Chapter 17.04

GENERAL PROVISIONS

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17.04.010 Purpose.

The purpose of this title is as follows:

A. To promote and to protect the public health, safety, morals, comfort, convenience and the general welfare of the people;

B. To divide the city into zones and districts restricting and regulating therein the location, construction, reconstruction, alteration and use of buildings, structures and land for residence, business, commercial, manufacturing and other specified uses;

C. To protect the character and maintain the stability of residential, business, commercial, manufacturing areas within the city and to promote the orderly and beneficial development of such areas;

D. To regulate the intensity of use of land and to determine the area of open spaces surrounding buildings necessary to provide adequate light and air and protect the public health;

E. To prohibit uses, buildings or structures which are incompatible with the character of development or the permitted uses within specified zoning districts;

F. To prevent such additions to and alterations or remodeling of existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder;

G. To provide protection against fire, explosion and other hazards in the interest of the public health, safety, comfort and the general welfare. (Prior code § 47-1)

17.04.020 Word interpretation.

In the interpretation and enforcement of this title, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicated otherwise:

A. Words used in the present tense shall include the future; words used in the singular number shall include the plural number and the plural the singular.

B. The word "shall" is mandatory and not discretionary.

C. The word "may" is permissive.

D. The word "lot" shall include the words "piece" and "parcel"; the phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for." (Prior code § 47-2)

17.04.030 Definitions.

For the purposes of this title, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Accessory building" means a subordinate building, the use of which is incidental to that of the principal building on the same lot or to the use of the premises. An accessory use is one which is incidental to the principal use of the premises.

"Alley" means a public right-of-way which affords only a secondary means of access to abutting property and which has a width of less than thirty feet.

Alterations. As applied to a building or structure, "alterations" means a change or rearrangement in the structural parts or in the exit facilities or an enlargement, whether by extending on a side or by increasing in height or the moving from one location or position to another.

"Apartment" means a room or suite of rooms in a multiple or two-family dwelling or where one or more dwelling units are established above nonresidential uses.

Apartment House. See "Dwelling, multiple."

Area, Net Site. "Net site area" means the total area within the property lines excluding external streets.

"Auto court" means a building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "auto court" includes buildings designated as tourist courts, motor lodges, motels and similar appellations.

"Basement" means a story partly underground but having less than half of its clear floor-to-ceiling height below finished grade. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet and the basement is used for business or dwelling purposes.

"Boardinghouse" means a private dwelling in which, for compensation, lodging and meals are provided for three but not more than twenty persons.

"Building" means any structure having a roof designed or intended for the enclosure, shelter or protection of persons, animals, chattels or property and which is permanently affixed to the land. When a structure is divided into separate parts by unpierced walls extending from the ground up, each part is deemed a separate building.

Building, Detached. "Detached building" means a building surrounded by open space on the same lot.

Building, Front Line of. "Front line of building" means the line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps.

Building, Height of. "Height of building" means the vertical distance measured from the average grade (see "grade") to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

Building, Principal. "Principal building" means a building in which is conducted the main or principal use of the lot on which it is located.

"Cellar" means as story partly underground and having more than one-half of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stores, nor shall it be considered as space to be used for living quarters.

"Court" means an unoccupied open space other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.

"Coverage" means that percentage of the plot or lot area covered by the building area.

"Curb level" means the officially established grade of the curb in front of the midpoint of the lot.

"Development plan" means a development plan for development of real property, including construction and remodeling, in a zoning classification for which a development plan is required. All provisions of the development plan shall be in conformance with Indiana Code 36-7-4-14-1 et seq., as may be amended from time to time.

"Dog kennel" means the keeping of more than three dogs that are more than six months old.

"District" means a section or sections of the incorporated area of the city for which the regulations governing the use of buildings and premises or the height and area of buildings are uniform.

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

"Dwelling" means a building or portion thereof, but not an automobile house trailer, designed or used exclusively as the living quarters for one or more families.

Dwelling, Group. "Group dwelling" means a group of two or more one-family, two-family or

multiple dwellings occupying a parcel or tract designed and developed as a unit and having any yard in common.

Dwelling, Multiple. "Multiple dwelling" means a building used or designed as a residence for three or more families living independently of each other and doing their own cooking therein, including

apartment houses, apartment hotels, flats and group houses.

Dwelling, Row House. "Row house dwelling" means a building consisting of a series of three or more dwelling units having a common wall between two adjacent dwelling units.

Dwelling, Semi-detached. "Semi-detached dwelling" means a building designed for or occupied exclusively by two families living independently of each other with the units placed side by side, each unit having one party wall and one side yard.

Dwelling, Single-family. "Single-family dwelling" means a detached building designed for and containing a one family dwelling unit only.

Dwelling, Two-family. "Two-family dwelling" mens a building except a semi-detached dwelling designed for or occupied exclusively by two families living independently of each other.

"Dwelling unit" means a dwelling or portion thereof providing complete living facilities for one family, including complete single kitchen facilities, permanently installed.

"Family" means one or more persons related by blood, marriage or adoption occupying the premises and living as a single housekeeping unit, as distinguished from a group occupying a boardinghouse, lodginghouse, club, fraternity or hotel.

"Filling station" means any area of land, including structures thereon, that is used or designed to be used for retail sale or dispensing of fuels, lubricants, tires, batteries, accessories and minor parts, including installation, for motor vehicles and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing such motor vehicles, but does not include welding, major repair or body work.

"Flood" or "floodwater" means the water of any lake or watercourse which is above the banks and/or outside the channel and banks of such watercourse.

"Flood hazard area" means any floodplain, floodway, floodway fringe district or any combination thereof.

"Floodproofed building" means a commercial or industrial building designed to exclude floodwaters from the interior of that building. All such floodproofing shall be adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regulatory flood.

"Floor protection grade" means the elevation of the lowest floor or a building or structure. If a basement is included, the basement floor is considered the lowest floor. Exception: If a commercial or industrial building is floodproofed as hereinafter defined, the term "flood protection grade" applies to the water surface elevation for which the building is protected.

"Frontage" means all the property on one side of a street between two intersecting streets measured along the line of the street or, if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.

Garage, Private. "Private garage" means an accessory building used for storage purposes only and having a capacity of not more than three automobiles or not more than one automobile per family housed in the building to which such garage is accessory, whichever is greater. Space therein may be used for not more than one commercial vehicle and space may be rented for not more than two vehicles of others than occupants of the building to which such garage is accessory.

Garage, Public. "Public garage" means any garage not a private garage, which is used for storage, repair, rental, servicing or supplying of gasoline or oil to motor vehicles.

Garage, Storage. "Storage garage" means any building or premises, used for housing only of motor driven vehicles other than truck and commercial vehicles pursuant to previous arrangements and not to transients and at which automobile fuels and oils are not sold and motor driven vehicles are not equipped, repaired, hired or sold.

"Grade" means the officially established level of the curb in front of the midpoint of the lot.

"Home occupation" means an occupation or a profession which:

1. Is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit; and

2. Is carried on by a member of the family residing in the dwelling unit; and

3. Is clearly incidental and secondary to the use of the dwelling unit for residential purposes; and

4. Which conforms to the following additional conditions:

a. The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto.

b. No person is employed other than a member of the immediate family residing on the premises.

c. There shall be no exterior display, no exterior sign except a small name plate with an area no larger than one square foot and not illuminated, no exterior storage of materials of the home occupation or variation from the residential character of the principal building.

d. No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced.

In particular, a home occupation may include the following:

Art studio

Dressmaking

Professional office of a physician, dentist, lawyer, engineer, architect or accountant, within a dwelling occupied by the same

Real estate brokerage, exclusive of service for payment of bills, collection of rent, etc.

Teaching with musical instruction, limited to a single pupil at a time

A home occupation shall not be interpreted to include the following:

Barber shops and beauty parlors, commercial stables and kennels, restaurants, tea rooms, dancing instruction, band instrument instruction in groups, tourist home, mortuary establishments, stores, trades or business of any kind not herein excepted.

"Hospital" means a building used for the diagnosis, treatment or other care of human ailments, unless otherwise specified.

"Hotel" means a building in which lodging is provided and offered to the public for compensation and which is open to transient guests.

"Institution" means a building occupied by a nonprofit corporation of a nonprofit establishment for public use.

"Lodginghouse" means a building where lodging only is provided for compensation to three or more but not more than twenty persons and in which no meals are provided.

"Lot" means a parcel of land occupied or intended for occupancy by a use permitted in this chapter including one principal building together with its accessory building and the open spaces required by this chapter, and having its principal frontage upon a dedicated public street or upon a public way.

"Lot area" means the area of a horizontal plane bounded by the front, side and rear lot lines.

Lot, Corner. "Corner lot" means a lot abutting upon two or more streets at their intersection.

Lot, Depth of. "Depth of lot" means the mean horizontal distance between the front and real lot lines.

Lot, Double Frontage. "Double frontage lot" means a lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.

Lot, Interior. "Interior lot" means a lot other than a corner lot.

Lot, Width of. "Width of lot" means the mean horizontal distance between the side lot lines.

Lot, Line, Front. In the case of an interior lot, "front lot line" means a line separating the lot from the dedicated public street or public way and, in the case of a corner lot, "front lot line" means a line separating the narrowest street frontage of the lot from the street, except in cases where deed restrictions in effect specify another line as the front lot line or, in the case of a corner lot where both street frontages are equal in width or where front lot lines prevail on both street frontages, then both the lines separating the lot from the dedicated public streets shall be regarded as front lot lines for purposes of conforming to front yard requirements.

Lot Line, Rear. "Rear lot line" means a lot line which is opposite and most distant from the front lot

line and, in the case of an irregular or triangular shaped lot, a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.

Lot Line, Side. "Side lot line" means any lot boundary line not a front lot line or a rear lot line.

"Lot of record" means an area of land designated as a lot on a plat of subdivision registered or recorded in the office of the county recorder or a parcel of land the deed of which was recorded in the office of the county recorder prior to the adoption of this chapter.

"Mobile homes tie-downs — Schedule A" means sufficient anchorage to resist flotation, collapse or lateral movement of any mobile home. At a minimum, such anchorage shall consist of (1) over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile homes less than fifty feet long requiring only one additional tie per side; (2) frame ties be provided at each corner of the home with five additional ties per side at intermediate points and mobile homes less than fifty feet long requiring four additional ties per side; (3) all components of the anchoring system be capable of carrying a force of four thousand eight hundred pounds; and (4) additions to the mobile home be similarly anchored.

"Natural resources" means the Indiana Natural Resources Commission.

"Nonconforming use" means any use of land or buildings which does not comply with all of the regulations of this chapter or of any amendment hereto governing use for the zoning district in which such use is located.

Parking Lot. In the case of nonindustrial areas, "parking lot" means a permanently all-weather surfaced parcel of land devoted to unenclosed parking spaces, but not used for the commercial sale or lease of motor vehicles and, in the case of industrial areas, "parking lot" means a parcel of land devoted to unenclosed parking spaces surfaced with slag, cinders or other dustless materials.

"Parking space" means an area of not less than two hundred square feet, to store one standard sized automobile, together with a driveway connecting the parking space with a street or alley and permitting satisfactory ingress and egress of an automobile.

"Place" means an open unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property

"Regulatory flood" means that flood having a peak discharge which can be expected to be equaled or exceeded on the average of once in a one hundred year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission. This flood is equivalent to a flood having a probability of occurrence of one percent in any given year.

"Regulatory flood profile" means a longitudinal profile along the thread of a stream showing the maximum water surface elevation attained by the regulatory flood.

Roominghouse. See "lodginghouse."

