions for vegetation.

k. Avoidance of runoff water over, and ice formation on roadways.

B. Areas Adjacent to Buildings.

1. Unpaved Areas.

Unpaved areas Adjacent to Buildings shall be sloped to direct surface water and roof drainage, including snowmelt, away from Buildings at a minimum slope of six inches (6") in the first 10 feet (10') of horizontal distance and not across sidewalks.

2. Paved Areas.

Areas Adjacent to Buildings that are paved with Portland cement concrete shall have a slope of not less than 0.5% and bituminous pavements shall have a slope of not less than 1.5%.

C. Unoccupied Site Areas.

Portions of the site not occupied by Buildings or pavement shall have adequate continuous slopes to drain toward watercourses, drainage swales, roadways and the minimum necessary storm drainage inlets. Drainage swales or channels shall be sized and sloped to accommodate design runoff. The runoff should be carried under walkways in pipes with diameters of not less than eight inches (8") or of

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larger sizes if clogging by debris or grass cuttings is a problem. Swales should be used to intercept water at the top and bottom of banks where large areas are drained. To provide positive drainage, a slope of not less than 2% for turfed areas is usually desirable, but more permeable soils may have adequate drainage with a lesser slope. Turf banks, where required, should be graded to permit the use of gang mowers, provided that a maximum slope of one vertical to four horizontal and, if feasible, a slope of one vertical to four horizontal. The tops and bottoms of all slopes should be gently rounded in a transition curve for optimum appearance and ease of maintenance.

SECTION 26-6.603 SITE DRAINAGE

A. Drainage Design & Exposure to Flood Hazards.

1. Design Standard.

Drainage shall be designed to accommodate storm runoff, calculated on the basis of the ultimate foreseeable developed conditions of contributory site and off-site drainage areas.

2. Minimum Grades Elevations.

The minimum grades at Buildings and at openings shall be at elevations that will prevent adverse effects by water or water entering basements from flood levels equivalent to a fifty-year return frequency. The floor elevations of all habitable space shall be above flood levels equivalent to a one-hundred-year return frequency.

3. Routing of Runoff Water

Provisions shall be made for the best available routing of runoff water to assure that Buildings or other important facilities will not be endangered by a major emergency flood runoff that would become active if the capacity of the site's storm drainage system were exceeded.

4. Paved Area Runoff.

Paved areas shall be usable during runoff equivalent to a twenty-five (25) year return frequency. Thoroughfares shall be made passable for local commonly used emergency vehicles during runoff equivalent to a twenty-five-year return frequency except where an alternative access Thoroughfare not subject to such ponding is available.

5. Routing to Outfall.

Site drainage shall be routed to permanent surface or subsurface outfall adequate to dispose of present and future anticipated runoff from the site and from contributing off-site watershed areas.

6. Drainage Swale Capacity.

Drainage swales shall not carry runoff across walks in quantities that will make them undesirable to use. Walks shall not be designed as drainageways.

7. High Groundwater Table Areas.

Developed portions of a site that can be adversely affected by a potentially high groundwater table shall be drained where possible by subsurface drainage facilities adequate for the disposal of excess groundwater.

8. Stormwater Drainage Connection to Outfall.

Stormwater drainage shall be connected only to outfall approved by the Town Engineer.

9. Adequate Facilities Per SWPP.

Adequate erosion and sediment control and stormwater management facilities during construction as evidenced by a stormwater

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pollution prevention plan (SWPPP) provided pursuant Section 26-6.804.G.

10. Adequate Stormwater Control.

Adequate storm- and surface- water drainage facilities, which will properly drain the site while minimizing downstream flooding shall be provided for, as evidenced by a stormwater plans and calculations consistent with and meeting the performance and design criteria and the standards of Chapter VII: Stormwater Control of the Town of Munster Infrastructure Specifications.

B. Primary Storm Sewer.

The pipe size for the primary storm sewer system shall have an inside diameter based on design analysis for a twenty-five (25) year storm but not less than fifteen inches (15"). The minimum gradient shall be selected to provide for self-scouring of the conduit under low-flow conditions and for the removal of foreseeable sediments from the drainage area.

C. Secondary Drains.

Pipe drains of adequate size from minor runoff concentration points shall be provided and connected to appropriate disposal lines when analysis indicates that they are necessary.

D. Professional Design

Storm drainage systems must be designed by licensed professional engineers and plans must be sealed and signed by the engineers.

SECTION 26-6.604 SEWAGE SYSTEM

All connections to local collector and regional systems must be designed in accordance with state and local wastewater treatment standards. A licensed professional engineer must design the site collection system and obtain the approval of same from the Town Engineer and all applicable state and local authorities prior to Site Plan approval.

SECTION 26-6.605 UTILITIES

All utility systems, including electric, telephone, television cable, etc., must be placed underground. The design of these systems must be coordinated by the Applicant with the private utility entity responsible for their maintenance. Concurrence of the design indicated on the Site Plan must be obtained by the applicant prior to final approval.

SECTION 26-6.606 TRAFFIC CIRCULATION

The proposed Development shall not negatively impact the traffic conditions of the surrounding roadway system and shall organize vehicular and pedestrian ingress and egress in a well-defined system in order to avoid conflicts.

SECTION 26-6.607 FACILITIES FOR PERSONS WITH DISABILITIES

The proposed Development shall provide adequate facilities for the physically handicapped such as ramps, depressed curbs and reserved parking spaces in accordance with the Americans with Disabilities Act.

SECTION 26-6.608 PRESERVATION OF NATURAL FEATURES

The proposed Development shall preserve the natural features of the site, such as wetlands, unique wildlife habitats, historic Structures, major trees and scenic views both from and into the site.

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SECTION 26-6.609 AREAS OF SPECIAL FLOOD HAZARD

A. General

1. Definitions.

Unless specifically defined below, words or phrases used in this Section 26-6.609 shall be interpreted so as to give them the meaning they have in common usage and to give this division its most reasonable application.

A zone means portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR and Zone A99 on a FIRM. The definitions are presented below:

Zone A: Areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown.

Zone AE and A1-A30: Areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. (Zone AE is on new and revised maps in place of Zones A1-A30.)

Zone AO: Areas subject to inundation by one-percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.

Zone AH: Areas subject to inundation by one-percent annual chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.

Zone AR: Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection.

Zone A99: Areas subject to inundation by the one-percent annual chance flood event, but which will ultimately be protected upon completion of an under-construction federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown.

Accessory structure (appurtenant structure) means a structure with a floor area 400 square feet or less that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

Addition (to an existing structure) means any walled and roofed expansion to the perimeter of a structure in which the addition is connected

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by a common load-bearing Wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing Walls, is new construction.

Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this division.

Area of shallow flooding means a designated AO or AH Zone on the community's flood insurance rate map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base flood means the flood having a one-percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE) means the elevation of the one-percent annual chance flood.

Basement means that portion of a structure having its floor sub-grade (below ground level) on all sides.

Boundary river means the part of the Ohio River that forms the boundary between Kentucky and Indiana.

Boundary river floodway means the floodway of a boundary river.

Building. See "Structure."

Community means a political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

Community rating system (CRS) means a program developed by the Federal Insurance Administration to provide incentives for those communities in the regular program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

Critical facility means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

D Zone means unstudied areas where flood hazards are undetermined, but flooding is possible. Flood insurance is available in participating communities but is not required by regulation in this zone.

Development means any man-made change to improved or unimproved real estate including but not limited to:

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

b. Installing a manufactured home on a site, preparing a site for a manufactured home or installing a recreational vehicle on a site for more than 180 days;

c. Installing utilities, erection of Walls and fences, construction of roads, or similar projects;

d. Construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;

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e. Mining, dredging, filling, grading, excavation, or drilling operations;

f. Construction and/or reconstruction of bridges or culverts;

g. Storage of materials; or

h. Any other activity that might change the direction, height, or velocity of flood or surface waters.

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

Elevated structure means a non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter Walls, filled stem Wall foundations (also called chain Walls), pilings, or columns (posts and piers).

Elevation certificate is a certified statement that verifies a structure's elevation information.

Emergency program means the first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

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

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

FEMA means the Federal Emergency Management Agency.

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

Flood boundary and floodway map (FBFM) means an official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.

Flood insurance rate map (FIRM) means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood insurance study (FIS) is the official hydraulic and hydrological report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.

Flood prone area means any land area

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acknowledged by a community as being susceptible to inundation by water from any source. (See "Flood")

Flood protection grade (FPG) is the elevation of the regulatory flood plus two feet at any given location in the SFHA. (see "Freeboard")

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

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain management regulations means this division and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. Floodplain management regulations are also referred to as floodplain regulations, floodplain ordinance, flood damage prevention ordinance, and floodplain management requirements.

Floodproofing (dry floodproofing) is a method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with Walls that are substantially impermeable to the passage of water. All structural components of these Walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

Floodproofing certificate is a form used to certify compliance for non–residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a registered professional engineer or architect.

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

Freeboard means a factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

Fringe is those portions of the floodplain lying outside the floodway.

Hardship (as related to variances of this division) means the exceptional hardship that would result from a failure to grant the requested variance. The Town of Munster Board of Zoning Appeals requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as

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an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed Walls of a structure.

Historic structures means any structures individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

Increased cost of compliance (ICC) means the cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business flood insurance policies with effective dates on or after June 1, 1997, will include ICC coverage.

Letter of final determination (LFD) means a letter issued by FEMA during the mapping update process which establishes final elevations and provides the new flood map and flood study to the community. The LFD initiates the six-month adoption period. The community must adopt or amend its floodplain management regulations during this six-month period unless the community has previously incorporated an automatic adoption clause.

Letter of map change (LOMC) is a general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They include letter of map amendment (LOMA), letter of map revision (LOMR), and letter of map revision based on fill (LOMR-F). The definitions are presented below:

Letter of map amendment (LOMA) means an amendment by letter to the currently effective FEMA map that establishes that a property is not located in a SFHA through the submittal of property specific elevation data. A LOMA is only issued by FEMA.

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

Letter of map revision based on fill (LOMR-F) means an official revision by letter to an effective NFIP map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

Lowest adjacent grade means the lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

Lowest floor means the lowest elevation described among the following:

a. The top of the lowest level of the structure.

b. The top of the basement floor.

c. The top of the garage floor, if the garage is the lowest level of the structure.

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d. The top of the first floor of a structure elevated on pilings or pillars.

e. The top of the floor level of any enclosure, other than a basement, below an elevated structure where the Walls of the enclosure provide any resistance to the flow of floodwaters unless:

   i. The Walls are designed to automatically equalize the hydrostatic flood forces on the Walls by allowing for the entry and exit of floodwaters by providing a minimum of two openings (in addition to doorways and windows) in a minimum of two exterior Walls; if a structure has more than one enclosed area, each shall have openings on exterior Walls;

   ii. The total net area of all openings shall be at least one square inch for every one square foot of enclosed area; the bottom of all such openings shall be no higher than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and

   iii. Such enclosed space shall be usable solely for the parking of vehicles and building access.

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

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value means the building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

Mitigation means sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the cost of disaster response and recovery.

National Flood Insurance Program (NFIP) is the federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the federal government and the private insurance industry.

National Geodetic Vertical Datum (NGVD) of 1929 as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction means any structure for which the "start of construction" commenced after the effective date of the community's first floodplain ordinance.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community's first floodplain

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ordinance.

Non-boundary river floodway means the floodway of any river or stream other than a boundary river.

North American Vertical Datum of 1988 (NAVD 88) as adopted in 1993 is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

Obstruction includes, but is not limited to, any dam, Wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-percent annual chance flood is the flood that has a one-percent chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See "Regulatory flood."

Physical map revision (PMR) is an official republication of a community's FEMA map to effect changes to base (one-percent annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

Public safety and nuisance means anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

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

Regular program means the phase of the community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

Regulatory flood means the flood having a one-percent chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in section 26-812 of this division. The "regulatory flood" is also known by the term "base flood," "one-percent annual chance flood," and "100-year flood."

Repetitive loss means flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equaled or exceeded 25 percent of the market value of the structure

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before the damage occurred.

Section 1316 is that section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in floodprone areas.

Special flood hazard area (SFHA) means those lands within the jurisdiction of the town subject to inundation by the regulatory flood. The SFHAs of the Town of Munster are generally identified as such on the Lake County, Indiana and Incorporated Areas Flood Insurance Rate Map dated January 18, 2012 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. (These areas are shown on a FIRM as Zone A, AE, A1–A30, AH, AR, A99, or AO).

Start of construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any Wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "repetitive loss" or "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure," provided that the alteration will not preclude the structures continued designation as a "historic structure."

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Suspension means the removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

Variance is a grant of relief from the requirements of this division, which permits construction in a manner otherwise prohibited by this division where specific enforcement would result in unnecessary hardship.

Violation means the failure of a structure or other development to be fully compliant with this division. A structure or other development without the elevation, other certification, or other evidence of compliance required in this division is presumed to be in violation until such time as that documentation is provided.

Watercourse means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

X zone means the area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2 percent chance of being equaled or exceeded (the 500-year flood) and areas protected by levees from the one-percent annual chance flood. Unshaded X zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.

Zone means a geographical area shown on a FIRM that reflects the severity or type of flooding in the area.

Zone A (see definition for A zone).

Zone B, C, and X means areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of Zones B and C.)

2. Statutory Authorization.

The Indiana Legislature has in IC 36-7-4 granted the power to local government units to control land use within their jurisdictions. Therefore, the Town Council of the Town of Munster does hereby adopt the following floodplain management regulations.

3. Findings of Fact

a. The flood hazard areas of the Town of Munster are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

b. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, inadequately

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floodproofed, or otherwise unprotected from flood damages.

4. Statement of Purpose.

It is the purpose of this division to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

a. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities.

b. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

c. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters.

d. Control filling, grading, dredging, and other development which may increase erosion or flood damage.

e. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

f. Make federal flood insurance available for structures and their contents in the town by fulfilling the requirements of the National Flood Insurance Program.

5. Objectives.

The objectives of this Section 26-6.609 are:

a. To protect human life and health.

b. To minimize expenditure of public money for costly flood control projects.

c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.

d. To minimize prolonged business interruptions.

e. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains.

f. To help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize flood blight areas.

6. Lands to Which Section Applicable

This Section shall apply to all SFHAs and known floodprone areas within the jurisdiction of the Town.

7. Basis for Establishing Regulatory Flood Data.

This Section's protection standard is the regulatory flood. The best available regulatory flood data is listed below.

a. The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs within the jurisdiction of the Town of Munster shall be as delineated on the one-percent annual chance flood profiles in the flood insurance study of Lake County, Indiana and Incorporated Areas dated January 18, 2012, and the corresponding flood insurance rate map dated January 18, 2012, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency

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Management Agency with the most recent date.

b. The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the jurisdiction of the Town of Munster, delineated as an "A Zone" on the Lake County, Indiana and Incorporated Areas Flood Insurance Rate Map dated January 18, 2012 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the best available data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review and subsequently approved.

c. In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community's known floodprone areas shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile.

d. Upon issuance of a letter of final determination (LFD), any more restrictive data in the new (not yet effective) mapping/study shall be utilized for permitting and construction (development) purposes, replacing all previously effective less restrictive flood hazard data provided by FEMA.

8. Establishment of Floodplain Development Permit

A floodplain development permit shall be required in conformance with the provisions of this division prior to the commencement of any development activities in areas of special flood hazard.

9. Compliance.

No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this division and other applicable regulations. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this Section and other applicable regulations.

10. Abrogation & Greater Restrictions

This Section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this division and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

11. Discrepancy Between Mapped Floodplain & Actual Ground Elevations

a. In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles included in the effective FIS shall govern.

b. If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.

c. If the elevation (natural grade) of the site in question is above the base flood elevation and not located within the floodway, that

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site shall be considered outside the SFHA and the floodplain regulations will not be applied. The property owner shall be advised to apply for a LOMA.

12. Interpretation

In the interpretation and application of this Section all provisions shall be:

a. Considered as minimum requirements.

b. Liberally construed in favor of the governing body.

c. Deemed neither to limit nor repeal any other powers granted under state statutes.

13. Warning & Disclaimer of Liability

The degree of flood protection required by this Section 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 Section does not create any liability on the part of the Town of Munster, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this division or any administrative decision made lawfully thereunder.

14. Penalties for Violation

Failure to obtain a floodplain development permit in the SFHA or failure to comply with the requirements of a floodplain development permit or conditions of a variance shall be deemed to be a violation of this Section. 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 Munster. All violations shall be punishable by a fine not exceeding $250.00.

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

b. The Town of Munster Town Council shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a standard flood insurance policy to be suspended.

c. Nothing herein shall prevent the 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.

B. Administration

1. Designation of Administrator

The Town of Munster Town Council hereby appoints the chief building inspector to administer and implement the provisions of this Section and is herein referred to as the floodplain administrator.

2. Permit Procedures

Application for a floodplain development permit shall be made to the floodplain administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically the following information is required:

a. Application stage.

i. A description of the proposed development.

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ii. Location of the proposed development sufficient to accurately locate property and structure(s) in relation to existing roads and streams.

iii. A legal description of the property site.

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

v. Elevation of the top of the planned lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD.

vi. Elevation (in NAVD 88 or NGVD) to which any non-residential structure will be floodproofed.

vii. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. A hydrological and hydraulic engineering study is required and any watercourse changes submitted to DNR for approval and then to FEMA as a letter of map revision. (See section 26-823(6) for additional information.)

b. Construction stage. Upon establishment of the lowest floor of an elevated structure or structure constructed on fill, it shall be the duty of the applicant to submit to the floodplain administrator a certification of the NAVD 88 or NGVD elevation of the lowest floor, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. The floodplain administrator shall review the lowest floor elevation survey data submitted. The applicant shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project. Any work undertaken prior to submission of the elevation certification shall be at the applicant's risk.

Upon establishment of the floodproofed elevation of a floodproofed structure, it shall be the duty of the applicant to submit to the floodplain administrator a floodproofing certificate. Certification shall be prepared by or under the direct supervision of a registered professional engineer and certified by same. (The floodplain administrator shall review the floodproofing certification submitted.) The applicant shall correct any deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the floodproofing certification or failure to make correction required shall be cause to issue a stop work order for the project.

c. Finished construction. Upon completion of construction, an elevation certification (FEMA Elevation Certificate Form 81-31 or any future updates) which depicts the "as-built" lowest floor elevation is required to be submitted to the floodplain administrator. If the project includes a floodproofing measure, floodproofing certification (FEMA Floodproofing Certificate Form 81-65 or any future updates) is required to be submitted by the applicant to the floodplain administrator.

3. Duties & Responsibilities of the Floodplain Administrator

The floodplain administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this Section. The administrator is further authorized to render interpretations of

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this Section, which are consistent with its spirit and purpose.

Duties and responsibilities of the floodplain administrator shall include, but are not limited to:

a. Review all floodplain development permits to assure that the permit requirements of this division have been satisfied.

b. Inspect and inventory damaged structures in the SFHA and complete substantial damage determinations.

c. Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to section 26-6.609.C.5 and section 26-6.609.C.7(a)(1) of this Section, and maintain a record of such authorization (either copy of actual permit/authorization or floodplain analysis/regulatory assessment).

d. Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit. Copies of such permits/authorizations are to be maintained on file with the floodplain development permit.

e. Maintain and track permit records involving additions and improvements to residences located in the floodway.

f. Notify adjacent communities and the state floodplain coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.

g. Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, letters of map change (LOMC), copies of DNR permits, letters of authorization, and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built" elevation and floodproofing data for all buildings constructed subject to this division.

h. Utilize and enforce all letters of map change (LOMC) or physical map revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.

i. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

j. Review certified plans and specifications for compliance.

k. Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with section 26-6.609.B.2.

l. Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed in accordance with section 26-6.609.B.2.

m. Perform a minimum of three inspections to ensure that all applicable ordinance and floodplain development requirements have been satisfied. The first upon the establishment of the flood protection grade reference mark at the development site; the second upon the establishment of the structure's footprint/establishment of the lowest floor; and the final inspection upon completion and submission of the required finished construction elevation certificate. Authorized town officials shall have the right to enter and inspect properties located in the SFHA.

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n. Stop work orders.

i. Upon notice from the floodplain administrator, work on any building, structure or premises that is being done contrary to the provisions of this Section shall immediately cease.

ii. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

o. Revocation of permits.

i. The floodplain administrator may revoke a permit or approval, issued under the provisions of the ordinance, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

ii. The floodplain administrator may revoke a permit upon determination by the floodplain administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this division.

C. Flood Hazard Reduction

1. General Standards

In all SFHAs and known floodprone areas the following provisions are required:

a. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

b. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

c. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG.

d. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.

e. Electrical, heating, ventilation, plumbing, air conditioning equipment, utility meters, and other service facilities shall be located at/above the FPG or designed so as to prevent water from entering or accumulating within the components below the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.

f. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

g. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

h. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

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i. Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of this division shall meet the requirements of "new construction" as contained in this division.

j. Whenever any portion of the SFHA is authorized for use, the volume of space which will be occupied by the authorized fill and structure below the BFE shall be compensated for by excavating a volume below the BFE which is twice the fill volume below the BFE. The compensatory excavation volume shall be at least equal to twice the volume of storage lost (replacement ratio of two to one) due to the fill and structure.

i. The compensatory excavation shall take place in the SFHA at a location where the BFE is within one foot of the BFE at the fill location. The compensatory excavation shall take place at a location upstream of the fill location.

ii. Under certain circumstances, the compensatory excavation may be allowed to take place outside of but adjacent to the SFHA provided that the excavated volume will be below the BFE, will be at a location where the BFE is within one foot of the BFE at the fill location, will allow for inundation by the regulatory floodwater, will freely drain when not inundated by floodwater, and that it be maintained into perpetuity.

iii. The compensatory excavation shall provide for storage of floodwater but shall be freely draining when not inundated by floodwater.

iv. The fill or structure shall not obstruct a drainageway leading to the SFHA.

v. The grading around the compensatory excavation shall allow for inundation by the regulatory floodwater.

vi. The fill and structure shall be certified as substantially safe from flooding per FEMA TB 10–01 and shall include provisions to protect adjacent property owners against any increased runoff or drainage resulting from its placement.

vii. Plans depicting the areas to be excavated and filled shall be submitted prior to the actual start of construction or any site work; once site work is complete, but before the actual start of construction, the applicant shall provide to the floodplain administrator a certified survey of the compensatory excavation and fill sites demonstrating the fill and compensatory excavation comply with this article.

2. Specific Standards

In all SFHAs, the following provisions are required:

a. Building protection requirement.] In addition to the requirements of section 26–6.609.C.1, all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:

i. Construction or placement of any structure having a floor area greater than 400 square feet.

ii. Addition or improvement made to any existing structure where the cost of the addition or improvement equals or exceeds 50 percent of the value of the existing structure (excluding the value of the land).

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iii. Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to it's before damaged condition equals or exceeds 50 percent of the market value of the structure (excluding the value of the land) before damage occurred.

iv. Installing a travel trailer or recreational vehicle on a site for more than 180 days.

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

vi. Reconstruction or repairs made to a repetitive loss structure.

vii. Addition or improvement made to any existing structure with a previous addition or improvement constructed since the community's first floodplain ordinance.

b. Residential structures. New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor; including basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter Walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 26-6.609.C.2(4).

c. Non-residential structures. New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured home) shall either have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation) or be floodproofed to or above the FPG. Should solid foundation perimeter Walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of subsection (4). Structures located in all "A Zones" may be floodproofed in lieu of being elevated if done in accordance with the following:

i. A registered professional engineer or architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the floodplain administrator as set forth in section 26-6.609.B.3(12).

ii. Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

d. Elevated structures. New construction or substantial improvements of elevated structures shall have the lowest floor at or above the FPG.

Elevated structures with fully enclosed areas formed by foundation and other exterior Walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior Walls. Designs must meet the following minimum

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criteria:

i. Provide a minimum of two openings located in a minimum of two exterior Walls (having a total net area of not less than one square inch for every one square foot of enclosed area).

ii. The bottom of all openings shall be no more than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher.

iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

iv. Access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

v. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

vi. The interior grade of such enclosed area shall be at an elevation at or higher than the exterior grade.

vii. Openings are to be not less than three inches in any direction in the plane of the Wall. This requirement applies to the hole in the Wall, excluding any device that may be inserted such as typical foundation air vent device.

viii. Property owners shall be required to execute a flood openings/venting affidavit acknowledging that all openings will be maintained as flood vents, and that the elimination or alteration of the openings in any way will violate the requirements of Section 26–6.609.C.2(4). Periodic inspections will be conducted by the floodplain administrator to ensure compliance. The affidavit shall be recorded in the office of the Lake County Recorder.

ix. Property owners shall be required to execute and record with the structure's deed a non–conversion agreement declaring that the area below the lowest floor (where the interior height of the enclosure exceeds six feet) shall not be improved, finished or otherwise converted; the community will have the right to inspect the enclosed area. The non–conversion agreement shall be recorded in the office of the Lake County Recorder.

e. Structures constructed on fill. A residential or nonresidential structure may be constructed on a permanent land fill in accordance with the following:

i. The fill shall be placed in layers no greater than one foot deep before compacting to 95 percent of the maximum density obtainable with either the standard or modified proctor test method. The results of the test showing compliance shall be retained in the permit file.

ii. The fill shall extend ten feet beyond the foundation of the structure before sloping below the BFE.

iii. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes

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shall be no steeper than three horizontal to one vertical.

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

v. The top of the lowest floor including basements shall be at or above the FPG.

vi. Fill shall be composed of clean granular or earthen material.

f. Standards for manufactured homes and recreational vehicles. Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:

i. These requirements apply to all manufactured homes to be placed on a site outside a manufactured home park or subdivision; in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood:

I. The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

II. Fully enclosed areas formed by foundation and other exterior Walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior Walls as required for elevated structures in Section 26–6.609.C.2(4).

III. Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.

ii. These requirements apply to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood:

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

II. Fully enclosed areas formed by foundation and other exterior Walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior Walls as required for elevated structures in Section 26–6.609.C.2(4).

III. Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.

iii. Recreational vehicles placed on a site shall either:

I. Be on site for less than 180 days;

II. 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

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and security devices, and has no permanently attached additions); or

III. Meet the requirements for "manufactured homes" as stated earlier in this section.

g. Accessory structures. Relief to the elevation or dry floodproofing standards may be granted for accessory structures. Such structures must meet the following standards:

i. Shall not be used for human habitation.

ii. Shall be constructed of flood-resistant materials.

iii. Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters.

iv. Shall be firmly anchored to prevent flotation.

v. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the FPG.

vi. Shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior Walls as required for elevated structures in Section 26-6.609.C.2(4).

h. Above ground gas or liquid storage tanks. All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement.

3. Standards for Subdivision Proposals

a. All subdivision proposals shall be consistent with the need to minimize flood damage.

b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

d. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of 50 lots or five acres.

e. All subdivision proposals shall minimize development in the SFHA and/or limit density of development permitted in the SFHA.

f. All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders). Access routes shall be elevated to allow a maximum inundation depth of one foot during the regulatory flood.

4. Critical Facility

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.

5. Standards for Identified Floodways

Located within SFHAs, established in section 26-6.609..A.7 are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry

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debris, potential projectiles, and has erosion potential. If the site is in an identified floodway, the floodplain administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway. Under the provisions of IC 14-28-1 a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual start of construction of the structure. However, it does exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river floodway. (IC 14-28-1-26 allows construction of a non-substantial addition/ improvement to a residence in a non-boundary river floodway without obtaining a permit for construction in the floodway from the Indiana Department of Natural Resources. Please note that if fill is needed to elevate an addition above the existing grade, prior approval for the fill is required from the Indiana Department of Natural Resources.)

No action shall be taken by the floodplain administrator until a permit or letter of authorization (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in the floodway. Once a permit for construction in a floodway or letter of authorization has been issued by the Indiana Department of Natural Resources, the floodplain administrator may issue the local floodplain development permit, provided the provisions contained in subdivision V of this division have been met. The floodplain development permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources. However, a community's more restrictive regulations (if any) shall take precedence.

No development shall be allowed, which acting alone or in combination with existing or future development, that will adversely affect the efficiency of, or unduly restrict the capacity of the floodway. This adverse effect is defined as an increase in the elevation of the regulatory flood of at least fifteen-hundredths (0.15) of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses.

For all projects involving channel modifications or fill (including levees) the town shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data per mapping standard regulations found at 44 CFR § 65.12.

6. Standards for Identified Fringe

If the site is located in an identified fringe, then the floodplain administrator may issue the local floodplain development permit provided the provisions contained in subdivision V of this division have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the FPG.

7. Standards for SFHAS Without Established BFE &/or Floodways/ Fringes

a. Drainage area upstream of the site is greater than one square mile:

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i. If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the floodplain administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

ii. No action shall be taken by the floodplain administrator until either a permit for construction in a floodway (including letters of authorization) or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended flood protection grade has been received from the Indiana Department of Natural Resources.

iii. Once the floodplain administrator has received the proper permit for construction in a floodway (including letters of authorization) or floodplain analysis/regulatory assessment approving the proposed development, a floodplain development permit may be issued provided the conditions of the floodplain development permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in Section 26-6.609.C have been met.

b. Drainage area upstream of the site is less than one square mile:

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

ii. Upon receipt, the floodplain administrator may issue the local floodplain development permit, provided the provisions contained in subdivision V of this division have been met.

iii. The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, shall not increase the regulatory flood more than 0.14 of one foot and shall not increase flood damages or potential flood damages.

8. Standards for Floodprone Area

All development in known floodprone areas not identified on FEMA maps, or where no FEMA published map is available, shall meet applicable standards as required per Section 26-6.609.C.

D. Variances

1. Designation of Variance & Appeals Board

The Town of Munster Board of Zoning Appeals shall hear and decide appeals and requests for variances from requirements of this Section.

2. Duties of Variance & Appeals Board

The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the floodplain administrator in the enforcement or administration of this Section. Any person

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aggrieved by the decision of the board may appeal such decision to the Lake County Circuit or Superior Court.

3. Procedures

a. In passing upon such applications, the board shall consider all technical evaluations, all relevant factors, all standards specified in this Section 26–6.609 and:

i. The danger of life and property due to flooding or erosion damage.

ii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

iii. The importance of the services provided by the proposed facility to the community.

iv. The necessity of the facility to a waterfront location, where applicable.

v. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.

vi. The compatibility of the proposed use with existing and anticipated development.

vii. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.

viii. The safety of access to the property in times of flood for ordinary and emergency vehicles.

ix. The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site.

x. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

4. Conditions

a. Variances shall only be issued when there is:

i. A showing of good and sufficient cause.

ii. A determination that failure to grant the variance would result in exceptional hardship.

iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

b. No variance for a residential use within a floodway subject to Section 26–6.609.C.5 and Section 26–6.609.C.7(a)(1) may be granted.

c. Any variance granted in a floodway subject to Section 26–6.609.C.5 or Section 26–6.609.C.7(a)(1) will require a permit from the Indiana Department of Natural Resources.

d. Variances to the provisions for flood hazard reduction of section 26–609.C.2, 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.

e. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

f. Variances may be granted for the

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reconstruction or restoration of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

g. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the flood protection grade and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation (see section 26-6.609D.5).

h. The floodplain administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request (see section 26-6.609D.5).

5. Notification

Any applicant to whom a variance is granted that allows the lowest floor of a structure to be built below the flood protection grade shall be given written notice over the signature of a community official that:

a. The issuance of a variance to construct a structure below the flood protection grade will result in increased premium rates for flood insurance up to amounts as high as $25.00 for $100.00 of insurance coverage; and

b. Such construction below the flood protection grade increases risks to life and property. A copy of the notice shall be recorded by the floodplain administrator in the office of the county recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

The floodplain administrator shall maintain a record of all variance actions, including justification for their issuance.

6. Historic Structure

Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.

7. Special Conditions

Upon the consideration of the factors listed in this Section 26-6.609.D, and the purposes of this division, the Town of Munster Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Section.

SECTION 26-6.610 GENERAL SUPPLEMENTAL REGULATIONS

A. Building Permit, Site Plan Review, Public Hearing Required for Municipal Buildings

1. The Town or any of its agencies, departments or other subdivisions proposing to construct a Building or other Structure shall apply for a Building Permit as required for private buildings or structures by this Article.

2. All building applications filed by the Town or any of its agencies, departments or other subdivisions shall be set for a Site Plan review and public comment at a public meeting of the Town Council.

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B. Parking of Commercial Vehicles in Residential Districts

It shall be unlawful to park a Commercial Vehicle in a Residential District within residential property, in a driveway, yard or parkway or on the street, except as follows:

1. Commercial Vehicles may be parked in a Residential District when necessary to the performance of commercial, professional or business services for a resident of the District. During the course of such performance, a Commercial Vehicle may be parked on the residential property where the services are being performed, or in the immediate vicinity of that property.
2. A Commercial Vehicle may be parked or stored within a Garage or as otherwise allowed by Section 26-6.405.O.1.h.xi.
3. A Commercial Vehicle may be parked temporarily in a Residential District for incidental purposes not directly related to the business activity of the vehicle. Such temporary parking shall not exceed two hours per day.

C. Garage Sales, Yard Sales, & Similar Sales

1. Duration and frequency; prohibited sales.

A resident or permitted institution in a Residential District shall be allowed to hold no more than two sales of used or unwanted personal property on the premises for no more than three consecutive days, per each time, in a calendar year. Any garage sale, yard sale or other such sale or public marketing on the premises in excess of this limitation or any sale of property which was purchased or acquired for resale is prohibited.

2. Permit.

Prior to the sale, the resident or sponsoring group shall be required to apply for a permit for such sale on forms provided at the office of the Town Clerk-Treasurer. No fee shall be imposed for the issuance of such permit. The permit shall be displayed at the sale site.

3. Signs.

Restrictions on signage for sales are defined in Division 7 as it pertains to Temporary Signs.

D. Open Lot Sales of Seasonal Items

Open lot selling of seasonal items shall only be permitted in the CD-4.A, CD-4.B, and CD-5 Districts.

E. Amusement Devices

1. The number of amusement devices, as defined in Chapter 10, Article III, Division 1, permitted in any business establishment shall be limited to five (5) unless a Conditional Use permit for an Amusement Center with amusement devices as a Principal Use or Accessory Use has been granted by the Town Council after consideration of the Conditional Use request by the board of zoning appeals.
2. In its review and consideration of any application for a Conditional Use permit for Amusement Devices as an Accessory Use, the Board of Zoning Appeals, in addition to the conditions for approval generally contained in this Article, shall determine whether the proposed use detracts from or interferes with the normal and customary operation of the Principal Use.

