

PUD - PLANNED UNIT DEVELOPMENT

§ 150.160 PURPOSE.

The purpose of the planned unit development option is to encourage flexibility in the development of land in order to promote its most appropriate use, improve design, character, and quality, facilitate the adequate and economical provision of streets, roads, and utilities, and preserve the natural and scenic features of open areas. If the tract or parcel of land proposed for development is for single family residential use, then the planned unit development shall not be used as a substitute for or to circumvent the subdivision control ordinance.

§ 150.161 USES PERMITTED.

(A) Uses permitted by right, contingent uses, and uses by special exception in the zoning district in which the proposed PUD is located.

(B) Uses permitted by right, contingent uses and uses by special exception in the RS, R-1, R-2, B-1, B-2, B-3, and I-2 Districts subject to the approval of the plan commission and the city common council, and the standards contained in this section. (Ord. 1978-4, passed 3-21-78)

§ 150.162 STANDARDS FOR APPROVAL.

A planned unit development may include variations in lot area, lot width, yard, and building height requirements, and off-street parking provisions, provided the following features exist:

(A) The tract or parcel of land involved is either in one ownership or the subject of an application filed jointly by the owners of all property included.

(B) The development includes open space for the mutual benefit of the entire tract.

(C) The project is designed to provide a variety and diversity of uses, or the tract or parcel of land is of a unique character either in size or location.

(D) The project is in harmony with the surrounding neighborhood.

(E) The total density of the planned unit development does not exceed by more than 33% the normal requirements of the zoning district allowing similar uses. (Ord. 2001-12, passed 3-20-01)

§ 150.163 PROCEDURES AND REQUIREMENTS.

A proposal for a planned unit development shall be submitted consistent with the procedures and requirements of §§150.164 and 150.180. (Ord. 1978-4, passed 3-21-78)

§ 150.164 SKETCH PLAN SUBMITTAL.

An applicant shall make application for the approval of a planned unit development first by submitting a sketch plan for the planned unit development to the city plan commission. The sketch plan shall include both maps and a written statement and shall show enough of the area surrounding the proposed planned unit development to indicate the relationship of the planned unit development to adjacent uses, both existing and proposed. (Ord. 1978-4, passed 3-21-78)

§ 150.165 ACTION BY PLAN COMMISSION.

The plan commission shall review the sketch plan, and inform the applicant of any special and additional information which will be required under the preliminary development plan stage. The presentation of the sketch plan should be considered a preapplication conference with the plan commission. The commission shall take formal action on any recommendations to the applicant. (Ord. 1978-4, passed 3-21-78)

§ 150.166 PRELIMINARY DEVELOPMENT PLAN; APPLICATION.

The applicant, after submitting the sketch plan to the plan commission and receiving the commission's recommendations, shall submit to the plan commission the required information for a preliminary development plan. The maps and written documents shall include all information as provided in this chapter. (Ord. 1978-4, passed 3-21-78)

§ 150.167 PRELIMINARY DEVELOPMENT PLAN; MAPS.

The maps which shall be a part of the preliminary development plan may be in a general schematic form, but should contain the following minimum information:

- (A) The existing topographic character of the land.
- (B) Existing land uses and zoning districts.
- (C) Proposed land uses and the approximate location of buildings and other structures.
- (D) The density and type of dwellings to be included in the planned unit development project.
- (E) An approximate indication of the circulation and parking systems.
- (F) Probable locations for common open space, parks, and playgrounds. (Ord. 1978-4, passed 3-21-78)

§ 150.168 PRELIMINARY DEVELOPMENT PLAN; WRITTEN STATEMENT.

The written statement to accompany the preliminary development plan should contain the following information:

- (A) An explanation of the proposed character of the planned unit development and of the

manner in which it has been designed.

(B) A statement of the present ownership of all the land included within the planned unit development.

(C) The expected schedule of completion.

(D) Utility information, especially concerning water supply and distribution and sewage collection and treatment. (Ord. 1978-4, passed 3-21-78)

§ 150.169 PRELIMINARY DEVELOPMENT PLAN; REPORT BY PLAN COMMISSION.

The plan commission shall prepare a written report recommending that the plan be approved, disapproved, or approved with modifications. In its report, the plan commission shall give the reasons for its recommendations and shall indicate the extent to which the planned unit development complies with each of the standards governing the approval of planned unit development. (Ord. 1978-4, passed 3-21-78)

§ 150.170 PRELIMINARY DEVELOPMENT PLAN; ACTION BY THE COMMON COUNCIL.

The plan commission shall forward a summary of the proposed plan, with copies of its report to the city common council. After providing notice in accordance with Section 63 and Section 64, and Section 37 to Section 42, inclusive, of Chapter 174 of the Acts of the General Assembly of 1947, the common council shall hold a public hearing and shall review the plan and report, and shall either approve or disapprove the plan as presented, or approve the preliminary development plan with modifications. (Ord. 1978-4, passed 3-21-78)

§ 150.171 ZONE MAP NOTATION.

