

1.0 PURPOSE

- 1.1** The zoning regulations and districts as herein set forth are made in accordance with a Comprehensive Master Plan in order that adequate light, air, convenience of access, and safety from fire, flood, and other danger may be secured; that congestion in the public streets may be lessened or avoided; and that the public health, safety, comfort, morals, convenience and general public welfare may be promoted. They are made with reasonable regard to existing conditions, the character of building erected in each district, the most desirable use for which the land in each district may be adapted, and the conservation of property values throughout the unincorporated areas of the County.

2.0 GENERAL PROVISIONS

- 2.1 Short Title** - This Ordinance shall be known and may be cited as “The Lake County, Indiana, Zoning Ordinance”.

- 2.2 Definitions** - In this Ordinance words used in the present tense include the future, the singular includes the plural and the plural the singular, and the word “lot” includes the word “plot”. The word “used” includes “designed” or “intended to be used”. Unless otherwise specified, all distances shall be measured horizontally, in any direction. The definitions in IC 36-1-2 and IC 36-7-1 apply throughout this Ordinance unless otherwise specifically defined. The following terms, unless a contrary meaning is required by the context or is specifically prescribed, shall have the following meanings:

Abandoned Vehicle – Abandoned Vehicle means the follows:

1. A vehicle located on public property illegally.
2. A vehicle left on public property without being moved for twenty-four (24) hours.
3. A vehicle located on public property in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or vehicular traffic on a public right-of-way.
4. A vehicle that has remained on private property without the consent of the owner or person in control of that property for more than forty-eight (48) hours.
5. A vehicle from which the engine, transmission, or differential has been removed or that is otherwise partially dismantled or inoperable and left on public property.
6. A vehicle that has been removed by a towing service or public agency upon request of an officer enforcing a statute or an ordinance other than this chapter if the impounded vehicle is not claimed or redeemed by the owner or the owner’s agent within twenty (20) days after the vehicle’s removal.

7. A vehicle that is at least three (3) model years old, is mechanically inoperable, and is left on private property continuously in a location visible from public property for more than twenty (20) days. For purposes of this subdivision, a vehicle covered by a tarpaulin or other plastic, vinyl, rubber, cloth, or textile covering is considered to be visible.
 - 7.1. It is prima facie evidence that a vehicle is an Abandoned Vehicle if it remains on private property for more than twenty (20) days and meets anyone of the following:
 - 7.1.1. Does not have lawfully affixed thereto or displayed thereon a current, valid, and unexpired or unencumbered license plate permitting its operation upon public roads, streets, or highways, or is qualified to be but is not carried on the most recent tax records of the Lake County Assessor's Office;
 - 7.1.2. Has broken or missing windows or flat or missing tires and appears to be mechanically inoperable;
 - 7.1.3. Has missing bumpers or fenders or is in any other way partially dismantled or wrecked; or,
 - 7.1.4. Is missing its engine, transmission, differential, or any other parts that would make it mechanically inoperable.
 - 7.2. The fact that the vehicle has a lawfully valid and unexpired license plate permitting its operation upon public roads, streets, or highways, or is being carried on the most recent tax records of the Lake County Assessor's Office, shall not prevent the vehicle from being declared an Abandoned Vehicle.

Accessory Building and Use - A subordinate building located on the same lot with the main building, or a subordinate use of land, either of which is customarily incidental to the main building or to the principal use of the land.

Where a substantial part of the wall of an accessory building is a part of the wall of the main building, or where an accessory building is attached to the main building in a substantial manner as by a roof, such accessory building shall be counted as part of the main building.

Accessory Living Quarters – Living quarters within an accessory building for the sole use of persons employed on the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling.

Apartment – One (1) or more rooms including sleeping, living, and principal kitchen facilities designed as a unit for occupancy by only one (1) family.

Advertising Device or Devices – Any billboard, sign, notice, poster, display, emblem, or any structure for supporting said device.

ALTA Survey - is a boundary survey prepared to a set or minimum standards that have been jointly prepared and adopted by the American Congress on Surveying and Mapping and the American Land title Association with the goal of promoting uniformity in survey information. Additionally, an ALTA Survey includes improvements, easements, rights-of-way, and other elements impacting the ownership of land.

ALTA/ACSM Survey – is a boundary survey prepared to a set or minimum standards that have been jointly prepared and adopted by the American Congress on Surveying and Mapping and the American Land title Association with the goal of promoting uniformity in survey information. Additionally, an ALTA Survey includes improvements, easements, rights-of-way, and other elements impacting the ownership of land.

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

Apartment Hotel – An apartment house which provides services for the use of its tenants, which are usually furnished by hotels, but the privileges of these services are not available to the public.

Block Frontage – All the property fronting on one side of a street between intersection or intercepting streets or between a street and right-of-way, end of dead-end street, or city boundary measured along the street line.

Board – Shall mean the Board of Zoning Appeals of the County of Lake.

Building – Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or chattel. Then any portion thereof is completely separated from every other portion thereof by a division wall without openings, then each such portion shall be deemed to be a separate building.

Building, Detached – A building having no party wall in common with another building.

Building, Non-conforming – A legally existing building which fails to comply with the regulations set forth in this Ordinance applicable to the district in which this building is located.

Building, Semi-detached – A building having one party wall common with an adjacent building.

Building, Height of – The vertical distance measured from the adjoining street centering grade at a point opposite the center of the principal frontage of the building to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between the eaves and ridge.

Building Line – A line running across the length and/or width of a lot, parallel with any road right-of-way abutting said lot, which establishes the minimum open space between the road right-of-way and the nearest point that a building or structure may be placed.

Camp Ground – Any lot, parcel, or tract of land used for occupancy by two or more camp sites in which only tents are utilized. Recreation vehicles shall not be permitted.

Cemetery – Land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

Commercial Vehicle – A device used for transportation and profit as a chief aim, or in association with the buying and selling of good, trade, or business; said device may or may not contain advertising.

Commission – The County Plan Commission of the County of Lake.

Commissioners – The Board of County Commissioners of the County of Lake.

County – The County of Lake, Indiana.

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

Court, Outer – A court which open on any yard on the lot or which extends to any street line of the lot.

Court, Inner – Any court other than an outer court.

Development – has the identical meaning as defined by the Ordinance for Flood Hazard Areas for Unincorporated Lake County No. 2473, as amended, which states:

Development means any man-made change to improved or unimproved real estate including but not limited to:

1. construction, reconstruction, or placement of a structure or any addition to a structure;
2. installing a manufactured home on a site, preparing a site for a manufactured home or installing a recreational vehicle on a site for more than 180 days;
3. installing utilities, erection of walls and fences, construction of roads, or similar projects;
4. construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
5. mining, dredging, filling, grading, excavation, or drilling operations;
6. construction and/or reconstruction of bridges or culverts;

7. storage of materials; or
8. any other activity that might change the direction, height, or velocity of flood or surface waters.

"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.

Dwelling Unit – One (2) or more rooms with culinary facilities designed as a unit for occupancy by only one (1) family for cooking, living, and sleeping purposes.

Dwelling, One-family – A detached building containing only one (1) dwelling unit.

Dwelling, Two-family – A detached building containing only two (2) dwelling units.

Dwelling, Multiple – A building containing three (3) or more dwelling units arranged either side by side or one above the other.

Dwelling, Terrace, Row, Townhouse – A building containing three (3) or more dwelling units arranged side by side, separated from each other by a fire wall, and having separate means of egress and ingress from the outside.

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

Family – An individual or a group of two (2) or more persons related by blood, marriage, or adoption, but limited to husband, wife, son, daughter, father, mother, grandfather, grandmother, aunt, uncle, and legally adopted children (or foster children) or not more than two persons not related by blood, marriage, or adoption, with all persons occupying the premises or a single dwelling unit with single culinary facilities as distinguished from a group occupying a boarding house or lodging house, hotel, club, fraternity, or similar dwelling for group use.

Farm – A parcel of land at least twenty (20) acres in size used for agricultural purposes, including buildings and equipment essential to agricultural production.

Hobby Farm – A parcel of land at least two and one-half acres used primarily as a residential lot whereon some crops may be raised and whereon some animals may be kept for pleasure.

Floodway - has the identical meaning as defined by the Ordinance for Flood Hazard Areas for Unincorporated Lake County No. 2473, as amended, which states:

A 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 or any river or stream.

Floodplain - has the identical meaning as defined by the Ordinance for Flood Hazard Areas for Unincorporated Lake County No.2473, as amended, which states:

A 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.

Floor Area, (For Determining Floor Area Ratio) - For the purpose of determining the floor area ratio, the “floor area” of a building is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. The “floor area” of a building shall include basement floor area when more than one-half (1/2) of the basement height is above the established curb level, or above the finished lot grade level, where curb level has not been established; elevator shafts and stairwells at each floor; floor space used for mechanical equipment (open or enclosed) located on the roof; penthouse; attic space having headroom of seven feet, ten inches (7’10”) or more; interior balconies and mezzanines; enclosed porches; and floor area devoted to accessory uses. However, any space devoted to off-street parking or loading shall not be included in “floor area”.

Floor Area Ratio (F.A.R.) – The “floor area ratio” of the building or buildings on any zoning lot is the floor area of the building or buildings on that zoning lot divided by the area of such zoning lot.

Fringe or Flood Fringe - has the identical meaning as defined by the Ordinance for Flood Hazard Areas for Unincorporated Lake County No. 2473, as amended, which states:

A Fringe or Flood Fringe is those portions of the floodplain lying outside the floodway.

Garage – A detached accessory building or portion of main building used or intended to be used for the storage of vehicles or trailers.

Garage Parking – Any building, except those herein defined as a private garage, used exclusively for parking of self-propelled vehicles, and with not more than two pumps for the incidental sale of gasoline.

Ground-Mounted Solar Energy System - A Solar Energy System that is structurally mounted to the ground and is not roof-mounted.

Home Occupation – Any occupation conducted by the residents of a dwelling unit for financial gain.

Hospital – “Sanitarium”, “Sanitorium”, “Preventorium”, “Clinic”, provided such institution is operated by, or treatment given under direct supervision of a physician licensed to practice by the State of Indiana.

Hotel – A building or portion thereof used for the more or less temporary occupancy of individuals who are lodged with or without meals, and in which provisions for cooking is made preponderantly in a central kitchen and not in the individual rooms or suites.

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

Kennel – A lot, building, structure, enclosure, or premise wherein or whereon dogs or cats are maintained, boarded, bred, kept, or cared for, in return for remuneration, or are kept for the purpose of sale, or are groomed, trained, or handled by other.

Legislative Body – The County Council of the County of Lake.

Limited Access Street – Street designated as such by the Indiana State Highway Commission or the Federal Government.

Lodging House – A building with more than two (2), but not more than ten (10) guest rooms, where lodging with or without meals is provided for compensation.

Lot A parcel of land defined by metes and bounds or boundary lines in a recorded deed or on a recorded plat, fronting on a street. In determining lot area and boundary lines, no part thereof within the limits of the street shall be included.

Lot, Corner – A lot at the junction of and fronting on two (2) or more intersecting streets, both of which are twenty feet (20’) or more in width.

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

Lot, Width – The distance parallel to the front of a building erected or to be erected, measured between side lot lines at the building line.

Manufactured Home – (P.L. 312) dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the Federal Manufactured Housing Construction and Safety Standards Law and certified by the State of Indiana. Such manufactured home shall be constructed after January 1, 1981, classified as residential design, and exceed nine hundred fifty (950) square feet of occupied space,

exceed twenty-three (23) feet in width; exclusive of porches, terraces, garages, pull-out and expansion rooms.

Motel – A permanent building or group of buildings containing rooms without cooking facilities, used, rented, or hired out for the more or less temporary occupancy of overnight guests.

Mobile Home – Any housing unit defined or titled by the State of Indiana as a “Mobile Home” and/or any portable structure eight feet or more wide, thirty (30) feet or more long, designed primarily for year-round residency, and generally transported on its own frame and running gear. Multiple units and expansibles shall be included in this definition.

Mobile Home Park – Any lot, parcel, or tract of land approved and licensed for the parking of two or more mobile homes.

Modular Home – Any factory assembled home defined by the State of Indiana as a “Modular Home” and/or any factory assembled home not on its own frame or running gear designed to be transported by truck or trailer to a building site.

Net Site Area – The entire land area within the boundaries of a site, less one-half (1/2) the area of any vacated streets or alleys.

Non-Conforming Use – A legally existing use of land or building which fails to comply with the regulations set forth in this Ordinance applicable to the district in which such use is located.

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

Parking Space (One), Off-Street – A space on private land, accessible from a street or alley, not less than ten (10) feet wide and twenty (20) feet long exclusive of passage-ways.

Planning Staff – The duly appointed planning staff of Lake County.

Plat of Survey – is a boundary survey prepared to a set or minimum standards that have been jointly prepared and adopted by the American Congress on Surveying and Mapping and the American Land title Association with the goal of promoting uniformity in survey information. Additionally, an ALTA Survey includes improvements, easements, rights-of-way, and other elements impacting the ownership of land.

Recreational Vehicle – A temporary dwelling for travel, recreation and vacation use including, but not limited to:

1. **Travel Trailer** – A vehicle, identified by the manufacturer as a travel trailer, built on a chassis eight (8) ft. or less wide and thirty (30) ft. or less long, and designed to move on the highway.

2. **Pick-up Coach** – A structure designed to be mounted on a truck chassis or cut-down car.
3. **Motor Home** – A self-propelled vehicle with a dwelling constructed as an integral part of the vehicle, or so altered.
4. **Camping Trailer** – A canvas, folding structure, built on a chassis with wheels and designed to move on the highway.

Recreational Vehicle Park – Any lot, parcel, or tract of land approved for the use and occupancy of two or more recreational vehicles.

Recreational Vehicle Site – An area of land within a Recreational Vehicle Park designed and approved for the placement of one recreational vehicle.

Regulatory Flood - has the identical meaning as defined by the Ordinance for Flood Hazard Areas for Unincorporated Lake County No. 2473, as amended, which states:

A regulatory flood means the flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Article 3 (B) of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".

Restaurant – Any establishment whose principal business is the sale of foods, desserts, or beverages to the customer in a building designed for and intended for being served in a seating area.

Restaurant (Fast Food) – Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the building or for carry-out or drive-thru facilities and the building design is for the purposes of carry-out and drive-thru pick-up.

Roof-Mounted Solar Energy System - A Solar Energy System that is structurally mounted to the roof of a building or structure.

Roomer – Any person, not the principal tenant or a family member of the principal tenant, who resides in a living unit who pays remuneration to the principal tenant, as distinguished from a “guest” who does not receive remuneration.

Sanitary Fill – The disposal of garbage by the trench and cover method or fill and borrow method. In the first case, an excavation will be made and the garbage placed in the excavation and covered with the dirt which was removed. In the second case, the fill may be made in a low area and dirt borrowed from higher ground will be spread over the top of the garbage.

Satellite Earth Station – An installation designed to receive geosynchronous satellite transmissions and convert them into audio and video signals which are applied to a television receiver or monitor by means of a standard coaxial cable.

1. **Satellite Earth Station Antenna System** – That part of a Satellite Earth Station consisting of a parabolic or spherical dish antenna used to receive signals from geosynchronous satellites.

Sign – An advertisement, announcement, direction or communication produced in whole or in part by the construction, erection, affixing, or placing of a structure on any land or on any other structure, or produced by painting on or posting or placing any printed, lettered, pictured, figured, or colored material on any building, structure, or surface. Signs placed or erected by public agencies for the purpose of showing street names or traffic direction or regulations or for other governmental purposes shall not be included herein, nor shall this include signs which are part of the architectural design of the building.

Site Development Plan – means the specific plan for the development of real property that requires administrative review and approval by the Commission under the 1400 series of IC 36-7-4 prior to the issuance of a Building & Zoning Permit, includes a site development plan, satisfies the development requirements specified in the zoning ordinance regulating the development, and contains any plan documentation and supporting information required by the zoning ordinance.

ALTA Survey or ALTA/ACSM Survey or Plat of Survey – is a boundary survey prepared to a set or minimum standards that have been jointly prepared and adopted by the American Congress on Surveying and Mapping and the American Land Title Association with the goal of promoting uniformity in survey information. Additionally, an ALTA Survey includes improvements, easements, rights-of-way, and other elements impacting the ownership of land.

Solar Access Easement - A right, expressed as an easement, covenant, condition or other property interest in any deed or other instrument executed by or on behalf of any landowner, which protects the solar skyspace of an actual, proposed or designated solar energy collector at a described location by forbidding or limiting activities, land uses, structures and/or trees that interfere with access to solar energy. The solar skyspace must be described as the three (3) dimensional spaces in which obstruction is prohibited or limited. Any property owner may give or sell his right to access to sunlight. Such Solar Access Easements shall be recorded and copies shall be kept on file with the Lake County Recorder's Office.

Solar Collector - A device or combination of devices, structures, or parts thereof, that collects, transfers or transforms direct solar, radiant energy into thermal, chemical, or electrical energy, and that contributes significantly to a structure's energy supply. In addition to such functions, solar collectors may also serve as a part of a structure's roof, wall, window or other structural member.

Solar Energy - Radiant energy (direct, diffuse, and reflected) received from the sun.

Solar Energy System - Includes: (1) A design using natural and architectural features to cool or heat a structure or (2) a mechanical assembly which may include a solar collector, storage facility, and any other components needed to cool or heat a structure.

Solar Skyspace - The space between a solar energy collector and the sun which must be free of obstructions that shade the collector to an extent which precludes its cost-effective operation.

Special Flood Hazard Area (SFHA) - has the identical meaning as defined by the Ordinance for Flood Hazard Areas for Unincorporated Lake County No. 2473, as amended, which states:

Those lands within the jurisdiction of the County subject to inundation by the regulatory flood. The SFHAs of Lake County 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).

Stable, Commercial – A building, structure, or portion thereof, in which horses or ponies are boarded, trained, or kept for others, or are available to the public for riding with or without remuneration.

Stable, Private – A building, structure, or portion thereof, in which horses or ponies are kept for the private use of the property owner or tenant, but not for hire, remuneration, or sale.

Story – That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; also any portion of a building used for human occupancy between the top-most floor and the roof. A basement shall not be counted as a story unless the height of the surface of the first floor above the average elevation of the finished lot grade at the front of the building exceeds four (4) feet.

Street – A public way established by or maintained under public authority, a private way open for public uses, and a private way, plotted or laid out for ultimate public use, whether or not constructed.

Street, Improved – Any public street with a minimum right-of-way of forty (40) feet with a minimum eighteen (18) foot roadway properly graded and drained with a minimum base of seven (7) inches or more of aggregate.

Structure – Anything constructed or erected which required location on the ground or attachment to something having a location on the ground.

Small Wind Energy Conversion System (SWECS) – A system containing a wind turbine, tower, associated control or conversion electronics, and any related facilities employed to convert wind energy to electrical energy used primarily for onsite consumption. The maximum rated capacity for a SWECS shall be one hundred (100) kilowatts or less.

Television Aerial – An instrument used to receive electro-magnetic waves in the VHG (very high frequency) and UHF (ultra high frequency) bands.

Tourist Home – A building in which more than one (1) but not more than five (5) guest rooms are used to provide or offer overnight accommodations for transient guests for compensation.

Trade or Business School – Secretarial school or college; business school or college when not public and not owned or conducted by or under the sponsorship of a religious or charitable organization; school conducted as commercial enterprise for teaching instrumental music, dancing, barbering or hair dressing, or for teaching industrial skills in which machinery is employed as a means of instruction. This definition shall not be deemed to include educational institution as defined in this Section.

Vehicle – A device in, upon, or by which person or property is, or may be, transported or drawn upon a road, street, or highway.

1. Vehicle does not include the following:
 - 1.1. A device moved by human power.
 - 1.2. A vehicle that runs only on rails or tracks.
 - 1.3. A vehicle propelled by electric power obtained from overhead trolley wired but not operated upon rails or tracks.
 - 1.4. A fire truck and apparatus owned by a person or municipal division of the state and used for fire protection.
 - 1.5. A municipally owned ambulance.
 - 1.6. A police patrol wagon.
 - 1.7. A vehicle not designed for or employed in general highway transportation of persons or property and occasionally operated or moved over the highway, including the following:
 - 1.7.1. Road construction or maintenance machinery.
 - 1.7.2. A movable device designed, used, or maintained to alert motorists of hazardous conditions on highways.
 - 1.7.3. Construction dust control machinery.
 - 1.7.4. Well boring apparatus.
 - 1.7.5. Ditch digging apparatus.

- 1.7.6. An implement of agriculture designed to be operated primarily in a farm field or on farm premises.
- 1.7.7. An invalid chair.
- 1.7.8. A yard tractor.
- 1.7.9. An electric personal assistive mobility device.

Yard – A space on the same lot with a main building, open, unoccupied, and unobstructed by buildings or structures from the ground to the sky, except as otherwise provided in this Ordinance.

Yard, Rear – A yard extending the full width of the lot between the rearmost main building and the rear lot line, the depth of which shall be the least distance between the rear lot-line and the rear of such main building.

Yard, Side – A yard between the main building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the main building.

Zoning Lot – A single tract of land located within a single block, which at the time of the filing for a Zoning Permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a “zoning lot” may or may not coincide with a lot of record. The Zoning Lot shall have adequate frontage on an improved, dedicated roadway of adequate width.

2.3 Building and Uses Affected by Zoning. No building or land, except buildings or land incidental to agricultural operations, shall hereafter be used, and no building or part thereof shall be erected, moved, or altered, unless in conformity with the regulations of this Ordinance.

2.4 Continuance of Non-conforming Buildings or Uses.

A. Non-Conforming Buildings or Structures

- 1. **Maintenance Permitted** – A non-conforming building or structure may be maintained, except as other-wise provided in this Section.
- 2. **Repairs and Alterations** – May be made to a non-conforming building or structure, provided that in a building or structure which is non-conforming as to use regulations, no enlargement shall be made.
- 3. **Additions, Enlargements or Moving**
 - a. A building or structure non-conforming as to regulations for use or lot area per dwelling unit shall not be added to or enlarged in any manner unless such building or structure, including such

addition and enlargement is made to conform to the use and area per dwelling regulations of the zone in which it is located.

- b. A building or structure non-conforming as to height or yard regulations shall not be added to or enlarged in any manner unless such addition or enlargement conforms to all the regulations of the zone in which it is located.
- c. No non-conforming building or structure shall be moved in whole or in part to any other location on the lot unless every portion of such building or structure is made to conform to all the regulations of the zone in which it is located.

B. Non-Conforming Use of Buildings or Structures

- 1. **Continuation and Change of Use** – Except as otherwise provided in this Section:
 - a. The non-conforming use of a building or structure, lawfully existing at the time this Ordinance became effective, may be continued.
 - b. The non-conforming use of a building or structure may be changed only to a use of the same or more restricted classification.
- 2. **Expansion Prohibited** – A non-conforming use of a building or structure designed for a conforming use shall not be expanded or extended into any other portion of such conforming building or structure, nor changed except to a conforming use.
- 3. **Expansion Permitted** – A non-conforming use of a building or structure designed for such use may be expanded to fifteen (15) percent of the area non-conforming at the time of passage of this Ordinance.

2.5 Amortization of Non-Conforming Uses or Buildings

- A.** The non-conforming use of land where no building is involved, or any non-conforming billboard not attached to a building, or any advertising structure lawfully existing at the time this Ordinance became effective, shall be discontinued within eight (8) years from the date of its passage.
- B.** Whenever a non-conforming use has been discontinued for a period of six (6) months, such use shall not thereafter be established and any future use shall be in conformity with the provisions of this Ordinance, except as other-wise noted in Paragraph C., this Section.

- C. Whenever a non-conforming use dependent on seasonal trade has been discontinued for a period of one year, such use shall not thereafter be established and any future use shall be in conformity with the provisions of this Ordinance.
- D. Whenever a non-conforming structure has been destroyed by more than 60%, the structure may not be reconstructed unless the structure is made to conform to the Zoning and Building Regulations existing at the time. The percent of damage incurred will be determined by the Lake County Building Department.

EXCEPTIONS AND MODIFICATIONS: Appeal of the Lake County Building Department’s damage appraisal may be made as follows:

- 1. The aggrieved party shall submit the names of three (3) professionally designated Appraisers or Insurance Adjusters from which one name will be chosen at random.
- 2. The aggrieved party shall retain the services of the chosen Appraiser or Adjuster who shall conduct the final damage appraisal.

2.6 Non-Conformance Due to Reclassifications. The provisions of 2.4 and 2.5 shall also apply to buildings, structures, land, or uses which hereafter become non-conforming due to any reclassification of zones under this Ordinance, or any subsequent change in the regulations of this Ordinance, and time periods specified for discontinuance of non-conforming uses shall be measured from the date of such reclassification or change.

2.7 General Use Provisions.

- A. **Conformance and Permits Required** – No building or structure shall be erected, reconstructed, enlarged, or moved for any use other than that which is permitted in the zone in which such building, structure or land is located, nor shall any building, structure or land be used for any other use than is permitted in the zone in which it is located.
- B. **Zone Group Classification** – Whenever the terms “C Zone”, “A Zone”, “R Zone”, “B Zone”, or “M Zone” are used, they shall be deemed to refer to all zones containing the same letters in their names, e.g., “B Zone” shall include the B-1, B-2, and B-3 zones.
- C. **Off-Street Parking**
 - 1. **Parking spaces shall be provided** and adequately maintained by each property owner in every zoning district for the off-street storage of motor vehicles for the use of occupants, employees, and patrons of each building and premises constructed, altered, or enlarged after the effective date of this Ordinance. All vehicles shall be stored on the zoning lot occupied by the principal building, except that manufacturing or warehousing uses may provide parking on premises located outside the zoning lot, but within 200 feet as measured from the nearest point of the parking lot to the building.

The proper number of parking spaces for any given use, as specified in “Item 5” of this section, is based on consideration of the maximum number of motor vehicles that can be expected to be at the premises at the same time on an average day of full use of the premises

2. As used in this section, the term “**floor area**” shall mean the total floor area of every floor of a building including areas occupied for fixtures, and equipment used for display or sale of merchandise, but excluding areas used exclusively for storage, housing of mechanical equipment integral with the building, and maintenance facilities.
3. **Requirements for A Use Not Mentioned** – The requirements for an off-street parking facility for a use not specifically mentioned shall be the same as the requirements for a use which is mentioned and which is most similar to the use not mentioned.
4. **Fractional Spaces** – The number of parking spaces required for any particular building or land use shall be calculated on the basis of specific need. A calculation of the number of spaces needed resulting in a fraction of space shall be corrected by deleting any space less than one-half (1/2) of a full space, or by adding one (1) space for any space over one-half (1/2) of a full space.
5. **Parking Space Requirements** – Parking space for motor vehicles in all districts in connection with every residential, recreational, instructional, cultural, commercial, and industrial use shall be provided as follows, and in accordance with the “**Parking Schedule**”.
 - a. In a multi-use building, parking shall be calculated for each “use” classification.
 - b. With the exception of industrial or manufacturer establishments and shopping centers, one (1) parking space per two (2) employees shall be provided IN ADDITION to the spaces required in the “Parking Schedule”.
 - c. In no case, except residential, shall there be permitted less than five (5) parking spaces in addition to parking required for employees.

A. Handicapped Parking

Handicap parking spaces are required per the American with Disabilities Act (ADA) and Indiana Code 5-15-0-2 Handicap spaces shall be required in addition to the parking schedule as follows:

1. One (1) accessible space 1 to 25 parking spaces.
2. Two (2) accessible spaces 26 to 50 parking spaces.

3. Three (3) accessible spaces 51 to 75 parking spaces.
4. Four (4) accessible spaces 76 to 100 parking spaces.
5. Five (5) accessible spaces 101 to 150 parking spaces.
6. Six (6) accessible spaces 151 to 200 parking spaces.
7. Seven (7) accessible spaces 201 to 300 parking spaces.
8. Eight (8) accessible spaces 301 to 400 parking spaces.
9. Nine (9) accessible spaces 401 to 500 parking spaces.
10. 501 to 1,000 parking spaces 2% shall be handicap accessible.
11. Parking lots over 1,000 shall have 20 handicap accessible spaces plus one (1) for each 100 spaces over 1,000.
12. When 8 or more handicapped spaces are required at least 1 in 8 accessible spaces shall be van accessible.

B. Location

Accessible parking spaces shall be located within the shortest accessible route of travel from the parking lot to an accessible entrance.

C. Design/Aisle Width/Signage

Minimum aisle width sixty (60) inches (5 feet). Van accessible aisle shall be ninety-six (96) inches (8 feet).

Signs shall be installed in front of each handicapped parking spot at least four (4) feet from the ground with the handicapped symbol along with wording declaring the spot as reserved for handicapped.

