

Culver, Indiana

**Zoning Ordinance
2010-007**

CHAPTER 1 - GENERAL PROVISIONS.....6

SECTION 1.0. - SHORT TITLE..... 6

SECTION 1.1. - FUNCTION AND PURPOSE 6

SECTION 1.2. - NON-INTERFERENCE WITH GREATER RESTRICTIONS..... 6

SECTION 1.3. - INTERPRETATION..... 6

SECTION 1.4. - ESTABLISHMENT AND CONTROL..... 6

SECTION 1.5. - ZONING OF VACATED AREAS..... 7

SECTION 1.6. - ZONING OF ANNEXED AREA..... 7

SECTION 1.7. - IDENTIFICATION..... 7

SECTION 1.8. - ZONING MAP..... 7

SECTION 1.9. - DEFINITIONS..... 8

CHAPTER 2. - ZONING DISTRICT16

SECTION 2.0. - DISTRICT ESTABLISHMENT 16

SECTION 2.1. - DISTRICT DESCRIPTION..... 16

CHAPTER 3. - AUTHORIZED USES AND REGULATIONS.....18

SECTION 3.0. - AUTHORIZED USES 18

SECTION 3.1. - S-1 SUBURBAN/RESIDENTIAL DISTRICT..... 25

SECTION 3.2. - L-1 LAKE DISTRICT..... 28

SECTION 3.3. - R-1 RESIDENTIAL DISTRICT..... 31

SECTION 3.4. - R-2 RESIDENTIAL DISTRICT..... 33

SECTION 3.5. - C-1 COMMERCIAL DISTRICT..... 36

SECTION 3.6. - C-2 COMMERCIAL DISTRICT..... 38

SECTION 3.7. - I-1 INDUSTRIAL DISTRICT..... 40

SECTION 3.8. - I-2 INDUSTRIAL DISTRICT..... 42

SECTION 3.9. - P-1 PARK DISTRICT..... 44

SECTION 3.10. - PLANNED UNIT DEVELOPMENT (PUD) DISTRICT..... 46

CHAPTER 4 - SPECIAL USE PERMIT53

SECTION 4.0. - PURPOSE..... 53

SECTION 4.1. - EXISTING USES..... 53

SECTION 4.2. - AUTHORIZATION 53

SECTION 4.3. - APPLICATION..... 53

SECTION 4.4. - PROCEDURE 53

SECTION 4.5. - CONDITIONS AND / OR RESTRICTIONS..... 54

SECTION 4.6. - CHANGES, EXPANSION, ALTERATION OF PERMITTED SPECIAL USE..... 54

SECTION 4.7. - ABANDONMENT - CHANGE IN OWNERSHIP.....	54
CHAPTER 5 - SUPPLEMENTARY PROVISIONS, REGULATIONS AND REQUIREMENTS	55
SECTION 5.0. - FENCES.....	55
SECTION 5.1. – VISIBILITY REQUIREMENTS.....	56
SECTION 5.2. – PARKING AND LOADING REQUIREMENTS	<i>Error! Bookmark not defined.</i>
SECTION 5.3. - SIGN REGULATIONS.....	61
SECTION 5.4. – POOLS - PRIVATE.....	63
SECTION 5.5. – PLACE HOLDER (Not Used)	63
SECTION 5.6. - STREET ACCESS - ALL PRINCIPAL STRUCTURES.....	63
SECTION 5.7. - INDIVIDUAL MANUFACTURED HOME - TEMPORARY USE.....	63
SECTION 5.8. - HOME OCCUPATIONS.....	63
SECTION 5.9. - ACCESSORY USES - ACCESSORY STRUCTURES.....	64
SECTION 5.10. - PRIVATE STREETS.....	64
SECTION 5.11. - ESSENTIAL SERVICES.....	64
SECTION 5.12. - PUBLIC CAMPGROUNDS / RECREATIONAL VEHICLE PARK - REGULATIONS.....	64
SECTION 5.13. - DANGEROUS AND EXOTIC ANIMALS	65
SECTION 5.14. - PUBLIC WALKWAYS	65
SECTION 5.15. - CONSTRUCTION STANDARDS.....	66
SECTION 5.16. – WATER RUNOFF CONTAINMENT.....	66
SECTION 5.17. – DRIVEWAY REQUIREMENTS.....	66
SECTION 5.18. – TELECOMMUNICATION FACILITY STANDARDS.....	66
CHAPTER 6 - NON-CONFORMING USES, STRUCTURES, LOTS	70
SECTION 6.0. - INTENT.....	70
SECTION 6.1. - AVOIDANCE OF UNDUE HARDSHIP	70
SECTION 6.2. - SINGLE NON-CONFORMING LOTS OF RECORD.....	70
SECTION 6.3. - NONCONFORMING LOTS.....	70
SECTION 6.4. - NON-CONFORMING STRUCTURES.....	70
SECTION 6.5. - INCOMPATIBILITY OF NONCONFORMING USES.....	71
SECTION 6.6. - NON-CONFORMING USES OF LAND	71
SECTION 6.7. - NON-CONFORMING USE OF STRUCTURES AND LAND IN COMBINATION	71
SECTION 6.8. - REPAIRS AND MAINTENANCE	72
SECTION 6.9. - CHANGE OF TENANCY OR OWNERSHIP	72
CHAPTER 7 – EROSION CONTROL	73

SECTION 7.1. - PURPOSE.....	73
SECTION 7.2. - APPLICABILITY OF CHAPTER.....	73
SECTION 7.3. - GENERAL PRINCIPLES.....	73
SECTION 7.4. - DESIGN CRITERIA, STANDARDS, AND SPECIFICATIONS FOR EROSION CONTROL MEASURES	74
SECTION 7.5. - CONTROL OF EROSION AND SEDIMENT DURING LAND DISTURBING ACTIVITIES.....	74
SECTION 7.6. - MAINTENANCE OF EROSION CONTROL MEASURES.....	75
SECTION 7.7. - PERMIT APPLICATION, EROSION CONTROL PLAN, AND PERMIT ISSUANCE.....	75
SECTION 7.8. - INSPECTION.....	76
SECTION 7.9. - ENFORCEMENT	76
CHAPTER 8 - AMENDMENT OF ZONING ORDINANCE AND MAP	77
SECTION 8.0. - INITIATION OF AMENDMENT.....	77
SECTION 8.1. - PROCEDURE FOR INITIATION OF AN AMENDMENT	77
SECTION 8.2. - PETITION REQUIREMENTS.....	77
SECTION 8.3. - PROCEDURE OF THE PLAN COMMISSION.....	77
SECTION 8.4. - ACTION OF THE CULVER TOWN COUNCIL	77
CHAPTER 9 - ADMINISTRATION AND ENFORCEMENT.....	79
SECTION 9.0. - PURPOSE.....	79
SECTION 9.1. - IMPROVEMENT LOCATION PERMIT (I.C. 36-7-4 through I.C. 36-7-4-804)...	79
SECTION 9.2. - PLAN COMMISSION DUTIES AND POWERS.....	80
SECTION 9.3. - PROCEDURES OF THE PLAN COMMISSION.....	80
SECTION 9.4. - BOARD OF ZONING APPEALS - DUTIES AND POWERS.....	81
SECTION 9.5. - PROCEDURES OF THE BOARD OF ZONING APPEALS.....	82
SECTION 9.6. - VIOLATIONS - PENALTIES - ENFORCEMENT.....	83
SECTION 9.7. - SEPARABILITY.....	84
SECTION 9.8. - REPEALER.....	84

ORDINANCE NUMBER 2010-007

AN ORDINANCE REVISING, AMENDING AND RESTATING THE **COMPREHENSIVE ZONING ORDINANCE** OF THE TOWN OF CULVER, INDIANA, AND CONTIGUOUS UNINCORPORATED TERRITORY UNDER THE JURISDICTION OF THE CULVER PLAN COMMISSION, CONTAINING REGULATIONS, REQUIREMENTS, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF.