If the preliminary development is approved, the common council shall authorize a notation on the appropriate zone map to indicate that a preliminary development plan has been approved for the area included in the planned unit development. If the preliminary development plan is approved with modification, the common council shall not authorize a notation on the zone map until the applicant has filed with the council a written consent to the plan as modified. (Ord. 1978-4, passed 3-21-78)

§ 150.172 PRELIMINARY DEVELOPMENT PLAN; NO IMPROVEMENT LOCATION PERMIT.

No improvement location permit may be issued by the building inspector on land within the proposed planned unit development until final plans for the development have been approved by the plan commission under the procedures provided in the following sections. (Ord. 1978-4, passed 3-21-78)

§ 150.173 FAILURE TO APPLY FOR FINAL DEVELOPMENT PLAN; REVERSION.

If the applicant fails to apply for final development plan approval for any reason, the preliminary development plan approval shall be deemed to be revoked, and all that portion of the area in the development plan for which final approval has not been given shall be subject to the zoning and subdivision regulations otherwise applicable thereto. (Ord. 1978-4, passed 3-21-78)

§ 150.174 FINAL DEVELOPMENT PLAN; APPLICATION.

The applicant shall submit a final development plan to the plan commission within 24 months following the approval of the preliminary development plan for the common council. Failure to submit the final development plan within this time, or to arrange an extension through the plan commission, shall be grounds for reversion as described in §150.173. If the final development plan includes the filing of a plat, the information required for a final plat, as described in the city subdivision control ordinance, must be followed. (Ord. 1978-4, passed 3-21-78)

§ 150.175 FINAL DEVELOPMENT PLAN; INFORMATION TO BE SUBMITTED.

The final development plan shall include all of the following information:

(A) A map showing the circulation system, off-street parking area, loading areas, and major points of access.

(B) A comprehensive plan for all utility services, including storm drainage.

(C) Areas, if any, which are proposed to be conveyed, dedicated or reserved for common open space, parks, parkways, playgrounds, school sites, public buildings, and similar public and semipublic uses.

(D) A site plan showing the location of all buildings, structures, and improvements, and indicating the parking, loading and open areas around buildings and structures. The site plan shall be in sufficient detail to enable the plan commission to evaluate the architectural, landscaping, and design features of the planned unit development. At its discretion, the plan commission may require preliminary elevation and perspective drawings of proposed structures and improvements.

(E) A development schedule indicating the approximate date when construction of the total project or stages of the project can be expected to begin and to be completed. This shall include a written statement of how the project improvements shall be financed by the applicant.

(F) Agreements, provision, or covenants which govern the use, maintenance, and continued protection of the planned unit development and any of its common open spaces, including an agreement binding successors who may take over completion of a project to conditions of the final development plan as approved by the plan commission.

(G) An economic feasibility report or market analysis.

(H) any other information which the plan commission determines to be needed because of any topographic, circulation, traffic, design, siting, or other special problem of the proposed planned unit development. (Ord. 1978-4, passed 3-21-78)

§ 150.176 FINAL DEVELOPMENT PLAN; ACTION BY PLAN COMMISSION.

After submittal by the applicant of the final development plan, the plan commission shall approve the final development plan if it is in substantial compliance with the preliminary development plan, and if it conforms to all other standards applicable to planned unit developments, whether or not considered when the preliminary development plan was approved. (Ord. 1978-4, passed 3-21-78)

§ 150.177 SPECIAL PROCEDURE FOR DEVELOPMENT BY STAGES.

The common council and the plan commission may approve the development of the PUD in stages, under the following special procedure:

(A) Approval of preliminary development plan. Prior to issuance of an improvement location permit, the applicant shall obtain approval by the plan commission and the common council of a preliminary development plan, subject to the provisions of §§150.166 through 150.173.

(B) Approval of staged development plans. In addition, prior to issuance of any improvement location permit in any area of the PUD, the applicant shall obtain approval by the plan commission and common council of a staged development plan for that area of the PUD. Each staged development plan shall be inclusive of the whole area scheduled for development in that stage and shall meet the specifications of §§150.175 and 150.176 for a final development plan for that area. (Ord. 1978-4, passed 3-21-78)

§ 150.178 CONFORMANCE WITH SUBDIVISION CONTROL ORDINANCE.

Whenever there shall be in effect a city subdivision control ordinance, the area proposed as a PUD shall be subject to the requirements for review and approval under that ordinance. The subdivision review procedures may be carried out concurrently with preliminary and final staged review of the PUD as outlined in this section. (Ord. 1978-4, passed 3-21-78)

§ 150.179 CONSISTENCY WITH THE COMPREHENSIVE PLAN.

No planned unit development shall be approved unless the final development plan is found to be consistent with current goals and objectives and the long-range objectives of the city master plan and environs. (Ord. 1978-4, passed 3-21-78)

SPECIAL EXCEPTION; PROCEDURE AND REQUIREMENTS

§ 150.190 SPECIAL EXCEPTIONS.

Special exceptions are uses publicly operated, those uses traditionally affected with a public interest, and those uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property and public facilities. A special exception may be authorized by the board of zoning appeals for certain uses as defined in this chapter in conformance with requirements and procedures set forth herein. A special exception is required for uses of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property and public facilities.