6. PARKING SCHEDULE

Auto Courts, Motels, Tourist Homes	1 space for each sleeping room
Automobile Service & Repair Garage, Gasoline Filling and Service Station	2 spaces for each repair and service stall
Banks	1 space per 200 sq. ft. or floor area, plus off-street stacking of six (6) vehicles per drive-in window
Barber Shops, Beauty Parlors	2 spaces for each chair
Bowling Alleys	8 spaces for each lane
Camps and Clubs for Outdoor Sports	1 space for every two (2) persons of maximum Anticipated capacity
Church, Auditorium, Stadium, Theater, Assembly Hall, or other place of assembly	1 space for every 3 seats
Clothing, Furniture, Appliance, Hardware, Automobile, Machinery Sales, Shoe Repair, Personal Service (other than Beauty and Barber Shops), Wholesale Sales	1 space for every 800 sq. ft. of floor area
Convalescent Homes, Nursing Homes	1 space for each 4 beds, plus ten percent (10%) Of the total required spaces, including employee parking
Dance Halls, Table Game Establishments, Assembly and Exhibition Halls (without fixed Seats), Community Centers, Civic Clubs, Fraternal Orders, Veterans Organizations, Union Halls, and any similar type occupancy.	1 space for every 50 sq. ft. of floor area
Doctor, Dental, or Medical Clinic	1 space per office or treatment room, plus One space per waiting room seat
Dwelling	2 spaces for each dwelling unit

Fraternity and Sorority	2 spaces for each 3 beds
Funeral Homes, Mortuaries	1 space for every 25 sq. ft. of floor area of Chapels, Assembly Rooms
Golf Courses	Paved parking spaces shall be provided for six (6) vehicles per green. Additional unpaved spaces shall be provided for six (6) vehicles per green. This additional space may be grass or gravel, but it is not to be used unless the paved lot is full
Hospitals, Sanitariums	1 space for each bed, plus 1 space for each doctor
Hotels, Lodging Houses	1 space for each sleeping room
Industrial or Manufacturers' Establishments	1 space per employee for one shift operation
Launderette, Laundromet, Self-Service Laundry, Washteria, or any similar use or establishment under a different name	1 parking space for each two (2) washing machines or portion thereof
Libraries	1 space for each 300 sq. ft. of floor area
Museums	1 space for every 800 sq. ft. of floor area
Offices, Businesses	1 space for every 200 sq. ft. of floor area
Offices, Professional	1 space for every 400 sq. ft. of floor area (except medical offices)
Post Offices	1 space for each 300 sq. ft. of floor area, plus one (1) space for each mail vehicle
Recreation Building in conjunction with an Approved Multi-Family Complex	1 space for every 150 sq. ft. of floor area. Minimum of 10 spaces
Restaurants, Cafeterias, Taverns, Bars	1 space for every two (2) patron seats
Restaurants, Cafeterias, Taverns, Bars with no drive-in or pick-up facilities	1 space for every two (2) patron seats
Restaurants, Cafeterias, Taverns, Bars with drive-in or pick-up facilities	1 space for every two (2) patron seats, plus one (1) space for every 15 sq. ft. of customer waiting room
Restaurants or Drive-In Food Service with no indoor seats	10 spaces for every customer window or 24" of customer service county area
Schools, Elementary and Junior High Schools	Requires employee parking plus 10%

Schools, Senior High	Requires employee parking plus one (1) space for every two (2) students in the 12 th Grade based on classroom capacity
School Stadiums or Field Houses	1 space for every three (3) seats, may be gravel rather than paved upon approval of Plan Commission staff
Shopping Centers	6 spaces per 1,000 sq. ft. of floor area as defined in Sec. 2.7 (C) (2)
<i>For purpose of this “Parking Schedule”, Shopping Center is defined as “any single structure or group of structures designed and used for five (5) or more distinctly separate commercial uses, excluding Bowling Alleys and Theaters”</i>	
Stores, all other Retail	1 space for each 150 sq. ft. of floor area
Supermarket, Self-Service	1 space for each 200 sq. ft. of floor area
Warehouse	1 space per 5,000 sq. ft. of floor area

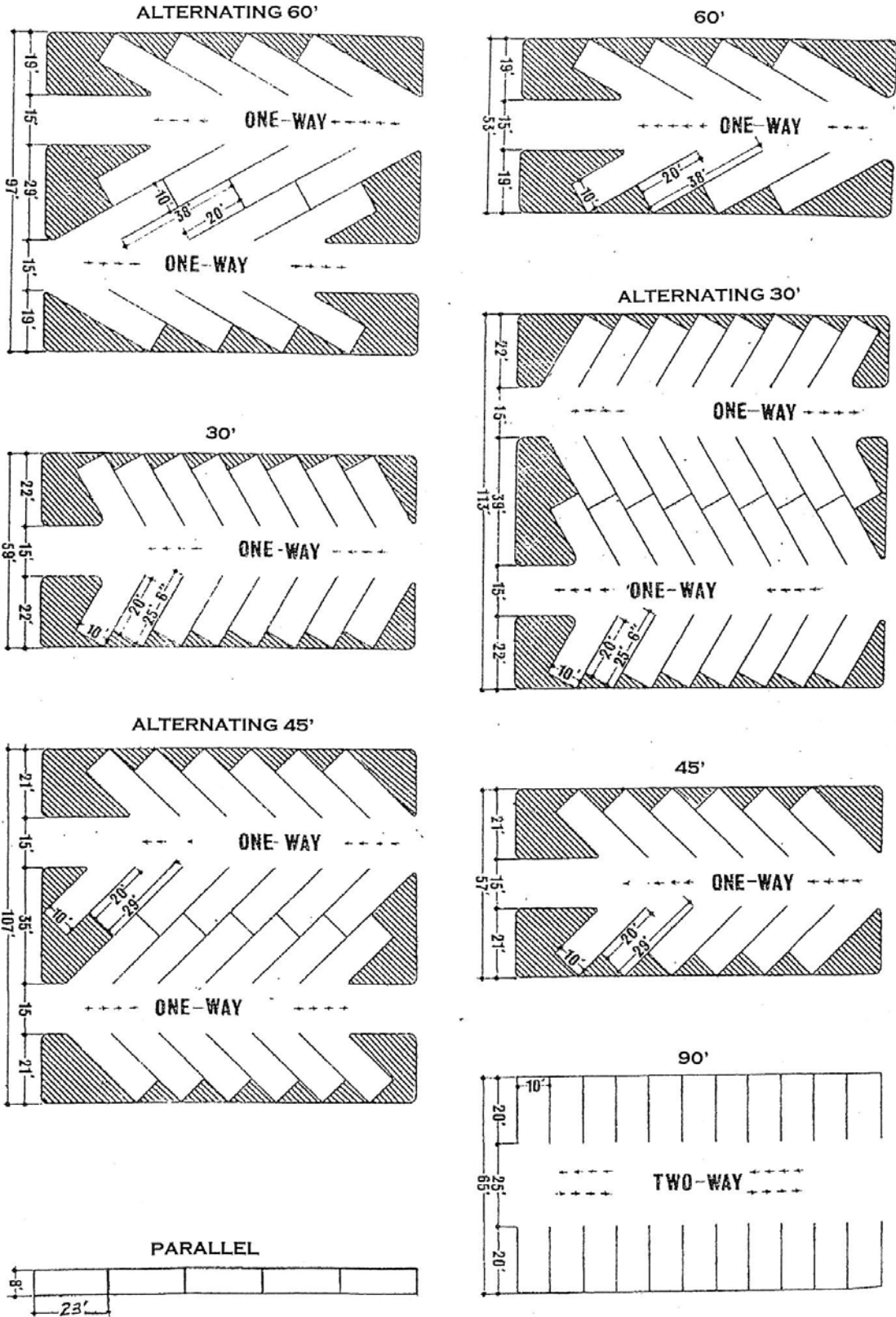
7. **Review of Plans** – Plans and specifications for the construction or alteration of an off-street parking area accommodating four (4) or more vehicles shall be submitted to the Plan Commission Staff. Written approval by the Executive Secretary of all parking area plans shall be secured before a Building and Zoning Permit can be issued. The plans and specifications should show the location, basis of capacity, calculation, size, site design, surfacing, marking, lighting, drainage, curb-cuts, entrances, exits, and any other detailed features essential to the complete design and construction of the parking area.
8. **Design-Construction Requirements** – In addition to general design requirements specified in other paragraphs of this section, the following design and construction requirements shall be satisfied in all off-street parking areas with any exceptions noted.
 - a. A minimum area of 200 square feet, not less than 10 feet wide by 20 feet deep, shall be provided for each vehicle parking space; each space shall be definitely designated and reserved for parking purposes, and each space shall be accessible separately from a drive. For single-family homes, or duplexes using separate drives, it shall not be necessary to provide separate access to each space. A driveway or driveway and garage may be used to provide the required two (2) spaces, provided that no part of the driveway within the road right-of-way may be considered in determining parking capacity.

- b. Parking areas shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles.
- c. Width and length of parking stalls and access drives shall be drawn as indicated in "Illustration A", depending on the type of parking arrangement to be used.
- d. Except for parking space provided on residential lots, no parking area shall be constructed less than 1,000 square feet in area.
- e. Parking areas designed, intended for, or used by the general public, except as noted in the Schedules, shall be blacktop or concrete.

EXCEPTIONS:

- 1. Parking areas inaccessible to the public, but intended and used exclusively for employee parking or for the display of vehicles or recreational vehicles for sale, may be gravel.

ILLUSTRATION 'A'



2. A parking ratio of 40% paved and 60% gravel may be used in meeting the parking requirements for the following uses:
 - a. Churches
 - b. Civic Clubs
 - c. Fraternal Orders
 - d. Veterans Organizations, or any other similar type occupancy.
 - f. Except for single-family and two-family residential lots, adequate lighting shall be provided for use when a parking area is in operation. All lighting shall be arranged so that no source of light shall be visible beyond the parcel lot upon which the parking area is located.
 - g. Where a parking area with a capacity of four (4) or more vehicles adjoins a residential district, a buffer at least ten (10) feet wide shall be provided between the parking area and the adjoining property, and a vertical screen shall be erected consisting of structural or plant materials no less than four (4) feet in height.

If, in the opinion of the Plan Commission, the adjoining residential property will eventually be rezoned to Commercial, the required ten (10) foot wide buffer may be reduced to five (5) foot buffer. However, the structural or plant material screening shall still be required.
 - h. Where a parking area with a capacity of four (4) or more vehicles adjoins a public street or alley, a planted buffer at least five (5) feet wide shall be provided between the parking area and the adjoining street or alley right-of-way line. No more than two (2) driveway approaches shall be permitted to break this buffer strip from any major street, nor shall more than one (1) driveway approach be permitted to break this buffer strip from any minor street. Where a large single parcel of land abuts a major road, the Plan Commission may approve a third driveway approach provided the minimum distance between the centerline of said approach is at least 660 feet.
 - i. With the exception of “Service Stations”, every parking lot shall be designed to provide an unobstructed pedestrian area extending from every point of public access or egress from a building to the drive or street, not less than thirty (30) feet in width, centered at each said point of access or egress, unless otherwise approved by the Planning Department.
9. **Use of Parking Areas** – No commercial repair work, servicing, or selling of any kind shall be conducted on any parking area. Only those signs essential to the functions of the area shall be displayed.

10. **Increases to Parking Areas** – Any increase in effective capacity of any premise use for which off-street parking is required in accordance with this Ordinance, shall be accompanied by the provision and maintenance of parking space in proper ratio to the increased capacity.
11. **Joint Use of Parking Areas** – The joint use of parking facilities by two (2) or more uses is recommended whenever such use is practicable and satisfactory to each of the intended to be served, and when all requirements for location, design and construction can be satisfied.

In computing capacities of any “joint use”, the total space requirement is the sum of the individual requirement that will occur at the same time. If peak space requirements for individual uses occur at distinctly different time from the peak requirements for other “joint use”, the maximum capacity required for “joint use” will be less than the sum of total individual space requirements. A copy of an Agreement between “joint users” shall be filed with the application for a Building and Zoning Permit and recorded with the Plan Commission Staff. The agreement shall include a guarantee for continued use of the parking facility for each party to the “joint use”.

12. **Parking Restrictions** – Parking on non-paved open space is prohibited, except for driveways serving individual dwelling units, or as may otherwise be permitted by this Ordinance.
13. **Driveway Approaches** – Driveways extending from a public road to a parking area of four (4) or more spaces shall meet the following minimum requirements:
 - a. Driveways designed for two-way traffic shall not be less than twenty (20) feet in width.
 - b. Driveways designed for one-way traffic shall not be less than ten (10) feet in width.
 - c. Whenever a driveway serving a parking area of four (4) or more vehicles abuts a residential zone, there shall be provided a buffer strip of five (5) feet or more.
 - d. Driveways, ingress and egress, driveway easements, driveways or private ways designed, intended for, or used by the general public shall be blacktop or concrete.
 - e. All driveways as defined in sub-paragraph (d) shall meet minimum roadway design criteria.

- D. Off-Street Loading** – On the same premises with every building, structure, or part thereof, hereafter erected, established or enlarged and occupied for manufacturing, storage, warehouse goods display, department store, wholesale store, market, hotel, mortuary, laundry, dry cleaning, or other uses, involving the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained adequate space for standing, loading, and unloading in order to avoid undue interference with public use of the street or alley.

Such space, unless otherwise adequately provided for shall include a twelve (12) foot by thirty-five (35) foot loading space with fourteen (14) foot height clearance for every 20,000 square feet or fraction thereof in excess of 3,000 square feet of floor area used for the above mentioned purposes, or for every 20,000 square feet or fraction thereof in excess of 3,000 square feet of land used for the above mentioned purposes. These requirements may, upon appeal, be increased, modified, or waived by the Board where the conditions or circumstances justify such action, provided it has obtained thereon recommendation from the County Highway Supervisor.

- E. Permanency of Spaces Provided** – Any parking or loading space established prior to the effective date of this Ordinance and which is used or intended to be used in connection with any main building, structure, or use, or any spaces designated and intended to comply with the requirements of this Ordinance for any such main building or structure erected after such effective date, shall hereafter be maintained so long as said building or structure remains, unless the owner provides and maintains in another location an equivalent number of required spaces in conformance with the provision of this ordinance.

F. Temporary Buildings, Structures, and Mobile Homes

1. No temporary building or structure shall be erected or reconstructed, enlarged or moved on any lot or placed on a tract of land except:
 - a. The Plan Commission Staff may authorize the erection of a temporary structure or building for occupancy and use of the owner during the construction of an approved, permanent commercial or industrial building. Said temporary buildings shall be razed within thirty (30) days of issuance of a certificate of occupancy for the permanent building or within one year of issuance of the permit for the temporary structure whichever occurs first.
 - b. **By SPECIAL EXCEPTION only;** one (1) structure or building approved by the State of Indiana, may be placed on a farm, twenty (20) acres or more, for the housing of transient workers on agricultural pursuits, provided:
 1. Approved sanitary facilities are provided,
 2. The building is not the principal dwelling on the property,

3. A distance of 600' if maintained from a neighboring residence or residential subdivisions, excluding primary residence on farm,
 4. All applicable front, side and rear yard setbacks are adhered to,
 5. The building will be removed within thirty (30) days if it no longer houses agriculturally employed employees, or if the land ceases to be used for agricultural pursuits.
2. No mobile home shall be stored, parked or used as a dwelling unit for any use on the lot, plot or tract of land other than one approved as a Mobile Home Park by the Lake County Plan Commission and licensed by the Indiana State Board of Health, except:
- a. The Plan Commission Staff may authorize the temporary placement of a mobile home after issuance of a Building and Zoning Permit, on a parcel of land during the reconstruction of any single-family home destroyed by an act of God for a period not to exceed six months or to complete the reconstruction, whichever occurs first.
 - b. **For Agricultural Pursuits**
 1. **By Special Exception only:** One (1) mobile home may be placed on a farm, twenty (20) acres or more, for the housing of permanent employees on full agricultural pursuits, provided:
 - a. Approved sanitary facilities are provided,
 - b. The Mobile Home is not the principal dwelling on the property.
 - c. A distance of 600' is maintained from a neighboring residence or residential subdivisions, excluding primary residence on farm.
 - d. All applicable front, side and rear yard setbacks are adhered to,
 - e. The Mobile Home will be removed within thirty (30) days if it no longer houses agriculturally employed employees, or if the land ceases to be used for agricultural pursuits.
 2. If two or more Mobile Homes are requested, the location of said mobile homes shall be in accordance with the rules and regulations of the Mobile Home Park Ordinance.

- G. Livestock and Poultry** – Keeping, raising, or breeding of farm animals, including horses and ponies, or poultry shall not be permitted in any zone, except on farms of twenty (20) acres or more, or on hobby farms.
- H. Parks, Playgrounds** – Parks, playgrounds, or community centers owned and operated by a governmental agency or local homeowner’s association for subdivisions or neighborhoods may be permitted in any zone.
- I. Minimum Setbacks** – Wherever a lot abuts a street or highway there shall be a minimum setback between the building line and the street or highway right-of-way lines as follows:
 - 1. **On existing federal or state highways** having or proposed to have a right-of-way of 100 feet or more, the minimum setback shall be sixty (60) feet from the edge of the proposed right-of-way.
 - 2. **On all County Highways** designated by alphabetical letters, or on any road designated or proposed to have an eighty (80) feet right-of-way, there shall be a minimum setback of fifty (50) feet from the edge of the proposed right-of-way.
 - 3. **All other streets** – a distance of thirty (30) feet.

2.8 General Height Provision.

- A. Height Conformance** – Except as hereinafter provided, no buildings or structure shall be erected, enlarged or reconstructed to exceed the height limit established for the zone wherein such building or structure is located.

2.9 General Area Provisions.

- A. Area Requirements** – Except as hereinafter provided, no building or structure shall be erected on a lot unless such building combined existing structure plus additions conform with the regulations of the zone in which it is located.
 - 1. **Reduction of Lot Area** – No lot area shall be so reduced, diminished and maintained that the yards, other open space, or total lot areas shall be smaller than prescribed by this Ordinance, nor shall the density of population be increased in any manner except in conformity with the regulations herein established.
 - 2. **Recorded Lots Less than Minimum Area** – Lots of record at the time of the enactment of this Ordinance, which have less than the minimum area requirements for “R” zones may nevertheless be used for any use permitted therein, except that for dwellings, the lot must have a width of at least forty (40) feet, and an area of at least 5,000 square feet.

3. **Yards Apply to Only One (1) Building** – No required yard or other open space around an existing building or which is hereafter provided around any building for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building. Nor shall any yard, nor other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected.
4. **Only One Main Building on a Lot** – In no case shall there be more than one detached building and its accessory buildings on one lot.
5. **Corner Setback** – At street intersections of an angle less than sixty (60) degrees, shrubs or structures over three and one-half (3 ½) feet high will not be placed between the intersections of the street lines and ten (10) feet from the building line.
6. **Front Yards on a Through Lot** – At each end of a through lot there shall be a front yard of the depth required by this Ordinance for the zone in which each street frontage is located, and one of such front yards may serve as a required rear yard.

2.10 Special Exception

A. General Use

The following Special Exceptions may be permitted by the Board in any zone where such uses will be deemed essential or desirable to the public convenience or welfare, and which will not adversely affect the use or enjoyment of property adjacent to the area of the proposed Special Exceptions and which will be in harmony with the various elements or objectives of the Master Plan, provided, however, that the location, plan, and character of development is first approved by the Commission. In the exercise of its approval, the Commission may impose such conditions regarding the location, character, and other features of the proposed use, buildings or structures, as it may deem advisable in the furtherance of the purposes of this Ordinance.

Applicants shall file their written application for one of the specified classifications with the Plan Commission, upon the forms prescribed by the Commission, together with detailed plans and specifications of the proposed use and improvements. Prior to the decision on Public Hearing thereon, notice of which shall be advertised ten (10) days prior to the Public Hearing in a newspaper of general circulation in the County.

In cases where approved Special Exception plans have any major deviations in the approved site development plan, as determined by the Executive Secretary of the Plan Commission, an application shall be filed and a Public Hearing shall be held for a Revision of Special Exception.

If an approved Special Exception plan is not developed, the base zone shall supersede the Special Exception plan.

1. **Airport or Aircraft Landing Field**
2. **Cemetery**
3. **Educational Institution** – Land, Buildings and structures owned or used at the time of the enactment of this Ordinance for the usual purposes and activities of educational institutions as defined in this Ordinance, including instructional and recreational uses, provision for exhibitions and athletic contests, and provision for living quarter, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers, and employees, together with land, buildings and structures hereafter acquired for such uses by such educational institutions having a location adjacent to land now owned or used by such educational institutions shall be deemed to be conforming uses in the zone in which the land is located, provided that no building shall be hereafter erected for such use by any such institution within thirty (30) feet of the boundary line of a lot owned by others in an “R” Zone.

Adjacent, as used in the above paragraph, shall be deemed to include any property within 1,000 feet of any part of any property owned or used for educational purposes by such educational institutions at the time of the enactment of this Ordinance.

4. **Hospital**
5. **Local Government Enterprises**
6. **Public Service** – Including electrical distributing stations, fire or police stations, telephone exchanges, telephone repeater cabinets, gas regulator stations and the like.
7. **Recreational Special Exceptions** – Land uses, buildings and structures for clubs, fraternal adult organizations, fishing ponds, picnic groves, and private recreational developments, all conducted (1) for profit, or (2) not for profit.

For the purpose of this section, the above enumerated uses shall be hereby divided into four (4) specific classifications:

(Class A) Uses for youth, organizations for camps, ball fields, swimming pools and water sports and similar uses, which will at no time involve the use of firearms or other deadly weapons or instruments, or the use of engine powered racing vehicles or other noise production devices.

(Class B) Uses for clubs, fraternal organizations, lodges, adult organizations, fishing ponds, picnic groves, and private recreational developments which will not at any time involve the dispensing, sale, distribution or use of alcoholic beverages on the premises.

(Class C) Uses for clubs, fraternal organizations, lodges, adult organizations, fishing ponds, picnic groves, and private recreational developments which will at any time involve the dispensing, sale, distribution or use of alcoholic beverages on the premises.

(Class D) Recreational Vehicle Parks

- a. This district is intended to accommodate recreational vehicles only. Spaces with a recreational park shall be rented by the day or week only. No recreational vehicle shall be permitted to remain in any park for a period exceeding thirty (30) days.
- b. For the purpose of this Ordinance, Class D Recreational Vehicle Parks, is divided into two sub-classes: Class D-1 – En route Parks; and Class D-2 – Destination Parks.

Class D-1 is intended to accommodate “en route parks” where persons stop (usually overnight) on their way to a destination point. Their needs are similar to those travelers who stay in motels in that they usually desire close proximity to restaurants, service stations, laundries, and the like. Thus, these parks should locate in business districts catering to their traveling public.

Class D-2 is intended to accommodate “destination parks” located at or near a natural attraction or recreation area where persons ordinarily stay several days or longer. Such attractions are often some distance from commercial or urban development. Care must be taken to protect the character of the attraction and its environs and yet permit needed service and convenience facilities required by the “Recreational Vehicle Park” occupants. “Destination Parks” should be limited Agricultural or Conservation Districts.

c. **Design Specifications and Standards for Recreational Vehicle Parks**

1. Access – All Class D-1 “Recreational Vehicle Parks”, shall have direct access to a primary or secondary thoroughfare. All Class D-2 “Destination Parks”, shall be located within one (1) mile or a primary or secondary thoroughfare with no access in or through a residential subdivision.
2. **Minimum Frontage** – 100 feet.

3. **Minimum Area**
 Class D-1 – 2 acres.
 Class D-2 – 25 acres.

4. **Maximum Density per Gross Acre**
 Class D-1 – 25 units per acre.
 Class D-2 – 15 units per acre.

5. **Conditions of soil**, groundwater level, drainage, geologic structure and topography shall not create hazards to the park site or to the health and safety of occupants, nor shall the site be subject to the hazards of objectionable smell, odor, noise or the possibility of subsidence, sudden flooding, or severe erosion.

6. **Minimum Setbacks and Buffer Strips**
 - a. All recreational vehicles shall be set back at least fifty (50) feet from any public roadway, or the distance required by the setback requirements of the Lake County Zoning Ordinance, as amended, for the type of street on which it fronts or sides, whichever is the greater distance.

 - b. **Buffer Strips** – All Recreational Vehicle Parks shall provide a buffer along all park boundaries not fronting on a public road as follows:
 - Class D-1**
 1. 15 feet if abutting a business or industrial district.
 2. 30 feet if abutting any district other than business or industrial.

 - Class D-2**
 1. 50 feet if abutting a business or industrial district.
 2. 100 feet if abutting any district other than business or industrial.

 - Class D-1 and Class D-2**
 1. The buffer strip in a D-1 Class shall include a six (6) feet high chain link fence, effectively landscaped, or a dense green belt, as required for the D-2 Class.
 2. The buffer strip in a D-1 Class shall include a dense green belt of evergreen trees and/or shrubs,

not less than six (6) feet high after one full growing season, and which at maturity is not less than twelve (12) feet high, effectively maintained at all times so as to provide an effective visual barrier when viewed at right angles, to protect occupants from adverse influences outside the park or nearby neighbors from adverse effects of the park.

3. Tent sites may be permitted within the required buffer strip, provided no tent site shall be located closer than twenty (20) feet to any adjoining business or industrial district, or forty (40) feet to any other zoning district.
7. **Minimum Recreational Area** – At least one (1) centrally located Recreational Area equal in size to eight (8) percent of the gross park area shall be provided in each “*Recreational Vehicle Park*”. Streets, Buffers, Parking Areas and Park Service Facility areas shall not be included in the required recreational area.
 8. **Interior Roads and Drives** – All streets or drives within any recreational vehicle park shall be constructed to meet the following minimum standards:
 - a. Streets or drives permitting access to a park from a County or State Road shall be provided with a smooth, graded, drained, and paved durable surface with concrete curb and gutters from the County or State Road to the common parking area and office building.
 - b. Except as required in “a” above, all roads within a park shall be provided with a smooth, graded, drained and graveled surface, if the proposed density exceeds ten (10) units per acre. Where density is less than ten (10) units per acre, no surface treatment, other than required for dust control, shall be required.
 9. **Accessory Uses**
 - a. Food stores, restaurants, sporting goods, Laundromats, dry cleaning pickup stations, and similar convenience and service shops may be permitted in “Recreational Vehicle Parks” containing fifty (50) or more spaces provided:
 1. Such shops and the parking areas required by their use shall not occupy more than ten (10) percent of the total area of the park;

2. The use of such shops shall be solely by the occupants of the park;
 3. Such shops shall be so located or designed within the park to present no visible evidence of their commercial nature to persons outside the park.
- b. Management offices and storage, playground and picnic equipment, sanitation and laundry facilities, informational signs and other structures customarily incidental to a “Recreational Vehicle Park” shall be permitted as accessory uses.

10. **Utilities**

- a. **Electricity** – Electrical outlets provided for the use of tenants shall be installed in a manner approved by the Utility Company.
- b. **Water** – Water supply system shall be approved by the Lake County Health Department.
- c. **Sanitary Facilities**
 1. Minimum sanitary facilities shall be provided as follows and in accordance with any other rules and regulations of the Lake County Health Department.
 2. A central service building containing the necessary toilet and other plumbing fixtures specified in the following subparagraphs and in Table I shall be provided in “Recreational Vehicle Parks”. Such buildings shall be located within three hundred (300) feet of the units it is intended to serve.
 - a. All rooms containing sanitary facilities shall have sound resistant walls extending to the ceiling between male and female sanitary facilities; shall have at least one (1) window or skylight facing directly to the outdoors; and shall have adequate ventilation, either by easily opened windows, or by a mechanical device.
 - b. Toilets shall be located in separate compartments equipped with self-closing doors. The shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.

- c. Hot and cold water shall be furnished to every lavatory, sink, bathtub, shower, and laundry fixtures; and cold water shall be furnished to every water closet and urinal.
- d. Illumination levels shall be maintained as follows:
 - 1. General Seeing Tasks
Five (5) foot Candles.
 - 2. Toilet Room in front of Mirrors
Forty (40) foot Candles.

Applicants shall file their written application for one of the above specified classifications with the Plan Commission, upon the forms prescribed by the Commission, together with detailed plans and specifications of the proposed use and improvements.

TABLE 1

NUMBER OF PARKING SPACES (a)	TOILETS		URINALS	LAVATORIES		SHOWERS		OTHER FIXTURES (b)
	MEN	WOMEN	MEN	MEN	WOMEN	MEN	WOMEN	
1-15	1	1	1	1	1	1	1	One (1)
16-30	1	2	1	2	2	1	1	Service
31-45	2	2	1	3	3	1	1	Sink
46-60	2	3	2	3	3	2	2	with a
61-80	3	4	2	4	4	2	2	flushing
81-100	3	4	2	4	4	3	3	rim (c)

For parking areas having more than 100 travel trailer spaces there shall be provided:

1 additional toilet and lavatory for each sex per each additional 30 travel trailer spaces;

1 additional shower for each sex per each additional 40 travel trailer spaces; and
1 additional men's urinal per each additional 100 travel trailer spaces.

- (a) Parking spaces for dependent trailers;
- (b) Additional fixtures including laundry trays, clothes washing machines, and ice-making machine may be provided;
- (c) A service sink with a flushing rim shall be provided for disposal of liquid wastes unless a sanitary station is conveniently accessible for this purpose.

11. Mobile Home by Special Exception:

One Mobile Home may be placed by Special Exception only for the housing of permanent employees on full agricultural pursuits provided;

- a. Approved sanitary facilities are provided,
- b. The Mobile Home is not the principal dwelling on the property,

- c. A distance of 600' is maintained from a neighboring residence or residential subdivisions, excluding primary residence on farm,
- d. All applicable front, side and rear yard setbacks are adhered to,
- e. The Mobile Home will be removed within thirty (30) days if it no longer houses agriculturally employed employees, or if the land ceases to be used for agricultural pursuits.