F. Demolition of Structures

Each individual, business, or other entity, or any other Applicant, upon being permitted to demolish any Structure, be it residential, business or otherwise, or obtaining any renewal thereof to provide as part of its submission a plan describing how the material will be managed, including reduction, reuse and recycling

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steps taken to reduce its waste stream which plan shall be subject to approval as provided under this section.

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DIVISION 7: SIGN STANDARDS

330 SECTION 26-6.701 SIGN STANDARDS
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SECTION 26-6.701 SIGN STANDARDS

A. Purpose; General.

1. The purpose of this Section 26-6.701 is to establish a comprehensive scheme for the regulation of Signs in the Town. More specifically, this Section is intended to accomplish the following purposes:

   a. Encourage the effective use of Signs as a means of communication and to facilitate navigation from place to place within the Town.

   b. Balance the need for information for motorists and pedestrians with the need for traffic safety by limiting Signs or characteristics of Signs that may be distracting to drivers.

   c. Balance the desire and need of individuals to express themselves through Signs with the desire to maintain a pleasing, safe, and navigable environment for residents and visitors.

   d. Provide liberally for the display of noncommercial messages in residential areas, recognizing the unique value of residential signage as a means of exercising constitutional freedom of expression.

   e. Protect and enhance the value of property in the Town by providing for Signage consistent with the character of the area in which it is located.

2. Signs must comply with the requirements of this Section 26-6.701.

3. Without limitation to Section 26-6.701.A.2, within each District, the allowed types and numbers of Signs shall be as provided in **Table 26-6.701.A (Sign Types – Summary)**, **Table 26-6.701.B (Sign Types – Specific Standards)**, and this Section 26-6.701.

4. Without limitation to Section 26-6.701.A.2 -.3, each Sign type shall be subject to the applicable standards and requirements of **Table 26-6.701.A (Sign Types – Summary)** and **Table 26-6.701.B (Sign Types – Specific Standards)**.

5. Except for Signs not requiring a Sign Permit under Section 26-6.701.C, no Sign shall be erected on a Lot, installed or placed on a Building, or otherwise exist on a Lot or Building unless a Sign Permit has been issued for such Sign in accordance with Section 26-6.804.D and such Sign Permit remains in full force and effect.

6. Any violation of this Section 26-6.701 shall be enforceable and able to be appealed in accordance with the enforcement and appeal provisions of this Article.

B. General Sign Provisions.

1. There shall be no Signs allowed other than as specified in this Section 26-6.701.

2. An Address Sign is required for each Building in compliance with **Table 26-6.701.A (Sign Types – Summary)** and **Table 26-6.701.B (Sign Types – Specific Standards)**.

3. In addition to all other Signs allowed in accordance with this Section 26-6.701, Temporary Signs are allowed, subject to the following:

   a. Temporary Signs shall not be illuminated and shall not be located within the public right-of-way;

   b. Except in Districts CD-3, CD-3.R1, CD-3.R2, CD-3.R3, and CD-4.R4, there shall be no more than one Temporary Sign per site, unless otherwise specifically allowed within this Section 26-6.701;

   c. Temporary Signs shall be ground installed

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only, provided that this requirement may be waived by the Zoning Administrator;

d. Temporary Signs shall not obstruct the line of sight of any operator of a vehicle;

e. Temporary Signs shall be owned and maintained by the owner (or tenant) of the site on which it is located;

f. on any Lot used as a Single-Family, Two-Family, or owner-occupied Multi-Family Dwelling, up to three (3) Temporary Signs may be displayed for which no permit is required, provided that such Temporary Sighs shall be installed on a pole or stake in the ground, shall not be more than four (4) square feet in area per side, and the top of which shall be no more than three feet (3') from the ground;

g Temporary Signs must be made of waterproof materials and kept in good repair;

h. in any CD-4.A, CD-4.B, CD-5, SD-M, SD-PUD, or CZ District, Temporary Signs shall be constructed of appropriate materials and properly secured with wood or metal post, and shall not exceed 32 square feet or five feet (5') in height from the ground unless Waived by the Zoning Administrator;

h. Temporary Signs must be set back at least five (5) feet from the property line;

i. Except in Districts CD-3, CD-3.R1, CD-3.R2, CD-3.R3, and CD-4.R4, a Sign Permit must be obtained for each Temporary Sign; and

j. Except in Districts CD-3, CD-3.R1, CD-3.R2, CD-3.R3, and CD-4.R4, Temporary Signs shall be allowed for a maximum of (60) days per calendar year, which number of days may be divided into more than one (1) period, provided that each such period shall require a separate permit.

4. If there are more than two violations of the provisions of the regulations governing Temporary Signs in any single calendar year by an owner or tenant or with respect to a Lot or parcel of land, no Temporary Sign may be placed or displayed by such owner or tenant or on such Lot or land for twelve (12) months from the date of the most recent violation.

5. Without limitation to any applicable specific Sign standards, all Signs shall comply with the following additional standards:

a. Such Signs shall be fabricated and installed by qualified Sign painters and mechanics, and shall be kept in good repair.

b. Signs shall be constructed of durable, low maintenance, and weather-resistant materials of the same or higher quality materials as the materials of the Principal Building with which they are associated. Without limiting the foregoing, the materials used for each Sign Type shall comply with **Table 26-6.701.B (Sign Types – Specific Standards).**

c. The following materials are prohibited for Sign backgrounds, frames, supports, and ornamentation:

i. Exposed metal poles and

II. Smooth or split-faced concrete blocks.

d. Any such Signs may, but are not required to be, lighted unless otherwise specifically stated for the particular Sign type in **Table 26-6.701.B (Sign Types – Specific Standards)**; and if lighted, shall not be internally illuminated or back-lighted except as otherwise specifically provided for the particular Sign type in **Table 26-6.701.B (Sign Types – Specific Standards)**.

e. Except for the light fixture itself, all electrical

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elements such as wires, conduits, junction boxes, transformers, ballasts, switches and panel boxes shall be concealed from public view.

f. Signs shall be mounted in such a way that their removal does not damage and/or alter the original surface of the Building. If the original surface of a Building is damaged during removal of a Sign, the damage must be repaired and the original surface condition restored concurrently.

g. In addition to Sign types allowed pursuant to **Table 26-6.701.A (Sign Types – Summary)**, **Table 26-6.701.B (Sign Types – Specific Standards):**

   i. with the exception of Signs attached to one or more poles, Signs that are original to the Building or have been placed on the Building for at least fifty (50) years may remain or be reproduced. Any such Signs shall be kept in good repair, both in terms of appearance and operation; and

   ii. one (1) Sign no larger than two (2) square feet may be attached or affixed to each side of each gasoline pump on a site, provided that the total square footage of all such Signs on a site shall reduce the square footage of the Monument Sign otherwise allowed on the site.

h. Design drawings of any proposed Sign must be submitted to the Zoning Administrator for review of compliance with this Section prior to fabrication and installation. Such drawings shall include Sign location and size and shall indicate materials, color(s), hanging or mounting device, illumination scheme, and example of lettering.

i. Signs not owned by or leased to the operator of a business on a site are prohibited.

j. All Signs must comply with all applicable provisions of the Town Building Code.

k. Except as expressly allowed under this Article, Signs are not permitted in public Rights-of-Way.

l. Portable Signs other than Sidewalk Signs are not permitted.

m. Except for Signs allowed pursuant to paragraph 26-6.701.B.4.g above, Commercial Signs and supports for Commercial Signs erected by or for entities that are no longer operating on the premises shall be removed by the owner, agent, or Person having beneficial use of the Sign or the property upon which the Sign is located within thirty (30) days of written notice from the Zoning Administrator.

n. Signs in upper floor windows are not permitted, except for Window Signs for an occupant that is not the occupant of the ground floor.

o. A non-internally illuminated Sign up to six (6) square feet in size for the occupant shall be permitted at a publicly accessed rear entrance door if such Sign is mounted flush against the Building, is a Blade Sign, or is an Awning Sign.

p. All Signs erected, altered, or maintained in the Town shall conform to Town and state electrical codes.

q. No Sign may be illuminated with or include animated, moving, intermittent, or flashing lights, or other active lighting, except for time and temperature devices and barber poles.

r. No Sign may have any moving component or element, except for time and temperature devices and barber poles.

s. No Sign may have changeable copy except for a Canopy Sign with physically changeable

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letters, or an Outdoor Display Case with removable printed items, a Sandwich Board Sign, or a Sign on a gasoline pump permitted under Section 26-6.701.B.5.g.ii.

t. Except as may be expressly permitted in this Article, Neon Signs, Cabinet Signs, and Projection Signs are not permitted.

u. No Sign may by design or arrangement imitate the size, color, lettering, illumination, word, phrase, or symbol of a Sign used as traffic safety control Sign.

v. Where a Lot adjoins another Lot, no freestanding Sign shall be permitted within a triangle formed by the Side Lot Line, the Front Lot Line and a line beginning on the Side Lot Line at the required front Setback distance and extended at 45 degrees to the Front Lot Line for an existing Building. The established front Setback may be substituted for the required front Setback.

w. No Sign may be within or overhang a public right-of-way other than a Wall Sign that does not overhang such right-of-way more than seven inches (7″), a Blade Sign, a Vertical Projecting Sign, a Canopy Sign, or an Awning Sign.

x. No Sign may obstruct a traffic-control device, traffic Sign, or street name Sign, block the vision of drivers at any Driveway, street intersection or crosswalk, or be unsafe or constitute a hazard of any type.

y. No Sign or Sign support may be affixed to a tree, rock, utility pole or other improper Sign support, or contain any attachment, other Sign, symbol, flag, pennant or other attention-getting device (other than the Sign itself).

z. No Sign may have illumination that intermittently flashes off and on, in whole or in part, except Public Signs and those that give safety warnings or public service information, i.e., time, date or weather information.

aa. No Sign may rotate or move, or give the visual impression of rotation or movement, including signs containing running lights to give the illusion of movement, signs that have moving parts, except for time and temperature devices and barber poles and signs that give the appearance of movement caused by the wind, including pennants, banners, streamers, strings of light bulbs, spinners, or other similar devices, This includes pennants, banners, streamers, and all other signs which undulate, swing, rotate, oscillate, or otherwise move by natural or artificial means.

bb. No Sign may be attached to or painted upon a bench or seat which is located outside a building or structure.

cc. No Sign may be attached to or mounted on a pole, other than a Yard Sign.

dd. No Sign may be erected, constructed or maintained in whole or in part upon or over the roof or roof line of a Building or Structure.

ee No Sign or part thereof may be electrically or mechanically activated, including electronic signs, signs that have or are comprised of lighting that flashes, scrolls, twirls, changes color, fades in or out, has transitional elements between copy changes, or in any manner moves or imitates movement at any time.

ff. Except as may be expressly permitted elsewhere in this Article, no Sign or part thereof may be composed of or include flashing, neon, LED rope, portable or fixed spotlight, or similar lighting, whether used as a part of a sign, displayed in windows, or

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distributed around a Building or Structure.

C. Signs Not Requiring a Sign Permit.

The following Signs do not require a Sign Permit:

1. One Address Sign per tenant or owner per entrance.
2. On-premises Signs not exceeding four (4) square feet in area, which are located along the route to a place or location within such premises and are provided solely to protect the safety of pedestrians, drivers, and passengers, including Signs to mark hazards on private property, direct traffic, or provide street numbers associated with private property.
3. Signs placed by the Town or any other governmental unit with jurisdiction over the area where the Sign is placed.
4. Signs carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent construction and made an integral part of the Structure, provided that such Signs meet the following requirements:
    a. Letters shall be less than nineteen inches (19") in height carved into or securely attached in such a manner that they are an architectural detail of a Building.
    b. Such Signs shall not be illuminated apart from the Building.
    c. Such Signs shall not be made in whole or in part of reflective material.
    d. Such Signs must be the same color as the Building.
    e. Such Signs do not exceed one inch (1") in thickness
5. One Open Sign per tenant, per public entrance that does not exceed two (2) square feet.

D. Sign Area Computation.

1. The area of a Sign as regulated herein shall be the computed area of the background upon which lettering, insignia or other devices are placed. Where said display area is the face of a Building, the area of such Sign shall be the product of the total width and the total height of the smallest rectangle that encompasses all such lettering, devices or insignia.
2. For Signs having two (2) sides, the maximum display area shall be permitted on both sides and the total area of one side shall be deemed to be the total Sign area. The supporting Structures shall not be included in the area computation unless utilized as part of the total display area.

E. Responsibility for Signs.

1. All Signs located in the Town shall be erected, altered and maintained by the owner, and if different from the owner, the lessee of such Sign who shall assume full responsibility for any consequences or damage caused by the Sign.
2. Signs and supports must be removed or corrected within thirty (30) days after the Zoning Administrator or designee sends written notice that an unsafe or improperly maintained Sign condition exists.

F. Nonconforming Signs.

Nonconforming Signs are regulated pursuant to paragraph 26-6.122.D.

G. Compliance with First Amendment.

This Division shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this Division is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this Division that can be given effect without the invalid provision.

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TABLE 26-6.701.A SIGN TYPES – SUMMARY

Specific Sign Type	Illustration	Districts	
Address Sign: A Sign that consists of a numeric reference to a Structure, mounted on the Building.		CD-3 CD-3.R1 CD-3.R2 CD-3.R3 CD-4.R4 CD-4.A CD-4.B	CD-5 SD-M SD-PUD CZ
Awning Sign: An awning that contains lettering painted, screen printed, or appliquéd on the awning valance.		CD-4.A CD-4.B	CD-5 SD-M SD-PUD CZ
Band Sign: A Sign that is flat against the Facade and placed directly above the main entrance and often runs horizontally along the entablature of traditional Buildings. Band Signs are typically intended to be seen from a distance and are often accompanied by additional pedestrian-scaled signage.		CD-4.A CD-4.B	CD-5 SD-M SD-PUD CZ
Blade Sign: A Sign mounted on the first floor of a Building perpendicular to a Building Facade Wall, typically hung from decorative cast or wrought iron bracket in a manner that permits it to swing slightly. These Signs are small, pedestrian-scaled, and easily read from both sides.		CD-4.A CD-4.B	CD-5 SD-M SD-PUD CZ
Canopy Sign: A Sign that is located either along the Facade where it projects perpendicular to the Facade or at the corner of a Principal Building where it projects at a 45 degree angle. These Signs often extend beyond the parapet of the Principal Building, but may also terminate below the cornice or eave. Canopy Signs may have either fixed lettering or neon lettering used in conjunction with painted colored or changeable lettering.		CD-4.A CD-4.B	CD-5 SD-PUD CZ
Directory Sign: A Sign that displays the tenant names and locations for a Building containing multiple tenants.		CD-4.R4 CD-4.A CD-4.B	CD-5 SD-M SD-PUD CZ

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TABLE 26-6.701.A SIGN TYPES – SUMMARY

Specific Sign Type	Illustration	Districts	
Large Projecting Sign: A Sign attached above the first floor of a multi-floor Building and projecting from a Building Facade at a 90-degree angle, or if oriented to a Block corner, a 45 degree angle.			CD-5 SD-M SD-PUD CZ
Monument Sign: A Sign that is erected on a solid base directly on the ground, and that is itself constructed of a solid material.		CD-4.R4 CD-4.A CD-4.B	CD-5 SD-M SD-PUD CZ
Outdoor Display Case: A Sign consisting of a lockable metal- or wood-framed cabinet with a hinged transparent door inside of which information may be viewed and accessed for maintenance and updating.		CD-4.A CD-4.B	CD-5 SD-M SD-PUD CZ
Plaque Sign: A Sign that identifies a Building or its builder, or on professional office Buildings, which might name the firm or partners in a firm. May also be referred to as an architectural Sign or a nameplate Sign.		CD-3 CD-3.R1 CD-3.R2 CD-3.R3 CD-4.R4 CD-4.A CD-4.B	CD-5 SD-M SD-PUD CZ
Porch Sign: Signs that are mounted on a porch. Signs must be placed parallel to the Building Facade.		CD-4.A	CZ
Post Sign: A Sign that is mounted on one or two posts in the First Lot Layer.		CD-4.A CD-4.B	CD-5 SD-M SD-PUD CZ

Illustrations are provided for illustrative purposes only.

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TABLE 26-6.701.A SIGN TYPES – SUMMARY

Specific Sign Type	Illustration	Districts	
Sidewalk Sign: A free-standing, double-sided Sign with lettering painted or applied to the surface, placed at the entrance to a Building in a primarily pedestrian environment. Sidewalk Signs provide secondary signage.		**CD-4.A** **CD-4.B**	**CD-5** **SD-PUD** **CZ**
Window Sign: A Sign that is professionally painted or professionally cut vinyl, consisting of individual letters and designs, applied directly on the inside of a window or hanging inside a window.		**CD-4.A** **CD-4.B**	**CD-5** **SD-M** **SD-PUD** **CZ**

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ADDRESS

TABLE 26-6.701.B SIGN TYPES
SPECIFIC STANDARDS

ADOPTION DRAFT

Permitted Districts

CD-3 | CD-3.R1 | CD-3.R2 | CD-3.R3 | CD-4.R4 | CD-4.A | CD-4.B | CD-5 | SD-M | SD-PUD | CZ

General Description

A Sign that consists of a numeric reference to a Structure, mounted on the Building.

Dimensions

Quantity (max)	1 per entrance
Area	max 2 sf
Depth / Projection	max 3 in
Clearance	min 4.5 ft
Letter Width	min. 0.5 in
Letter Height	max. 12 in

Additional Standards

In addition to all other applicable standards, each Address Sign allowed under this Article shall comply with the following::

a. Every Building and Structure shall bear a number to designate its location and address upon the street or property on which it Enfronts.

b. The number shall be that designated and determined by the Building Inspector, and the number shall be determined and given to the owner upon issuance of a Building Permit.

c. The number constituting the address and location shall be in accordance with the following standards:
   1. Arabic numerals shall be used;
   2. each numeral shall be a size that it is readily visible from the street;
   3. each numeral shall be raised and clearly visible by line of sight from the Abutting street or Thoroughfare;
   4. the number shall be in a contrasting color to that of its background, i.e., a black number on a light-colored background or a white number on a dark-colored background;
   5. the number shall be at or about the main entrance of the Building or Structure.

d. At such time as a Building or Structure is under roof, a temporary number shall be displayed.

e. At or prior to the issuance of an occupancy permit, the permanent number shall be displayed.

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AWNING SIGN

TABLE 26-6.701.B SIGN TYPES
SPECIFIC STANDARDS

ADOPTION DRAFT

Permitted Districts

CD-4.A | CD-4.B | CD-5 | SD-M | SD-PUD | CZ

Description

An awning that contains lettering painted, screen printed, or appliquéd on the awning valance.

Dimensions

Quantity (max)	1 per window
Width / Height	max width = width of facade max height= n/a letters, numbers, and graphics covering no more than 70% of the valance area
Depth / Projection	min 8 ft fully extended, back of curb, whichever is less
Clearance	min 8 ft
Letter Height	min 5 in, max 10 in
Valance Height	max 12 in

Additional Standards

In addition to all other applicable standards, each Awning Sign allowed under this Article:

a. shall be only on an awning that:

i. does not conceal an architectural feature;

ii. has no side panels or soffit;

iii. is rectangular in elevation and triangular in cross-section with straight edges and is not quarter-round or domed; and

iv. has a metal structure covered in matte, opaque canvas, cotton duck or similar materials with lettering painted, screen printed or appliquéd; and

b. shall be limited to the valance of the awning.

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BAND SIGN

TABLE 26-6.701.B SIGN TYPES
SPECIFIC STANDARDS

ADOPTION DRAFT

Permitted Districts

CD-4.A | CD-4.B | CD-5 | SD-M | SD-PUD | CZ

Description

A Sign that is flat against the Facade and placed directly above the main entrance and often runs horizontally along the entablature of traditional Buildings. Band Signs are typically intended to be seen from a distance and are often accompanied by additional pedestrian-scaled signage.

Dimensions

Quantity (max)	1 per Facade or 1 per first floor business Frontage if multi-tenant Building
Area	1.5 sf per linear ft of Facade or business Frontage
Width / Height	max 100% width of Facade / max 3 ft
Depth / Projection	max 7 in
Clearance	min 7 ft

Additional Standards

In addition to all other applicable standards, each Band Sign allowed under this Article:

a. shall be applied to the first Story Facade and not project vertically above the roof line;

b. shall have individual letters, except that script letters may be attached to one another;

c. shall be attached to the Wall, or to a separate background panel affixed to the Wall, or painted, routed, printed, or etched on a separate background panel affixed to the Wall;

d. shall not obscure any architectural element of the Building and shall be in vertical alignment with the center of an architectural element such as a storefront window or entrance, or centered over the bay or overall space occupied by the business;

e. other than any background panel, shall be made of:

i. wood

ii. architectural metal

iii. glass or acrylic (such as Plexiglass)

iv. authentic masonry or stone (no EIFS, veneers or cultured or synthetic stone)

vi fiber-cement siding (such as Nichiha brand) or

vi. static neon;

e. any background panel shall be made of metal or painted or stained wood; and

f. shall be externally illuminated or backlit.

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BLADE SIGN

TABLE 26-6.701.B SIGN TYPES
SPECIFIC STANDARDS

ADOPTION DRAFT

Permitted Districts

CD-4.A | CD-4.B | CD-5 | SD-M | SD-PUD | CZ

Description

A Sign mounted on the first floor of a Building perpendicular to a Building Facade Wall, typically hung from decorative cast or wrought iron bracket in a manner that permits it to swing slightly. These Signs are small, pedestrian-scaled, and easily read from both sides.

Dimensions

Quantity (max)	1 per business, no closer than 18 ft from another Blade Sign
Area	8 sf, including mounting hardware
Width / Height	max 4 ft / max 2 ft,including mounting hardware
Depth / Projection	max 4 ft, including mounting hardware
Clearance	min 8 ft clear above the Sidewalk
Letter Height	max 8 in

Additional Standards

In addition to all other applicable standards, each Blade Sign allowed under this Article:

a. shall be permanently installed perpendicular to the Facade;
b. all exposed edges of the Sign shall be finished;
c. shall be made of:
   i. wood
   ii. architectural metal
   iii. glass or acrylic (such as Plexiglass)
   iv. authentic masonry or stone (no EIFS, veneers or cultured or synthetic stone)
   vi static neon; ; and
d. shall be externally illuminated.

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CANOPY SIGN

TABLE 26-6.701.B SIGN TYPES
SPECIFIC STANDARDS

ADOPTION DRAFT

Permitted Districts

CD-4.A | CD-4.B | CD-5 | SD-PUD | CZ

Description

A Sign that is located either along the Facade where it projects perpendicular to the Facade or at the corner of a Principal Building where it projects at a 45 degree angle. These Signs often extend beyond the parapet of the Principal Building, but may also terminate below the cornice or eave. Canopy Signs may have either fixed lettering or neon lettering used in conjunction with painted colored or changeable lettering.

Dimensions

Quantity (max)	1 per Principal Frontage
Width / Height	centered on and no more than 4 ft wider than Principal Entrance bay / may not extend above parapet
Depth / Projection	min 4 ft, max 10 ft over Sidewalk
Clearance	min 10 ft from Sidewalk
Letter Height	removable letter height max 6 in, fixed letter height max 36 in
Distance from Curb	min 3 ft

Additional Standards

In addition to all other applicable standards, each Canopy Sign allowed under this Article:

a. shall not be internally lighted or backlit except behind the panels from which changeable letters are hung and shall otherwise be lighted with neon tubing or other external means;

b. shall be located only above the Principal Entrance of a Building and installed so that its face is parallel to the Facade, or if such Building is located on a corner, then such Sign may be located at and attached perpendicular to the corner of the Building;

c. shall not have any supports more than eight feet (8)' deep and all anchors, bolts, and supporting rods must be concealed within its interior;

d. together with all anchors, bolts, supporting rods and braces, shall be constructed of high quality non-combustible or non-corrodable components and materials and shall be designed by a structural engineer and be subject to approval by the Building Inspector.

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DIRECTORY SIGN

TABLE 26-6.701.B SIGN TYPES
SPECIFIC STANDARDS

ADOPTION DRAFT

Permitted Districts

CD-4.R4 | CD-4.A | CD-4.B | CD-5 | SD-M | SD-PUD | CZ

Description

A Sign that displays the tenant names and locations for a Building containing multiple tenants.

Dimensions

Quantity (max)	1 per ground floor entrance of business, including entrance to upper floor business(es)
Area	6 sf max
Width / Height of Sign panel	2 ft max width/ 3 ft max height

Additional Standards

In addition to all other applicable standards, each Directory Sign allowed under this Article:

a. shall be attached to and parallel with the first floor Facade;

b. shall not be attached to or placed within shopfront windows; and

c. shall be made of:

i. wood

ii. architectural metal or

iii. glass or acrylic (such as Plexiglass); and

d. if illuminated, shall be externally illuminated.

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LARGE PROJECTING SIGN

TABLE 26-6.701.B SIGN TYPES
SPECIFIC STANDARDS

ADOPTION DRAFT

Permitted Districts

CD-5 | SD-M | SD-PUD | CZ

Description

A Sign attached above the first floor of a multi-floor Building and projecting from a Building Facade at a 90-degree angle, or if oriented to a Block corner, a 45 degree angle.

Dimensions

Quantity (max)	1 per Facade, per business. If Sign is placed at the Building corner where it can be viewed from 2 Adjacent Facades, it counts toward both Facades.
Height (max)	Top of Sign shall be located below the cornice of a 2 Story building or below the window sills of the 3rd Story of a Building with more than 2 Stories.
Area (max)	50 sf
Clearance	min 12 ft clear above the Sidewalk
Letter Height	Not Regulated
Depth (max)	18 in
Projection (max)	7 ft over Sidewalk, but may not project past back of curb
Distance from Frontage Line	N/A

Additional Standards

In addition to all other applicable standards, each Large Projecting Sign allowed under this Article:

a. shall be made of metal more than 1/2 inch in thickness;

b. shall be permanently installed to the Facade; and

c. shall not be internally lighted or backlit except behind cut-out letters and otherwise shall be lighted with neon tubing or other external means.

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MONUMENT SIGN

TABLE 26-6.701.B SIGN TYPES
SPECIFIC STANDARDS

ADOPTION DRAFT

Permitted Districts

CD-4.A | CD-4.B | CD-5 | SD-M | SD-PUD | CZ

Description

A Sign that is erected on a solid base directly on the ground, and that is itself constructed of a solid material.

Dimensions

Quantity (max)	1 per Frontage
Area (max)	18 sf
Height (max)	6 ft, including the base
Letter Height	max 12 in.

Additional Standards

In addition to all other applicable standards, each Monument Sign allowed under this Article:

a. shall be located within the 1st Lot Layer and shall be set back at least 10 feet from the public right-of-way;

b. shall incorporate a supporting base that is at least 100% of the width of the Sign face at its widest point;

c. shall have a supporting base constructed of authentic brick or stone of the same type, color, and scale or that used in the associated Building;

d. shall have a Sign face made of authentic brick, stone, or solid metal or wood, with lettering, logo or branding made of solid metal or channel lettering;

d. shall have a landscaped area composed of shrubs, flowers and planted groundcover that extends at least 3 feet beyond the supporting base of the Sign on all sides; and

e. shall not be allowed if there is a Post Sign on the Lot.

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OUTDOOR DISPLAY CASE

TABLE 26-6.701.B SIGN TYPES
SPECIFIC STANDARDS

ADOPTION DRAFT

Permitted Districts

CD-4.A | CD-4.B | CD-5 | SD-M | SD-PUD | CZ

Description

A Sign consisting of a lockable metal- or wood-framed cabinet with a hinged transparent door inside of which information may be viewed and accessed for maintenance and updating.

Dimensions

Quantity (max)	1 per Principal Frontage
Area	max 3 sf, except in the case of theaters, which may not exceed 20 sf
Depth / Projection	max 5 in.
Clearance	min 30 in.
Letter Height	Not Regulated

Additional Standards

In addition to all other applicable standards, each Outdoor Display Case allowed under this Article:

a. shall be permanently attached to and parallel with the first floor Facade;

b. may be externally illuminated or lighted by a recessed light source within the cabinet; and

c. shall not be attached to or be placed within shopfront windows.

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PLAQUE SIGN

TABLE 26-6.701.B SIGN TYPES
SPECIFIC STANDARDS

ADOPTION DRAFT

Permitted Districts

CD-3 | CD-3.R1 | CD-3.R2 | CD-3.R3 | CD-4.R4 | CD-4.A | CD-4.B | CD-5 | SD-M | SD-PUD | CZ

Description

A Sign that identifies a Building or its builder, or on professional office Buildings, which might name the firm or partners in a firm. May also be referred to as an architectural Sign or nameplate Sign.

Dimensions

Quantity (max)	1 per Principal Frontage
Area	max 1 sf
Width / Height	max 18 in / max 2 ft
Depth / Projection	max 3 in
Mounting Height max	7 ft

Additional Standards

In addition to all other applicable standards, each Plaque Sign allowed under this Article:

a. shall be within ten (10) feet of an entrance to the Building; and
b. shall consist of either (1) a metal, authentic stone, or masonry panel with engraved or raised letters or (2) individual letters inset or applied flush with a Building Wall, in each case.

No more than 1 Plaque Sign may be used for a Home Occupation in CD-3, CD-3.R1, CD-3.R2, or CD-3.R3.

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PORCH SIGN

TABLE 26-6.701.B SIGN TYPES
SPECIFIC STANDARDS

ADOPTION DRAFT

Permitted Districts

CD-4.A CZ

Description

Signs that are mounted on a porch. Signs must be placed parallel to the Building Facade.

Dimensions

Quantity (max)	1 per address (2 for Corner Building
Area	max 6 sq ft
Width / Height	max 100% width of entrance / max 2 ft
Depth / Projection	n/a
Clearance	min 7 ft
Letter Height	max 8 in

Additional Standards

In addition to all other applicable standards, each Porch Sign allowed under this Article:

a. shall be hung above the entrance to the porch or elsewhere on the architrave (beam at top of columns);

b. shall be permanently installed parallel to the Facade of the Building;

c. shall be made of wood or metal, with either raised, engraved, or painted lettering; and

d. shall not be allowed on any Building with a Wall Sign or Band Sign.

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POST SIGN

TABLE 26-6.701.B SIGN TYPES
SPECIFIC STANDARDS

ADOPTION DRAFT

Permitted Districts

CD-4.A | CD-4.B | CD-5 | SD-M | SD-PUD | CZ

Description

A Sign that is mounted on a single post in the First Lot Layer.

Dimensions

Quantity (max)	1 per Building
Area	8 sf
Width / Height of Sign panel	max 48 in / max 40 in
Apex	6 ft
Letter Height	max 10 in

Additional Standards

In addition to all other applicable standards, each Post Sign allowed under this Article:

a. shall be mounted on a single 4-sided stained or painted wood or metal post by a ornamental, horizontal, stained or painted metal or wood arm, with or without a lamp at the top;

b. shall be set perpendicular to the Building Facade;

c. shall be made of wood or metal, with either raised, engraved, or painted lettering;

d. shall be permitted only in Districts on Calumet Avenue north of Ridge Road and on Ridge Road where a House has been converted to a commercial use.

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SIDEWALK SIGN

TABLE 26-6.701.B SIGN TYPES
SPECIFIC STANDARDS

ADOPTION DRAFT

Permitted Districts

CD-4.A | CD-4.B | CD-5 | SD-PUD | CZ

Description

A free-standing, double-sided Sign with lettering painted or applied to the surface, placed at the entrance to a Building in a primarily pedestrian environment.

Dimensions

Quantity (max)	1 per business
Area	max 10 sf
Width / Height	max 30 in / max 48 in

Additional Standards

In addition to all other applicable standards, each Sidewalk Sign allowed under this Article:

a. shall be located directly in front of the space occupied by the sign permit holder;

b. shall not be placed so as to cause the width of the sidewalk to be reduced below five feet in width, nor shall they be erected or maintained in a manner that prevents free ingress or egress from any door, window, or fire escape;

c. shall be marked with the approved permit or permit number. Sidewalk signs without permits shall be disposed of at owner's expense;

d. shall not be illuminated or have any moving parts;

e. shall only be displayed between 9:00 a.m. .and 11:00 p.m. and shall be removed from public rights-of-way in the event of snow accumulation until such time that accumulation is removed;

f. shall not be made of paper, cardboard or plastic; and

g. may be removed by the Town from the right-of-way for municipal purposes.

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WINDOW SIGN

TABLE 26-6.701.B SIGN TYPES
SPECIFIC STANDARDS

ADOPTION DRAFT

Permitted Districts

CD-4.A | CD-4.B | CD-5 | SD-M | SD-PUD | CZ

Description

A Sign that is professionally painted or professionally cut vinyl, consisting of individual letters and designs, applied directly on the inside of a window or hanging inside a window.

Dimensions

Area	max 25% of glass onto which it is applied, if made up of individual letters; max 15% of glass if on an opaque background

Additional Standards

In addition to all other applicable standards, each Window Sign allowed under this Article:

a. shall be of one of the following types:

i. Professionally painted or cut vinyl letters

ii. Hanging Sign that hangs parallel to the window and may not be made of paper or cardboard

iii. Neon Sign

iv. Door Sign applied to or hanging inside the glass portion of an entrance doorway;

b. shall not interfere with the primary function of windows, which is to enable passersby and public safety personnel to see through windows into premises and view product displays; and

c. the total aggregate area of lettering shall not exceed the area dimensional limit provided herein; and

d. in addition to one (1) door sign, there shall be no more than one (1) Window Sign per Facade.

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DIVISION 8: ADMINISTRATION, PROCEDURES, & ENFORCEMENT

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355 SECTION 26-6.802 COMPLIANCE REQUIRED.
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364 A. Conditional Uses.
369 B. Building Permits.
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393 H. Subdivision Plats.
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396 K. Public Notice Requirements.
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411 N. Specific Procedure to Revoke Certificate of Occupancy or Building Permit.

ADOPTION DRAFT

SECTION 26-6.801 ADMINISTRATION

A. Authorization of Planning Director / Zoning Administrator.

1. Planning Director Authorization

The Planning Director is designated as the Zoning Administrator under this Article. The Planning Director is authorized and directed to take all actions and discharge all duties and responsibilities as directed by the Plan Commission or Town Council and take all other actions as Planning Director or Zoning Administrator specified in this Article.