WHEREAS, The Town Council of Culver, Indiana, deems it necessary that the Zoning Ordinance of the Town Of Culver, approved and passed on the 25th day of July, 2001 and subsequent amendments be revised and amended in its entirety; and

WHEREAS, I.C. 36-7-4-600 through I.C. 36-7-4-699, empowers the Town to enact a zoning ordinance and to provide for its administration, enforcement and amendment; and

WHEREAS, the Town Council of Culver, Indiana deems it necessary for the purpose of promoting the public health, safety and general welfare of the Town to enact such an ordinance;

WHEREAS, the Plan Commission of Culver, Indiana has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality; and

WHEREAS, the Plan Commission has made a preliminary report and held public hearings thereon, and submitted its final report to the Town Board of Trustees; and

WHEREAS, the Town Board of Trustees has given due public notice of hearings related to zoning districts, regulations, and restrictions and has held such public hearings; and

WHEREAS, all requirements with regard to the preparation of the report of the Plan Commission and subsequent action of the Culver Town Council have been met;

NOW THEREFORE BE IT ORDAINED by the Town Council of Culver, Indiana:

CHAPTER 1 - GENERAL PROVISIONS

SECTION 1.0. - SHORT TITLE

This Ordinance shall be known and may be cited as the Town of Culver Zoning Ordinance.

SECTION 1.1. - FUNCTION AND PURPOSE

The primary function of this Ordinance is to establish and adopt procedures to assure the Comprehensive Plan for the Town of Culver and the land within its jurisdiction will become a reality. The approval of a Comprehensive Plan by the Plan Commission and the Town Council of Culver, Indiana has established guidelines for the Zoning Ordinance. Further, it is the function of this Ordinance to regulate the location and use of structures and land for business, industrial, agricultural, residential and for public and semi-public uses. Further, to regulate height and area of structures; to regulate and determine the size of yards; to regulate the density of population; and for said purposes to divide the Town into zoning districts and establish the boundaries thereof, defining certain terms used herein; and providing for enforcement. Further, it is the function of this Ordinance to minimize soil erosion and runoff due to land disturbing activities.

The purpose of the regulations to be enforced in the various zoning districts, is to lessen or avoid congestion in streets; to secure safety from fire, flood, and other dangers; to prevent the over-crowding of land; to preserve and protect agricultural and open land; to encourage the most appropriate use of land throughout the Culver area with reasonable consideration to be given to the character of any district and the suitability for specific uses; to guide and to promote the public health, safety, comfort convenience, and general welfare of the citizens of the Town of Culver and the unincorporated area within the jurisdiction of the Culver Plan Commission.

SECTION 1.2. - NON-INTERFERENCE WITH GREATER RESTRICTIONS

Whenever the requirements of this ordinance are at variance with the requirements of any other officially adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive shall supersede all others.

SECTION 1.3. - INTERPRETATION

In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of health, safety, and the general welfare of the citizens of the Town of Culver and the unincorporated planning area under the jurisdiction of this ordinance.

SECTION 1.4. - ESTABLISHMENT AND CONTROL

New Uses - In all districts, all buildings or structures erected hereafter, all uses of land, buildings, or structures established hereafter, all alteration, enlargement, or relocation of existing buildings, or structures occurring hereafter, shall be subject to all regulations of this ordinance which are applicable to the zoning districts in which such building, structure, use, or land shall be located.

Existing Uses - In all Districts, if a structure or a portion of a structure existing at the time of passage of this ordinance, is involuntarily destroyed by any means, it may be rebuilt on existing foundation lines. Section 6.4. has precedence.

SECTION 1.5. - ZONING OF VACATED AREAS

Whenever any street, alley or other public way within the Town of Culver shall be officially vacated such street, alley or other public way or portion thereof shall automatically be classified in the same zoning district as the property to which it attaches.

SECTION 1.6. - ZONING OF ANNEXED AREA

In the event of additional territory being annexed to the Town of Culver, such territory may be zoned at the time of annexation. In the event the annexing ordinance does not provide for the zoning classification of the territory being annexed, the newly annexed territory shall have a Suburban/Residential District (S-1) zoning classification until such time as the revised Comprehensive Plan shall determine the appropriate use of said land and the proper zoning classification is adopted. Non-conforming use shall be controlled pursuant to the applicable provisions of this ordinance and other applicable laws.

SECTION 1.7. - IDENTIFICATION

Whenever the word "Town" appears in this ordinance, it shall be deemed to refer to the Town of Culver, Indiana. The word jurisdiction or jurisdictional area shall refer to all land within the Culver corporate limits and the land under the jurisdiction of the Culver Plan Commission as defined by map or description in the Marshall County Recorders Office. The word "Board" refers to the Culver Board of Zoning Appeals. The words "Zoning Map" or "Official Zoning Map" refers to a map posted in the Town Council meeting room, and any amendments thereto. The words "Comprehensive Plan" refer to the complete plan, or any of its parts, prepared and adopted in accordance with State Statute, as is now or may hereafter be in effect.

SECTION 1.8. - ZONING MAP

The Culver, Indiana Zoning Map [dated 1983], to be known herein as the "Zoning Map" or "Official Zoning Map" as prepared and adopted by the Culver Plan Commission on the 21st day of December, 1982 and subsequent amendments, is hereby incorporated by reference into this ordinance, and is posted in the Town Council meeting room, and is available for public inspection during normal business hours.

If in accordance with the provisions of this ordinance, changes are made in district boundaries or other matter portrayed on the Zoning Map, such changes shall be entered on the Zoning Map promptly after the amendment has been approved by the Culver Town Council. The amending ordinance shall be posted immediately adjacent to said zoning map until such change is officially shown on the Zoning Map.

Regardless of the existence of purported copies of the Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be posted in the Town Council meeting room, shall be the final authority as to the current zoning status of land in Culver and its jurisdictional planning area. The Zoning Map and amendments thereto, shall be maintained by the Culver Plan Commission. Where, due to the scale, lack of detail, or illegibility of the Zoning Map, there is any uncertainty as to the intended location of any boundary, interpretation shall be determined by the Plan Commission.

In the event the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Culver Town Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Zoning Map, but no such correction shall have the effect of amending the original Zoning Map or any subsequent amendment thereof.

The locations and boundaries of the districts established by this ordinance are shown upon the Zoning Map and

incorporated into the provisions of this ordinance and which map in its entirety, including all amendments thereto, shall be as much a part of this ordinance as if fully set forth and described herein.

SECTION 1.9. - DEFINITIONS

For the purpose of this ordinance, certain terms or words used herein shall be interpreted or defined as follows:

The present tense shall include the future tense and vice-versa;

Words in the singular include the plural and vice-versa;

The word "person" includes a company or corporation or limited liability company as well as an individual;

The word "lot" includes the word "plot", "parcel", or "tract" of land;

The term "shall" is always mandatory and directory;

The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

For the purpose of this ordinance, certain words and terms are hereby defined. Words and terms not defined herein shall be as defined according to the laws of the State of Indiana or a current dictionary of general use.

Access - The planned area used to move vehicular traffic from the street to the interior portion of a lot.

Accessory Structure - A subordinate structure located on the same zoning lot as the principal building or use. An accessory Structure may not be used as a dwelling Unit.