12. **Soil or Sand Excavation (SUBSECTION 9-a,b,c AMENDED – ORD. 1492, 10/6/92)**

- a. **Definitions** – For the purpose of this section, the following terms shall have the following meanings:
 - 1. **Sand** – Individual rock or mineral fragments in soils having diameters ranging from 0.05 to 2.00 millimeters. Most sand grains consist of quartz, but they may be any mineral composition. The textural class name of any soil that contains either-five (85%) or more sand and not more than ten percent (10%) clay.
 - 2. **Soil** – A natural, three dimensional body on the earth’s surface that has properties resulting from the integrated effect of climate and living matter acting on earthly parent material, as conditioned by relief over period of time.
 - 3. **Excavation** – A removal by digging (e.g. sand, soil, etc.)
- b. **Purpose and Intent** – The intent of this paragraph is to regulate “soil” or “sand” “excavation” within the unincorporated areas of Lake County. The removal of sand or soil from a parcel (s) of real estate may have an adverse effect on neighboring property owners, land use, and physical characteristics such as: *roadways, topography, flood control, soil conservation, and residential, commercial or industrial development.* If proper safeguards are not established, the health, safety, morals, and general welfare of the public may be unfavorably affected.

Sand or soil excavation is not to be confused with residential, commercial, or industrial site excavation where a valid building permit for all proposed construction has been obtained. Also, soil or sand excavation is not to be confused with grading, landscaping, septic system installation, or any secondary functions related to a valid building permit. In addition, this paragraph is not intended to halt site excavation for required work, as determined by the Board with regard to subdivisions approved in accordance with the Unincorporated Lake County, Indiana Subdivision Ordinance Regulations #3, as amended, adopted October 28, 1963 nor is it intended to halt excavation on “farms” where ponds are created for farm related purposes (e.g. irrigation) and the excavated soil or sand is not removed from the property. It is, however, intended to regulate or stop the removal of any such soil or sand which shall be unduly detrimental to the

adjoining or surrounding properties or shall be unduly detrimental to the health, safety, morals, or general welfare of the public. The Special Exception procedure for soil or sand excavation is meant to apply to ALL excavations except those specifically excluded in this paragraph.

- c. **Necessary Conditions** – All persons, firms, or corporations requesting and receiving approval shall make reasonable provisions to prevent sand, dirt, or loose soil from blowing or spilling over on the premises of others or upon any public lands. For the purpose of this paragraph, sand or soil excavation may be permitted provided:
1. An “*Excavation Plan*” is submitted. Such plan is to provide the petitioner, Board and legislative body grounds on which to reach agreement and to provide a basis for a Public Hearing as required by this Ordinance. The plan is to be completed and certified by a professional engineer duly licensed in the State of Indiana. The plan shall be legibly drawn on tracing cloth or equal material of good quality at a scale of not smaller than one hundred feet (100’) to one inch (1”) and shall contain the following information:
 - a. Legal description and survey, done within the last five years, of the property containing the excavation. Also, legal description of the excavation if the Special Exception will cover an area smaller than the total property concerned.
 - b. Date, scale, and “North” arrow;
 - c. Name and address of the owner, developer, excavator, and engineer or surveyor preparing the plan;
 - d. A small scale drawing of the section or government subdivision of the section in which the excavation lies, with the location of the excavation indicated thereon;
 - e. Location and names of owners of adjoining parcels of land;
 - f. Necessary plan views, profiles, cross-sections, and detail drawings completely describing the excavation. The location and elevation to which the proposed excavation will be made in relation to existing elevations;
 - g. The location and elevation to which the proposed excavation will be made in relation to the elevation of adjoining streets or other public ways, easements, railroad or utility right-of-ways, parks, cemeteries, water courses, drainage ditches, swamps, low areas subject to flooding, permanent buildings, bridges, improved or unimproved properties and other pertinent data as determined by the

Planning Staff. If there are no adjoining improved streets within any reasonable distance, the County Highway Engineer shall determine the elevation of depth below which no excavation shall be made.

- h. The length and bearing of the exterior boundaries of the excavation with reference to a United States Land Survey corner;
 - i. The water elevations of adjoining lakes or streams at the date of the survey and the approximate high and low elevations of such lakes or streams. All elevations shall be referred to U.S.G.S. datum;
 - j. If the boundaries of the excavation border a lake or stream, the distances and bearings of a meander-line established not less than twenty feet (20') back from the ordinary high water mark of the lake or stream;
 - k. Indication of the gross land area of the excavation;
 - l. Dimensions of the excavation;
 - m. Soil information indicated, according to the published soil survey;
 - n. Any other requirements which may be imposed by the Planning Staff or Board for review.
2. The following items shall be supplied and attested to by a Soil Scientist registered in the State of Indiana:
- a. Description of soil type to the finished depth of the excavation. Pertinent soil (sand) information, ground water level, hydraulic design data, and other geological data as required by the Planning Staff;
 - b. Statement of topography;
 - c. Seasonal elevation of the water table;
 - d. In addition, the Planning Staff may require a *Water Management Plan* to include both disposition of surface drainage and, where needed, provisions for subsurface drainage to drain high water table soils.
3. An *Erosion and Sediment Control Plan* to include both temporary and permanent erosion control measures to stabilize disturbed soils and prevent off-site pollution of waters and damage to land.

4. Comments, conditions, commitments or requirements from the following specified departments based on submission of the “*Excavation Plan*”, “*Erosion and Sediment Control Plan*” and soil (sand) information supplied and attested to by a soil scientist registered in the State of Indiana to each in the following manner:
 - a. Two copies each to the Lake County Health Department, Lake County Highway Department, and the Lake County Surveyor’s Office;
 - b. Two copies to the Lake County Soil and Water Conservation Service;
 - c. Two copies each to any public utility which services the general area of the proposed excavation;
 - d. Two copies to the Indiana State Highway Department if it is determined by the Planning Staff that the removal of sand or soil by a commercial vehicle using a state road will affect that roadway in an adverse manner;
 - e. Two copies to the Indiana Department of Environmental Management; and
 - f. Two copies to the Lake County Planning Staff.

It shall be the responsibility of the petitioner to circulate the above stated copies and obtain and forward all comments to the Planning Staff by the deadline for the applicable meeting.

5. Signs advertising the sale of soil or sand shall not be placed anywhere on the lot, plot, or tract of land containing the excavation.
6. All persons, firms, or corporations requesting and receiving approval shall give surety to the County in the amount of Ten Thousand Dollars (\$10,000.00) to be approved by the County Attorney as to form, and by the Board of County Commissioners as to sureties and to be conditioned that the person, firm, or corporation removing the sand or soil shall conform with the Ordinance, specifications, rules, regulations, commitments and conditions prescribed by the legislative body and shall protect and save harmless the county from any and all liability, damages and expenses which the county may sustain by reason of granting such Special Exception.

7. Within sixty (60) days after the termination of the excavation, final elevations shall be presented to the Planning Staff; such elevations are to be certified by a Surveyor licensed in the State of Indiana.
(END OF ORD. 1492)

Section 2.10.1.10 Solid Fill

- 10.1 *Special Exception required.* No person shall transfer, dump, or place upon lands, public or private, solid fill within unincorporated Lake County, Indiana without first obtaining a Special Exception under this section. Solid fill shall include, soil, gravel, sand, clay, or stone. Solid fill shall not include construction and demolition debris, concrete, asphalt, brick, block, tile, slag, ash, or fly ash. Solid fill shall be clean, inert material free from vegetative or other organic matter, yard waste, trees, branches, stumps, brush, garbage, and material subject to organic decomposition. Solid fill containing items such as hollow containers, appliances, and equipment subject to subsequent collapse or settlement is prohibited. Deposit of any solid fill of a non-native nature is prohibited. Also, solid fill does not include materials contaminated with hazardous, solid or infectious wastes.
- 10.2 *Exemptions.* No Special Exception shall be required for the following:
- 10.2.1 The transfer, excavation, dumping, or placement on any property outside of a subdivision (including contiguous property under the same ownership and within one 365-day period), of less than ten (10) cumulative cubic yards of solid fill;
 - 10.2.2 The deposit of less than 50 cumulative cubic yards of topsoil (the upper layer of soil, usually darker and richer than the subsoil) outside of a subdivision for establishing lawns or planting beds, within one 365-day period;
 - 10.2.3 Excavation associated with the establishment of a foundation or foundations for any structure subject to an approved building permit;
 - 10.2.4 Filling pursuant to the requirements of an approved building or demolition permit;
 - 10.2.5 Customary top dressing or fertilizing of lawns and gardens;
 - 10.2.6 The deposit or application of solid fill on the site of a public project authorized by the appropriate public agency of the County. Public project, as used in this sub-section, means any road, park, public building, or other public work. Compliance with the Conditions listed under subsection 10.6 of this chapter is mandatory with respect to any authorized public project.
 - 10.2.7 The deposit or application of solid fill allowed or required under the Stormwater Management and Clean Water Regulations Ordinance for Lake County, Indiana. Compliance with the Conditions listed under subsection 10.6 of this chapter is mandatory with respect to any authorized public project.
- 10.3 *Application.* Application for a Special Exception to transfer, place, or dump solid fill within unincorporated Lake County shall be made by the owner of the lands to be filled or his or her designated agent in writing and submitted to the Lake County Plan Commission on forms made available at the Lake County Plan Commission (Commission) Office and which forms have been approved by the Commission. The completed application shall be filed with the Commission by the tenth (10th) day of the month prior to the month that the Commission considers the application at their regularly scheduled meeting. A separate Special Exception shall be obtained for each act of filling. The applicant shall set forth in the application the following information and attachments, as well as any other information required by the Special Exception application form:
- 10.3.1 Location of solid fill operation;
 - 10.3.2 Proposed route for hauling solid fill;
 - 10.3.3 Number, type, size and license number of trucks to be used;

- 10.3.4 Proposed trucking schedule, number of days, and time of day;
- 10.3.5 Equipment (other than trucks) involved in the solid fill operation;
- 10.3.6 Quantity of solid fill to be moved, excavated, or deposited;
- 10.3.7 Description (including maps) of work to be done;
- 10.3.8 Proof of suitable access, including any licenses or permission necessary;
- 10.3.9 A description of the purpose of the solid fill operations;
- 10.3.10 A plan or drawing, signed and sealed by an Indiana Registered Land Surveyor or Indiana Licensed Professional Engineer containing;
 - 10.3.10.1 A legal description of the property;
 - 10.3.10.2 A drawing of the property containing the exterior boundaries of the property with referenced to a United States Land Survey Corner;
 - 10.3.10.3 Indication of any Special Flood Hazard Areas contained on the property;
 - 10.3.10.4 Date, scale, and "north" arrow;
 - 10.3.10.5 Name and address of the owner, petitioner, and surveyor or engineer preparing the site plan;
 - 10.3.10.6 A small scale drawing of the section or government subdivision where the property lies, with the property clearly identified therein;
 - 10.3.10.7 Location and names of owners of adjoining parcels of land, including owners of land across any right-of-ways, easements, waterway, ditch or tributary, or the like;
 - 10.3.10.8 Necessary plan views, profiles, cross-sections, and detailed drawings describing the area to be filled along with existing and proposed topography, contours (at minimum two foot (2') intervals), and drainage patterns before and after the completion of the project (two drawings will be necessary);
 - 10.3.10.9 The location and elevation to which the proposed filling will be made in relation to the elevation of adjoining streets or other public ways, easements, railroad or utility right-of-ways, parks cemeteries, water courses, drainage ditches, swamps, low areas subject to flooding, buildings, bridges, improved or unimproved properties, and any other pertinent data as determined by the Commission. If there are no adjoining improved streets within any reasonable distance, the County Highway Engineer and Lake County Surveyor shall determine the maximum allowable elevation of the filled area above which no further filling shall be made. In no case shall the proposed filling occur above the height limitation set down in the Unincorporated Lake County Zoning Ordinance by district, using the original undisturbed contours as the beginning elevation from which to measure the allowable height;
 - 10.3.10.10 The water elevation of adjoining lakes or streams at the date of the site plan and the approximate high and low elevations of such lake or stream. All elevations shall be referred to NAVD 88 Vertical Datum;
 - 10.3.10.11 If the boundaries of the filled area border a lake or stream, the distances or bearings of a meander-line established not less than twenty (20) feet back from the ordinary high water mark of the lake or stream;
 - 10.3.10.12 The location of any existing or proposed buildings or structures on the property or within 50 feet of any property line;

- 10.3.10.13 Plans for all retaining walls or fencing, if proposed or necessary;
 - 10.3.10.14 A Phase I Environmental Site Assessment (ESA) is required to be submitted with a Solid Fill Permit Application for placing five hundred (500) cubic yards or more of solid fill on a site in any residential zoning district classification or 1000 cubic yards or more of solid fill in any zoning district.
 - 10.3.10.15 Indication of the gross land area of property to be filled;
 - 10.3.10.16 Dimensions of the filled area; and,
 - 10.3.10.17 Any other information or items which may be required by the Planning Staff or Commission necessary for review.
- 10.3.11 Identification of the soil type and source of solid fill to be utilized in any solid fill operation and method of compaction to be employed;
 - 10.3.12 Proof or evidence showing payment of all taxes and assessments to date against the property in question;
 - 10.3.13 Written approval of compliance with the Lake County Surveyor Storm Water Ordinance (as amended), erosion control, and any other related ordinances or codes as may be required (this shall include appropriate measures to prevent any adverse or negative effect to neighboring properties);
 - 10.3.14 Written comments from the Lake County Highway Department regarding the entrance to the property and proposed haul route along Lake County roadways or any other adverse affect a hauling operation may have on public ways or places;
 - 10.3.15 Any approvals or comments from any federal, state, or local agency that may be required.
- 10.4 *Fee.* Commensurate with the approved fee schedule for Special Exceptions.
 - 10.5 *Financial assurance* The applicant or petitioner shall provide financial assurance necessary to provide security for performance of the work, protection of public property, human health, the environment, and indemnification of unincorporated Lake County for its costs and fees. All persons, firms, or corporations requesting and receiving approval shall give surety to Lake County in the amount of 100% of the project cost to be approved by the Lake County Commissioner's Attorney as to form and by the Lake County Board of Commissioners as to sureties and to be conditioned that the person, firm, or corporation conducting the solid fill operation shall conform with this Ordinance and any specifications, rules, regulations, commitments or conditions prescribed by the Commission in their approval. Further, whereupon the legislative body acts to approve a Special Exception for a solid fill operation, it is understood and expressly implied that any person, firm, or corporation who conducts such a solid fill operation shall protect, save harmless, and pay Lake County for any and all liability, damages and expenses which Lake County may sustain by reason of granting such Special Exception.
 - 10.6 *Conditions.* The approval of any Special Exception for the placement of solid fill shall be subject to the following conditions:
 - 10.6.1 That the filling operation will not create noise, traffic or other problems detrimental to any residential community in the area of filling;
 - 10.6.2 There shall be no filling between the hours of 5:00 p.m. and 7:00 a.m. on weekdays or at any time on Saturday, Sunday, or a federal or state holiday;
 - 10.6.3 The Commission shall set the number of trucks involved based on the location of the solid fill operation and the traffic conditions in the area;

- 10.6.4 Special Exceptions for solid fill operations shall be for a period not to exceed six consecutive months in a calendar year.
- 10.6.5 Special Exceptions for subsequent periods when total filling operations exceed six consecutive months will be subject to conditions and fees governing a new initial application;
- 10.6.6 Special Exceptions for solid fill operations shall be subject to all of the conditions set forth by the legislative body in their approval;
- 10.6.7 Applicant or petitioner shall satisfy all of the requirements of the Special Exception;
- 10.6.8 Special Exceptions shall be subject to the complete, valid and accurate maintenance of all of the required conditions of approval;
- 10.6.9 Solid fill shall not be left in a rough or unleveled condition for more than ten (10) consecutive days;
- 10.6.10 Erosion control shall be installed and maintained at least for 60 days after the completion of the solid fill operation;
- 10.6.11 The solid fill site shall be seeded and mulched with thirty (30) days after becoming an inactive site.
- 10.6.12 A solid fill site that does not receive solid fill for thirty (30) days is an inactive site. Any attempt to activate a site that does not receive fill for thirty (30) days shall be treated as a new request for the placement of solid fill.
- 10.7 *Hazardous waste prohibited.* No solid fill may be deposited in Unincorporated Lake County, whether pursuant to Special Exception or exempt from permitting under this section, which solid fill constitutes hazardous waste under state or federal law. The Commission, or designee, may order immediate removal of any solid fill which constitutes hazardous waste.
- 10.8 *Licenses and drainage courses.* Solid fill operations shall also be subject to applicable county, state, or federal license or permit requirements. Solid fill operations shall not block or divert a natural drainage course without proper permits.
- 10.9 *Permit.* The Commission is authorized to issue a Solid Fill Permit to each applicant when satisfied that the applicant meets the conditions of this section and has received approval from the legislative body. The Permit shall be in the form of a written letter signed by the Executive Director of the Commission briefly outlining the final approval and should contain the Ordinance approved by the legislative body.
- 10.10 *Appeal.* Any person who unduly aggrieved by a decision of the legislative body regarding a Special Exception granted under this section may file a timely appeal under I.C. 36-7-4-1003 with the circuit or superior court of Lake County, Indiana.
- 10.11 *Penalty.* Any person who violates this section or who fails to comply with the terms and conditions of the Special Exception shall be subject to fines and penalties. Any person or corporation, whether as principal, agent, employee, or otherwise, who violates any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be fined an amount specified under Section 10.5 of this Ordinance. Each day of the existence of any violation shall be deemed a separate offense.
- 10.12 *Responsibility for violations.* Property owners shall be responsible for violations of this section on their property. In addition, any person performing any work or labor in unincorporated Lake County shall be responsible for any violation of this section by such person or by any agent or employee. A subcontractor, and the agents or employees of a subcontractor, for the purposes of this section, shall be considered agents or employees of a property owner. Also, any and all contractors shall be licensed to conduct excavating or filling commensurate with the Unincorporated Lake County Licensing Ordinance.

- 10.13 *Prohibition on obstruction of drainage.* In no event shall the deposit or transfer of solid fill, whether subject to a Special Exception under this section, obstruct the natural flow of drainage from one property to another, nor shall the deposit or transfer of solid fill negatively affect any neighboring property by changing drainage patterns to increase or channel the flow onto another property.
- 10.14 Within (30) days after the termination of the excavation, final elevations certified by an Indiana Registered Land Surveyor shall be presented to the Commission. Stated final elevations to the nearest one-tenth (1/10) of a foot shall be in conjunction with elevations that were designated on the site plan approved by the Commission.
- 10.15 This Ordinance shall not be confused with or applicable to Section 2.10 of the Unincorporated Lake County Zoning Ordinance regarding Soil or Sand Excavation. Also, this Ordinance shall not be confused with or applicable to Section 8.3 of the Unincorporated Lake County Zoning Ordinance regarding quarries, borrow pits, landfills,
(END OF ORD. 2289)

2.11 Manufactured Homes

- A. Purpose** – It is the intent of this section that all residential design manufactured housing units conform to all regulations that other residential housing units meet; to establish requirements and to assure acceptable similarity in appearance between manufactured housing and other residential dwelling units.
- B. Permitted Placement** – The location of manufactured homes as permanent residences approved individually, shall be permitted as provided for in the Schedule of Uses, subject to the requirements and limitations for said zoning district, and provided the unit shall meet the following requirements:
1. Unit shall meet the exterior appearance standards as provided in paragraph (C).
 2. Unit shall be located in a district where such use is permitted in the Schedule of Uses.
 3. Unit shall receive all required permits and conform to all ordinances of the County.
- C. Exterior Appearance Standards** – (Residential Design) – A Manufactured Home shall:
1. Conform to the minimum square footage requirements of the zoning district, but not less than 950 sq. ft.
 2. Meet any applicable building codes of the one and two family building code.
 3. Be anchored to the ground, in accordance with installation standards and the one and two family building code.
 4. Have wheels, axles and hitch removed.
 5. Meet utility connection standards.
 6. Have siding material limited to: Horizontal aluminum lap siding, vinyl lap siding, cedar or wood siding, wood grain weather resistant press board siding, stucco, brick or stone.
 7. Have roofing materials designed to the specifications of the roof pitch and design specification of shingle limited to: asbestos, fiberglass, shake, asphalt and tile.
 8. Be placed onto a permanent exterior perimeter wall of mortared walls, concrete block, brick, stone, tile and poured concrete. The perimeter wall may be partially or totally load bearing.

- D. Installation Standards** – All units designated by ordinances shall require perimeter walls and shall be set onto an excavated area with foundation, footings, or basement wall constructed in accordance with the terms of one and two family building code and the manufacturers’ installation standards.
- E. Permits, Fees, and Certificate of Occupancy** – All units shall conform to the terms of 10.0 – Administration Enforcement of the Zoning Ordinance and applicable building codes of Lake County.

3.0 ZONES

3.1 Establishment of Zones. For the purpose of this Ordinance, the unincorporated area of the county is hereby divided into twenty-two (22) zones designated as follows:

- C-1 - Floodway Zone
- C-2 - Flood Fringe Zone
- C-3 - Flood Plain Zone
- A-1 - Agricultural Zone
- RR - Rural Residential
- R-1 - One-Family Zone
- R-2 - One-Family Zone
- R-3 - One to Four-Family Zone
- R-5 - Multiple Family Zone
- PUD - Planned Unit District
- B-1 - Neighborhood Business Zone
- B-2 - Rural Business Zone
- B-3 - General Business Zone
- HS-1 - Highway Service Intensive Zone
- HS-2 - Highway Service Extensive Zone
- PO - Professional Office Zone
- BP-1 - Neighborhood Shopping Centers
- BP-2 - Community Shopping Centers
- BP-3 - Regional Shopping Centers
- M-1 - Light Industrial Zone
- M-2 - Heavy Industrial Zone
- PIC - Planned Industrial Center
- CDD - Conditional Development District

The above zones and the boundaries of such zones are hereby established as shown on the map entitled, “Lake County Zoning Map, dated April 15, 1957, as amended”, which accompanies this Ordinance and is on file in the office of the Commission. Said map and all explanatory matter thereon are hereby adopted and made a part of this Ordinance.

Land which may hereafter become unincorporated areas of the County shall be classified as “A-1 Zone” until changed by amendment to this Ordinance.

- 3.2 Zone Boundaries.** Unless otherwise indicated, the zone boundary lines are land lines, the center lines of streets, parkways, alleys, or railroad right-of-way, or such lines extended. Other lines within blocks are rear or side lot lines, or such lines extended.

Where the street layout actually on the ground varies from the layout as shown on the zoning map, the Executive Secretary of the Commission shall interpret said map according to the reasonable intent of this Ordinance.

4.0 REGULATIONS FOR C-1, C-2, and C-3 ZONES

Applicability:

On August 10, 1981 the Lake County Board of Commissioners adopted Ordinance #1165 establishing three (3) new zoning district classifications known as C-1 (Floodway Zone), C-2 (Flood Fringe Zone), and C-3 (Flood Plain Zone) in what was assumed to be a mandate from the Federal government and State of Indiana for floodplain management and flood insurance purposes. These new zoning districts were reflected on two individual sets of maps provided by the National Flood Insurance Program (NFIP) and known as Floodway Boundary and Flood Map and Firm Flood Insurance Rate Map. Both sets of maps were based on a Flood Insurance Study (FIS) conducted under the NFIP by the Federal Emergency Management Agency (FEMA) and had an effective date of September 2, 1981. The FIS and associated maps were required to be adopted by local government. The information contained on those maps was used to establish the new zoning district classifications that were incorporated into our local zone map and zoning ordinance as C-1, C-2, and C-3 districts.

Since the adoption of Ordinance #1165, we have gone through several versions of flood amendments and ordinances without altering or changing the above zoning district classifications or amending the zoning map. To correct discrepancies from August 10, 1981 through today, the following amendment to the Unincorporated Lake County Zoning Ordinance, which incorporates the most recent version of our Ordinance for Flood Hazard Areas, Ordinance, #2473, is necessary.

The amendment should clearly define the three zoning district classifications and include permitted uses that have been absent for some time. A new FIS and associated flood maps were prepared under the NFIP by FEMA, adopted, became official, and replaced the former FIS and maps on January 18, 2012.

Since the passage of time there may be discrepancies between the originally adopted C-1 (Floodway), C-2 (Floodway Fringe), and C-3 (Floodplain) zoning districts and those presented in the maps of January 18, 2012. Also, our C-3 (Floodplain) zoning district classification has been modified and is now considered fringe or flood fringe. For these reasons and for any discrepancy in mapping between the old maps, with an effective date of September 2, 1981, and the new maps, effective January 18, 2012, the most recent version shall apply to specifically determine the extent of the floodway (depicted on our existing zone map as a C-1 Zone) and flood fringe (depicted on our existing zone map as C-2 or C-3 Zones).

4.1. C-1 (Floodway Zone):

No development may occur in any Special Flood Hazard Area (SFHA) classified as floodway by Lake County Ordinance #2473 or identified as such on the Lake County Indiana Unincorporated Area Flood Insurance Rate Map dated January 18, 2012, including any subsequent updates, amendments, or revisions prepared by the Federal Emergency Management Agency (FEMA) with the most recent date.

4.2 C-2 and C-3 (Flood Fringe Zones):

No development may occur in any Special Flood Hazard Area (SFHA) classified as fringe or flood fringe by Lake County Ordinance #2473 or identified as such on the Lake County Indiana Unincorporated Area Flood Insurance Rate Map dated January 18, 2012, including any subsequent updates, amendments, or revisions prepared by the Federal Emergency Management Agency (FEMA) with the most recent date, without first having received a Variance of Development Standards from the Lake County Board of Zoning Appeals that includes (in addition to other required Statutory Findings) a finding that any and all structures, including basements, be two (2) feet above the base flood elevation and that the entire development be in compliance with the Lake County Ordinance for Flood Hazard Areas (currently Lake County Ordinance No. 2473), as amended, which may also include approval, permission, or permitting from the Floodplain Management Section of the Indiana Department of Natural Resources, Division of Water.

Also, Site Development Plan approval shall be required under Section 9.11 of this Ordinance prior to issuance of any Building & Zoning Permit.

In addition, any structure having been approved (by Variance of Development Standards) under this Section shall have the elevation of the lowest floor, including the basement, certified by a Registered Professional Engineer or Architect, licenses in the State of Indiana, as being at least two feet (2') above the base flood elevation. This required certification shall be conducted at or before the required foundation inspection (after the foundation is complete) and before commencement of any additional construction on the project or property.

Permitted Uses:

The underlying zoning district classification at the time SFHA's were identified, mandated, and included as part of the Lake County Zoning Ordinance, on or about September 2, 1981, shall preside when defining permissible uses in the C-2 or C-3 Zones.

Also, in the case of any development requiring an onsite sewage disposal system, subsurface trench soil absorption systems shall not be constructed with the bottom of any trench below the regulatory flood, elevated sand mound soil absorption systems shall not be constructed where the original grade is below the regulatory flood, or septic tanks and dosing tanks shall not be installed with the top of the riser below the regulatory flood.

5.0 REGULATIONS FOR A-1, RR, R-1, R-2 AND R-3 ZONES

5.1 Uses Permitted – The following regulations and the regulations contained in Section 2.0 shall apply in all A-1, RR, R-1, R-2 and R-3 Zones.

A. Uses Permitted by Right – 5.1(C), “Schedule of Uses for A-1, RR, R-1, R-2 and R-3 Zoning” indicates those uses permitted provided they comply with the regulations specified in Section 5.1(D).

B. Uses Permitted by Special Exception – 5.1(C), “Schedule of Uses for A-1, RR, R-1, R-2 and R-3 Zones”, indicates those uses which may be approved by Special Exception and in accordance with Section 2.10 of this Ordinance.

C. Schedule of Uses for A-1, R-1, R-2, R-3 and RR Zones:

1.	<u>Uses Permitted by Right:</u>	<u>A-1</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>RR</u>
	SUBDIVISION (as defined in the Unincorporated Lake County County Subdivision Regulation No. 1670)	NO	YES	YES	YES	YES

RESIDENTIAL USES:

a.	SINGLE FAMILY					
1.	Conventional Homes	YES	YES	YES	YES	YES
2.	Modular Homes (PL 360)	YES	YES	YES	YES	YES
3.	Manufactured Homes (PL 312) (Refer to Subsection 2.11)	YES	YES	YES	YES	YES
4.	Mobile Homes (EXCEPTION – Refer to Subsection 2.7-F)	NO	NO	NO	NO	NO
b.	Two to Four Units	NO	NO	NO	YES	NO
c.	Five or More Units	NO	NO	NO	NO	NO

AGRICULTURAL AND OPEN SPACE USES:

a.	Farm	YES	YES	YES	YES	YES
b.	Hobby Farm (See Subsection 9.2)	YES	YES	YES	YES	YES
c.	Green House and Nursery	YES	NO	NO	NO	NO
d.	Stands for the sale of agricultural products on the farm where the products are grown.	YES	YES	YES	YES	YES
e.	Private Stable (if part of a farm or hobby farm)	YES	YES	YES	YES	YES

ACCESSORY USES:

a.	Home Occupation	-----See Subsection 9.4-----				
b.	Accessory Structures	-----See Subsection 9.3-----				
c.	Advertising Devises and Signs	-----See Subsection 9.5-----				
d.	Swimming Pools	-----See Subsection 9.1-----				
e.	Fence	-----See Subsection 9.6-----				
f.	Parking or storage of commercial vehicles exceeding ¼ ton capacity	NO	NO	NO	NO	NO
g.	Parking or storage of commercial vehicles exceeding ¾ ton capacity in areas used in conjunction with the agricultural operation of a farm	YES	YES	YES	YES	YES
h.	Satellite Earth Station (See Subsection 9.7)	YES	YES	YES	YES	YES
i.	Small Wind Energy Conversion Systems (SWECS)	YES*	NO	NO	NO	YES*

-----Pursuant to Subsection 9.10-----

*SWECS permitted by right on A-1, Agricultural or RR, Rural Residential property containing five (5) acres or more and meeting the provisions of Subsection 9.10, otherwise any SWECS shall be permitted only by Special Exception.