Row house. See "dwelling, row house."

"Story" means that portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the surface between the floor and the ceiling next above it.

Story, Half. "Half story" means that portion of a building under a sloping gable, hip or gambrel roof; the wall plates on at least two opposite exterior walls of which are not more than three feet above the floor level of such half-story.

"Street" means a public right-of-way which affords a primary means of access to abutting property.

"Street line" means a dividing line between a lot, tract or parcel of land and a contiguous street.

"Structural alteration" means any change other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing walls or partitions, columns, beams or girders or any substantial change in the roof or in exterior walls.

"Structure" means anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground including, but with-

out limiting the generality of the foregoing, advertising signs, billboards, platforms, radio towers, sheds, bins and fences but excluding, in M1 and M2 districts, mechanical or electrical equipment such as boilers, pressure vessels, pumps, blowers, turbines, motors or other machinery, piping, electrical wiring and the like.

"Substantial modification" means any alteration, repair, enlargement or extension of an existing building. Such substantial modification is considered to occur when the first alteration of any wall, ceiling, floor or other structural element of the building commences. This term does not, however, include either (1) any project for improvement of a structure to comply with existing health, sanitary or safety code specifications or (2) any alteration of a structure listed on the National Register of Historic Places or the Indiana State Survey of Historic, Architectural, Archeological and Cultural Sites, Structures, Districts and Objects.

"Yard" means an open space on a lot which is unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

Yard, Front. "Front yard" means a yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line and the nearest part of the principal building or any projection thereof, other than the projection of the usual steps or entrance way.

Yard, Rear. "Rear yard" means a yard extending across the rear of the lot measured between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projections other than steps, unenclosed balconies or unenclosed porches. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.

Yard, Side. "Side yard" means a yard between the principal building and the side line of the lot and extending from the front line of the principal building to the rear line of the principal building. 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 principal building. (Ord. O-98-0002 (part), 1998; Ord. 3241 § 2, 1979; prior code § 47-3)

17.04.040 Scope.

All buildings erected hereafter, all uses of land or buildings established hereafter, all structural alteration or relocation of existing buildings occurring hereafter and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this title which are applicable to the zoning districts in which such buildings, uses or land shall be located.

However, where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this title; and provided, that construction is begun within ninety days of such effective date and diligently prosecuted to completion, such building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued and may, upon completion, be occupied under a certificate of occupancy by the use for which originally designated, subject thereafter to the provisions of Section 17.16.120. (Prior code § 47-4)

17.04.050 Minimum requirements standards.

In interpreting and applying the provisions of this title, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. Wherever the regulations of this title require a greater width or size of yards, courts of other open spaces or require a lower height of buildings or less numbers of stores or require a greater percentage of lot to be left unoccupied or require a lower density of population or require a more restricted use of land or impose other higher standards than are required in an other ordinance or regulation, private deed restrictions or private covenants, these regulations shall govern but, if the requirements of such other ordinance, regulations, private deed restriction or private covenant is the more

restrictive, then those requirements shall govern. (Prior code § 47-5)

17.04.060 Enforcement.

It shall be the duty of the building commissioner to see that this title is enforced through the proper proceedings. (Prior code § 47-6)

17.04.070 Violations and penalties.

Any person who shall violate any provision of this title or shall fail to comply therewith or with any of the requirements thereof or who shall build or alter any building in violation of any essential statement or plan submitted and approved thereunder shall for each and every violation or noncompliance be guilty of an offense and upon conviction thereof or finding to that effect, shall be fined not more than three hundred dollars to which may be added imprisonment for a term not exceeding ten days. Each day such violation shall be permitted to exist shall constitute a separate offense. The owner or owners of any building or any premises or any part thereof, where anything in violation of this title shall exist and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who or which may have assisted in the commission of any such violation shall each be guilty of a separate offense and upon conviction thereof or finding to that effect shall be fined as herein provided and any building erected, raised or converted or land or premises used in violation of any provision of this title or any requirement hereof, is declared to be a common nuisance and as such may be abated in such manner as nuisances are now or may hereafter be abated under existing law. (Prior code § 47-7)

17.04.080 Community unit plan.

A. The owner or owners of any tract of land comprising an area of not less than five acres may submit to the common council a plan for the use and development of all of the tract of land for residential purposes. The development plan shall be referred to the city plan commission for study and report and for public hearing. If the commission approves the development plan, the plan, together with the recommendation of the commission, shall be accompanied by a report stating the reasons for approval of the application and specific evidence and facts showing that the proposed community unit plan meets the following conditions:

1. That property adjacent to that area included in the plan will not be adversely affected;
2. That the plan is consistent with the intent and purpose of this chapter to promote public health, safety, morals and general welfare;
3. That the buildings shall be used only for single-family dwellings, two-family dwellings or multiple dwellings and the usual accessory uses such as garages, storage space and community activities, and may include churches;
4. That the average lot area per family contained in the site, exclusive of the area occupied by streets, will be not less than the lot area per family required in the district in which the development is located.

B. If the common council approves the plan, building permits and certificate of occupancy may be issued even though the use of land, the location of the buildings to be erected in the area and yards and open spaces contemplated by the plan do not conform in some respects to the district regulations of the district in which it is located. (Prior code § 47-8)

17.04.090 Amendments.

The regulations or districts established by this title may be amended by ordinance of the common council, but only after public notice and hearing, all in the manner provided by law. (Prior code § 47-9)

17.04.100 Amendments—Advertising costs.

Any person requesting an amendment shall file with the secretary of the city plan commission a receipt showing the payment into the treasury of the city the sum necessary to cover the cost of advertisement of the proposed change in this title or the district zone map or, in lieu of such payment into the treasury of the city, the city plan commission may accept affidavits from the publishers that costs for

such advertisements have been paid to such publishers or otherwise secured. (Prior code § 47-10)

17.04.110 District zone map changes.

All official changes in the district zone map shall be made by or under the direction and supervision of the city engineer. (Prior code § 47-11)

17.04.120 Development plan requirements.

In each zoning classification in which the submission and approval of a development plan is required before construction or exterior remodeling, the following shall apply:

A. Concurrent with the filing of a petition for development plan review, the petitioner shall provide the following supportive materials:

1. A site plan, drawn to scale, showing the following:

a. Surrounding land uses,

b. Availability of water, sanitary sewer, storm water drainage, and other utilities,

c. Traffic management,

d. Building setback lines,

e. Building coverage, both for existing and proposed primary and accessory structures,

f. Building separation,

g. Vehicle and pedestrian circulation,

h. Parking,

i. Landscaping,

j. Height, scale, materials, and style of improvements,

k. Signage,

l. Recreation space, if any,

m. Outdoor lighting;

2. Information establishing that the capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the new development and that the entrances, streets and internal traffic circulation facilities in the development plan are compatible with existing and planned streets and adjacent developments.

B. The plan commission may waive the requirement that certain items be included in the supportive materials if it makes a written finding that such materials are unnecessary to an appropriate review of the development plan.

C. If the cost of remodeling does not exceed ten thousand dollars, the plan commission may waive development requirements for approval of a development plan.

D. Application for review of a development plan shall be made in the same manner as other petitions are filed with the plan commission. The fee, notice requirements, hearing requirements and other matters relevant to the review shall conform to the existing requirements for petition for rezoning.

E. In the event that any provision in the ordinance codified in this section is in contravention to Indiana Code 36-7-4-1400 et seq., as amended from time to time, such provision shall not affect the validity of the remaining portions of said ordinance and code as hereby adopted. (Ord. O-98-0002 (part), 1998)

Chapter 17.08

BOARD OF ZONING APPEALS

Sections:

17.08.010	Established—Composition.
17.08.020	General provisions.
17.08.030	Powers and duties.
17.08.040	Affirmation, modification or repeal of appealed decision.
17.08.050	Appeal from decision of board.

17.08.010 Established—Composition.

A board of zoning appeals is established. The board shall be composed of members of the city plan commission. The board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this title. (Prior code § 47-12)

17.08.020 General provisions.

A. The board of zoning appeals shall hear and determine appeals from and review any order, requirement, decision or determination made by the building commissioner in the enforcement of this title and shall permit and authorize exceptions to and variations from the district regulations in the classes of cases or in particular situations specified in this title and it shall hear and try all matters referred to it or upon which it is required to pass under this title. Every decision of the board shall be subject to view by certiorari. Such appeal may be taken by any person aggrieved or by an officer, department, board or bureau of the city. The building commissioner shall, upon the request of the board of zoning appeals, forthwith transmit to such board all documents, plans and papers constituting the record upon which the action appealed from was taken.

B. The board shall fix a reasonable time for the hearing of the appeal, give due notice thereof to the parties in interest and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or by attorney. (Prior code § 47-13)

17.08.030 Powers and duties.

The board of zoning appeals shall have the following powers and duties:

A. To hear and decide appeals where it is alleged there is error of law in any order, requirements, decision or determination made by the building commissioner in the enforcement of this title;

B. To permit the extension of a district where the boundary line of a district divides a lot held in single ownership at the time of the effective date of this title;

C. To interpret the provisions of this title where the street layout actually on the ground varies from the street layout as shown on the district zone map fixing the several districts;

D. To grant a variation in the regulations when a property owner can show that his property was acquired in good faith and where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, at the time of the effective date of this title or where, by reason of exceptional topographical conditions or other extraordinary or exceptional situations, the strict application of the terms of this title actually prohibits or unreasonably restricts the use of his property and where the board is satisfied, under the evidence heard before it, that the granting of such variation will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the owner; provided, however, that all variations granted under this clause shall be in harmony with the intended spirit and purpose of this title and shall not constitute a direct and obvious amendment of any district regulations or district boundaries;

E. To permit the following exceptions to the district regulations set forth in this title by issuance of a permit maintaining conditions governing design, construction or operation of the exception so as to adequately safeguard the health, safety and welfare of the occupants of adjoining and surrounding property:

1. The erection or use of a building or the use of a premises for public utility purposes only, which

the board finds to be reasonably necessary for the public convenience or welfare. Such public utility structure may also be authorized by the board to exceed the height and area regulations of the district in which it is located;

2. The reconstruction to begin within twelve months from the time of adjusted loss either by agreement or by court decree of a nonconforming building which has been damaged by explosion, fire, act of God or public enemy, to the extent of more than fifty percent of the cost of replacement of the entire building. (Prior code § 47-14)

17.08.040 Affirmation, modification or repeal of appealed decision.

In exercising the powers enumerated in this chapter the board may reverse or affirm wholly or partly or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the building commissioner from whom the appeal is taken.

Every variation granted or denied by the board shall be accompanied by a written finding of fact, based on testimony and evidence and specifying the reason for granting or denying the variation. (Prior code § 47-15)

17.08.050 Appeal from decision of board.

Any person dissatisfied with the decision and action of the board of zoning appeals may present to the circuit or superior court of Lake County a petition for a writ of certiorari. The procedure for making such appeal shall conform to the requirements of the laws of the state authorizing cities to adopt zoning regulations. (Prior code § 47-16)

Chapter 17.12

CERTIFICATES AND PERMITS

Sections:

17.12.010 Occupancy and compliance certificates.
17.12.020 Occupancy and compliance certificate—Application—Records.
17.12.030 Occupancy and compliance certificate—Prerequisite for permits and occupancy.
17.12.040 Plats accompanying building permit applications.