Accessory Use - An accessory use is one, which meets the following qualifications: 1. Is subordinate to and serves a principal building or principal use; and 2. Is subordinate in area, extent, or purpose to the principal building or principal use served; and 3. Is located on the same zoning lot as the principal building or principal use served; and 4. Is either in the same ownership as such principal use or is operated and maintained on the same zoning lot substantially for the benefit or convenience of the owners, occupants, employees, customers, or visitors of the principal use.

Advertising Sign – A sign advertising a business enterprise that is not located on the premise of the enterprise.
See Section 5.3 Sign Regulations

Agriculture or Agricultural Purpose - The use of a tract of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, as well as the normal accessory uses; provided however, that the operation of such accessory use shall be secondary to that of the normal agricultural activities.

Agricultural Production - The production for commercial purposes of plants and animals useful to man, including forage and sod crops; grains and feed crops; dairy and dairy products; livestock, including breeding and grazing; fruits; plants, trees, shrubs and nursery stock; vegetables and other similar agricultural uses.

Automotive Junk Yard - See Motor Vehicle Wrecking Yard

Automobile Service Station - A building used exclusively for the storage and sale of gasoline or other fuels and uses accessory thereto. Uses not permissible include major mechanical and/or bodywork, painting, welding, storage of automobiles, and the sale of automobiles.

Bed & Breakfast – An owner occupied home used for the lodging of transients.

Billboard - Any structure or part thereof on which lettered or pictorial matter is displayed for the purpose of off-premise advertising.

Buffer / Screening – Any trees, shrubs, walls, fences, berms, space or related landscape features required by ordinance on private lots and privately maintained for screening lots from adjacent properties or public right of ways for the purpose of increasing visual or other aspects of privacy and aesthetics.

Visual – Buffers must screen 90% of the area from zero (0) to six (6) feet in height of the development at the designated setback lines of both the development and the adjacent property.
Vegetative buffers must screen 50% of the required area at installation and the full 90% within 2 years.

Sound – Buffers must be solid materials (i.e. masonry, concrete, or earthen) and must meet the minimum height requirements for visual buffers.

Building - A structure with walls and roof securely affixed to the land, which may be entirely separated on all sides from any other structure. Where roof structures are separated from each other by party or common walls having no openings for passage, each portion so separated shall be considered a separate building.

Building Height - The vertical distance measured from grade level to the highest point of the roof. Antennas and chimneys are excluded from building height restrictions.

Building Materials – Ceramic, Concrete, Drywall, Plaster, Steel, Stone, Wood, and any other commonly recognized material.

Building Permit – See Improvement Location Permit.

Building, Principal - A building in which the main uses of a zoning lot is conducted.

Business - The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.

Certificate Of Occupancy – A document signed by the Building Commissioner acknowledging that all of the requirements of the Zoning Ordinance and Building Permit have been met and the premises may now be occupied.

Channel - A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.

Clinic, Medical - A facility providing diagnostic, therapeutic or preventive human outpatient health care by or under the supervision of doctor(s).

Clinic, Veterinarian - A facility providing diagnostic, therapeutic or preventive animal care by or under the supervision of a veterinarian.

Clubs or Lodges, Private - An association of persons who are bona fide members, paying dues, which own or lease a building or portion thereof, the use of which is restricted to members and their special guests.

Commercial - See Business.

Comprehensive Plan - A composite, or portion thereof, of the mapped and written proposals and recommendations relative to the growth and development of a given planning area which shall have been duly adopted by the Town Of Culver.

Construction - The placing of materials in a permanent position and fastened in a permanent manner or any excavation, demolition, or removal of an existing structure shall be deemed construction.

Convenience Establishment - An establishment intended to serve the daily and/or frequent trade or service needs of the immediate surrounding residential area.

Day Care Center - A facility operated by an entity licensed by state or local government to provide care and maintenance of children.

Drive-In - A commercial establishment designed and developed so that the operation is dependent wholly or in part on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

Driveway – A private road that connects a house, garage or other accessory structure with a public right of way.
See Section 5.17 Driveway Requirements

Dwelling - A building designed and used exclusively as a dwelling unit or units.

Dwelling Unit - One or more connecting rooms designed for occupancy by one family containing permanent cooking accommodations and *or* private bath facilities. Occupancy of rented or leased units shall be on a one month or longer basis.

Apartment - Two or more connecting rooms intended or designed for use as a dwelling unit by a single family with independent cooking facilities and private bath.

Apartment, Efficiency - An apartment combining living room and bedroom facilities into one room with minimal kitchen facilities and private bath.

Manufactured Home - A dwelling unit designed and built in a factory which bears a seal certifying that it was built in compliance with the National Manufactured Housing Construction and Safety Standards Code, being 24 C.F.R., parts 1-4199 effective June 15, 1976. Manufactured homes are divided into the following three (3) classifications:

Type A – Constructed on or after January 1, 1981. Has over 350 square feet of occupied space in a single, expando, or multi-section unit, but less than 951 square feet of occupied space. Must not be constructed with a permanent hitch, and the hitch, wheels and axles must be removed. Is placed on a support system, enclosed with skirting or siding and anchored to the ground.

Type B – Constructed on or after January 1, 1981. Has at least 23 feet in width and has more than 950 square feet of occupied space which is composed of a double or multi-section unit. Must not be constructed with a permanent hitch, and the hitch, wheels and axles must be removed. Is placed directly on a foundation. Has a 3/12 or greater pitched roof and siding made of materials customarily used for site constructed dwellings.

Type C – Constructed on or after June 15, 1976 but before January 1, 1981. Has over 350 square feet of occupied space in a single, expando, or multi-section unit, but less than 951 square feet of occupied space.

Mobile Home – A transportable dwelling unit, built in a factory, designed to be used as a year-round residential dwelling, constructed prior to June 15, 1976. The definition of Mobile Home does not include Manufactured Homes.

Multi-Family - A building or buildings occupied exclusively as a residence for three or more families living independently of one another.

Single Family - A detached residential dwelling other than a mobile home, separate from other residential dwellings by open space, and occupied by one family.

Special Uses:

Assisted Living - A building within which services are provided for persons needing room and board as well as supplemental care.

Convalescent Homes; Extended Care Facility; Nursing Homes - A building to house and within which services are provided for ill or incapacitated persons.

Group Homes - A building within which services are provided for persons with special needs.

Two-Family or Duplex - A structure occupied exclusively as a residence for two families with each unit being completely independent of the other. The design may locate the units side by side or one over the other.

Erosion -The detachment and movement of soil, sediment, or rock fragments by water, wind, ice, or gravity.

Erosion Control Measure - A practice or a combination of practices to control erosion and resulting sedimentation and/or off-site damages.

Erosion Control Plan - A written description and/or site plan of pertinent information concerning erosion control measures designed to meet the requirements of this Chapter as submitted by the applicant for review and approval by the Building Commissioner.

Family - One or more persons who are related by blood, marriage, or adoption, living together as a single housekeeping unit; or not more than three unrelated persons living together as a single housekeeping unit.

Farm - A parcel of land containing five (5) or more acres in one ownership on which bona fide agriculture is carried on.

Fence - A barrier or obstruction of any material above the surface of the ground, which is intended to prevent intrusion from without and straying from within the area controlled.

Floor Area - Floor area when used for the basis of required off-street parking and loading space, shall mean the sum of the gross horizontal areas of the several floors of the building; however, it shall not include areas devoted primarily to storage purposes.

Frontage - The property line abutting a street or road right-of-way. In the case of property abutting upon a body of water (lake, channel or river), the boundary line abutting said body of water shall be considered the frontage.