(County Code Cite 154.186)

j.	Roof and Ground Mounted Solar Energy Systems	YES	YES	YES	YES	YES
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-----Pursuant to Subsection 9.10.1-----

*Roof-Mounted Solar Energy Systems are permitted by right in all districts. Ground-Mounted Solar Energy Systems are permitted by right as an accessory use in all A-1, R-1, R-2, R-3, RR Zones, Ground-Mounted Solar Energy Systems are permitted in all Business zones, Highway Service, and Industrial zones as an accessory use by Special Exception only.

Meeting the provisions of Subsection 9.10.1

2.	<u>Uses Permitted by Special Exception:</u>	<u>A-1</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>RR</u>
a.	Animal Hospitals provided they are located further and beyond three hundred (300) feet from any adjoining residence.	YES	NO	NO	NO	NO
b.	Gun Club, Skeet Shoot or Target Range	YES	NO	NO	NO	NO
c.	Livestock Sales or Auction	YES	NO	NO	NO	NO
d.	Riding Academy or Commercial Stable (in accordance with Subsection 2.10)	YES	NO	NO	NO	NO
e.	Transient Amusement Enterprise, Circus or Medicine Show	YES	NO	NO	NO	NO

f.	Class D-2 Recreational Vehicle Park	YES	NO	NO	NO	NO
g.	Golf Course	YES	YES	YES	YES	YES
h.	Public and Private Golf Clubs	YES	YES	YES	YES	YES.
i.	Churches, Public and Parochial Schools	YES	YES	YES	YES	YES
j.	Nursing Homes	YES	YES	YES	YES	YES
k.	Two Family Dwelling Unit (Duplex)	YES	NO	YES	NO	NO
l.	Small Wind Energy Conversion Systems (SWECS)	NO	YES	YES	YES	NO

-----Pursuant to Subsection 9.10-----

(County Code cite 154.186)

D. Schedule of Development Regulations:

	<u>A-1</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>RR</u>
1. Lot Area (in sq. ft.)					
With Septic System	871,200 ⁽²⁾	43,560 ⁽¹⁾	21,780 ⁽¹⁾	43,560 ⁽¹⁾	217,800 ⁽¹⁾
With Sewer System	871,200	21,780	10,000	8,800 ^{1 - Unit} 12,000 ^{2 - Unit} 13,500 ^{3 - Unit} 18,000 ^{4 - Unit}	217,800
2. Minimum Lot Width (Road/Street Frontage)					
With Septic System	330 ft.	120 ft.	100 ft.	100 ft.	165 ft.
With Sewer System	330 ft.	100 ft.	80 ft.	60 ft.	165 ft.
3. Minimum Lot Depth	N/A	N/A	N/A	100 ft.	N/A
4. Minimum Setbacks	-----Refer to Section 2.7 (I)-----				
5. Side Yards (Two required)					
Minimum size each	10 ft.	10 ft.	6 ft.	6 ft.	25 ft.
Total Required side yard (total aggregate)					
Minimum % of total lot width	30%	25%	20%	20%	30%
6. Rear Yard					
Minimum % of total Lot depth	25%	25%	25%	25%	20%
7. Maximum Lot Coverage	25%	35%	40%	40%	20%
8. Maximum Building Height					
in Stories	2½	2½	2	2	2½
in Feet	35 ft.	35 ft.	25 ft.	25 ft.	35 ft.

9. Minimum Building Size (sq. ft.)					
Minimum ground floor area					
exclusive of unenclosed porches					
terraces and garages	768	1000 ⁽³⁾	768	768 ⁽⁴⁾	768

10. Exceptions & modification: ----Refer to Sections 9.8 and 9.9 of this Ordinance----

⁽¹⁾ *In some instances septic systems may required larger lots (to be determined by the Lake County Health Department.*

⁽²⁾ *In order to build on twenty acres (or more) the following requirements shall be met: 1.) Adequate lot frontage on a dedicated, improved public road at least eighteen feet wide and at least gravel; 2.) Approved soil type for septic system installation (to be determined by the Lake County Health Department; and 3.) Conformance with the Lake County Subdivision Regulation.*

6.0 REGULATIONS FOR PLANNED UNIT DEVELOPMENT AND R-5 MULTI-FAMILY ZONES

6.1 P.U.D. Planned Unit Development District

A. Purposes – The primary purpose of this district is to recognize and accommodate planning and residential development innovations which cannot be properly accommodated in other existing residential districts. A “Planned Unit Development District” may be approved for the following uses when proper authorization has been granted by the Lake County Plan Commission and the legislative body as required for amendments or a change of zone, as prescribed in Chapter 174 of the Acts of 1947, General Assembly, State of Indiana, as amended, as well as the requirements of this section. A “Planned Unit Development may be issued for one of the following classifications:

Class 1 – Mobile Home Parks when in accordance with the Lake County Mobile Home Park Ordinance.

Class 2 – Community Unit Projects when in accordance with Sub-Sec. B. of this section.

B. Community Unit Projects – Class 2 – The owner or owners of any tract of land comprising an area of twenty (20) or more acres may be submitted to the County Plan Commission for the use and development of this land for mixed dwelling purposes in a residential district. It shall be referred to the Plan Commission for study. The Plan Commission shall advertise and hold a public hearing. After the public hearing by the Commission, the plan, together with recommendations of the Commission, shall be submitted to the legislative body for final action. The considerations for approval and recommendation by the Plan Commission shall be that:

1. The property adjacent to the area included in the plan will not be adversely affected.

2. The plan is consistent with the intent and purposes of this chapter to promote health, safety, morals, and general welfare of the community.
3. The buildings shall be used for single family dwellings, duplexes, three (3) and four (4) family dwellings, converted dwellings, row houses or apartments, and usual accessory uses such as garages, parking area, storage spaces, administrative buildings, and community activities including churches.
4. The area shall be provided with community or city sewers and water system and with fire protection.
5. The average lot area per family and minimum yard shall be as follows:
 - a. **Single Family Dwellings** – 7,500 square feet.
 - b. **Two-Family Dwellings** – 10,000 square feet or 5,000 square feet per dwelling unit.
 - c. **Row Houses and Low Apartments** – not to exceed forty-five (45) feet in height, 4,000 square feet for the first two (2) dwelling units and 3,000 square feet per each additional unit.
 - d. **Multi-Story Apartments** – not to exceed twelve (12) stories or one hundred (100) feet in height, 2,500 square feet per dwelling unit.
6. Provisions shall be made for sufficient utility easements to service the property.
7. Sufficient parking facilities shall be provided as in 2.7 (C). In case parking lots are provided, the following shall be required:
 - a. There shall be a setback from the street conforming to the requirements in which the lot is located.
 - b. The area around the lot shall be landscaped.
 - c. There shall be a solid wall or screen planting at least three and one half (3 ½) feet in height along the street and any side adjoining residential property.
 - d. The lot shall be at least ten (10) feet from any property line and twenty-five (25) feet from any building.
8. If the legislative body of Lake County, Indiana approves the plan, the plan shall be recorded in the office of the Lake County Recorder, prior to issuance of zoning and building permits.

9. In cases where a Final Development Plan has not been approved by the Plan Commission or legislative body of the County of Lake and/or if there are major deviations as determined by the Executive Secretary of the Plan Commission from an approved Final Development Plan, an application shall be filed and a public hearing shall be held for a Revision of a Planned Unit Development.

6.2 R-5 – Multi-Family Zone – The following regulations, and the regulations contained in 2.0, shall apply in the R-5 Multi-Family Zone:

A. Permitted Uses

1. Any use permitted in the R-3 One to Four Family Zone.
2. Multi-Family Dwellings and Apartments provided:
 - a. Only one (1) multi-family building shall be placed on one lot.
 - b. No multi-family outbuilding exceeds three (3) stories or thirty-five (35) feet in height.

B. Uses by Special Exception

1. Any Multi-Family building exceeding three (3) stories or thirty-five (35) feet in height.
2. Any project involving two (2) or more Multi-Family structures on a single parcel of land.

C. Minimum District Area Requirement – Before Zone Change shall be considered by the Plan Commission and the legislative body, the application shall contain at least 43,560 square feet to be developed.

D. Maximum Floor Area Ratio – The floor area ratio of buildings and structures on a zoning lot shall not exceed 1:2.

E. Maximum Height – Three (3) stories, not to exceed thirty-five (35) feet in height, unless Special Exception project.

F. Minimum Lot Sizes – For every dwelling unit hereafter established in an R-5 Multi-Family Zone, lot area shall be provided as follows:

1. <i>Type of Dwelling</i>	<i>Lot Area per Dwelling Unit In Square Feet</i>
4 Bedrooms or over	2,500 square feet
3 Bedrooms	2,000 square feet
2 Bedrooms	1,500 square feet
1 Bedroom and Efficient Units	1,000 square feet

For every lodging room established hereinafter in an R-5 Zone, there shall be provided not less than 500 square feet of lot area.

2. One-Family row houses hereafter erected or structurally altered shall have a total area of 2,000 square feet per dwelling unit, provided that corner and end dwelling units of a row unit building shall have not less than 2,500 square feet of total lot area, except as provided in 9.9 (I) – Projections into Yards.
3. No existing use shall be converted in such a way as to conflict with, or further conflict with, the foregoing requirements. Further, no residential building shall be established hereafter on a lot which is less than 9,000 square feet in area, and sixty (60) feet in width at the building line.
4. No principal building, other than a permitted residential building, shall hereafter be established on a zoning lot having an area of less than 10,000 square feet and a width of less than seventy-five (75) feet.

G. Maximum Building Coverage – No more than thirty-five (35) percent of the area of a zoning lot may be covered by buildings or structures, including accessory buildings.

H. Minimum Setback

1. In accordance with 2.7 (I).
2. Required setbacks shall be unobstructed from ground level to sky except as otherwise provided in 9.9 (I) – Projections Into Yards.

I. Minimum Side Yards

1. **Multiple Family Dwellings Over Two (2) Stories in Height** – On a zoning lot improved with a Multiple Family Dwelling over two (2) stories in height, a side yard shall be provided along each side lot line. Neither side yard shall be less in width than one-fifth (1/5) of the building height, but in no case less than sixteen (16) feet.
2. **Multiple Family Dwellings Not Over Two (2) Stories in Height** – The same regulations shall apply as govern side yards for dwellings in the R-2 – One Family Zone.
3. **One Family Row Dwellings** – The same regulations shall apply as govern side yards of one family row dwellings in the R-3, One to Four Family Zone.
4. **One Family Detached Dwellings and Two Family Dwellings** – The same regulations shall apply as govern side yards for one family detached dwellings in the R-1, One Family Zone.

5. **Non-Residential Buildings** – On a lot improved with Non-Residential Building, a side yard shall be provided along each side lot line. Each side yard shall be not less in width than one-third (1/3) of the building height, but in no case less than sixteen (16) feet.
 6. **Required Side Yards** – Shall be unobstructed from ground level to sky, except as otherwise provided in 9.9 (I) – Projections Into Yards
- J. Minimum Rear Yard** – The regulations governing rear yards in the R-3, One to Four Family Zone, as set forth in 5.1, (D-5), shall apply in this R-5 Multi-Family Zone, except that a yard shall not be required greater than fifty (50) feet. However, a rear yard in an R-5, Multi-Family Zone may begin at a height of not more than six feet above curb level for the sole purpose of providing enclosed accessory off-street parking facilities beneath, but when so elevated above normal grade level, there shall be no accessory buildings or other permanent structures erected on such yard, and it shall be otherwise unobstructed from lowest level to sky, except as provided in 9.9 (I) – Projection Into Yards, when not in conflict with the foregoing requirements.
- K. Minimum Open Space** – Not more than thirty five (35) percent of the area of the zoning lot may be covered by parking lots and drives.
- L. Special Provisions**
1. For all structures containing five (5) or more dwelling units, sewage treatment facilities shall be provided by:
 - a. Connection to a sewage system of a municipality, or,
 - b. Connected to a sewage treatment plant approved by State Board of Health.

For purposes of this ordinance, septic systems shall not be considered as sewage treatment facilities. A municipal water system shall be utilized.

2. Parking shall be in accordance with 2.7 (C).
3. Before Building and Zoning Permits shall be issued by the Commission Secretary:
 - a. State Administrative Building Council approval and State Fire Marshall approval shall be obtained, and,
 - b. Evidence shall be submitted that fire hydrants with suitable connections for the equipment of the local fire departments in which the use is to be located will be installed. Their number and location shall be approved by the Office of the State Fire Marshall.

7.0 BUSINESS ZONE REGULATIONS

7.1 B-1 NEIGHBORHOOD BUSINESS ZONE – The following regulations and the regulations contained in 2.0 shall apply in the B-1 (Neighborhood Business Zone).

A. Permitted Uses – The following uses, provided they are conducted wholly within a building; except for off-street loading or delivery vehicles which are incidental thereto as required in 2.7:

1. Bakery
2. Art or Antique Shop
3. Bank
4. Barber Shop or Beauty Parlor
5. Book or Stationery Store
6. Cleaning Establishment using not more than two (2) clothes cleaning units, neither of which shall have a rated capacity of more than forty (40) pounds using cleaning fluid which is non-explosive and non-flammable.
7. Department Store, Furniture Store, or Radio Store
8. Confectionery Store
9. Custom Dressmaking or Millinery Shop
10. Drug Store
11. Medical or Dental Clinic or Laboratory
12. Florist or Gift Shop
13. Grocery Store, Fruit or Vegetable Store
14. Hardware Store or Electric Appliance Store
15. Jewelry Store
16. Meat Market or Delicatessen
17. Music Store or Newsstand
18. Office, Business or Professional
19. Photographer

20. Repair of Appliances and Small Equipment, provided that any incidental repair shall be conducted and confined wholly within a building, where the mechanical power employed in the operation of any machine or tool does not exceed three (3) horsepower, and where the total mechanical power provided or employed does not exceed twelve (12) horsepower.
21. Restaurant, Tea Room or Café, excluding dancing or entertainment.
22. Shoe Store or Shoe Repair Shop
23. Tailor Store, Clothing or Wearing Apparel Store
24. Theater
25. Variety Store
26. Sign Painting or Tire Shop, provided all activities shall be conducted wholly within a building.
27. Other Retail Business and Service Establishments not specifically referred to in this ordinance selling new merchandise exclusively.
28. Roof-Mounted Solar Energy Systems

All products shall be sold at retail on the premises and not more than four (4) persons shall be engaged exclusively in the process of production of materials sold at retail.

- a. **Advertising Signs** – In accordance with 9.5.
- b. **Uses Customarily Incidental** – To any of the above uses and accessory buildings, when located on the same lot.
- c. **Public Parking Area** – For the exclusive use of the patrons of the stores, shops, or businesses in the immediate business zone when located and developed as required in 2.7.

B. Uses by Special Exception

1. **Automobile Service Station** – In accordance with Chapter of “Rules and Regulations of the State Fire Marshall Regulating the Use, Handling, Storage, and Sale of Flammable Liquids in the State of Indiana”, provided that any tire or tube repairing, battery charging, and storing of merchandise or supplies are conducted wholly within a building. Plans for the erection or structural alteration of an Automobile Service Station shall be approved by the Commission. The Commission may require such change therein in relation to yards, location of pumps and buildings, and construction of buildings, as it may deem best suited to insure safety, to minimize traffic difficulties, and to safeguard adjacent properties.

The Service Station Use Area shall be developed as required in 2.7.

2. **Apartments for Residential Use** above the ground floor of the building, or within the same building.
3. **Fast Food Restaurant** – Site Development plans shall be approved by the Commission with Final Approval by the B.Z.A. In the exercise of its approval, the Commission may impose conditions and development standards in relation to building and parking location, driveway approaches, screening, buffers, lighting, signs, or any other conditions as it may deem essential to safeguard adjacent land uses.
4. Ground Mounted Solar Energy Systems

-----Pursuant to Subsection 9.10.1-----

C. Height

1. **Maximum Height** – Three (3) Stories
2. **Exceptions** – Exceptions to height regulations are provided for in 2.7.

D. Setbacks and Yards

1. **Minimum Setback** – In accordance with 2.7 (I).
2. **Side Yards** – Where the side of a lot in the B Zone abuts upon the side of a lot in an R Zone, there shall be a side yard of not less than four (4) feet for each story of height, but such side yard shall not be less than six (6) feet in width. In all other cases, a side yard for a business building shall not be required, but if provided, it shall not be less than four (4) feet in depth.
3. **Rear Yard** – Where the B Zone abuts an R Zone, there shall be a rear yard of not less than (20) percent of the depth of the lot, but such rear yard need not exceed twenty (20) feet. In all other cases, no rear yard shall be required, but if provided, shall not be less than four (4) feet in depth.
4. **Exceptions** – Exceptions to yard regulations are provided for in 9.9.

7.2 B-2 Rural Business Zone – The following regulations and the regulations contained in 2.0 shall apply in the B-2 Rural Business Zone.

A. Permitted Uses

1. Any use permitted in the B-1 Neighborhood Business Zone, provided that B-1 uses shall be subject to the same limitations and controls as specifically set forth in the B-1 Zone, 7.1.

2. The following uses **pertinent to farm communities**, provided where they are within one hundred fifty (150) feet of a lot of a more restrictive zone. They shall be conducted wholly within the building or within an area screened on all sides by a masonry wall, compact evergreen planting, or uniformly painted ornamental wood fence not less than six (6) feet in height shall be maintained between such use and adjoining residential zones, except for off-street loading and delivery vehicles which are incidental, thereto, as required in 2.7.
 - a. Agricultural Implements, Automobile or Trailer Sales – Provided that any display or storage area shall be developed as required in 2.7 and that any incidental repair of implements, automobiles, or trailers shall be conducted and confined wholly within a building where the mechanical power employed in the operation of any machine or tool does not exceed three (3) horsepower, and where the total mechanical power provided or employed does not exceed twelve (12) horsepower.
 - b. Building Material Sales Yard – Including the sale of lumber, rock, sand and gravel, but excluding concrete mixing.
 - c. Farm and Contractor’s Equipment Storage Yard, or Plan, or Rental of Equipment.
 - d. Feed or Fuel Yard or Grain Elevator
 - e. Creamery or Ice-Cream Manufacture
 - f. Greenhouse, Nursery, Floor or Plant – Provided all incidental equipment is kept wholly within a building.
 - g. Poultry or Rabbit Killing – Incidental to retail sales on the premises.
 - h. Automotive and Truck Repair – Provided that the use and any outside storage shall be conducted wholly within the building or within an area screened on all sides by a masonry wall, uniformly painted ornamental wood fence, or a solid fence not less than six (6) feet in height.
3. The following uses not pertinent to farm communities provided they meet the requirements indicated in 7.2, (A-2) shall be permitted.
 - a. Public Utility Service Yard, or Electrical Receiving or Transforming Station.
 - b. Amusement Enterprise, including Billiard or Pool Hall, Bowling Alley, boxing Arena, Dance Hall, Games of Skill or Science, Penny Arcade, Shooting Gallery and the like.

- c. Bottling Works
- d. Circus or Transient Amusement
- e. Drive-In Business – Where persons are served in automobiles from a refreshment stand, restaurant, food store and the like, provided the area is screened by a masonry wall, compact evergreen planting, or uniformly painted ornamental wood fence not less than six (6) feet in height is erected and maintained between such uses and any adjoining R Zone.
- f. Drive-In Movie
- g. Driving Tees or Ranges
- h. Funeral Parlor
- i. Laundry or Dry Cleaning Establishment
- j. Motel
- k. Stadium

B. Height

- 1. **Maximum Height** – Same as required in B-1 Zone, 7.1.
- 2. **Exceptions** – Exceptions to height regulations are provided for in 9.8.

C. Setbacks and Yards

- 1. **Minimum Setback** – In accordance with 2.7 (I).
- 2. **Side Yards** – Same as required in B-1 Zone, 7.1.
- 3. **Rear Yard** – Same as required I B-1 Zone, 7.1.
- 4. **Exceptions** – Exceptions to yard regulations are provided for in 9.9.

7.3 B-3 General Business Zone - The following regulations and the regulations contained in 2.0 shall apply in the B-3 General Business Zone.

A. Permitted Uses

- 1. Any use permitted in the B-2 Rural Commercial Zone, provided all B-2 uses shall be subject to the same limitations and controls, excepting those regarding maximum height, as specially set forth in the B-2 Zone (7.2).

2. The following uses, provided where they are within one hundred fifty (150) feet of a lot in a more restricted zone they shall be conducted wholly within a building, except for the off-street loading of delivery vehicles which are incidental thereto as required in 2.7.
 - a. Carpenter Shop, Cabinet Shop, Plumbing or Sheet Metal Fabricating Shop, but excluding Manufacturing.
 - b. Ice Manufacture or Cold Storage
 - c. Warehousing
 - d. Wholesale Merchandise Storage
 - e. Pawnshop
 - f. Rescue or Temporary Revival Mission
 - g. Trade School, Business School, or Private School operated as Commercial Enterprise.
3. The following uses, provided they are conducted wholly within a building, except for off-street loading of delivery vehicles which are incidental thereto as required in 2.7.
 - a. Second Hand Store
 - b. Upholstering Shop
4. The following uses, provided they are within one hundred fifty (150) feet of a lot in a more restricted zone, they shall be conducted wholly within a building or within an area enclosed on all sides with a solid wall, compact evergreen screen, or uniformly painted board fence, not less than four (4) feet in height, except for the off-street loading of delivery vehicles which are incidental thereto as required in 2.7.
 - a. Building Material Sales Yard, including the sale of Lumber, Rock, Sand and Gravel.
 - b. Contractor's Equipment Storage Yard, Plant, or Rental of Equipment commonly used by Contractors.
 - c. Draying, Freighting, or Trucking Yard or Terminal.
 - d. Feed or Fuel Yard or Grain Elevator.
 - e. Public Utility Service Yard or Electrical Receiving or Transforming Station.

5. The following Special Exceptions, providing their location is first approved by the Board as provided for in 10.5.
 - a. Penal or Correctional Institutions, Sanitariums, Hospitals or Asylums for Contagious, Mental, Drug, or Liquor Addict Uses.
 - b. Animal Hospital
 - c. Recreational Vehicle Parks, Class D-1, may be permitted by Special Exception only, and only when in accordance with 2.0 - 2.1 (6) of this Ordinance.

B. Height

1. **Maximum Height** – Not to exceed forty-five (45) feet.
2. **Exceptions** – Exceptions to height regulations are provided for in 9.4.

C. Setbacks and Yards

1. **Minimum Setback** – In accordance with 2.7.
2. **Side Yards** – Same as B-1 Zone, 7.1.
3. **Rear Yards** – Same as B-1 Zone, 7.1.
4. **Exceptions** – Exceptions to area regulations are provided for in 9.9.

7.4 Highway Service Districts – HS-1 and HS-2

A. Purpose – These two districts are intended to recognize and accommodate those commercial uses which are directly automobile-oriented and must, by necessity, be located on major highways. The primary distinction between the two Districts is the traffic generating characteristics, as well as the intensity of land use.

1. Highway Service District 1 (HS-1) – The HS-1 District is for highway oriented intensive land uses, or high traffic generators usually located on relatively small parcels of land.
2. Highway Service District 2 (HS-2) – The HS-2 District is for highway oriented business usually requiring large tracts of land, but generally considered to be low traffic generators.

B. Uses Permitted by Right – The following uses shall be permitted, provided they meet the requirements of all applicable regulations:

1. Highway Service District 1 (HS-1)

- a. Car Wash

- b. Drive-In Banks
- c. Restaurants and Fast Food Restaurants
- d. Taverns, Night-Clubs
- e. Drive-In Business (excluding Drive-In Theaters) where service may be in automobiles or outdoors, but where all other activities shall be carried on within a building. The outdoor space used for service shall be paved and adequately maintained so as to provide a durable, smooth and dustless surface, and is so graded, and provided with adequate drainage facilities that adjacent properties will not be adversely affected.
- f. Gasoline Service Stations under the following conditions:
 - 1. Steam-Cleaning, Mechanical or Physical Modification of Motor Vehicles is specifically prohibited.
 - 2. All activities, except those required to be performed at the Fuel Pumps, and Car Washing shall be carried on inside a building. If work is performed on a vehicle, such vehicle shall be entirely within a building.
 - 3. No out-door storage of wrecked, unlicensed or partially dismantled vehicles shall be permitted unless such vehicles are required to be stored for a period of time by Police or Court Order.
 - 4. No more than two (2) driveway approaches shall be permitted directly from any major street, nor more than one (1) driveway approach from any minor street, each of which shall not exceed thirty (30) feet in width at the property line. If the property fronts on two (2) or more streets, the driveways shall be located as far from the intersection of the street right-of-way lines as practical, but no less than fifty (50) feet.
- g. Roof-Mounted Solar Energy Systems

2. Highway Service District 2 (HS-2)

- a. Building Supply and Equipment Stores
- b. Indoor and Outdoor Motor Vehicle, Trailer, and Boat Display, sales, Rental, and handling primarily new merchandise.
- c. Farm and Contractors Equipment or Storage yard including Sales and Rentals.

- d. Bowling Alleys
- e. Golf Driving Ranges
- f. Miniature Golf when in conjunction with a Driving Range
- g. Motels, Motor Courts
- h. Public Utility Service yard or Electrical Receiving or Transforming Station
- i. Indoor Theaters
- j. Greenhouses and Nursery Operations
- k. Other Uses, similar to uses permitted by right, provided that they comply with the purpose and intent of this district.
- l. Roof-Mounted Solar Energy Systems

C. Uses Permitted by Special Exception Only – The following uses may be permitted in the HS-2 District only by Special Exception.

- 1. Outdoor Drive-In Theaters
- 2. Used Car Lots except when in conjunction with a New Car Dealership
- 3. Auditorium, Athletic Field or Stadium, or other similar Assembly Halls
- 4. Amusement Parks other than Golf Driving Range or Miniature Golf
- 5. Ground-Mounted Solar Energy Systems
*Also permitted by Special Exception in HS-1

-----Pursuant to Subsection 9.10.1-----

D. Uses Permitted by Special Exception in a HS-1 District

1. Sexually Oriented Businesses as follows:

I. DEFINITIONS

For the purposes of this chapter, certain terms and words are defined as follows:

(A) SEXUALLY ORIENTED BUSINESSES. Those businesses defined as follows:

(1) ADULT ARCADE. Any establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five or fewer persons each are regularly used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(2) ADULT BOOKSTORE, ADULT NOVELTY STORE or ADULT VIDEO STORE. A commercial establishment which has as a significant or substantial portion of its stock & trade or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising to the sale or rental, for any form of consideration, of any one or more of the following:

(a) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas";

(b) Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others

(c) An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing "specified sexual activities" or "specified anatomical areas," and still be categorized as adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its principal business purposes is offering for sale or rental, from some form consideration, the specified materials which depict or describe "specified anatomical areas" or "specified sexual activities."

(3) ADULT CABARET. A nightclub, bar, restaurant, "bottle club," or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features: (a) persons who appear nude or in a state of nudity or semi-nude; (b) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," or (c) films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(4) ADULT MOTEL. A motel, hotel or similar commercial establishment which: (a) offers public accommodations, for any form of consideration, which provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right of way, or by means of any off-premises advertising including but not limited to, newspapers, magazines, pamphlets, or leaflets, radio or television, or Internet mediums or (b) offers a sleeping room for rent for a period of time less than ten hours; or (c) allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten hours.

(5) ADULT MOTION PICTURE THEATER. A commercial establishment where films, motion pictures, video cassettes, slides or similar photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" are regularly shown for any form of consideration.

(6) ADULT THEATER. A theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of "specified anatomical areas" or by "specified sexual activities."

(7) ESCORT. A person who, for any form of consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

(8) ESCORT AGENCY. A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

(10) MASSAGE PARLOR. Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body which occurs as a part of or in connection with "specified sexual activities," or where any person providing such treatment, manipulation, or service related thereto, exposes his or her "specified anatomical areas." The definition of sexually oriented businesses shall not include the practice of massage in or by any licensed hospital; nor by a licensed physician, surgeon, chiropractor or osteopath; nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath; nor by a certified massage therapist who has undergone at least one (1) year of training at a school or institution certified by the State of Indiana and the massage therapist does not conduct or administer massages in the manner described above; nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program.

(11) NUDE MODEL STUDIO. Any place where a person, who regularly appears in a state of nudity or displays "specified anatomical areas" for money or any form of consideration and is to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

(12) SEXUAL ENCOUNTER ESTABLISHMENT. A business or commercial establishment that, as one of its primary business purposes offers for any form of consideration a place where two or more persons may congregate, associate, or consort for the purpose of engaging in "specified sexual activities" or the exposure of "specified anatomical areas" or activities when one or more of the persons is in a state of nudity or semi-nude. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

(B) LICENSED DAY-CARE CENTER. A facility licensed by the State of Indiana, whether situated within unincorporated Lake County or not, that provides care, training, education, custody, treatment or supervision for more than twelve (12) children under fourteen (14) years of age, where such children are not related by blood, marriage or adoption to the owner or operator of the facility, for less than twenty-four (24) hours a day, regardless of whether or not the facility is operated for a profit or charges for the services it offers.