17.12.010 Occupancy and compliance certificates.

Subsequent to the effective date of this title no change in the use or occupancy of land, nor any change of use or occupancy in any existing building, other than for single-family dwelling purposes, shall be made, nor shall any new building be occupied for any purpose other than single-family dwelling use until a certificate of occupancy and compliance has been issued by the building commissioner. Every certificate of occupancy and compliance shall state that the new occupancy complies with all provisions of this title. (Prior code § 47-17)

17.12.020 Occupancy and compliance certificate—Application—Records.

Certificates of occupancy and compliance shall be applied for coincidentally with the application for a building permit and shall be issued within ten days after the lawful erection or alteration of the building is completed. A record of all certificates of occupancy and compliance shall be kept on file in the office of the building commissioner and copies shall be furnished on request to any person having proprietary or tenancy interest in land or a building affected by such certificate of occupancy and compliance. (Prior code § 47-18)

17.12.030 Occupancy and compliance certificate—Prerequisite for permits and occupancy.

No permit for excavation for or the erection or alteration of any building shall be issued before the application has been made for a certificate of occupancy and compliance and no building or premises shall be occupied until that certificate and permit is issued. (Prior code § 47-19)

17.12.040 Plats accompanying building permit applications.

All applications for building permits shall be accompanied by a plat in duplicate drawn to scale showing the actual dimensions of the lot to be built upon, the size of the building to be erected and such other information as may be necessary to provide for the enforcement of these regulations. A careful record of such application and plats shall be kept in the office of the building commissioner. At the time the application is made for the building permit, the lot corners of the lot to be built upon must be established on the ground to the satisfaction of the building commissioner. (Prior code § 47-20)

Chapter 17.14

ZONE MAP CHANGES

Sections:

17.14.010 Hearing—Notice—Contents.
17.14.020 Area subject of zone map change—Notice to nearby occupants.
17.14.030 Hearing—Place—Rules of conduct.
17.14.040 Files concerning proposal—Availability.

17.14.010 Hearing—Notice—Contents.

Prior to the plan commission certifying a proposal to the common council where the subject is a zone map change, the plan commission shall give notice of the hearing by publication under IC 5-3-1. The notice must state:

A. The time and place of the hearing;

B. The geographic area that is the subject of the zone map change. (Ord. O-93-0029 § 1, 1994)

17.14.020 Area subject of zone map change—Notice to nearby occupants.

The plan commission shall also give due notice of the proposal to change the zone maps to all people owning, occupying, or leasing property within three hundred feet of the geographic area that is the subject of the zone map change. The notice shall be in the form of registered or certified mail and shall be given at least ten days before the date set for hearing. (Ord. O-93-0029 § 2, 1994)

17.14.030 Hearing—Place—Rules of conduct.

The hearing must be held by the plan commission at the place stated in the notice. The commission shall adopt rules governing the conduct of the hearing, which rules shall include receiving oral comments by interested parties concerning the proposal. (Ord. O-93-0029 § 3, 1994)

17.14.040 Files concerning proposal—Availability.

The files of the plan commission concerning the proposal shall be public record and shall be kept available for inspection by any interested person. (Ord. O-93-0029 § 4, 1994)

Chapter 17.16

DISTRICTS GENERALLY

Sections:

17.16.010	Districts established—Zoning map.
17.16.020	Determination of boundaries.
17.16.030	Annexed territory.
17.16.040	Underwater areas.
17.16.050	Vacated areas.
17.16.060	General regulations—District use provisions.
17.16.070	Exceptions to use, height and area regulations.
17.16.080	Special uses.
17.16.090	Off-street parking.
17.16.100	Parking lots in residence districts.
17.16.110	Off-street loading.
17.16.120	Nonconforming uses.

17.16.010 Districts established—Zoning map.

A. For the purpose of classifying, regulating and limiting the use of buildings hereafter to be erected and of regulating and determining the area of front, rear and side yards and other open spaces about buildings and of regulating and determining the use and intensity of use of land and of lot areas and of classifying, regulating and restricting the location of trades, callings, industries, commercial enterprises and the location of buildings designed for the uses herein specified, the city is hereby divided into eleven districts. The use, height and area regulations are uniform in each class of district. Such districts shall be known as:

R-1 Single-family dwelling district

R-1a Single-family or semi-detached dwelling district

R-2 Two-family dwelling district

R-3 Multiple-dwelling and/or two story row house district

R-4 Multiple-dwelling, three story or less district

R-5 Multiple-dwelling, four story or more district

C-1 Neighborhood retail district

C-2 General commercial district

M-1 Light industrial district

M-2 Heavy industrial district

P-1 Park district

F.P. Floodplain district

F.W. Floodway district

F.F. Floodway fringe district

WD-1 Waterfront development district

B. The boundaries of these districts are indicated upon the city district zone map, which map is made a part of this title. Such district zone map and all notations, references and other matters shown thereon shall be as much a part of this title as if the notations, references and other matters set forth by such map were all fully described herein and such district zone map is properly attested and is on file with the city clerk. (Ord. O-96-0003 § 6, 1996; Ord. O-95-0003 § 9, 1995; Ord. 3241 § 3, 1979; prior code § 47-21)

17.16.020 Determination of boundaries.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the district zone map adopted by Section 17.16.010, the following rules apply:

A. The district boundaries shall be the center line of either streets or alleys, unless otherwise shown, and where the districts designated on the district zone map are bounded approximately by street or alley lines, the center line of the street or alley shall be construed to be the boundary of the district.

B. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines and, where the districts designated on the map are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.

C. In unsubdivided property, the district boundary lines on the district zone map shall be determined by use of the scale appearing on the map. (Prior code § 47-22)

17.16.030 Annexed territory.

All territory which may hereafter become a part of the city by annexation, except the areas provided for in Section 17.16.040, shall automatically be classed as lying and being in the R-1 single-family dwelling district until such classifications shall have been changed by an amendment to this chapter, as provided by law. (Prior code § 47-23)

17.16.040 Underwater areas.

All underwater areas in Lake Michigan not shown on the district zone map as included in any zoning district shall, when filled, be subject to the regulations of the zoning district in which the riparian land so extended by such filled area is located; provided, that all such underwater areas and areas which have been filled prior to the effective date of this title and not shown on the district zone map and lying north on the boundary line between the Inland Area No. 2 and the Park Board Area, as defined in a certain agreement between Inland Steel Company and the city dated May 22, 1954, and recorded on March 18, 1955, in Book 633, page 348, in the county recorder's office, shall as so filled or when filled be subject solely to the regulations of the M-2 heavy industrial district and that all such underwater areas south of such boundary line and north of the boundary line between Inland Area No. 1 and the Park Board Area, as defined in such agreement, shall, when filled, be subject solely to the regulations of the P-1 park district.

All other areas which are under water and are not shown on the district zone map as included in any district shall be subject, in the event of being filled, to all of the regulations of the district of which the filled land is an extension. (Prior code § 47-24)

17.16.050 Vacated areas.

Whenever any street, alley or other public way is vacated in a manner authorized by law, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth shall be subject to all regulations of the extended districts. (Prior code § 47-25)

17.16.060 General regulations—District use provisions.

Except as hereinafter provided:

A. No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used, which does not comply with all of the district regulations established by this title for the district in which the building or land is located.

B. The minimum yards and other open spaces, including the intensity of use provisions contained in this title for each and every building hereafter erected or structurally altered, shall not be encroached upon or considered as yard or open spaces requirements or intensity of use requirements for any other building, except as expressly provided by this title.

C. Every building hereafter erected or structurally altered for residential purposes shall be located on a lot. In no case shall there be more than one principal building for residential purposes on one lot. (Prior code § 47-26)

17.16.070 Exceptions to use, height and area regulations.

The district regulations hereinafter set forth in this section qualify or supplement, as the case may be, the district regulations appearing elsewhere in this title.

A. Public, semi-public or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding sixty feet and churches and temples may be erected to a height not exceeding seventy-five feet if the building is set back from each yard line at least one foot for each two feet of additional building height above the height limit otherwise provided in the district in which the building is built.

B. Single-family dwellings and two-family dwellings in the dwelling districts may be increased in height by not more than ten feet when the side

and rear yards are increased over the yard requirements of the district in which they are located by not less than ten feet, but they shall not exceed three stories in height.

C. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, spires, church steeples, wireless towers, farm buildings or necessary mechanical appurtenances, may be erected to any height not in conflict with other ordinances or regulations.

D. Buildings on through lots and extending through from street to street may waive the requirements for a rear yard by furnishing an equivalent open space in lieu of such required rear yard.

E. Accessory buildings which are not a part of the main building may be built in a rear yard within three feet of the rear and side lot lines. An accessory building which is not a part of the main building shall not occupy more than thirty percent of the required rear yard.

F. Accessory buildings which are to be used for storage purposes only may be erected upon a lot prior to the construction of the main building.

G. Every part of a required yard shall be open to the sky unobstructed except for accessory buildings in a rear yard and except for the ordinary projections of skylights, sills, belt courses, cornices and ornamental features projecting not to exceed twelve inches. This requirement shall permit the construction of fences not exceeding ten feet in height except on that portion of lots within thirty feet of the intersection of the street curb lines or pavement edges, where there are no curb lines, of two or more streets, where wire fences will be permitted; provided, that land use does not obstruct sight lines at elevations between two feet and six feet.

H. Open or lattice enclosed fire escapes, fireproof outside stairways and balconies opening upon a yard not more than five feet and the ordinary projections of chimneys and flues are permitted.

I. For the purpose of side yard requirements, a two-family dwelling shall be considered as one building occupying a single lot.

J. An open unenclosed or screened porch or paved terrace, may project into a front yard for a distance not exceeding ten feet.

K. More than one industrial, commercial, multiple dwelling or institutional building may be erected upon a single lot or tract, but the yards and open spaces required around the boundaries of the lot or tract shall not be encroached upon by any such buildings, nor shall there be any change in the intensity of the use regulations.

L. The board of zoning appeals may consider issuing a variance to the terms and provisions of the floodway (FW), floodway fringe (FF) or floodplain (FP) districts provided the applicant offers that:

1. There exists a good and sufficient cause for the requested variance;

2. The strict application of the terms of the ordinance codified in this section will constitute an exceptional hardship to the applicant; and

3. The grant of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public or conflict with existing laws or ordinances.

M. The board of zoning appeals may issue a variance to the terms and provisions of the floodway (FW), floodway fringe (FF) or floodplain (FP) districts subject to the following standards and conditions:

1. No variance or exception for a residential use in a floodway (FW) district may be granted;

2. Any variance or exception granted in a floodway (FW) district will require a permit from Natural Resources;

3. Variances or exceptions to the flood protection grade requirements in a floodway fringe (FF) district may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection elevation;

4. Any variance or exception granted in a floodplain (FP) district will require a permit or letter of recommendations from Natural Resources. If a letter of recommendation is received from Natural Re-

sources, the board of zoning appeals may apply the standards pertaining to a floodway fringe (FF) district contained in subsection M 3 of this section;

5. Variance or exception may be granted for the reconstruction or restoration of any structure listed on the National Register of Historic Places or the Indiana State Survey of Historic, Architectural, Archeological and Cultural Sites, Structures, District and Objects;

6. All variances shall give the minimum relief necessary, and be such that the maximum practical flood protection will be given to the proposed construction; and

7. The board of zoning appeals shall issue a written notice to the recipient of a variance or exception that the proposed construction will be subject to increased risks to life and property and could require payment of excessive flood insurance premiums. (Ord. 3241 § 8, 1979; prior code § 47-27)

17.16.080 Special uses.

A. The common council of the city may, by special permit after public hearing, authorize the location of any of the following buildings or uses in a district from which they are prohibited by this title:

1. Any public building erected and used by any public agency;

2. The extraction of raw materials such as rock, gravel, sand, clay and the like;

3. Hospitals, clinics, clubs and institutions; provided, however, that such buildings or uses will be located upon a lot of sufficient area and shall be of such character that they will not have any serious and depreciating effects upon the value of the surrounding development; and provided, further, that the buildings shall be set back from all yard lines a distance of not less than two feet for each foot of building height;

4. Recreation field;

5. Heliport or landing field for helicopters;

6. Greenhouses; provided, that any such structures shall not be less than seventy-five feet from all property lines;

7. Riding stables;

8. Temporary and seasonal uses, including roadside stands and recreational and amusement uses;

9. Floodplain (FP) District. The following special exception uses may be permitted in the floodplain (FP) district only after a proper permit or letter of recommendation for same has been granted by Natural Resources. All terms and conditions imposed by Natural Resources will be incorporated in any permit issued by the plan commission. The plan commission may impose greater restrictions. All buildings or additions to existing buildings shall have flood protection grades at least two feet above the regulatory flood profile.

a. Water management and use facilities, such as dams, docks, Dolphins, channel improvements, dikes, jetties, groins, marinas, piers, wharves, levees, seawalls, floodwalls, weirs, and irrigation facilities,

b. Transportation facilities, such a streets, bridges, roadways, fords, airports, pipe lines, railroad and utility transmission facilities;

c. Temporary or seasonal floodplain occupancy, such as circus sites, fair sites, carnival sites, boat ramps, camps, roadside stands, and transient amusement facility sites,

d. Water-related urban uses, such as wastewater treatment facilities, storm sewers, electric generating and transmission facilities and water treatment facilities,

e. Other flood tolerant or open space urban uses, such as floodproofed buildings, race tracks, tennis courts, park buildings, outdoor theaters, fills, truck freight terminals, radio or TV towers, parking lots, and mineral extractions,

f. Residential Structures. The structure or structures if permitted in a floodplain (FP) district, shall be constructed on the building site so as to minimize obstruction to the flow of floodwaters.

Floodproofing of nonresidential structures, if proposed, must be in accordance with the definition of a floodproofed building as set forth in the ordinance codified in this section and must be so certified by a professional engineer or a registered architect licensed to practice in Indiana.

On-site waste disposal systems must be so located as to avoid impairment of them or contamination

from them during the occurrence of the regulatory flood;

10. Floodway (FW) District. The following special exception uses may be permitted in the floodway (FW) district only after a permit for reconstruction in a floodway has been granted by Natural Resources. All terms and conditions imposed by Natural Resources will be incorporated in any permit issued by the plan commission. The plan commission may impose greater restrictions. All buildings or additions to existing buildings shall have flood protection grades at least two feet above the regulatory flood profile.

a. Water management and use facilities, such as dams, docks, dolphins, channel improvements, dikes, jetties, groins, marinas, piers, wharves, levees, seawalls, floodwalls, weirs and irrigation facilities,

b. Transportation facilities, such as streets, bridges, roadways, fords, airports, pipe lines, railroads, and utility transmission facilities,

c. Temporary or seasonal floodplain occupancy, such as circus sites, fair sites, carnival sites, boat ramps, camps, roadside stands, and transient amusement facility sites,

d. Water-related urban areas, such as wastewater treatment facilities, storm sewers, electric generating and transmission facilities, and water treatment facilities,

e. Other flood tolerant or open space urban uses, such as floodproofed buildings, tennis courts, park buildings, outdoor theaters, fills, truck freight terminals, radio or TV towers, parking lots, and mineral extraction.

Floodproofing of nonresidential structures, if proposed, must be in accordance with the definition of a floodproofed building as set forth in the ordinance codified in this section and must be so certified by a professional engineer or a registered architect licensed to practice in Indiana.

The structure or structures, if permitted in the floodway, shall be constructed on the building site so as to minimize obstruction to the flow of floodwaters.

B. Before issuance of any special permit for any of the above buildings or uses, the common council shall refer the proposed applicants to the city plan commission, which commission shall be given sixty days in which to make a report regarding the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the general welfare. No action shall be taken upon any application for proposed building or use above referred to until and unless the report of the city plan commission has been filed; provided, however, that if no report is received from the city plan commission within sixty days, it shall be assumed that approval of the application has been given by such commission.

C. There are occasions where following the strict letter of this code is not feasible or desired. This section provides relief from those instances, by allowing owners of property to receive a special use permit which authorizes a use or uses, and establishes criteria for the development or redevelopment of property under this section. Application and issuing of a special use permit shall be general conformance with the process that amends this code. Said special use permit may permit uses not normally permitted within a district, and may stipulate conditions as part of the permit issuance.

D. Planned Unit Developments. Planned unit developments are special uses. Planned unit developments, however, must have a minimum site area of one acre, and have:

1. Uniform control, either by ownership or agreement, of all uses and activities within the district.

2. An approved concept plan set which includes a site plan, engineering plan, landscape plan and architectural plans which depict the intent of the proposal. Such plan(s) shall be drawn at a scale as approved by the plan commission, identifying the proposed uses, buildings, roadways, parking, pedestrian circulation system, recreational facilities, common open spaces, and landscape areas; and identifies the means by which the proposal will be constructed and serviced.

3. A written description accompanying the concept site plan outlining the intent of the site plan, including a phasing plan if applicable.

4. An estimate of construction costs for all buildings and site improvements, with subtotals for major development features.

5. Additional information as required by the plan commission which may include: concepts regarding covenants/restrictions, concepts regarding supplemental donations, etc. (Ord. O-96-0003 §§ 1, 3, 4, 5, 1996; Ord. 3241 § 6, 1979; prior code § 47-28)

17.16.090 Off-street parking.

A. The following parking spaces shall be provided and satisfactorily maintained by the owner of the property, for each building in existence or which, after the effective date of this title is erected, enlarged or altered for use for any of the following purposes; provided, that uses already established on the effective date of this title and rendered nonconforming by the provisions thereof shall be subject to the regulations of Section 17.16.120 and provided further, that the following parking space requirements are exclusive of space requirements for access drives or aisles:

1. Single-family and two-family dwelling: one parking space per dwelling unit;

2. Multifamily dwellings:

Number of Dwelling Units in Building	Number of Parking Spaces Required
3	2
4 to 5	3
6 to 7	4
8	5
9	6
10	7

One parking space for each two additional dwelling units;

3. Auditorium, theater or other places of public assemblage: one parking space for each six seats provided for its patrons, based on maximum seating capacity;

4. School, public or parochial: one parking space for each three members of the staff plus one space for each ten seats in auditorium or gymnasium;

5. Hotels, boardinghouses or lodginghouses: one parking space for each three sleeping rooms;

6. Auto court or motel: one parking space for each sleeping room;

7. Restaurant or other eating place: one parking space for each five seats;

8. Hospital, sanitarium or nursing home: one parking space for each five patients;

9. Clinic, medical or dental: three parking spaces per doctor plus one additional space for every two employees;

10. Retail stores, commercial recreational, other than theaters, private clubs and lodges: one parking space for each two hundred square feet of ground floor area;

11. Banks, offices, postal stations, etc.: one space for each three hundred square feet of total floor area or one space for each three employees, whichever is the lesser;

12. Wholesale establishments: one space for each three employees;

13. Industrial: one space for each four employees, based on average total employment.

B. Nothing in this section shall be construed to prevent collective provision of any off-street parking facility for two or more buildings or uses; provided, that the total number of off-street parking spaces shall not be less than the sum of requirements or the individual uses computed separately in accordance with the items set out in this section.

C. Where feasible, off-street parking facilities conforming to subsection A 13 of this section shall be provided for contractors' employees temporarily engaged in work in a construction project but if not feasible, shall not be required.

D. All parking spaces provided in nonindustrial areas pursuant to this section shall be on the same lot with the building; except, that the board of zoning appeals may permit the parking spaces to be on another lot or other premises within a reasonable distance if it determines that it is impractical to provide parking on the same lot with the building. Such distance shall be limited to three hundred feet except in M-1 and M-2 industrial districts. Surfacing of all off-street parking areas shall be improved with an all-weather dustoff material meeting the standard specifications of the city; except, that in M-1 and M-2 districts, slag, cinder or other dustless materials shall be permitted. (Prior code § 47-29)

17.16.100 Parking lots in residence districts.

In order to meet requirement for vehicle parking space, where such space is not available on the lot occupied by a building, the board of zoning appeals may, after receipt of a favorable report from the city plan commission on the proposal and after public notice and hearing, grant a permit for the establishment of a parking lot in a residence district; provided, that the entire area of the parking lot is within three hundred feet of a C-1, C-2, M-1 or M-2 district or, in the case of a church or other place of congregation in a residence district, immediately adjacent to such church or other place of congregation; and provided further, that:

A. There are no sales, dead storage, repair work, dismantling or servicing of any kind on such parking lot;

B. Entrances and exits shall be approved as to location by the board of public safety;

C. No parking shall be permitted between the front yard line and the front lot line. This shall not exclude use of front yard area for entrance or egress requirements. Side yard requirements shall be the same as those required for a single story structure;

D. The lot shall be paved with an all-weather dustproof or hard surface meeting the standard specifications of the city boards of public works and safety;

E. No advertising signs shall be erected upon such a lot except not more than one sign each street side to indicate the operator and purpose of the lot. Such sign shall not exceed twenty square feet in

area and shall not extend more than ten feet in overall height above the ground;

F. Lighting facilities, if provided, shall be so arranged as to be reflected away from residentially zoned or used property;

G. If at any time after the issuance of the required permits any of the provisions of this section are not complied with, the permits shall be revoked. (Prior code § 47-30)

17.16.110 Off-street loading.

On the same premises with every building, structure or part thereof in existence or erected, established or enlarged and occupied for manufacturing, storage, warehouse goods display, department store, wholesale store, retail store, 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. Uses already established on the effective date of this title and rendered nonconforming by the provisions of this section shall be subject to the regulations of Section 17.16.120.

Off-street loading or unloading space, unless otherwise adequately provided for, shall include a twelve foot by thirty-five foot loading space with fourteen foot height clearance for every twenty thousand square feet or fraction thereof in excess of three thousand square feet of floor area used for abovementioned purposes. These requirements may upon appeal be increased, modified, or waived by the board of zoning appeals where the circumstances justify such action. (Prior code § 47-31)

17.16.120 Nonconforming uses.

The lawful use of a building or premises existing on the effective date of this title may be continued although such use does not conform to all the provisions of this title except as herein provided:

A. Whenever a nonconforming title use has been changed to a conforming use or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a nonconforming use or a less restricted use, except upon approval of the board of zoning appeals; provided, that where a property in an M-1 or M-2 district conforms with requirements for off-street parking through the utilization of leased land on the effective date of this title, the use of that property shall not be considered to have changed from conforming to nonconforming use by virtue of the loss of the right to the use of leased property for off-street parking purposes, until such time or unless additional property becomes available, in which event off-street parking requirements shall be met before other uses are established.

B. A building designed or arranged for a nonconforming use or devoted to a nonconforming use on the effective date of this title shall not be reconstructed, altered or enlarged unless it is designed, arranged and intended for a conforming use, except when the building is destroyed or damaged by fire or other casualty so that the cost of restoration to the condition in which it was before the occurrence of the fire or other casualty will not exceed fifty percent of the cost of replacement of the entire building.

C. A nonconforming 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.

D. These provisions apply in the same manner to a use which may become a nonconforming use due to a later amendment to this title.

E. The nonconforming use of land for storage purposes shall be discontinued within five years from the effective date of this title and the use of land for storage purposes which becomes nonconforming by reason of subsequent change in this title shall also be discontinued within five years from the date of change.