Garage, Private - A detached accessory structure or a portion of the main building, designed, arranged, used or intended to be used for the storage of passenger automobiles of the occupants of the premises.

Garage, Public - A commercial structure used for the storage of motor driven vehicles for remuneration.

Garage Sale - See Sales, Private – Garage, Yard, Rummage.

Garage, Vehicle Repair - A structure used for the repair, equipping, or servicing of motor vehicles, including, but not limited to, upholstery, glass replacement, painting, welding, body and frame work, major engine overhaul and transmission work. A vehicle repair garage may include motor vehicle sales.

Green Space - Green area shall mean a complete coverage of the ground by grass or ground cover. In addition to the required grass or ground cover, it may include shrubs, trees, vines, flowers, natural features such as rock or stone, and structural features such as fountains, art work, walls, and fences. Total impervious surface shall not exceed five percent (5%) of the green space.

Hardship - A difficulty with regard to one's ability to improve land stemming from the application of the development standards of this Ordinance, which may or may not be subject to relief by means of a variance. In and of themselves, self-imposed situations and claims based on a perceived reduction of, or restriction on, economic gain shall not be considered hardships. Self-imposed situations include: the purchase of land with actual or constructive knowledge that, for reasons other than physical characteristics of the property, the development standards herein will inhibit the desired improvement; any improvement initiated in violation of the standards of this Ordinance; any results of land division requiring variance from the development standards of this Ordinance in order to render the site build able.

Home Occupation - See Chapter 5, Section 5.8.

Impervious Surface - Any material that prevents absorption of storm water into the ground. Note that modifications of existing soils through compaction or through additives may create impervious surface as well, ie. driveways or walkways with or without aggregate material or pavement.

Improvement Location Permit: Building Permit - A permit issued by the Building Commissioner in accordance with a plan for construction that complies with all the provisions of this Zoning Ordinance and other applicable codes.

Junk Yard - An open area where waste, scrap metal, paper, rags or similar materials are bought, sold, exchanged, stored, disassembled or handled, excluding similar uses taking place entirely within a completely enclosed building.

Jurisdiction - Jurisdiction of local government means all land within its boundaries and any land outside its boundaries over which it is authorized to exercise powers as recorded by map or description in the Office of the County Recorder of Marshall County.

Kenel - Any lot or premises on which five or more domestic animals, over four months of age, are kept, or on which such animals are boarded for compensation or kept for sale.

Laboratory - A place devoted to experimental study, testing and analyzing.

Land Disturbing Activity - Any man-made change of the land surface, including removing vegetative cover, excavating, filling, transporting, and grading of any non-agricultural land use.

Lot - A measured parcel of land in a recorded subdivision or a lot described by metes and bounds. The terms parcel or tract of land may be used interchangeably with the word lot, meaning a specific piece of land intended for occupancy under the provisions of this ordinance, having its principal frontage on a public street or an officially designed and approved private street or easement.

Lot, Corner - A lot situated at the junction of two or more streets.

Lot, Interior - A lot other than a corner lot.

Lot, Lake Access - A lot abutting a body of water that is used as access to the water by multiple property owners or multiple parties. This definition is not intended to restrict single-family use of a lot as access to the water by the owner of the lot, but is intended to restrict use of a lot for water access by multiple parties.

Lot, Through or Double Frontage - An interior lot having a street line for both the front lot line and the line most distant from that designated as the front line.

Lot Line - A line which marks the boundary of a lot.

Front Lot Line - On an interior lot, the lot line separating said lot from the street right of way.

Rear Lot Line - The line opposite and most distant from the front lot line.

Side Lot Line - An interior lot line which is not a front or rear lot line.

Lot of Record - A lot which is a part of a recorded subdivision, or a lot described by metes and bounds, which has been recorded by deed in the office of the Recorder of Marshall County, prior to the effective date of this ordinance.

Mini-warehouse - A structure on a permanent foundation in which individually securable and accessible spaces are rented primarily for the temporary storage of personal property by individual owners.

Mobile Home Park - A parcel of land upon which two (2) or more manufactured or mobile homes are harbored for the purpose of being occupied as principal residences and which includes all real and personal property used in the operation of the park. This includes subdivided lots which are leased or otherwise contracted for, if said dwellings are intended to be occupied as principal residences.

Mobile Home Site - The parcel of land in a mobile home park set aside specifically for the parking of one manufactured or mobile home and for the use of the tenants of that manufactured or mobile home.

Manufactured Home Subdivision - A residential subdivision designed exclusively for and occupied by type B manufactured home structures, with the home and lot owned by the same person.

Motel - Inn - Hotel - A building in which the rooms are used primarily for temporary lodging accommodations for transients.

Motor Vehicle Wrecking Yard - Any place where two or more motor vehicles, not in running condition, or parts thereof, are stored in the open and are not being restored to operating condition; or any land used for wrecking or storing of such motor vehicles, inoperable farm vehicles or machinery stored in the open and not being restored to operating condition.

Non-agricultural Land Use The commercial use of land or the manufacturing and wholesale or retail sale of goods or services, residential or institutional use of land intended primarily to shelter people, highway use of land including lanes, alleys, and streets, and other uses not included in agricultural land use.

Nonconforming Use - See Chapter 6.

Occupied Space - Space where routine activity occurs. Excluded are unfinished basements or attics, open porches, or garages.

Outdoor Advertising Sign - Any structure or part thereof on which lettered or pictorial matter is displayed for the purpose of off-premise advertising.

Permanent Foundation - Any structural system transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

Person - Any entity, including any individual, partnership, limited liability company, corporation, or public body, holding title to or having an interest in land, operating, leasing, renting, or having made other arrangements with the title holder by which the title holder authorizes use of his or her land.

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

Principal Building / Structure – The primary dwelling unit(s) on a parcel in a S1, L1, R1, R2, PUD, MH district; or the primary business unit on a parcel in a C1, C2 district; or the primary building on a parcel in a I1, I2 district.

Retail Store - Any building in which goods, wares, or merchandise are sold to the ultimate consumer.

Retaining Wall – A wall with a height greater than 12" and a slope less than 55 degrees from vertical, designed to resist lateral pressure, built to prevent advance of a mass of earth.

Right-of-way, Public - A street, alley, sidewalk, easement, or other thoroughfare permanently established for passage of persons or vehicles and dedicated to the Municipality or State.

Roadside Stand - A structure that is used seasonally for the sale of farm related products, the majority of which is produced on the premises.

Runoff - The portion of precipitation from such sources as rainfall, snowmelt, or irrigation water that flows over the ground surface.

Sales, Private - Garage, Yard, Rummage - A temporary sale of used clothing and/or household items conducted by immediate members of a family or families in a given area, in their private residence, garage, porch, yard, etc.

Sales, Vehicle – Facility or Property used for the sale of vehicles, motorized or un-motorized, including, but not limited to cars, trucks, buses, farm implements, motorcycles, bicycles or watercraft.

Sanitary Landfill - A method of disposing of refuse on land without creating nuisance or hazard to public health or safety, by utilizing principles of engineering, to confine the refuse to the smallest practical area; to reduce it to the smallest practical volume; and to cover it with a layer of suitable cover at the conclusion of each days operation or at more frequent intervals as necessary.

Setback - The minimum horizontal distance between the street, rear, or side lot lines and the furthestmost projection of a structure. When two or more lots under one ownership are used, the exterior property lines, so grouped shall be used in determining setbacks.