(C) SPECIFIED ANATOMICAL AREAS. "Specified Anatomical Areas" means:

- (1) the human male genitals in a discernibly turgid state, even if fully and opaquely covered;
- (2) less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.

(D) SPECIFIED SEXUAL ACTIVITIES means and includes any of the following:

- (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts, whether covered or uncovered;
- (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- (3) masturbation, actual or simulated; or
- (4) excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.

II. STATEMENT OF PURPOSE

It is the purpose of this chapter to regulate sexually oriented businesses and related activities, to promote the health, safety, morals, and general welfare of the citizens of Lake County, and to establish reasonable and uniform provisions to prevent the deleterious effects of sexually oriented businesses within Lake County. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this chapter to restrict or deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Further, it is not the intent or effect of this chapter to condone or legitimize the distribution of obscene materials. It is not the intent or effect of this chapter to limit or restrict lawful activities permitted under the Indiana Code.

III. FINDINGS

Based on evidence concerning the adverse secondary effects of sexually oriented businesses on the community presented in hearing(s) and in reports made available to the Lake County Plan Commission and adopted as a 12 page study on May 5, 2004, and Lake County Council, and on findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 426 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *Arcara v. Cloud Books, Inc.*, 478 U.S. 697 (1986); *California v. LaRue*, 409 U.S. 109 (1972); *Lacobucci v. City of Newport, KY*, 479 U.S. 92 (1986); *United States v. O'Brien*, 391 U.S. 367 (1968); *City of Erie v. Pap's A.M.*, 120 S. Ct. 1382 (2000); *City of Los Angeles v. Alameda Books, Inc.*, 122 S. Ct. 1728 (2002); *Broadway Books, Inc. v. Roberts*, 642 F. Supp. 486 (E.D. Tenn. 1986); *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir. 1997); *Pleasureland Museum, Inc. v. Beutter*, 2002 WL 818791 (7th Cir. 2002); *Kev, Inc. v. Kitsap County*, 793 F.2d 1053 (9th Cir. 1986); *Hang On, Inc. v. City of Arlington*, 65 F.3d 1248 (5th Cir. 1995); *South Florida Free Beaches, Inc. v. City of Miami*, 734 F.2d 608 (11th Cir. 1984); *Mitchell et. al v. Commission on Adult Entertainment Establishments of the State of Delaware et. al*, 10 F.3d 123 (3d Cir. 1993); *Ellwest Stereo Theatre, Inc. v. Boner*, 718 F. Supp. 1553 (M.D. Tenn. 1989); *City of Lincoln Nebraska v. ABC Books, Inc.*, 470 N.W.2d 760 (Neb. 1991); *Berg v. Health & Hosp. Corp. of Marion County*, 865 F.2d 797 (7th Cir. 1989); *Shultz v. Cumberland*, 228 F.3d 831 (7th Cir. 2000), as well as studies conducted in communities including, but not limited to Indianapolis, Indiana; Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; and Beaumont, Texas; findings reported in the Final Report of the Attorney General's Commission on Pornography (1986), the Report of the Attorney General's Working Group On the Regulation of Sexually Oriented Businesses (June 6, 1989, State of Minnesota); and statistics of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, the Lake County Plan Commission finds:

- (1) Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are presently insufficiently controlled by the operators of the establishments.
- (2) Crime statistics show that all types of crimes, especially sex-related crimes, occur with more frequency in neighborhoods where sexually oriented businesses are located.
- (3) Sexual acts, including masturbation, oral sex and anal sex, occur at sexually oriented businesses, especially those which provide booths or cubicles for viewing films, videos, or live sex shows.
- (4) Acts of prostitution commonly occur at or in the area of sexually oriented businesses.
- (5) Persons frequent certain adult theaters and other sexually oriented businesses for the purpose of engaging in sex within the premises.

(6) At least fifty (50) communicable diseases may be spread by activities that occur in adult sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, salmonella infections and shigella infections.

(7) Prostitution, sexual assaults and other criminal activity occur at or in the area of sexually oriented businesses.

(8) Prostitution is connected to the spread of sexually transmitted diseases.

(9) There is convincing documented evidence that sexually oriented businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values.

(10) It is recognized that sexually oriented businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are located in proximity to each other, thereby contributing to urban blight and downgrading the quality of life in the adjacent area.

(11) It is not the intent of this ordinance to suppress any speech activities protected by the First Amendment, but to enact a content-neutral ordinance that addresses the secondary effects of sexually oriented businesses as well as the health problems associated with such businesses; and it is not the intent of the Lake County Plan Commission to condone or legitimize the distribution of obscene materials, and the Commission recognizes that state and federal law prohibits the distribution of obscene materials and expects and encourages state enforcement officials to enforce state and federal obscenity statutes against any such illegal activities in the County of Lake.

(12) Sexually oriented businesses have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.

(13) The general welfare, health, morals and safety of the citizens of Lake County will be promoted by the enactment of this chapter.

IV. PROHIBITIONS

(A) The establishment, enlargement, reconstruction, resumption or structural alteration of any sexually oriented business shall be prohibited if such business is within one thousand (1,000) feet of another such business or within one thousand (1,000) feet of any existing church, church zoning district, public, private or parochial school for kindergarten through twelfth grade, school zoning district, park, parking zoning district, locally designated historic preservation area, licensed day care center or day care home or lots zoned for residential use and devoted to a residential use as defined in the zoning code within Lake County, Indiana

(B) Provided further, no sexually oriented business shall be established, enlarged, reconstructed, resumed or structurally altered unless the site or proposed site is located in Highway Service District-1 (HS-1) zone by special exception.

(C) *Measurement of distances* The distance between one (1) sexually oriented business and another sexually oriented business shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structural wall of each such business. The distance between an adult entertainment business and any church, church zoning district, public, private, or parochial school for kindergarten through twelfth grade, school zoning district, park, park zoning district, locally designated historic preservation area, licensed day care center or day care home shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structural wall of the adult entertainment business to the nearest property line of the church, church zoning district, public, private or parochial school for kindergarten through twelfth grade, school zoning district, park, park zoning district, locally designated historic preservation area, day care center or day care home. If a sexually oriented business is part of or include within a business center, only the portion of such center or leased space occupied by such sexually oriented business shall be included in determining the closest exterior structural wall of such establishment.

(D) *Exterior display*

(1) *General prohibition.* No sexually oriented business shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decorations, sign, show window or other opening from any public view.

(2) *Number of signs.* Not more than one(1) business wall sign shall be permitted for a sexually oriented business and such sign shall be permitted only on the front facade. In addition to the one (1) permitted business wall sign, a sexually oriented business not located within a business center shall be permitted not more than one (1) pole or ground sign structure if it is an entity of commercial development held in either private ownership or long-term lease, and which meets all of the requirements of the zoning district in which it is located. Such requirements shall include direct access to a public street from that property and a full amount of required parking on the site with the use. All other sign structures shall be prohibited.

(3) *Sign Surface Area* The sign surface areas of a business wall sign for a sexually oriented business shall not exceed an amount equal to five (5) percent of the front building facade of the first floor elevation (first ten (10) feet) of the premises occupied by the sexually oriented business, or one hundred (100) square feet, whichever is the lesser. The maximum sign surface area of a ground or pole sign structure, where permitted, shall not exceed one (1) square foot for each lineal foot of frontage of the lot, or thirty-six (36) square feet, whichever is the lesser.

(4) *Lighting*. Signs and sign structures may be illuminated, provided, however, such illumination shall not be by way of exposed neon, exterior lighting (e.g., spot or floodlights), or any flashing or animated lights (either interior to the sign, on the exterior of the sign, or as a border to the sign).

(E) PARKING. Parking for a sexually oriented business shall be provided on the site with the use. There shall be at least one (1) parking space for each two hundred eighty-five (285) square feet of floor area or one (1) parking space for every two (2) seats of seating capacity, whichever standard results in the higher requirement.

(F) CONTINUATION OF NON-CONFORMING USE. The lawful use of land or buildings existing at the times of the adoption of this chapter may continue although such use does not conform to the regulations specified herein, subject to the provisions set forth in Sections IV.A and IV.B above.

E. DESIGN SPECIFICATIONS:

	HS-1 DISTRICT	HS-2 DISTRICT
1. Minimum Lot Area	10,000	1 acre
2. Minimum Frontage	80 feet	100 feet
3. Setbacks and Yards:		
a. Minimum Setback:	In accordance with 2.7 (I)	
b. Side & Rear Yards	10 feet each	50 feet each with a minimum of twenty feet (20') preserved as a buffer strip along all boundaries.
4. Maximum Lot Coverage	25%	25%
5. Maximum Height	35 feet	35 feet
6. Exceptions –	In accordance with 9.0 (9.7 and 9.9) of this Ordinance.	
7. Parking and Loading –	In accordance with 2.0 (2.7-C and 2.7-D) of this Ordinance.	

7.5 Professional Office Zone

A. Purpose This district is designed to accommodate those non-residential uses of an Administrative or Professional nature which are necessary to the normal conduct of a community's activities. It is NOT intended to accommodate commercial establishments of retail nature.

B. Permitted Uses

- Office of a Professional nature**, including, but not limited to, Architects, Engineers, Lawyers, Planners, Surveyors, and similar professions.
- Offices of an Administrative nature**, including, but not limited to, Accounting, Clerical, Real Estate, Insurance, etc.
- Medical and Dental facilities** for human care, including laboratories, but excluding facilities for overnight care.
- Any other use of a similar nature**, providing there is not on-site sale of goods, or exchange of such goods.
- Signs** – In accordance with 8.4 (5).

6. **Public Parking** – In accordance with 9.8.

7. Roof-Mounted Solar Energy Systems

C. Height

1. **Maximum Height** – Two (2) stories not to exceed twenty-five (25) feet in height.

2. **Exceptions** – Exceptions to height regulations are provided for in 9.8.

D. Yards

1. **Minimum Setback** – In accordance with 2.7 (I).

2. **Side Yards** – In all instances, there shall be a side yard of not less than four (4) feet for each story of height, but such side yard shall not be less than six (6) feet in width.

3. **Rear Yard** – In all instances, there shall be a rear yard of not less than twenty (20) percent of the depth of the lot, but such rear yard need not exceed twenty (20) feet.

4. **Exceptions** – In accordance with 9.9.

E. Maximum Lot Coverage

1. Building coverage shall be limited to twenty-five (25) percent of the total area of the lot. Not more than one building shall be permitted on a lot.

2. Not more than fifty (50) percent of the area of the lot may be covered by drives or parking areas.

F. Uses Permitted by Special Exception Only

1. Ground-Mounted Solar Energy Systems

-----Pursuant to Subsection 9.10.1-----

7.6 Planned Business Centers (BP Zone)

A. General Conditions – A BP District (Planned Business Centers) may be established upon a tract of land in a single ownership, or under united control, provided the preliminary and final development plan for a Planned Business Center has been prepared and submitted in compliance with the regulations and requirements of this Section.

The approximate location of a Planned Business Center shall be designated on the zoning map by a star. One center may be located within, 1,400 feet of the center of the star, provided the applicant has met the requirements of this section. The district shall be further divided into BP-1, BP-2, and BP-3 Districts with requirements as listed below:

BP-1 District – The net area of land to be included and so designated shall be at least one and one half (1/2) acres in size.

BP-2 District – The net area of land to be included and so designated shall be at least five (5) acres.

BP-3 District – The net area of land to be included and so designated shall be at least ten (10) acres.

The net area as used herein shall not include any area within designated highways, streets, alleys, or any other public ways or public property.

BP District – The area occupied by a building on a tract of land which is to be established as a BP District shall be twenty-five (25) percent or less of the net area of the district. The location of any BP District shall be on property which has an acceptable relationship to major thoroughfares. The Commission must satisfy itself as to the adequacy of the thoroughfares to carry the additional traffic engendered by the development, and may request a report and recommendation from the County Highway Superintendent.

The place of the proposed development must present the unified and organized management of building and service facilities which shall have a functional relationship to the properties and public ways comprising the planned development and shall not adversely affect the properties and uses of properties immediately adjacent to the proposed development.

The requirements and regulations herein described pertaining to height, yards, setbacks, and parking and loading may be adjusted or modified by the County Plan Commission before a BP District is established so that the property in question may be developed in a reasonable manner and at the same time will not be detrimental to the public welfare and the interest of the community, but in keeping with the general intent and spirit of the zoning ordinance.

The Lake County Plan Commission shall have the power to make and adopt such rules and regulations necessary and proper to effectuate the purpose of this section. The Plan Commission may, if it sees fit, require the Developer to have made a projected shopping analysis of the surrounding trade area in which it is anticipated that the center may draw for its customers.

The proponents of the Planned Business Center shall prepare or submit a preliminary development plan to the County Plan Commission for its inspection and review, upon which the Plan Commission shall hold a Public Hearing. Notification will be published in a newspaper of general distribution in the

County at least ten (10) days prior to the Hearing. Upon determination by the Commission that the preliminary plan as prepared and submitted, meets the requirements and regulations of this section, the proponent shall prepare and submit a final development plan, which plan shall incorporate any changes or alterations suggested by the Commission. If the final development plan is found to comply with the intent of the requirements and regulations set forth in this section, the Commission shall prepare and submit to the legislative body a request for ordinance, which ordinance shall provide for the establishment of a BP District in accordance with the final development plan submitted. The legislative body may modify the final development plan consistent with the intent and meaning of the ordinance. The preliminary and final development plans submitted shall comply with the rules and regulations adopted by the legislative body for the submission, review, and development of the Planned Business Centers.

The final development plan, upon being approved by the legislative body, shall be recorded with the Recorder of Deeds of Lake County. Application may be made directly to the legislative body for the zoning of property for a Planned Business Shopping Center. But, before taking action, the legislative body shall refer the matter to the County Plan Commission for recommendations. The procedure and requirements for the submission of the plans and the information required shall be the same as though the application had been made directly to the County Plan Commission and which is provided for in this section.

When the matter has been referred to the County Plan Commission by the legislative body and action has been taken by the County Plan Commission, the plan, together with the recommendation of the County Plan Commission, shall be submitted to the legislative body.

The proponents of the Planned Business Center shall prepare and submit a schedule of construction, which construction shall begin within a period of one (1) year following the approval of the final development plan by the legislative body and the issuance of a Building and Zoning Permit. Failure to begin construction as scheduled shall void the plan as approved unless request for an extension is made by the proponents to the Board of Zoning Appeals and approved by the said Board. No fee shall be charged for this request.

If for any reason the plan is abandoned or if the construction is terminated after the completion of any stage and there is ample evidence that further development is not contemplated, the ordinance establishing such BP District shall be restricted by the legislative body and the zoning of the entire tract of the portion which is undeveloped as a Planned Business Center shall be changed to its former classification by ordinance. After the final development plan has been approved and the zoning change has been made, and when, in the course of carrying out this plan, adjustments or rearrangement of buildings, parking areas, entrances, heights, or yard, are being requested by the proponents, and such request conforms to the standards established by the approved final development plan for the area to be covered by buildings, parking space entrances, heights, or setbacks, and lot area requirements, such adjustments may be approved by the

Board of Zoning Appeals upon application without fee and after receiving the recommendations of the County Plan Commission.

The plan shall meet the following requirements as to use, height, yard space, off-street parking and loading, and all driveways or shop access ways.

- B. Use** – In District BP, which is further divided into BP-1, BP-2, and BP-3, no building or land shall be used and no building shall be erected, altered, or enlarged, which is arranged, intended or designed, for other than the following uses:

In any BP District, only one (1) Entrance sign and flat wall signs on the face of a building or marquee are permitted, Otherwise, all advertising signs will comply with the regulations as indicated in 9.0 (9.5-A1) with the exception that one (1) additional sign structure to indicate each Planned Business Center shall be permitted. Such identifying sign or structure shall be a permanent type construction and shall conform to all the requirements of the Zoning Ordinance and Building Codes of Lake County. The Plans for the sign of structure shall be submitted as part of the Preliminary and Final Development Plan.

a. In District BP-1

1. Artist Studios
2. Bakery or Pastry Shops (Retail Only), employing not more than five (5) persons on the premises.
3. Banks
4. Barber or Beauty Shops
5. Bicycle Repair Shops
6. Book or Stationery Stores
7. Churches
8. Cleaners Collection Stations
9. Clinics (for humans only)
10. Clothing or Ready to Wear Stores
11. Confectionery Stores
12. Dancing Schools
13. Drug Stores
14. Dry Goods or Notions Stores
15. Dying, Dry Cleaning, or Laundry Collection Offices
16. Electrical Shops
17. Fix-It Radio or Television Repair Shops
18. Florists or Gift Shops
19. Furniture Homes or Stores
20. Garages (Storage) for Motor Vehicles, no body or fender work.
21. Grocery, Fruit or Vegetable Stores
22. Jewelry Stores
23. Meat Markets or Delicatessens
24. Music Studios
25. Hardware Stores
26. Offices, including Ticket Offices for Railroads, Buses, etc.

27. Plumbing Shops, no tin work or outside storage permitted.
28. Photographic Studios or Shops
29. Public Parking Lots or Stations for Passenger Cars or Taxicabs
30. Restaurants or Tea Rooms, excluding "Drive-Ins"
31. Service Stations (Gasoline and Oil), not including motor, body or fender work, and complying with the restrictions for such as given in 7.0 (7.1-B-1).
32. Shoe Stores or Shoe Repair Shops
33. Tailor Shops
34. Other Retail Business Activities of the character enumerated above not included in any other classification.
35. Accessory Uses customarily incidental to the uses enumerated above, including Air conditioning Plants and Ice Refrigeration Plants purely incidental to a main activity permitted on the premises.

A maximum of one (1) H.P. employed in the operation of any one (1) machine, or a total of three (3) H.P., for the manufacture of articles to be sold at retail on the premises shall be permitted as an accessory use. No more than one hundred fifteen (115) volts shall be used on power equipment, other than heating and air-conditioning.

36. Department Store

b. In a District BP-2

1. Any use permitted in District BP-1
2. Auto Laundries
3. Automobile or Trailer Sales Rooms
4. Bakery or Pastry Shops, Retail Only
5. Barbecue Stands
6. Bars and cocktail Lounges if they comply with The Liquor Ordinance.
7. Billiard or Pool Halls and Bowling Alleys, if the nearest point of the property is more than two hundred (200) feet from the boundary of an R-1 to R-3 District, inclusive.
8. Bus Stations
9. Business or Commercial Schools, not to include Trade Schools
10. Children's Day Nurseries for the convenience of customers, including Accessory Amusement Devices.
11. Commercial Photography
12. Drive-In Restaurants, where persons are served in automobiles, when the nearest point of the property is more than two hundred (200) feet from the boundary of an R-1 to R-3 District, inclusive and provided all work is done within the building.

13. Frozen Food Lockers for individual or family use
14. Garages, Public, provided the nearest point of the property is more than two hundred (200) feet from the boundary of an R-1 to R-3 District, inclusive, and provided all work is done within the building.
15. Ice Cream Stores
16. Job Printing, Newspapers, Lithographing and Publishing (less than total of five [5] H.P.).
17. Launderettes, Washterias, or Self-Service Laundries
18. Loan and Finance Companies
19. Night Clubs or Taverns, if they comply with the Liquor Ordinance.
20. Office Buildings
21. Package Liquor Stores, if they comply with the Liquor Ordinance.
22. Pet Shops, if entirely within a building.
23. Pony Rings, provided the animals are stabled outside of the development, and when in connection with a Day Nursery.
24. Public parking Stations for Commercial Delivery Cars not exceeding three-quarter (3/4) ton.
25. Service Stations, Gasoline and Oil.
26. Telephone Exchanges
27. Theaters and Picture Shows, other than "Drive-Ins".
28. Tire and Battery Shops
29. Wholesale Sales Offices and Sample Rooms

A maximum of (1) H.P. employed in the operation of any one (1) machine, or a total of three (3) H.P., for the manufacture of articles to be sold at retail on the premises shall be permitted as an accessory use. No more than one hundred fifteen (115) Volts shall be used on power equipment, other than heating and air-conditioning.

c. In a District BP-3

1. Any use permitted in District BP-2.
2. Battery Stations
3. Cat and Dog Hospitals, sound-proofed and air-conditioned and without outside pens.
4. Diaper Service
5. Drive-In Businesses where persons are served in automobiles, such as Refreshment Stands, Restaurants, Food Stores, and the like, provided the nearest point of the property is more than one hundred (100) feet from the boundary of a residentially zoned (R-1 to R-3) property, inclusive.
6. Garages, Public, provided the nearest point of the property is more than one hundred (100) feet from the boundary of an R-1 to R-3 District, inclusive, and provided all work is done within the building.

7. Manufacture of Articles sold only at retail on the premises
8. Miniature Golf Courses
9. Newspapers, Job Printing, Lithographing and Publishing
10. Parking Stations for trucks and buses
11. Photograph Printing Shops
12. Plumbing or Sheet Metal Shops (allow punching of material of one-eighth (1/8") inch or less in thickness).
13. Sign Painting and Sign Shops
14. Taxidermy
15. Tourist Courts and Motels
16. Transfer and Storage Offices
17. Accessory Uses customarily incidental to the above uses.

A maximum of three (3) H.P. employed in the operation of any machine for the manufacture of merchandise shall be permitted as an accessory use.

C. Height, Yard, and Area Regulations

1. Height

In a BP-1 District, the height shall not exceed two (2) stories and shall not exceed thirty-five (35) feet.

In a Shopping District BP-2, the height shall not exceed three (3) stories and shall not exceed forty-five (45) feet.

In a BP-3 District, the height shall not exceed six (6) stories and shall not exceed seventy-five (75) feet.

If a Planned Business Center is to be constructed in the vicinity of an airport, no building or structure shall be erected whose roof, chimney, or top-most structure, or portion of a structure, shall intrude into an approach zone as indicated in Civil Aeronautics Authority Regulations, provided that this shall not prohibit the erection of a building or structure of a height not over twenty-five (25) feet.

2. Yards

In any BP District, there shall be a setback from any street conforming to the requirement in which the District is located. Any structure in the BP District shall be at least twenty (20) feet from any other building and ten (10) feet from any parking lot.

Along any property line within or adjoining an established Commercial District, there shall be a setback from any building or structure of at least ten (10) feet, unless provisions for a Fire Lane are not considered necessary. Along any other property line abutting or adjoining a

Residential Zone District, there shall be a setback of at least twenty (20) feet from any building or parking lot.

The Planned Business Center shall be permanently screened from any abutting or adjoining properties zoned for residential use by a wall, fence, hedge, or other suitable enclosure at least three and one-half feet in height, which shall be erected or placed at least fifteen (15) feet from the property line. The area between the wall, fence, or ledge planting shall be planted with grass, trees and shrubs to form a permanent screen. Such trees, shrubs and grass shall be properly and adequately maintained by the developer or subsequent owner.

The building line along any street shall be consistent with the building line established in the neighboring Residential District.

The Lake County Plan Commission may recommend a reduction in the above required setback where the situation will reasonably warrant such reduction.

D. Parking and Loading Regulations – Parking shall be provided in accordance with 2.7 (C).

Ample off-street parking space for standard loading and unloading shall be provided within the development. The location of illumination for any driveway and parking area shall be on light standards at least twelve (12) feet above the ground, but shall not exceed eighteen (18) feet in height. Lights used to illuminate the parking area shall be so spaced that they will not reflect on adjoining streets or residential properties.

8.0 INDUSTRIAL ZONE REGULATIONS

8.1 M-1 – Light Industrial District – The following regulations contained in 2.0 shall apply to the M-1 – Light Industrial District provided a maximum of five (5) horsepower shall be employed in the operation of any one (1) machine, and that such machines shall be used within a building at least three hundred (300) feet from a Business or Residential Zone.

A. Any use permitted in 7.2 (A-[2]), provided further that a building containing dwelling units shall not be permitted.

B. The following uses provided if they are within one hundred (100) feet of a lot in a more restrictive zone, said uses shall be conducted wholly within a building, except for off-street loading or delivery vehicles which are incidental thereto as required in 2.7.

1. The manufacture, compounding, processing, packaging or treatment of food products excepting fish and meat products, sauerkraut, vinegar, yeast, and the rendering or refining of fats and oils.

2. The manufacture of pottery or figurines or any other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.
3. Automobile assembly, painting, upholstering, rebuilding, reconditioning, truck repair or over-hauling, tire retreading or recapping, and battery manufacture.
4. Blacksmith Shops, manufacturing of machine tools, manufacturing of machinery including agricultural, electrical machinery or equipment, office or store machines, equipment or supplies and the like, machine shops, excluding punch presses over one hundred (100) tons ready capacity and drop hammers.
5. Foundries, casting light-weight, non-ferrous metals not causing noxious fumes or odors.
6. Animal Hospitals or Kennels
7. Chick Hatcheries
8. Underground storage of fuel oil, liquefied petroleum gas and gasoline in amounts not to exceed 120,000 gallon capacity.

SUBSECTION 8.1, PARAGRAPH C, ITEM #6 DELETED BY ORDINANCE 1563 ON 1/11/94

C. The following uses, provided the operations are carried on completely within the building:

1. Auto Wrecking
2. Bleaching or Dyeing
3. Body or Fender Works
4. Breweries or Liquor Distilleries
5. Stone Cutting

D. Height

1. **Maximum Height** – Same as required in B-3 Zone, 7.5 provided that no building or structure, nor the enlargement of any building or structure shall be hereafter erected or maintained to exceed the height requirements of an adjacent R Zone when such building or structure is within one hundred fifty (150) feet of said adjacent R Zone.
2. **Exceptions** – Exceptions to height regulations are provided for in 9.8.

E. Setbacks and Yards

1. **Minimum Setback** – In accordance with 2.7 (I).
2. **Side Yard** – Where the side of a lot in the M-1 Zone abuts upon the side of a lot in an R Zone, there shall be a side yard of not less than four (4) feet from each story of twelve (12) feet in height, but such side yard shall not be less than six (6) feet in width.

In all other cases, a side yard for an Industrial Building shall not be required, but if provided, it shall not be less than four (4) feet in width.

3. **Rear Yards** – Where the rear of a lot in the M-1 Zone abuts upon a lot in an R Zone, there shall be a rear yard of not less than twenty (20) percent of the depth of the lot, but such rear yard need not exceed twenty (20) feet.

In all other cases, a rear yard for an Industrial Building shall not be required, but if provided, it shall not be less than four (4) feet in depth.

4. **Exceptions** – Exceptions to yard regulations are provided for in 9.9.

F. Uses Permitted by Special Exception Only

1. Ground-Mounted Solar Energy Systems

G. Permitted Uses

1. Roof-Mounted Solar Energy Systems

-----Pursuant to Subsection 9.10.1-----

8.2 M-2 Heavy Industrial District – The following regulations and the regulations contained in 2.0 shall apply in the M-2 District.

SUBSECTION 8.2, PARAGRAPH A, ITEMS #12 & #15 DELETED BY ORDINANCE 1563 ON 1/11/94

- A. The following uses**, provided that if they are within one hundred fifty (150) feet of Residential or Business Zone, shall be contained wholly within a building, or within an area enclosed on all sides with a solid wall, compact evergreen screen or uniformly painted board or metal fence not less than six (6) feet in height, except for the off-street parking and loading of delivery vehicles which are incidental thereto as required in 2.7.

1. Brick, Tile, Terra Cotta or Cinder Block
2. Acetylene Gas Manufacture or Storage
3. Alcohol Manufacturing

4. Ammonia or Bleaching Powder Manufacturing
5. Asphalt Manufacturing or Refining
6. Boiler Works, Locomotive or Railroad Car Manufacturing
7. Carbon or Lampblack Manufacturing
8. Central Station Light or Power Plant
9. Coal Distillation, including Manufacture or Derivation of the By-Products
10. Coke Oven
11. Creosote Manufacture or Treatment
12. Gas Manufacture from Coal or Petroleum or the storage thereof
13. Furniture Manufacture
14. Iron or Steel Foundry, Steel Furnace or Rolling Mill, except Smelting
15. Meat Products Manufacture
16. Oilcloth or Linoleum Manufacture
17. Paint, Oil, including Linseed, Shellac, Turpentine, Lacquer or Varnish Manufacture
18. Planning Miller
19. Plastic Manufacture
20. Power Forge
21. Pyroxylin Manufacture
22. Railroad Yards, including Turntables and Repair Facilities
23. Rubber or Gutta-Percha Manufacture or Treatment
24. Soap Manufacture
25. Stove or Shoe Polish Manufacture
26. Tanning, Curing, or Storage of Raw Hides

27. Tar Distillation or Tar Products Manufacture Height, Yard, Setback, and Area regulations same as M-1 8.1, Paragraph A and B.

B. Permitted Uses

1. Roof-Mounted Solar Energy Systems

C. Uses Permitted by Special Exception Only

1. Ground-Mounted Solar Energy Systems

-----Pursuant to subsection 9.10.1-----

8.3 CDD – Conditional Development District

- A. Purposes** – This district is created to protect the public health, safety, comfort, and general welfare as concerns uses that have a serious impact on the environment and on neighboring properties, and to provide proper classification for the approval of such use.