F. Whenever a nonconforming use 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 title.

G. The board of zoning appeals may authorize, by written permit, in a residential district for a period of not more than one year from the date of such

permit, a temporary building for commercial or industrial use incidental to the residential construction and development of such district.

H. Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a building permit has been heretofore issued and the construction of which has been started within ninety days of the date of such permit and diligently prosecuted to completion according to such plans as filed.

I. 1. In a floodway (FW) district, no nonconforming use may be expanded or enlarged nor can a building undergo substantial modification without a permit for construction in a floodway from Natural Resources.

2. In a floodway fringe (FF) district a building which constitutes a nonconforming use may undergo substantial modification provided such modification is on a one-time-only basis and further provided that such modification does not increase the value of the building, by more than forty percent of its pre-improvement market value, (excluding the value of land) unless such building is permanently changed to a conforming use.

3. A nonconforming use in a floodplain (FP) district may be altered, enlarged, or extended, on a one-time-only basis, provided the procedures set forth in the ordinance codified in this section with respect to new construction in a floodplain (FP) district are followed and further provided such alterations, enlargements, or extensions do not increase the value of the building structure, or other use (excluding the value of land) by more than forty percent of its pre-improvement market value, unless such building, structure or use is permanently changed to a conforming use.

4. Any nonconforming use in the FP, FW, and FF districts which is damaged by flood, fire, explosion, act of God, or the public enemy may be restored to its original dimensions and conditions, provided the damage does not reduce the value of the buildings, excluding the value of the land, by more than forty percent of its predamage value. (Ord. 3241 § 7, 1979; prior code § 47-32)

Chapter 17.20

R-1 SINGLE-FAMILY DWELLING DISTRICT

Sections:

17.20.010 Use regulations.
17.20.020 Height regulations.
17.20.030 Area regulations.

17.20.010 Use regulations.

A building or premises in an R-1 single-family dwelling district shall be used only for the following purposes:

A. One family dwellings;

B. Churches or similar places of worship, including parish house and convent;

C. Nursery schools;

D. Public elementary schools, high schools and institutions for higher education;

E. Private elementary or parochial schools and private institutions for higher education; provided, that site areas corresponding to public school requirements are met;

F. Public parks and playgrounds and other municipal recreation uses;

G. Public libraries;

H. Fences;

I. Customary accessory uses and buildings; provided, that such uses are incidental to the principal use and do not include any activity commonly conducted for gain. Any accessory building that is not part of the principal building shall not project beyond the average front yard line as defined in Section 17.20.030 and no accessory building shall be used for dwelling purposes. (Prior code § 47-33)

17.20.020 Height regulations.

No building in an R-1 single-family dwelling district shall exceed two and one-half stories or thirty-five feet in height as provided in Section 17.16.070. (Prior code § 47-34)

17.20.030 Area regulations.

The following shall apply in R-1 single-family dwelling districts:

A. Intensity of Use. Every lot shall have an area of not less than six thousand square feet and lot width of not less than fifty feet; except, that if a lot has less area than herein required and was of record at the time of the effective date of this title, that lot may be used for any of the uses permitted by this section and Sections 17.20.010 and 17.20.020 inclusive.

B. Front Yard.

1. There shall be a front yard for any of the uses permitted by Section 17.20.010 of not less than twenty-five feet, unless forty percent or more of the frontage on the same side of the street between two intersecting streets is improved with buildings that have observed a front yard line having a variation in depth of not more than ten feet, in which case no building shall project beyond the average front yard so established, but this regulation shall not be interpreted to require a front yard of more than fifty feet.

2. Where lots have a double frontage, the required front yard shall be provided on both streets.

C. Side Yard.

1. Except as hereinafter provided, there shall be a side yard having a width of not less than five feet on each side of the building for any of the uses permitted by Section 17.20.010.

2. Wherever a lot of record existing at the time of the effective date of this title has a width of forty feet or less, the side yard on each side of a building may be reduced to a width of not less than ten percent of the width of the lot, but in no instance shall there be a side yard of less than three feet.

3. On a corner lot, the side yard on the street side of the lot shall not be less than eight feet in width; except, that the buildable width of the lot shall not be reduced to less than twenty-six feet.

D. Rear Yard. Except as otherwise provided, there shall be a rear yard for any of the uses permitted by Section 17.20.010 having a depth of not less than thirty feet unless the lot has a depth of less than one hundred feet, in which event the depth of

the rear yard shall not be less than twenty percent of the depth of the lot. (Prior code § 47-35)

Chapter 17.24

R-1a SINGLE-FAMILY OR SEMI-DETACHED DWELLING DISTRICT

Sections:

17.24.010 Use regulations.
17.24.020 Height regulations.
17.24.030 Area regulations.

17.24.010 Use regulations.

A building or premises in an R-1a single-family or semi-detached dwelling district shall be used only for the following purposes:

A. Any use permitted in the R-1 single-family district;

B. Semi-detached dwelling;

C. Customary home occupation, as defined by Section 17.04.030. (Prior code § 47-36)

17.24.020 Height regulations.

No building in an R-1a single-family or semi-detached dwelling district shall exceed two and one-half stories or thirty-five feet in height, except as provided in Section 17.16.070. (Prior code § 47-37)

17.24.030 Area regulations.

The following shall apply in R-1a single-family or semi-detached dwelling districts:

A. Intensity of Use. Every lot shall have an area of not less than four thousand five hundred square feet per dwelling unit and to width of not less than thirty-seven and one-half feet for a single-family dwelling or for each unit of a semi-detached dwelling; except, that if a contiguous parcel in any single ownership of record at the effective date of this title has less than four thousand five hundred square feet or less width than thirty-seven and one-half feet, that parcel may be used for a single-family dwelling only.

B. Front, Side and Rear Yards. Each lot shall have front, side and rear yards not less than those specified for R-1 districts. (Prior code § 47-38)

Chapter 17.28

R-2 TWO-FAMILY DWELLING DISTRICT

Sections:

17.28.010 Use regulations.
17.28.020 Height regulations.
17.28.030 Area regulations.

17.28.010 Use regulations.

A building or premises in an R-2 two-family dwelling district shall be used only for the following purposes:

A. Any use and accessory use permitted in the R-1 single-family district and the R-1a single-family or semi-detached dwelling district.

B. Two-family dwellings;

C. Boardinghouses and lodginghouses. (Prior code § 47-39)

17.28.020 Height regulations.

No building in any R-2 two-family dwelling district shall exceed two and one-half stores or thirty-five feet in height, except as provided in Section 17.16.070. (Prior code § 47-40)

17.28.030 Area regulations.

The following shall apply in R-2 two-family dwelling districts:

A. Intensity of Use.

1. A lot on which there is erected a single-family dwelling shall contain an area of not less than four thousand five hundred square feet and a lot width of not less than thirty-seven and one-half feet.

2. A lot on which there is erected a semi-detached dwelling or a two-family dwelling shall contain an area of not less than two thousand two hundred two hundred and fifty square feet per dwelling unit and a lot width of not less than thirty-seven and one-half feet.

3. If a contiguous parcel in any single ownership of record at the time of the effective date of this chapter has less than four thousand five hundred square feet or less width than thirty-seven and one-half feet, that parcel may be used for a single-family dwelling only.

B. Front, Side and Rear Yards. Each lot shall have front, side and rear yards not less than those specified for R-1 districts. (Prior code § 47-41)

Chapter 17.32

R-3 MULTIPLE DWELLING AND/OR TWO STORY ROW HOUSE DISTRICT

Sections:

17.32.010 Use regulations.
17.32.020 Height regulations.
17.32.030 Area regulations.

17.32.010 Use regulations.

A building or premises in an R-3 multiple dwelling and/or two story row house district shall be used only for the following purposes:

A. Any use and accessory use permitted in the R-1 single-family district, R-1a single-family or semi-detached dwelling district and the R-2 two-family district;

B. Two story row houses;

C. Two story multiple dwelling;

D. Group dwellings. (Prior code § 42-42)

17.32.020 Height regulations.

No building in an R-3 multiple dwelling and/or two story row house district shall exceed two and one-half stories or thirty-five feet in height, except as provided in Section 17.16.070. (Prior code § 47-43)

17.32.030 Area regulations.

The following shall apply in R-3 multiple dwelling and/or two story row house districts:

A. Intensity of Use.

1. A lot on which there is erected a single-family dwelling shall contain an area of not less than four square feet and a lot width of not less than thirty-five feet.

2. A lot on which there is erected a two-family dwelling or semi-detached dwelling shall contain an area of not less than two thousand square feet per dwelling unit and a lot width of not less than thirty-five feet.

3. A lot on which there is erected a two story row house, two-story multiple dwelling or group dwellings shall contain an area of not less than one thousand five hundred square feet per dwelling unit.

4. There shall be no exceptions to the standards in subsections A 1 through 3 of this section except where a contiguous parcel in any single ownership of record on the effective date of this title has less than four thousand square feet or a width of less than thirty-five feet that parcel may be used for single-family dwelling purposes only.

B. Front Yard. The front yard regulations are the same as those in the R-1 single-family district except on lots with less than one hundred feet depth where two story row house dwellings are erected perpendicular to the front lot line, in which case the front yard may be decreased to twenty percent of the lot depth but in no case shall the front yard be less than twenty feet.

C. Side Yard.

1. The side yard regulations for single-family and two-family dwellings are the same as those in the R-1 single-family dwelling district.

2. There shall be a side yard which shall have a width of not less than ten feet on each side of a two story multiple dwelling or a two story row house dwelling.

3. Where a lot is used for group dwellings every building or part thereof shall be located not less than ten feet from either side lot line.

D. Rear Yard. The rear yard regulations are the same as those in the R-1 single-family dwelling district. (Prior code § 47-44)

Chapter 17.36

R-4 MULTIPLE DWELLING, THREE STORY OR LESS DISTRICT

Sections:

17.36.010 Use regulations.
17.36.020 Height regulations.
17.36.030 Area regulations.

17.36.010 Use regulations.

A building or premises in an R-4 multiple dwelling, three story or less district shall be used only for the following purposes:

A. Any use permitted in the R-1 single-family district, R-1a single-family or semi-detached dwelling district, R-1a single-family or semi-detached dwelling district, R-2 two-family district and the R-3 multiple dwelling and/or two story row house district;

B. Multiple family dwellings;

C. Multiple family group dwellings;

D. Hospitals and clinics, excepting animal hospitals and clinics;

E. Dormitories, clubs and lodges, excepting such clubs or lodges the chief activity of which is a service customarily carried on as a business or primarily for gain. In conjunction with such dormitory, club or lodge, a dining room may be operated; provided, that it is incidental to the activities of such dormitory, club or lodge and is conducted for the benefit of the residents or members thereof only; provided further, that no sign is displayed advertising such activity;

F. Apartment hotels;

G. Restaurants, drugstores, newsstands and personal service shops located in a hotel or apartment house and accessible to the public only through the lobby and with no advertising or display visible from outside the building;

H. Institutions of a religious, educational, eleemosynary or philanthropic nature;

I. Any accessory building or use customarily incident to the above uses which is not a part of the principal building shall be located not less than sixty feet from the front lot line and not less than five feet from any side street line. (Prior code § 47-45)

17.36.020 Height regulations.

No building in an R-4 multiple dwelling, three story or less district shall exceed three stories or thirty-five feet in height. (Prior code § 47-46)

17.36.030 Area regulations.

The following shall apply in R-4 multiple dwelling, three story or less districts:

A. Intensity of Use.

1. A lot on which there is erected a single-family dwelling shall contain an area of not less than four thousand square feet and a lot width of not less than thirty-five feet.