2. Zoning Administrator Authorization

It shall be the duty of the Zoning Administrator, and the Zoning Administrator is hereby authorized and directed to:

a. administer this Article,

b. administer the requirements of the Plan Commission and the Town Council authorized by this Article,

c. administer the provisions of any certified Building and Lot Plan or Development Parcel Plan, and any approved Conditional Use or approved Site Plan, except where administration is otherwise expressly provided in this Article to be the responsibility of other Town personnel,

d. review and certify whether plans and applications submitted pursuant to this Article are complete and in compliance with all standards and requirements hereof,

e. keep a record of all applications and requests under this Article, and a record of permits and actions taken or issued with respect thereto with a notation of any conditions required in connection therewith,

f. file and keep copies of all plans submitted, which files shall form a part of the records of the respective Decision-Making Authorities,

g. take all other actions specified in this Article, and

h. together with Decision-Making Authorities and other Town code enforcement personnel as provided herein, enforce this Article and the provisions of any Development approval, permit, plan, or application certified, approved, or issued under this Article.

B. Referral to Board of Zoning Appeals for Interpretation.

If the Zoning Administrator is in doubt as to the meaning or intent of any provision of this Article, or as to the location of any District boundary line on the Zoning Map, or if the Building Inspector is in doubt as to the propriety of issuing a Building Permit or a Certificate of Occupancy in a particular case related to the provisions of this Article, such person shall refer the matter to the Board of Zoning Appeals for interpretation and decision.

C. Adoption of Procedural Rules.

The Zoning Administrator may adopt rules of procedure, consistent with this Article, to assure efficient and uniform administration of its provisions.

SECTION 26-6.802 COMPLIANCE REQUIRED.

A. Conditions of Applications & Actions.

No council, commission, board, agency, officer or employee of the Town may issue, grant or approve any application, Plan, permit, license, registration, certificate or other authorization under this Article unless all applicable requirements of this Article have

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been complied with and unless the construction, reconstruction, Alteration, modification, enlargement, or moving of any Development, Improvement, or Building or Structure, or for any Use of any land, or Building or Structure, would be in full compliance with the provisions of this Article.

B. Certification of Compliance

No Building Permit or Certificate of Occupancy shall be issued unless the Zoning Administrator has certified to the Building Inspector that the subject Development, Improvement, or Building or Structure, and the proposed Use of the land and Building or Structure, are in compliance with this Article.

C. Effect of Action Taken in Violation of Article

Any application, plan, approval, permit, license, registration, certificate or other authorization issued, granted or approved in violation of the provisions of this Article shall be null and void and of no effect, without the necessity of any proceedings or revocation or nullification thereof, and any work undertaken or Use established pursuant to any such approval, permit, license, registration, certificate or authorization shall be unlawful, and no action shall be taken by any board, agency, officer or employee of the Town purporting to validate any such violation.

D. Certificate, Permit, or Approval Mistakenly Issued or Granted

If any certificate, permit, or approval is mistakenly issued or made under this Article, such approval, permit, or certificate shall be invalid.

SECTION 26-6.803 DECISION-MAKING AUTHORITIES

A. General

Authority under this Article shall be vested in and delegated to the officials and Decision-Making Authorities designated in this Article, the Town Code, and state law. This authority shall be deemed supplemental to any other authority lawfully conferred upon the officials and Decision-Making Authorities.

The officials and Decision-Making Authorities shall have all implied authority necessary to carry out the duties and responsibilities expressly provided in this Article to the extent the implied authority is not in conflict with the express authority.

The various submissions under this Article and the applicable Decision-Making Authorities for such submissions are summarized in **Table 26-6.803 Submissions & Decision-Making Authorities**.

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TABLE 26-6.803 (SUBMISSIONS & DECISION-MAKING AUTHORITIES)

Type	Review/Hearing/ Recommendation	Decision-Making Authority
Zoning Amendment	Plan Commission	Town Council
Conditional Use Permit	Plan Commission / Board of Zoning Appeals	Town Council
Use Variance	Board of Zoning Appeals	Town Council
Other Variance	Plan Commission	Board of Zoning Appeals
Development Plan for PUD	Plan Commission	Town Council
Building & Lot Plan	Development Review Committee	Zoning Administrator
Building Permit	---	Building Inspector
Development Parcel Plan	Development Review Committee	Zoning Administrator
Site Plan under Section 26-6.804.G.5.a.i (other than Development Plan for PUD)	Development Review Committee	Plan Commission
Site Plan under Section 26-6.804.G.5.a.ii (other than Development Plan for PUD)	Development Review Committee	Zoning Administrator
Sign Plan	Building Inspector	Zoning Administrator
Code Interpretation	Zoning Administrator	Board of Zoning Appeals
Certificate of Occupancy	Zoning Administrator / Town Engineer	Building Inspector
Fence Permit	Zoning Administrator	Building Inspector

ADOPTION DRAFT

B. Town Council

1. General.

The Town Council is authorized to perform all duties and functions assigned to town councils under state law, this Article, and any other applicable provisions of the Town Code. Without limitation to the foregoing, the Town Council is authorized to consider and take action on Use Variances, Conditional Uses, amendments to this Article and the Zoning Map pursuant to Sections 26-6.803.B.2, 26-6.803.B.3, and 26-6.803.B.4, and planned unit development Development Plans.

2. Use Variances.

a. The Town Council is authorized to hear, consider and approve, approve with conditions, or disapprove Use Variances. In taking action on any Use Variance, the Town Council shall be guided by and give consideration to the following:

i. Whether the approval will be injurious to the public health, safety, morals, and general welfare of the community;

ii. Whether the use and value of the area Adjacent to the property included in the Variance will be affected in a substantially adverse manner;

iii. Whether the need for the Variance arises from some condition peculiar to the property involved;

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iv. Whether the strict application of the terms of this Article will constitute an unnecessary hardship if applied to the property for which the Variance is sought; and

v. Whether the approval interfere substantially with the Comprehensive Plan.

b. In applying the standards of this Section 26–6.801.B.2, the Town Council and the Board of Zoning Appeals, as applicable, shall consider all evidence and testimony introduced before it during public hearing, and may take into consideration facts, circumstances and conditions existing within the community which are of common knowledge and of which the members of the Town Council or the Board of Zoning Appeals, as applicable, have knowledge, provided that such facts, conditions or circumstances are made a matter of record in the proceedings of the Town Council or the Board of Zoning Appeals, as applicable.

c. No relief may be granted or action taken under the terms of this Section 26–6.801.B.2 unless such relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Comprehensive Plan and this Article.

d. Notwithstanding anything to the contrary contained or implied in this Article, no Variance shall be granted under this Section 26–6.801.B.2 that would allow a Building, Structure, or Use in a District or Civic Zone in which such Building or Structure or Use is permitted.

e. If the Town Council denies any request for a Variance as provided for by this Article, then no further request seeking the same or similar relief shall be filed or considered by the Town Council for a period of two (2) years from the date of its previous action; provided, however, that the Town Council may, by unanimous consent of all of the members of the Town Council and upon notice to all persons whose interests may be affected thereby, upon receipt of evidence of a substantial change of conditions or circumstances warranting such action, reconsider any action at any time previously taken by it, the provisions of this Section 26–6.801.B.2..e notwithstanding.

3. Amendment of Article and Zoning Map.

a. The Town Council is authorized and may from time to time, on its own motion or upon petition, amend, change or modify by ordinance:

i. this Article and

ii. the boundaries of Districts and Civic Zones established by this Article as shown on the Zoning Map.

b. The authority of the Town Council under Section 26–6.801.B.3.a includes without limitation the authority to hear, consider, and approve or deny applications for Special Districts, including Planned Unit Developments.

c. No amendment of this Article or change to the Zoning Map shall become effective unless the ordinance proposing such amendment or change shall first have been submitted to the Plan Commission, which after public notice and hearing, shall recommend to the Town Council its approval or disapproval of the proposed amendment.

d. If any area is hereafter transferred to

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another District by a change in the District boundaries by amendment as provided by this Article, the provisions of this Article with regard to nonconforming lots, parcels of land, Buildings, Structures, Signs, and Uses, or premises or Lots, parcels of land, Buildings, Structures, Signs, and Uses, or premises for which permits have been issued at the time of passage of the ordinance from which this Article is derived, shall also apply to lots, parcels of land, Buildings, Structures, Signs, and Uses for which permits have been issued in such transferred area at the time of passage of such amendment.

4. Conditional Uses.

The Town Council is authorized to hear, consider and approve, approve with conditions, or disapprove Conditional Uses in accordance with Section 26-6.405.L.4 and Section 26-6.804.A.

C. Plan Commission

1. Establishment.

A Town Plan Commission is established in accordance with applicable state law, including without limitation, appeals from decisions of hearing officers, Plan Commission staff, and Plan Commission committees to which review of Development Plans has been delegated pursuant to this Article.

2. Authorization.

The Plan Commission is authorized to, and shall perform, all duties and functions assigned to planning commissions under state law, this Article, and any other applicable Article of the Town Code.

3. Establishment of Rules.

The Plan Commission may establish general and special rules for the consideration of matters brought before it. Such rules shall be consistent with law and the purposes and objectives of this Article.

4. Record of Proceedings and Actions.

The Secretary of the Plan Commission shall keep minutes of the proceedings showing the vote upon every question. The Secretary shall also keep records of examinations and official actions, all of which shall be filed in the Community Development office and shall be a public record.

D. Board of Zoning Appeals

1. Established; Membership; Removal of Members.

A Board of Zoning Appeals of five (5) members appointed in accordance with the provisions of Indiana Code § 36-7-4-901 is hereby created. All members of the Board are removable for cause.

2. Meetings; Records.

Meetings of the Board of Zoning Appeals shall be held at the call of the chair and at such other times as the board may determine. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

3. Rules.

a. The Board of Zoning Appeals shall adopt rules, which may not conflict with this Article, concerning:

i. The filing of appeals;

ii. The application for Variances and

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Conditional Uses;

iii. The giving of notice;

iv. The conduct of hearings; and

v. The determination of whether a Variance application is for a Variance of Use or for a Variance from the development standards (such as height, bulk or area).

b. Rules adopted by the Board of Zoning Appeals shall be printed and be made available to all Applicants and other interested persons.

4. Town Council Review of Petitions for Conditional Uses and Use Variances.

a. Notwithstanding any other provisions of this Article, the Board of Zoning Appeals shall submit any of the following petitions to the Town Council for approval or disapproval:

i. Conditional Uses; and

ii. Use Variances.

b. The Board of Zoning Appeals shall file a petition under this Section 26–6.803.D.4 with the clerk of the Town Council, together with:

i. A favorable recommendation;

ii. An unfavorable recommendation; or

iii. No recommendation.

c. The Town Council shall give notice under Indiana Code § 5–14–1.5–5 of its intention to consider the petition at its first regular meeting after the Board of Zoning Appeals files its recommendation.

d. The Town Council shall vote on the petition within ninety (90) days after the Board of Zoning Appeals makes its recommendation. If the Town Council does not vote to deny the petition within ninety (90) days, the petition is considered approved.

e. If the Town Council approves a petition, it must make the determination in writing as required by law or as required by this Article.

5. Appeals & Related Matters.

a. Generally. The Board of Zoning Appeals shall hear and determine appeals from and review orders, requirements, decisions, and determinations described in Section 26–6.804.J.2, except as otherwise specifically set forth in this Article.

b. Grounds; transmission of record; disposition.

i. An appeal filed with the Board of Zoning Appeals must specify the grounds of the appeal and must be filed within such time and in such form as may be prescribed by the Board of Zoning Appeals by rule.

ii. The administrative official, hearing officer, administrative board or other body from which the appeal is taken shall, on the request of the Board of Zoning Appeals, transmit to it all documents, plans and papers constituting the record of the action from which an appeal was taken.

iii. Certified copies of the documents, plans and papers constituting the record may be transmitted for purposes of Section 26–6.801.D.5.b.ii.

iv. Upon appeal, the Board of Zoning Appeals may reverse, affirm or modify the order, requirement, decision or determination appealed from. For this purpose, the Board of Zoning Appeals has all the powers of the official, officer, Board or body from which the appeal is

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taken.

v. The Board shall make a decision on any matter that it is required to hear under law, either:

I. At the meeting at which that matter is first presented; or

II. At the conclusion of the hearing on that matter, if it is continued.

vi. Within five (5) days after making any decision, the Board of Zoning Appeals shall file in the office of the Board a copy of its decision.

c. Notice of hearing; conduct of hearing.

i. The Board of Zoning Appeals shall fix a reasonable time for the hearing of appeals, Conditional Uses and Variances.

ii. Public notice in accordance with Indiana Code § 5–3–1–2 and Indiana Code § 5–3–1–4 and due notice to interested parties shall be given at least ten (10) days before the date set for the hearing. Additionally, an Applicant before the Board of Zoning Appeals shall cause a notice of public hearing concerning any appeal or application for Conditional Use, or Variance proceeding to be prominently posted on the affected property for at least ten (10) days prior to the hearing utilizing a form of notice and sign provided to the Applicant by the Town.

iii. The party taking the appeal, or applying for the Conditional Use or Variance, may be required to assume the cost of public notice and due notice to interested parties. At the hearing, each party may appear in person, by agent or by attorney.

iv. The Board of Zoning Appeals shall, by rule, determine who are interested parties, how notice is to be given to them, and who is required to give that notice.

v. The staff, if any, may appear before the Board of Zoning Appeals at the hearing and present evidence in support of or in opposition to the granting of a Variance or the determination of any other matter.

vi. Other persons may appear and present relevant evidence.

vii. A person may not communicate with any member of the Board of Zoning Appeals before the hearing with intent to influence the member's action on a matter pending before the Board of Zoning Appeals. Not less than five (5) days before the hearing, however, the staff, if any, may file with the Board of Zoning Appeals a written statement setting forth any facts or opinions relating to the matter.

viii. The Board of Zoning Appeals may require any party adverse to any pending petition to enter a written appearance specifying the party's name and address. If the written appearance is entered more than four days before the hearing, the Board may also require the petitioner to furnish each adverse party with a copy of the petition and a plot plan of the property involved.

6. Powers.

a. The Board of Zoning Appeals shall have the following powers:

i. Hear and decide appeals where there

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is an error in any order, requirement, decision or refusal made by the Zoning Administrator in the enforcement of this Article.

ii. Hear and decide, in accordance with the provisions of this Article, authorizations, interpretations of the Zoning Map, and decisions upon other questions upon which the Board of Zoning Appeals is authorized to pass.

iii. Hear and make recommendations on requests for Use Variances and Conditional Uses, in accordance with the provisions of this Article;

iv. Hear and decide, in accordance with the provisions of this Article, requests for Variance from the strict application of the Development standards of this Article where by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or by reason of any other extraordinary and exceptional situation or condition of such piece of property, the strict application of such development standards would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owners of such property, so as to relieve such difficulties or hardships; and

v. Exercise all other powers which are or may hereafter be authorized to be exercised by Boards of Zoning Appeals pursuant to any statutes or laws of the state, and exercise any and all powers which are authorized by other ordinances of the Town.

b. No relief may be granted or action taken under the terms of Sections 26–6.801.6.a.iii or .iv unless such relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the comprehensive plan , the Zoning Map, and this Article. All petitions for Variances, all applications for Conditional Uses, and all requests for approval and authorization required by the terms of this Article shall be conducted in the same manner as and the same procedure shall be followed as provided for in the case of appeals under this Section 26–6.803.D.5. In recommending, taking action on, or determining any appeal, petition for Variance, application for Conditional Uses, or request for authorization or approval as provided for in this Section 26–6.803.D.5, the Board of Zoning Appeals shall be guided by and give consideration to the following:

i. The specific provisions and requirements of this Article pertaining to the specific subject matter of the application, petition or appeal.

ii. The general provisions and requirements, intent and purpose of this Article.

iii. The provisions, requirements, intents and purposes of other ordinances of the Town which may be applicable thereto.

iv. The effect on the public health, safety and welfare of the citizens of the Town, specifically including, but not limited to, fire and traffic safety, considering the requirements, regulations and standards of any Town, county or state health, fire, traffic or safety agency or commission.

v. The effect upon the sound economic development of the community.

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vi. The effect upon adjoining or other property in the community, recognizing the right of adjoining or other affected property owners to the peaceful and quiet enjoyment of their property, and including the effect upon the desirability or use of adjoining or nearby residential property, and bearing in mind whether or not such proposed action will be consistent with the development and growth of the Town as a restricted residential community.

vii. The existence, nature and degree of any hazards, odor, dust, gas, noise, smoke, fumes, light, glare or vibrations which may be attendant thereto.

viii. The existence and degree, if any, of burdens which may be imposed upon police, fire, school or other facilities of the community.

In applying the standards of this Section 26–6.803.D.6, the Board of Zoning Appeals shall consider all evidence and testimony introduced before it during public hearing, and the Board may take into consideration facts, circumstances and conditions existing within the community which are of common knowledge and of which the members of the Board have knowledge, provided that such facts, conditions or circumstances are made a matter of record in the proceedings of the Board.

c. Notwithstanding anything to the contrary contained or implied in this Article, no Variance shall be granted or recommended under this Section 26–6.803.D.6 to allow a Building, Structure, or Use in a District or Civic Zone in which Building, Structure, or Use is not permitted.

d. If the Board of Zoning Appeals denies any appeal, petition, application or request as provided for by this Article, then no further appeal, application, petition or request seeking the same or similar relief shall be filed or considered by the Board for a period of two (2) years from the date of its previous action; provided, however, that the Board may, by unanimous consent of all of the members of the Board and upon notice to all persons whose interests may be affected thereby, upon receipt of evidence of a substantial change of conditions or circumstances warranting such action, reconsider any action at any time previously taken by it, the provisions of this Section 26–6.803.D.6 notwithstanding.

e. In exercising the powers described in this Section, the Board of Zoning Appeals may, in conformity with the provisions of this Article, approve, approve with conditions, or disapprove, recommend approval, approval with conditions or denial, make no recommendation, reverse or affirm wholly or partly, or modify the order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the staff or Decision–Making Authority from which such appeal is taken.

f. The concurring vote of three (3) members of the Board of Zoning Appeals shall be necessary to reverse any order or to decide in favor of the Applicant any matter upon which it is required to take action under this Article, or to effect, recommend, or grant any Conditional Use, Variance, or exception under this Article.

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E. Development Review Committee

1. Establishment of Committee.

A Development Review Committee is hereby established, which is composed of the following members:

a. Planning Director.

b. Chief Building Inspector.

c. Public Works Director.

d. Parks Director.

e. Town Engineer.

f. Police Chief.

g. Fire Chief.

h. Town Manager.

i. Two members of the Plan Commission.

Each member of the Development Review Committee may delegate a member of such member's department to act as a committee member in the place of such member.

2. Authorization.

a. The Development Review Committee is authorized to review and provide input on any of the types of Plans and proposals specified in Section 26-6.803.E.3.

b. The Development Review Committee is authorized in its judgment to obtain advice on any project or proposal from other Town officials, Town Staff, and technical experts and consultants, and to compensate such experts and consultants at such rates as the Development Review Committee shall determine.

3. Applicability of Development Review.

The following must undergo review by the Development Review prior to review by the final Decision-Making Authority and prior to issuance of any preliminary subdivision approval or issuance of a Building Permit for any Development in any zoning classification:

a. Building and Lot Plans

b. Development Parcel Plans

c. Site Plans

d. Any other plan or proposal forwarded to the Development Review Committee by the Zoning Administrator; and

e. Any other plan or proposal with respect to which any member of the Development Review Committee recommends that the Development Review Committee review because such plan or proposal presents unusual issues.

4. Meeting Reports.

The Development Review Committee chair shall prepare and retain a report on each meeting of the Committee.

5. Procedures.

a. The Planning Director shall serve as the Chairman of the Development Review Committee.

b. Meetings shall be called by the Chairman as needed.

c. Plan Commission members shall receive notification when a meeting has been called, but no more than two (2) Plan Commission members may attend a Development Review Committee meeting.

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d. When possible, review by the Development Review Committee shall be completed within fifteen (15) days of receipt by the Town of a complete application.

e. A report of the meeting shall be produced by the Chairman and provided to the Applicant within one (1) month of the Development Review Committee meeting at which the plan or proposal was considered, indicating whether the plan or proposal meet the review factors, criteria and/or standards applicable to the specific type of Plan, as set forth in Section 26-6.804 below, as if such plan or proposal were being reviewed by the final Decision-Making Authority therefor. The petitioner and the Plan Commission shall be provided with the report of the Development Review Committee meeting. In the event that a petition requires Plan Commission approval, the report shall be provided at least seven (7) days before the Plan Commission meeting at which the petition is scheduled to be heard. In the event that the report cannot be distributed at least seven (7) days prior to the Plan Commission meeting at which the petition is scheduled to be heard, the petitioner may elect to continue the petition to the next regularly scheduled Plan Commission meeting.

f. Even in cases for which Plan Commission review is not otherwise required under this Article, after conducting its review, the Development Review Committee may require, or a petitioner may request, a hearing before the Plan Commission for review and approval. In such instances, the Plan Commission may approve, approve with conditions, or deny approval of a plan or proposal.

6. Rules for Review.

The rules to be used by the Development Review Committee when reviewing a plan pr proposal are derived from the Comprehensive Plan, This Article, the Zoning Map, the Town subdivision regulations, the Town Building Code, and other applicable Town ordinances, the review factors, criteria and/or standards applicable to the specific type of plan or proposal, as set forth in Section 26-6.804 below, as if such plan or proposal were being reviewed by the final Decision-Making Authority.

SECTION 26-6.804 APPLICATIONS & DEVELOPMENT REVIEW PROCEDURES

A. Conditional Uses

1. Authorization.

a. The Board of Zoning Appeals is authorized to provide notice, conduct hearings, and make recommendations to the Town Council concerning Conditional Use applications.

b. The Plan Commission is authorized to review and provide recommendations and advisory opinions on Conditional Use applications.

c. The Town Council is authorized to review and take action on Conditional Use applications forwarded to it by the Board of Zoning Appeals pursuant to Section 26-6.803.D.4.

2. Purpose; Categories.

The formulation and enactment of a comprehensive zoning ordinance is based on the division of the entire Town into Districts and Civic Zones, in each of which are permitted specified Uses that are mutually compatible. In addition to such permitted compatible Uses, however, it is recognized that there are other Uses which it may be necessary or desirable to allow in a given District or Civic Zone but which, on account of

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their potential impact upon neighboring Uses, property, or public facilities, need to be carefully regulated with respect to location or operation for the protection of the community. Such Uses are classified in this Article as Conditional Uses, and fall into two categories:

a. Uses either municipally operated or operated by publicly regulated utilities, or Uses traditionally affected by public interest; and

b. Uses entirely private in character, which need, on account of their peculiar location, or the nature of the service they offer to the public, to be established in a District in which they cannot be reasonably allowed as a Permitted Use under this Article.

3. Uses Eligible for Consideration as Conditional Uses.

Uses indicated as a Conditional Uses ("CU") for the applicable District or Civic Zone in **Table 26-6.405.L-1 (Building & Lot Principal Uses)**, **Table 26-6.405.L-10 (Building and Lot Accessory Uses)**, or **Table 26-6.405.L-3 (Building and Lot Temporary Uses)** are eligible for consideration as Conditional Uses in accordance with this Section 26-6.804.A.

4. Application Requirements & Procedures

a. Any Person owning or having an interest in the property for which a Conditional Use is to be proposed may file an application for a Conditional Use Permit, accompanied by a non-refundable application fee in accordance with the Town fee schedule in effect from time to time.

b. A Conditional Use application shall be submitted to the Zoning Administrator on a form supplied by the Zoning Administrator.

c. A Conditional Use application must show or include, as applicable, the following items, each of which shall be considered as integral to the application and any approval thereof:

i. A Site Plan meeting the requirements of and approved in accordance with Section 26-6.804.G hereof.

ii. A Building and Lot Plan and any required Development Parcel Plan prepared in accordance with this Article, each accompanied by an Improvement Location Permit issued by the Zoning Administrator, reflecting compliance of such plan or plans with all requirements of this Article.

iii Unless the Use is a public necessity, a written statement explaining that the proposed Conditional Use shall not substantially injure the financial value of surrounding properties and shall not hinder or discourage the appropriate Development or Use of Adjacent properties.

v. A written explanation with supporting evidence as to how each of the general and specific conditions, requirements, and standards applicable to the Conditional Use, as set forth in Section 26-6.405.L.4 and this Section 26-6.804.A are satisfied.

vi. With respect to any condition or requirement where there is potential for negative or adverse effects, a written proposal regarding measures to be employed to mitigate such effects.

vii. If requested by the Board of Zoning Appeals or the Town Council, additional information shall be provided by the Applicant, which may include without

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limitation:

I. Any other items deemed necessary; and

II. An appraisal to indicate the effect of the proposed Conditional Use on the financial value of properties within 300 feet of the subject property.

5. Completeness Review by Zoning Administrator

Upon receipt of a Conditional Use application, the Zoning Administrator shall determine whether the application is complete. The Zoning Administrator shall:

a. Certify completeness of any complete application and forward such Certificate and the complete application for further processing, review, notice, hearing, consideration, recommendation, and action as more fully described below; or

b. return an incomplete application to the Applicant, with a written explanation regarding which items are incomplete.

6. Hearing & Recommendation

Upon notice in accordance with the notice procedure of Section 26–6.804.K, published and provided to landowners surrounding the property on which the Conditional Use is proposed, the Board of Zoning Appeals shall hold a public hearing on the Conditional Use application.

Thereafter, the Conditional Use application shall be forwarded to the Town Council with a recommendation of the Board of Zoning Appeals that the application be granted, granted with conditions, a recommendation that the application be denied, or no recommendation. The Board of Zoning Appeals shall adopt written findings indicating the reasons for its recommendation.

7. Authority to Impose Conditions or Restrictions.

In addition to any specific conditions, requirements, or restrictions applicable to the Conditional Use pursuant to Section 26–6.804.A.9, the Town Council may impose such conditions, requirements, or restrictions upon the construction, location and operation of a Conditional Use as the Town Council shall determine are necessary to secure the general objectives of this Article, to reduce injury to the value of property in the neighborhood, and to provide for safety and protection of health and the general welfare.

8. Criteria for Recommendation & Approval.

No Conditional Use shall be recommended by the Board of Zoning Appeals or approved by the Town Council unless the Conditional Use meets the conditions, requirements, and restrictions set forth in Section 26–6.405.L.

9. Additional Specific Conditions, Requirements, & Restrictions Applicable to Certain Conditional Uses.

In addition to all other conditions, requirements, and restrictions applicable thereto, the following Conditional Uses shall be subject to the specific conditions, requirements, and restrictions applicable to each of them under Section 26–6.404.L.

10. Action & Decision

The Decision–Making Authority shall not approve a proposed Conditional Use unless the Decision–Making Authority determines that the

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proposed Conditional Use meets all conditions, requirements, and restrictions of this Section 26-6.804.A.

11. Issuance of Conditional Use Permit.

Upon approval of an application for Conditional Use, the Zoning Administrator shall issue a Conditional Use Permit to the Applicant.

12. Condition to Issuance of Building Permit.

No authorization for a Building Permit and no Building Permit shall be issued with respect to any Building or Lot for which approval of a Conditional Use is necessary unless the applicable Decision-Maker has approved the Conditional Use.

13. Certificate of Occupancy Required.

Property subject to a Conditional Use Permit may not be used or occupied until a Certificate of Occupancy has been issued for said use.

14. Conforming Use.

A Conditional Use for which a Building Permit is authorized pursuant to the provisions of this Article shall be construed to be a conforming Use.

15. Violation.

Any violation of the conditions, requirements, or restrictions applicable to an approved Conditional Use shall be deemed a violation of this Article, punishable under the provisions of Section 26-6.804.M, and no Certificate of Occupancy shall be issued until such violations are corrected.

16. Lapse Upon Change of Use.

An approved Conditional Use and any related Certificate of Occupancy shall lapse automatically without the need for any action by the Town if the Use of the subject property is changed, regardless of whether such different use is deemed to be a higher or lower Use, or when any violation under the provisions of Section 26-6.804.M occurs.

17. Effective Time.

A Conditional Use Permit shall become effective at the time the application is approved by the Decision-Making Authority and shall be valid regardless of change of ownership, provided all conditions, requirements, and restrictions of the Conditional Use are met by subsequent owners or users.

18. Expiration of Conditional Uses / Conditional Use Permit.

a. If a complete Building Permit application related to an approved Conditional Use application is not submitted within ninety (90) days of the Decision-Making Authority's approval, the Building Permit authorization and such Conditional Use approval shall expire. Extensions of such ninety (90) day period may be granted by resolution of the applicable Decision-Making Authority for 90-day periods, but not exceeding three (3) such extensions.

b. If more than one (1) year elapses after the Decision-Making Authority's approval of a Conditional Use Permit without commencement of construction, the Board of Zoning Appeals and the Town Council shall review such permit in relation to the standards and requirements then in effect and circumstances and conditions then existing. If the permit is still in conformance with the provisions of this Article and there has been no change in the circumstances or conditions affecting the appropriateness of the Conditional Use, the permit shall

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remain valid for another year. If there have been changes in either this Article or the circumstances or conditions affecting the appropriateness of the Conditional Use or the Conditional Use Permit, the permit shall become void.

19. Investigations; Non-Compliance; Revocation

The Zoning Administrator shall make periodic investigations of property with respect to which a Conditional Use has been approved. Such approval may be revoked if conditions, requirements, or restrictions applicable to the Conditional Use or the approval are not met, provided that the following steps have been undertaken:

a. Upon verification of non-compliance by the Zoning Administrator, a notification shall be sent to the property owner informing them of the non-compliance. The owner shall be notified by certified mail and given thirty (30) days from the mailing date to bring the property into compliance.

b. If the property is not brought into compliance within thirty (30) days of the mailing date of the notice of non-compliance, the Zoning Administrator shall send written communication to the Board of Zoning Appeals requesting that a public hearing be held to revoke the Conditional Use approval and related Conditional Use Permit.

c. The hearing before the Board of Zoning Appeals to consider revocation of a Conditional Use approval and related Conditional Use Permit shall follow the procedures applicable to Board of Zoning Appeals proceedings.

B. Building Permits

1. General Procedure.

All procedure with respect to applications for and issuance of Building Permits shall be in conformity with the provisions of Ch. 26 Art. II(Building Code).

All applications for Building Permits shall be accompanied by such other information as may be necessary to determine and provide for the enforcement of this Article, including without limitation, the Zoning Administrator's issuance of an Improvement Location Permit and Certificates of Compliance, certifying compliance with all applicable provisions of this Article.

The following illustrates certain steps of the Building Permit process:

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ILLUSTRATION 26-6.804.B BUILDING PERMIT PROCESS

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2. Conformance to Article.

No Building Permit shall be issued for the erection, construction, reconstruction, Alteration, modification, restoration, repair or moving of any Building or Structure or part thereof, unless such Building or Structure, all applicable Plans, and the intended Use are in full compliance with this Article and all required approvals under this Article.

3. Decision-Making Authority Order.

The Building Inspector shall obtain a written order of authorization from the Decision-Making Authority for any Building Permit in a case involving a Conditional Use, Use Variance, Variance from Development standards, or Waiver before issuing a Building Permit involving any of the above.

4. Compliance of Subdivided Lot.

Where a Lot is formed from part of an existing Lot, whether improved or not, the separation must be effected in such a manner that neither of the resulting Lots, nor any existing or proposed Improvements thereon, contravene the provisions or intent of this Article; and, further, no Building Permit shall be issued for construction on such Lots until they have been staked out and an adequate surveyed boundary map prepared by a licensed land surveyor is submitted with the Building Permit application.

5. Notice Regarding Footings and Foundation Wall Forms; Inspection.

After completion of footings and establishment of the forms on the first course of the foundation Walls, or equivalent Building or Structure, the owner shall notify the Building Inspector. If required by the Building Inspector, the owner shall cause a survey to be made by a licensed land surveyor, showing the true location of such foundation Walls with respect to the Lot Lines of the Lot, and a copy of such survey shall be filed with the Building Inspector before construction is continued.

C. Certificates of Occupancy

1. Condition to Use and Occupancy.

It shall be unlawful to occupy or use, or to permit the occupancy or use of, any Building or Structure, premises, Lot or land, or part thereof, hereafter erected or Altered, enlarged or moved, or put into use, in whole or in part, after the Effective Date of this Article, of which the use, tenancy, or ownership is changed, until a Certificate of Occupancy for said use has been obtained by the owner, as provided for under Ch. 26 Art. II – Building Code.

2. Conformance to Article; Improvement Location Permit / Certificate of Compliance.

No Certificate of Occupancy shall be issued for any Building or Structure, premises, Lot or land, unless the erection, construction, reconstruction, Alteration, restoration, repair or moving of such Building or Structure or part thereof and the intended use thereof specifically are in conformity in all respects with the provisions of this Article and the Zoning Administrator has issued any required Improvement Location Permit and Certificate of Compliance certifying the same.

3. Decision-Making Authority Order.

The Building Inspector shall obtain:

a. a written order of authorization from the Decision-Making Authority before issuing any Certificate of Occupancy in a case

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involving a Conditional Use or Variance for which such Decision-Making Authority's approval is necessary, and

b. a certification from the Zoning Administrator before issuing a Certificate of Occupancy involving a Waiver from the provisions of this Article.

4. Town Engineer Certification.

As a condition to the issuance of any Certificate of Occupancy, the Building Inspector shall require a written certificate from the Town Engineer or Engineering Department with each Building Permit application, certifying that all curbs, gutters, sidewalks and other street improvements fronting on the Lot for which a Building Permit was obtained have been restored to the condition existing before issuance of such Building Permit.

5. Temporary Certificate of Occupancy.

Under such rules and regulations as may be established by the Building Inspector, a temporary Certificate Occupancy for part of a Building or Structure may be issued.

6. Certificate as Condition to Legality of Nonconformities.

No legal Nonconforming Use, Nonconforming Building or Structure, or Nonconforming Lot shall be changed or extended without a certification by the Zoning Administrator specifying the exact nature and extent of such nonconformity.

7. Effect of Certificate of Occupancy.

A Certificate of Occupancy shall be deemed to authorize and is required for both initial and continued occupancy and use of the Building or Structure or land to which it applies, as provided in this Section 26-6.804.C, and shall continue in effect as long as such Building or Structure and the use thereof or such land is in full conformity with the provisions of this Article and any requirements made pursuant thereto.

On the serving of the notice of any violation of any of said provisions or requirements in respect to any Building or Structure or the use thereof or of land, the Certificate of Occupancy for said use shall become null and void, and a new certificate of Certificate of Occupancy for continued use shall be necessary as a condition of any further occupancy of such Building or Structure or land.

8. Maintenance of Record.

The Town Clerk-Treasurer shall maintain a record of all Certificates of Occupancy. Upon request and payment of a fee in the amount established by the Town, a copy of a Certificate of Occupancy shall be furnished to any Person having a proprietary or tenancy interest in the Building or Structure affected.

9. Certificate for Existing Building or Premises.

Upon written request from the owner and by owner's payment to the Town of the fee established by the Town, the Building Inspector shall inspect any Building or premises existing at the Effective Date of this Article and shall issue a Certificate of Occupancy certifying the extent and kind of use and conformity with the provisions of this Article.