Sign - Any name, identification, description, display, or illumination, pictorial or otherwise, which is affixed to, painted, represented directly or indirectly upon a building, including window areas, or structure, which is in view of the general public and which directs attention to a person, place, commodity, activity, or business.

See Section 5.3 Sign Regulations

Sign, Projecting - A sign other than a wall-mounted sign, which projects from and is supported by or attached to a wall of a building or structure.

Sign, Surface Area - The entire area within a single continuous perimeter enclosing the extreme limits of a sign. Such perimeter shall not include structural or framing elements outside the limits of such sign if not forming an integral part of the display. The surface area of a double or multi-faced sign shall be the area of the largest single face.

Site - The entire area included in the legal description of the land as mention in this ordinance.

Special Use - See Chapter 4.

Structure - Any three dimensional object above or below grade made with building materials.

Structural Change – Additions, deletions, or changes made to a structure’s members such as expansion; wall, window, or door relocation; or plumbing, electrical, or HVAC relocation.

Telecommunication Facilities - sites designed to enable the transmission, between or among points, of information consisting of voice, video, or data without change in the form or content of the information as sent and received.

Truck – Commercial – A motor vehicle and/or trailer designed, used, or maintained primarily for the transportation of property whose declared rated weight when empty exceeds 11,000 pounds.

Use - The purpose for which land, building, or structure thereon is utilized, occupied, maintained, let or leased.

Use, Principal - A principal use is the main use of land or structures as distinguished from a subordinate or accessory use.

Variance - An exception to the lot area or width requirements, setback requirements, height restriction, sign regulations, parking/loading requirements, or other development standards from those set forth in this ordinance, granted by the Board of Zoning Appeals in accordance with the provisions of this ordinance. (A variance is not to be confused with a Special Use.)

Visibility Requirements – Refer to Section 5.1.

Warehouse - A building where merchandise, wares, or goods are stored.

Wind Energy Conversion System (WECS) – Equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, wind tower, transformer, turbine, vane, wind farm collection system, wire, or other component used in the system.

Wind Farm – Two or more wind energy conversion systems on a single parcel or adjacent parcels.

Yard - A required open space on the same lot with a principal building or group of buildings, which is unoccupied and unobstructed except as otherwise permitted in this ordinance.

Yard Requirements – The distance from the lot line to a structure’s boundary including any roof overhangs or attached decks.

Zoning Lot - A tract or parcel of land designated by its owner or developer as a tract to be used, developed or built

upon as a unit under single ownership or control. A zoning lot may or may not coincide with a lot of record.

Zoning Map - The official zoning map incorporated into this ordinance as a part thereof showing the division of land into various zoning district classifications within the jurisdiction of the Town.

CHAPTER 2. - ZONING DISTRICT

SECTION 2.0. - DISTRICT ESTABLISHMENT

Establishment of various zoning districts reflect certain principles: 1) the basic purpose of separating uses that conflict with each other in some specific manner while grouping together those uses which are compatible; 2) the appropriateness of the land for particular uses which may be based on either soil conditions or location needs; 3) the effect of certain uses upon public services and facilities in regard to the cost feasibility.

In consideration of said basic principles, the following districts are hereby established for the land within the corporate limits of the Town of Culver and the planning area under the jurisdiction of the Culver Plan Commission.

- S-1 Suburban/Residential District**
- L-1 Lake District**
- R-1 Residential District**
- R-2 Residential District**
- C-1 Commercial District**
- C-2 Commercial District**
- I-1 Industrial District**
- I-2 Industrial District**
- P-1 Park District**
- PUD Planned Unit Development District**
- MH Manufactured Housing District**

SECTION 2.1. - DISTRICT DESCRIPTION

S-1 Suburban/Residential District

The Suburban/Residential District provides for controlled development in the areas where public facilities are generally not available, thus encouraging responsible development for non-farm usage. Uses other than agricultural and residential shall be closely regulated to protect large areas of undeveloped land from incompatible land development.

L-1 Lake District

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

R-1 Residential District

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

R-2 Residential District

The R-2 Residential District is designed to permit the intermingling of single-family, two-family, and multi-family

dwellings while promoting a healthy, safe, stable environment for residential development free of incompatible uses.

C-1 Commercial District

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

C-2 Commercial District

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

I-1 Industrial District

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

I-2 Industrial District

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

P-1 Park District

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

PUD Planned Unit Development District

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

MH – Manufactured Housing District

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

CHAPTER 3. - AUTHORIZED USES AND REGULATIONS

SECTION 3.0. - AUTHORIZED USES

The primary uses permitted in the districts established in Chapter 2, Section 2.0 are shown in Table 1.

Where the District column is marked with an "X" the use will be permitted in the District in accordance with the regulations of this ordinance.

Where the District column is marked with an "S" the use may be permitted only as a Special Use if it meets the requirements set forth in Chapter 4 of this ordinance and if upon application, such Special Use is specifically authorized for the Zoning District.

A Special Use requires some measure of individual consideration and possibly the imposing of specific conditions in order to make it compatible with the uses permitted by right in that Zoning District. Special Uses are permissible only if, in the opinion of the Board of Zoning Appeals, adequate conditions exist or can be imposed that will make such use compatible with the permitted uses.

TABLE 1 AUTHORIZED USES

	"X" = Permitted Use "S" = Special Use									
	S-1	L-1	R-1	R-2	C-1	C-2	I-1	I-2	P-1	
RESIDENTIAL USES										
Apartment Unit(s)	S	S		X	X	X				
Condominiums, Multiple Units, Townhouses	S	S		X						
Dormitories, Residence Halls	S	S		X						
Farm House and Related Outbuildings	X									
Home Occupations (See Section 5.8)	X	X	X	X						
Manufactured Homes Type A & B	X	S	X	X						
Nursing Home, Convalescent Home	X		S	X						
Orphanages	S	S		X						
Religious Quarters	S	S		X						
Security Guard / Caretaker Quarters							S	S	S	
Single Family Home	X	X	X	X						
Two-Family (Duplex) Home	S			X						
AGRICULTURAL AND FARM USES										
Agricultural – Sales / Service / Repair / Storage	S						X	X		
Agricultural Production (Farming)	X						X	X		
Air Strip – Private	S						S	S		
Crop Dusting And Material Storage	S							X		
Centralized Bulk Collection / Storage /										
Distribution Of Agricultural Products To										
Wholesale And Retail Markets	S						X	X		
Horses And Other Equine	X									
Livestock Auction Barn / Transfer Terminal /										
Confinement Feeding Operation	S							S		
Mineral, Gravel, Sand Extraction	S							X		
Riding Stables	X									
Roadside Stand (Farm Related Products)	X				S	X				