2. A lot on which there is erected a two-family or a semi-detached dwelling shall contain an area of not less than two thousand square feet per dwelling unit, and a lot width of not less than thirty-five feet.

3. A lot on which there is erected two story row houses or two story group dwellings shall contain an area of not less than one thousand five hundred square feet per dwelling unit and a lot width of not less than thirty-five feet.

4. A lot on which there is erected a three story multiple dwelling structure or three story multiple family group dwelling structures shall contain an area of not less than seven hundred and fifty square feet per dwelling and a lot width of not less than thirty-five feet.

5. There shall be no exceptions to the standards in subsections A 1 through 4 of this section except where a contiguous parcel in any single ownership of record on the effective date of this chapter has less than four thousand square feet or a width of less than thirty-five feet that parcel may be used for single-family dwelling purposes only.

B. Front Yard.

1. The front yard regulations for single-family, two-family and two story row house dwellings shall be the same as those in the R-3 multiple dwelling district.

2. A lot on which there is erected a multiple dwelling structure or multiple family group dwelling

structure shall have a front yard of not less than twenty feet.

C. Side Yard.

1. The side yard regulations for single-family and two-family dwellings shall be the same as those in the R-1 single-family district.

2. The side yard regulations for two story row house dwellings, two story multiple dwellings and two story group dwellings shall be the same as those in the R-3 multiple dwelling and/or two story row house district.

3. A lot on which there is erected a three story multiple dwelling shall have side yards of not less than twenty feet.

4. Where a lot or parcel is used for three story multiple family group dwellings, every building or part thereof shall be located not less than twenty feet from either side lot line.

D. Rear Yard.

1. The rear yard regulations for single-family, two-family, two story row house dwellings, and two story multiple dwellings or group dwellings are the same as those in the R-1 single-family district.

2. A lot on which a three story multiple dwelling or three story multiple family group dwellings are erected shall have a rear yard of not less than twenty feet. (Prior code § 47-47)

Chapter 17.40

R-5 MULTIPLE DWELLING FOUR STORY OR MORE DISTRICT

Sections:

17.40.010 Generally.
17.40.020 Use regulations.
17.40.030 Height regulations.
17.40.040 Area regulations.
17.40.050 Development plan.

17.40.010 Generally.

Areas suitable for the location of an R-5 multiple dwelling district shall include the following:

A. Residential areas in which typical existing land uses are established and stabilized with dwellings at more than twenty-five families per net acre;

B. Areas which are subject to redevelopment or rebuilding by reason of advanced obsolescence of typical existing structures and are suitable for residential use at more than twenty-five families per net acre by reason of proximity to good facilities for shopping, transportation and other community services; or

C. Undeveloped or vacant areas which are suitable for residential use at more than twenty-five families per net acre by reason of market demand for additional land for high density use and proximity of good facilities for shopping, transportation and other community services. (Prior code § 47-48)

17.40.020 Use regulations.

A building or premises in an R-5 multiple dwelling district shall be used only for the following purposes:

A. Multiple family dwellings;

B. Apartment hotels;

C. Restaurants, drugstores, newsstands and personal service shops in a hotel or apartment house and accessible to the public only through the lobby and with no advertising or display visible from outside the building;

D. Accessory buildings and uses customarily incident to any of the above uses. (Prior code § 47-49)

17.40.030 Height regulations.

No building in an R-5 multiple dwelling four story or more district shall exceed twelve stories or one hundred thirty feet in height. (Prior code § 47-50)

17.40.040 Area regulations.

The following shall apply in R-5 multiple dwelling four story or more districts:

A. Intensity of Use.

1. A lot on which there is erected a special multiple dwelling of not less than four stories but not over twelve stories shall contain, except as provided in subsection A 2 of this section, an area of not less than four hundred square feet per dwelling unit.

2. Modification of the minimum lot area per dwelling unit set forth in subsection A 1 of this section will be considered by the board of zoning appeals for property located in an area subject to redevelopment or rebuilding by reason of advanced obsolescence of typical existing structures and suitable for residential use at more than twenty-five families per net acre by reason of proximity to good facilities for shopping, transportation and other community service when:

a. The dwelling units to be constructed are to be used for relocation families or individuals to be replaced by redevelopment operations and it is demonstrated that adequate provisions will be made for off-street parking, refuse storage and removal and, in the case of family housing, for play space for children under ten years of age and laundry drying facilities where mechanical dryers are not to be available within the structure; and

b. The building site will become part of a neighborhood redevelopment plan providing for satisfactory density and coverage when completed.

B. Front Yard. A lot on which there is erected a special multiple dwelling of nine stories or less shall have, except as provided in subsection E of

this section, a front yard of not less than twenty feet.

C. Side Yard. A lot on which there is erected a special multiple dwelling shall have, except as provided in subsection E of this section, side yards of not less than one foot width for each two feet of building height.

D. Rear Yard. A lot on which there is erected a special multiple dwelling shall have, except as provided in subsection E of this section, a rear yard of not less than thirty feet for buildings six stories and less plus five additional feet for each story over six stories.

E. Yard Modifications. Modification of the minimum yard regulations set in subsections B, C and D of this section will be considered by the board of zoning appeals for a property located in an area subject to redevelopment or rebuilding by reason of obsolescence of typical existing structures and suitable for residential use at more than twenty-five families per net acre by reason of proximity to good facilities for shopping, transportation and other community services when:

1. The dwelling units to be constructed are to be used for relocating families or individuals to be replaced by redevelopment operations and it is demonstrated that adequate provisions will be made for off-street parking, refuse storage and removal and, in the case of family housing, for play space for children under ten years of age and laundry drying facilities where mechanical dryers are not to be available in the structure; and

2. The building site will become part of a neighborhood redevelopment plan providing for satisfactory yard dimensions when completed. (Prior code § 47-51)

17.40.050 Development plan.

Any construction or remodeling undertaken within this zoning classification shall require the prior submission and approval of a development plan, as provided for in Section 17.04.120 of this title of the East Chicago Municipal Code. (Ord. O-98-0002 (part), 1998)

Chapter 17.44

C-1 NEIGHBORHOOD RETAIL DISTRICT

Sections:

17.44.010 Generally.
17.44.020 Use regulations.
17.44.030 Height regulations.
17.44.040 Area regulations.
17.44.050 Development plan.

17.44.010 Generally.

The C-1 neighborhood retail district is designed primarily for the convenience shopping of persons residing in the adjacent residential areas. Retail commercial establishments, except food marts, are restricted to a maximum floor area of twelve thousand five hundred square feet each so as to limit the volume of vehicular and pedestrian traffic in and about a local retail center to a level consistent with its function and location. (Prior code § 47-52)

17.44.020 Use regulations.

A. Uses permitted in a C-1 neighborhood retail district shall be subject to the following conditions:

1. Dwelling units and lodging rooms are not permitted below the second floor and commercial establishments are not permitted on any floor above the ground floor.

2. All commercial establishments shall be retail or service establishments dealing directly with consumers.

3. Except for food marts, all commercial establishments shall be restricted to a maximum gross floor area of twelve thousand five hundred square feet each, exclusive of any floor area developed to off-street parking or loading facilities.

4. Where a use requiring drive-in facilities is proposed, satisfactory ingress and egress and capacity for the use intended shall be determined to be available by the board of public safety after studies by the traffic department.

B. A building or premises in a C-1 neighborhood retail district shall be used only for the following purposes:

1. Dwelling units and lodging rooms;

2. Stores and shops for the conducting of any retail business;

3. Offices, photographic studios;

4. Branch office facilities designed for neighborhood banking service;

5. Restaurants, tea rooms, cafes and other places serving food or beverage;

6. Personal service shops such as barber, shoe shine, beauty parlor;

7. Filling stations;

8. Advertising signs and advertising structures, but only related to the one use conducted in the building or on the immediate premises thereof;

9. Accessory buildings and accessory uses. (Prior code § 47-53)

17.44.030 Height regulations.

No building in a C-1 neighborhood retail district shall exceed two and one-half stories or thirty-five feet in height. (Prior code § 47-54)

17.44.040 Area regulations.

No yards are required in a C-1 neighborhood retail district, except in Section 17.16.110 and as follows:

A. Front Yard Transition. Where a C-1 district abuts a residence district along a street line, there shall be provided, for a distance of fifty feet from the district boundary line into such C-1 district, a front yard equal to one-half of the required front yard depth for such residence district.

B. Side and Rear Yard Transition. On every lot in a C-1 district that abuts directly a residence district, there shall be provided a side and rear yard of at least six feet on such lot along the line or lines where it abuts such residence district.

C. Side Yard on Corner Lot. On a corner lot which borders on a residence district there shall be provided a side yard on the side street equal in depth to the required front yard on such side street. (Prior code § 47-55)

17.44.050 Development plan.

Any construction or remodeling undertaken within this zoning classification Shall require the prior submission and approval of a development plan, as provided for in Section 17.04.120 of this title of the East Chicago Municipal Code. (Ord. O-98-0002 (part), 1998)

Chapter 17.48

C-2 GENERAL COMMERCIAL DISTRICT

Sections:

17.48.010 Use regulations.
17.48.020 Height regulations.
17.48.030 Area regulations.
17.48.040 Development plan.

17.48.010 Use regulations.

A building or premises located in a C-2 general commercial district shall be used only for the following purposes; provided, that where a proposed use requires drive-in facilities, satisfactory ingress and egress and capacity for the use intended shall be determined to be available by the board of public safety after studies by the traffic department:

A. Dwelling units and lodging rooms; provided, that they are not below the second floor;

B. Any use permitted in the C-1 neighborhood retail district; provided, that the gross floor area restrictions set forth in the C-1 neighborhood retail district shall not apply to the C-2 general commercial district;

C. Banks;

D. Hotels;

E. Theaters, billiard or pool parlors, bowling alleys, skating rinks or similar recreational uses or places of assembly;

F. Private schools conducted for gain;

G. Caterer;

H. Undertaker;

I. Telegraph office, telephone and express office;

J. Baking, confectionery, dressmaking, dyeing, laundry, printing, tailoring, upholstering and similar establishments and businesses of a similar and no more objectionable character subject to the following provisions:

1. All goods or products manufactured or processed shall be sold at retail on the premises,

2. All such manufacturing or processing shall be done on the premises and not more than five persons shall be so employed at any one time; except, that the limitation on number of employees shall not apply to dry cleaning establishments, laundries or bakeries;

K. Automobile parking lots, used car lots and commercial garages for storage purposes;

L. Automobile showroom, agency and repair services; provided, that the repair or storage portion of such building shall not be less than twenty feet from the front of the building;

M. Wholesale storage and warehouse facilities except lumber, wood, feed, coal, salvage or junk storage yards;

N. Other uses similar in character to those enumerated above and which, in the opinion of the board of appeals will not be injurious to the district;

O. Accessory buildings and accessory uses. (Prior code § 47-56)

17.48.020 Height regulations.

No building in a C-2 general commercial district shall exceed six stories or seventy-five feet in height. (Prior code § 47-57)

17.48.030 Area regulations.

All area regulations in a C-2 general commercial district are the same as those required in the C-1 neighborhood retail district. (Prior code § 47-58)

17.48.040 Development plan.

Any construction or remodeling undertaken within this zoning classification shall require the prior submission and approval of a development plan, as provided for in Section 17.04.120 of this title of the East Chicago Municipal Code. (Ord. O-98-0002 (part), 1998)

Chapter 17.52

M-1 LIGHT INDUSTRIAL DISTRICT

Sections:

17.52.010 Generally.
17.52.020 Use regulations.
17.52.030 Height regulations.
17.52.040 Area regulations.
17.52.050 Development plan.