SUBSECTION 8.3, PARAGRAPH B, ITEMS #7, 8, 9, 10, 11 ADDED BY ORDINANCE 1563 ON 1/11/94

B. Permitted Uses

1. **Quarries and Borrow Pits** – Whenever Quarries, Borrow Pits, Sand Mines, and Peat Mines are requested, a public hearing shall be conducted by the Lake County Plan Commission for the purpose of providing parks, recreational areas or other use upon the completion of the project. In such cases, the operator shall submit a plan to show the depth and extend and indicate the size of the excavations and the proposed use of the land when the project is completed. No Quarries and Borrow Pits shall be approved within 1,000 feet of any subdivision.
2. **Sanitary Landfills** – When in accordance with the Lake County Sanitary Landfill Ordinance, Sanitary Landfills may be permitted in this zone. The Plan Commission and/or the legislative body may require as special conditions to any change of zone to this classification any of the requirements or conditions that are contained in the Lake County Sanitary Landfill Ordinance #26 adopted August 20, 1974 and as amended which is incorporated herein by this reference and all Sanitary Landfills shall in all respects comply therewith.
3. **Private Airfields** – Private airfields utilizing turf or gravel runways.
4. **Go-Kart Tracts**
5. **Concrete Mixing**

6. Upon recommendation of the Lake County Plan Commission, after a public hearing, and by a majority vote, the following uses may be included in the CDD Zone provided that specific conditions to protect the public are included:
 - a. Slaughterhouse
 - b. Junk Yard
 - c. Feed Lots in other than an A-1 Zone, and on less than 20 acres.
 - d. Auto Body and Fender Work
 - e. Material Storage or Use

And any use not specifically authorized in any other zone may be permitted in a CDD Zone provided the use will not be injurious to adjacent property owners or to the general public health and welfare.

7. Storage, Sorting, Collection, or Baling of Rags, Paper, Junk or Metal.
8. Garbage Disposal, including Garbage Feeding, Transfer Stations, and similar uses.
9. Incinerator, municipal
10. Composting
11. Any other environmentally questionable use of garbage, waste or by-products. This determination shall be made by the Executive Director of the Plan Commission.
12. Roof-Mounted Solar Energy Systems

C. Special Conditions – In approving any CDD Zone, the Plan Commission and/or the legislative body may require any special conditions or provisions necessary for the protection of adjacent property owners or other residents in unincorporated Lake County or reasonably required to protect the general public health and welfare, including but not limited to compliance with any and all laws or ordinances affecting the intended use or Performance Bonds to indemnify against loss or injury to residents.

D. Zoned for Specific Use Only – Any amendment to the Lake County Zoning Ordinance reclassifying property to a CDD Zone shall specify that said change of zone is granted only for the purpose of permitting a specific use. No other use available under this Zone shall be lawful unless subsequent approval is given by the Lake County Plan Commission and the legislative body.

E. Height, Yard and Setback regulations are the same as Section 7.3, B-3 General Business Zone, Sections B & C.

F. Uses Permitted by Special Exception Only

1. Ground-Mounted Solar Energy Systems

-----Pursuant to Subsection 9.10.1-----

8.4 Planned Industrial Center

A. Purpose – The primary purpose of this district is to provide a means for the consolidation of numerous, small industrial plants and research facilities in a common park-like atmosphere conducive to the mutual benefit of large-scale development, while minimizing potential adverse effects on surrounding properties by providing for suitable open spaces, landscaping, parking and traffic control not always feasible by the uncontrolled dispersal of numerous small industrial units on isolated sites.

B. Minimum Site Requirements

1. **Location** – The parcel of land shall have direct access to a secondary, primary, or state highway as designated in the Preliminary Thoroughfare Plan of Lake County, Indiana.
2. **Sewage Disposal** – Sewage Disposal Facilities, approved by the Lake County Health Department, or any applicable State Agency, shall be available to the property in question.
3. **Water Run-Off** – The property in question shall be capable of disposing of storm water run-off without adversely affecting adjacent properties.
4. **Other Utilities** – Other utilities, i.e., water, electricity, gas, telephone, shall be available to the property in question.
5. **Topography and Soils** – The proposed project shall be reasonably level and well drained.
6. **Minimum Parcel Area** – No Planned Industrial Center Development shall be initiated on less than thirty (30) acres of land so that sufficient area is available for modern horizontal plants, parking facilities, loading areas, internal traffic circulation, yard space, buffers and landscaping within a flexible and efficient layout.

C. Procedure for Application for Rezoning – In addition to the requirements of 12.0 of this ordinance, the petitioner shall submit the following:

1. Site Plan of proposed project showing Title Block, including the name of the project, date, scale, and north arrow; name and address of owner and developer, as well as the name and address of the planner or engineer preparing the plan.

2. Location and names of adjacent subdivisions and the owners of adjoining parcels of unsubdivided land.
3. Location of all entrances and exits, including acceleration and deceleration lanes, frontage roads, and traffic regulation controls, and any other information requested by the Plan Commission for the proper review of traffic circulation.
4. Exterior buffer strips, screening, and setbacks.
5. Topographic information at two (2) feet contour levels with reference to U.S.G.S. datum.
6. Soil information as determined from the Department of Agriculture, Soil Conservation Survey.
7. Evidence that all utilities listed in Sub-sec. B of this section are available to the parcel in question.

D. Upon approval of the rezoning by the legislative body, the petitioner shall apply to the Lake County Plan Commission for a Building and Zoning Permit prior to starting construction of any industrial buildings.

1. Application for a Building and Zoning Permit shall be required for each industrial building or use, or group of buildings or uses, to be constructed in one (1) phase.
2. Said application shall include the following:
 - a. Site Plan showing conformance with all applicable County Regulations.
 - b. Satisfactory evidence that all utility needs have been satisfied.
 - c. Any other information or approvals deemed necessary for proper review of the application.

E. Permitted Uses – The following uses may be permitted, provided they are not offensive to the occupants of adjacent premises by reason of the creation of emission of noise, smoke, odor, dust and dirt, toxic or noxious materials, glare or heat, or fire, explosion, or radiation hazards:

1. Industrial Administrative Offices
2. Laboratories, Offices, and other Facilities for Research, both basic and applied, conducted by or for any individual organization or concern.
3. Production of Prototype Products when limited to the scale necessary for full investigation of the merits of the product.

4. Production, Processing, Storage, and Distribution of Materials, Goods and Products not involving a retail activity on the lot or parcel; excluding those listed under Sec. F.
5. Accessory Uses clearly appurtenant to the main use of the lot and customary to and commonly associated with the main use, such as:
 - a. Caretaker's Residence
 - b. Restaurants and Cafeteria Facilities, provided:
 1. Such restaurant or facility is so located or designed within the park to present no visible evidence of their commercial nature to persons outside the park.
 2. The use of such facility shall be solely by the occupants of the park.
6. Roof-Mounted Solar Energy Systems

F. Uses Prohibited

1. Abattoir
2. Stamping Machines, Punch Presses over ten (10) ton limit
3. Hot Forgings, Steam or Board Hammers
4. Open Storage for Junk, Auto Wrecking yards, and other Waste Products.
5. Manufacturing, Storage or use of Explosives of any kind.

G. Performance Standards – No use shall be permitted which would violate any of the following minimum performance standards:

1. **Noise** – No use shall be permitted which would create noise exceeding the level of normal conversation when measured at any property line.
2. **Smoke and Particulate Matter** – For the purpose of grading the density of smoke, the Ringelmann Chart published and used by the United States Bureau of Mines, shall be employed. The emission of smoke or particulate matter of a density greater than NO. 1 on the Ringelmann Chart is prohibited at all times.
3. **Odors, Dust, Dirt, Fumes, Vapors, and other forms of Air Pollution** – There shall be no emission of odors, dust, dirt, fumes, vapors, and other forms of air pollution which may be detrimental to or endanger the public health, safety, comfort, or general welfare. The emission of offensive

odors in such quantities as to be readily detectable from any location outside of the Industrial Center, or which produce a public nuisance or hazard beyond lot lines is prohibited.

4. **Vibration** – There shall be no vibrations humanly perceptible at or beyond the Industrial Center.
5. **Glare and Heat** – Any operation producing glare and/or heat shall be performed within an enclosed building or in such manner as not to be visible or to produce any adverse effect beyond the property line of the lot on which the operation is located.
6. **Radiation Emission** – There shall be no electro-magnetic radiation or radioactive emission injurious to human beings, animals, or vegetation, or of any intensity that interferes with the lawful use of any other property.
7. **All Permitted Uses shall be conducted wholly within a building.** Any outdoor storage or supplies, or raw material shall be effectively screened so as not to be visible from any location outside of the Industrial Center.

H. Development Requirements with the Center

1. Internal Circulation

- a. All proposed uses shall direct access to a street or drive within the Industrial Center only.
- b. All interior streets shall be served with curb and gutter and storm sewers. Pavement width shall be a minimum of thirty (30) feet and constructed with a minimum ten (10) inch aggregate base with three (3) inch bituminous pavement.
- c. Every Industrial Center shall provide a frontage road along the entire length of property abutting any street. Said road shall be constructed as required in (b) above.
- d. Not more than one (1) entrance from a public street to the frontage road shall be permitted. Where the Industrial Center has over 1,000 feet of frontage along a public road, additional entrances may be permitted where a minimum distance of 660 feet is provided between center-lines of the entrances.

2. Buffer Strips

- a. A buffer strip shall be provided along all Industrial Center boundaries. Said buffer strip shall:

1. Be a minimum of one hundred (100) feet when adjacent to a Residential or Agricultural Zone, or fifty (50) feet if adjacent to any zone other than residential or agricultural.
 2. Be attractively landscaped.
 3. Include a chain-link fence not less than six (6) feet or more than eight (8) feet in height wherever the district abuts a Residential or Agricultural District.
- b. Parking may be permitted within the required buffer strip, provided that no parking shall be permitted within fifty (50) feet of any park boundary abutting a Residential or Agricultural Zone, or twenty-five (25) feet of any other zone.
 - c. When all or part of the proposed Industrial Park abuts land zoned for industry, or abuts a railroad right-of-way or natural condition which creates a physical barrier, the Plan Commission may waive the requirements for a buffer strip for that portion abutting said zone or physical barrier.

3. **Height of Buildings and Structures**

- a. Maximum Height of Buildings – Two and one-half (2-1/2) stories, or thirty (30) feet, except as provided in Sub-Sec 4b.
- b. Maximum Height of Structures – Forty (40) feet.

4. **Lot Areas and Yard**

- a. To permit flexibility in design and development of an Industrial Center, individual lot sizes shall not be specified. However, prior to obtaining a building permit, the area of land allocated to the use shall be clearly shown on the permit application.
 1. No building shall be permitted to cover more than thirty-five (35) percent of the land allocated to it.

If the parcel in question abuts a buffer strip which has not been allocated for any other building, the portion of the buffer strip immediately adjacent to the site in question (as determined by extending the lot lines) may be used in computing total lot area, providing that no buildings may be constructed within the designated buffer zone.

2. No land shall be allocated to more than one (1) building or use.

- b. **Front Yard** – A landscaped yard shall be provided between any street or drive and the building as follows:
 - 1. Where building height is thirty (30) feet or less, the yard shall be thirty (30) feet as measured from the nearest curb to the building.
 - 2. Where building height exceeds thirty (30) feet, the yard shall be increased one (1) foot for every one (1) foot the building exceeds thirty (30) feet.
 - 3. No parking shall be permitted within the front yard.
- c. **Side Yards** – Each building shall have two (2) landscaped side yards. Each side yard shall be equal in width to one-half (1/2) the height of the building, or ten (10) feet, whichever is greater.
- d. **Rear Yards** – A rear yard equal to twenty-five (25) percent of the depth of land allocated to that building shall be provided.

5. **Parking and Loading Spaces**

- a. Parking shall be provided in accordance with 2.0, 2.7(C) of this Ordinance.
- b. Loading space shall be provided as required by 2.0, 2.7(D) of this Ordinance.
- c. All parking and loading areas shall be effectively landscaped.

6. **Landscaping** – Landscaping shall be maintained in all required front and side yards in accordance with plans approved by the Plan Commission. A landscape plan showing locations and varieties of plant materials shall be submitted for site plan review by the Plan Commission. All landscaped areas and buffers shall be planted with suitable living plant materials and replaced as necessary. Landscaped areas shall be watered, weeded and generally maintained.

7. **Signs** – Only flat wall signs, architecturally integrated with, and placed upon a building wall, shall be permitted.

One (1) free standing sign identifying the Industrial Center shall be permitted at each entrance of the Center.

8. **Utilities** – All utilities shall be installed underground.

I. Uses Permitted by Special Exception Only

- 1. Ground-Mounted Solar Energy Systems

-----Pursuant to Subsection 9.10.1-----

9.0 SUPPLEMENTARY REGULATIONS

1. Abandoned Vehicles

1.1. Regulation of Abandoned Vehicles

- 1.1.1. No individual, partnership, corporation, organization or association of any kind (hereinafter “person”) owning, leasing, renting, or otherwise controlling property within the limits of the jurisdiction of unincorporated Lake County, Indiana shall keep, maintain, or allow an Abandoned Vehicle on such property. No one owning, possessing, or having an interest in an Abandoned Vehicle shall place that vehicle on any public or private property in Unincorporated Lake County.
- 1.1.2. No person shall place an Abandoned Vehicle or any portion or part thereof on any public way or place with unincorporated Lake County. Public ways or places shall include any roads, streets, highways, or any associated rights-of-way of any road, street, or highway within the jurisdiction of unincorporated Lake County.

1.2. Impounding Abandoned Vehicles

- 1.2.1. In addition to the Lake County Sheriff’s ability under I.C. 9-22-1 et. seq. to regulate Abandoned Vehicles on public or private property, the Lake County Sheriff’s Department, with the written authorization of the Lake County Plan Commission under the Unincorporated Lake County Zoning Ordinance, is authorized to remove or have removed any Abandoned Vehicle left at any place, including private property, within Unincorporated Lake County, which reasonably appears to be in violation of this section, or appears to be lost, stolen or unclaimed.
- 1.2.2. After written authorization to the Lake County Sheriff, the Lake County Plan Commission will bear the cost of removal of any such Abandoned Vehicle from private property within unincorporated Lake County and shall be entitled to reimbursement from the owner of any such Abandoned Vehicle. Such Abandoned Vehicle shall be impounded until lawfully claimed or disposed of in accordance with the applicable Laws of the State of Indiana.
- 1.2.3. This Section of the Unincorporated Lake County Zoning Ordinance is not intended to interfere with the normal, usual, and customary operation of the Lake County Sheriff and his/her Department concerning Abandoned Vehicles. However, this Section is intended to regulate land use by prohibiting the parking, storing, dismantling, collecting, or keeping of Abandoned Vehicles that may have a negative impact on land values and the environment. Abandoned Vehicles located on public property may be removed by the Lake County Sheriff’s Department under the Laws of the State of Indiana.

- 1.2.4. Nothing in this ordinance shall prevent Lake County, the Lake County Sheriff or the Lake County Plan Commission from pursuing any remedy available for violation of this Ordinance in a court of competent jurisdiction.

1.3. Penalty

- 1.3.1. Any entity who violates the provisions of this Ordinance and whose abandoned vehicle is disposed of in accordance with I.C.9-22-1 et.seq., shall be liable for all costs and penalties in accordance with the provisions of I.C.9-22-1 et.seq. Alternatively, upon the discretion of Lake County, the Lake County Sheriff or the Lake County Plan Commission, action may be taken against the entity who violates the provisions of this Ordinance, in a Court of competent jurisdiction, for fines and penalties defined in section 10.5 of this Ordinance.

9.1 Swimming Pools

A. **Definitions** – For the purpose of this section the following words and phrases shall have the meanings ascribed them respectively.

1. **Door** - A part of a fence that when open provided ingress and egress through the fence and when closed obstructs ingress and egress through the fence.
2. **Fence** – A free-standing artificially-constructed barrier, composed of any material or combination of materials (including, but not limited to, wood, metal, plastic, or other materials), including without limitation screens and walls, and hedges, shrubbery, or other vegetation, planted or erected to enclose, screen or otherwise restrict ingress or egress to an area.
3. **Gate** – Interchangeable with the term “Door”.
4. **Grade** – The degree of rise or descent of a sloping surface.
5. **Swimming Pool** – Any artificial basin of water constructed, modified, or improved for wading, swimming, or diving. The term does not include artificial lakes.
6. **Swimming Pool (in ground)** – Any swimming pool whose sides rest in partial or full contact with the earth.
7. **Swimming Pool (non-permanently installed)** – Any swimming pool that is so constructed that it may be readily disassembled for storage and reassembled to its original integrity.
8. **Swimming Pool (on ground)** – Any swimming pool whose sides rest fully above the surrounding earth.

9. **Swimming Pool (permanently installed)** – Any swimming pool that is constructed in the ground or in a building in such a manner that the pool cannot be readily disassembled for storage.
10. **Swimming Pool, Residential** – Any in-ground pool or on-ground pool capable of a water depth greater than forty-two (42) inches (one thousand sixty-seven (1,067) mm), and all pools installed inside a residence regardless of water depth, whether or not served by electrical circuits of any nature, and which is intended for noncommercial use as a swimming pool by not more than two (2) owner families and their guests.
11. **Swimming Pool (wading)** – Any pool that may range in water depth from two feet to zero feet for wading.

B. Swimming Pools. A swimming pool, residential (family pool), a swimming pool (permanently installed), for a swimming pool (in ground) shall be permitted as an accessory use, provided the following conditions are met:

1. Minimum yard building setback requirements of the zoning lot in which the swimming pool is to be located, shall be observed.
2. Access thereto shall be restricted by one of the means described more fully in 675 IAC 14-4.3-296 safety features:
 - a. Walls or fencing not less than four (4) feet high and completely surrounding the pool and deck area with the exception of self-closing and latching gates and doors, both capable of being locked.
 - b. Other means not less than four (4) feet high and deemed impenetrable by the enforcing authority at the time of construction and completely surrounding the pool and deck area when the pool is not in use.
 - c. A combination of clauses (a) and (b) that completely surrounds the pool and deck with the exception of self-closing and latching gates and doors which are capable of being locked. This applies to clauses (a) and (b) and this clause only.
 - d. A power safety pool cover that:
 1. shall provide a continuous connection between the cover and the deck, so as to prohibit access to the pool when the cover is completely drawn over the pool;
 2. shall be mechanically operated such that the cover cannot be drawn open or retracted without the use of a:
 - (a) key; or
 - (b) key and switch; or

- (c) touch pad with a personal access code;
 - (i) is installed with track, rollers, rails, guides, or other accessories necessary to accomplish items (1) and (2), in accordance with the manufacturer's instructions; and
 - (ii) shall bear an identification tag indicating the cover satisfied the requirements of ASTM F 2376 (Reapproved 2003), Standards Performance Specification for Safety Covers and Labeling Requirements for all Covers for Swimming Pools, Spas, and Hot Tubs, as published by ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19428-2959 for power safety pool covers.
- 3. Not less than the following lifesaving equipment shall be installed with each residential swimming pool;
 - a. A ring or throwing buoy fitted with forty (40) feet of one-fourth (1/4) inch diameter line.
 - b. A pole not less than twelve (12) feet in length.
 - c. Access to a telephone.
- 4. All gates and doors thereto shall be self-closing and latching and capable of being locked.
- 5. Electrical service shall meet all current provisions of the National Electric Code regarding separation and clearance required from pool.
- 6. Provisions of 675 IAC 14-4.3-270 is adopted by reference and local building and electrical permits, shall be required prior to the commencement of construction.

9.2 Hobby Farms – Where district regulations permit Hobby Farms, said Hobby Farms shall be allowed, provided that:

- A. No building or structures** shall be permitted in C-1 Zones.
- B. Minimum lot size** shall be two and one-half (2-1/2) acres.
- C. Livestock harbored, raised, or bred** is primarily for personal enjoyment and not for commercial gain. Commercial stables shall not be permitted except by Special Exception and only on lots five (5) acres or more in size.

D. Animals shall be limited as follows:

1. Not more than one (1) horse, pony, steer, bull, or cow shall be permitted on the first two and one-half (2-1/2) acres. One (1) additional horse, pony, or steer may be permitted for each additional two (2) acres of pasture.
2. Horses, ponies, bulls, cows, and steer shall not be permitted to graze within fifty (50) feet of a neighboring residence (house). No animal shelter shall be permitted closer than one hundred fifty (150) feet to a neighboring residence.
3. Small animals such as sheep or goats shall be limited to a maximum of one (1) per acre, and shall not be permitted within one hundred (100) feet of a neighboring residence (house). Swine shall not be permitted within three hundred (300) feet of any neighboring residence (house).
4. Shelters for poultry, fowl, rabbits, and similar animals shall be kept a minimum of one hundred fifty (150) feet from any neighboring residence (house).

E. Keeping of more animals than permitted in 9.2 (D) shall not be permitted unless first approved by Special Exception as prescribed in 2.10 of the Lake County Zoning Ordinance by the Lake County Board of Zoning Appeals and the legislative body.

F. Hobby Farms shall not be permitted in subdivisions unless 80% of the platted lots are five (5) acres or more in size.

9.3 Accessory Buildings

A. Definitions – for the purpose of this Section the following terms shall have the following meanings:

1. **Ceiling Height** – the vertical distance from the floor to the finished ceiling; and,
2. **Overall Height** – the vertical distance from the finished floor to the peak of the roof.

B. Accessory Buildings on Less Than One (1) Acre – On lots or parcels one (1) acre or less in size, one (1) accessory building shall be permitted. Use of said accessory building shall be limited to providing covered space for vehicles (detached garage) and/or additional storage space for the usual residential accessories. The maximum size permitted for an accessory building shall be 1,014 square feet in area and one (1) story – (12’6” ceiling height), not to exceed sixteen (16) feet overall height.

1. The actual size Accessory Building which may be permitted shall be determined by the maximum size permitted (1,014 square feet), less the following:
 - a. If residence has an attached garage or carport, the accessory structure shall be reduced 200 square feet for every vehicle space provided for in the attached garage.
 - b. Accessory structure shall also be reduced in area equal to the area within an attached garage which exceeds 12' x 24', or two hundred eighty-eight (288) square feet per vehicle.
2. If an Accessory Building already exists on the property, one (1) additional storage building may be permitted providing it does not exceed one hundred fifty (150) square feet in size, and provided the total area of all accessory buildings does not exceed 1,014 square feet.
3. In no case shall an Accessory Building occupy more than twenty (20) percent of a required rear yard, i.e., 25% of width of lot times 25% of total lot depth.

C. Accessory Buildings on One (1) Acre or More

1. Accessory Buildings shall be limited as provided in “A” above, except that additional storage building may be permitted, and total Accessory Building area may be permitted, increased as follows:

1.0 – 2.5 acres	288 square feet
2.6 – 5.0 acres	576 square feet
5.1 – 10.0 acres	800 square feet
10.1 or more acres	Not restricted if additional storage is for agricultural machinery or storage.
2. On property 5.1 to 19.9 acres, maximum size is one (1) story – (12’6” ceiling height), not to exceed eighteen (18) feet overall height.
3. If only one Accessory Building is desired, the size permitted in (1) above may be added to the size Accessory Building permitted in 9.3 (A).

9.4 Home Occupation – Where district regulations permit Home Occupations, said Home Occupations shall comply with the following regulations:

- A.** No person other than members of the family residing on the premises shall be engaged in such occupation.
- B.** The use of the dwelling unit for the Home Occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and an area not to exceed the equivalent of twenty-five (25) percent of the ground floor area shall be used in the conduct of the Home Occupation.

- C. There shall be no change in the outside appearance of building or premises, or other visible evidence of the conduct of such Home Occupation, other than one sign, not exceeding one (1) square foot in area, non-illuminated, and mounted flat against the wall of the building.
- D. There shall be no sales in connection with such Home Occupation, except that which is produced by the Home Occupation.
- E. No traffic shall be generated by such Home Occupation in greater volumes than would normally be expected in residential neighborhoods.
- F. No equipment or process shall be used in such Home Occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. If the occupation is conducted in a residence, in the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

9.5 Signs and Advertising Devices – Where District Regulations allow any signs or advertising devices, the following regulations shall apply:

A. Advertising Devices

- 1. Minimum setback restrictions as set out in 2.0 – (2.7 [1]) of the Lake County Zoning Ordinance shall not apply to Advertising Devices.
- 2. Advertising Devices may be permitted in the following zones, provided the requirements in Sub.-Sec. “a” are met:

Any B (Business) Zone
 Any HS (Highway Service District) Zone
 Any M (Industrial) Zone
 Any A (Agricultural) Zone by Special Exception

- 3. Advertising Devices shall not be permitted in any of the following zones:

Any C (Floodway) Zone
 Any R (Residential) Zone
 Any PO (Professional Office) Zone
 Any PUD (Planned Unit Development) Zone
 Any PIC (Planned Industrial) Zone

- 4. **No advertising Device shall be permitted:**

Within ten (10) feet of the existing right-of-way or easement of any street.

Within three hundred (300) feet of any dwelling or land platted or divided for residential use, school, church, park, or place of public assembly.

Within 1,320 feet of another Advertising Device located on the same side of a four-lane (or more) State, Federal, or County Street.

Within six hundred (600) feet of another Advertising Device located on the same side of a two-lane State, Federal, or County Street.

Within 2,640 feet of another Advertising Device located on the same side of a limited access street.

For the purpose of sub-paragraphs “3” and “4” above, Series 1 to 6 signs, each of an area of no greater than six (6) square feet and spaced at least one hundred (100) feet apart, which are designed to be read in sequence to convey a single message, shall be considered as one Advertising Device and the spacing distance between such a series of signs and the Advertising Devices specified in sub-paragraph “3” and “4” shall be measured from the first and last sign in such series.

5. There shall be no distance of separation requirement for Advertising Devices in the following zones:

- B-1 Zone
- B-2 Zone
- B-3 Zone
- BP-1 Zone
- BP-2 Zone
- BP-3 Zone

6. **The following Advertising Devices shall be permitted in any zone.**

- a. Signs not over twelve (12) square feet in area advertising the sale of farm products produced on the premises may be permitted in any zone.
- b. Rental or Sale Signs – Advertising devices advertising only the sale, rental, or lease of the building or premises on which it is maintained, provided, however, said device shall not exceed fifty (50) square feet in area.
- c. Advertising Devices – Advertising the sale of dwellings or lots located in a platted or recorded subdivision are permitted on a temporary basis, until 95% of the dwellings or lots are completed or sold, provided, however, the restriction of Paragraph “a-1” of this Section is met.

7. **Advertising Devices may contain not more than two signs per facing, nor more than two sides per said device.**

8. **Every permit for an advertising device shall require the removal of said device within sixty (60) days upon notice by the Commission Secretary that the land upon which said device is located has been platted**

or divided for residential use, or lies within 300 feet of lands platted or divided for residential use, or within 300 feet of a dwelling house for which a Building and Zoning Permit for a residence has been issued. Before a Building and Zoning Permit shall be issued by the Commission Secretary, the owner or person entitled to the possession of the land, and the owner of said device, shall consent in writing to the Commission Secretary that he shall have the right and permission to remove said device at the owner's expense, if his order to remove said device has not been complied with.

B. Miscellaneous Signs

1. **Signs not over twelve (12) square feet** in area advertising the sale of farm products produced on the premises may be permitted in any zone.
2. **Name Plate or Signs in R-1, R-2, R-3 Zones** – One Name plate for each dwelling unit, excluding illuminated signs of the flashing or animated type, not exceeding one and one-half (1-1/2) square feet in area, indicating the name of the occupant or any permitted occupation; unlighted signs not exceeding a total of twenty-one (21) square feet pertaining to the prospective rental or sale of the property on which they are located; provided that such sign shall be located not less than fifteen (15) feet behind the front or side lot line except where affixed to the wall of the building and not extending over the sidewalk.
3. **Name Plat or Signs in R-3 and R-5 Zones** One Identification Sign not exceeding twelve (12) square feet in area for multiple dwellings, provided that such sign shall be located not less than fifteen (15) feet behind the front or side lot line except where it is affixed to the wall of the building and does not extend over the sidewalk.
4. **Miscellaneous** – One (1) entrance sign conforming to the height regulations in the appropriate zone may be erected for the following businesses and their accessory uses:
 - Filling Stations
 - Mobile Home Parks
 - Mobile Home Sales Agencies
 - Drive-In Businesses and Theaters
 - Motels and Tourist Courts
 - Other businesses approved by the Board of Zoning Appeals, required special traffic provisions.
5. **Signs in P. O. (Professional Office) District** shall be limited to – One (1) illuminated, two-faced sign, architecturally integrated with the building, may be permitted, provided it does not exceed twelve (12) feet in height and twenty-five (25) square feet in area.

6. **Signs in B-1, B-2, B-3 and M-1 Zones** shall be limited as follows – Provided that when they are located within seventy-five (75) feet of an R Zone boundary line, they shall be affixed to or a part of a building, may not extend over any street line nor project above the roof line, and shall pertain only to a use conducted within the building. The size shall be limited to three (3) square feet or area to each front foot of the building displaying such sign.

9.6 Fences, Walls, Shrubbery

- A. **Farm Fences** – May be constructed along farm property lines.
- B. **Residential Fences** – Not over six (6) feet in height may be permitted along any side or rear property line. A fence not over three and one-half (3-1/2) feet may be permitted from the minimum setback line to extend along side lot lines to the street right-of-way. Fences may be constructed between a building and right-of-way providing it meets the setback requirements of 2.7 (I) and does not exceed 3-1/2 feet in height and has at least one point of access (gate) at least eight (8) feet wide.

No fence within a subdivision may be constructed of a hazardous material such as barbed wire or electrically charged wire.