TABLE 1 AUTHORIZED USES

“X” = Permitted Use “S” = Special Use

	S-1	L-1	R-1	R-2	C-1	C-2	I-1	I-2	P-1
Uses Related To Agricultural Production									
(To Be Determined By Plan Commission)	S						S	S	
APPAREL AND ACCESSORY SALES AND SERVICE									
Clothing, Apparel And Accessory Sales					X	X			
Dry Goods And Notions					X	X			
Furrier / Fur Shop / Storage Of Furs					X	X			
Laundry And Dry Cleaning - Retail Operation				S	X	X			
Laundry And Dry Cleaning - Industrial Plant							X	X	
Shoe Sales / Repair					X	X			
Tailoring And Dressmaking					X	X			
AUTOMOBILE, TRUCK, MOTORCYCLE DEALERS / SERVICE / REPAIR									
Automobile Accessory Sales					X	X	X	X	
Automobile, Motorcycle Repair / Body Work						S	X	X	
Automobile Rental Agency					X	X	X	X	
Automobile Sales And Service						X	X		
Automobile Service Station					X	X	X		
Automobile Washing					X	X	X		
Construction Equipment Sales And Service						S	X	X	
Mobile Home Sales And Service						X	X		
Motorcycle Sales And Service						X	X		
Recreational Vehicle Sales And Service						X	X		
Tire Recapping And Retreading							X	X	
Truck Heavy Repair / Body Work							X	X	
Truck Heavy Sales And Service						X	X	X	
Truck Terminal								X	
BUSINESSES/OFFICES SALES & SERVICE									
Duplicating / Blueprinting Establishments					X	X	X	X	
Laboratories - Industrial Research/Testing							X	X	
Laboratories – Medical / Dental /									
Research / Testing					X	X	X	X	
Office Equipment/Supplies									
Sales And Service					X	X	X		
Offices Professional / Semi-Professional									
Business	S			S	X	X	X		
Printing / Publishing / Newspaper Businesses					X	X	X		
CONTRACTORS									
BUILDING MATERIALS AND SUPPLIES									

Concrete Products / Bricks									
Outside Storage Yard Permitted						S	X	X	
Contractors - No Outside Storage Permitted					X	X	X	X	
Contractors - Outside Storage Permitted						S	X	X	

See District Sections For Regulations

TABLE 1 AUTHORIZED USES

“X” = Permitted Use “S” = Special Use

	S-1	L-1	R-1	R-2	C-1	C-2	I-1	I-2	P-1
Hardware Store					X	X	X	X	
Lumber Yard / Building Materials						S	X	X	
Retail Plumbing / Heating / Electrical									
Sales And Service					X	X	X		
Retail Wallpaper / Paint / Glass									
Sales And Service					X	X	X		
FOOD – RETAIL AND WHOLESALE									
Catering Establishment					X	X	X	X	
Concession Stand	X		S	S	X	X			X
Drive-In Eating Establishment	S				S	X	S		
Package Liquor Store					X	X			
Restaurant	S	S			X	X	X		
Retail Bakeries / Confectioneries /									
Delicatessens / Dairy Products / Meats /									
Groceries / Related Products					X	X	X		
Tavern / Bar / Saloon / Lounge					X	X			
Wholesale Bakeries / Confectioneries /									
Delicatessens / Dairy Products / Meats /									
Groceries / Related Products							X	X	
FINANCIAL INSTITUTIONS AND SERVICES									
Banks / Savings & Loan/Credit Unions					X	X	X		
Brokerage Firms					X	X			
Finance Company / Loan Agency					X	X	X		
FURNITURE AND HOUSEHOLD GOODS									
Floor Coverings / Drapery / Upholstery Stores					X	X	X		
Furniture Refinishing					X	X	X	X	
Furniture / Home Furnishings / Equipment									
Retail Sales And Associated Storage					X	X	X		
Interior Decorating Establishment					X	X	X		
Household Appliances									
Radio / Television / Washer / Dryer /etc.					X	X	X		
Office Furnishings And Equipment					X	X	X		
Specialty Shops - China/Glassware/etc.					X	X			
LODGING									
Bed & Breakfast	S	S	S	S	S	X			
Hotels/Motels/Other Transient Lodging	S	S			S	X			

MISCELLANEOUS USES -									
RETAIL SALES AND SERVICE									
Antique / Art/Book / Florist / Gift/Hobby / Jewelry / Leather / Music / Stationary					X	X			
Bicycle Sales And Service					X	X	X		

See District Sections For Regulations

TABLE 1 AUTHORIZED USES

“X” = Permitted Use “S” = Special Use

	S-1	L-1	R-1	R-2	C-1	C-2	I-1	I-2	P-1
Catalog Sales					X	X			
Dental / Medical Clinic / Office	X		S	S	S	X			
Department Store					X	X			
Drug Store / Pharmacy					X	X			
Feed / Fertilizer / Seed - Retail / Wholesale	S				S	S	X		
General Merchandise Sales					X	X	X		
Greenhouse - Commercial Retail / Wholesale	S					X	X	X	
Greenhouse - Private No Trade	X	X	X	X					
Gunsmith					X	X	X		
Home Occupations (See Section 5.8)									
Lawn And Garden Supplies	S				X	X	X		
Lawnmower Sales And Service	S				X	X	X		
Locksmith					X	X	X		
Monument Sales						X	X		
Pawnshops / Second Hand Stores (No Exterior Displays)					X	X			
Pet Shops /Animal Grooming	S				X	X			
Photo Pick-up Station					X	X			
Rental Equipment (No Outside Storage)					X	X			S
Rental Equipment (Outside Storage Allowed)						X	X		S
Sporting Goods Sales / Rental (Including Live Bait Sales)	S	S			X	X	X		S
Studios Art / Dancing / Music / Photography					X	X			
Taxidermist					X	X	X		
Temporary Sales – Auction / Garage / Yard Not To Exceed 15 Days In A Calendar Year	X	X	X	X	X	X	X	X	X
Veterinarian Clinic/Hospital (No Outside Runs)	S				X	X	X		
Veterinarian Clinic/Hospital (Outside Runs)	S					X	X		
PERSONAL SERVICES									
Barber / Beauty Shops					X	X			
Day Care	S		S	S		S			
Funeral Homes / Mortuaries	S		S	S		X			
RECREATION AND AMUSEMENT									

Campgrounds / Recreational Vehicle Parks	S	S				S			
Golf Courses	S					X	X		
Fish Hatcheries	S	S							
Marinas / Boating Sales And Rental	S	S				X	X		S
Municipal Parks / Playgrounds	X	X	X	X	X	X	X	X	X
Indoor Commercial Facilities									
Arcade / Dance Hall / Gymnasium /									

See District Sections For Regulations

TABLE 1 AUTHORIZED USES

“X” = Permitted Use “S” = Special Use

	S-1	L-1	R-1	R-2	C-1	C-2	I-1	I-2	P-1
Health Club / Ice Rink / Swimming Pool /									
Tennis / Theater / Racquet Ball / Roller Rink	S				X	X	X		S
Outdoor Commercial Facilities									
Archery / Beach Areas / Driving Range /									
Miniature Golf / Picnic Areas / Skateboarding									
Swimming Pools / Water Slides	S	S				X	X		S
Theaters – Including Drive Ins	S					X	X		
PUBLIC AND SEMI-PUBLIC USES									
Airport	S						S	S	
Cemetery	X		X	X					
Church / Parish House / Rectory / Temple	X	X	X	X	X	X			
Fraternal Clubs And Lodges/Social Clubs									
(No Sleeping Facilities)	S				X	X	X		S
Government Buildings / Facilities									
(i.e. Library / Fire Station / Police Station)	X	X	X	X	X	X	X	X	X
Hospitals And Related Facilities	S		S	S	S	X			
Radio / Television Centers And Stations	S				X	X	X	X	
Schools - Private - Day Care / Nursery	S	S	S	S	X	X	X		
Schools - Private - General Education	S		S	S	X	X			
Schools - Public - General Education	X		X	X	X	X			
Schools – Business/Trade/Vocational	S				X	X	X	X	
MANUFACTURING/PROCESSING									
Aluminum							X	X	
Clothing / Fabric / Knit Products / Yarn							X	X	
Cold Storage Plant					S	X	X	X	
Floor Covering							X	X	
Food / Dairy Products / Meat / Poultry							X	X	
Furniture							X	X	
Glass / Glassware							X	X	
Leather / Leather Products							X	X	
Machine Shop							X	X	
Machinery							X	X	
Metal Products / Stamping							X	X	

Mini-Warehouse	S					S	X	X	
Paint / Varnish / Allied Products								X	
Paper / Paper Products								X	
Plastic / Plastic Molding							X	X	
Sawmill							X	X	
Signs / Sign Painting							X	X	
Sheet Metal							X	X	
Warehouse							X	X	

See District Sections For Regulations

TABLE 1 AUTHORIZED USES

“X” = Permitted Use “S” = Special Use

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

See District Sections For Regulations

The authorized uses for a PUD district are those associated with residential use; the usual accessory uses such as garages, storage space and community activities; and commercial and professional uses that are primarily for the service and convenience of the residents of the development. These uses shall be in conformance with the general intent of the comprehensive plan.