17.52.010 Generally.

The M-1 light industrial district is established as a district in which the principal use of land is for light manufacturing and industrial uses, and these regulations are specifically intended to prohibit the use of land in this district for residences.

Uses already established on the effective date of this title and rendered nonconforming by the provisions thereof shall be subject to the regulations of Section 17.16.120. (Prior code § 47-59)

17.52.020 Use regulations.

A building or premises in an M-1 light industrial district shall be used only for the following purposes:

A. No restrictions.

Filling stations.

B. The following uses are permitted; provided, that where they are within one hundred feet of a lot in a more restricted zone they shall be conducted wholly within a building except for off-street loading of delivery vehicles which are incidental thereto as required in Section 17.16.110.

1. The manufacture, compounding, processing, packaging or treatment of food products;

2. Automobile storage, assembly, painting, upholstering, rebuilding, reconditioning, truck repair or overhauling, tire repair or recapping;

3. 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 tons ready capacity, and drop forges;

4. Foundries casting lightweight, nonferrous metals not causing noxious fumes or odors;

5. Animal hospitals or kennels;

6. The compounding, processing, packing or treatment of such products as bakery goods, candy, cosmetics, drugs, perfumed toilet soap, pharmaceuticals and toiletries;

7. The manufacture or repair of electric or neon signs, billboards, excluding commercial advertising structures, light sheet metal production, heating or ventilating ducts or equipment, cornices or edges and the like;

8. The manufacture of musical instruments, clocks, watches, toys, novelties and rubber or metal stamps;

9. Assembly of electrical appliances, electronic instruments and devices, radio and phonograph and including the manufacture of small parts only, such as coils, condensers, transformers, crystals and crystal holder;

10. Wholesale warehouses and storage buildings;

11. Storage yards for lumber, wood, feed or other similar storage related to and required by any other permitted uses.

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

1. Bleaching or dyeing;

2. Body and fender works;

3. Breweries and liquor distilleries;

4. Stone cutting.

D. The following uses, not directly related to the foregoing uses, are permitted; provided, that the operations are conducted completely within the building or hidden from view by a fence not less than six feet in height and in which the openings or cracks are less than fifteen percent of the total area.

1. Auto wrecking;

2. Storage, sorting, collection of baling of rags, paper, metal or junk;

3. And, in general, those uses, except residential, which are not obnoxious or offensive by reasons of emission of odor, dust, smoke, gas or noise. (Prior code § 47-60)

17.52.030 Height regulations.

A building in the M-1 light industrial district may be erected to any height not in conflict with other provisions of this title or other city ordinances and regulations. (Prior code § 47-61)

17.52.040 Area regulations.

Where any yard in an M-1 light industrial district adjoins a district or districts of another classification, the highest yard requirements of such adjoining district or districts, including transition provisions along a common street line, shall apply. In all cases the following shall apply:

A. Front Yard. Where a front yard abuts or adjoins a residence district at the street line and the building is to exceed a height of six stories or seventy-five feet, the minimum front yard shall be increased by a distance of at least one foot for each three feet of building height in excess of seventy-five feet.

Where a filling station is established in an M-1 district, service driveways and outdoor dispensing equipment, lighting facilities and not more than one pole-supported business identification sign for each street frontage may occupy the otherwise required front yard area; provided, that all dispensing equipment shall be at least fifteen feet from the front lot line.

B. Side Yards. Where such yard adjoins a residence district, ten feet minimum each.

C. Rear Yard. Where a rear yard abuts or adjoins a residence district and the building is to exceed a height of six stories of seventy-five feet, the minimum rear yard shall be increased a distance of at least one foot for each three feet of building height in excess of seventy-five feet. (Prior code § 47-62)

17.52.050 Development plan.

Any construction or remodeling undertaken within this zoning classification shall require the prior submission and approval of a development plan, as provided for in Section 17.04.120 of this title of the East Chicago Municipal Code. (Ord. O-98-0002 (part), 1998)

Chapter 17.56

M-2 HEAVY INDUSTRIAL DISTRICT

Sections:

17.56.010 Use regulations.
17.56.020 Height regulations.
17.56.030 Area regulations.
17.56.040 Development plan.

17.56.010 Use regulations.

In the M-2 heavy industrial district, no building shall be converted, erected or used for stockyards or for dwelling purposes, except for use during temporary emergency such as strikes, acts of God or national emergencies; provided, that dwelling quarters may be established in connection with any industrial establishment for watchmen and caretakers employed upon the premises. A building or premises may be used for any other purpose whatsoever not in conflict with any ordinance of the city; provided, that:

A. That the use and storage of products which produce flammable or explosive vapor or gases shall be in conformity with existing standards prescribed by the National Fire Protection Association and the requirements of ordinances embodied in this code; except, that for installations in petroleum refineries compliance with Division IV of the State of Indiana Rules and Regulations of the State Fire Marshal Regulating the Use, Handling, Storage and Sale of Flammable Liquids in the State of Indiana shall be deemed to satisfy the requirements of this subsection.

B. That no building or occupancy permit shall be issued for any of the following uses until and unless the location of such use shall have been approved by the common council after report by the city plan commission and by the city board of health:

1. Acid manufacture;
2. Cement, lime, gypsum or plaster of paris manufacture;
3. The manufacturing or storage of fireworks, gun powder, ammunition, dynamite and similar explosives;
4. Packing plants or slaughter yards;
5. Slag, stone, cinder or coal storage, crushing or pulverizing within one thousand feet of the nearest boundary of a residential or commercial district;
6. All steel pickling processes;
7. All pickling processes of any nature. (Prior code § 47-63)

17.56.020 Height regulations.

A building in an M-2 heavy industrial district may be erected to any height not in conflict with other provisions of this chapter or other city ordinances and regulations. (Prior code § 47-64)

17.56.030 Area regulations.

A. Front Yard. Where all the frontage on one side of the street between two intersecting streets is not located in an M-2 heavy industrial district, no front yard shall be required. Also in an M-2 district where such district adjoins a residential, commercial or M-1 light industrial district, without separation by a street, then the front yard requirements in the M-2 district shall be the same as in such adjoining residential, commercial or M-1 light industrial district for either the remainder of the frontage on that street within the same block or for a distance of not less than five hundred feet measured along the front lot line on that street within the same block from the boundary line between the M-2 district and the adjoining residential, commercial or M-1 light industrial district, whichever is the lesser.

B. Side Yard. No side yards shall be required where a lot adjoins another lot in the M-2 district classification; in all other cases the side yard regulations are the same as in the M-1 district.

C. Rear Yard. No rear yard shall be required where a lot adjoins another lot in the M-2 district classification; in all other cases the rear yard regulations are the same as in the M-1 district.

D. Intensity of Use. No dwellings are permitted in the M-2 district, except as determined by Section 17.56.010. (Prior code § 47-65)

Chapter 17.64

FLOOD MANAGEMENT DISTRICTS

Sections:

Article I. Floodplain District (F.P.)

17.64.010 Purpose.

17.64.020 Permitted uses by right.

Article II. Floodway District (F.W.)

17.64.030 Purpose.

17.64.040 Permitted uses by right.

Article III. Floodway Fringe District (F.F.)

17.64.050 Purpose.

17.64.060 Permitted uses by right.

Article I. Floodplain District (F.P.)

17.64.010 Purpose.

The purpose of the floodplain district (F.P.) is to guide development in areas where a potential for damage from floodwaters exist. The identification of these areas may be made by the Department of Natural Resources or the Federal Insurance Administration. The floodplain district (F.P.) may stand by itself or be combined with any other district. (Ord. 3241 § 5 (part), 1979: prior code § 47-68)

17.64.020 Permitted uses by right.

In floodplain districts the following uses shall be permitted by right provided they do not involve the erection of any structure or obstruction, the opening of any excavation or the deposition of any material or substance:

Parks or recreation uses. (Ord. 3241 § 5 (part), 1979: prior code § 47-69)

Article II. Floodway District (F.W.)

17.64.030 Purpose.

The purpose of the floodway district (F.W.) is to guide development in areas identified as a floodway. The identification of those areas may be made by the Department of Natural Resources or the Federal Insurance Administration, however, all such identification shall be made in compliance with the current rules, procedures and policies of Natural Resources. Natural Resources exercises primary jurisdiction in the floodway district (F.W.) under the provisions of I.C. 1971, 13-2-22 et seq., however, the plan commission may impose terms and conditions or permit it issues in this district which are more restrictive than those imposed by the Natural Resources. The floodway district may stand by itself or be combined with any other district. (Ord. 3241 § 5 (part), 1979: prior code § 47-70)

17.64.040 Permitted uses by right.

In floodway districts the following uses shall be permitted by right provided they do not involve the erection of any structure or obstruction, the opening of any excavation or the deposition of any material or substance:

Parks or recreational uses. (Ord. 3241 § 5 (part), 1979: prior code § 47-71)

Article III. Floodway Fringe District (F.F.)

17.64.050 Purpose.

The purpose of the floodway fringe district (F.F.) is to guide development in areas subject to potential flood damage, but outside an identified floodway district (F.W.). The identification of these areas may be made by Natural Resources or the Federal Insurance Administration. The floodway fringe district (F.F.) may stand by itself or be combined with any other district. The principal requirement of this district is that the flood protection grade of all buildings shall be at least two feet above the regulatory flood profile.

In the "FP," "FW," and "FF" districts established herein, the degree of flood protection established in this chapter is considered reasonable for regulatory purposes and is based on engineering and scientific considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes such as ice or debris

17.56.040 Development plan.

Any construction or remodeling undertaken within this zoning classification shall require the prior submission and approval of a development plan, as provided for in Section 17.04.120 of this title of the East Chicago Municipal Code. (Ord. O-98-0002 (part), 1998)

Chapter 17.60

P-1 PARK DISTRICT

Sections:

17.60.010 Generally.
17.60.020 Use regulations.

17.60.010 Generally.

The P-1 park district is established as a district in which the predominant use of land is for parks, open spaces, beaches and outdoor recreation facilities and is specifically intended to:

A. Encourage the continued use of land for community recreation facilities and parks;

B. Prohibit residential commercial and industrial use of land. (Prior code § 47-66)

17.60.020 Use regulations.

The following shall apply in the P-1 park districts:

A. All uses usually associated with park and recreational areas as determined by the city park board shall be permitted.

B. Only those buildings and structures associated with park and recreational facilities, as determined by the city park board or other buildings and structures for public purposes as authorized by the board of zoning appeals by Section 17.08.030. (Prior code § 47-67)

Chapter 17.62

WD-1 WATERFRONT DEVELOPMENT DISTRICT

Sections:

17.62.010 General regulations.
17.62.020 Use regulations.
17.62.030 Height regulations.
17.62.040 Area regulations.

17.62.010 General regulations.

The WD-1 waterfront development district is established as a district in which a wide variety of principal uses are designed to foster economic growth and public benefit. These regulations are intended to:

A. Prohibit the use of the land in this district that is counter productive to the general intent of the district.

B. Permit commercial, office, entertainment, recreational and supporting uses to coexist in a single district designed as a unit.

C. Locate the district such that Lake Michigan or a majority tributary provides one of its boundaries.

D. Initiate the establishment of this district by approval of a concept plan that documents and identifies the intent of the district. (Ord. O-96-0003 § 1 (part), § 3 (part), 1996)

17.62.020 Use regulations.

Uses permitted in the WD-1 waterfront development district shall be subject to the following conditions:

A. Uniform control, either by ownership or agreement, of all uses and activities within the district.

B. An approved concept plan set which includes a site plan, engineering plan, landscape plan and architectural plans which depict the intent of the proposal. Such plan(s) shall be drawn at a scale as approved by the plan commission, identifying the proposed uses, buildings, roadways, parking, pedestrian circulation system, recreational facilities, common open spaces, and landscape areas; and identifies the means by which the proposal will be constructed and serviced.