(A) Except as may otherwise be specifically provided in this chapter, the special exceptions listed in each district, and their accessory buildings and uses, may be permitted by the board in that district in accordance with the procedure and the requirements set forth in this section. (Ord. 1978-4, passed 3-21-78)

§ 150.191 REVIEW PROCEDURE.

(A) Upon receipt of an application for an improvement location permit for a special exception by the building inspector it shall be referred to the board. A copy of each application shall be referred concurrently to the commission. The application shall be prepared in the same manner and form as all other applications for improvement location permits. The application shall be accompanied by a written statement showing that the conditions and requirements of chapter 153 have been or will be met, and providing such other information showing that the proposed special exception will be in compliance with all applicable conditions and requirements of this chapter.

(B) The board shall then proceed with a hearing which shall be held within 45 days from the date of filing of the application for a special exception. The board shall cause notice of the hearing to be published in a newspaper of general circulation in the city at least 10 days prior to the date set for the hearing, setting forth the time and place of the hearing and giving due notice to the interested parties in accordance with the rules of the board.

(C) Upon the hearing, if the board finds that the conditions listed below exist, the board shall direct the building inspector to issue the improvement location permit for the special exception, otherwise the board shall direct the building inspector to reject the application. The findings of the board and its order to the building inspector shall be in writing.

(1) The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, or general welfare.

(2) The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property value within the neighborhood.

(3) The establishment of the special exception will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

(4) Adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.

(5) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

(6) The special exception will be located in a district where such use is permitted and where all other requirements set forth in §150.193 applicable to the special exception will be met.

(D) An existing use which is listed herein as a special exception, and which is located in a district in which the special exception may be permitted, is a conforming use. Any expansion of the special exception involving the enlargement of buildings, structures, and land area devoted to the use shall be subject to the requirements and procedure described in this section.

(E) Any person to whom is issued an improvement location permit for a special exception who fails to commence construction within 12 months after the permit is issued, who fails, after commencing construction within such period, to carry to completion the total development plan thereof within 3 years after the construction is begun, or who fails to conform to the provisions of the development plan and supporting data finally approved by the board and upon the basis of which such improvement location permit was issued, may be required by the board upon its own motion, and shall be required by the board upon written petition of any person deeming himself aggrieved, to show cause why the approval should not be withdrawn and the improvement location permit revoked.

(F) The holder of an improvement location permit for a special exception may apply to the board at any time for an alteration, change, amendment, extension of the application or development plan upon which the permit was based.

(1) Upon receipt of the application, the board shall proceed as in the case of original applications for an improvement location permit for a special exception.

(2) In the event the board shall approve and order the application or development plan changed, altered, amended, or extended, it shall so notify the building inspector, who shall issue an amended improvement location permit.

(G) A residential development plan may be permitted by the board as a special exception, and subject to compliance with the following requirements and procedure in accordance with this section:

(1) The buildings proposed shall be used primarily for single-family or two-family dwellings, apartments, or group houses, and the usual accessory uses such as garages, storage spaces, and community activities, and only a small commercial area, composed of service stores, may be included.

(2) The area of the tract, excluding street area, but including the area to be devoted to parks, parkways, and other open spaces, will provide the minimum lot area per family, counting all families to be housed under the residential development plan which is required for the district in which the development is to be located. (Ord. 1978-4, passed 3-21-78)

§ 150.192 SHOPPING CENTER PLAN, REQUIREMENTS, AND PROCEDURES.

A shopping center plan may be permitted by the board as a special exception, and subject to compliance with the following requirements and procedure in accordance with §§150.190 through 150.194.

(A) The local business uses in §§150.80 through 150.89, and also bowling alleys or roller rinks, and department stores, are permitted on the tract of land proposed for a shopping center, provided that the proposed plan includes at least 4 separate types of business uses as are specifically classified or implied in the local business use categories in §§150.80 through 150.89, and provided further that not more than one of these shall be an automobile service, other than a public parking area, as set forth in §§150.80 through 150.89.

(B) The tract of land proposed for a shopping center plan shall be of an area of not less than 5 acres, and the average length of the tract shall be not greater than 1½ times the average width.

(C) The board may order a permit issued for a shopping center plan in accordance with the procedure and provisions of this chapter and upon an affirmative finding by the board that the following requirements have been met by the owners or developers of the tract of land proposed for a shopping center plan.

(1) Traffic study:

(a) To include a comparative analysis of present capacity of streets adjacent to the proposed center and potential capacity volumes, taking into consideration the effect the proposed center will have upon engendering additional traffic.

(b) To include a circulation plan for all streets (existing and proposed) which show recommendations for controlling, signaling, channelizing, storing, and warning traffic.

(2) Development plan. To include the following additional requirements:

(a) A plan of landscape development which shall include, among other considerations, an area of at least 10 feet in width along all streets, with the exception of approved entrances, which border the proposed center, to be planted and maintained with trees and shrubbery to serve as a screen for the parking area.

(b) A planting screen, consisting of suitable shrubbery, maintained at a 6-foot height by 6-foot width, to be planted wherever the proposed center would abut residential use.