D. Sign Permits

No Sign shall be erected or Altered unless and until the following requirements have been met:

a. the owner or its authorized agent has filed with the Zoning Administrator an application for a Sign Permit

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evidencing compliance of such Sign with Division 7;

b. the Zoning Administrator has issued an Improvement Location Permit in respect of such Sign and Sign Standards;

c. the Building Inspector has issued such Sign Permit; and

d. the owner or its authorized agent has paid the fee established by the Town for the same.

The following illustrates certain steps of the Sign Permit process:

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ILLUSTRATION 26-6.804.D SIGN PERMIT PROCESS

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E. Building & Lot Plans

1. Zoning Administrator Authorized.

The Zoning Administrator is authorized to review and certify compliance of Building and Lot Plans submitted under, which comply with, this Section 26–6.804.E and all other applicable provisions of this Article.

2. Plan Required; Condition to Building and Development.

a. No Building, Structure, or Improvement shall be constructed, re–constructed, or Substantially Modified, and no Lot or other land shall be Developed, Improved, subdivided, or re–subdivided, and none of the same shall be used, except in compliance with this Article, the Zoning Map, and any applicable Development Parcel Plan, and pursuant to a Building and Lot Plan that has been prepared, submitted, reviewed and certified in accordance with this Article and all standards and requirements applicable thereto.

b. No Building Permit shall be issued for a proposal that would require a Building or Lot Plan unless the Building Permit application includes a Building and Lot Plan, which has been certified by the Zoning Administrator as being in compliance with Section 26–6.405. and this Section 26–6.804.E.

The following illustrates certain steps of the Building and Lot Plan process:

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ILLUSTRATION 26–6.804.E BUILDING AND LOT PLAN PROCESS

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3. Preparation & Requirements

a. Each Building and Lot Plan required under this Article shall be prepared and submitted by or on behalf of the owner of the applicable property.

b. Each Building and Lot Plan shall conform to the requirements of Section 26-6.405 and other provisions of this Article.

c. Each Building and Lot Plan shall include all items described in Section 26-6.804.E.3.e; provided that solely with respect to a Building and Lot Plan submitted for a modification, such Plan shall be required to include only those elements being modified.

d. Each Building and Lot Plan shall be submitted for review and action in accordance with Section 26-6.107.A.

e. Each Building and Lot Plan submitted under this Article shall:

i. Comply with any applicable Development Parcel Plan, or Site Plan, the Zoning Map, and all standards and requirements of this Article, including without limitation those applicable to the Character District, Civic Zone, or Special District in which the land covered by such Building and Lot Plan is situated; and

ii. Show and include the following, in compliance with the standards and requirements of the Zoning Map, any applicable Development Parcel Plan or Site Plan, and this Article, including without limitation those applicable to the Character District, Civic Zone, or Special District in which the land covered by such Building and Lot Plan is situated:

I. Lot Width and Area

II. Lot Layers

III. Frontage Buildout

IV. Principal Buildings

V. Accessory Buildings

VI. Setbacks

VII. Encroachments

VIII. Building Type

IX. Building Height

X. Private Frontage and Facade Elements

XI. Building Roof Type & Pitch

XII. Building and Lot Principal Uses and Accessory Uses

XIII. Vehicular Parking Accommodations, including parking spaces and their dimensions within the Lot, layout, design and landscaping of Parking Lots, Parking Areas and Parking Building or Structures, Parking Location, Location of any Garage, Driveway to Off-Street Parking, Passenger Dropoff Location, Driveway/Vehicular Entrance Width, any Parking Building or Structures, Pedestrian Parking Building or Structure Exit Location, any Parking Screen, and points of vehicular ingress and egress to and from Lot, including cross access easements

XIV. Driveways

XV. Any Streetscreens, including their materials and dimensions

XVI. Bicycle Parking Accommodations, including without limitations number of spaces on the Lot

XVII. Off-Street Loading Space calculations and location, and Storage, Drive-Through, Trash Receptacle, Utility Box and Service Meter Accommodations and Locations

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XVIII. Other personal property or fixtures not affixed to a Building, if any

XIX. Private Landscaping, Walls, and Fencing

XX. All Screens, including vegetative, Fence and Wall Screens and their dimensions.

XXI. Signage, including location, type, and detailed, dimensioned drawing

XXII. Exterior lighting, including type and location

XXIII. Any applicable Special Requirements

XXIV. Any Public Frontage improvement or replacement elements required under Section 26-6.405.S

XXV. A Certificate of Compliance with any required Development Parcel Plan

XXVI. The Zoning classification for the property

XXVII. Recorded Subdivision Plat consistent with Building and Lot Plan

4. Review

a. Action shall be taken on each Building and Lot Plan application in accordance with Section 26-6.107.A hereof.

b. An Improvement Location Permit with respect to a Building and Lot Plan shall be issued if and only if the Building and Lot Plan and proposed Building and Lot covered thereby are determined by the Zoning Administrator to comply with the standards and requirements of this Article, any approved Development Parcel Plan if required, and any approved Site Plan if required.

F. Development Parcel Plans

1. Zoning Administrator Authorized

The Zoning Administrator is authorized to review and certify compliance of Development Parcel Plans submitted under, and that comply with Section 26-6.107.B and this Section 26-6.804.F.

2. Plan Required

a. None of the following shall occur except pursuant to and in compliance with a Development Parcel Plan that has been prepared and submitted in accordance with this Article and all standards and requirements applicable thereto, which has been certified by the Zoning Administrator as being in compliance with this Section this 26-6.804.F and other applicable provisions of this Article:

i. filing, issuing, applying for, approving, or certifying any subdivision application or plat, Building Permit, Building and Lot Plan, Conditional Use, Site Plan, Zoning Map or Zoning Map Amendment, or other Development approval relating to, or subdividing, re-subdividing, commencing construction on, or Development or Improvement of any part of a Development Parcel, other than one prepared by or on behalf of the Town.

ii. exterior Alteration to an existing Building, construction, Development, or Improvement of any Building or property.

b. If required by Section 26-6.501.B.I.a, a Development Parcel Plan certified by the Zoning Administrator as complying with this Article shall be submitted with each Site Plan submitted pursuant to this Article.

c. If required by Section 26-6.501.B.I.b, a

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Development Parcel Plan certified by the Zoning Administrator as complying with this Article shall be submitted with each Zoning Map amendment application submitted pursuant to this Article.

3. Preparation & Requirements

a. Preparation.

i. Each Development Parcel Plan required to be submitted under this Article shall be prepared and submitted by or on behalf of the owner of the applicable property.

ii. Each Development Parcel Plan shall be prepared in accordance with Sectiono26-6.501.B and shall conform to the requirements of this Section 26-6.804.F and other applicable provisions of this Article.

iii. Each Development Parcel Plan shall include all items described in Section 26-6.804.F.3.b in compliance with the standards and requirements of this Article.

b. Plan Requirements.

i. Each Development Parcel Plan submitted under this Article shall include the standards and requirements for the Development Parcel Plan area and one or more maps reflecting each of the items listed in Section 26-6.804.F.3.b.ii below, all in compliance with this Article and the standards and requirements of the applicable Character District, Civic Zone, or Special District in which the land covered by such Development Parcel Plan is situated, as determined by:

I. the applicable Zoning Map then in effect if such Development Parcel Plan is not being submitted as part of an application for Zoning Map Amendment; or

II. the proposed Zoning Map or Zoning Map amendment if such Development Parcel Plan is being submitted as part of an application for a Zoning Map amendment.

ii. The following items shall be shown on or included with each Development Parcel Plan, each in compliance with this Article and, as applicable under Section 26-6.804.F.2.a above and the existing or proposed Zoning Map, fully dimensioned and at a scale no smaller than 1" = 200' except as otherwise specifically provided in this Article, and signed by the Applicant:

I. existing and any proposed Thoroughfares, including without limitation, any required or proposed new Thoroughfare(s) or any required or proposed extension or change to any existing Thoroughfare(s);

II. Thoroughfare Types and Standards;

III. Thoroughfare cross-sections;

IV. Pedestrian Sheds and their respective Common Destinations;

V. existing and any required or proposed Civic Spaces, Civic Buildings and Civic Zones, and calculation of percentage of Civic Space area to Net Site Area;

VI. existing and any proposed Districts and, if the Development Parcel Plan site is 80 gross acres or more, calculation of the percentage of each District to Net Site Area;

VII. existing and proposed Special Districts, if any;

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VIII. existing and proposed Special Requirements, if any;

IX. if the Development Parcel Plan site is 80 gross acres or more, the proposed Maximum District Density per District;

X. the proposed Block structure for the site in compliance with applicable Block Perimeter Standards;

XI. Public Landscaping Plan; and

XII. current zoning and any proposed zoning change.

iii. Pedestrian Sheds.

Pedestrian Sheds shall be designated in compliance with Section 26-6.501.B.8.

iv Civic Zones.

Civic Zones shall be assigned according to and as required by Section 26-6.504.A.1 and Section 26-6.307.E.

v. Character Districts.

Character Districts shall be assigned according to and as required Section 26-6.307.A, Section 26-6.307.B, and Section 26-6.307.D.

vi. Special Districts.

Special Districts, if any, shall be assigned according to Section 26-6.307.F.

vii. Thoroughfare Network.

The Thoroughfare network shall be laid out according to Section 26-6.502.

viii. District Density.

District Density, if applicable, shall be calculated and shall conform to Section 26-6.505.

c. Plan Submission

If a Development Parcel Plan is required by virtue of Section 26-6.501.B.1.a or Section 26-6.501.B.1.b, such Development Parcel Plan shall be submitted for review and Certification of Compliance by the Zoning Administrator prior to taking any of the actions described in Section 26-6.501.B.1.a or 26-6.501.B.1.b, and the certified Development Parcel Plan and Certificate of Compliance shall be submitted as part of the applicable application for approval of the Site Plan or Zoning Map or Zoning Map Amendment, as applicable.

d. Review & Action on Plan

i. An application for review and certification of a Development Parcel Plan shall be processed and acted upon in accordance with Section 26-6.501.B.4 and this Division 8.

ii. A Certificate of Compliance with respect to a Development Parcel Plan shall be issued if and only if the Development Parcel Plan and proposed Development covered thereby are determined by the Zoning Administrator to be in compliance with the standards and requirements of this Article.

G. Site Plans

1. Authorization to Act on Site Plans.

a. The Plan Commission is authorized to review and make decisions on Site Plan applications of the types specified under Section 26-6.804.G.5.a.i.

b. The Zoning Administrator is authorized to review and make decisions on Site Plan applications of the types specified under Section 26-6.804.G.5.a.ii.

2. Establishment of Rules.

The Plan Commission may adopt general and

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special rules for the conduct before it of Site Plan procedures. Such rules must be consistent with law and the purposes and objectives of this Article.

3. Record of Proceedings and Actions.

The Secretary of the Plan Commission shall keep minutes of the proceedings showing the vote upon every question related to a Site Plan application brought before the Plan Commission. The Secretary shall also keep records of examinations and official actions, all of which must be immediately filed in the office of the Town Clerk and must be a public record.

4. Intent & Purpose.

a. The rules, regulations and standards for Site Plans set forth in this Article are intended to promote the health, safety and general welfare of the Town through the implementation of the Site Plan review process.

b. It is the further intent of this Article to ensure the protection, preservation, conservation and appropriate Development of land within the Town through the review and approval of Site Plans. It is not the intent of this Section to prohibit land Use activities; rather its intent is to allow activities that meet the standards of this Article, including without limitation the standards of established by Division 6.

5. Applicability; Types of Site Plans.

a. In all Zoning Districts other than Districts CD-3, CD-3.R1, CD-3.R2, and CD-3.R3, Site Plan approval from either the Plan Commission or the Zoning Administrator, as applicable under paragraph i or ii below, must be obtained:

i. from the Plan Commission prior to any of the following and for any plan or proposal pursuant to which any of the following is to be erected, Developed, re-Developed, Improved, Substantially Modified, or occur:

I. a Structure other than a Single-Family Detached Dwelling or Two-Family Detached Dwelling;

II. a Parking Area or Parking Lot;

III. a proposal involving a zoning change;

IV. any Development or Improvement of, or any application involving, a Development Parcel;

V. any Use of vacant land;

VI. a proposal involving a planned unit development or any Special District;

VII. a proposal involving a primary subdivision plat;

VIII. a change in Use that will affect the characteristics or impact to the site or the Town with respect to traffic, access, drainage, utilities, or Town services, as determined by the Planning Director;

IX. Facade improvements for which a Building Permit is required and which affect greater than fifty percent (50%) of any street-facing Facade, excluding Ordinary Maintenance and Repair;

X. any other plan or proposal forwarded to the Plan Commission by the Development Review Committee; or

XI. any other Development, Improvement, application, or proposal for which Site Plan approval is specifically required by this Article; or

ii. from the Zoning Administrator prior to

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any of the following and for any plan or proposal pursuant to which any of the following is to be erected, Developed, re-Developed, Improved, modified, or occur:

I. any change of Use of any part of an existing Building other than a change of Use described in Section 26-6.804.G.5.a.i; or

II. any Alteration or modification to a parcel of land, such as changes to parking layout, Driveways, landscaped areas, Screening, Wall, or fences, or public walkways other than those described in Sections 26-6.804.G.5.a.i.; or

III. any modification to a Building or other Structure other than Ordinary Maintenance or Repair or a Substantial Modification.

b. As a condition to issuance of a Building Permit or Certificate of Occupancy for any proposed Development for which a Site Plan is required pursuant to this Section 26-6.804.G.5, a Building and Lot Plan, and if applicable, a Development Parcel Plan, must be submitted to and reviewed by the Zoning Administrator and certification of compliance of such Plan or Plans, as applicable, of the Building and Lot standards and Development Parcel standards, as applicable, must be obtained from the Zoning Administrator.

The following illustrates certain steps of the Site Plan process:

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ILLUSTRATION 26-6.804.G SITE PLAN PROCESS

(WITH OR WITHOUT DEVELOPMENT PLAN)

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6. Site Plan Application Requirements.

a. A Site Plan application and accompanying Site Plan must reflect compliance with all applicable conditions, requirements, and standards of this Section; provided that conceptual Site Plans submitted in support of rezoning applications need only to provide information to adequately describe the intended Development and a copy of the Development Parcel Plan and the Certificate of Compliance required by Section 26–6.804.G.6.b.xii.

b. Except as any of the following requirements may be waived in writing by the Zoning Administrator and ratified by the applicable Decision–Making Authority, the following must be included in a Site Plan application, appear on the Site Plan, and/or be provided as or on one or more exhibits to the Site Plan or Site Plan Application:

i. The name and address of the Applicant and the owner of record, if different from the Applicant.

ii. The name, address, signature, and seal of the professional preparing the Plan.

iii. The title of the development, date prepared, and date of revisions, if any.

iv. Legal description of the property taken from the Town official tax records.

v. A location map drawn to a scale of not less than one inch (1") equals 800 feet, with a North arrow, and written and graphic scale legend.

vi. Project description and illustrative plan;

vii. Proposed hours of operation.

viii. Description of all existing and proposed restrictions or covenants applicable to the site.

ix. Certified ALTA survey of existing conditions of the applicable property, prepared and sealed by a licensed surveyor within 6 (six) months of the Site Plan submission, and showing at a minimum:

I. Property lines and measurements,

II. Legal description and street address,

III. Tax lot designation,

IV. Utility lines and connections,

V. Curb cuts,

VI. Street designations, and

VII. North arrow.

x. A copy of each applicable Building and Lot Plan related to the proposed project, accompanied by the Zoning Administrator's Certificate of Compliance issued pursuant to this Section 26–6.804.G;

xi. A copy of any applicable Development Parcel Plan or Plans related to the proposed project, accompanied by the Zoning Administrator's Certificate of Compliance issued pursuant to this Section 26–6.804.G;

xii. Zoning Administrator's Certificate of Completeness with respect to the Site Plan application;

xiii. A detailed plan prepared, signed, and sealed by a registered professional architect, landscape architect, engineer, or land surveyor licensed to practice his or her profession in the State of Indiana, and signed by the Applicant, which must include the following, fully dimensioned

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and presented at a scale no smaller than 1" = 50' unless a different scale is otherwise approved in writing by the Zoning Administrator:

I. A title block, including:

1) The address and legal description of the site; and

2) Names, addresses and telephone numbers for the Applicant(s) and owner(s);

II. Current zoning classification and use of the property and Adjacent properties;

III. North arrow;

IV. Scale Legend;

V. Locations of all of the following existing on or within fifty feet (50') of the Development site:

1) Property boundaries;

2) Buildings;

3) Streets and alleys;

4) Sidewalks, walkways, Driveways, and curb cuts;

5) Rights-of-way and Easements; and

6) Fire hydrants.

VII. Locations, dimensions (including for Structures, height in feet and Stories and floor elevations above grade), total area, materials, and design of all of the following proposed or to remain on the site:

1) Structures, keyed to the project illustrative plan provided pursuant to Section 26-6.804.G.6.b.vi and the architectural renderings and preliminary architectural plans provided pursuant to Section 26-6.804.G.6.b.xvi.II;

2) Parking Lots, Parking Areas, and Parking Structures, keyed to the parking plan provided pursuant to Section 26-6.804.G.6.b.xvi.XV;

3) Setbacks;

4) Streets and alleys;

5) Sidewalks, walkways, handicap ramps, and curb cuts;

6) Driveways and their respective distances from the nearest street corner if fewer than 200 feet;

7) All paved or impervious surfaces;

8) Rights-of-way and Easements;

9) Outdoor storage and refuse areas, if any, and trash receptacles, including enclosures and Screening measures;

10) Signage to remain or be installed on the site, keyed to the Sign Plan provided pursuant to Section 26-6.804.E.3.e.ii.XXI;

11) Fire hydrants, keyed to the detailed Plan provided pursuant to Section 26-6.804.G.6.b.xiii;

12) Location, dimensions, design, pavement specifications, profiles, finished grade, slope as a percent of grade, and curbing and striping of proposed public and private streets, roads and driveways (from the Adjacent roadway through the curb cut to the Parking Area, Parking Lot, Parking Building or Structure, or Garage), parking, sidewalks and other pedestrian accommodations, and bicycle, ride-sharing, and loading accommodations;

13) Screens;

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14) Streetscreens;

15) Walls and Fences; and

16) Terraces;

xiv. all items required to be included in each applicable Building and Lot Plan related to the proposed project; and

xv. all items required to be included in any applicable Development Parcel Plan or Plans related to the proposed project;

xvi. The following additional plans and information:

I. Site Circulation plan, indicating circulation routes for all vehicular and pedestrian movement;

II. Full color architectural renderings and preliminary architectural plans, showing the Building Facades and Elevations of each exterior Wall and all exterior materials to be used, keyed to project illustrative plan provided pursuant to Section 26–6.804.G.6.b.vi and the full color architectural renderings provided pursuant to;

III. Exterior lighting plan including photometric plan, location, pole height, luminaire/head type, pole/standard type, shielding, manufacturer's specifications and hours of operation for all exterior light fixtures;

IV. If applicable, public address system plan, including type, location, design, manufacturer's specifications and hours of operation;

V. Erosion and sedimentation control measures for the Development;

VII. Topographic, excavation and grading plans shown at contour intervals of two feet (2′), and indicating both existing and proposed contours, extended at least ten feet (10′) into Adjoining properties, and delineating areas of steep slopes as applicable;

VIII. Existing vegetation plan, including the location of existing wooded areas, significant individual trees with a diameter at breast height of eight inches (8″) or more, trees to be removed and trees to be preserved;

IX. Map showing the extent of flood–prone areas or storm water overflows, including Special Flood Hazard Areas as established by the Federal Emergency Management Agency;

X. Detailed landscape plan drawn to scale including:

1) Common and Latin plant names

2) Plant and planting specifications, including size at time of planting

3) Total number of trees provided

4) Total square footage of landscaped area on site and internal to each Parking Area and Parking Lot

5) Identification of area used to calculate internal parking lot landscaping

6) Fence detail drawing

7) Dumpster enclosure detail drawing

XI. Detailed Sign plan, showing types, design, materials, dimensions and locations of each Sign, keyed to the Sign portion of the plan provided pursuant to Section 26–6.804.E.3.e.ii.XXI;

XII. Stormwater pollution prevention plan that meets the performance and design criteria and standards of Chapter VII of the Town Code;

XIII. Detailed utilities plan, showing the

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locations, design, and specifications of all proposed sanitary sewage and water supply systems, electric, telecommunications, cable television, gas, and other utility facilities, together with "Capacity and Will Serve" letters from each applicable utility provider;

XIV. Storm water drainage facilities with details of detention/retention basins, catch basins, swales, dry wells and other related stormwater facilities. If required by the Plan Commission or Zoning Administrator, as applicable, accompanying calculations must support the design of the proposed drainage system and indicate runoff rates, runoff patterns and storm drain loads;

XV. Detailed parking plan, showing layout, dimensions, grades and pavement section for all parking stalls, drive aisles, turning radii, etc, keyed to the parking location plan provided pursuant to Section 26-6.804.E.3.e.ii.XIII;

XVI. Traffic impact analysis, when required by the Plan Commission or Zoning Administrator, as applicable;

XVII. Parking study, when required by the Plan Commission or Zoning Administrator, as applicable;

XVIII. Environmental impact analysis when required by the Plan Commission or Zoning Administrator, as applicable;

XIX. Other studies as required by the Plan Commission or Zoning Administrator, as applicable;

XX. Development schedule indicating, to the best of the Applicant's knowledge, the approximate date on which Development of the project can be expected to begin, the phases of Development, if any, the anticipated rate of Development and the completion date, which schedule shall be adhered to by the owner of the property and its successors in interest;

XXI. If the proposed project will require other approvals, such as Variances or Conditional Use approvals, the Applicant must identify all such other required approvals;

XXII. All information deemed necessary by the Division of Public Works and Division of Public Safety to determine compliance with all applicable Town codes and ordinances;

XXIII. Any other items required by this Article with respect to any Site Plan required for any other specific type of Development application; and

XXIV. Any other information or items deemed necessary by the Plan Commission or Zoning Administrator, as applicable, to determine the conformity of the Site Plan with the spirit and intent of this Article, which information or items as specifically identified to the Applicant in writing.

7. Site Plan Procedures.

a. Pre-Submission Conference and Review.

i. Prior to formal submission of a Site Plan application, an Applicant must schedule a pre-submission conference with the Zoning Administrator by completing and submitting a project proposal form, as provided on the Town website or by the Planning Department.

ii. The pre-submission conference is intended to define potential issues with the project proposal and to identify any required Variances, Conditional Uses, or other certifications, approvals or permits. Additionally, the pre-submission conference serves to educate the Applicant on the Development approval

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process and the information required to submit a complete Site Plan application.

iii. As a condition precedent to submission of a Site Plan application, if required pursuant to Section 26-6.803.E.3, the Development Review Committee must review and provide input on the proposed project, the Site Plan and the Site Plan application.

iv. No pre-submission discussion, statement, advice, feedback or review shall be binding on the Town.

b. Coordination with other Approvals.

As authorized by Indiana Code § 36-7-4-403.5, when a Site Plan requires other approvals, such as Variances or Conditional Use approvals, the Applicant must identify in the Site Plan application all such other approvals that such Applicant is seeking and may refer a draft Site Plan to the Plan Commission to obtain such Plan Commission's recommendation prior to making application for any other such approval.

c. Submission of Site Plan Application.

i. No later than six (6) months after feedback on the draft Site Plan application is provided to the Applicant, and if Section 26-6.804.G.5.a requires action by the Plan Commission, no fewer than twenty (20) days prior to the meeting of the Plan Commission at which the application is to be considered, the Applicant must submit to the Zoning Administrator fifteen (15) printed copies and one (1) digital PDF copy of the complete Site Plan application, including all supporting documentation, accompanied by the appropriate submission fee and accompanying engineering review fee(s).

ii. The digital copy of the application must be clearly identified with the name of the Applicant, project address, submission date, and case number, if assigned.

d. Completeness Review by Zoning Administrator.

i. Within six (6) months of submission of a Site Plan application, the Zoning Administrator must review and determine whether the application is complete.

ii. If the Zoning Administrator determines that the Site Plan application is complete, he or she must issue a Certificate of Completeness to certify completeness of the application and if Section 26-6.804.G.5.a requires action by the Plan Commission the Zoning Administrator shall forward it and the Site Plan application to the Plan Commission for review and action and notify the Applicant that the application has been forwarded to the Plan Commission for consideration.

iii. If the Zoning Administrator determines that the Site Plan application is incomplete, he or she must notify the Applicant of such determination with a written explanation regarding which items are incomplete, and must return the application to the Applicant.

e. Notice, Hearing, and Findings.

i. With respect to a Site Plan subject to approval by the Plan Commission under Section 26-6.804.G.5.a.i, upon receipt of

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a Site Plan application and Certificate of Completeness from the Zoning Administrator and the payment by the Applicant of all fees and reimbursable costs due to the Town, the Plan Commission shall promptly schedule a public hearing on the matter, which must be set within 62 days of such receipt and shall:

I. Provide public notice of such hearing in compliance with the public notice requirements set forth in Section 26–6.804.K;

II. Hold a public hearing on the on the Site Plan;

III. Make written findings and determinations concerning each decision to approve, approve with conditions, or disapprove a Site Plan, such findings to be signed by the Chairman and Secretary of the Plan Commission; and

IV. Decide upon the application in accordance with its findings and determinations within 62 days after the hearing, based on the review criteria set forth in Section 26–6.804.G.8 and the in accordance with Section 26–6.804.G.9.

ii. With respect to a Site Plan subject to approval by the Zoning Administrator under Section 26–6.804.G.5.a.ii, upon issuance of its Certificate of Completeness and payment by the Applicant of all fees and reimbursable costs due to the Town, the Zoning Administrator shall make written findings concerning each decision to approve, approve with conditions, or disapprove a Site Plan and decide upon the application in accordance with its findings within 62 days based on the review criteria set forth in Section 26–6.804.G.8 and in accordance with Section 26–6.804.G.9.

8. Review Criteria.

In reviewing, recommending, and taking action on a Site Plan, the recommending and the Decision–Making Authority shall take into consideration all relevant and material factors, including without limitation those set forth in Section 26–6.804.G.8.a below, shall ensure that the Site Plan and Site Plan application comply with Section 26–6.804.G.8.b–.k below, and shall establish any appropriate conditions and safeguards in harmony with the general purpose and intent of this Article:

a. General.

i. the public health, safety and general welfare,

ii. the comfort and convenience of the public in general and the residents of the immediate neighborhood in particular,

iii. the provision of a diverse and balanced housing stock, requirements for landscaping, fences, Walls, and other features deemed necessary by the Decision–Making Authority to further the purposes of this Article,

iv. such other factors as may be necessary to secure and protect the public health, safety, comfort, convenience and general welfare, and

v. the relationship of the location of buildings and open areas to the uses located outside the site and the general pattern of development in the vicinity.

b. Land use.

i. The Development must comply with the land use plan.

ii. The Development must be consistent

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with area development trends.

iii. The Development must be consistent with Adjacent land use.

iv. Compatible uses shall be located adjacent to each other, while incompatible uses shall be buffered from each other.

v. Uses shall be located in direct proximity to that portion of the transportation system best suited to accommodate these uses.

c. Traffic impact.

i. The thoroughfare system on which the Development depends on must have sufficient capacity.

ii. The residual impact to Adjacent roadways and intersections must be minimized, including the location, number, and width of access drives.

iii. Functional and alignment continuity between developments must be maintained, including the use of internal roadways located in access easements.

iv. Pedestrian/bicycle routes should be encouraged, while maintaining safe separation from vehicular movements.

v. All industrial, highway-oriented businesses, and high-density multi-family uses shall be provided principal access via an arterial.

vi. All neighborhood and general businesses and offices shall be provided principal access via an arterial or collector.

vii. All single-family and low density multi-family shall be provided principal access via a local road.

viii. Other factors being equal, the amount of pavement shall be minimized.

ix. Parking shall be separated from access drives.

x. Delivery and loading areas shall be separated from customer/pedestrian areas.

xi. Pedestrian and vehicular movement areas shall be separated to the extent possible.

xii. Parking when possible shall be obscure from the roadway system, and rather the structure and accompanying landscaping shall dominate the line of sight.

xiii. Access roads shall align with other roadways to result in four-way intersections, rather than off-set.

xiv. T or off-set intersections shall be discouraged, but if unavoidable, shall be a minimum of 250 feet apart, measured at their centerline.

xv. Roadways shall intersect with others at or near 90 degrees.

xvi. Developments, or phases of developments shall not result in dead-end streets.

xvii. The number and length of cul-de-sacs shall be minimized, and in no case shall the length exceed 600 feet.

xviii. Frontage roads that parallel arterials shall intersect with Adjacent roadways a minimum of 500 feet from the arterial.

d. Utilities.

i. The utilities servicing the development

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must have sufficient current and potential capacity.

ii. The development shall not have an adverse effect on the downstream storm water outlet.

iii. The off-site utilities must be installed consistent with the capital improvements program.

iv. Pond design and placement shall be regionalized when possible, but otherwise shall result in an aesthetically pleasing architectural amenity.

v. No large-scale development shall occur which is reliant on individual septic systems.

vi. When developments are phased, each phase must be viewed as the last phase, and shall therefore not rely on any future phase in order to satisfy the provisions of this policy.

e. Urban design principles.

i. The proposed development must be compatible as to form with neighboring developments.

ii. Each development must become a part of a larger neighborhood, and therefore cannot be an island unto itself.

iii. The development must be adequately screened and buffered to minimize the ill effects of both the development on the surrounds and vice versa, and to provide identity and definition to the development.

iv. Open space, trees and shrubs, fences, earth berms, or compatible transitional land uses may all serve as buffers.

v. Features which possess uniqueness on a site shall be preserved.

vi. Structures shall not be located in the floodway.

vii. Changes to the natural terrain shall be minimized, including stands of mature trees.

viii. Open space proposed by a developer must be accessible, and where possible linked to an overall town-wide system.

ix. The development must result in a separation of residential areas from major noise-producing sources.

x. Development shall be restricted on lands with steep slopes, wetlands, unstable soil, filled areas, or areas of unique vegetation.

f. Public services.

i. The proposed development shall not pose an undue burden on police or fire services.

ii. If the development results in a significant increase for park, school, or other public services, property dedicated for these purposes shall be required as a condition of development.

iii. Appropriate right-of-way and easement dedications shall occur in order to provide necessary access for proper utility maintenance.

iv. Streets internal to a development may be dedicated or private, depending on their design and function.

g. Town Comprehensive Plan.

Without limitation to Sections

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26-6.804.G.8.a-f, the proposed Development, Site Plan, and Site Plan application must comply with the Town Comprehensive Plan.

h. Supplemental Development Standards.

Without limitation to Sections 26-6.804.G.8.a-f, the proposed Development, Site Plan, and Site Plan application must comply with the following:

i. The Supplemental Development Standards of Section 26-6.602 (Site Grading).

ii. The Supplemental Development Standards of Section 26-6.603 (Site Drainage).

iii. The Supplemental Development Standards of Section 26-6.604 (Sewage).

iv. The Supplemental Development Standards of Section 26-6.605 (Utilities).

v. The Supplemental Development Standards of Section 26-6.606 (Traffic Circulation).

vi. The Supplemental Development Standards of Section 26-6.607 (Facilities for Persons with Disabilities).

vii. The Supplemental Development Standards of Section 26-6.608 (Preservation of Natural Features).

viii. The Supplemental Development Standards of Section 26-6.609 (Areas of Special Flood Hazard).

i. Certificate of Completeness.

The Site Plan application must be complete, as evidenced by the Zoning Administrator's Certificate of Completeness.

j. Certificates of Compliance.

The Site Plan and Site Plan application must comply with all applicable Building and Lot standards and requirements of Division 4, and all applicable Development Parcel standards of Division 5, in each case as evidenced by the Zoning Administrator's Certificates of Compliance.

k. Compliance with Other Town Laws, Rules & Regulations.

The Site Plan and Site Plan application must comply with all other applicable provisions of the Town Ordinances, Town Code, and Town rules and regulations, and with all applicable state and federal statutes and regulations.

9. Action on Application.

Action taken by the Zoning Administrator or Plan Commission, as applicable with respect to a Site Plan shall be in accordance with the following:

a. Any or all of the following conditions to approval of a Site Plan may be imposed:

i. conditions that are reasonably necessary to satisfy the Development requirements specified in this Article for approval of the Site Plan;

ii. conditions requiring the furnishing to the Town of a bond or written assurance that:

I. guarantees the timely completion of proposed public improvements in the proposed Development; and

II. is satisfactory to the Town Manager; and

iii. conditions permitting or requiring the

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owner of real property to make a written commitment under Indiana Code § 36-7-4-1015.

b. A Site Plan and Site Plan application shall be approved or approved with conditions imposed pursuant to Section 26-6.804.9.a, upon a finding that the application and Site Plan are in compliance with the review criteria set forth in Section 26-6.804.G.8 and that all required written commitments, bonds, or other security have been provided.

ii. If a Site Plan and Site Plan application are approved or approved with conditions, the Site Plan as approved and written findings of fact shall become part of the record of approval, and subsequent actions relating to the authorized Development must be consistent with approved items.

c. Disapproval.

i. A Site Plan and Site Plan application must be disapproved if it is determined that the application and Site Plan do not comply with any one or more of the review criteria set forth in Section 26-6.804.G.8.

ii. Disapproval by the Plan Commission must be in the form of a resolution setting forth the reasons for its disapproval. A copy of the resolution must be sent to the Applicant within ten (10) days of its passage.

iii. Disapproval by the Zoning Administrator shall be in the form of a letter to the Applicant, which shall be sent to the Applicant within ten (10) days of such action.

d. Endorsement of Action.

Upon approval, approval with conditions, or disapproval of a Site Plan and Site Plan application and payment by the Applicant of any unpaid fees and reimbursable costs due the Town, in the case of action taken by the Plan Commission, the chair of the Plan Commission and the Plan Commission Secretary, or in the case of action by the Zoning Administrator, the Zoning Administrator, shall endorse the action taken on six (6) copies of the Site Plan and in either case, one (1) copy thereof shall be immediately provided to the Applicant with written notice of the action, and one (1) copy thereof shall be provided to each of the Zoning Administrator, the Building Inspector, the Town Engineer, and the Town Clerk for retention in their records.

10. Failure to Follow Site Plan.

If there is any departure from an approved Site Plan, the Applicant shall be given thirty (30) days to correct the same. If the same is not so corrected, the Applicant shall be in violation of this Article and the Plan Commission may at its discretion void the Site Plan approval.