- C. **Business or Industrial Fences** – Fences for business or industrial uses may be permitted in any B, HS, PIC, or M Zone as follows:
 1. A fence may be permitted in any side or rear yard provided it does not exceed eight (8) feet in height. It may have up to three (3) strands of barb wire spaced not more than six (6) inches apart above the eight (8) foot height limitation.
 2. A chain-link fence may be permitted up to eight (8) feet in height in any yard abutting a street or highway provided that it shall not be placed closer than thirty (30) feet from the Intersection of any two (2) intersecting minor street rights-of-way, or fifty (50) feet from the Intersection of any two (2) major street rights-of-way.
- D. **Shrubbery** – A hedge or thick growth of shrubs may be permitted in any required front yard at a height not to exceed three and one-half (3-1/2) feet, however, at street intersections where a problem of visual clearance may result in expressly prohibited.
- E. **Business and Industrial Zone Uses** – Fences shall be required along the rear or side of any business or industry where the same abuts either to the rear or side of any residential use. The height of such fence shall be eight (8) feet except as may otherwise be permitted by the Board.

- F. **All Junk Yards, Storage Yards, Scrap Yards** – Or other places where autos are dismantled, stored, wrecked, or otherwise disposed of, or any other similar uses, shall be completely enclosed by a solid fence not less than eight (8) feet in height. Further, such fence shall be of good quality material and construction and be maintained in such a fashion as to not detract from the value of the surrounding properties.
- G. **Landscape Feature** – A landscape feature, such as trees, shrubs, flowers, or plants, shall be permitted in any required minimum setback, side or rear yard, provided it does not violate the provisions of 2.9.
- H. **Required Fence, Wall for Trash Containment Area** – In all commercial, industrial, manufacturing, and multi-family residential (over 4-units) zoning district classifications, including R-5, B-1, B-2, B-3, HS-1, HS-2, PO, M-1, M-2, PUD, PIC, and CDD; and, in for any Variance of Use or Special Exception (regardless of the zoning district classification) where such Variance of Use or Special Exception involves any non-residential development, a property owner shall erect and maintain a solid fence or wall, including gates, not less than five (5) feet in height, completely enclosing containers used for the collection of refuse including dumpsters, multiple trash cans, boxes, garbage bags, paper, cardboard and plastic bags.

The location of the trash containment area shall be located within the building setback area and shall not be located in any drainage or utility easement and not closer than five (5) feet to any property line. In addition, the trash containment area shall not be located in an area designated for parking or used for vehicular or pedestrian traffic.

9.7 Satellite Earth Stations

- A. **Satellite Earth Station Antenna Systems** – that are less than or equal to one (1) meter in size are limited as follows:
 1. Shall be located anywhere on a residential property except in the front yard.
 2. Shall conform with all other provisions set down by ordinance (i.e., setbacks, height limitations, permits, etc.).
 3. Shall be neutral in color and, to the extent possible be compatible with the surrounding neighborhood in appearance and character, and
 4. Shall not contain advertising other than a small name plate (no larger than one percent of the total area of the dish) identifying the manufacturer.
- B. **Satellite Earth Station Antenna Systems** – that are greater than one meter and less than or equal to four meters in size are limited as follows:

1. Shall be located on residential properties provided they are installed only in rear yards and conform with all proper setback provisions for accessory structures.
 2. Shall only be used for private non-commercial purposes.
 3. No more than one (1) parabolic or spherical dish antenna per lot.
 4. Shall not contain advertising other than a small name plate (no larger than one percent of the total area of the dish) identifying the manufacturer.
 5. Shall be neutral in color and, to the extent possible, be compatible with the surrounding neighborhood in appearance and character.
 6. Shall be no greater than twelve (12) feet in height (above grade).
 7. Shall have all potentially dangerous mechanisms (electrical, mechanical, rotational, etc.) completely enclosed.
- C. Satellite Earth Station Antenna Systems** – located anywhere other than residential properties must conform with all provisions established by the unincorporated Lake County Zoning Ordinance, to include minimum setbacks, height limitations, and front, side, and rear yard setbacks.

9.8 Height

- A. Three (3) Story Buildings in Two (2) Story Zones** – In the zones limiting height to two (2) stories not to exceed twenty-five (25) feet, any permitted structure may be increased in height to three (3) stories not to exceed forty-five (45) feet, provided the required side yards are increased an additional one (1) foot for each three (3) feet such structure exceeds twenty-five (25) feet.
- B. Through Lots (One Hundred Fifty (150) Feet or Less In Depth** – On Through Lots one hundred fifty (150) feet or less in depth, the height of a building may be measured from the adjoining curb level on either street.
- C. Through Lots (More than One Hundred Fifty (150) Feet In Depth** – On through lots more than one hundred fifty (150) feet in depth, the height regulations and basis of height measurements for the street permitting the greater height shall apply to a depth of not more than one hundred (150) feet from that street.
- D. Structures Permitted Above Height Limit** – Penthouses or Roof Structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment to operate and maintain the building, fire or parapet walls, skylights, television aerials, steeples, roof signs, flag-poles, chimneys, smokestacks, wireless masts, water tanks, grain elevators, silos, gas containers, material hoppers, or similar structures may be erected above the height limits herein prescribed, but no penthouse or roof structure or any space above the height limit shall be allowed

for the purpose of providing additional floor space for residential business or industrial use.

9.9 Area, Yards, and Setbacks

- A. **Yard Regulations Modified** – Where the yard or setback regulations cannot reasonably be complied with or their application determined on lots or peculiar shape, location or topography, such regulations may be modified or determined by the Board, as provided for in 11.1.
- B. **Minimum Setback – Between Projecting Buildings** – Where a lot is situated between two (2) lots, each of which has a main building which projects beyond the established building line and was so maintained when this ordinance became effective, the minimum setback requirements on such lot may be the average of the building line of said existing buildings, provided, however the building line of such lot shall not be less than ten (10) feet.
- C. **Minimum Setback – Adjoining Projecting Building** – Where a lot adjoins only one (1) lot having a main building which projects beyond the established building line and has been so maintained since this ordinance became effective, the minimum setback requirement on such lot may be the average of the building line of the existing building and the established building line, provided, however, the building line of such lot shall be not less than ten (10) feet.
- D. **Minimum Setback – Sloping Lot** – Where the elevation of the ground at a point fifty (50) feet from the building line of the lot and midway between the side lines differs ten (10) feet or more from the curb level, or where the slope (measured in the general direction of the side lot lines) is twenty (20) percent or more on at least fifty (50) percent of that required in the zone provided the required minimum setback of such lot shall not be less than ten (10) feet, a private garage, not exceeding one (1) story nor sixteen (16) feet in height, may be located in such minimum setback provided every portion of the garage building is at least ten (10) feet from the building line, does not occupy more than fifty (50) percent of the width of the building line, and does not encroach upon the side yards.
- E. **Side Yards Waived** – For the purpose of side yard regulations, the following dwellings with common party walls shall be considered as one (1) building occupying one (1) lot: Semi-detached dwellings, row dwellings, and group dwellings.
- F. **Minimum Setback and Side Yards Waived** – Minimum setbacks and side yards may be waived for dwellings, hotels, and lodging houses erected above the ground floor of a building when said ground floor is designed and used exclusively for Business or Industrial purposes.
- G. **Rear Yard – Accessory Building** – An accessory building not exceeding twenty (20) feet in height may occupy not more than thirty (30) percent of the area of a required rear yard, providing it is not less than five (5) feet from any side or rear lot line.

H. Through Lot – May be Two (2) Lots – Where a through lot has a depth of one hundred fifty (150) feet or more, an area of 10,000 square feet or more, said lot may be assumed to be two (2) lots with the rear line of each approximately equidistant from the building lines, provided all area requirements are complied with.

I. Projections Into Yards

1. **Porte Cochere (carport)** – A porte cochere may be permitted over a driveway in a side yard, provided such structure is not more than one (1) story in height and twenty (20) feet in length, and is entirely open on at least three (3) sides, except for the necessary supporting columns, and customary architectural features, provided, however, said porte cochere does not extend to within six (6) feet of a side lot line.
2. **Cornice, Sill or Chimney** – A cornice, eave, bolt course, sill, canopy, or other similar architectural feature (not including bay window or other vertical projection) may extend or project into a required front, side, or rear yard not more than one (1) foot, provided the width of such side yard is not reduced to less than three (3) feet.
3. **Fire Escape** – A fire escape may extend or project into any minimum setback, side or rear yard not more than four (4) feet.
4. **Open Stairway and Balcony** – An open, not enclosed stairway or balcony, not covered by a roof or canopy, may extend or project into a required rear yard not more than four (4) feet, and such balcony may extend into a required front yard not more than thirty (30) inches.
5. **Open Porch** – An open, not enclosed porch, platform or land place not covered by a roof or canopy which does not extend above the level of the first floor of the building, may extend or project into any required side or rear yard not more than four (4) feet.
6. **Wingwalls** – Wingwalls, when used in conjunction with a residential structure as attached thereto may be permitted in a side yard to the side property line provided that said wingwall does not exceed six (6) feet in height.

9.10 Small Wind Energy Conversion System (SWECS)

Any wind energy conversion system with a maximum rated capacity larger than one hundred (100) kilowatts, shall be treated as a Public Service under Section 2.10 of this Ordinance required Special Exception under Section 2.10.

Any wind energy conversion system proposed to be established in any zoning district classification other than agricultural or residential shall be treated as a Public Service under Section 2.10 of this Ordinance.

Prior to initiating construction, all wind energy conversion systems shall first obtain a Building and Zoning Permit in accordance with the Unincorporated Lake County Building Code, as amended. Such Building and Zoning Permit may be issued only after compliance with this Section is exhibited.

Depending on the specific zoning district classification, a SWECS is permitted as an accessory use in all residential and agricultural zoning districts either by right or by Special Exception. The following regulations apply to all SWECS in both instances;

A. Height

The maximum height of any SWECS tower and generator blades shall not exceed one hundred (100) feet measured from ground level to the tip of any wind generator blade, rotor, or vane when it is at its highest point or extension. Further, the minimum distance between the ground and the wind generator blade, rotor, or vane shall be fifteen (15) feet measured at the lowest point of the arc of the blade, rotor, or vane; and,

B. Setbacks

The maximum height of any SWECS tower and generator blade measured from ground level to the top of any wind generator blade at its highest point as described in subsection A above shall establish the required setback for any SWECS tower and generator blades from any property line. In other words, if the maximum height of any SWECS tower and associated generator blade at its highest point is one hundred (100) feet, then a setback from all property lines shall be a minimum of one hundred (100) feet. In any case, all minimum setbacks for any SWECS or supporting structures such as guy wires, including the front, side, and rear yards as described in other sections of this ordinance shall be maintained for the zoning district in which the system is located;

C. Roof Mounted SWECS

The maximum allowable height for a roof mounted SWECS shall be measured from the highest point of the roof to the tip of any wind generator blade, rotor, or vane when at its highest point or extension and shall be no more than twenty (20) feet above the maximum allowable building height of the zoning district classification. Such roof mounted SWECS shall be installed using accepted engineering practices and principles and be in conformity with all other laws, ordinances, and codes.

D. Sound Level or Noise

A SWECS shall not exceed sixty (60) decibels (dB) measured at the closest property line, except during short-term events such as severe wind storms or utility outages;

E. Shadow Flicker

Shadow flicker is the visible flicker effect when rotating blades of a wind generator cast shadows on the ground and nearby structures causing a repeating pattern of light and shadow, SWECS shall be sited in a manner that does not result in significant shadow flicker impacts. Significant shadow flicker is defined as more than thirty (30) hours per year on abutting occupied buildings. The applicant for any SWECS has the burden of proving that any shadow flicker will not have significant adverse impact on neighboring or adjacent occupied buildings;

F. Signage

No signs, advertising devices, flag streamers, decorative items, or any graphic representation that may be construed as advertising may be placed on any portion of any SWECS, except that, at least one (1) sign shall be posted on the gate or entry-point to the SWECS warning of potential electrical shock or high voltage.

G. Visual Impacts

It is inherent that SWECS may pose some visual impacts due to the tower height needed to access wind resources. The purpose of this paragraph is to reduce the visual impacts without restricting the owner's access to the optimal wind resources on the property;

1. Any applicant for a SWECS shall demonstrate by development plan approval in the case of a Special Exception or by project site planning in the case of approval by right in Agricultural or Rural Residential Zoning Districts that the SWECS's visual impacts will be minimized for surrounding neighbors and the community. This may include information regarding site selection, wind generator design or appearance, buffering, and screening of ground-mounted electrical and control equipment. All electrical conduits shall be underground in accordance with applicable codes; and
2. No SWECS shall be artificially lighted, unless required by the Federal Aviation Administration (FAA) or appropriate authority. If lighting is required, the applicant shall provide a copy of the FAA determination to establish the required makings or lights for the SWECS.
3. The color of the SWECS shall be either the stock color from the manufacturer or painted with a non-reflective, unobtrusive color that blends in with the surrounding environment. Approved colors include white, off-white, earth-tone, or gray;
4. Location of any SWECS in any front yard of any property is prohibited.

H. Signal Disturbance

Any SWECS shall be constructed to prevent any emissions that would interfere with radio, television, wireless communications, police, fire, emergency transmissions, etc. Upon complaint of any signal disturbance, the operation of the SWECS shall cease. The owner or occupant of the property maintaining the SWECS shall immediately correct any signal disturbance problem that has been identified before the operation of the SWECS may resume;

I. Other Laws, Codes, Ordinances

Any SWECS shall comply with all Federal, State, and Local Laws, including the Federal Aviation Administration regulations. The burden of proof for compliance of these regulations is on the owner or applicant for any such SWECS;

J. Access and Fencing

Any SWECS or supporting structures shall be enclosed by a chain-link fence six (6) feet in height in conjunction with Section 9.6 of this Ordinance to prevent climbing, entry, or access. Further no fenced enclosure shall be greater than twenty (20) feet in length and width (20' x 20');

K. Abandonment

A SWECS that is out of service for a continuous eighteen (18) month period shall be deemed to have been abandoned and must immediately be removed in its entirety to the existing ground level by the property owner and the area that contained the SWECS shall be made to appear as vacant undisturbed ground. Full disclosure of any below-grade improvements, such as the footings, foundation, electrical wiring or conduit, or any other items that remain after removal of the abandoned SWECS, shall be made upon any transfer, lease, or sale of the property on which the SWECS was constructed.

9.10.1 Solar Energy Systems

Site Development Plan approval required. Site plans that meet the design requirements of this section shall be granted administrative approval by the planning department. Prior to initiating construction, all Solar Energy Systems shall first obtain a Building and Zoning Permit in accordance with the Unincorporated Lake County Building Code, as amended. Such Building and Zoning Permit may be issued only after compliance with this Section is exhibited. Solar Energy Systems may be Roof-Mounted or Ground-Mounted. Roof-Mounted Solar Energy Systems are permitted as an accessory use in all zoning districts. Ground-Mounted Solar Energy Systems are permitted as an accessory use in all zoning districts, except Business districts, Industrial Districts, and Highway Service Districts, where they may be permitted as a Special Exception. The following regulations apply to all Solar Energy Systems in both instances;

A. Height

The preferred placement of the structure is on the roof. Roof-Mounted Solar Energy Systems shall be placed flat to the roof pitch. The collector surface and mounting devices shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.

Ground-Mounted Solar Energy Systems should not exceed 10 ft. in height. With the exception that Ground-Mounted Solar Energy Systems located on Agriculturally Zoned parcels 20 acres or greater may not exceed 16 ft. in height, provided that the Solar Energy Systems are located in a rear or side-interior yard and meet all setback requirements. Systems should be mounted as close to the ground as possible and in no case higher than the principal structure. Height is measured from the average grade at the base of the pole to the highest edge of the system.

B. Setbacks

Ground-Mounted Solar Energy Systems shall be subject to the setbacks of the zoning districts in which they are located. Freestanding structures shall be located in the side or rear yard of all lots, except that accessory structures shall only be permitted in the rear yard of corner lots.

C. Lot Coverage

Ground-Mounted Solar Energy Systems are limited in area to the permitted lot coverage for the zoning district in which they are located. Lots in any zoning district, less than one (1) acre in size, are limited to a total of 400 square feet in area of panels.

D. Glare

All Solar Energy Systems shall be designed and installed to prohibit glare from being directed toward vehicular traffic and any habitable portion of an adjacent structure.

E. Screening

Where feasible, ancillary solar equipment shall be located inside the building or be screened from public view.

F. Other Laws, Codes, Ordinances

All active solar systems shall meet approval of county building officials, consistent with the Indiana Building Code. All photovoltaic systems shall comply with the current edition of the National Electrical Code adopted by the State of Indiana and currently used by Lake County and shall be installed per manufacturer's instructions. No grid-intertie photovoltaic system shall be installed until evidence has been given to the planning department that the owner

has submitted a complete and satisfactory application to the utility company to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement. Solar energy systems shall be erected in a secure, wind resistant manner and be maintained in good condition.

G. Roof Access

All roof mounted systems shall allow for emergency access to the roof and adequate smoke ventilation. Pathways to specific areas of the roof and emergency egress from the roof shall be provided.

- (a) For buildings with pitched roofs, solar collectors shall be located in a manner that provides a minimum of one three-foot wide clear access pathway from the eave to the ridge on each roof slope where solar energy systems are located as well as one three-foot smoke ventilation buffer along the ridge.
- (b) Residential rooftops that are flat shall have a minimum three-foot wide clear perimeter between a solar energy system and the roofline, as well as a three-foot wide clear perimeter around roof-mounted equipment such as HVAC units.
- (c) To the extent practicable, the access pathway shall be located at a structurally strong location on the building (such as a bearing wall).

H. Solar Access Protection

- 1. **Creation Of Easements:** Solar access easements across contiguous or nearby lots, tracts, or land may be created to establish a window of exposure to the sun so as to protect an existing or intended solar collector's exposure to the sun from obstruction of buildings and trees.
 - (a) Such easements may be purchased, reserved, granted, or otherwise obtained.
 - (b) Adverse possession cannot create such an easement.
 - (c) An easement infringed upon is a compensable property right through private remedy.
- 2. **Recording Of Easements:** Solar access easements shall be recorded with the Lake County Recorder and filed with the Planning Department.
- 3. **Construction In Easement Areas:** Any person seeking a building permit to construct or modify any structure or building so as to increase the consumption of airspace over that lot shall certify in writing that no solar access easement exists over that lot.

4. **Denial Of Permit:** Should the Planning Department determine that the proposed construction would intrude upon the easement, no building permit shall be granted.

I. Abandonment

If a solar collector ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collector, mount, and associated equipment and facilities by no later than 90 days after the end of the twelve-month period.

9.11 Site Development Plan

A. Applicability.

Site Development Plans shall be required in all commercial, industrial, and multi-family residential (over 4 units) zoning district classifications. These zoning districts include R-5, B-1, B-2, B-3, HS-1, HS-2, PO, M-1, M-2, PUD, PIC and CDD.

In addition, Site Development Plans shall be required for any Variance of Use or Special Exception regardless of the zoning district classification where such Variance of Use or Special Exception involves any non-residential development.

Site Development Plan approval shall be required prior to the issuance of any Building and Zoning Permit.

Site Development Plan Review shall be conducted exclusively by the Commission consistent with the provisions of I.C. 36-7-4-1400.

B. Site Plan Review as Part of Other Petition

When an application for any use requires approval of a zone change, special exception, variance of use, subdivision, or any planned development; or includes any development, redevelopment; or other application requiring a public hearing containing an associated site plan, such associated site plan shall not be interpreted in lieu of Site Development Plan review under this Section.

C. Application.

A petitioner shall submit an application for Site Development Plan review pursuant to adopted filing deadlines on forms approved by the Commission, signed by the owner of the petitioned property (if the petitioner is someone other than the property owner, a power-of-attorney shall accompany the application), containing a copy of the deed for the property involved, the required filing fee, and any other required supporting information or documentation to the appropriate Planning Staff. Supporting information shall include, but not be limited to the following (the Planning Staff or the Commission may request additional supportive information, which shall be provided by the petitioner):

1. **Summary Statement**

A summary statement of the characteristics and operation of the development. The statement shall include any written commitments being made or having been required regarding the Site Development Plan.

2. **Site Description**

A general description of the site and its ownership including:

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

3. **Vicinity Map**

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

- a. The vicinity map shall also show all property which is contiguous to the subject property that is owned and/or otherwise controlled by the owner or development of the subject property.
- b. A conceptual drawing describing the future development of all contiguous holdings described in 154.03.05(C) (1) above shall be provided by the applicant upon the request of the Planning Director and/or the body conducting the public hearing. At a minimum the conceptual drawings shall include a description of general driveways and access points, general land uses, general lot arrangements, and general drainage conditions and plans.

4. **Property Survey**

An ALTA survey prepared by a land surveyor licensed by the State of Indiana, and drawn to a scale of not more than 1 inch = 100 feet, including the following:

- a. the boundary line and dimensions of the subject property;
- b. all structures (specifically indicating any structures recognized as notable, contributing, or outstanding by the Indiana Historic Sites and Structures Inventory, or listed on the National Register of Historic Places and/or Indiana Register of Historic Sites and Structures);
- c. topography interpolated from USGS sources and/or otherwise meeting the requirements of the Planning Director (provided topographic information should tie into horizontal and vertical control points);
- d. significant wooded areas and other isolated trees;
- e. 100-year floodplain and 100-year floodway boundaries and elevations;
- f. public and private streets (including street names), rights-of-way, and easements;
- g. building setback and any build-to lines;
- h. all known drainage areas, tiles, pipes, and structures;
- i. utility services (including water, fire hydrants, sanitary sewers, storm water drainage, and other utilities);
- j. street accesses;
- k. any other paved or otherwise improved areas; and,
- l. all land within 200 feet of the property lines of the subject property.

5. **Site Plan**

A site plan, drawn to a scale of not more than 1 inch = 100 feet, and bearing the seal of a professional engineer or land surveyor registered in the State of Indiana clearly showing all proposed aspects of the property and all features relevant to the site development plan, including:

- a. setbacks and buffers;

- b. topography (including elevation contour lines at 2 foot intervals);
- c. structures (including buildings, fences, and walls);
- d. all structure heights, dimensions, and floor areas, materials, and style of improvements;
- e. Building coverage;
- f. Building separation;
- g. areas of outdoor storage;
- h. permanent dumpsters and trash areas;
- i. locations dimensions, and design features (including all curb radii, tapers, and parking space dimensions) of road accesses, interior drives, parking spaces and ramps for the disabled, parking lots, loading docks or areas, sight visibility triangles, interior sidewalks, and vehicle and pedestrian circulation (all public road access shall be subject to any additional requirements of the Lake County Highway Department);
- j. open spaces, recreational spaces, landscaping, and landscaped areas;
- k. locations of public and private utilities;
- l. water meter clean out locations and elevations and top of casting elevations;
- m. sanitary sewer invert elevations;
- n. the location, width, and purpose of all easements;
- o. the use of each structure and the amount of parking allocated for those uses;
- p. public improvements including sidewalks, street trees, and right-of-way dedications; and
- q. locations for temporary uses, such as seasonal sales areas.

6. Landscaping Plan

A landscaping plan drawn by an Indiana registered engineer, land surveyor or landscape professional, drawn to a scale of not more than 1 inch = 100 feet, and showing the following:

- a. required and proposed landscaping in buffer yards and street trees;
- b. existing and proposed elevation contour lines at 2 foot intervals (or otherwise meeting the requirements of the Planning Director);
- c. 100-year floodplain and 100-year floodway boundaries and elevations;
- d. existing and proposed public and internal sidewalks and other pedestrian ways;
- e. the size and spacing of the plantings at the time of installation and the species proposed to be used to meet the requirements of this Ordinance; and
- f. all existing trees and vegetation to be preserved, and the driplines for such trees (in which no construction activity shall occur).

7. **Sign Plan**

A sign plan showing the location, height, method of illumination (if any) and dimension of all permanent signs and indications of appropriate locations, heights, and sizes of any temporary signs.

8. **Drainage Plan**

A site drainage plan bearing the seal of a professional engineer registered in the State of Indiana including all calculations required by the Planning Director. The drainage plan shall include the following:

- a. all natural streams, regulated drains, and watercourses;
- b. 100-year floodway and 100-year floodplain boundaries and elevations;
- c. all marshes, wetlands, and wooded areas;
- d. all drainage area features as described in the drainage calculations; and
- e. compliance with the Lake County Stormwater Management & Clean Water Regulations Ordinance.

9. **Traffic Management Plan that includes:**

- a. management of traffic in a manner that creates conditions favorable to health, safety, convenience, and the harmonious development of the community;

- b. that the design and location of any proposed street and roadway access points minimize safety hazards and congestion;
- c. that the capacity of adjacent streets and roads is sufficient to safely and efficiently accept traffic and movements that will be generated by the new development;
- d. that the entrances, streets, and internal traffic circulation facilities in the development plan are compatible with existing and planned streets and adjacent developments;
- e. if requested by the Lake County Highway Department to verify the plan incorporates the above design features in the most favorable way possible, a traffic impact analysis to assess the effects that the proposed development's traffic will have on the transportation network in the community. The study prepared shall be an associate (or higher) member of one or more professional transportation related organizations, particularly the Institute of Transportation Engineers (ITE) or the Transportation Research Board (TRB).

10. **Lighting Plan**

A site lighting plan, drawn to a scale of not more than 1 inch = 100 feet, showing the type and location of all exterior lighting fixtures.

11. **Construction Plan**

A site construction plan, drawn to a scale of not more than 1 inch = 100 feet, showing:

- a. proposed erosion and sediment control measures;
- b. the location of any proposed construction trailer and worker parking;
- c. the location, height, and dimensions of any temporary construction-related signage;
- d. any temporary site accesses to be used during construction;
- e. any temporary utility connections; and
- f. the location of any stockpiles of dirt, construction materials, and construction waste dumpsters or storage areas.

12. **Consolidation of Plans**

The above required plans, including the site, landscaping, sign, traffic management, drainage, lighting, and construction plans may be

consolidated into one or more separate drawings depending on the complexity of any project.

Plans shall be created so that they clearly, easily, and readily provide access to all required information. Individual plans shall not contain so much information that they become cluttered and difficult to read. Since this is more of a subjective decision, the Commission shall be the final entity to determine whether the plan(s) need to be redrawn for a better understanding of their content.

D. Fees

Fees for Site Development Plan review shall be two hundred dollars (\$200) plus twenty-five dollars (\$25) per acre or any portion thereof. The maximum fee for Site Development Plan review shall not exceed the cost to convene the Commission combined with the processing fees associated with the application for Site Development Plan review. The maximum fee is not to exceed seven hundred eighty dollars (\$780) per application.

E. Plan Commission Review

After submittal of the application and required material as described in this section, including any other supporting material and after review and acceptance of the complete Site Development Plan application by the Planning Staff, the item shall be placed on the agenda of the Lake County Plan Commission in accordance with adopted filing deadlines. No application shall be accepted or considered accepted until all criteria under this section are met.

The applicant or petitioner shall appear at the meeting of the Commission and proceed with their petition under the Plan Commission Rules of Procedure, as amended.

The Commission shall conduct an administrative review of the Site Development Plan and any supporting materials to determine whether the plan is consistent with the comprehensive plan, satisfies the development requirements specified in this ordinance, and is compatible with the development of surrounding land uses.

F. Action

After their review, the Commission may impose conditions on the approval of the Site Development Plan if the conditions are reasonably necessary to satisfy the development requirements specified in this ordinance. Also, the Commission may provide that the approval of the Site Development Plan is conditioned on the furnishing to the Commission of a bond or written assurance in the name of the Lake County Board of Commissioners that guarantees the timely completion of a proposed public improvement in the development and is satisfactory to the Commission. Finally, the Commission may require the owner of the real property to make a written commitment regarding the development of the real property under consideration.

The Commission shall make written findings concerning each decision to approve or disapprove a Site Development Plan. The findings shall be prepared by the Planning Staff in the form of a letter to the petitioner signed by the Executive Director or Vice-President of the Commission.

The decision of the Commission in approving or disapproving a Site Development Plan is a final decision that may be reviewed only as provided by I.C. 36-7-4-1016.

10.0 ADMINISTRATION AND ENFORCEMENT

Buildings or structures erected, altered, moved, razed or converted, or any use of land or premises carried on in violation of any provision of this Ordinance are declared to be a nuisance per se. Any and all buildings, structures, or land use activities considered possible violations of the provisions of this Ordinance shall be reported to the Plan Commission staff.

10.1 Permits

A. No Building or Structure, - except the following, shall be erected, reconstructed, enlarged, or moved until a Building and Zoning Permit shall have been applied for in writing and issued by the Commission Secretary, or his designated agent.

No permit shall be required for the following, provided all other provisions of this Ordinance are complied with.

1. Temporary swimming pools (pools capable of being set up in the spring and removed in the fall).
2. Children's recreational amusements such as slides, swings, etc., when placed in rear or side yards.
3. One (1) storage shed per residential lot provided it is not placed on a permanent foundation, does not exceed 150 square feet in size, and provided it has no electrical service to it.

SUBSECTION 10.1 – PERMITS, PARAGRAPH B AMENDED BY ORDINANCE 1564 ON 1/11/94

B. A fee in accordance with the following schedule shall be paid when making application for a Zoning Permit. Said permit shall be posted in a prominent place on the premises prior to and during the period of erection, reconstruction, enlargement, or moving.