(c) Provision for one off-street parking space (at least 270 square feet in area) per 60 square feet of sales area in the center.

(d) In order to create a greenbelt, no buildings or paved areas (other than access drives) may be located closer than 50 feet to any area used or zoned for residential purposes; and such greenbelt shall be maintained as lawn together with appropriate landscape development and screen planting hereinbefore specified.

(e) An adequate number and proper arrangement of loading and unloading berths shall be shown in the development plan and provided by the developer.

(3) Other authority approval. Any other authority approval required when applicable, such as the state department of health or state highway department, shall accompany the application.

(4) Outdoor signs and lighting. The location, effect, and arrangement of all outdoor advertising signs proposed to be erected shall be subject to the approval of the board.

(5) Architectural control. Architectural plans of the building and structures proposed to be constructed shall be subject to the approval of the board. The board's approval shall be based on the architectural plans creating a unified design which will be in character and in proper relationship to the surrounding areas. (Ord. 1978-4, passed 3-21-78)

§ 150.193 SPECIAL EXCEPTION REQUIREMENTS.

All uses listed in this section shall be subject to the minimum requirements in the district in which they are allowed, except that any requirement listed for each use in this section shall be a minimum requirement for that use.

(A) Airport.

(1) Minimum lot area - 80 acres.

(2) Minimum number of parking spaces - one per employee plus one per 3 seats in waiting room.

(3) A development plan shall be submitted with the application.

(4) Minimum building height as required by appropriate federal agency, but not to exceed 70 feet.

(B) Heliport.

(1) Minimum lot area - one acre.

(2) Use to be not closer than 200 feet to a residential use.

(3) A fence of 4-foot wire mesh shall be erected abutting any residential use.

(4) Minimum number of off-street parking spaces - one per employee plus one per 3 seats in waiting room.

(5) A development plan shall be submitted with the application.

(6) Outdoor advertising signs and outdoor artificial lighting shall be approved by the board.

(C) Artificial lake of 3 or more acres.

(1) A 6-foot wire mesh fence shall be erected where accessible to the public.

(2) A development plan shall be submitted with the application.

(D) Cemetery.

(1) Minimum lot area - 40 acres.

(2) A plan of landscape development to be submitted with application.

(3) A screen planting at least 6 feet in height by 6 feet in width where abutting residential use, which must be tight screen, effective at all times.

(4) A development plan is to be submitted with the application.

(5) Outdoor advertising signs and outdoor artificial lighting shall be approved by the board.

(E) Church or temple.

(1) Minimum number of off-street parking spaces - as determined by the board. The determination shall be based upon the expected number of parking spaces the

particular type of use would require to satisfy estimated peak parking load requirements.

- (2) A development plan is to be submitted with the application.

(F) Commercial farm enterprise.

- (1) Minimum number of off-street parking spaces - as determined by the board. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated peak parking load requirements.

- (2) A development plan is to be submitted with the application.

(G) Country club or golf course.

- (1) Minimum lot area - 80 acres.

- (2) A 4-foot wire mesh fence must abut any residential use.

- (3) Minimum number of off-street parking spaces - 30.

- (4) A development plan must be submitted with the application.

- (5) Outdoor advertising signs and outdoor artificial lighting shall be approved by the board.

(H) Greenhouse, commercial.

- (1) Minimum lot area - 25,000 square feet.

- (2) Minimum front yard - 60 feet.

- (3) Minimum side yard - 30 feet.

- (4) Minimum rear yard - 40 feet.

- (5) Building setback from a center line of interior road - 40 feet.

- (6) Minimum number of off-street parking spaces - one per 3 employees plus one per 125 square feet of sales area.

(I) Hospital.

- (1) Minimum lot area - 5 acres.

- (2) Minimum front yard - 60 feet.

(3) Minimum side yard - 30 feet.

(4) Minimum rear yard - 40 feet.

(5) A plan of landscape development is to be submitted with the application.

(6) A screen planting at least 6 feet in height by 6 feet in width where abutting residential use, which must be tight screen, effective at all times.

(7) Minimum number of off-street parking spaces - one per 4 beds plus one per doctor plus one per 3 employees plus one per hospital vehicle.

(8) A development plan must be submitted with the application.

(9) Maximum height of building - 70 feet.

(J) Mobile home park.

(1) Minimum lot area - 2 acres including 2,500 square feet per mobile home stand.

(2) Minimum front yard - 60 feet.

(3) Minimum side yard - 30 feet.

(4) Minimum rear yard - 40 feet.

(5) A plan of landscape development is to be submitted with the application.

(6) A screen planting at least 6 feet in height and 6 feet in width where abutting residential use, which must be tight screen, effective at all times.

(7) Minimum number of off-street parking spaces - one per 2 employees plus one per mobile home stand.

(8) A development plan must be submitted.

(9) Outdoor advertising signs and outdoor artificial lighting shall be approved by the board.

(K) Nursing home.

(1) Minimum lot area - 15,000 square feet, but not less than 1,500 square feet per person cared for.

(2) Minimum side yard - 10 feet.

(3) Building setback from center line of interior road- 40 feet.

(4) A plan of landscape development to be submitted with the application.