A Manufactured Housing District (MH) exists for the sole purpose of allowing manufactured homes to be constructed
Culver, Indiana – Zoning Ordinance

in a planned development with lot sizes lower than those found in R1 or R2 districts. See Section 3.11 for details.

For any use not specifically designated as an authorized use or as a special use in the preceding table, the Culver Planning Commission shall determine the proper district classification and if it is to be a permitted use or a special use within that district. A request shall be submitted in writing requesting such designation and the determination made at the next regularly scheduled meeting or as soon thereafter as a decision can be made.

SECTION 3.1. - S-1 SUBURBAN/RESIDENTIAL DISTRICT

The purpose of the Suburban/Residential District is to permit controlled development in the jurisdictional planning area of Culver. It is the intent to closely regulate development in areas where public facilities are not generally available and thus encourage responsible development unimpeded by incompatible land uses.

In order to provide for a degree of flexibility in the Suburban/Residential District, separate requirements are provided for agricultural/farm and non-farm residential usage.

Non-residential uses shall be restricted to those facilities which may appropriately be located in suburban areas to serve the needs of the residents and further restricted to those uses which will not create substantial negative impact on the area.

... Use Regulations

Permitted Uses - No land, building, or structure shall be used and no building or structure shall be erected, reconstructed or altered to be used for any purpose other than a use which is permitted in Table 1 of this Chapter.

Special Uses - Special uses may be permitted as designated in Table 1 when specifically authorized in accordance with the provisions of Chapter 4.

Accessory Uses - Accessory uses and/or structures as defined in Chapter 1, Section 1.9. established within the setback limits of this District shall be permitted in accordance with the provisions of Chapter 5, Section 5.9.

Prohibited Uses – No lot of record shall be used as a Lake Access Lot. No lot shall be altered by title or easement to create a Lake Access Lot. See Chapter 1, Section 1.9.

... Regulations - NON-FARM RESIDENTIAL USAGE

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

No structure shall hereafter be erected, reconstructed or altered in any manner which will encroach upon, or reduce the requirements of this ordinance.

Size Requirements

No dwelling shall hereafter be erected, reconstructed or structurally altered to exceed 35 feet in height from the natural or pre-existing grade. No dwelling shall be less than 951 square feet of occupied space.

Minimum Lot Area

The minimum lot area shall be 21,780 square feet with a width of not less than 100 feet at the established building location.

Front Yard Requirements

There shall be a front yard setback having a depth of not less than 25 feet.

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

Where a lot has double frontage, it shall have the required front yard setback on both streets.

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

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

Side Yard Requirements

The minimum side yard setback for an interior lot line shall be no less than 15 feet in width, and there shall be two side yards on all interior lots.

Rear Yard Requirements

There shall be a rear yard setback on every lot the depth of which shall not be less than 25 feet.

... Regulations - FARM AND FARM RELATED USES

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

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

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

Size Requirements

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

No non-dwelling structure shall hereafter be erected, reconstructed or structurally altered to exceed 50 feet in height from the natural or pre-existing grade.

Setback Requirements - Farm Dwellings and Structures

No principal farm dwelling or accessory structure shall be located less than 50 feet from any property line.

When an abutting right-of-way is a State or County Highway, the minimum setback shall be 85 feet measured from the centerline of the highway or 50 feet from the property line, whichever distance is greater.

Seasonal roadside stands selling farm related products shall be permitted within the required setback provided parking facilities are made available off of the road right-of-way.

Accessory structures used to house livestock or fowl or store grain shall be located not less than 100 feet from any property line.

Confined feeding operations which are permitted only by a Special Use Permit shall be located a minimum of 100 feet from any road right-of-way and a minimum of 1,000 feet from a residential use other than that of the owner or operator of the farm. The Board of Zoning Appeals may impose greater restrictions at its discretion.

... Supplementary Regulations

Fences shall be in accordance with the provisions of Chapter 5, Section 5.0. and also in accordance with the provisions set forth in Visibility Clearance, Chapter 5, Section 5.1.

Visibility Clearance shall be in accordance with the provisions of Chapter 5, Section 5.1.

Off-Street Parking and Loading Requirements shall be in accordance with Chapter 5, Section 5.2.

Signs shall be in accordance with the provisions in Chapter 5, Section 5.3.

Construction Standards shall be in accordance with the provisions in Chapter 5 Section 5.15.

Water Runoff Containment shall be in accordance with the provisions in Chapter 5 Section 5.16.

... Special Use Permits

Structures constructed under a special use permit shall be required to have no less than the lot area stipulated in the District in which it is a permitted use. Area requirements may be increased and other regulations may be imposed as a condition to the issuance of a special use permit.

... Site Plan Approval

Site plan approval by the Plan Commission shall be required prior to the issuance of a building permit for any structure other than a single family residential dwelling unit and its accessory structures or accessory structures customarily incidental to a farm operation.

SECTION 3.2. - L-1 LAKE DISTRICT

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

Any use of property in the Lake District shall be concerned with maintaining high water quality of the lake. Non-residential uses shall be restricted to those facilities which are compatible to the recreational nature of the area.

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

... Use Regulations

Permitted Uses - No land, building, or structure shall be used and no building or structure shall be erected, reconstructed or altered to be used for any purpose other than a use which is permitted in Table I of this Chapter.

Special Uses - Special uses may be permitted as designated in Table 1 when specifically authorized in accordance with the provisions of Chapter 4.

Accessory Uses - Accessory uses and/or structures as defined in Chapter 1, Section 1.9. established within the setback limits of this District shall be permitted in accordance with the provisions of Chapter 5, Section 5.9.

Prohibited Uses - No lot of record shall be used as a Lake Access Lot. No lot shall be altered by title or easement to create a Lake Access Lot. See Chapter 1, Section 1.9.

... Size Regulations

No building shall hereafter be erected, reconstructed or altered to exceed 35 feet in height from the natural or pre-existing grade. No dwelling shall be less than 1600 square feet in occupied space.

The total footprint square footage of all structures, including dwellings, decks, porches, gazebos, boat houses, garages, other accessory structures, and impervious surfaces shall not exceed a maximum of fifty percent (50%) of the total zoning lot square footage. All other front, back, and side yard setbacks and restrictions must also be met.

... Area, Width and Yard Regulations

No building shall hereafter be erected, reconstructed or altered in any manner, which will encroach upon or reduce the regulations of this ordinance.

The minimum lot area for those properties served by municipal sewer shall be 10,890 square feet with a width of not less than 75 feet at the established building location and a width of not less than 75 feet at the lake or channel frontage.

The minimum lot area for property not served by municipal sewer shall be 21,780 square feet with a width of not less than 80 feet at the established building location and a width of not less than 80 feet at the lake or channel frontage. Septic systems shall be located no less than 100 feet from the normal high water mark of the lake or channel.

... Definition of Frontage

For purposes of this district, the boundary of any lot abutting upon a lake, stream, channel or other body of water shall be considered the front lot line.