Residential & Agricultural	\$ 50.00
Commercial & Industrial	\$100.00

(Residential & Agricultural) additions, remodeling, alterations, patios, moving, razing, swimming pools,

garages and accessory buildings	\$ 20.00
(Commercial & Industrial) additions, remodeling, alterations, patios, moving, razing, swimming pools, garages, accessory buildings.	\$ 50.00
Signs	\$ 50.00
Fences	\$ 10.00
Electric – (AMP change, meters, etc.)	no fee

Special Plan Commission or Board of Zoning Appeals meetings (paid by petitioner):

Plan Commission Meeting	\$750.00
Board of Zoning Appeals Meeting	\$300.00

C. Before a permit is issued for the erection, moving, alteration, enlargement, or occupancy of any building or structure or use of premises, the plans and intended use shall indicate conformity in all respects to the Zoning provisions of this Ordinance. Said permit shall not be issued until after review by the Commission Secretary and finding by the Commission Secretary that:

1. There is adequate frontage on an improved street maintained by the County Highway Department and accepted into the state highway or county roadway system.
2. State and County Health requirements will be met.
3. Lot design requirements as set out in the Subdivision Control Ordinance No. 1, Lake County, Indiana, as amended, will be met.
4. There be adequate means present to handle satisfactorily storm water runoff from proposed improvements.
5. There will be no interference with the County Master Plan of streets and public facilities.
6. Continual circumvention by an individual property owner of the platting requirements of the Subdivision Control Ordinance No. 1, will not result.

D. Any Permit – issued in accordance with this Ordinance shall be valid for a period of two years from the date of issuance. Any permit requiring a foundation inspection shall be commenced and have a foundation inspection completed and approved within three months of permit issuance.

All other permits shall be revoked and rendered null and void if construction, alteration, modification, remodel or repair defined under said permit is not commenced within six (6) months of issuance. If any question arises, it shall be the responsibility of the developer, builder, agent or owner to prove work on any permit under this paragraph was commenced with the required six (6) month period.

Any structure or building not completed within two years of issuance of said permit shall necessitate renewal of said permit as described by the unincorporated Lake County Building Code No. 18, as amended, or a new permit in case of permit expiration.

- E. Site Plan** – Every application for a Building and Zoning Permit submitted to the Commission shall be accompanied by a site plan, drawn to scale, showing the lot and the building site and the location of existing buildings on the lot, accurate dimension of the lot, yards, and building or buildings, together the locations, size and use of any land and all buildings not on the lot but within fifty (50) feet from the boundaries thereof, unless separated by a street, together with such other information as may be necessary to the enforcement of this Ordinance and the Unincorporated Lake County Building Code No. 18, as amended. This Site Plan may be completed without being signed and sealed by an Indiana Registered Land Surveyor. This paragraph is intended to be applied to all Building and Zoning Permits except those for a main building as described in the next paragraph.

Site Plan – Every application for a Building and Zoning Permit for a main building submitted to the Commission shall be accompanied by a Site Plan. For purposes of this paragraph a main building is the principal building on a lot, plot or tract of land with any other structures being accessory or incidental to the main building. A Site Plan submitted under this paragraph shall be signed and sealed by an Indiana Registered Land Surveyor with the following minimum requirements:

1. Drainage patterns and swales,
2. Federal Emergency Management Agency (FEMA) Special Flood Hazard Designation and if applicable, identify Flood Elevation Line,
3. Proposed or existing structures ties to lot lines to the nearest one-tenth of a foot,
4. Bearings and distances of lots including all setback lines, square footage of proposed and/or actual buildings and other structures, easements, streets, alleys, sidewalks, and width of lot at building setback line; and,
5. Proposed elevations required to nearest one-tenth of a foot (if in subdivision must be in accordance with approved subdivision plan) for the following:

- a. Entryway,
- b. Main floor,
- c. Top of foundation,
- d. Ground grade at each corner of building,
- e. Ground grade at every lot corner,
- f. Grade at side yards,
- g. Grade at front and rear yards,
- h. Slope of driveway, expressed as a percentage, and
- i. Elevations of adjacent properties including lot corners,
- j. Elevations of adjacent buildings including top finished floor and building corners.

If stated site plan is of a lot or lots in a subdivision approved by the Commission, then all elevations mentioned in this section shall be in compliance and tied to the Primary Subdivision plat as approved by the Commission. Among all participating agencies, particular attention shall be paid to the Primary Plat approved by the Lake County Surveyor concerning drainage as it relates to the subdivision. No lot or lots shall be altered, added to or changed in such a manner that they will negatively affect drainage patterns of surrounding lots, streets, or other areas in the subdivision.

Prior to issuance of a Certificate of Occupancy a certified As-Built drawing shall be submitted with an additional copy submitted to the Lake County Surveyor.

Any difference of over one-half foot (0.5'), either vertically or horizontally between the initial site plan submitted to obtain a Building & Zoning Permit and actual measurements shall be highlighted by the Indiana Registered Land Surveyor signing the As-Built drawing.

A copy of the As-Built drawing shall be submitted to the Commission Office prior to any request for a certificate of Occupancy.

- F. Interpretation of Ordinance** – In interpreting and applying the provisions of the ordinance, they shall be held to be the minimum requirements for the promotion of health, safety, morals, convenience, or the general welfare. The lot or yard areas required by this ordinance for a particular building shall not be diminished and shall not be included as part of the required lot or yard areas of any other building. The lot or yard areas of buildings existing at the time this ordinance became effective shall not be diminished below the requirements herein provided

for buildings hereafter erected and such required areas shall not be included as a part of the required areas of any building hereafter erected.

G. Completion of Existing Buildings – Nothing in this ordinance shall require any change in the plans, construction, or intended use of a building, the construction of which shall have been diligently prosecuted within six (6) months preceding the date of this ordinance, and such entire building shall be completed within two (2) years from the date this ordinance became effective. Nothing herein shall prevent the reconstruction of a wall or other structural part of a building declared unsafe by the State Fire Marshall or the Administrative Building Council of the State of Indiana.

H. Anyone applying for a Permit to construct a main building, other than a one or two-family dwelling unit, or demolish any structure shall have first filed a plan and received approval from the Lake County Solid Waste District (District) regarding the manner in which the solid waste will be managed.

Each Permit application for construction of a main building, other than one or two-family dwelling unit, or demolition of any structure shall be accompanied by correspondence from the District indicating a plan was filed and approved. Any authority regarding the implementation of the approved plan shall be the sole responsibility of the District.

10.2 Certificate of Occupancy

A. A Certificate of Occupancy to be issued by the Commission Secretary, or his designated deputy, shall be required prior to occupying any new structure, except buildings incidental to agricultural operations other than residences, in accordance with the Lake County Building Code and the provisions of this Ordinance.

1. Occupancy and use of a building hereafter erected or enlarged.
2. Change in Use of an existing building.
3. Occupancy and use of vacant land except for the raising of crops.
4. Change in the use of land to a use of a different classification except for the raising of crops.
5. Any change in the use of a non-conforming use. No such occupancy, use, or change of use, shall take place until a Certificate of Occupancy therefore shall have been issued.

B. Written application for a Certificate of Occupancy for a new building or for an existing building which has been enlarged shall be made at the same time as the application for the Building and Zoning Permit for such building. No fee shall be charged for an original Certificate applied to coincident with the application for a Building and Zoning Permit; for all other Certificate, or for copies of any original Certificate; there shall be a charge of one (\$1.00) dollar each. Said Certificate

shall be acted upon within three (3) days after a written request for the same has been made to the Commission Secretary after the erection or enlargement of such building or part thereof has been completed in conformity with the provisions of this ordinance and the Building Codes of Lake County.

Pending the issuance of such a Certificate, a Temporary Certificate of Occupancy may be issued by the Commission Secretary for a period of not more than six (6) months during the completion of the construction of the building or of alterations which are required under the terms of any law or ordinance. Such Temporary Certificate may be renewed, but it shall not be construed in any way to alter the respective right, duties, or obligations of the owner or of the county relating to the use of occupancy of the land or building, or any other matter covered by this Ordinance and the Building Code of Lake County, such Temporary Certificate shall not be issued except under such restrictions and provisions as will adequately ensure the safety of the occupants.

Written application for a Certificate of Occupancy for use of vacant land, or for a change in the use of land or of a building, or for a change in a non-conforming use, as herein provided, shall be made to the Commission Secretary.

If the proposed use is in conformity with the provisions of this Ordinance and the Building Code of Lake County, the Certificate of Occupancy therefore shall be issued within three (3) days after the application for the same has been made.

Each Certificate of Occupancy shall state that the building or proposed use of a building or land complies with the provisions of this Ordinance and all regulations and provisions of the Lake County Building Code.

A record of all Certificates of Occupancy shall be kept on file in the Office of the Commission and a copy shall be forwarded, on request, to any person having proprietary or tenancy interest in the building or land affected.

No permit for erection of any building shall be issued before application has been made for a Certificate of Occupancy.

SUBSECTION 10.3 - CHANGE OF USE PERMIT, PARAGRAPH C AMENDED BY ORDINANCE 1564 ON 1/11/94

10.3 Change of Use Permit

- A. Change of Use Permit** to be issued by the Commission Secretary, or his designated agent, shall be required prior to undertaking the following:
1. Change in use of any existing building.
 2. Any change in the use of non-conforming use or building.

- B. Before granting a Change of Use Permit,** the Secretary shall ascertain the proposed use conforms with all provisions of this Ordinance. When changing the use of an existing building to classification requiring additional parking, the petitioner shall provide parking as required by this Ordinance.
- C. A Zoning fee** in accordance with the following shall be paid when making application for a Change of Use Permit.
 - 1. Change in use of an existing building or structure requiring no building permit is **Twenty-Five Dollars (\$25.00)**.
 - 2. If building permit is required, the fee will be established by said permit.

10.4 Enforcement

All departments, officials, and public employees of the county which are vested with the duty or authority to issue or license shall conform to the provisions of this Ordinance and shall issue no permit or license for any use, building, or purpose if the same would be in conflict with the provisions of this Ordinance.

Any permit or license, issued in conflict with the provisions of this Ordinance, shall be null and void.

10.5 Penalties

A. Enforcement and Remedies

Statement of purpose.

This section is remedial and shall be construed in such a manner as to effectuate its purpose of promoting the public health, safety, comfort, morals, convenience and general welfare by enforcement of all zoning ordinances for all lands within unincorporated Lake County, Indiana.

B. Jurisdiction.

- (a) The Lake County Plan Commission of Lake County, Indiana may institute a suit for Injunctive or Monetary relief in the Circuit or Superior courts of Lake County; such suit is to be brought in the name of and captioned as “The Lake County Plan Commission of Lake County, Indiana,” versus the person, persons or entity charged with violating the provisions of any zoning ordinance or land use regulations of unincorporated Lake County, Indiana.
- (b) The Lake County Plan Commission may also institute a suit for mandatory injunction directing a person, persons or entity to remove any structure erected in violation of any zoning ordinances or land use regulations of unincorporated Lake County, Indiana.

- (c) Any structure erected, raised, or converted, or land or premises used in violation of any zoning and land use ordinance of unincorporated Lake County, Indiana, shall and hereby is declared to be a common nuisance and the owner or possessor of the structure, land, or premises shall be liable for maintaining a common nuisance pursuant to IC 36-7-4-1012.
- (d) In addition to the above remedies, the Lake County Plan Commission may pursue prosecution of any common nuisance violation in accordance with IC 36-7-4-1013, IC 36-7-4-1014, IC36-7-4-1015, or IC 36-7-4-1018.

C. Inspection of property; right of entry.

- (a) The Commission, their duly authorized planning staff, or law enforcement officers are authorized to make inspections of all lands located within unincorporated Lake County in order to enforce all zoning ordinances and land use regulations of unincorporated Lake County, Indiana.
- (b) In order to execute inspections, the Commission, their duly authorized planning staff, or law enforcement officers shall have the right to enter upon any premises at any reasonable time for the purpose of carrying out his/their duties in the enforcement of zoning ordinances and land use regulations of unincorporated Lake County, Indiana, unless the owner or occupant of the premises refuses to permit entry to the Commission, their duly authorized planning staff, or law enforcement officers when such entry is sought pursuant to this section. In the event of such refusal, the Commission, their duly authorized planning staff, or law enforcement officers may make application to any judge of the Circuit or Superior courts of Lake County, Indiana, for the issuance of an administrative search warrant. Such application shall identify the premises upon which entry is sought and the purpose for which entry is desired. The application shall state the facts giving rise to the belief that a condition which is a violation or a zoning ordinance or land use regulation of unincorporated Lake County, Indiana, exists on such premises, or that a violation in fact exists and must be abated, and that the condition or violation is not a lawful nonconforming use to the best of the affiant's belief. Any warrant issued pursuant to such application shall order such owner or occupant to permit entry to the Commission, their duly authorized planning staff, or law enforcement officers for the purposes sated therein. In no event shall the Commission, their duly authorized planning staff, or law enforcement officers have the right to enter a residential structure or other structures not open to the public without the permission of the owner or occupant and/or an administrative search warrant first obtained. Prior to entering such residential structure or other structure not open to the public, the Commission, their duly authorized planning staff, or law enforcement officers shall advise the owner or occupant that such owner or occupant is not required to grant entry without the presentation of an administrative search warrant.

D. Stop-work order.

- (a) The Commission or their duly authorized planning staff is empowered to issue an order requiring the suspension of land improvement of any kind when any of the following circumstances exist:
 - 1. Site improvement is occurring without a Building and Zoning Permit or any other permit required by the zoning ordinance having first been obtained;
 - 2. Site improvement is occurring in violation of the terms or conditions of any zone change, special exception, or variance granted under the advisory planning law as contemplated by IC 36-7-4; in violation of covenants made in connection with the platting of a subdivision that is approved by the Commission; in violation of commitments made in accordance with IC 36-7-4-600 et seq. or IC 36-7-4-900 et seq; or in violation of the terms, conditions or provisions of any provision of the Lake County Zoning Ordinance; and
- (b) The stop-work order shall be posted on the property in a conspicuous place, or personally delivered to the owner, possessor, person in charge, or person causing the violation and state the conditions under which construction or other activity may be resumed. The Commission or their duly authorized planning staff or their duly authorized designee shall attempt to meet with the recipient of a stop-work order upon request to explain the conditions under which construction or other activity may be resumed.
- (c) The designated enforcement entity may pursue all remedies allowed by this ordinance to enforce any stop-work order.
- (d) Enforcement activity may be pursued against owner, possessor, person in charge, person causing the violation, or combination thereof.

E. Violations of Zoning Ordinance.

- (a) It shall be unlawful for any person who is the owner or contract vendee of, or who has a possessory interest in, real property located in unincorporated Lake County to cause, suffer or allow any of the following civil zoning violations to occur on such property:
 - 1. The location, erection, or maintenance of any sign not specifically permitted by Chapter 9.5 of this Code;
 - 2. The failure to obtain a Building and Zoning Permit when one is required by the terms and provisions of this Ordinance;

3. The outdoor storage of junk, trash, or debris in any zoning district, the provisions of which do not specifically permit such a use;
4. The storage of inoperable or abandoned vehicles or vehicle parts in any zoning district, the provisions of which do not specifically permit such a use;
5. The parking or storage in any zoning district, the provisions of which do not specifically permit such a use, of any vehicle used or designed (a) for use in pulling, towing, hauling, transporting, or (b) as a temporary or permanent base, platform or support for equipment, machinery, materials or other goods. This provision shall include but not be limited to school buses, buses used for public transportation, stake body trucks, dump trucks, trucks or tractors having dual rear wheels or more than two (2) axles, semi-trailer tractors, semi-trailers and trailers having dual rear wheels or more than one (1) axle or having an overall length of more than twelve (12) feet;
6. The storage or display of merchandise or goods in any zoning district, the provisions of which do not specifically permit such a use or are in violation of zoning district, the provisions of which do not specifically permit such a use;
7. Lawns in subdivisions shall be manicured to a height no taller than eight inches (8") and shall be free from excessive litter or excreta;
8. Bushes, trees, shrubs, and the like located in subdivisions shall be maintained and cut so as not to grow into or obstruct any public way or place, including sidewalks, alleys, or parkways;
9. Swimming pools shall be maintained and be free from stagnant water to avoid any possible insect or rodent manifestation;
10. Vehicles in subdivisions shall not be parked in front yards except for areas that have been properly designated by the Lake County Plan Commission as an approved driveway;
11. All garbage, trash, and refuse shall be properly stored and contained and shall only be placed in a County right-of-way within forty-eight (48) hours of the time of collection;
12. Gutters on residential structures in subdivisions, including accessory buildings, shall be maintained so that they are properly attached to the structure and remain functioning free from weeds and debris;

13. Residential structures in subdivisions shall be maintained to prevent unsightly appearance of chipping or peeling paint or brick or siding which is in disrepair;
 14. The conduct of any activity in a residential zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district, and which activity has not been legally established by a currently valid variance, special exception or other approval;
 15. Failure to comply with zoning district development standards, including but not limited to landscaping, paving or striping of parking areas, minimum parking space requirements, certain enclosures, fencing or screening requirements;
 16. The failure to comply with the terms, provisions, conditions or commitments of a variance, special exception, rezoning ordinance, or any other approval or provision of this ordinance;
 17. Violation of any other provision of the Unincorporated Lake County Zoning Ordinance.
- (b) Each day of the existence of any violation shall be deemed a separate offense. If the violation remains uncorrected each offense may be prosecuted at the discretion of the enforcement authority.
 - (c) The provisions of this ordinance may be enforced by any and all duly authorized employees of the Lake County Plan Commission.
 - (d) Enforcement may be accompanied by the issuance of a letter to the owner, contract purchaser or vendee, tenant, or anyone having a possessory interest in the real property where the violations occurred allowing a maximum of fifteen (15) days to correct the stated violations and bring the property into compliance.
 - (e) If the violation remains after fifteen (15) days notice as provided in Paragraph (d), enforcement may be accompanied by the issuance of a citation to the owner, contract purchaser or vendee, tenant, or anyone having a possessory interest in the real property where the violation occurred. Said citation shall be written on documents approved by the Lake County Plan Commission and contain;
 1. Name of the department and official writing the citation;
 2. Name and address of the owner or anyone having a possessory interest in the property in question;
 3. Address, including apartment or unit number, if applicable, of property for which citation is being issued;
 4. List of alleged violations of zoning ordinance;

5. Notice advising that if stipulated violations are resolved at least five (5) days prior to court date and compliance is confirmed by the official responsible for the citation, the Lake County Plan Commission will move for dismissal of said violation. Dismissal of said violation does not constitute a dismissal of any fines, penalties, or court costs which may have accrued;
6. Notice of any deferral programs available to property owner or anyone having a possessory interest to assist in bringing the property where said violation has occurred into compliance;
7. Nothing contained in this Section shall prevent enforcement by injunction at the sole discretion of the Lake County Plan Commission of Lake County, Indiana.

F. Civil zoning violations; enforcement.

- (a) If an injunction is sought, the violator shall be responsible for all costs of prosecution as well as all penalties;
- (b) If prosecuted as a common nuisance, the penalty shall not be more than two thousand five hundred dollars (\$2,500) for a first violation of the ordinance, nor more than seven thousand five hundred dollars (\$7,500) for a second or subsequent violation of the ordinance, as directed under IC 36-1-3-8;
- (c) If a second or subsequent citation is issued for the same property, the citation shall not be dismissed as allowed under Section E., (e), 5 of this paragraph. Citations may be served by leaving a copy of said citation posted on the property where the alleged violation has occurred or by mailing a copy of the violation via Regular First Class Mail to the owner, contract purchaser, vendee, tenant, anyone having a possessory interest in the real property, or anyone deemed responsible by Lake County at the address according to the Real Estate Master File maintained by the Lake County Auditor or as listed on the property record card of the Lake County Assessor.
- (d) In addition to the procedures listed herein, a person who has been cited for a violation of this Code may elect to file a land use petition. The filing of a land use petition, or subsequent issuance of a variance, special exception, rezoning or other approval of the land use petition, shall not constitute a defense of any zoning violation which occurs prior to the issuance of the variance, special exception, rezoning or other approval.

10.6 Zoning Enforcement Fund

1. A fund designated as the "Zoning Enforcement Fund" shall be established in the operating budget of the Lake County Plan Commission. This fund shall derive its income primarily from fines, penalties assessed for violations of this Ordinance, and from money collected by the Plan Commission in the amount of twenty percent (20%) of total monthly fees collected each and every month throughout the fiscal year. Any balance remaining at the end of the fiscal year shall be carried over in the fund for the following year and shall not revert to the Lake County General Fund.
 - 1.1. In addition to money received from fines, penalties assessed for violations of this Ordinance, fees collected by the Plan Commission in the amount of twenty percent (20%) of monthly fees collected, and other monies applicable to this fund may be received from any source, including appropriation by a municipal, state, or federal legislative authority, and donations. The following monies shall be deposited in the fund:
 - 1.1.1. Money received as payment or settlement of any obligations, judgments, fines, or penalty imposed and collected in accordance with Section 10.5 of this Ordinance;
 - 1.1.2. Money received from Bonds or other forms of surety posted in accordance with the provisions of this Ordinance or the Laws of the State of Indiana; and,
 - 1.1.3. Money collected totaling (20%) of monthly fees received by the Lake County Plan Commission including, Building Fees, Zoning Fees, Inspection Fees, Re-inspection Fees, Variance Fees, Zone Change Fees, Special Exception Fees, Subdivision Fees, Site Development Plan Fees, Subdivision Fees, Map Fees, Literature Fees, Copying Fees, Testing Fees, and Licensing Fees. A copy of revenue generated by the Lake County Plan Commission is available in each Annual Report under Revenue Record.
2. Money included in the Zoning Enforcement Fund may be used for any purpose directly related to executing any provision of this Ordinance or any other business of the Lake county Plan Commission which shall include by way of example and not limitation:
 - 2.1. The cost of obtaining reliable information about the identity and location of persons who have a substantial property interest in any item or property that is the subject of any violation of this Ordinance;
 - 2.2. The cost of accomplishing notice in accordance with the Laws of the State of Indiana;
 - 2.3. Any court costs, attorney fees, legal investigation and representation necessary to prosecute any violation of this Ordinance;

- 2.4. All costs of prosecution in accordance with I.C.9-22-1 et.seq;
- 2.5. The cost of updating, maintaining, and executing the functions and requirements of certain Maps and Ordinances, including the Lake County Zoning Ordinance and Zoning Map, Lake County Subdivision Ordinance, Lake County Licensing Ordinance, Lake County Unsafe Buildings Ordinance, Lake County Ordinance for Flood Hazard Areas, Lake County Building Code, and, Lake County Manufactured Home Park Ordinance;
- 2.6. Any other business of the Plan Commission as approved by the Lake County Council.

SUBSECTION 11.1- ORGANIZATION – FILE FEE FOR APPEAL AMENDED BY ORDINANCE 1564 ON 1/11/94

11.0 BOARD OF ZONING APPEALS

11.1 Organization

A Board of Zoning Appeals for the County is hereby established in accordance with Chapter 174, Acts of 1947, General Assembly, State of Indiana, as amended.

Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. Prior to decision on such petitions, the Board shall hold a Public Hearing thereon. At least ten (10) days prior to the date set for hearing, notice shall be given by publication in a newspaper of general circulation in the County of the time and place of the hearing. Notice of such hearing, time and place, shall be mailed to the petitioner and to the owners of adjacent affected property. The cost of preparing a certified list of affected property owners, notifying said property owners, and the cost of advertising the Notice of Public Hearing shall be born by the petitioner.

The petitioner shall provide a list of the names and addresses (as determined from the most current property tax rolls) of all owners of affected property. Said list shall be certified by the Title Company, Township Tax Assessor, or County Auditor, and shall include all owners of land immediately adjacent to, or across any public street or alley from, said property and any other property owners the Board determines would be affected.

The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the enforcement officer or other duly authorized administrative officer, and the concurring vote of three (3) members of the Board shall be required to decide in favor of the petitioner on any matter within the discretion of the Board upon which it is required to pass under this Ordinance or to affect any variation in the application of this Ordinance

The Board shall cause to be made a detailed report of all its proceedings, setting forth its reasons for its decision. Such record, immediately following the Board's decision shall be filed in the offices of the Board and of the Commission, and shall be open to public inspection. Notice of such decision shall be mailed forthwith to each party in interest as aforesaid.

Any person or persons, jointly or severally aggrieved by any decision of the Board may proceed in the manner prescribed in Sec. 82, Chapter 174, Acts of 1947, General Assembly of the State of Indiana.

File Fee for Appeal

Any petition to the Board of Appeals appealing a decision of the enforcement officer or other duly authorized administrative officer shall be accompanied by a filing fee of **Three Hundred Dollars (\$300.00)** which shall be held pending final decision of the Board.

If the Board reverses the decision of the enforcement officer, said filing fee shall be refunded to the petitioner. If the Board upholds the decision of the enforcement officer, the filing fee shall be deposited with the County Treasurer and no part of which shall be returnable to the Petitioner.

Any petition to the Board of Appeals for a Variance from the Zoning Ordinance Regulation shall be accompanied by a filing fee of fifty dollars (\$50.00), which shall be deposited with the County Treasurer and no part of which shall be returnable to the petitioner.

File Fee for Variance

Any petition to the Board of Zoning Appeals for a Variance of Development Standards from the Unincorporated Lake County Zoning Ordinance shall be accompanied by a filing fee of **Two Hundred Dollars (\$200.00)**. Any petition to the Board of Zoning Appeals for a Variance of Use from the Unincorporated Lake County Zoning Ordinance shall be accompanied by a filing fee of **Four Hundred Dollars (\$400.00)**. Both fees described above shall be deposited with the County Treasurer and no part shall be returnable to the petitioner.

11.2 Powers of the Board of Zoning Appeals

The Board of Zoning Appeals shall have the powers provided in Chapter 174 of the Acts of 1947, General Assembly, State of Indiana, as assigned to it by this Ordinance, it may impose such conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purposes of this Ordinance. It shall not, however, permit any use in conflict with this Ordinance.

12.0 AMENDMENTS TO ORDINANCE AND MAP

The regulations, restrictions and boundaries provided for in this Ordinance may from time to time be amended or appealed.

12.1 Procedure – This Ordinance may from time to time be amended as provided in Chapter 174 of the Acts of 1947.

A. Any petition for amendment shall be accompanied by:

1. A legal description and a Plat of Survey, certified by an Indiana registered land surveyor, showing all dimensions of the property being petitioned; and,
2. A certified list of names and addresses (as determined from the most current property tax rolls) of all owners of land immediately adjacent to, or across any street or alley from, the property being petitioned. Said certified list shall be certified by a Title Company, Township Tax Assessor, or County Auditor; and,
3. An application filed at the Plan Commission Office on forms supplied by the Commission and in addition, shall include exhibits, material, agency comments, and information required by and specified on said forms.

B. Notice

1. Notice of all petitions, applications, or matters shall be given by the Planning Staff as follows:
 - a. By publication in accordance with I.C. 5-3-1; and,
 - b. To the applicant/petitioner in writing, by means of regular United States mail, postage prepaid, addressed to the applicant/petitioner at the address listed in the application/petition and,
 - c. To all adjacent property owners, in writing, addressed to them at their last known address as listed on the Real Estate Master File maintained by the Auditor of Lake County, Indiana.
2. Such written notice shall be given at least ten days prior to the date of such hearings, and shall contain a general description of the real estate involved, and the nature of the application petition or matter to be heard, as well as the date, time and place of the hearing.
3. The Planning Staff may, but is not required to, give such additional notice as, in their discretion, they may deem necessary or advisable under the facts and circumstances of a particular application or petition.

12.2 Filing Fee – Any petition to the Board for a Special Exception shall be accompanied by a filing fee of **Two Hundred Dollars (\$200.00) plus Ten Dollars (\$10.00) per acre or any portion thereof**, which shall be payable to the County Treasurer.

Any petition to the legislative body for an amendment to this Ordinance and map, except when initiated by the Commission or legislative body shall be accompanied by a filing fee of **Two Hundred Dollars (\$200.00)** for agricultural and residential amendments; **Four Hundred Dollars (\$400.00) plus Twenty-Five Dollars (\$25.00) per acre** or any portion thereof for multi-family, commercial or industrial amendment, which shall be payable to the County Treasurer.

No part of any fees collected in accordance with this section shall be returnable to the petitioner.

13.0 VALIDITY AND ADOPTION

13.1 Severance Clause If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance.

13.2 Effective Date – This Ordinance shall take effect upon its passage (approved by the Board of County Commissioners).

14.0 Conflict of Ordinance, severability, partial invalidity.

- (a) If this article is in conflict with any existing ordinance, or any amendment thereof, the one which establishes a higher standard for promotion and protection of public health, safety, comfort, morals, convenience, and general public welfare overrides the other.
- (b) If for any reason any article, division, section, subsection, sentence, clause, phrase, or word of this article should be declared unconstitutional or invalid for any reason whatsoever, such decision shall not affect the remaining portions of this article which shall remain in full force and effect; therefore, the provisions of this article are hereby declared severable.

PASSED AND ENACTED by the Board o Commissioners of Lake County,
Indiana, on the **fifteenth (15th) day of April, 1957.**

s/STANLEY E. OLSZEWSKI, President
Presiding Officer of the Board of
Commissioners of the County of
Lake, Indiana.

s/JOSEPH J. FORSZT

s/BENJAMIN F. ROBERTS

ATTEST:

s/ANDREW S. KOVACIK, County Auditor
Clerk of the Board of Commissioners
of the County of Lake, Indiana