(5) A screen planting at least 6 feet in height by 6 feet in width where abutting residential use, which must be tight screen, effective at all times.

(6) Minimum number of off-street parking spaces - one per 5 patients plus one per each staff member or supervisor doctor plus one per each 3 employees.

(7) A development plan to be submitted with the application.

(L) Nursing home conversion. Requirements are the same as for nursing homes (division (K) of this section), except: minimum lot area - 2,500 square feet, but not less than 750 square feet per person cared for.

(M) Outdoor commercial enterprise - recreational.

(1) Minimum side yards - 40 feet.

(2) Minimum rear yard - 40 feet.

(3) Building setback from center line of interior road - 40 feet.

(4) A plan of landscape development to be submitted with the application.

(5) A 6-foot wire mesh fence must be erected where use is accessible to the public.

(6) A screen planting at least 6 feet in height by 6 feet in width where abutting residential use, which must be tight screen, effective at all times.

(7) Minimum number of off-street parking spaces - one per 3 employees plus one per 500 square feet of use area.

(8) A development plan must be submitted with the application.

(9) Outdoor advertising signs and outdoor artificial lighting shall be approved by the board.

(N) Outdoor theater.

(1) Minimum front yard - abutting residential - 100 feet; abutting other use - 100 feet.

(2) Minimum side yard - abutting residential - 75 feet; abutting other use - 30

feet.

(3) Minimum rear yard - abutting residential - 40 feet; abutting other use - 20 feet.

(4) A 4-foot wire mesh must abut any residential use.

(5) a development plan must be submitted with the application.

(6) Outdoor advertising signs and outdoor artificial lighting shall be approved by the board.

(O) Private recreational development.

(1) Minimum side yard - 40 feet.

(2) Minimum rear yard - 40 feet.

(3) A plan of landscape development is to be submitted with the application.

(4) A screen planting at least 6 feet in height by 6 feet in width where abutting residential use, which must be tight screen, effective at all times.

(5) Outdoor advertising signs and outdoor artificial lighting shall be approved by the board.

(P) Private school, including kindergarten or day nursery.

(1) Minimum lot area - 10,000 square feet.

(2) Minimum side yard - 10 feet.

(3) A 4-foot wire mesh fence around the play area.

(4) Minimum number of off-street parking spaces - one per 2 employees plus one per 5 children to be accommodated.

(5) A development plan must be submitted with the application.

(6) Outdoor advertising signs and outdoor artificial lighting shall be approved by the board.

(Q) Produce terminal wholesale, or truck freight terminal.

(1) Minimum lot area - 6 acres.

- 100 feet.
- (2) Minimum front yard - abutting residential - 100 feet; abutting other use - 100 feet.
- (3) Minimum side yard - abutting residential - 75 feet; abutting other use - 40 feet.
- (4) Minimum rear yard - abutting residential - 40 feet; abutting other use - 20 feet.
- (5) A plan of landscape development to be submitted with the application.
- (6) A 6-foot wire mesh fence will be required where there is public accessibility.
- (7) A screen planting at least 6 feet in height by 6 feet in width where abutting residential use, which must be tight screen, effective at all times.
- (8) Minimum number of off-street parking spaces - one per 2 employees on largest shift.
- (9) A development plan must be submitted with the application.
- (10) Outdoor advertising signs and outdoor artificial lighting shall be approved by the board.

(R) Professional office.

- (1) Minimum side yard - 10 feet.
- (2) Building setback from the center line of any interior road - 40 feet.
- (3) A plan of landscape development to be submitted with the application.
- (4) A screen planting at least 6 feet in height by 6 feet in width where abutting residential use, which must be tight screen, effective at all times.
- (5) Outdoor advertising signs and outdoor artificial lighting shall be approved by the board.
- (6) Maximum height of structure - 45 feet.

(S) Public camp.

- (1) Minimum lot area - 5 acres.
- (2) Minimum front yard - abutting residential - 100 feet; abutting other use -

100 feet.

feet. (3) Minimum side yard - abutting residential - 75 feet; abutting other use - 30

feet. (4) Minimum rear yard - abutting residential - 40 feet; abutting other use - 20

(5) Uses permitted not closer than 200 feet to a residential use.

(6) A development plan must be submitted with the application.

(7) Outdoor advertising signs and outdoor artificial lighting shall be approved by the board.

(T) Public sanitary fill. A 4-foot wire mesh fence will be required abutting any residential use.

(U) Employee parking area.

(1) A 4-foot wire mesh fence around the parking area.

(2) A development plan must be submitted with the application.

(3) Outdoor advertising signs and outdoor artificial lighting shall be approved by the board.

(4) No sales, dead storage, repair work, or dismantling on the lot.

(V) Public park or public recreational facility.

(1) A plan of landscape development must be submitted with the application.

(2) A development plan to be submitted with the application.

(3) Outdoor advertising signs and outdoor artificial lighting shall be approved by the board.

(W) Radio or television transmission tower.

(1) Use permitted not closer than 200 feet to a residential use.

(2) A development plan to be submitted with the application.

(3) Outdoor advertising signs and outdoor artificial lighting shall be approved by the board.