11. Expiration or Lapse of Approval.

a. If a Building Permit related to an approved Site Plan application is not issued within one (1) year from the date the Site Plan was approved, the approval shall expire.

b. Site Plan approval shall expire within one (1) year from the date of approval unless within such period, construction commences in accordance with the terms of the approval and the related Building Permit.

c. In the event of the expiration of a Site Plan approval, the holder of the approval may by request to the Plan Commission in writing receive one (1) extension of the Site Plan

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approval for an additional one (1) year period.

d. In considering such an extension request, the Plan Commission may consider any changes in this Article, the Zoning Map, the Comprehensive Plan, or circumstances or conditions affecting the approval of the Site Plan application that have occurred since the initial approval.

12. Modification of Site Plan.

a. When the holder of an approved Site Plan determines that a modification of the Site Plan or stipulations would provide for a more appropriate or more practicable development of the site, such holder may apply to the Plan Commission for an amendment of the Site Plan or stipulations by filing an application for such amendment.

b. If the requested change is not a substantial change to the Site Plan or stipulations, as determined by the Plan Commission, the request may be approved if it is determined that such modification of the Site Plan or stipulations would provide a more appropriate development of the site, or when, because of exceptional circumstances, close adherence to the approved Site Plan or strict construction of the provisions of this Section 26–6.804.G would produce unnecessary impracticability in the Development of the site.

c. If the requested change is in the opinion of the Plan Commission a substantial change of the Site Plan or stipulations, the request shall be subject to all notice, hearing, review criteria, and procedures as if the request were an application for approval of a new Site Plan.

13. Condition to Issuance of Building Permit.

No Building Permit shall be issued for any proposal that would require approval of a Site Plan application unless a Site Plan application has been approved and remains in effect and such approval has been certified by the Zoning Administrator.

If the Building Inspector determines that any proposed construction or occupancy will not, in his opinion, substantially comply with the approved Site Plan or requirements of such approval, the Building Permit for such construction or occupancy shall be withheld by the Building Inspector, and the matter shall be referred to the Plan Commission for review.

14. Performance Bonding.

Upon approval of a Site Plan application, the Applicant must file with the Town Manager a performance bond or other suitable security ("bond") in accordance with Section 26–6.125 to cover the full cost of required public Improvements in an amount set by the Town Manager.

H. Subdivision Plats.

Except as provided in Section 26–6.122, subdivision plats shall meet the standards and requirements of this Article and the Town Subdivision Regulations as the same are in effect from time to time, and shall be prepared, submitted, reviewed and acted upon in accordance with such Town Subdivision Regulations.

I. Deviations from Standards & Requirements.

1. Variances

a. Use Variance applications are subject to review, hearing, consideration, and

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recommendation by the Board of Zoning Appeals and approval, approval with conditions, or disapproval by the Town Council.

b. Development standards Variance applications are subject to review, hearing, consideration, and approval, approval with conditions, or disapproval by the Board of Zoning Appeals.

c. In recommending or taking action on a Variance request, the Board of Zoning Appeals or Town Council, as applicable, shall recommend or approve such request only in accordance with the applicable provisions of this Section 26-6.804.I.

d. Any application for a Variance shall be subject to the notice requirements set forth in Section 26-6.804.K.

e. A record shall be established of all Variances granted pursuant this Article. Files shall be available for public inspection.

f. Guiding Principles

i. Every decision granting a Variance shall clearly set forth the nature and extent of such Variance.

ii. Every Variance may be made subject to such conditions and safeguards as the Decision-Making Authority shall deem to be appropriate for the particular case. Violations of such conditions or safeguards that are a part of the Decision-Making Authority's decision shall be deemed a violation of this Article punishable under the provisions of this Division 8.

g. General Standards.

A Variance may be granted only if the Decision-Making Authority has made the following determinations for such Variance:

i. the practical difficulties or unnecessary hardships that would be incurred by strict application of the Use or Development standard, as applicable, are unique and not shared by all properties in the vicinity and are not self-imposed;

ii. such Variance is the minimum Variance that will relieve such practical difficulties or unnecessary hardships, as applicable;

iii. such Variance is in the spirit of the general purposes and intent of this Article as stated in Division 1; and

iv. such Variance is so designed as to provide reasonable consideration to, among other things, the character of the neighborhood, District, or Civic Zone, the conservation of property values in the vicinity, and the guidance of Development in accordance with the Comprehensive Plan.

h. Specific to Development standards Variances.

A Variance from Development Standards may be approved or approved with conditions only if:

i. it will not be injurious to the public health, safety, morals, and general welfare of the community;

ii. the use and value of the area Adjacent to the property included in the Variance will not be affected in a substantially adverse manner; and

iii. the strict application of the Development standards will result in practical difficulties in the use of the property.

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i. Specific to Use Variances.

i. The Decision-Making Authority may impose reasonable conditions as a part of its approval of a Use Variance.

ii. A Use Variance may be approved or approved with conditions only upon a determination by the Decision-Maker in writing that:

I. it will not be injurious to the public health, safety, morals, and general welfare of the community;

II. the use and value of the area Adjacent to the property included in the Variance will not be affected in a substantially adverse manner;

III. the need for the Variance arises from some condition peculiar to the property involved;

IV. the strict application of the terms of this Article will constitute an unnecessary hardship if applied to the property for which the Variance is sought; and

V. it will not interfere substantially with the Comprehensive Plan.

j. Application Fee.

The fee for Variance applications shall be as may be established by the Town from time to time.

k. Form of Application.

Variance applications shall be submitted in the form required by the Town, as available in the Town Planning Department office.

l. Notice and Hearing.

The Decision-Making Authority shall fix a time and place for a public hearing, and such public hearing shall be noticed in compliance with the public notice requirements set forth in Section 26-6.804.K.

2. Administrative Waivers

Upon request of an Applicant, the Zoning Administrator is authorized to grant a Waiver of any dimensional standard provided in Division 4 or Division 5 provided that such Waiver does not deviate from the otherwise applicable standard by more than five percent (5%). Each of the Zoning Administrator and the Director of Public Works also is authorized to grant any other Waiver that this Article specifically authorizes such Person to make.

J. Appeals.

1. Judicial Appeal.

Any person aggrieved by any decision of the Plan Commission may appeal the same to a court of competent jurisdiction. Such proceeding shall be instituted within thirty (30) days after the adoption of findings of fact related to the decision being appealed.

2. Appeal to Board of Zoning Appeals.

a. Any Person aggrieved by any of the following actions or determinations may appeal the same for review by the Board of Zoning Appeals and the Board of Zoning Appeals shall upon such appeal notice, hear, and make a determination whether such appealed action or determination was in error:

i. Any of the following actions or determinations:

I. Any matter where the appellant alleges that the Zoning Administrator is in error in taking any action with respect to a Plan;

II. Any matter where the appellant

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alleges that as the Zoning Administrator or Building Inspector is in error in refusing to issue a Building Permit or Certificate of Occupancy; or

III. Any matter where the appellant alleges that the Zoning Administrator is in error in the determination as to the exact location of a District or Civic Zone boundary on the Zoning Map; or

ii. Any matter that the Zoning Administrator appeals to the Board of Zoning Appeals on grounds of doubt as to the meaning or intent of any provision of this Article or as to the location of a District or Civic Zone boundary on the Zoning Map.

b. An application for appeal to the Board of Zoning Appeals shall be submitted in the form required by the Board of Zoning Appeals and filed in the Town office.

c. The Board shall fix a time and place for a public hearing, and such public hearing shall be noticed in compliance with the public notice requirements set forth Section 26-6.804.K.

K. Public Notice Requirements

1. Notice.

Whenever a public hearing is required by this ordinance or by state law, notice of the hearing shall be given in the following manner:

a. Publication. The petitioner shall be responsible, at petitioner's expense, for publishing notice in a daily newspaper of general circulation within the planning jurisdiction at least ten (10) days prior to the public hearing, in accordance with Indiana Code § 5-3-1: Publication Procedures and procedures adopted by the Decision-Making Authority.

b. Mailed.

i. The petitioner shall be responsible for mailing notice of the public hearing to all property owners who own property within 200 feet of the proposed subdivision at least ten (10) days prior to the hearing.

ii. Mailed notification shall consist of a detailed description of the location of the property, the proposed action/approval sought and the date, time and location of the public meeting.

c. Posted.

i. The petitioner shall cause a notice of the public hearing to be posted prominently on the property for at least ten (10) days prior to the public hearing using a form and sign provided by the town for this purpose.

ii. The Applicant shall remove and/or revise the sign no later than five (5) days after the applicable determination of the approval body or the Applicant's withdrawal of an application. Signs not removed within such time period shall be grounds for enforcement and the penalties proscribed under this Article.

d. Proof.

The petitioner shall be responsible for returning proof of notice to the Department of Planning and Community Development. The petitioner shall refer to the application form to determine the deadline for submittal of proof of notice. Failure to submit proof of notice by the deadline shall result in the petition's being continued to the Decision-Making Authority's agenda for the following

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month.

e. Zoning Changes or Amendments; Town as Applicant.

If the Town Council proposes a zone change or amendment and the posting of signage under this Section 26–6.804.K is not practicable, the Town Council may require such additional notice as it deems appropriate.

L. Procedures for Amendment of Article or Zoning Map

1. General.

The Town Council may from time to time, on its own motion, upon recommendation of the Plan Commission, or upon application and/or petition of the owner, and after public notice and hearing pursuant to Section 26–6.804.K amend, change or modify by ordinance the regulations and boundaries of districts established by this Article.

The following illustrates certain steps of the Zoning Map Amendment process:

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ILLUSTRATION 26–6.804.L ZONING MAP AMENDMENT PROCESS

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2. Submission of Applications and Petitions.

Applications and petitions for action pursuant to this Section 26-6.804.L shall be submitted in triplicate to the Zoning Administrator on forms, if any, provided by the Zoning Administrator.

3. Submission Fees.

Each such application or petition shall be accompanied by the fee established by the Town and in effect from time to time.

4. Petition Requirements.

Any petition for a change in the Zoning Map shall include the following:

a. The name of the property owner.

b. A map accurately drawn to an appropriate scale, showing the proposed Zoning District boundary changes, property lines, tax lot identification, the calculated areas affected in acres or square feet, the Thoroughfare rights-of-way in the immediate vicinity and the lands and names of owners Adjacent to (and extending within 100 feet of) all boundaries of the property to be rezoned.

5. Plan Commission Action.

No text or map amendment shall become effective unless the proposal shall first have been submitted to the Plan Commission, which after review, public notice, and hearing shall recommend to the Town Council approval, approval with conditions, or disapproval of the proposed amendment.

6. Public Hearing.

The Town Council, by resolution adopted at a stated meeting, shall fix the time and place of a public hearing on the proposed amendment.

7. Public Notice.

The public hearing shall be noticed in compliance with the public notice requirements set forth in Section 26-6.804.K.

8. Entry in Town Council Minutes & Publication.

Every adopted zoning law and every amendment thereto, including the Zoning Map, shall be entered in the minutes of the Town Council.

9. Specific Supplemental Provisions Related to Planned Unit Developments.

a. Provision is included in this Section 26-6.804.L.9 for SD-PUD Planned Unit Development Special Districts to permit establishment of areas in which diverse Uses may be brought together as a compatible and unified plan of development which shall be in the interest of the general welfare of the public.

b. In SD-PUD Planned Unit Development Special Districts, land and Structures may be used for any lawful purpose in accordance with the provisions set out in this 26-6.804.L.9.

c. Rezoning of property to and Developing such property as an SD-PUD Planned Unit Development Special District shall be limited to situations where:

i. the property is a minimum of 20 gross acres;

ii. the property, due to unique site conditions, cannot otherwise be Developed;

iii. the property, due to the necessary intrinsic size, Use, Building Placement,

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Building Elements, Building Configuration, Building Type, or other Building and Development characteristics, cannot under any other circumstances conform to one or more of the applicable Character Districts or standards therefor specified in this Article;

iv. such rezoning and Development as an SD-PUD Planned Unit Development Special District are consistent in purpose, spirit and intent of this Article and the Comprehensive Plan;

v. the proposal provides for innovative planning and design that respects the surrounding established land use character and natural or man-made features of the property, including but not limited to, trees, historic features, streams, hillsides, and floodplains, and promotes quality design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations, and land uses, which could not be achieved in accordance with the standards and requirements for any Character District;

vi. the Development of such property can not be accomplished under the standards of any Character District.

d. Rezoning and Development of property as an SD-PUD Planned Unit Development Special District shall not be proposed or used to avoid, or have the effect of avoiding compliance with the standards and requirements for Character Districts, and instead, shall be used sparingly.

e. Property may not be zoned to or developed as an SD-PUD Planned Unit Development Special District, and no existing SD-PUD Planned Unit Development Special District may be amended except in accordance with this Section 26-6.804.L.9.

f. Property within an SD-PUD Planned Unit Development Special District shall be subject to Development standards proposed by the Applicant, which shall be subject to approval as part of the SD-PUD Planned Unit Development Special District rezoning. Such Development standards shall, at a minimum, comply with the following:

i. all off-street parking must be located in the Third Lot Layer;

ii. parking and loading space shall be provided in accordance with Section 26-6.405.O.1, Section 26-6.405.O.2, and **Table 26-6.405.O-1 (Vehicular Parking Requirements)** and **Table 26-6.405.O-5 (Loading Space Requirement)**, and shall be designed, located, and arranged in accordance with Section 26-6.405.O;

iii. garbage or trash receptacles shall be provided in accordance with Section 26-6.405.O;

iv. landscaping, Screens, and Streetscreens shall be provided as if the property were in Character District CD-5;

v. Buildings must be Setback from the front Lot Line no more than twenty feet (20') from the Enfronting public or private Thoroughfare or Drive Aisle;

vi. Buildings must be oriented toward and be parallel to a public or private Thoroughfare, Drive Aisle, or Open Space;

vii. all public and private Thoroughfares

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or Drive Aisles must comply with the Thoroughfare standards as if the property were in Character District CD-5, including without limitation, the Public Frontage standards;

viii. Building Facades must have an entrance facing a public or private Thoroughfare or Drive Aisle;

ix. signage shall comply with the Sign Standards of Division 7 as if the property were in Character District CD-5;

x. Open Space must be provided as if the property were in Character District CD-5;

xi. the material standards for Buildings and Accessory Structures in the SD-PUD Planned Unit Development Special District must be consistent with those for Character District CD-5; and

xiii. all general conditions, standards, and requirements of this Article not applicable solely to a District must be satisfied.

g. Establishment or amendment of an SD-PUD Planned Unit Development Special District must be pursuant to an amendment to the Zoning Map in compliance with this Section 26-6.804.L.

h. If there is any conflict between the provisions of this Section 26-6.804.L.9 with respect to an SD-PUD Planned Unit Development Special District proposal and the provisions of Sections 26-6.804.L.1 - .8, the provisions of this Section 26-6.804.L.9 shall control.

i. An SD-PUD Planned Unit Development Special District Ordinance shall be the governing document for the development of the SD-PUD Planned Unit Development Special District or amended SD-PUD Planned Unit Development Special District.

j. Any portion of this Article may be referenced in an SD-PUD Planned Unit Development Special District Ordinance; however, the applicable provisions of this Article shall govern in instances where the SD-PUD Planned Unit Development Special District Ordinance is silent.

k. The procedure for zoning property to an SD-PUD Planned Unit Development Special District, undertaking Development within an SD-PUD Planned Unit Development Special District, or amending an existing SD-PUD Planned Unit Development Special District shall be as follows:

i. Before submitting an application or petition for zoning property to an SD-PUD Planned Unit Development Special District, Developing property within an SD-PUD Planned Unit Development Special District, or amending an existing SD-PUD Planned Unit Development Special District, the owner of the subject property shall meet with the Zoning Administrator or designees to discuss the SD-PUD Planned Unit Development Special District process.

ii. Following the SD-PUD Planned Unit Development Special District process meeting, the owner shall submit to the Zoning Administrator for review a Concept Plan, which shall include:

I. A survey of the property, prepared by a licensed surveyor of the state.

II. All existing and proposed building locations and land use areas.

III. Proposed traffic circulation, parking accommodations, pedestrian walks and landscaping.

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IV. Proposed construction sequence for Buildings, parking accommodations and landscaped areas.

iii. The owner shall thereafter meet with the Zoning Administrator to present and discuss the proposed project and Concept Plan.

iv. Thereafter, the owners shall submit to the Zoning Administrator to be forwarded to the Plan Commission a Preliminary Development Plan for the SD–PUD Planned Unit Development Special District, which shall include the following information:

I. Proposed Site Plan, showing building locations and land use area.

II. Proposed traffic circulation, parking areas, pedestrian walks and landscaping.

III. Proposed construction sequence for Buildings, parking spaces and landscaped areas.

v. The Plan Commission shall review the Preliminary Development Plan and shall give public notice of and conduct a public hearing on the Preliminary Development Plan.

vi. At the hearing, the owner shall present the Preliminary Development Plan to the Plan Commission and shall discuss the project and such plan with the Plan Commission.

vii. After the hearing, the Plan Commission shall prepare recommendations with regard to Preliminary Development Plan.

viii. The Plan Commission shall send a copy of its recommendations to the owner, indicating its approval in principle or its disapproval. If the Preliminary Development Plan is approved in principle, the Plan Commission shall state any specific changes it will require.

ix. If the Preliminary Development Plan is approved by the Plan Commission in principle, the owner shall submit to the Zoning Administrator to be forwarded to the Plan Commission and to the Town Council, a petition for establishment or amendment to an SD–PUD Planned Unit Development Special District.

x. The petition for a proposed SD–PUD Planned Unit Development Special District or amended SD–PUD Planned Unit Development Special District shall be submitted in triplicate in a format no larger than ledger or tabloid sized (11"x 17") pages and shall include without limitation the following:

Proposed SD–PUD Planned Unit Development Special District Ordinance, which shall include:

I. A Cover Page, which shall include the Docket Number and, when applicable, the Town Council Ordinance number, the title of the SD–PUD Planned Unit Development Special District or amended SD–PUD Planned Unit Development Special District, and the submittal date.

II. Table of Contents, which shall identify all sections, exhibits, and other materials included in the SD–PUD Planned Unit Development Special District Ordinance.

III. Schedule of Exhibits and Accompanying Materials, including all text and/or maps required to describe, depict, illustrate or characterize any of the project details, and any conditions or

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commitments required pursuant to this Section 26-6.804.L.

IV. Development Plan, which must be prepared by an architect, landscape architect, engineer, land surveyor, or planning consultant, must be consistent and in general conformance with the approved Preliminary Development Plan, and must clearly set forth in text, graphical, tabular, and/or map form the include the following information:

1) A survey of the property, showing existing features of the property, including contours, building structures, trees over four inches in trunk diameter, streets, utility easements, rights-of-way and land use.

2) A Site Plan meeting the requirements of Section 26-804.G and showing proposed Building locations and land use areas.

3) Traffic circulation, parking areas and pedestrian walks.

4) Landscaping plans, including site grading and landscape design.

5) Preliminary drawings for Buildings to be constructed in the current phase, including floor plans, exterior elevations and sections.

6) Preliminary engineering plans, including street improvements, the drainage system and public utility extensions.

7) Engineering feasibility studies of any anticipated problems which might arise due to the proposed development, as required by the Plan Commission or the Town Council.

8) Construction sequence and time schedule for completion of each phase for buildings, parking spaces and landscaped areas.

V. Conceptual Site Plan, which defines the boundaries of the SD-PUD Planned Unit Development Special District or amended SD-PUD Planned Unit Development Special District, delineates any sub-districts or planning areas and which also illustrates building areas, parking areas and the basic street and connectivity patterns within the project.

VI. Vicinity map showing the location of the property in the context of all Adjacent property and Districts.

VII. ALTA Survey or equivalent, prepared by a surveyor licensed in the state and showing all boundaries of the SD-PUD Planned Unit Development Special District, and all Easements.

VIII. Development Requirements, including:

1) Land Uses, including a specific list of permitted uses in the SD-PUD Planned Unit Development Special District or, when applicable, within each sub-district.

2) Transportation Systems, including plans for Thoroughfares, bicycle accommodations, and pedestrian accommodations, and multi-modal connectivity, as well as specifications for each.

3) Open Spaces, including minimum acreage and overall percentage.

4) Natural Features, including any streams, regulated drains, floodplains, wetlands, wooded

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areas or preserved trees.

5) Building and Lot Standards, including Lot Width, Lot Area, Building Placement, Setbacks, Lot Coverage, Building Standards for Building Facades, Roof Type and Pitch, Building Height, Building Type, Massing, Building Orientation, Entrance location, Driveway location, Parking, Loading, and Dumpster/Trash Receptacle Requirements and Locations, Private Frontage;

6) Thoroughfare and Public Frontage Standards;

7) Architectural standards, including window design and placement, cornice, materials, colors, requirement of base, middle and top;

8) Lighting standards,

9) Landscaping requirements,

10) Sign standards.

11) Maximum District Density.

12) Definitions.

13) Conditions and Commitments.

14) Approval Process, including a list of approvals required prior to obtaining SD-PUD Planned Unit Development Special District approval (e.g. Site Plan, Subdivision).

15) Violations and Enforcement.

16) Town Council Signature Page, which shall be located at the end of the SD-PUD Planned Unit Development Special District Ordinance, following all exhibits and appendices necessary to describe, regulate and illustrate the SD-PUD Planned Unit Development Special District.

IX. The following additional information shall be submitted to aid in the review of the SD-PUD Planned Unit Development Special District:

1) Comparison Exhibit. Planned Unit Development Comparison Exhibit, which shall be a table that compares the proposed SD-PUD Planned Unit Development Special District Ordinance Development Requirements to the requirements of the existing zoning District on the subject property and all Adjacent property.

2) Character Renderings. One or more renderings shall be submitted, which illustrate the character, Development pattern, architecture, and other site details proposed in the SD-PUD Planned Unit Development Special District and sub-district.

3) Vicinity Map. A map that shows Adjacent use(s) and zoning district(s).

4) Existing Site Conditions. A description and/or map of existing conditions on the subject property, including structures, streets, trails, established open spaces, utility lines, easements, topography, natural features, or any other feature that may influence the design of the development.

5) Historic Structures and Features. A description and/or map of historic structures and features.

xi. The Zoning Administrator shall review the petition for completeness and if found to be complete, shall issue a Certificate of Completeness and forward the petition to the Plan Commission.

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xii. The Plan Commission shall give public notice of and conduct a public hearing on the petition as provided by law in the case of an amendment to this Article.

At the hearing, the owner shall present the Development Plan to the Plan Commission and shall discuss the petition and such plan with the Plan Commission.

xiii. The Plan Commission may recommend the establishment of the proposed SD–PUD Planned Unit Development Special District or amendment to SD–PUD Planned Unit Development Special District, provided that it finds that the petition establishes that:

I. The proposed Development in the SD–PUD Planned Unit Development Special District or amended SD–PUD Planned Unit Development Special District will not detrimentally affect present or potential property values or Uses of Adjacent property or elsewhere in Town.

II. The proposed Development in the SD–PUD Planned Unit Development Special District or amended SD–PUD Planned Unit Development Special District adequately takes into account existing and proposed conditions and character of the land, Uses, Buildings, and Development proposed to be subject to the SD–PUD Planned Unit Development Special District or amended SD–PUD Planned Unit Development Special District and within all Adjacent Districts.

III. The proposed Development in the SD–PUD Planned Unit Development Special District or amended SD–PUD Planned Unit Development Special District will have a beneficial effect on the Town, which could not be achieved if the SD–PUD Planned Unit Development Special District or amended SD–PUD Planned Unit Development Special District were not approved and the such Development was developed under the standards of any other District.

IV. Any deviation from the standards or requirements that otherwise would be applicable with another District is warranted by the design and amenities incorporated in the Development Plan.

V. The SD–PUD Planned Unit Development Special District or amended SD–PUD Planned Unit Development Special District is necessary to address unique site conditions that are not characteristics of other sites in the Town and the application and Development Plan adequately address the same.

VI. The proposed SD–PUD Planned Unit Development Special District or amendment to SD–PUD Planned Unit Development Special District and the Development proposed therein are:

1) either compatible with the land and existing or anticipated Development Adjacent to such SD–PUD Planned Unit Development Special District or the land and existing or anticipated Development Adjacent to such SD–PUD Planned Unit Development Special District can be planned in coordination with the proposed Development within such SD–PUD Planned Unit Development Special District;

2) the most desirable Development and Use(s) for which the property subject to the proposed SD–PUD Planned Unit Development Special District or amended SD–PUD Planned Unit Development

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Special District is adapted; and

3) constitute responsible growth and Development.

VII. The proposed SD–PUD Planned Unit Development Special District or amendment to SD–PUD Planned Unit Development Special District is in conformance with the general intent of the this Article and the Comprehensive Plan.

VIII. Existing and proposed Thoroughfares are suitable and adequate to carry anticipated traffic within the proposed SD–PUD Planned Unit Development Special District or amended SD–PUD Planned Unit Development Special District and its vicinity.

IX. Existing and proposed utility services are adequate for the proposed Development within the proposed SD–PUD Planned Unit Development Special District or amended SD–PUD Planned Unit Development Special District.

X. Each phase of the proposed Development within the proposed SD–PUD Planned Unit Development Special District or amended SD–PUD Planned Unit Development Special District, contains the required parking spaces, and landscape and utility areas necessary for creating and sustaining a desirable and stable environment.

XI. The proposed SD–PUD Planned Unit Development Special District or amended SD–PUD Planned Unit Development Special District and all proposed Buildings, parking accommodations, and landscape and utility areas therein can be completely Developed within five (5) years of the initial establishment of the District.

XII. All conditions and requirements of Sections 26–6.804.L.9.a – .k have been satisfied.

xiv. Based on the standard of review set forth in the preceding Section 26–6.804.L.9.k.xiii, its findings, and any conditions, restrictions, and requirements it may establish pursuant to Section 26–6.804.L.9.k.xviii, the Plan Commission shall recommend to the Town Council that the application and Development Plan be approved, approved with modifications, or disapproved. The Plan Commission shall enter its findings and reasons for such action in its records.

Review, hearing, and recommendation by the Plan Commission pursuant to this Section 26–6.804.L shall constitute submission to, and public notice, hearing and recommendation by the Plan Commission required pursuant to Section 26–6.804.L.9.k.xii–.xiii.

xv. After issuance of the Plan Commission recommendation, the Town Council shall notice and conduct a public hearing on the application and Development Plan as a proposed zoning map change and text amendment to this Article.

xvi. Based on the standard of review set forth in Section 26–6.804.L.9.k.xiii, the findings of the Town Council, and any conditions, restrictions, and requirements it may establish pursuant to Section 26–6.804.L.9.k.xviii, the Town Council shall approve, approve with modifications, or disapprove the application, petition, and Development Plan.

xvii. Unless the proposal provides for a later effective date, the SD–PUD Planned Unit

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Development Special District Ordinance takes effect when the proposal is duly adopted.

xviii. The Plan Commission and/or the Town Council may establish such conditions, restrictions, and/or requirements upon any recommendation or approval, as applicable, of any SD–PUD Planned Unit Development Special District proposal or phase of Development in an SD–PUD Planned Unit Development Special District as it deems necessary to protect the public interest, improve the Development, and/or protect Adjacent areas, or secure compliance with the standards and requirements of this Section. Without limitation to the preceding sentence, such conditions, restrictions, and/or requirements may be established on or with respect to the location, design, layout, construction, maintenance, beautification, aesthetics, operation, and/or other elements of the SD–PUD Planned Unit Development Special District, Development therein, or any phase thereof.

xix. Following approval of an SD–PUD Planned Unit Development Special District by the Town Council, Plan Commission approval must be obtained for each phase of Development within an SD–PUD Planned Unit Development Special District.

Such Plan Commission approval shall be valid for a period of 18 months, at which time, unless the proposed phase of Development has received a Building Permit and construction has begun, or the approval for such phase has been extended, such approval shall expire.

xx. In all cases in which approval is granted with respect to any SD–PUD Planned Unit Development Special District proposal or Development within an SD–PUD Planned Unit Development Special District or phase thereof, the Town Council shall require such evidence, guarantees, or other assurances of performance as it may deem necessary to assure compliance with the conditions, standards, and requirements of such approval.

M. Enforcement & Penalties

1. Authority.

The Planning Director (or his/her designees) is designated to enforce the provisions, regulations, and intent of this Article. All remedies and enforcement shall comply with the powers set forth in Indiana Code § 36–7–4 and all other applicable state laws.

2. Violations.

Complaints made pertaining to this Article shall be investigated by the Zoning Administrator and/or designees. Action may or may not be taken depending on the findings. The degree of action will be at the discretion of the investigator(s) and should reflect what is warranted by the violation.

3. Inspection of Property.

a. Inspections of property may be made by the Zoning Administrator or his/her designee from a right–of–way without permission of the property owner, or Adjacent property with permission, or from the property suspected of a violation once he/she has presented appropriate evidence of authority and describe the purpose of inspection to the owner, tenant, or occupant at the time of the inspection, if applicable.

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b. In the event the investigator(s) is/are denied entry to the subject property, the investigator(s) may apply to the court of jurisdiction to invoke legal, applicable, or special remedy for the inspection of property and the enforcement of this Article. The application shall include the purpose, violation(s) suspected, property address, owner's name, if available, and all other relevant facts. Additional information shall be provided as requested by the court.

4. Responsibility for Violations.

The owner of any property or building, or part thereof, shall be responsible for the violation. Architects, builders, developers, tenants, or agents thereof may also be held responsible for the violation if evidence of their involvement or negligence is found.

5. Liability.

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

6. Violations During the Development/ Construction/Building Process.

The Zoning Administrator may place a stop-work-order or violation notice on any land/ property Improvement process. Stop-work-orders shall be issued by written letter, which shall state the violation and that work or 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.

a. The Zoning Administrator must meet with the person(s) served the stop-work-order notice within seven days of any such meeting being requested. 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 Zoning Administrator.

b. Reasons for a stop-work-order include, but are not limited to:

i. Not complying with Development standards and/or any regulations of this Article or the Subdivision Ordinance;

ii. Not obtaining an Improvement Location Permit prior to the start of construction of any Improvement for which a permit is required by this Article;

iii. Not completing Structures or other Improvements consistent with any approved Improvement Location Permit, Variance, Conditional Use, or other approval;

iv. Not meeting the conditions or commitments of or for a Conditional Use, Variance, or zoning amendment;

v. Not meeting the conditions of any Development Plan, planned unit development detailed plans, covenant, or written commitment which is enforceable by the Plan Commission or Town Council; and

vi. Illegal use or expansion of use of Structures, or Structures and land in combination.

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7. Types of Violations.

The following items shall be deemed civil zoning violations:

a. The placement or erection of a Structure, Sign, or any other element determined by the Zoning Administrator to not conform to the provisions or explicit intent of this Article;

b. The maintenance of a Structure, Sign, or any other element determined by the Zoning Administrator to not conform to the provisions or intent of this Article;

c. Failure to obtain any Improvement Location Permit when required by this Article or the Building Code;

d. Conducting a Use or Uses that do not comply with the provisions or intent of this Article;

e. Any failure to comply with the Development standards and/or any other provisions of this Article;

f. Proceeding with work under a stop-work-order or a violation of a memorandum of agreement; and

g. Any failure to comply with commitments or conditions made in connection with a rezoning, Conditional Use, Variance or other similar or documentable commitment, including verbal agreements during official Plan Commission, Board of Zoning Appeals, and/or Town Council meetings.

8. Procedure for Violations.

There shall be a three (3) -step procedure for violations of this Article. These steps are as follows:

a. The Zoning Administrator 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 it must be corrected within fifteen (15) days of the mailing date or posting of notice.

b. If the violation is one of those for which the Structure or premises may or must be vacated, such fact shall be stated in the notice, and a notice to that effect shall be affixed to the front of the premises, giving notice thereof.

c. If after fifteen (15) days, the violation has not been corrected, the Zoning Administrator shall issue a notice of fines and penalties to the person(s) who have committed, in whole or in part, a violation. The notice of fines and penalties is a citation that states the fines and penalties for the violation.

d. If the person(s) in violation refuses to pay or comply with the penalties, or correct the violation, after notice has been given, the Plan Commission or Town Council may pursue court action through a court of jurisdiction. Fines and liens against the property may also be pursued until the matter is resolved.

9. Immediate Public Risk Violation.

a. Immediate public risk violations shall include:.

i. Signs, Structures, landscaping or other materials placed in a public right-of-way, Easement, or sight visibility triangle in violation of this Article;

ii. 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

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iii. Any other immediate threat to public welfare as determined by the Town Council, Plan Commission, Board of Zoning Appeals, Zoning Administrator, Town Engineer, Police or Fire Chief, or other public official.

b. Any Sign, Structure, landscaping or other material which constitutes an immediate public risk violation may be seized by the Zoning Administrator in a manner that results in minimal damage to the material and the property upon which it is located.

c. The Zoning Administrator 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 Article, by either placing a notice in a conspicuous place on the property or by letter.

i. The notice shall be sent to the property owner via certified mail within 24 hours of the seizure.

ii. The notice shall include the following:

I. A description of the materials seized;

II. A citation of the sections of this Article which were violated and the characteristics of the violation which posed an immediate threat to public welfare;

III. The address and phone number of the Plan Commission or Town Council office 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; and

iii. Instructions describing how, where, and when the seized items may be claimed.

d. The Zoning Administrator r 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 $25 fine and the establishment of a memorandum of agreement between the property owner and Planning Director regarding the future use of the item in a manner consistent with this Article.

e. Neither the Zoning Administrator, the Town or any other official or entity involved in the seizure shall be liable for any damage to the seized item or the property from which it was taken.

10. Fines & Penalties.

a. Monetary fines may be imposed for each civil violation determined upon a single inspection. Fines shall be assessed for each day that the violation is present following the provision of any notice of violation to the property owner or other responsible party.

b. No fine for any single violation shall exceed $2,500 per day. Payment of any violation shall be made to the Town Clerk-Treasurer. A receipt of payment must be recorded, and a receipt issued to the person making payment.

11. Appeals or Trials.

a. Any person receiving a notice of violation and/or fines and penalties may appeal the violation and/or fine to the Board of Zoning Appeals or to a court of jurisdiction. A written statement from the person in violation, either filing an appeal consistent with this

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Article or giving notice of the filing of an action with a court, shall be submitted to the Zoning Administrator via certified mail at least three (3) days prior to the date any fine is due.

b. Fines due will be postponed until the Board of Zoning Appeals or court of jurisdiction has made a ruling as to the violation and/or fine. The person(s) in violation shall have 30 days to file for a hearing with the BZA or court of jurisdiction. Also, the person(s) in violation shall have a maximum of six months to complete the hearing process with the BZA. Failure to meet these deadlines will reinstate all fines due by the person(s) in violation.

c. No additional notices will be issued by the Planning Director if the person(s) in violation has (have) submitted an appeal or notice of court review.