C. A written description accompanying the concept site plan outlining the intent of the site plan, including a phasing plan if applicable.

D. An estimate of construction costs for all buildings and site improvements, with subtotals for major development features.

E. Additional information as required by the plan commission which may include: concepts regarding covenants/restrictions, concepts regarding supplemental donations, etc. (Ord. O-96-0003 § 1 (part), § 3 (part), 1996)

17.62.030 Height regulations.

No specific height regulations are required, provided the proposed district can document to the satisfaction of the common council that all buildings, structures, and uses can be adequately serviced by police, fire, and other municipal agencies so as to protect the health, safety, and welfare of the occupants. (Ord. O-96-0003 § 1 (part), § 3 (part), 1996)

17.62.040 Area regulations.

No yards are required in the WD-1 waterfront development district, except as noted in Section 17.16.090, Off-street parking, Section 17.16.110 Off-street loading, and the following:

A. Where the district boundary is located within twenty-five feet of a building, the district shall require a twenty-five-foot wide transitional yard along the entire length of that district boundary line, and no parking, roadways or buildings shall be located within said yard.

B. Along with other district boundaries, a yard shall be required. Such yard depth shall be determined by the plan commission and shall incorporate landscaping indicative of the proposed use, and such landscaping shall reduce impacts on adjoining land. (Ord. O-96-0003 § 1 (part), § 3 (part), 1996)

jams. This chapter does not imply that areas outside flood hazard districts as defined herein, will be free of flooding or flood damage. This chapter does not create any liability on the part of the city, the plan commission, Natural Resources, the state, or any elected or appointed official or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. 3256 § 4, 1980: prior code § 47-72)

17.64.060 Permitted uses by right.

In floodway fringe districts the following uses shall be permitted by right: All facilities, structures, uses and buildings consistent with other provisions of this chapter such as businesses, medical facilities, schools, etc. (Ord. 3241 § 5 (part), 1979: prior code § 47-72)

Chapter 17.68

MANUFACTURED HOUSING

Sections:

17.68.010 Definitions.
17.68.020 Placement.
17.68.030 Standards.
17.68.040 Installation standards.
17.68.050 Approved siding materials list.
17.68.060 Approved roofing materials list.

17.68.010 Definitions.

For the purpose of this chapter, the words set forth in this section shall have the following meanings:

"Manufactured home" means a dwelling unit fabricated on or after January 1, 1981, in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the Federal Manufacturing Housing Construction and Safety Standards Code or Indiana Public Law 360, Acts of 1971, as promulgated by the Indiana Administrative Building Council.

"Mobile home" means a transportable structure built prior to June 15, 1976, the effective date for the Federal Mobile Home Construction and Safety Act of 1974, larger than three hundred and twenty square feet, and designed to be used as a year-round residential dwelling. (Ord. 3328 § 1, 1982)

17.68.020 Placement.

The establishment, location and use of manufactured homes may be permitted in residential zones permitting installation of site-constructed homes; provided, that such homes shall meet the following requirements and limitations:

A. The homes shall meet the appropriate exterior appearance standards hereinafter set forth.

B. The home shall receive all required permits and conform to the zoning ordinance, building codes, fire codes, and any other applicable state and local regulations.

C. Mobile homes and manufactured homes not meeting the definition of a manufactured home as stated in Section 17.68.010, shall not be permitted anywhere within the city.

D. The establishment, assembly, location, or use of manufactured housing is expressly prohibited in the Marktown and Sunnyside Historic Districts. (Ord. 3328 § 2, 1982)

17.68.030 Standards.

A manufactured home shall:

A. Contain in excess of nine hundred fifty square feet of occupied space;

B. Be placed on a foundation meeting all requirements of a site-constructed home;

C. Have wheels, axles and hitch mechanism removed;

D. Meet appropriate utility connection standards;

E. Be placed onto a permanent exterior perimeter retaining wall, in accordance with approved manufactured home installation standards;

F. Have roofing and siding materials of a type customarily used on site-constructed residences. (Ord. 3328 § 3, 1982)

17.68.040 Installation standards.

Manufactured homes must be set onto a concrete slab or an excavated area with footings, foundations, and basement walls constructed in accordance with the terms of the One and Two Family Dwelling Code as set by the Indiana Administrative Building Council. The space between the floor joists of the home and the excavated underfloor grade shall be completely enclosed with the permanent perimeter retaining wall. The wall shall be composed or solid masonry, which shall extend below the frost line. The design by a registered professional engineer or architect shall safely support those loads, as determined by the character of the soil. (Ord. 3328 § 4, 1982)

17.68.050 Approved siding materials list.

The following siding materials are approved for use on manufactured housing:

A. Residential horizontal lap siding;

B. Residential horizontal vinyl lap siding;

C. Woodsiding, subject to approval by the director of the division of inspections and permits;

D. Stucco siding;

E. Brick or stone siding. (Ord. 3328 § 5, 1982)

17.68.060 Approved roofing materials list.

The following roofing materials are approved for use on manufactured housing:

A. Asbestos shingles on a roof pitched according to the design specifications of the shingles;

B. Fiberglass shingles on a roof pitched according to the design specifications of the shingles;

C. Shake shingles on a roof pitched according to the design specifications of the shingles;

D. Asphalt shingles on a roof pitched according to the design specifications of the shingles;

E. Tile materials on a roof pitched according to the design specifications of the materials. (Ord. 3328 § 6, 1982)

Chapter 17.72

TV EARTH STATION ANTENNAS

Sections:

17.72.010 Height and fencing requirements.
17.72.020 Installation—Setback conformance.
17.72.030 Roof installation requirements.
17.72.040 Specifications and code compliance.
17.72.050 Permit and license requirements.

17.72.010 Height and fencing requirements.

All TV earth station antennas used for receiving microwave transmissions from satellites in R1 through 5 and C1 and 2 districts shall not be more than fourteen feet in height. All TV earth station antennas installed with a single-pole type of installation with a safety feature pressure shut-off or hand crank turning mechanism will not need a fence. All TV earth station antennas with a tripod or tower grid type of installation shall have a six foot fence enclosing the antenna, if there is no fence enclosing the yard in which the antenna is located. (Ord. 3450 (part), 1987: prior code § 47-20.1))

17.72.020 Installation—Setback conformance.

TV earth station antennas shall be installed only in rear yards behind the rear structure line. TV earth station antennas shall conform with all city building setback requirements. (Ord. 3450 (part), 1987: prior code § 47-20.1 (part))

17.72.030 Roof installation requirements.

TV earth station antennas may be installed on the flat roofs of buildings or structures in R4, R5, C1 and C2 districts with the permission of the zoning board. (Ord. 3450 (part), 1987: prior code § 47-20.1 (part))

17.72.040 Specifications and code compliance.

TV earth station antennas shall be installed pursuant to its manufacturer's specifications and instructions and in compliance with Article 810 of the National Electrical Code, 1984, published by the National Fire Protection Association (NFPA), as amended. (Ord. 3450 (part), 1987: prior code § 47-20.1 (part))

17.72.050 Permit and license requirements.

Applicants for TV earth station antennas shall be required to obtain a building permit from the city and present documentation or possession of any required license by any federal, state or local agency prior to the issuance of any building permit. (Ord. 3450 (part), 1987: prior code § 47-20.1 (part))

Chapter 17.76

VIDEO GAME ARCADES

Sections:

17.76.010 Definitions.
17.76.020 Amusement game machines as accessory uses.
17.76.030 Amusement arcade regulations.
17.76.040 Amusement arcade standards.

17.76.010 Definitions.

For the purposes of this chapter, the words set out in this section shall have the following meanings:

"Amusement game machines" means any device, whether mechanical, electrical, or electronic, which shall be ready for play by the insertion of a coin, token, or payment to an attendant and may be operated by the public for use as entertainment or amusement. It shall include video games, pinball machines, and pool tables. It does not include vending machines which do not incorporate amusement features, nor does it include juke boxes or other musical devices.

"Arcade" means any establishment, room, or place where four or more amusement game machines are available to the public and/or which derives more than fifty percent of its gross revenues from amusement game machines. (Ord. 3367 § 1, 1983)

17.76.020 Amusement game machines as accessory uses.

A retail establishment located in a commercially zoned area may be allowed to install amusement game machines in any single business as an accessory use. The installation and use of amusement game machines as an accessory use may be permitted provided that the following requirements and limitations are met:

A. No more than three amusement game machines are allowed. More than three machines will constitute an arcade.

B. No retail establishment within two hundred feet of the lot line of a school will be permitted to install amusement game machines as an accessory use.

C. No retail establishment within two hundred feet of the lot line of a church will be permitted to install amusement game machines as an accessory use.

D. All regulations of the East Chicago Municipal Code must be met. Any retail establishment that already has amusement game machines as an accessory use as of the date of adoption of the ordinance codified in this chapter shall be permitted to maintain the machines for the duration of the license period. However, renewal of the license will not be permitted unless all requirements of this chapter are met. (Ord. 3367 § 2, 1983)

17.76.030 Amusement arcade regulations.

No person, organization, or company shall operate an amusement arcade in the city without first obtaining, in addition to all other licenses and permits required by the city code, a special use permit from the East Chicago board of zoning appeals.

Any person, organization, or company that is lawfully operating an amusement arcade as of the date of adoption of the ordinance codified in this chapter shall be permitted to operate without a special use permit for the duration of the license period. Thereafter, a renewal of the license will not be permitted unless all requirements of this chapter are met.

No amusement arcade, whether lawfully in operation as of the adoption of the ordinance codified in this chapter or not, shall be exempted from any of the provisions of this section.

No special use permit for an amusement arcade shall be granted for a period longer than two years. The board of zoning appeals may grant a special use permit for a shorter period of time or it may impose additional conditions to be met whenever necessary to effectuate the purposes of this chapter and to promote the health, safety, morals and general welfare of the public. (Ord. 3367 § 3, 1983)

17.76.040 Amusement arcade standards.

The following standards shall be applied to all amusement arcades in the city:

A. Amusement arcades are expressly prohibited within two hundred feet of the lot line of a school.

B. Amusement arcades are expressly prohibited within two hundred feet of the lot line of a church.

C. Each amusement arcade must provide at least two restrooms (one for males and one for females) which will be accessible to employees and customers.

D. Each amusement arcade must have at least one supervisory employee, twenty-one years or older, on the premises throughout business hours.

E. The sale, possession, consumption, and use of alcoholic beverages are expressly prohibited at all times.

F. Each amusement arcade must post at least two signs informing the public that the sale and use of alcoholic beverages are prohibited. One such sign shall be plainly visible to persons entering therein. The other such sign shall be plainly posted within the arcade.

G. Persons under the age of eighteen are expressly prohibited from entering the premises of an amusement arcade from five a.m. to four p.m. or when minors are required to be in school.

H. Each amusement arcade must post at least two signs informing the public that persons under the age of eighteen are prohibited from entering the premises during school hours.

I. The sale of tobacco products and smoking paraphernalia are prohibited.

J. Shouting, swearing, loitering, or abusive language shall not be permitted.

K. Persons under the age of seven are prohibited from entering the premises of an amusement arcade unless accompanied by an adult.

L. The hours of operation for each amusement arcade shall be established by the board of zoning appeals. (Ord. 3367 § 4, 1983)