(4) Maximum height of buildings as required by the appropriate federal or state agency.

(X) Residential development plan.

- (1) Minimum lot area - 25,000 square feet.
- (2) A plan of landscape development to be submitted with application.
- (3) A development plan must be submitted with the application.

(Y) Residential unit, cottage, hunting, or fishing lodge. A development plan must be submitted with the application.

(Z) Special school.

- (1) Minimum lot area - 10,000 square feet.
- (2) Minimum side yard - 10 feet.
- (3) Erection of a 4-foot wire mesh fence around the play area.
- (4) Minimum number of off-street parking spaces - one per 3 employees plus one per 6 students.

(AA) Stadium or coliseum.

- (1) Minimum lot area - 5 acres.
- (2) Minimum front yard - 60 feet.
- (3) Minimum side yard - 30 feet.
- (4) Minimum rear yard - 40 feet.
- (5) A plan of landscape development is to be submitted with application.
- (6) A screen planting at least 6 feet in height and 6 feet in width where abutting residential use, which must be tight screen, effective at all times.
- (7) Minimum number of off-street parking spaces - 3 per 4 employees plus one per 4 seats.
- (8) A development plan must be submitted with the application.
- (9) Outdoor advertising signs and outdoor artificial lighting shall be approved

by the board.

(BB) Tourist home.

(1) Minimum number of off-street parking spaces - one per employee plus one per sleeping accommodation.

(2) Outdoor advertising signs and outdoor artificial lighting shall be approved by the board. (Ord. 1978-4, passed 3-21-78)

§ 150.194 REQUIREMENTS FOR MOBILE HOME PARKS.

In the district in which mobile home parks are permitted, the following minimum requirements shall apply:

(A) The minimum area of a mobile home park shall be 5 acres.

(B) No mobile home site shall be rented in any park except for periods of 30 days or longer.

(C) No mobile home shall be nearer than 50 feet to the right-of-way line of any thoroughfare.

(D) A dense green belt of evergreen trees and shrubs, not less than 6 feet high after one full growing season, and which at maturity is not less than 12 feet high, shall be located and effectively maintained at all times along all park boundary lines except at established entrances and exits serving the park.

(E) Each park shall provide a recreational area or areas equal in size to at least 8% of the area of the park. Streets, parking areas, and park service facility areas shall not be included in the required recreational area.

(F) Coin-operated laundries, laundry and dry cleaning pick up stations, and other commercial convenience establishments may be permitted in mobile home parks provided:

(1) They are subordinate to the residential character of the park.

(2) They are located, designed, and intended to serve only the needs of persons living in the park.

(3) The establishments and the parking areas related to their use shall not occupy more than 10% of the total area of the park.

(4) The establishments shall present no visible evidence of their commercial nature to areas outside the park.

(G) Each park shall provide either one central waterproof structure available to all mobile home sites or a single waterproof structure for each mobile home site, suitable for storage of goods and the usual effects of persons occupying the park.

(H) All exterior park lights shall be so located and shielded as to prevent direct illumination of any areas outside the park.

(I) Mobile home sites shall be a minimum of 4,500 square feet in area.

(J) Each mobile home site shall have a minimum width of 45 feet and a minimum depth of 100 feet.

(K) The minimum distance between a mobile home and another mobile home or structure shall be 10 feet. Each mobile home shall be located at least 10 feet from the green belt.

(L) Each mobile home site shall be provided with a stand consisting of either a solid concrete slab or 2 concrete ribbons of a thickness and size adequate to support the maximum anticipated loads during all seasons. When concrete ribbons are used, the area between the ribbons shall be filled with a layer of crushed rock. An anchor system shall be provided in connection with the placement of each mobile home. The minimum thickness of the concrete slab or ribbon shall be 6 inches.

(M) All improvements within the mobile home park shall conform to the standards delineated in the city's subdivision control ordinance.

CONTINGENT USE REQUIREMENTS

§ 150.200 WHERE PERMITTED.

Contingent uses defined herein, including accessory buildings and uses, are permitted as indicated in district requirements. (Ord. 1978-4, passed 3-21-78)

§ 150.201 CONTINGENT USE DEFINED.

A contingent use is one which is likely or liable, but not certain, to occur and which is not inappropriate to the principal uses of the district in which it may be located. When so located it shall conform to the requirements of the district in which the contingent use is permitted, except that the number of parking spaces to be provided shall conform to the requirements of §150.202. The required number of parking spaces shall be provided on the same lot with the use, or as a special exception within 300 feet thereof. Contingent uses are permissible only after approval of the board and shall be allowed only after the review procedure for a special exception has been pursued and completed. (Ord. 1978-4, passed 3-21-78)

§ 150.202 PARKING SPACES REQUIRED BY USE.

(A) Boarding or lodging house - one for each 3 occupants.