12. Enforcement, Remedies, & Injunctive Relief

a. The Town, or any enforcement official designated by this Article, may bring an action in the Circuit or Superior Court of the county to invoke any legal, equitable, or special remedy, for the enforcement of any provision created under Indiana Code § 36–7–4, and its subsequent amendments. This includes but is not limited to this Article and the Subdivision Ordinance. The Plan Commission or any enforcement official designated by this Article may also bring an action in the Circuit or Superior Court of the county to enforce:

i. All agreements with the Plan Commission, the Town Council, or their respective designees which have been recorded as covenants or written commitments in connection with a subdivision plat or a Development Plan;

ii. All commitments made in accordance with Indiana Code § 36–7–4 et seq.; and

iii. All conditions imposed in accordance with Indiana Code § 36–7–4 et seq.

b. The Town, or any enforcement official designated by this Article, may bring action in the Circuit or Superior Court of the county to restrain a person violating Indiana Code § 36–7–4 et seq. or any provision adopted under Indiana Code § 36–7–4 et seq. which includes but is not limited to this Article and the Subdivision Ordinance.

c. The Town, or any enforcement official designated by this Article, 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 Article or applicable state code.

d. If the Town, or any enforcement official is successful in its action, the respondent shall bear all costs of the action.

e. An action to enforce a written commitment made in accordance with Indiana Code § 36–7–4 et seq. may be brought in the court of jurisdiction by any specially affected person who was designated in the written commitment.

N. Specific Procedure to Revoke Certificate of Occupancy or Building Permit

1. Notice of Non–Compliance

Without limitation to any of the other penalties, remedies, and rights of enforcement provided for under this Article, if the Zoning Administrator or the Building Inspector determines that a violation exists under this Article or any permit, license, registration, certificate, or approval granted or issued pursuant to this Article, or

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that one or more of the terms of any Building Permit or Certificate of Occupancy are not being complied with, the Zoning Administrator shall give notice of noncompliance to the owner, as shown on the latest assessment roll of the Town, by certified mail addressed to the address shown thereon, requiring that the specified violations be corrected within five (5) days of the mailing of the notice and that, in the event that the violations are not corrected within that time, the Building Inspector shall revoke any such Certificate of Occupancy and/or Building Permit.

A return receipt or refusal of certified mail shall create a presumption of compliance with the mailing requirements hereof.

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2. Re-inspection

On or after said fifth (5th) day of certified mail notice, the Zoning Administrator and Building Inspector shall reinspect the site, and, if the violations still exist, the Building Inspector shall revoke the Building Permit and/or Certificate of Occupancy, post a notice of revocation on the property or Building or Structure and mail a notice, by certified mail, to the owner thereof as shown on the latest Town assessment roll.

3. Appeal

In the event that any Person shall feel aggrieved by the revocation, such Person shall have ten (10) days from the mailing of the notice of revocation to file an appeal specifying the objections, together with a twenty-five dollar ($25.00) filing fee, with the Town Manager, who shall review the same and give a decision, by certified mail, to the Applicant at the address shown on the application. The revocation shall be stayed by the appeal from the date of filing until three (3) days after any notice of denial shall be sent by the Town Manager.

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DIVISION 9: DEFINITIONS

414 SECTION 26-6.901 WORD USAGE.
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SECTION 26–6.901 WORD USAGE.

As used in this Article:

A. Tense & Number.

All words used in the present tense include the future tense; all words in the plural number include the singular number and all words in the singular number include the plural number unless the natural construction of the wording indicates otherwise.

B. Shall.

The word "shall" is mandatory.

C. Use.

The verb "use" shall be deemed also to include "designed, intended or arranged to be used."

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SECTION 26–6.902 TERMS.

A. Capitalized Terms.

Certain capitalized terms used in this Article are defined below or elsewhere in this Article and shall be given such meanings unless the context clearly indicates or requires a different meaning.

B. Undefined Terms.

Undefined terms used in this Article shall have the meanings customarily assigned to them.

SECTION 26–6.903 DEFINED TERMS.

For purposes of this Article, the following terms shall have the meanings set forth below unless the context clearly indicates or requires a different meaning.

A

Accessory Building: an Building that

a. shares a Lot with a Principal Building,

b. has a footprint that is no more than 50% of the footprint of the Principal Building, and

c. occupies no more than 30% of the Rear Yard;.

d. is designed, intended or used for an Accessory Use.

An Accessory Building may or may not have an Accessory Unit or be occupied or devoted to one or more Accessory Uses. *See* **Illustration 26–6.901.A–1 (Accessory Building)**.

ILLUSTRATION 26–6.901.A–1 ACCESSORY BUILDING

Accessory Dwelling Unit: a Dwelling Unit having habitable space not greater than 600 square feet, which shares ownership and utility connections with a Principal Building; it may or may not be within an Accessory Building.

Accessory Use: a Use that is customarily and clearly incidental and subordinate to a Principal Use of land or a Structure and located on the same parcel of land or Lot as such Principal Use.

Adult Day Care Facility: a facility for adults 18 years of age or older, which offers in a group setting community–based day care services with a program of individual and group activities and/or therapies, and which has received

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and maintains in full force and effect all necessary state approvals and licenses.

Alcoholic Beverage: any fermented liquor, such as wine, beer, or distilled spirit, which contains ethyl alcohol (ethanol) as an intoxicating agent.

Alcoholic Beverage Retail Sales: a Use or an establishment engaged in the Retail sale of Alcoholic Beverages for off-premises consumption.

Alcoholic Beverage-Serving Establishment: premises at which Alcoholic Beverages are served other than a Bar, Brewpub, or Tavern.

Address Sign: a the Sign type described as such in **Table 26-6.701.A (Sign Types - Summary)** and **Table 26-6.701.B (Sign Types - Specific Standards)**.

Adjacent/Adjoin: having any distance of real property boundary in common with another property, or being separated from the other property boundary by a right-of-way, Alley, or Easement.

Adult Bookstore: an establishment whose primary activity consists of the sale of sexually oriented magazines, books or digital media.

Adult Cabaret: means an establishment, which features live performances that meet the definition of the term "harmful to minors" set forth in IC 35-49-2-2 and/or represent or display sexual conduct as defined in IC 35-42-4-4 to a clientele that pays any form of consideration for such live performance.

Adult Entertainment: any conduct that presents material by books, films, slides or the like or by live presentation, or services to the patron of an establishment, which material or services are distinguished or characterized by an emphasis on matters depicting, describing engaging in, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas".

Alley: generally, a vehicular way, which affords secondary access to abutting property, which may or may not be dedicated to public use; not intended for general traffic circulation. *See also* Rear Alley. *See* **Illustration 26-6.901.A-2 (Alley)**.

ILLUSTRATION 26-6.901.A-2 ALLEY

Alteration: (a) as applied to a Structure, a change, rearrangement or modification in or of such Structure, including without limitation, the structural members or elements, the exit facilities, any element of the Private Frontage or the Facade, any change of size, whether by

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extending on a side or by increasing in height, and moving from one location or position to another;

(b) as applied to a Sign, a change, rearrangement or modification in the structural members or elements, any diminution or any enlargement of such Sign, any change of height of such sign, or moving such Sign from one location to another.

Ordinary Maintenance or Repair of a Structure or Sign does not constitute "Alteration" thereof. Changing one or more tenant panels on a multi-tenant Sign does not constitute "Alteration" of such Sign.

The term "Alter," in its various modes and tenses and its participial form, refers to the making of an Alteration.

Animal (Small) Boarding or Grooming: any Structure, premises, or establishment in or on which household pets are kept and/or groomed within an enclosed Building, excluding, however, a Kennel or any Structure, premises, or establishment in or on such animals are kept for Retail sale.

Apartment: a Residential unit sharing a Building and a Lot with other units and/or uses; may be for rent, or for sale as a condominium.

Appliance Retail Sales and/or Service: premises or establishment at or from which consumer appliances such as refrigerators, ovens and ranges, and washing machines and dryers are sold at Retail and/or appliances are serviced.

Applicant: the owner, lessee, contract vendee of the subject premises or other person or entity authorized to make application to an Approval Body or administrative Person pursuant to this Article.

Approval Body: synonymous with Decision-Making Authority.

Arcade: a Private Frontage conventional for Retail Use, wherein a colonnade supporting habitable space overlaps the Sidewalk, while the Facade at Sidewalk level remains at the Frontage Line, described as such within **Table 26-6.405.G-1 (Private Frontage Types)**.

Art or Photography Studio: premises accommodating the creation of works of art or photography, with or with the exhibition or sale of such works.

Assisted Living Apartment: multiple unit Residential premises for elderly, infirm, or disabled residents, in which housekeeping, meals, and other assistance are available to residents.

Attached Dwelling: Residential premises characterized by two or more Dwelling Units being incorporated into a single Structure or attached Structures, including without limitation, Multifamily Dwellings, Two-Family Dwellings, and Duplex, Rowhouse, or Multi-Family Building Types.

Attic: the interior part of a Building contained within a pitched roof structure. *See* **Illustration 26-6.901.A-3 (Attic)**.

ILLUSTRATION 26-6.901.A-3 ATTIC

Avenue (AV): a Thoroughfare of high vehicular capacity and low to moderate speed, acting as a short distance connector between urban centers, and sometimes

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equipped with a landscaped median, described as such in **Table 26-6.502.B-1 (Thoroughfare Types - Summary)** and **Table 26-6.502.B-2 (Thoroughfare Assemblies and Standards)**.

Awning Sign: the Sign Type described as such in **Table 26-6.701.A (Sign Types - Summary)** and **Table 26-6.701.B (Sign Types - Specific Standards)**.

Awning Sign: the Sign Type described as such in **Table 26-6.701.A (Sign Types - Summary)** and **Table 26-6.701.B (Sign Types - Specific Standards)**.

B

Bakery- Retail: premises at which cakes, cookies, bread, pastries, tarts, and/or other baked goods are sold at Retail, whether or not such items are made on or off of such premises.

Band Sign: the Sign Type described as such in **Table 26-6.701.A (Sign Types - Summary)** and **Table 26-6.701.B (Sign Types - Specific Standards)**.

Bar or Tavern: a Use or an establishment which is primarily engaged in the sale and service of alcoholic beverages for on-premises consumption, subject to the regulatory authority of applicable state and local authorities.

Basement: a portion of a Building having more than half (1/2) of its clear floor-to-ceiling height below the average finished grade of the Adjoining ground. *See* **Illustration 26-6.901.B-1 (Basement)**.

ILLUSTRATION 26-6.901.B-1 BASEMENT

Bed and Breakfast: a Use characterized by 1 to 5 bedrooms of an owner-occupied Building or Accessory Building being offered for to paying guests for overnight Lodging, with or without breakfast.

Bicycle Lane (BL): a dedicated lane for cycling within a moderate-speed vehicular Thoroughfare, demarcated by striping. *See* **Table 26-6.502.D (Bikeway Types).**

Bicycle Route (BR): a Thoroughfare that is suitable for the shared use of bicycles and automobiles moving at low speeds. *See* **Table 26-6.502.D (Bikeway Types).**

Bicycle Trail (BT): a bicycle way running independently of a vehicular Thoroughfare. *See* **Table 26-6.502.D (Bikeway Types).**

Billboard: a Sign for viewing from extended distances, having a display area greater than 50 feet.

Blade Sign: the Sign Type described as such in **Table 26-6.701.A (Sign Types - Summary)** and **Table 26-6.701.B (Sign Types - Specific Standards)**.

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Block: the aggregate of private Lots, Passages, and Rear Alleys, circumscribed by Thoroughfares or where applicable, circumscribed by Thoroughfares, Civic Space, and/or waterbodies. *See* **Illustration 26-6.901.B-2 (Block)**.

ILLUSTRATION 26-6.901.B-2 BLOCK

Block Face: the aggregate of all Building Facades on one side of a Block.

Boardinghouse: a Building where meals are regularly served for profit to more than four (4) but less than 20 persons, not open to Transient guests, as contrasted with Hotels or Restaurants open to Transients.

Boulevard (BV): a Thoroughfare designed for high vehicular capacity and moderate speed, traversing an urbanized area. Boulevards are sometimes equipped with Slip Roads that buffer Sidewalks and Buildings, described as such in **Table 26-6.502.B-1 (Thoroughfare Types - Summary)** and **Table 26-6.502.B-2 (Thoroughfare Assemblies and Standards)**.

Board of Appeals: the Board of Zoning Appeals of the Town.

Boat Storage: a Structure, premises, or establishment in or on which watercraft are stored.

Brewery: an establishment that is primarily used for the manufacture of beer with annual production that exceeds 15,000 barrels per year and that may sell beer for on-site consumption or for off- site distribution.

Brewpub: a Use or an establishment that is primarily engaged in the sale and service of food for on- premises consumption and that also brews beer for on-site consumption.

Building: any Structure, other than a Parking Structure, having a roof supported by columns or by Walls and intended for the shelter, housing, enclosure, or storage of Persons or property.

Building and Lot Plan: a Plan complying with and submitted pursuant to Division 4.

Building Area: the maximum horizontal projected area of a Building and its Accessory Buildings, excluding cornices projecting not more than 30 inches, open steps, terraces and open porches.

Building Element: any component or part of a Building.

Building Line: a line that is parallel to the Front Lot Line that extends from one side Lot Line to the other.

Building Site: a parcel of land that has not been subdivided, which is designated as a Building Site in a Plan or permit submitted, approved, or issued pursuant to

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this Article, and which accommodates, or is available to accommodate, one or more Principal Buildings.

Building Systems Business: a Use or an establishment that installs, services, maintains, and/or repairs Building systems, such as heating, ventilation, air conditioning, electrical, and plumbing contractors.

Business and Commerce: means engaging in the purchase, sale, barter or exchange of goods, wares or merchandise; and the maintenance or operation of offices or recreational or amusement enterprises operated for profit.

Business Office: premises available for any function of a for-profit business.

Business or Trade School: a Use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a Home Occupation or a College or University.

C

Cabinet Sign: a Sign comprised of a frame and face or faces.

Canopy Sign: the Sign Type described as such in **Table 26-6.701.A (Sign Types - Summary)** and **Table 26-6.701.B (Sign Types - Specific Standards)**.

Catering Service: an establishment that prepares and provides food and related services to off-premises locations.

Catering or Events Establishment: any non-Residential room, place or space where food and beverages are available for consumption, that is regularly leased or hired out for functions, occasions or events, to which the general public is not invited or admitted and wherein music or entertainment may be provided.

Cemetery: land used or intended to be used for the burial of the dead and dedicated for purposes of containing graves, tombs, and funeral urns, including when located or operated in conjunction with and within the boundaries of the Cemetery, columbariums, crematoriums, mausoleums, and mortuaries.

Certificate of Completion: a certificate issued with respect to a submission pursuant to this Article, which certifies that such submission is complete in accordance with the applicable requirements under this Article.

Certificate of Compliance: a certificate issued with respect to a submission pursuant to this Article, which certifies that such submission complies with the applicable requirements under this Article.

Character District: one of several areas on a Zoning Map to which certain Character District Development, Lot and Building standards are applied. *See* **Tables 26-6.405.A-1 - 26-6.405.A-10 (District Standards)**.

Chief Building Inspector: the person designated as such by the Town.

Childcare Facility: premises at which care, supervision, or guidance is provided for a minor child who is not related by blood, marriage, or adoption to the owner or operator of the facility, whether or not the facility is operated for profit and whether or not the facility makes a charge for services offered by it. Notwithstanding the foregoing, "Childcare Facility" does not include:

a. An educational facility, whether private or public, which operates solely for educational purposes in grade one or above;

b. Kindergarten programs for five-year-olds;

c. Children's Day Camps;

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d. School vacation or school holiday day camps for children operating in distinct sessions running less than three weeks per session;

e. Summer resident camps for children;

f. Bible schools normally conducted during vacation periods;

g. Facilities for disabled or mentally ill Persons;

h. Facilities owned and operated by a local church congregation, an established religious denomination, or a religious college or university which does not receive state or federal financial assistance for childcare services.

Children's Day Camp: premises at which activities are offered to school-aged children in a social setting from which the children return home in the evenings.

Civic: (a) a not-for-profit Use dedicated to arts, culture, education or recreation, government, transit, or parking; (b) the category of Uses collectively referring to those Uses listed under the heading "Civic" in **Table 26-6.405.L-1 (Building and Lot Principal Use)**.

Civic Building: a medium- to large-sized attached or detached Principal Building type, which is operated for Civic purposes by a not-for- profit organization or governmental entity, and which is designed to stand apart from its surroundings due to the specialized nature of its Civic purpose. Examples of Uses that may be conducted in a Civic Building are Libraries, Places of Worship, Places of Assembly, Courthouses, Schools, centers of government, Performing Arts Venues, and Museums, provided that the Use and the Civic Building Type are permitted within the applicable District. Civic Buildings are often the most prominently sited and architecturally significant Buildings in a community. *See* **Table 26-6.405.J-1 (Principal Building Types)** and **Table 26-6.405.J-2 (Principal Building Types - Specific Standards)**.

Civic Space: an outdoor area dedicated for Civic Use. *See* **Table 26-6.504.B-1 (Civic Space Types - Summary)**.

Civic Zone: an area on a Zoning Map designated for Civic Building(s) and/or Civic Space(s).

Civil Support: the category of Uses listed under that heading in **Table 26-6.405.L-1 (Building and Lot Principal Use)**.

Clinic: a Medical Clinic or Dental Clinic.

College or University: an educational institution that offers courses of general or specialized study leading to a degree.

Commercial: the collective reference to all Uses other than Residential / Dwelling Uses, Civic Uses, or not-for-profit Uses.

Commercial Building: a small- to medium-sized attached or detached non-Residential Building Type, typically designed to facilitate pedestrian-oriented Retail / Personal Service / Craftsman Uses and Office Uses. See **Table 26-6.405.J-1 (Principal Building Types Summary)** and **Table 26-6.405.J-2 (Principal Building Types - Specific Standards)**.

Commercial Indoor Athletic Training Facilities: indoor facilities designed and used for active participatory athletic activities or training, including but not limited to personal strength and fitness training, gymnasiums, skating rinks, swimming pools, and tennis courts. Specifically excluded are Health Clubs, Day Spas and Sports Venues.

Commercial Street: a Thoroughfare designed for moderate-to-high vehicular capacity and slow speed, traversing an Urbanized area, described as such in **Table 26-6.502.B-1 (Thoroughfare Types - Summary)** and **Table 26-6.502.B-2 (Thoroughfare Assemblies and Standards)**. The Public Frontage has raised Curbs drained by inlets and very wide Sidewalks along both sides, separated from the Vehicular Lanes by separate Tree wells with grates and parking on both sides. The

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landscaping consists of a single Tree species aligned with regular spacing where possible, which clears the storefont entrances.

Commercial Vehicle: any motor vehicle or trailer with more than four wheels, or with a declared gross vehicle weight of more than 9,000 pounds, or having any portion of which is designed for commercial, professional or business purpose.

Common Destination: an area of focused community activity, usually defining the approximate center of a Pedestrian Shed. It may include without limitation one or more of the following: a Civic Space, a Civic Building, a Commercial center, or a transit station, and may act as the social center of a neighborhood.

Common Yard: a planted Frontage wherein the Facade is set back substantially from the Frontage Line, and the Front Yard so created remains unfenced and is visually continuous with Adjacent yards, supporting a common landscape. See **Table 26-6.405.G-1 (Private Frontage Types)**.

Communications Equipment: equipment used for communication, transmission, or reception by commercial, governmental, or other public or quasi-public users, including without limitation cellular towers. This does not include communication equipment for amateur radio operators licensed by the Federal Communications Commission that are exempt from local zoning restrictions.

Communication Services: an establishment primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms, including without limitation, Radio / Television /Recording Studio or Station, news syndicates, video or audio studio, telecommunication service center, and telegraph service center, but excluding major utility facilities.

Communications Tower: a tower of any size that supports Communications Equipment, transmission or reception by commercial, governmental, or other public or quasi-public users, including without limitation cellular towers. This does not include communication towers for amateur radio operators licensed by the Federal Communications Commission that are exempt from local zoning restrictions or communications towers under 100 feet in height used solely for educational communications purposes.

Community Garden: a private or public Civic Space Type for the cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family, described as such in **Table 26-6.504.B-1 (Civic Space Types – Summary)** and **Table 26-6.504.B-2 (Civic Space – Specific Standards)**.

Conditional Use: a Use for which the Decision-Making Authority may approve an application, or grant a permit, subject to compliance with all applicable conditions, requirements, and standards and review by such Decision-Making Authority pursuant to Section 26-6.405.L.4 and Section 26-6.804.A.

Configuration: with respect to a Building, its form including its massing, Private Frontage, and Height.

Conference / Convention / Exhibition Center: premises that accommodate conferences, exhibitions, meetings, seminars, training sessions, and other similar gatherings.

Construction Business: an establishment engaged in any business involving activities generally referred to general contracting, construction trades, building, or Development.

Contractor Materials Sales: the sale of Building materials at wholesale without Outdoor Storage.

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Contractors or Materials Yard: premises at or from which building materials are stored outside and sold at wholesale.

Convenience Store: an establishment primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages, newspapers, and limited household supplies, to customers who generally purchase only a few items. Convenience Store shall not include fuel pumps or the selling of fuel for motor vehicles.

Corner Lot: a Lot of which at least two Adjacent sides abut Thoroughfares, pedestrian ways, or public places. *See* **Illustration 26-6.901.C-1 (Corner Lot)**.

ILLUSTRATION 26-6.901.C-1 CORNER LOT

Corridor: a lineal geographic system incorporating a Thoroughfare, greenway, or Open Space.

Counseling Service: an establishment providing counseling, guidance, or similar services to persons requiring rehabilitative or vocational assistance. This term includes job training and placement services.

Court: with respect to a Lot, an open, unoccupied space within such Lot.

Court, inner: an open, unoccupied space surrounded on all sides by Walls or by Walls and a Lot Line or lines.

Court, outer means an open, unoccupied space on the same Lot with a Building extending to and opening upon a Thoroughfare, Alley or Yard.

Courthouse: a Building in which courts of law are held.

Craftsman Establishment: any Structure, premises, or establishment in or on which articles of artistic quality or effect or handmade workmanship are produced with or without Retail sales of such articles. Examples of activities that may be conducted in an Craftsman Establishment are candle making, furniture making, glass blowing, weaving, pottery making, woodworking, sculpting, painting, and tailoring.

Crisis Counseling Center: premises from which Persons who have experienced a traumatic event are provided short-term counseling to assist in coping with the event.

Cross Block Passage: a minimum 10 foot wide pedestrian access reserved between Buildings.

Curb: the edge of the vehicular pavement that may be either raised or flush with a Swale to the extent allowed by this Article. It usually incorporates or is associated with the drainage system. See **Table 26-6.502.B-1 (Thoroughfare Types - Summary)** and **Table 26-6.502.B-2 (Thoroughfare Assemblies and Standards).**

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Curb Radius: the radius of the curb at an intersection. *See* **Illustration 26-6.901.C-2 (Curb Radius)**.

ILLUSTRATION 26-6.901.C-2 CURB RADIUS

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D

Data Processing or Storage Services: establishments primarily involved in the compiling, storage, and maintenance of documents, records, and other types of information in digital form, utilizing a main frame computer.

Day Spa: premises or establishment at which a services for the purpose of improving health, beauty, and relaxation are provided through personal care treatments, such as massages and facials, and no overnight accommodation is provided.

Decision-Making Authority: the Plan Commission, Town Council, or Board of Zoning Appeals, as applicable, which has jurisdiction to approve, approve with conditions, or deny approval of an application, proposal or request pursuant to this Article.

Density: the number of Density Units within a standard measure of land area.

Density Unit: a measurement used to describe the Density or intensity of Development of an area, calculated on the basis of density equivalences for certain quantities of Principal Uses within such areas, as set forth in **Table 26-6.505.A.1 (District Density)**.

Dental Office / Dental Clinic: an office or other premises for the private practice of dental care professionals licensed by the State, wherein a majority of patient encounters involve dental examination, diagnosis, treatment, surgical procedures, preventive care, restorative care, cosmetic care, and/or emergency care on an outpatient basis.

Dental Laboratory: premises or establishment at which products to assist in the provision of oral health care by a licensed dentist are made, such as crowns, bridges, dentures, dental implants, and therapeutic and orthodontic devices.

Development / Develop: commencing, making or planning for man-made changes to land, Buildings, Structures, or other real property, and the resulting changes to such land, Buildings, or other real property, whether through development, re-development, clearing, excavation, grading, construction, re-construction, Alteration, demolition, modification, subdivision, or re-subdivision, and whether such changes are horizontal, vertical, or subterranean. Ordinary Maintenance and Repair do not constitute Development.

Development Parcel: a parcel of land:

a. which, either alone or together with one or more other parcels under a common Development scheme, program or plan, is four (4) or more gross acres;

b. with respect to the Development of which any new Thoroughfare or extension or change of the design of any existing Thoroughfare is required or

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will be made or proposed; or

c. with respect to which any Character District assignment, Special District assignment, Civic Zone assignment, or Thoroughfare alignment is proposed to be made or changed by a Zoning Map or Zoning Map amendment.

Development Parcel Plan: a plan complying with and submitted pursuant to Division 5 of this Article.

Development Plan: (a) except with respect to an application for SD-PUD approval, means a Development Plan as defined by Indiana Code section 36-7-1-6, being a specific plan for the Development of real property that:

(1) requires approval by a plan commission under the 1400 series of IC 36-7-4;

(2) includes a Site Plan;

(3) satisfies the Development Requirements specified in this Article regulating the Development; and

(4) contains the plan documentation and supporting information required by this Article; and

(b) with respect to an application for SD-PUD approval, a Development Plan as contemplated by State Code section 36-7-1-6, as required under Section 26-6.804.L.9 hereof.

Under this Article, both a Site Plan and an SD-PUD Development Plan are Development Plans as contemplated by State Code section 36-7-1-6.

Development Requirement: (a) except with respect to an application for SD-PUD approval, means a Development Requirement as defined by Indiana Code section 36-7-4-1401, being a requirement:

(1) for Development of real property in a Zoning District for which a Development Plan is required; and

(2) that conforms to Indiana Code section 36-7-4-1403.

(b) with respect to an application for SD-PUD approval, means a Development Requirement as defined by Indiana Code section 36-7-4-1501, being a requirement:

(1) for Development of real property in a planned unit development district that must be met; and

(2) that conforms to State Code section 136-7-4-1508 .

Under this Article, each requirement of this Article is a Development Requirement.

Deviation: a Waiver or a Variance.

Directory Sign: the Sign type described as such in **Table 26-6.701.A (Sign Types – Summary)** and **Table 26-6.701.B (Sign Types – Specific Standards)**.

Distillery: an establishment which is primarily used for the manufacture of alcoholic spirits with annual production that exceeds 10,000 gallons per year. Such establishment may sell spirits for on-site consumption or off-site distribution in accordance with applicable regulations, and may contain one or more accessory Tasting Rooms.

Distribution: the movement of goods including the storage of goods awaiting movement.

Distribution Facility: premises used for Distribution.

District Density: a number of Density Units per Net Site Area Acre of a District. See **Table 26-6.505.A.1 (District Density).**

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District: a Character District or a Special District; when capitalized and not accompanied by the word "Historic", the word "District" specifically excludes any Local Historic Districts. *See also* "Zoning District".

Dooryard: a Private Frontage Type intended for ground floor Residential Use, wherein the Facade of the Building is set back a small distance and the Frontage Line is defined by a low Wall, decorative Fence or hedge, creating a small raised, sunken, or at-grade Dooryard consisting of a front garden or patio. The Dooryard shall not be used for public circulation along a Thoroughfare, described as such in **Table 26-6.405.G-1 (Private Frontage Types)**.

Drive: a Thoroughfare along the boundary between an urbanized and a natural condition, usually along a waterfront, Park, or promontory, with one side having the urban character of a Street, with Sidewalk and Buildings, and the other having the qualities of a Road or Parkway with naturalistic planting and rural details. *See* **Table 26-6.502.B-1 (Thoroughfare Types – Summary)** and **Table 26-6.502.B-2 (Thoroughfare Assemblies and Standards)**.

Drive-In Establishment: any establishment designed or used for the transaction of business wherein the patrons avail themselves of the services or products of such establishment while remaining in their vehicles, whether or not patrons are also able to obtain services or products inside of a Structure.

Drive-In Restaurant: any business or establishment devoted to the preparation and/or sales and service of food, refreshments, edibles or nonalcoholic drinks for consumption on the premises by patrons, which permits consumption of such food, refreshments, or for take-out, and edibles or drinks on the premises in parked or standing vehicles. A Drive-In Restaurant includes any form of drive-in, open-front or curb-service eating establishment.

Dry Cleaning / Laundry Pick Up Shop: a Personal Services establishment at which clothing articles are left by a customer for dry cleaning or laundering off-site and then returned to the customer.

Drive Aisle: a curbed vehicular accessway within a development site that connects to a street or another internal drive, and provides access and circulation to or through such development site and the Building(s) and Parking accommodations thereon.

Driveway: a vehicular accessway from a Thoroughfare within a Lot to provide access only to a Parking Area, Parking Lot, Garage, Parking Structure, or Building entrance, but not designed to provide space for vehicular parking or to have excess capacity that would encourage its use for parking.

Duplex: a small- to medium- sized Principal Building Type other than a manufactured housing unit, which is attached to another Building of the same type. Both of the units, whether side-by-side, front-to-back, or over-and-under, are contained within a single Building Massing. This Building type sits on a small- to medium- sized Lot that may be shared with an Accessory Building in the rear. See **Table 26-6.405.J-1 (Principal Building Types Summary)** and **Table 26-6.405.J-2 (Principal Building Types – Specific Standards)**

Dwelling / Dwelling Unit: a Building or portion thereof designed or used exclusively as Residential quarters for one or more household units or Families living independently of each other, which includes separate complete sleeping, cooking, eating, and sanitation facilities for each such household unit or Family. The term shall not be deemed to include Motel, Hotel, Boardinghouse or Tourist Home.

Dwelling, Multi-Family: a Building or portion thereof containing three or more Dwelling Units, including without limitation Residential condominiums and apartments.

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Dwelling, Single-Family: a detached Building containing one (1) Dwelling Unit only.

Dwelling, Two-Family: a detached Building containing two (2) Dwelling Units only.

E

Easement: a privilege or right of use, access or enjoyment granted on, above, under or across a particular tract of land by the landowner to another person. The term does not include a lease.

Edgeyard: a Yard type that results from a Building being set back from its Lot boundaries at the front, rear, and both sides.

Education: the collective reference to a Use category characterized by the process of receiving or giving instruction. Examples include without limitation Child Care Facility, Child Care In Home, Children's Day Camp, Family Day Care, Kindergarten, Personal Improvement Education, and School. See **Table 26-6.405.K-1 (Building and Lot Principal Use).**

Effective Turning Radius: the measurement of the inside Turning Radius taking parked cars into account.

Electronic Message Board: a panel or screen with the capability to display electronically programmed variable messages.

Elementary School: premises at which primary education is provided for children between kindergarten and Grade 5.

Elevation: as related to the exterior Walls of a Building, one which is not along a Frontage Line; when not capitalized, "elevation" means the height above a given level or a drawing or design that represents an object or Structure as being projected geometrically on a vertical plane parallel to one of its sides, as the context indicates. See also Facade. *See* **Illustration 26-6.405.G-2 (Frontage and Lot Lines)** and *See* **Illustration 26-6.901.E-1 (Elevation)**.

ILLUSTRATION 26-6.901.E-1 ELEVATION

Encroach: to break the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a Setback, into the Public Frontage, or above a height limit.

Encroachment: any structural element that breaks the plane of a vertical or horizontal regulatory limit, extending into a Setback, into the Public Frontage, or above a height limit.

Enfront: to place an element along a Frontage, as in "porches Enfront the Thoroughfare."

Estate House: a single-family residential Dwelling Building type on a large Lot creating an Edgeyard, often shared by one or more Accessory Buildings, described as such in **Table 26-6.45.J-1 (Principal Building Types- Summary)** and **Table 26-6.405.J-2 (Principal Building Types - Specific Standards)**.

Exempt Sign: a Sign listed in Section 26-6.701 that does not require a Sign Permit.

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Existing Local Codes: all Town laws, codes, and ordinances in effect on the Effective Date of this Article.

F

Facade: the exterior Wall of a Building that is set along a Frontage Line, excluding any Garage or other parking accommodations. *See* "Elevation". *See* **Illustration 26-6.901.F-1 (Facade)**.

ILLUSTRATION 26-6.901.F-1 FACADE

Facade Void Area: the area of a Facade not comprised of Walls; including windows, doors and other openings in the Wall. Facade Void Area is measured from the edge of Wall, and therefore typically includes the door or window but not the frame. *See* **Illustration 26-6.901.F-2 (Facade Void Areas)**.

ILLUSTRATION 26-6.901.F-2 FACADE VOID AREAS

Family: (1) one or two Persons and their children by birth, adoption, or guardianship or (2) any number of related or unrelated Persons living together in a single, more or less permanent and stable rather than Transient living arrangement as a not-for-profit housekeeping unit, which is the functional and factual equivalent of a traditional family, including without limitation a group headed by a householder caring for a reasonable number of children as one would be likely to find in a traditional family; provided that the criteria "stable rather than Transient living arrangement" shall not be applied in cases where handicapped persons are affected.

Family Day Care: a private Dwelling in which at least one (1) minor child, but fewer than seven (7) minor children, are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult resident of the Dwelling by blood, marriage, or adoption.

Farmer's Market: an open air area, without or without a Structure, used for the Retail sale of fresh fruits, vegetables, nuts, grains, eggs, flowers, herbs, or plants. A Roadside Stand is not a Farmer's Market.

Fence: (a) as a Private Frontage type, a Frontage wherein the Facade is set back from the Frontage Line, and the Front Yard so created is separated from the Public Frontage by a Fence. See **Table 26-6.405.G-1 (Private Frontage Types)**;

(b) as a Structure, the word "fence" means a structural device erected to serve as an architectural element, landscape element, visual screen or physical barrier.

Financial Services: a business characterized by the provision of financial, investment, banking and/or similar services.

Finished Grade: the elevation of the completed surfaces of lawns, walks and Thoroughfares Adjoining a Building

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Wall at that point along such Wall. *See* **Illustration 26-6.901.F-3 (Finished Grade)**.

ILLUSTRATION 26-6.901.F-3 FINISHED GRADE

Fire /EMS Station: premises accommodating operations of fire-fighting and emergency medical personnel and other members of staff.

First Lot Layer: *See* "Lot Layer".

Flex Building: a large footprint Principal Building type designed to accommodate either a single Use or a vertical or horizontal mix of Uses. See **Table 26-6.405.J-1 (Principal Building Types - Summary)** and **Table 26-6.405.J-2 (Principal Building Types - Specific Standards).**

Floodplain: areas of special flood hazard: land subject to a 1% or greater chance of flooding in any given year. Also may be referred to as "Special Flood Hazard Area".

Floodplain Administrator: the person designated as such by the Town.

Floor Area: the area of all enclosed floors computed from the dimensions of the outside Walls of the Building, excluding unfinished Attics, Basement utility areas, Residential Basements, porches, patios, breezeways, carports, garages, and attached Accessory Buildings.

Floor Area Ratio: the figure obtained by dividing (a) the aggregate floor area of the several floors and mezzanine areas of all Buildings on a Lot by (b) the Lot Area; excluding any floor area devoted to Basements, Parking Areas, Parking Lots, Garages, and/or Parking Structures. All floor area dimensions shall be measured horizontally between the exterior faces of Walls.

$$\frac{\textit{Aggregate Floor Area}}{\textit{Lot Area}} = \textit{Floor Area Ratio}$$

Food Distribution Center: premises, with or without a Structure, from which edible goods are Distributed to he public, with or without compensation.

Food Processing: Use characterize by processing and packaging of food and beverages for sale on the premises but for consumption off the premises.

Forecourt: a Private Frontage type wherein a portion of the Facade is close to the Frontage Line and the central portion is set back, creating a gathering space for residents or additional shopping or restaurant seating area within Retail / Personal Service / Craftsman Use areas. This type should be used sparingly and may be used in conjunction with other Frontage types. See **Table 26-6.405.G-1 (Private Frontage Types)**.

Frontage: the area between a Building Facade and a Path, Passage, waterbody, Civic Space, or the curb (or if there is no curb, the edge) of the Vehicular Lanes of a Thoroughfare having Vehicular Lanes, inclusive of the built and planted components of such area. Frontage is divided into Private Frontage and Public Frontage. *See* **Illustration 26-6.405.G-2 (Frontages and Lot Lines), Table 26-6.502.B-2 (Thoroughfare Assemblies and Standards),** and **Table 26-6.405.G-1 (Private Frontage Types)**. Corner Lots have two Frontages, a Principal Frontage and a Secondary Frontage. See Principal Frontage and Secondary Frontage. *See* **Illustration 26-6.901.F-4 (Frontage)**.

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ILLUSTRATION 26-6.901.F-4 FRONTAGE

Frontage Line: the common line that separates the Private Frontage from the Public Frontage, typically at the Front Lot Line in cases where the entire Public Frontage is with the public right-of-way. *See* **Illustration 26-6.405.G-2 (Frontages and Lot Lines)**. On a Corner Lot, there are two Frontage Lines.

Front Lot Line: the boundary at the front of a Lot along the Thoroughfare right-of-way or Drive Aisle, as applicable. *See* **Illustration 26-6.901.F-5 (Front Lot Line).**

ILLUSTRATION 26-6.901.F-5 FRONT LOT LINE

Front Yard: a Yard that is situated between (a) the nearest roofed portion of the Principal Building or of any Accessory Building on the Lot and (b) the Front Lot Line, extending the full width of the Lot, from Side Lot Line to Side Lot Line. *See* **Illustration 26-6.901.F-6 (Front Yard)**.

ILLUSTRATION 26-6.901.F-6 FRONT YARD

Full Value: with respect to a Nonconforming Structure or a Structure used for a Nonconforming Use, the Full Value of a Structure as determined by subtracting (a) the estimated value of the foundation as provided by the owner's engineer and approved by the Town Engineer from (b) the current assessed value of the Structure.

Current Assessed Value of Structure* – *Estimated Value of Foundation* = *Full Value

Funeral Services: a Use characterized by an establishment engaged in undertaking services such as preparing the human or animal dead for burial and arranging and managing funerals, including without limitation, Funeral Home, Mortuary, Cemetery, Crematorium.

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G

Gallery: (a) with respect to the Frontage, the Private Frontage Type conventional for Retail use wherein the Facade is aligned close to the Frontage Line with an attached cantilevered shed or lightweight colonnade overlapping the Sidewalk, described as such within **Table 26–6.405.G–1 (Private Frontage Types)**; (b) with respect to the Use of premises or part thereof, the collection and/or exhibition, and often the sale, of works of art, photography, objects of permanent value, or craftsman or cultural items.

Garage: an enclosed Building, or an extension of a Principal Building, used for the storage of one or more motor vehicles on a Lot as an Accessory Use, provided that no business, occupation or service is conducted for profit therein.

Garden Center: a business enterprise where living plants are stored, displayed and sold at retail or at wholesale, and where accessory items directly related to the maintenance and care of plant life may be sold.

Gasoline Station: any area of land, including Structures thereon or part thereof, that is used for the Retail sale of gasoline or other motor vehicle fuels or oils and which may include auxiliary facilities for lubricating, washing or otherwise servicing motor vehicles, but not including the painting thereof or body repair work. Synonymous with "Gas Station" or "Filling Station".

Governmental Office: federal, state, county, or town offices, administrative, clerical or public contact services, together with incidental storage and maintenance of necessary vehicles.

Green: a type of Civic Space for unstructured recreation, spatially defined by landscaping rather than Buildings, described as such in **Table 26–6.504.B–1 (Civic Space Types – Summary)** and **Table 26–6.504.B–2 (Civic Space – Specific Standards).**

H

Health Club: premises that contain one or more of the following types of athletic facilities: swimming pool, racquetball courts, squash courts, exercise rooms, weight rooms, gymnasium, or similar facilities available exclusively to members and their guests.

Heavy Manufacturing or Industrial: a Use involving or including:

a. storage or use of highly flammable, toxic matter or explosive materials, or of Hazardous Materials except in accordance with all applicable laws;

b. generation of pollution, dust, odor, heat, glare, or vibration beyond the Walls of an enclosed Building or any light or glare beyond the boundaries of the land on which such Building is situated;

c. any activity or Use for which any water, air, or other environmental or pollution license or permit is required.

d. concrete batch plants;

e. concrete, tile, or brick manufacturing;

f. automobile, truck, or tire manufacturing or assembly;

g. ammonia or chlorine manufacturing;

h. metal casting or foundries;

i. gas manufacturing;

j. grain milling or processing;

k. metal or metal ore production, refining, smelting, or alloying;

l. petroleum or petroleum product storage or refining;

m. boat, pool, or spa manufacturing;

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n. keeping, selling, or slaughtering of animals;

o. glass manufacturing;

p. paper manufacturing;

q. manufacturing of materials into compost;

r. gravel, sand, stone, coal, gas, oil, or mineral, mining or processing;

s. Rail Equipment Storage / Repair; or

t. wood or lumber processing.

Height: the vertical dimension of a Structure, described (a) in number of Stories of the Structure or (b) by the distance between (i) the average Finished Grade, as measured at the outside corners of the Structure, and (ii) the highest point of such Structure on the roof surface; excluding in each case (i) Attics under 14 feet in height at their tallest point; (ii) raised Basements; and (iii) masts, belfries, clock towers, chimneys, chimney flues, silos, water tanks, or elevator bulkheads. *See* **Illustration 26-6.901.H-1 (Height).**

ILLUSTRATION 26-6.901.H-1 HEIGHT – BUILDING

High School: premises at which education is provided for students from Grade 9 through Grade 12.

Highway: a rural or suburban Thoroughfare of high vehicular speed and capacity, described as such in **Table 26-6.502.B-1 (Thoroughfare Types – Summary)** and **Table 26-6.502.B-2 (Thoroughfare Assemblies and Standards)**.

Home Occupation: any gainful occupation conducted entirely within a Dwelling, which meets the following restrictions:

a. it does not change the character of the Structure as a residence;

b. it does not occupy more than 1/2 of the Floor Area of the Dwelling,

c. no goods shall be kept,

d. no mechanical or electrical equipment shall be used except customary household and office equipment,

e. none of the following Uses shall be conducted as Home Occupations:

i. Clinic

ii. Hospital

iii.Barbershop

iv.Beauty Parlor

v.Restaurant

vi.Kennel

vii.Antique Dealer

viii.Retail sales on the premises, or

ix.loading of ammunition,

f. the Home Occupation must be accessory and incidental to the Principal Use of the Dwelling as a residence.

g. all permitted Home Occupations shall be limited to professional services, Personal Services and domestic crafts, and Office purposes.

h. no Home Occupation shall be operated in a way that creates excessive noise, odor or other nuisances, or creates a traffic, fire or any other safety hazard.

i. Home Occupations shall be registered with the Town clerk-treasurer in compliance with all

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applicable sections of the Town Code pertaining to business or professional activities, including registration fees as established by the Town, except that occupations limited as follows shall not be required to register:

i. an occupation which meets all the following conditions:

1) Utilizes only telephone or mail for conducting business;

2) Does not advertise the business location in any manner other than word of mouth;

3) Does not utilize vehicles, equipment or goods parked or stored at the residence site; and

4) Does not require the presence of clients or customers at the residence site; or

ii. a hobby occupation, characterized by intermittent activity incidental to the Residential Use of premises and incidental to the primary employment or income of the resident. In all cases excepted from the registration requirement of paragraph i above, although registration is not required, all other requirements and restrictions applicable to Home Occupations shall apply.

j. a Home Occupation may only employ resident family members and one nonresident person.

k. no Home Occupation requiring sales or service to clients or customers on the premises shall be conducted in multifamily Dwelling Units.

l. no Home Occupation shall use signage, lighting or any other visible display to indicate the presence of a business in the Dwelling Unit.

m. no residence or Accessory Building may be structurally altered to effect a business appearance in connection with a Home Occupation.

n. no additional entrance incongruent with the structural design may be constructed in connection with a Home Occupation.

o. no Home Occupation may utilize an area in excess of that specified in the definition of the term "Accessory Use".

p. all activities of the Home Occupation, including storage, shall be carried on within the Dwelling or Accessory Building.

q. no stock in trade or commodity shall be openly displayed on the premises, and direct selling from stock or merchandise on the premises is prohibited.

r. Home Occupations shall meet all requirements of this Article and state, county and other regulations pertaining to fire, safety, plumbing, electrical, health and building codes.

s. Home Occupations must provide sufficient parking in the Dwelling driveway and street side adjacent to the Dwelling. Parking for customers or clients shall not encroach on street-side or other parking areas in excess of the described areas.

t. no vehicles employed in a Home Occupation, other than one two-axle vehicle, shall be parked in front of the front building line or on a public right-of-way adjacent to the Dwelling for more than four hours per day. This includes but is not limited to vehicles with hoisting devices, snow plows, covered cargo containers or other commercial type equipment or fittings, and applies whether or not the vehicle has the name of the business displayed.

u. all pickups and delivery of materials used in the Home Occupation shall be carried on between 8:00 a.m. and 9:00 p.m.

v. no Home Occupation shall use electrical or mechanical equipment which interferes with local radio, television or electrical service reception.

w. Home Occupations shall be limited in advertising the business location to stationery, business cards, a noncommercial telephone directory listing without advertising, and mailed advertisements. No newspaper, radio, television or other advertisement which includes the residence address of a Home Occupation shall be permitted. Advertising which gives only the telephone number, a post office box number or the town name is not controlled or prohibited.

x. the Building Inspector shall review all Home Occupations with these requirements. If he determines that a Home Occupation fails to comply with any applicable requirements or restrictions, the operator may request review of

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his decision by the Board of Zoning Appeals.

y. the operator of a Home Occupation shall provide all required business registration information to the Building Inspector, and shall comply with all reasonable requests for inspection of the premises. Failure to supply required information or allow inspection shall be grounds for revocation of business registration by the Building inspector, in addition to any other penalties for violation of this Article.

Horticulture and Landscaping Services: landscaping, tree, plant, lawn, and/or other landscape material installation, care, maintenance, and removal, and other similar services, together with associated equipment and machinery directed toward the care of trees, plants, or lawns.

Hospice: the provision of palliative care and emotional support to the terminally ill in a home or home-like setting so that quality of life is maintained and family members may be active participants in care, whether or not provided in a facility.

Hospital: premises used for the diagnosis, medical treatment, or similar care of human ailments including without limitation: the term "Hospital" shall be deemed to include (a) psychiatric and substance abuse facilities, (b) ambulatory care, outpatient services, diagnostic and treatment centers, Clinics, Rehabilitation Facilities, Medical Laboratories, Hospices, teaching facilities, and meeting areas associated with and on the same premises as the Hospital, and (c) Accessory Uses such as dining and housing for patients' families and guests, staff members, nurses, interns, resident physicians and their immediate families, and maintenance, service and parking facilities. The term "Hospital" shall not be deemed to include either (a) Offices of doctors, dentists, chiropractors or nurse practitioners, or sanatoriums, Nursing Homes, Convalescent Homes, or Rehabilitation Facilities or (b) psychiatric and substance abuse facilities, (b) ambulatory care, outpatient services, diagnostic and treatment centers, Clinics, Rehabilitation Facilities, Medical Laboratories, Hospices, teaching facilities, and meeting areas associated with and on the same premises as the Hospital, and (c) Accessory Uses such as dining and housing for patients' families and guests, staff members, nurses, interns, resident physicians and their immediate families, and maintenance, service and parking facilities not on the same premises and associated with Hospital.

Hostel: an establishment that provides inexpensive food and lodging for a specific group of people, such as students, workers, or travelers.

Hotel: a business that offers to Transient guests, on a daily or weekly basis for compensation, meals and sleeping accommodations accessible from interior hallways from a common entrance.

House: a Principal Building type that was designed as a Single- Family Detached Dwelling on a medium or large Lot with an Edgeyard, often shared with an Accessory Building in the rear, described as such in **Table 26-6.405.J-1 (Principal Building Types)** and **Table 26-6.405.J-2 (Principal Building Types – Specific Standards)**.

House Trailer: any portable or mobile vehicle used or designed to be used for living purposes with its wheels, roller or skids in place.

I

Identification Sign: a Sign that directs attention to a business, profession, or Multifamily Building conducted upon the same Lot where such Sign is located, described in **Table 26-6.701.A (Sign Types – Summary)** and **Table 26-6.701.B (Sign Types – Specific Standards)**.

Impervious Surface Coverage: that portion of a Lot covered with Buildings, asphalt, or concrete paving or hard-packed, prepared, graveled surfaces that prevent

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or restrict absorption of rain or surface water into the ground.

Impound Yard: a facility that provides temporary outdoor storage for: (1) mechanically operable/drivable, licensed vehicles that are to be claimed by titleholders or their agents; and/or (2) wrecked motor vehicles awaiting insurance adjustments and transport to repair shops. This term excludes: Scrap and Salvage Yards/services; Junkyard; Towing Facilities; vehicle storage; and accessory storage of inoperable vehicles.

Improvement: any man-made Alteration of land, a Lot, or a Structure.

Improvement Location Permit: a permit issued by the Zoning Administrator in respect of a Building and Lot Plan, evidencing compliance of such plan with the standards and requirements of this Article applicable thereto.

Independent Living Apartment: a multiple Dwelling Unit accommodation that provides Residential quarters for Persons who do not require skilled nursing care, health care, or assistance with daily activities, such as assistance with eating,, dressing, ambulation, medication, bathing, or toileting.

Information Services: enterprises and organizations whose purpose is to produce and process information and to develop the infrastructure and delivery mechanisms to distribute information.

Inn: an owner-occupied Lodging Use, offering 6 to 12 bedrooms, which may serve breakfast to guests. *See* **Table 26-6.405.L-1 (Building and Lot Principal Uses).**

Interior Lot: a Lot other than a Corner Lot. *See* **Illustration 26-6.901.I-1 (Interior Lot)**.

ILLUSTRATION 26-6.901.I-1 INTERIOR LOT

Interior Sign: any Sign, except address numbers, which is affixed to or painted on the interior of a window or glass, or any Sign located within three feet of the inside face of the window or door and is visible from the exterior of the window or door.

Inverted Crown: surface shaping of an Alley or Thoroughfare having the low point in the middle, causing surface runoff to flow down the center of the roadway.

J

Junkyard: any land or Structure or part thereof used for the collection, storage or sale of wastepaper, rags, scrap metal or other scrap or discarded material or for the collecting, dismantling, storage or salvage of machinery or vehicles not in running condition or for the sale of the parts thereof.

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K

Kennel: any Structure or premises on which four or more dogs, cats and/or other household pets over four months of age are kept, excluding, however, any Structure or premises on which such animals are kept for Retail sale.

Kindergarten: premises accommodating a school or class that prepares children for first grade.

L

Landscape Island: a curbed and landscaped area within a Parking Lot or Parking Area, which meets the requirements of Section 26-6.405.P.25.

Landscaping: (a) live materials such as grass, ground cover, shrubs, vines, hedges and trees, or durable natural material such as crushed stone, wood chips, rock and weathered wood or (b) the activity of installing or maintaining such materials.

Large Projecting Sign: the Sign Type described as such in **Table 26-6.701.A (Sign Types - Summary)** and **Table 26-6.701.B (Sign Types - Specific Standards)**.

Laundromat: an establishment with coin-operated clothes washing and drying equipment.

Layer: *See* "Lot Layer".

Library: a Building or part thereof containing collections of books, periodicals, and/or other media for Persons to read, borrow, or refer to.

Light Industrial: the Use category collectively referring to fabrication, creation, processing, production, packaging, converting, altering, assembling, handling, storage, treatment, distribution, disposal, wholesaling of materials, products, or information solely within a Building, which activity:

a. is not detrimental to the environment,

b. is not Heavy Manufacturing, and

c. does not

i. pose any danger or hazard of fire or explosion or other physical hazard,

ii. cause, disseminate or discharge any material, dust, smoke, gas, fumes, odor, noise, vibration beyond the Lot on which the Building is situated, (iii) involve any Outside Storage, or (iv) result in any unusual traffic hazard or congestion. Examples of this Uses Category include without limitation Building Systems / Construction Business, Catering Service or Catering Events Establishment, Contractor Materials Sales, Distribution / Distribution Facility, Horticulture and Landscaping Services, Light Manufacturing Plant, Machine Shop / Woodworking Shop (other than Craftsman Establishments), Non-Hazardous Waste Treatment or Disposal, Outdoor Storage, Rail Equipment Storage / Repair, Recycling Processing Facility, Research Laboratory, Scrap or Salvage Yard / Services, Self-Storage Facility, Towing Facility, and Warehouse / Warehousing. See **Table 26-6.405.L-1 (Building and Lot Principal Use).**

Light Manufacturing Plant: premises used for the creation, assembly, processing, production, fabrication, packaging, or assembly from natural, man-made, raw, secondary, or partially completed materials or components, and/or treating, designing, fitting, compounding, repairing, assembling, testing, storing, warehousing, selling at wholesale, distributing or transferring, and/or repair of, finished or semi-finished products or other goods, within an enclosed Building, and including the Retail sale of such goods or products as an Accessory Use; provided that Light Manufacturing Plant shall not include Heavy Manufacturing. Examples of Light Manufacturing Plants are institutional bakeries, Breweries, bottling plants, dairy plants, ice plants, Distilleries, dry cleaning or laundry plants, Food Processing plants, Microbreweries, Microdistilleries,

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Microwineries, Nanobreweries, publishing plants, printing plants and Wineries.

Lightwell: a Private Frontage type that is a below-grade entrance or recess designed to allow light into basements. *See* **Table 26-6.405.G-1 (Private Frontage Types – Summary).**

Linear Pedestrian Shed: a Pedestrian Shed that is elongated along an important Corridor. A Linear Pedestrian Shed extends approximately 1/4 mile from each side of the Corridor. The resulting area is oblong. (Syn: elongated pedestrian shed). *See* **Illustration 26-6.901.L-1 (Linear Pedestrian Shed)**.

ILLUSTRATION 26-6.901.L-1 LINEAR PEDESTRIAN SHED

Liner Building: a Building that is a least 20 feet deep measured from the Facade and masks a Parking Lot or a Parking Structure from the Frontage. *See* **Illustration 26-6.901.L-2 (Liner Building)**.

ILLUSTRATION 26-6.901.L-2 LINER BUILDING

Live / Work Building: a small- to medium-sized attached or detached Principal Building type, which includes a flexible space for Commercial Use and an internally connected Residential Dwelling Unit above and/or behind the flexible space. See **Table 26-6.405.J-1 (Principal Building Types)** and **Table 26-6.405.J-2 (Principal Building Types – Specific Standards)**.

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Loading Area: an off-street area on the same Lot with a Building, used for temporary parking of Commercial Vehicles while loading or unloading goods. *See* **Illustration 26-6.901.L-3 (Loading Area)**.

ILLUSTRATION 26-6.901.L-3 LOADING AREA

Loading Space: a space within a Loading Area that meets the design and dimensional requirements of Section 26-6.405.O.

Lodging: a Use category characterized by premises available for daily or weekly renting of bedrooms, including without limitation, a Bed and Breakfast, Inn, Hostel, Hotel, Motel, a Boardinghouse, and Tourist Home. *See* **Table 26-6.405.L-1 (Building and Lot Principal Uses).**

Long Term Care Facility: premises at which living, bed care, boarding, in-patient service and/or nursing or other medical care are provided for aged, infirm, disabled persons, persons or who are afflicted with or convalescing from any disease or ailment, or other persons requiring regular medical attention. "Long Term Care Facility" does not include Rehabilitation Centers, Assisted Living Apartments, Independent Living Apartments, or facilities that provide surgical or emergency medical services, care for alcoholism, drug addiction, substance abuse, communicable disease or mental disease other than dementia.

Lot: (a) a parcel or plot of land identified on and established by plat, subdivision, or as otherwise permitted by law, and recorded in the official records of the Office of the Lake County Recorder, Lake County, Indiana, to be separately owned, used, Developed, or built on; or a Building Site. See **Illustration 26-6.901.L-4 (Lot).**

ILLUSTRATION 26-6.901.L-4 LOT

Lot Area: the total horizontal area included within the Lot Lines.

Lot Coverage: the percentage of the Lot Area occupied by a Building or Buildings.

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Lot Depth: the shortest horizontal distance between the Front Lot Line and Rear Lot Line of a Lot, except that, for computing the area of a Lot, the depth of the Lot may be construed to extend to the center of an Alley which forms the rear boundary of the Lot.

Lot, Interior: *See* "Interior Lot".

Lot Layer: a range of depth of a Lot within which certain elements are permitted. There are three Lot Layers within each Lot, as follows:

a.. First Lot Layer: that portion of a Lot bounded by

i. the Side Lot Lines,

ii. the Frontage Line, and

iii. the Building Facade.

b. Second Lot Layer: that portion of a Lot bounded by

i. the Side Lot Lines,

ii. he Building Facade, and

iii. a line which is 20 feet from and parallel to the Building Facade.

c. Third Lot Layer: that portion of a Lot bounded by

i. the Side Lot Lines,

ii. the Rear Lot Line and

iii. the line of the Second Lot Layer as described in b.iii above. See **Illustration 26-6.901.L-5 (Lot Layers)**.

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ILLUSTRATION 26-6.901.L-5 LOT LAYERS

Lot Line: any boundary that legally demarcates a Lot. *See* **Illustration 26-6.901.L-6 (Lot Line)**.

ILLUSTRATION 26-6.901.L-6 LOT LINE

Lot Width: with respect to Districts CD-3, CD-4.A, CD-4B, CD-5, SD-PUD, SD-M, and CZ, the length of the Principal Frontage Line of a Lot; with respect to Districts CD-3.R1, CD-3.R2, CD-3.R3, and CD-4R4, the length of the Building Line.

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M

Machine Shop: premises at which mechanical items are made or repaired using machinery or equipment.

Main Body: with respect to the Massing of a Building, the principal portion of such Building excluding any wing.

Main Civic Space: the primary outdoor gathering place within a Development Parcel. The Main Civic Space may be associated with an important Civic Building.

Massage Studio: means an establishment whose primary activity consists of licensed massage therapists or masseurs providing massage therapy or service or manual manipulation of muscle, connective tissue, tendons, and/or ligaments to enhance a Person's health and well-being.

Massing: the overall shape or arrangement of the bulk or volume of a Building.

Medical Office / Medical Clinic / Outpatient Clinic: an office or other premises for the private practice of health care professionals licensed by the State, wherein a majority of patient encounters involve examination, diagnosis, treatment, or surgical procedures on an outpatient basis not extending beyond a 24 hour period.

Medical Laboratory: a facility where testing or observation of clinical specimens from which information about the health of a patient can be obtained in order to provide diagnosis, treatment , and/or prevention of disease.

Meeting Hall: a Building that provides accommodations as a Place of Assembly.

Mental Health Crisis Center: premises from which counseling or support services are provided to Persons who are experiencing an emotional disturbance or behavioral distress, considering harm to self or others, disorientation or out of touch with reality, have a compromised ability to function, or are otherwise agitated and unable to be calmed.

Microbrewery: an establishment which is primarily used for the manufacture of craft beer with annual production limited to 15,000 barrels per year and which may sell beer for on-site consumption or for off- site distribution.

Microdistillery: an establishment which is primarily used for the manufacture of craft alcoholic spirits with annual production limited to 10,000 gallons per year and which may sell spirits for on-site consumption or for off-site distribution.

Microwinery: an establishment which is primarily used for the manufacture of craft vinous beverages with annual production limited to 2,000 cases per year and which may sell wine for on-site consumption or for off-site distribution.

Middle School: premises at which education is provided for children from Grade 6 through Grade 8.

Mid-Rise Building: an attached or detached Principal Building type of between 4 and 6 Stories, which may provide a vertical and/or horizontal mix of Uses, typically designed to facilitate pedestrian-oriented Retail / Personal Service / Craftsman, Lodging, or Office Uses on the ground floor, with upper floors typically designed for Residential or Office Uses. See **Table 26-6.405.J-1 (Principal Building Types)** and **Table 26-6.405.J-2 (Principal Building Types - Specific Standards)**.

Mixed Use: multiple Uses within the same Building or on the same Lot through superimposition or Adjacency, or in multiple Buildings or on multiple Lots by Adjacency or proximity.

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Mixed-Use Building: a typically attached Principal Building type, which provides a vertical and/or horizontal mix of Uses typically designed to facilitate pedestrian-oriented Retail / Personal Service / Craftsman, Lodging, or Office Uses on the ground floor, with upper floors typically designed for Residential or Office Uses. See **Table 26-6.405.J-1 (Principal Building Types)** and **Table 26-6.405.J-2 (Principal Building Types – Specific Standards)**.

Monument Sign: the Sign Type described as such in **Table 26-6.701.A (Sign Types – Summary)** and **Table 26-6.701.B (Sign Types – Specific Standards)**.

Motel: an establishment where short-term Lodging in guest rooms is offered to Transient guests for compensation and one or more rooms are accessed by exterior doors opening directly to exterior Parking Areas, passageways, or the outdoors.

Motor Vehicle: every vehicle that is self-propelled, which can be licensed and registered to be driven on public streets, roads or rights-of-ways, and every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, including without limitation, powered Recreational Vehicles.

Motor Vehicle – Related Uses: the term collectively referring to Motor Vehicle Body Shop, Maintenance, Repair, Service, or Cleaning, Motor Vehicle Parts Sales, Motor Vehicle Sales, Rental, or Leasing, and Motor Vehicle Storage. *See* **Table 26-6.405.L-1 (Building and Lot Principal Uses).**

Motor Vehicle Body Shop, Maintenance, Repair, Service, or Cleaning: a Structure, premises, or establishment in or on which Motor Vehicles are maintained, repaired, serviced, and/or cleaned, including without limitation, incidental storage for fewer than sixty (60) days of Motor Vehicles that are being maintained, repaired, serviced, and/or cleaned. This term does not include parking or Motor Vehicle Storage.

Motor Vehicle Parts Sales: a Structure, premises, or establishment in or on which Motor Vehicle parts other than tires are sold, either at Retail or Wholesale.

Motor Vehicle Sales, Rental, or Leasing: a Structure, premises, or establishment in or on which Motor Vehicles are sold, rented, leased, or chartered, including incidental storage, maintenance, and servicing as an Accessory Use.

Motor Vehicle Storage: long or short term storage of operating Motor Vehicles. This term excludes Impound Yards, Towing Facilities, and any dismantling, Scrap and Salvage Yards/Service, or Junkyards.

Multifamily Building: a Principal Building type that incorporates three (3) or more side-by-side and/or horizontally stacked Dwelling Units, typically with one or more shared entries. See **Table 26-6.405.J-1 (Principal Building Types)** and **Table 26-6.405.J-2 (Principal Building Types – Specific Standards)**.

Multifamily Dwelling: a Building containing three (3) or more Dwelling Units, including without limitation Residential condominiums, Apartments, and MultiFamily Buildings.

Museum: a Use characterized by the display, preservation, collection, curation, and/or exhibit of objects of community and cultural interest in one or more of the arts and sciences.

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N

Nanobrewery: an establishment which is primarily used for the manufacture of craft beer with annual production limited to 5,000 barrels per year and which may sell beer for on-site consumption or for off- site distribution.

Neighborhood Street: the Thoroughfare Type described as such in **Table 26-6.502.B-1 (Thoroughfare Types – Summary)** and **Table 26-6.502.B-2 (Thoroughfare Assemblies and Standards)**.

Neon Sign: a Sign that is lighted by long, luminous gas-discharge tubes that contain rarefied neon or other gases.

Net Site Area: all developable land within a site including Thoroughfares but excluding land allocated as Civic Zones.

Nonconforming Structure: a Structure that: (a) legally existed at the Effective Date of this Article or any amendment of this Article or the Zoning Map affecting such Structure, but upon such Effective Date does not conform to this Article; and (b) is allowed to continue legally in accordance with the provisions of Section 26-6.122 as a lawfully permitted Structure, irrespective of the Use to which such Structure is put.

Nonconforming Use: any Use of land, or a Structure or Improvement, or part thereof that: (a) legally existed at the Effective Date of this Article or any amendment of this Article or the Zoning Map affecting such Use, but upon such Effective Date does not conform to this Article; and (b) that is allowed to continue legally in accordance with the provisions of Section 26-6.122 as a lawfully permitted Use.

Non-Hazardous Waste Treatment or Disposal: facilities for receiving, sorting, treatment, or disposal of nonhazardous solid waste, including waste transfer stations, compost dumps, and combustors, incinerators, and cogeneration plants, and the collection and hauling of nonhazardous waste incidental to the treatment or disposal operations.

Non-Motor Vehicle Goods Maintenance / Cleaning / Repair / Service: a Structure, premises, or establishment in or on which goods other than Motor Vehicles are maintained, repaired, serviced, and/or cleaned. This term does not include Parking or Outdoor Storage.

Non-Motor Vehicle Goods Rental / Leasing: a Structure, premises, or establishment in or on which goods other than Motor Vehicles are rented or leased. This term does not include Parking or Outdoor Storage.

Non-Nuisance Industry: fabrication, processing, converting, altering, assembling, or handling of materials or products solely within a Building, which activity: (a) is not detrimental to the environment and (b) does not (i) pose any danger or hazard of fire or explosion or other physical hazard, (ii) cause, disseminate or discharge any material, dust, smoke, gas, fumes, odor, noise, vibration beyond the Lot on which the Building is situated, (iii) involve any Outside Storage, or (iv) result in any unusual traffic hazard or congestion.

Non-Profit Office: premises available for any function of a not-for-profit organization.

Nursery School: a school that has all necessary licenses and provides daytime care or instruction of two (2) or more children from two (2) to five (5) years of age, inclusive.

O

Office: a Use category characterized by premises available for the transaction of Commercial, governmental, or non-profit operations, but excluding Retail / Personal Service / Craftsman Uses and Light Industrial Uses. The Office Use category includes without limitation Business

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/ Governmental / Non-for-Profit Offices, Business Incubator, Counseling Service, Co-Working Space, Crisis Counseling Center, Data Processing or Storage Services, Dental Office / Dental Clinic, Information Services, Medical Lab / Dental Lab / Research Lab, Medical Office / Medical Clinic / Outpatient Clinic, Mental Health Crisis Center, Office Building, Office Portion of Live/Work, Mixed-Use, or Flex Building, Photography Lab, Professional Office, Radio / Television / Recording Studio or Station without Communications Tower, and Tax Preparation Service. See **Table 26-6.405.L-1 (Building & Lot Principal Uses)**.

Office Building: a Building in which space is made available for Office Use.

Officefront: a Private Frontage type wherein the Facade is aligned close to or at the Frontage Line with the Building entrance at or above Sidewalk grade. This type is conventional for Office Use. It may have a substantial glazing on the Facade. See **Table 26-6.405.G-1 (Private Frontage Types)**.

Open Air Market: a Farmer's Market, a Roadside Stand, or an Outdoor Market.

Open Space: land and water areas retained for use as active or passive recreation areas or for resource protection in an essentially undeveloped state.

Outdoor Storage: one or more assemblages, collections, stacks, or stockpiles of vehicles, equipment, goods, materials, tanks, or other items in any area other than within a Building, including without limitation, parked operative or non-operative vehicles or equipment.

Ordinary Maintenance and Repair: (a) keeping a Lot, parcel, or Structure in good condition through ongoing minor intervention, undertaken from time to time, in its exterior condition in a manner that does not change its external appearance except through the elimination of the usual and expected effects of weathering; (b) strengthening or restoring any portion of a Structure or Improvement to a safe condition, provided no material enlargement results; (c) repairing or replacing interior Walls, fixtures, wiring or plumbing; or (d) repaving Driveways and Parking accommodations, (e) replacing exterior windows and siding, and (f) painting exterior structures and fixtures. Ordinary Maintenance and Repair does not constitute Development for the purposes of this Article.

Outbuilding: synonymous with "Accessory Building". *See* **Illustration 26-6.405.D-2 (Principal Building/ Accessory Building)**.

Outdoor Display Case: the Sign Type described as such in **Table 26-6.701.A (Sign Types – Summary)** and **Table 26-6.701.B (Sign Types – Specific Standards)**.

Outdoor Market: an open air area, without or without a Structure, used for the Retail sale of goods other than fresh fruits, vegetables, nuts, grains, eggs, flowers, herbs, or plants.

P

Parcel Services: providing for-profit parcel and message routing, distribution, and delivery services.

Park: as a noun, a Civic Space type that is a natural preserve available for unstructured recreation, described as such in **Table 26-6.504.B-1 (Civic Space Types – Summary)** and **Table 26-6.504.B-2 (Civic Space – Specific Standards)**.

Parking: (a) an accommodation designed for the stopping and disengagement of a Motor Vehicle and leaving it unoccupied; or (b) the act of stopping and disengaging a Motor Vehicle and leaving it unoccupied.