- (B) college or university - one for each 3 students and staff.
- (C) Home occupation - one additional.
- (D) Lodge or private club (which is of a noncommercial character) - one for each 125 square feet floor area of building.
- (E) Mortuary - one for each 6 seats.
- (F) Municipal or governmental building or use - one for each 125 square feet floor area of building.
- (G) Power substation or telephone exchange - one per 2 employees or combined employment of the 2 largest successive shifts.
- (H) Public utility installation terminal facility - one per 2 employees or combined employment of the 2 largest successive shifts.
- (I) Professional office in residence - 2 additional.
- (J) Educational institution - one for each three members of staff plus one for each 8 seating capacity in auditoriums or gymnasiums.
- (K) Sewage treatment or disposal plant - one per 2 employees or combined employment of the 2 largest successive shifts.
- (L) Water treatment or distribution plant - one per 2 employees or combined employment of the 2 largest successive shifts.
- (M) Temporary sign - not applicable. (Ord. 1978-4, passed 3-21-78)

§ 150.203 HOME OCCUPATION; REQUIREMENTS.

- (A) The home occupation shall be carried on entirely in the dwelling or within an accessory building on the lot.
- (B) Not more than one person, other than occupants of the dwelling, shall be employed in the home occupation use.
- (C) Not more than 500 square feet of total floor area shall be devoted to home occupation in any dwelling or building accessory thereto.
- (D) Articles sold or offered for sale shall be limited to those produced in the dwelling or with in the accessory building.
- (E) There shall be no exterior display, no exterior sign (except as permitted by the applicable district regulations), no exterior storage of materials, and no other exterior indication

of the home occupation or variation of the residential character of the principal building.

(F) No offensive noise, vibration, smoke, or other particulate matter, odorous matter, heat, humidity, glare, or other objectionable effects shall be produced.

(G) A home occupation includes, but is not limited to, the following:

(1) Artist's studio.

(2) Dressmaking.

(3) Professional office of a medical or osteopathic physician, dentist, podiatrist, chiropractor, lawyer, engineer, architect, or accountant.

(4) Teaching, with musical instruction limited to a single pupil at a time.

(5) Barbering or hairdressing. (Ord. 1978-4, passed 3-21-78)

§ 150.204 CONFORMITY OF EXISTING CONTINGENT USE.

An existing use which is included herein as a contingent use, and which is located in a district in which the contingent use is permitted, is a conforming use. Any expansion of the contingent use involving the enlargement of the buildings, structures, and land area devoted to the use shall be subject to the requirements of this section. (Ord. 1978-4, passed 3-21-78)

NONCONFORMING USE SPECIFICATIONS

§ 150.210 NONCONFORMING USES.

The lawful use of a building or premises existing at the time of passage of this chapter may be continued although the use does not conform to all the provisions of this chapter, subject to the following conditions:

(A) A nonconforming use may be extended throughout a building provided the size of the structure is not increased, except that the nonconforming use may be enlarged or altered by a special exception by the board as provided in §§150.190 through 150.194.

(B) A nonconforming use may be changed to another nonconforming use of the same or greater restrictions, but not to a use of lesser restrictions, except that the size of the structure shall not be increased.

(C) No building shall be erected upon any premises devoted to a nonconforming use, except in conformance with the provisions of this chapter.

(D) The board may authorize, by written permit, in a district permitting residential use for a period of not more than one year from the date of the permit, a temporary building for business

or industrial use incidental to the residential construction and development of the district.

(E) Nothing herein contained shall require any change in the plans, construction, or designated use of a building for which an improvement location permit has been heretofore issued, and the construction of which has been diligently prosecuted within 90 days of the date of the permit, and which entire building shall be completed according to such plans filed within 3 years from the date of passage of this chapter.

(F) In the event that a nonconforming use of any building or premises is discontinued for a period of 2 years, the use of the same shall thereafter conform to the uses permitted in the district in which it is located.

(G) Any nonconforming open use of land such as a junkyard or automobile wrecking or salvage yard shall be discontinued within 5 years from the date of October 18, 1949, which was the date of passage of city general ordinance No. 1-1949.

(H) These provisions apply in the same manner to a use which may become a nonconforming use as a result of an amendment to this chapter. (Ord. 1978-4, passed 3-21-78)

GENERAL PROVISIONS AND SUPPLEMENTARY REGULATIONS

§ 150.220 INTERPRETATION.

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, morals, convenience, and general welfare. (Ord. 1978-4, passed 3-21-78)

§ 150.221 DETERMINATION AND INTERPRETATION OF DISTRICT BOUNDARIES.

In determining the boundaries of districts, and establishing the provisions applicable to each district, due and careful consideration has been given to existing conditions, the character of buildings erected in each district, the most desirable use for which the land in each district may be adapted, and the conservation of property values throughout the county.

(A) Where uncertainty exists as to the exact boundaries of any district as shown on the zone map, the following rules shall apply:

(1) In unsubdivided areas, or where a district boundary subdivides a lot, the exact location of the boundary shall be determined by use of the scale of the zone map.

(2) In the case of further uncertainty, the board shall interpret the intent of the zone map as to the location of the boundary in question.

§ 150.222 PROCEDURE RELATING TO VACATED AREAS.