Parking Area: an off-street, ground-level open area within a Lot for Parking vehicles as an Accessory Use incidental

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to a Principal Use of the Lot or Principal Building on the Lot. Not synonymous with Parking Lot.

Parking Lot: an off-street, ground-level open area within a Lot for parking vehicles as a Principal Use. Not synonymous with Parking Area.

Parking Space: an area required or provided for parking a vehicle, meeting the requirements of Section 26-6.405.O.

Parking Structure: a vertical Improvement, other than a Garage, containing one or more levels of vehicular Parking above grade, and not including any Motor Vehicle Body Shop, Maintenance Repair Service or Cleaning.

Passage (PS): a pedestrian connector, open or roofed, that passes between Buildings to provide shortcuts through long Blocks and connect rear parking areas to Frontages. See **Illustration 26-6.901.P-1 (Passage)**.

ILLUSTRATION 26-6.901.P-1 PASSAGE

Path (PT): a pedestrian way traversing a Park, with landscape matching the contiguous Open Space, ideally connecting directly with the urban Sidewalk network.

Pawnshop: a business that lends money based upon the security of pledged goods left in pawn, or is in the business of purchasing tangible personal property to be left in pawn on the condition that it may redeemed or repurchased by the seller for a fixed price within a fixed period of time, which maintains all necessary licenses for the same.

Pedestrian Shed: an area of a size approximately equal to the average distance comfortably walked by pedestrians and approximately centered on a Common Destination. There are two types of Pedestrian Sheds: Standard Pedestrian Sheds and Linear Pedestrian Sheds. *See* "Standard Pedestrian Shed" or "Linear Pedestrian Shed". *See* **Illustration 26-6.901.P-2 (Pedestrian Sheds)**.

ILLUSTRATION 26-6.901.P-2 PEDESTRIAN SHEDS

Performance Guarantee: as defined in Section 26-6.125.

Performing Arts Venue: a site, with or without a Structure, intended for the presentation of performing arts, such as dance, music, and theatre.

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Performing Arts Studio: an establishment that provides instruction in one or more of the performance arts, such as dance, music, and theatre.

Person: an individual, proprietorship, partnership, corporation, association, company, or other legal entity.

Personal Improvement Education: an establishment primarily engaged in the provision of information or instruction relating to a particular subject or hobby.

Personal Improvement Services: an establishment primarily engaged in the provision of informational, instructional, personal improvements or similar services.

Personal Services: the category of Uses referring collectively to Uses in which is a service is provided to or for a customer for compensation, in which the Person providing such service deals directly with the consumer, which Uses may or may not include the Retail sale of goods related to the services provided; excluding Motor Vehicle – Related Uses, services provided by a medical professional, and Adult Entertainment. "Personal Services" includes Animal (Small) Boarding, Grooming, or Kennel without outside boarding, Appliance Service or Maintenance, Art or Photography Studio, Dry Cleaning / Laundry Pick Up Shop, Financial Services, Hair / Skin / Nail Care, Health Club or Day Spa, Laundromat, locksmith, Massage Studio, Non-Motor Vehicle Maintenance / Cleaning / Repair / Service, Parcel Services, Pawnshop, Performing Arts Studio, Personal Improvement Services, Photo-Finishing Shop, Printing Services Shop, Shoe Repair Shop, Short-Term Lender, Tailor or Seamstress Shop, Tattoo Studio, and Veterinary Office, Clinic, or Hospital, without outside boarding.

Pervious Paving: a hard surface with load-bearing capacity engineered to allow for the passage of water through it. The surface may be comprised of paving blocks with open corners, lattices or edges or asphalt/concrete mixes without fines.

Pharmacy: an establishment having a primary function of dispensing prescription drugs and medications and whose stock-in-trade may or may not include other merchandise.

Photo Finishing Retail Shop: the Retail development and printing of film or digital images.

Place of Assembly: a Building, room, or space that is occupied or arranged for occupation by the public for recreational, amusement, social, sports, or similar purposes.

Place of Worship: a church, synagogue, temple, monastery, convent, retreat center or any permanent or temporary Structure providing regular, organized religious worship of any denomination and religious education incidental thereto, but excluding private primary or secondary educational facilities and day care facilities.

Placement: with respect to a Building, the manner in which the Building is situated on the Lot. See **Illustration 26-6.405.C (Lot Layers)**, **Illustration 26-6.405.D-2 (Principal Building /Accessory Building)**, and **Illustration 26-6.901.S-2 (Setbacks).**

Plan: a Building and Lot Plan, a Development Parcel Plan, a Site Plan, a Landscape Plan, a Sign Plan, or any other plan submitted pursuant to this Article.

Plan Commission: the Plan Commission of the Town.

Planning Director: the Town Director of Planning and Development.

Planter: the element of the Public Frontage that accommodates Thoroughfare trees, whether continuous or individual.

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Plaque Sign: the Sign Type described as such in **Table 26-6.701.A (Sign Types – Summary)** and **Table 26-6.701.B (Sign Types – Specific Standards)**.

Playground: a Civic Space type described as such in **Table 26-6.504.B-1 (Civic Space Types – Summary)** and **Table 26-6.504.B-2 (Civic Space – Specific Standards)**.

Plaza: a Civic Space type described as such in **Table 26-6.504.B-1 (Civic Space Types – Summary)** and **Table 26-6.504.B-2 (Civic Space – Specific Standards).**

Police Station: premises accommodating operations of law enforcement officers and other members of staff.

Porch: a planted Private Frontage type wherein the Facade is set back from the Frontage Line with an attached exterior covered area large enough to accommodate outdoor furniture and/or gathering, which is permitted to Encroach into the Front Setback. This may be used with or without a Fence to maintain Thoroughfare spatial definition. See **Table 26-6.405.G-1 (Private Frontage Types**).

Porch Sign: the Sign Type, described as such in **Table 26-6.701.A (Sign Types – Summary)** and **Table 26-6.701.B (Sign Types – Specific Standards)**.

Portable Sign: a Sign whose principal supporting Structure is intended, by design and construction, to be used by resting upon the ground for support and may be easily moved or relocated. Portable Signs include, but are not limited to, Signs mounted on a trailer, wheeled carrier or other non-motorized mobile structure, with wheels or with wheels removed.

Post Office: premises operated by or under contract for the United States Postal Service at which letters, parcels, packages or other mail may be received, deposited, processed, sorted, and/or handled and/or postage may be purchased.

Post Sign: the Sign type described as such in **Table 26-6.701.A (Sign Types – Summary)** and **Table 26-6.701.B (Sign Types – Specific Standards)**.

Pre-School or Nursery School: a school, with an accredited training program and staffed with certified teachers, for children who are not old enough to attend Kindergarten.

Primary or Elementary School: a public, private or parochial school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools of the state.

Principal Building: the main Building on a Lot, usually located toward the Frontage, in which is conducted a Principal Use of the Lot on which such Building is situated. *See* **Illustration 26-6.901.P-3 (Principal Building)**.

ILLUSTRATION 26-6.901.P-3 PRINCIPAL BUILDING

Principal Entrance: the main point of access for pedestrians into a Building.

Principal Frontage: with respect to: (a) Corner Lots, the Frontage designated to bear the address and Principal Entrance to the Building, and the measure of minimum Lot Width; and (b) non-Corner Lots, the Frontage. *See* "Frontage". *Also see* **Illustration 26-6.901.P-4 (Principal Frontage)**.

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ILLUSTRATION 26-6.901.P-4 PRINCIPAL FRONTAGE

Principal Use: the primary or predominant Use of a Lot or Structure.

Printing Services Shop: premises in which photocopying, scanning, short-run printing and related services are provided.

Private Frontage: the privately held area between the Frontage Line and the Facade of the Principal Building. *See* **Table 26-6.405.G-1 (Private Frontage Types)**, and **Illustration 26-6.901.P-5 (Private Frontage)**.

ILLUSTRATION 26-6.901.P-5 PRIVATE FRONTAGE

Projection Sign: a Sign generated by an optical device that projecting an image.

Public Frontage: the area between the Frontage Line and:

1. the curb (or if there is no curb, the edge) of the Vehicular Lanes in the case of a Lot that Enfronts a Thoroughfare having Vehicular Lanes, or
2. the Enfronting Civic Space, Path, Passage, waterbody, or Driveway in the case of a Lot that Enfronts a Civic Space, Path, Passage, waterbody, or Driveway. See **Table 26-6.502.B-1 (Thoroughfare Types – Summary), Table 26-6.502.B-2 (Thoroughfare Assemblies & Standards)** and **Illustration 26-6.901.P-6 (Public Frontage).**

ILLUSTRATION 26-6.901.P-6 PUBLIC FRONTAGE

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Public Sign: a Sign, either permanent or temporary, which is authorized and erected by public officials of the state or Town for the public safety, health and welfare, including traffic, road construction and public facility Signs, other Town Signs, railroad crossing Signs, and other non-advertising Signs.

Professional Office: a permission in or from which professional or consulting services in the fields of law, architecture, design, engineering, accounting, and similar professions are provided. This term does not include "Medical Office", "Dental Office", or "Clinic" .

Public Meeting: a duly convened meeting of an Approval Body.

Public Transit: transport of passengers by means of group travel systems available to the general public and the systems utilized for such transport, such as buses, trolleys, light rail, passenger trains, and rapid transit.

Public Works Yard: premises at which operations related to, and equipment related to, the constructing or maintaining public infrastructure and Improvements such as roads, walks, bridges, Buildings, and water or waste treatment disposal, or storage are conducted and stored.

Publishing: the business of issuing software, internet content, or newspapers, books, or other printed textual or graphical material for sale or distribution to the public.

R

Radio / Television / Recording Studio or Station: premises used for radio or television production and broadcasting or audio or video mixing and recording.

Rail Equipment Storage / Repair: Use involving premises for storing or repairing locomotives, railcars, or other rail vehicles.

Rear Alley (RA): a paved vehicular way located to the rear of Lots that provides access to service areas, parking, and Outbuilding and contains utility Easements, with drainage provided by inverted crown at the center or with roll or ribbon Curbs at the edges, described as such in **Table 26-6.502.B-1 (Thoroughfare Types – Summary)** and **Table 26-6.502.B-2 (Thoroughfare Assemblies and Standards)**. See also "Alley".

Rear Lot Line: the Lot Line opposite the Front Lot Line. *See* **Illustration 26-6.901.R-1 (Rear Lot Line)**.

ILLUSTRATION 26-6.901.R-1 REAR LOT LINE

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Rear Yard: a Yard that is situated between (a) the nearest roofed portion of the Principal Building or of any Accessory Building on the Lot and (b) the Rear Lot Line, extending the full width of the Lot, from Side Lot Line to Side Lot Line. See **Illustration 26-6.901.R-2 (Rear Yard)**.

ILLUSTRATION 26-6.901.R-2 REAR YARD

Recreation: Use category characterized by activities for personal enjoyment or entertainment during a Person's discretionary time, including the Uses listed under that heading in **Table 26-6.05.L-1 (Building & Lot Principal Use).**

Recreation Facility: premises accommodating Indoor Recreation and/or Entertainment and/or Outdoor Recreation and/or Entertainment. A Recreation Facility may be Civic or non-Civic.

Recreational Vehicle: a highway vehicular motorized or unmotorized, portable structure designed as a temporary Dwelling for travel, recreational, and vacation uses. The term includes camping trailer, motor home, travel trailer, and truck campers; the term does not include manufactured housing units.

Recreation & Entertainment – Indoor: participatory and spectator-oriented recreation and entertainment activities conducted within an enclosed Building, including without limitation billiard rooms, bowling centers, ice or roller skating rinks, Shooting Ranges, Theaters, and arcades.

Recreation & Entertainment – Outdoor: participatory and spectator-oriented recreation and entertainment activities conducted in open, partially enclosed, or screened facilities, including without limitations: amusement parks, fairgrounds, golf courses and driving ranges, and go-cart tracks.

Recycling Collection Facility: a facility used for the collection and transfer, but not the actual processing, of any of the following recyclable materials: glass, paper, plastic, cans, or other source-separated, non-decayable materials. Recyclable materials at a Recycling Collection Facility shall not include motor oil, chemicals, household appliances, tires, automobiles, automobile parts, or decayable materials.

Rehabilitation Facility: a facility operated for the primary purpose of assisting in the rehabilitation of individuals through an integrated program of medical, psychological, physical, occupational, substance, social, or vocational evaluation and services under competent professional supervision.

Research Laboratory: premises that contain research, development, and testing laboratories that do not involve the mass manufacture, fabrication, processing, or sale of products. Such Uses shall not be detrimental to the environment through the release of dust, smoke, fumes, odor, noise, or vibration and shall not create an unsafe risk of fire or explosion given the location of the use, the Building in which it is located, and the nature of the surrounding Uses and Structures.

Residential / Dwelling: a category of Use characterizing premises available for long-term human habitation, including without limitation including without limitation

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the specific Uses listed under that heading in **Table 26-6.405.K-1 (Building and Lot Principal Uses)**.

Restaurant: an establishment engaged in preparing, serving, and selling food and beverages at Retail for on- or off- premises consumption.

Retail: the collective reference to the category of Uses in which goods are sold, rented, or leased in person, online, or by mail in transactions dealing directly with the consumer of such goods. including without limitation, Bakery (excluding any categorized as Light Manufacturing), Brewpub, Motor Vehicle Retail Sales, Motor Vehicle Retail Parts Sales, Open Air Market, Pharmacy, Restaurant, Retail Food Sales with or without on-premises preparation or processing, Retail Membership Club, Tasting Room, and Warehouse Retail. *See* **Table 26-6.405.L-1 (Building and Lot Principal Uses)**.

Retail Food Sales: the sale of food for off-premises consumption.

Retail Membership Club: a discount Retail establishment that sells merchandise to its members.

Retail/Personal Services/Craftsman: the collective reference to the Retail Uses category, the Personal Services Uses category, and the Craftsman Uses category. See **Table 26-6.405.L-1 (Building and Lot Principal Uses)**.

Road (RD): a local, rural and suburban Thoroughfare of low-to-moderate vehicular speed and capacity, described as such in **Table 26-6.502.B-1 (Thoroughfare Types – Summary)** and **Table 26-6.502.B-2 (Thoroughfare Assemblies and Standards)**.

Roadside Stand: a small open air Structure for the Retail sale of produce or other goods grown or produced on the property where the Roadside Stand is located. This definition does not include Farmer's Markets or Outdoor Markets.

Rowhouse: a Building in a collection of very narrow- to medium-sized attached Buildings on contiguous Lots with a Rearyard (or Sideyard if an end unit), which collection consists of side-by-side Dwelling Units with individual entries facing the Thoroughfare. Each Building occupies the full Frontage Line of its Lot and shares at least one party Wall with another Building of the same type. **See Table 26-6.405.J-1 (Principal Building Types)** and **Table 26-6.405.J-2 (Principal Building Types – Specific Standards)**.

S

School: Business or Trade School, College / University, High School, Middle School, Pre-School or Nursery School, Primary or Elementary School, or Secondary School.

Scrap or Salvage Yard/Service: a Use other than an Impound Yard or Towing Facility in which an establishment is engaged primarily in the storage, assembling, dismantling, sorting, distributing, or other processing of scrap, used equipment, mechanical components, or waste materials, including a Junkyard.

Screen/Screening:

a. used as a verb, to block an item or condition from view from a vantage point in accordance with the requirements of this Article by interposition of a Building, Building Element, Wall or Fence constructed of an opaque material, or an evergreen hedge; or

b. used as a noun, a Building, Building Element, Wall or Fence constructed of an opaque material or an evergreen hedge, which blocks an item or condition from view from a vantage point, as required by this Article. Not synonymous with

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Streetscreen.

Secondary Frontage: on Corner Lots, the Frontage that is not the Principal Frontage. *See* **Illustration 26-6.901.S-1 (Secondary Frontage)**.

ILLUSTRATION 26-6.901.S-1 SECONDARY FRONTAGE

Second Lot Layer: *See* "Lot Layer".

Secondary School: a public, private or parochial school offering instruction at the middle (junior) and senior high school levels in the branches of learning and study required to be taught in the public schools of the state.

Self-Storage Facility: premises at which customers rent storage units within a warehouse for storage of possessions on a short-term basis.

Septic Equipment Installation, Service, or Cleaning: establishments that install, pump, or service septic tanks and cesspools, or that rent or service portable toilets.

Setback: the area of a Lot measured from a Lot Line to a Building Facade or Elevation, which area is maintained clear of permanent Structures, with the exception of permitted Encroachments allowed pursuant to **Tables 26-6.405.A-1 - 26-6.405.A-10 (District Standards)** or **Table 26-6.405.B (Civic Zone Standards)**. *See* **Illustration 26-6.901.S-2 (Setbacks)**.

ILLUSTRATION 26-6.901.S-2 SETBACKS

Sewage Facility: facilities for the receipt, treatment, and disposal of sewage, including the main transfer lines, but not including the service and distribution lines.

Shared Parking: parking spaces that are available for two or more Principal Uses.

Shared Parking Factor: an accounting for Parking spaces that are available to more than one Principal Use. *See* **Table 26-6.405.O-2 (Shared Parking Factor)**.

Shooting or Firing Range: a specialized facility within a Building, which accommodates firearms training, practice, and qualification.

Shopfront: a Private Frontage type conventional for Retail / Personal Service / Craftsman Use, wherein the Facade is aligned close to or at the Frontage Line with the Building entrance at Sidewalk grade. This Frontage has substantial glazing at the Sidewalk level and may include an awning overlapping the Sidewalk. See **Table 26-6.405.G-1 (Private Frontage Types)**.

Short-Term Lender: a business or Use that regularly (a) accepts checks from a borrower drawn on the borrower's account to be presented for payment at a later date and that charges a fee for the service or (b) extends short-

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term non-purchase money loans secured by titles to motor vehicles. The term does not include other federal or state regulated lenders or financial institutions.

Side Lot Line: any Lot Line that is not a Front Lot Line or a Side Lot Line. *See* **Illustration 26-6.901.S-3 (Side Lot Line)**.

ILLUSTRATION 26-6.901.S-3 SIDE LOT LINE

Side Yard: a Yard that is situated between (a) the nearest roofed portion of the Building or of any Accessory Building on such Lot and (b) the Side Lot Line, and extending through from the Front Yard or from the Front Lot Line where no Front Yard exists to the Rear Yard or to the Rear Lot Line where no Rear Yard exists.

Sidewalk: the paved section of the Public Frontage dedicated exclusively to pedestrian activity. *See* **Illustration 26-6.901.S-4 (Sidewalk)**.

ILLUSTRATION 26-6.901.S-4 SIDEWALK

Sidewalk Sign: the Sign Type described as such in **Table 26-6.701.A (Sign Types - Summary)** and **Table 26-6.701.B (Sign Types - Specific Standards).**

Sign: any name, number, symbol, identification, description, direction, declaration, demonstration, display, representation, illustration, insignia, instruction, directive, information, illustration, object, graphic, device, display, visual communication, material, Structure or device, or part thereof, in view of the general public, whether permanent, temporary, portable, or affixed, composed of lettered, or pictorial, or graphical matter or upon which lettered or pictorial, or graphical matter is used, that announces, directs attention to, names, gives notice of, informs, advertises, or promotes an ideology, position, interest, cause, object, project, product, place, activity, person, institution, organization or business; provided that the term "Sign" shall not be deemed to include any badge or insignia of any government agency or any civic, charitable, religious, patriotic, fraternal or similar organization, or any directional sign erected and maintained pursuant to law.

Single-Family Detached Dwelling: one Dwelling Unit, other than a manufactured housing unit, that is situated on a Lot with no other Dwelling Units, and is not attached to any other Dwelling Unit.

Site Plan: a map required by Section 26-6.804.G, which indicates the intended Development of a parcel of land and which meets the standards and requirements of, and

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is prepared in accordance with, Section 26-6.804.G and other applicable provisions of this Article.

Smoke, Tobacco or CBD Shop: any establishment in which greater than ten (10) percent of floor area is devoted to display, sales or storage of tobacco, vaping, or cannabidiol products.

Social or Civic Club or Lodge: a Use characterized by a Structure and/or land owned by or leased to one or more Social or Civic Organizations for meeting, recreational, or social purposes primarily by their members and their guests.

Social or Civic Organization: a private non-profit group, association, organization, club, establishment, brotherhood, membership, or other similar group providing meeting, recreational, social, fraternal, youth, or similar activities or facilities primarily for its members and guests; excluding, however any type of Residential facility such as fraternity or sorority houses.

Solid Waste Facility: premises, appurtenances, and Improvements used for treating, storing, or disposing of solid waste, whether publicly or privately owned or operated. A Solid Waste Facility may consist of several treatment, storage, or disposal operational units, including, but not limited to, one or more landfills, surface impoundments, or combination thereof.

Special District: an area that, due to its intrinsic size, Use, Building Placement, Building Elements, Building Configuration, Principal Building Type, Massing, or other characteristics, cannot conform to one or more of the applicable Character Districts or a Civic Zone, or standards therefor, specified in this Article. A Planned Unit Development is a specific type of Special District.

Special Requirements: provisions of Section 26-6.202 and Section 26-6.508 and/or the associated designations on the Zoning Map for those provisions.

Specified Anatomical Areas: less than completely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola. Also, human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities: human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse; fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Sports Field: a Civic Space type that accommodates the play of athletic endeavors, described as such in **Table 26-6.504.B-1 (Civic Space Types – Summary)** and **Table 26-6.504.B-2 (Civic Space – Specific Standards)**; excluding Sports Venues.

Sports Venue: premises at which athletic events are presented.

Square: a Civic Space type designed for unstructured recreation and Civic purposes, spatially defined by Private Frontages and consisting of Paths, lawns and trees, formally disposed, described as such in **Table 26-6.504.B-1 (Civic Space Types – Summary)** and **Table 26-6.504.B-2 (Civic Space – Specific Standards)**.

Stable: a Structure that accommodates horses.

Standard Pedestrian Shed: a Pedestrian Shed that is an average 1/4 mile radius or 1320 feet, about the distance of a five-minute walk at a leisurely pace. *See* "Pedestrian Shed". *See* **Illustration 26-6.901.S-5 (Standard Pedestrian Shed)**.

ILLUSTRATION 26-6.901.S-5 STANDARD PEDESTRIAN SHED

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Stoop: a Private Frontage wherein the Facade is aligned close to the Frontage Line with the first Story elevated from the Sidewalk for privacy, with an exterior stair and landing at the entrance. See **Table 26-6.405.G-1 (Private Frontage Types)**.

Story: a habitable level within a Building, being that portion included between the surface of any floor and the surface of the floor next above it; if there is no floor above it, then the space between the floor and the ceiling next above it; excluding an Attic or a raised Basement. *See* **Illustration 26-6.901.S-6 (Story)**.

ILLUSTRATION 26-6.901.S-6 STORY

Street (ST): a local urban Thoroughfare of low speed and capacity, which meets the standards and requirements for such Thoroughfare type as set forth in and as described as such **Table 26-6.502.B-1 (Thoroughfare Types - Summary)** and **Table 26-6.502.B-2 (Thoroughfare Assemblies & Standards)**. When not capitalized, the term "street" means any public way not within a Lot on which vehicles travel.

Streetscape: street lights, Thoroughfare trees, planting accommodations and Sidewalk.

Streetscreen: a type of Screen situated along a Frontage Line, or along the same plane as a Facade, and consisting of a planted evergreen hedge or freestanding Wall constructed of brick or stucco over masonry, which blocks the view of Parking, equipment, or other item or condition from the Frontage, provides privacy to a Side Yard, or strengthens the spatial definition of the public realm.

Structural Alteration: any change in the supporting members of a Structure, such as bearing Walls or partitions, columns, beams or girders, excepting such alterations as may be necessary for the safety of the Structure.

Structure: anything constructed or erected, the use of which requires a permanent location on the ground or attachment to something having a permanent location on the ground, regardless whether the same is horizontal or vertical. The word "Structure" includes Buildings and other Improvements.

Substantially Modified or Substantial Modification: any Alteration to a Structure that:

a. increases the height, gross square footage, or footprint of the Structure,

b. requires the expenditure of funds in excess of 50% of the Full Value of the Structure,

c. involves any Structural Alteration,

d. involves any change to any Building, Lot or Development Parcel element that is regulated under this Article, or

e. moves it to another location within or outside of

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the site on which it is situated.

Swimming Pool: a constructed basin or Structure for swimming and aquatic recreation, excluding plastic, canvas or rubber pools temporarily erected upon the ground and holding less than 300 gallons of water.

T

Tailor or Seamstress Shop: premises at which articles of clothing are fitted, made, altered, and/or repaired and at which such services and/or articles are sold at Retail.

Tasting Room: an establishment or portion of an establishment that allows customers to taste samples of beer, alcoholic spirits, or vinous beverages. In addition to such products, a Tasting Room may include the Retail sale of related items, marketing events, special events, entertainment, and/or food sales.

Tattoo or Tattooing: to indelibly mark or color the skin by subcutaneous introduction of nontoxic dyes or pigments. The practice of tattooing does not include the removal of tattoos, nor the practice of branding, cutting, scarification, skin braiding, or the mutilation of any part of the body.

Tattoo Studio: any room, space, location, area, Structure, or business, or any part of any of these places where Tattooing is practiced or where the business of Tattooing is conducted and which is holds all requisite licenses for such activities and business.

Taxi or Ride-Share Operations Center: premises at or from which taxi or ride-share service operations are conducted.

Temporary Sales / Construction Office Trailer: a temporary Structure that is used to generate sales of a development or to serve as the Office for the contractor during construction of said development.

Temporary Sign: any Sign which is not permanently installed, mounted, or placed. Signs of the types described in **Table 26-6.701A (Summary of Sign Types)** and **Table 26-6.701.B (Sign Types - Specific Standards)** are not Temporary Signs.

Terminated Vista: a location at the axial conclusion of a Thoroughfare. A Building located at a Terminated Vista location designated on a Zoning Map is required to be designed in response to the axis. *See* **Illustration 26-6.901.T-1 (Terminated Vista)**.

ILLUSTRATION 26-6.901.T-1 TERMINATED VISTA

Terrace/Lightwell: as a Private Frontage, the Private Frontage Type described as such within **Table 26-6.405.G-1 (Private Frontage Types)**.

Terrace: as an element of the natural or man-made landscape, an embankment between a Building and its Frontage. The height of the Terrace is the difference in elevation between the average sidewalk level, or its equivalent established grade opposite the middle of the front of the Building, and the average elevation of the terrace at the Building Wall.

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Trailer Camp / Tourist Camp: an open area, with or without cabins, offering accommodations for Lodging and/or space for parking automobiles or trailers or for the pitching of tents or other camping equipment for a single night or longer periods.

Theater: a Building or part of a Building devoted to the showing of motion pictures, or theatrical or performing arts productions, as a Principal Use.

Third Lot Layer: *See* "Lot Layer".

Third Place: a place other than a home or workplace at which people may gather and socialize. Examples include, but are not limited to, cafes, Social Clubs, public Libraries, or Civic Spaces.

Thoroughfare: a way, whether public or private, open for common and general use by vehicular and/or pedestrian traffic and to provide access to Lots and Open Spaces, consisting of Vehicular Lanes and the Public Frontage. *See* **Table 26-6.502.B-1 (Thoroughfare Types Summary)** and **Table 26-6.901.T-2 (Thoroughfare**).

ILLUSTRATION 26-6.901.T-2 THOROUGHFARE

Through Lot: a Lot that extends through from Thoroughfare to Thoroughfare.

Tire Sales: a Structure, premises, or establishment in or on which tires are sold, installed, and/or repaired.

Tourist Home: Lodging Use type in which overnight accommodations are offered to Transient guests for compensation within a Residential Dwelling.

Town Council: the Town Council of the Town.

Towing Facility: an establishment that provides vehicle towing services and accessory temporary outdoor storage for the vehicles it tows, which shall only include: (1) mechanically operable/drivable, licensed vehicles that are to be claimed by titleholders or their agents; and/or (2) wrecked motor vehicles awaiting insurance adjustments and transport to repair shops. The term "Towing Facility" excludes: automotive services that have a tow truck on-site; Salvage or Scrap Yard or Service; Junkyards, Impound Yards; vehicle storage; and storage of inoperable vehicles.

Town: means the Town of Munster, Indiana.

Town Engineer: the person designated as such by the Town.

Townhouse: a Rowhouse.

Trailer: an unpowered, portable, or mobile vehicle designed to be towed by a Motor Vehicle.

Transient: a Person who is staying in a place for only a short time.

Transit Shelter: accommodation providing shelter from the elements for waiting transit riders, excluding a Transit Station or Terminal.

Transit Station or Terminal: a facility or area at which train, rapid transit, light rail, bus, or other mass transit modality service regularly stops to load or unload passengers.

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Turning Radius: the inside radius of the Vehicular Lanes available for a vehicle to make a turn, accounting for the presence of parking, bike lanes, medians or other features. *See* **Table 26-6.502.B-2 (Thoroughfare Assemblies and Standards)** and **Illustration 26-6.502.B.6-3 (Turning Radius)**. *See also* Curb Radius.

Two-Family Detached Dwelling: separate Residential premises for two families within a Building on a single Lot. A Duplex is a specific Building type that may accommodate a Two-Family Detached Dwelling, but the terms are not synonymous.

U

Usable Open Space: part of a Lot set aside, designed, and continually available and usable by Persons residing on such Lot for outdoor recreational use and for household activities normally carried on outdoors, excluding vehicle Parking. Each dimension of an area intended as usable Open Space shall be at least twenty (20) feet.

Use: a specific function, activity, or purpose accommodated by or intended to be accommodated by land, a Lot, or a Structure, or for which land, a Lot, or a Structure is designed, arranged, intended, occupied or maintained. *See* **Table 26-6.405.L-1 (Building & Lot Principal Use)** and **Table 26-6.405.L-2 (Permitted Accessory Uses)**.

Usable Floor Area: the Floor Area within a Building, less the area of space used for utilities or storage.

Utility(ies): a) as a Uses Category under this Article, the Use category, uses, activities, and equipment involved with the providing electricity, gas, water, sewage, telephone, cable, or other similar publicly regulated service, such category of Uses including without limitation Utility Lines, Utility Distribution / Substation / Switching Facility, and Utility Pumping Station);

(b) as a service, electricity, gas, water, sewage, telephone, cable, wireless communications, or other similar publicly regulated service provided by a Utility Provider. See **Table 26-6.405.L-1 (Building & Lot Principal Use)**

Utility Distribution / Substation / Switching Facility: facility used for Utility distribution, including systems, and equipment used for such purposes.

Utility Facility: premises used by a Utility Provider relative to providing a Utility service, including without limitation a Utility Pumping Station, a Utility Distribution / Substation / Switching Facility, a Water Treatment / Supply Facility, a Sewage Facility, a Utility Generation Facility, a Wireless Communications Facility, a Communications Tower, or other facility used to provide a Utility service, excluding, however, Utility Lines.

Utility Generation Facility: facility used for electric or gas power generation (except hydroelectric and nuclear), control and transmission. This definition includes systems that facilitate the sale of gas or electricity via power distribution systems operated by others, and gas or electric power transmission systems such as transmission towers, pipes or lines, and transformer stations, but does not include Utility Distribution / Substations / Switching Facilities.

Utility Distribution Line: a line connecting a Utility Provider's Substation to a Service Address.

Utility Provider: a provider of electricity, gas, water, sewage service, telephone, cable or other similar service ,which is publicly regulated.

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Utility Pumping Station: a facility at which Water, Sewage, or other Utility fluids are pumped from one place to another.

Utility Transmission Line: line used for the movement of high powered electricity or high pressure gas.

V

Variance: a Deviation from a Use or from a Development standard of this Article, which is specifically provided for in this Article or granted pursuant to the provisions of Division 8.

Vehicular Lane: an area of a Thoroughfare for parked or moving vehicles. *See* **Illustration 26-6.901.V-1 (Vehicular Lane)**.

ILLUSTRATION 26-6.901.V-1 VEHICULAR LANE

Vessel: a Boat, yacht, ship, canoe, kayak, yolo, paddle board, jet-ski, or recreational or other watercraft.

Veterinary Office, Clinic, or Hospital: premises or an establishment offering Veterinary Services for animals.

Veterinary Services: health or medical care provided to animals by a licensed veterinarian.

W

Waiver: administrative relief from a standard or requirement of this Article granted pursuant to the provisions of Division 8 by the Zoning Administrator or other staff specifically authorized by this Article.

Wall: a vertical Structure that supports a Structure or encloses or an area of land.

Warehouse Retail: a Retail establishment that has limited customer amenities and service and sells goods at discounted prices.

Warehousing: the indoor storage of goods.

Warehouse/Facility: premises used for Warehousing, excluding Self-Storage Facilities.

Water Treatment / Supply Facility: facilities for the treatment and supply of potable, irrigation, or industrial water supply for transmission, including the main transfer lines, but not including the service and distribution lines.

Wholesale Sales: the sale of goods in large quantities primarily to industrial, institutional, and commercial business customers, which goods may be resold at Retail by such customers.

Window Sign: the Sign Type described as such in **Table 26-6.701.A (Sign Types – Summary)** and **Table 26-6.701.B (Sign Types – Specific Standards)**.

Winery: an establishment which is primarily used for the manufacture of vinous beverages with annual production that exceeds 2,000 cases per year. Such establishment may sell wine for on-site consumption or for off-site distribution in accordance with applicable regulations, and may contain one or more accessory Tasting Rooms.

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Wireless Telecommunications Facility: equipment or Structure used in the transfer of electronic data using electromagnetic means.

Woodworking Shop: premises at which wooden articles made or repaired.

Y

Yard: an Open Space within a Lot on which there is a Building. Yards are described by their positions within the Lot, and their area is calculated as the shortest horizontal distance from a Lot Line to the nearest foundation Wall supporting the Building on the Lot. *See* "Front Yard", "Rear Yard", and "Side Yard". *See* **Illustration 26-6.901.R-1 (Yard)**.

ILLUSTRATION 26-6.901.R-1 YARD

Yield: characterizing a Thoroughfare that has two-way traffic but only one effective travel lane because of parked cars, necessitating slow movement and driver negotiation. Also, characterizing Parking accommodations on such a Thoroughfare. *See* **Illustration 26-6.901.Y-1 (Yield)**.

ILLUSTRATION 26-6.901.Y-1 YIELD

Z

Zone: synonymous with Zoning District or District.

Zoning Administrator: the Planning Director.

Zoning District: a Character District, Special District, or Civic Zone.

Zoning Map: the map or set of maps, which show the Character Districts, Civic Zones, Special Districts if any, Thoroughfares, and Special Requirements if any, of areas subject to, or proposed to be subject to, regulation by this Article. The Zoning Map approved by the Town Council, as the same may be amended from time to time, constitutes the Official Zoning Map of the Town.

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