Whenever any street, place, alley, public way, railroad right-of-way, waterway, or other

similar area is vacated by proper authority, the districts adjoining each side of the street, alley, public way, railroad right-of-way, or similar area shall be extended automatically to the center of the vacation, and all area included in the vacation shall then and thence forth be subject to all appropriate provisions of the extended districts. In the event of a partial vacation, the adjoining district or district nearest the portion vacated shall be extended automatically to include all of the vacated area. (Ord. 1978-4, passed 3-21-78)

§ 150.223 USE.

No building or land shall be used and no building shall be erected, reconstructed, or structurally altered, which is arranged, intended, or designed to be used for any purpose other than a use which is permitted and specified in a district in which the building or land is located. (Ord. 1978-4, passed 3-21-78)

§ 150.224 YARD, LOT AREA, AND SIZE OF BUILDING.

No building shall be erected, reconstructed, or structurally altered in any manner which will encroach upon or reduce in any manner the yards, lot area per family, ground floor area of dwellings, or lot coverage provisions established and specified for the use and the district in which the building is located. (Ord. 1978-4, passed 3-21-78)

§ 150.225 HEIGHT.

No building shall be erected, reconstructed, or structurally altered to exceed in height the limits established and specified for the district in which the building is located. (Ord. 1978-4, passed 3-21-78)

§ 150.226 LOTS.

Every building hereafter erected shall be located on a lot. In no case shall there be more than one principal building used for residential purposes, and its accessory buildings, located on one lot. (Ord. 1978-4, passed 3-21-78)

§ 150.227 PARKING SPACE, LOADING AND UNLOADING BERTHS.

For each building hereafter erected and for certain other uses of land, parking spaces for motor vehicles, and loading and unloading berths as specified for the use to which the building or land is to be devoted shall be provided, except that parking spaces may not be required for business or industrial uses to be established in blocks where 50% or more of the area was occupied by such uses at the time of passage of this chapter; but it is the intent of this chapter to encourage the establishment of adequate parking spaces wherever normally required by this chapter. (Ord. 1978-4, passed 3-21-78)

§ 150.228 SUPPLEMENTAL REGULATIONS; RESIDENTIAL USES.

(A) Use of existing lots deficient in area or width; front, side, and rear yard requirements;

exception.

(1) A single-family dwelling may be located on any lot in any district in which single-family dwellings are permitted, if the lot was a single parcel separately described or a single parcel included in a deed or plat which was of record in the county office of the recorder at the time of passage of this chapter, even though the lot does not have the minimum lot width or the minimum lot area specified for the district.

(2) The requirements of this chapter with regard to front, side, and rear yard requirements shall be applicable in all instances, except, such requirements shall not be applicable with regard to any lots located in a subdivision for which a plat of the subdivision has been given, prior to passage of this chapter, tentative or final approval by the plan commission under the subdivision control ordinance, being general ordinance No. 1968-46, passed by the city common council on March 18, 1969. With regard to lots in the subdivisions, the front, side, and rear yard requirements shall be as established on the plat thereof. The term “PLAT” shall include restrictive covenants which pursuant to that ordinance comprised a part of the plat. In the event that the plat of the subdivision does not establish front, side, or rear yard requirements, the requirements shall be as established and set forth in the zoning ordinance in effect at the time of the preliminary or final approval of the plat of the subdivision by the plan commission, which requirements, for purposes hereof, are incorporated by reference herein and made a part of this chapter for such purpose only.

(B) Height. In districts limiting height to 25 feet or 2 stories, a dwelling may be increased in height not to exceed 35 feet if building is set back from required side and rear yard line one foot for each 2 feet of height above 25.

(C) Partial use of alley for yard. One-half of an alley abutting the rear of the side of a lot may be included in the required rear yard dimension or side yard dimension, respectively.

(D) Tapered yard. Where a reversed interior lot abuts a corner lot or an alley separating such lots, an accessory building located on the rear lot line of a corner lot shall set back from the side street as far as the dwelling on the reversed interior lot. For each foot that the accessory building is placed from the rear lot line toward the front lot line of the corner lot, the accessory building may be set 4 inches closer to the side street line, but in no case closer than 5 feet.

(E) Accessory uses allowed without permit.

(1) Accessory uses, as public utility installations, walks, driveways, curbs, retaining walls, mail boxes, name plates, lamp-posts, bird baths, and structures of a like nature are permitted in any required front, side, or rear yard without permit. Trees, shrubs, flowers, or plants shall also be permitted in any required front, side, or rear yard, except that vision clearance on corner lots shall be provided.

(2) Fences, latticework screens, hedges, or walls, not more than 7 feet in height, may be located in the required side or rear yard, and any of the above maintained so as not to exceed 3 feet in height may be located in any front yard. Hedges or any other line plantings must be planted so that they may be trimmed and maintained at the property line.

(F) Accessory uses allowed by permit only.

(1) Private swimming pools must comply with the safety features set forth in Indiana Administrative Code 675 IAC 20-4-27. (Ord. 1993-8, passed 11-2-93)

(2) Accessory buildings detached from the principal building may not occupy more than 30% of the area devoted to the rear yard, or, in the case where the accessory building is located in a side yard, it shall not occupy more than 6% of the entire lot area. (Ord. 1978-4, passed 3-21-78)