In the event a parcel of land does not have water frontage, the boundary line abutting the public right-of-way shall be considered the frontage.

Frontage Regulations

A principal structure shall be located a distance of not less than 25 feet from the normal high water mark of the lake or channel. Where property immediately adjacent on either side of the lot is already developed with principal structures, the required setback shall be the average of the setback at the frontage closest to the water so established. When the adjacent property is undeveloped, the assumed setback shall be 25 feet at the midpoint of the lake frontage of the lot.

A parcel of land not having water frontage shall have a front yard setback of not less than 25 feet.

When the abutting right-of-way is a State or County Highway, the minimum setback shall be 85 feet from the centerline of the highway or 25 feet from the property line, whichever distance is greater.

One accessory structure normally associated with lake front usage, such as a boathouse, screened picnic structure, etc., shall be permitted within the required front yard setback area. Such structure shall not exceed 250 square feet and must comply with all provisions of Section 5.9. Accessory Uses – Accessory Structures.

Side Yard Regulations

The minimum side yard for an interior lot line shall be no less than 10 feet in width and there shall be two side yards on all interior lots. Side yards abutting a public right-of-way shall be no less than 25 feet in width.

... Definition of Rear Yard

For the purpose of this district, the boundary line opposite the water frontage shall be considered to be the rear property line even though said line abuts a public right-of-way; or the line opposite and most distant from that determined to be the front lot line on parcels not abutting water frontage.

Rear Yard Regulations

The principal structure shall be setback a distance of not less than 25 feet from the rear property line.

In the event the rear property line abuts a State or County Highway, the minimum setback shall be 85 feet from the centerline of the highway or 25 feet from the property line, whichever distance is greater.

Accessory structures shall be located a distance of not less than 25 feet from a public right-of-way line or a distance of not less than 10 feet from any other rear lot line.

... Supplementary Regulations

Fences shall be in accordance with the provisions of Chapter 5, Section 5.0. and also in accordance with the provisions set forth in Visibility Clearance, Chapter 5, Section 5.1.

Visibility Clearance shall be in accordance with the provisions of Chapter 5, Section 5.1.

Off-Street Parking and Loading Requirements shall be in accordance with Chapter 5 Section 5.2.

Signs shall be in accordance with the provisions in Chapter 5, Section 5.3.

Construction Standards shall be in accordance with the provisions in Chapter 5 Section 5.15.

Water Runoff Containment shall be in accordance with the provisions in Chapter 5 Section 5.16. In addition any runoff being discharged into the lake or channel must first be filtered by an approved filtering device such as a catch basin or other appropriate device.

... Special Use Permits

Structures constructed under a special use permit shall be required to have no less than the lot area stipulated in

the District in which it is a permitted use. Area requirements may be increased and other regulations may be imposed as a condition to the issuance of a special use permit. Site plan approval by the Plan Commission shall be required prior to the issuance of a building permit for any structure other than a single-family residential dwelling unit and its accessory structures.

SECTION 3.3. - R-1 RESIDENTIAL DISTRICT

The intent of the residential district is to provide a stable environment for residential development free from incompatible uses.

The R-1 Residential District is created to provide areas primarily designed for single family detached dwellings located on individual lots of adequate size to promote the public health, safety, and welfare of the residents.

Non-residential uses shall be restricted to those facilities which may appropriately be located in residential areas to serve the educational, religious and recreational needs of the residents and which are of such a nature that they are not likely to cause negative impact on the area.

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

... Use Regulations

Permitted Uses - No land, building, or structure shall be used and no building or structure shall be erected, reconstructed or altered to be used for any purpose other than a use which is permitted in Table I of this Chapter.

Special Uses - Special uses may be permitted as designated in Table 1 when specifically authorized in accordance with the provisions of Chapter 4.

Accessory Uses - Accessory uses and/or structures as defined in Chapter 1, Section 1.9. established within the setback limits of this District shall be permitted in accordance with the provisions of Chapter 5, Section 5.9.

... Size Regulations

No building shall hereafter be erected, reconstructed or altered to exceed 35 feet in height from the natural or pre-existing grade. No dwelling shall be less than 951 square feet in occupied space.

The total footprint square footage of all structures, including dwellings, decks, porches, garages, other accessory structures, and impervious surfaces shall not exceed a maximum of fifty percent (50%) of the total zoning lot square footage. All other front, back, and side yard setbacks and restrictions must also be met.

... Area, Width, and Yard Regulations

No building shall hereafter be erected, reconstructed or altered in any manner, which will encroach upon or reduce the regulations of this ordinance.

Minimum Lot Area and Width - Served by Municipal Water and Sewer Every single family dwelling hereafter constructed shall be on a lot having an area of not less than 7,500 square feet, and a width at the established building location of not less than 75 feet except as provided in the paragraph immediately following.

A lot of record, of not less than 5,000 square feet, and 50 feet in width at the established building location, may be developed for single family residential use in accordance with the provisions of Chapter 6, Section 6.2.

Minimum Lot Area and Width - Served by Either Municipal Water or Sewer Every single family dwelling hereafter constructed shall be on a lot having an area of not less than 10,890 square feet, and a width at the established building location of not less than 75 feet.

Minimum Lot Area and Width - Served by Neither Municipal Water or Sewer Every single family dwelling hereafter constructed shall be on a lot having an area of not less than 21,780 square feet, and a width at the established building location of not less than 100 feet.

Front Yard Requirements

There shall be a front yard setback a depth of not less than 25 feet.

When the abutting right-of-way is a State or County Highway, the minimum setback shall be 85 feet measured from the centerline of the highway or 25 feet from the property line, whichever distance is greater.

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

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

Side Yard Requirements

The minimum side yard setback for an interior lot line shall be no less than 10 feet in width and there shall be two side yards on all interior lots.

Rear Yard Requirement

There shall be a rear yard setback on each lot, the depth of which shall be not less than 25 feet.

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

... Supplementary Regulations

Fences shall be in accordance with the provisions of Chapter 5, Section 5.0. and also in accordance with the provisions set forth in Visibility Clearance, Chapter 5, Section 5.1.

Visibility Clearance shall be in accordance with the provisions of Chapter 5, Section 5.1.

Off-Street Parking and Loading Requirements shall be in accordance with Chapter 5, Section 5.2.

Signs shall be in accordance with the provisions in Chapter 5, Section 5.3.

Construction Standards shall be in accordance with the provisions in Chapter 5 Section 5.15.

Water Runoff Containment shall be in accordance with the provisions in Chapter 5 Section 5.16.

... Special Use Permits

Residential structures constructed under a special use permit shall be required to have no less than the lot area stipulated in the District in which it is a permitted use. Area requirements may be increased and other regulations may be imposed as a condition to the issuance of a special use permit.

Any non-residential structure erected under a special use permit shall be on a lot having an area large enough to conform to the setbacks of the R-1 Residential District and further to provide the parking area required in Chapter 5, Section 5.2. for the specific special use granted. The lot area and/or width requirements may be increased and other regulations may be imposed as a condition to the issuance of the special use permit.

... Site Plan Approval

Site plan approval by the Plan Commission shall be required prior to the issuance of a building permit for any structure other than single family residential dwelling units and their accessory structures.

SECTION 3.4. - R-2 RESIDENTIAL DISTRICT

The nature of the R-2 Residential District permits the intermingling of single-family, two-family, and multi-family dwellings designed to promote a healthy, safe, stable environment for residential development free from incompatible uses.

Non-residential uses shall be restricted to those facilities which may appropriately be located in residential areas to serve the educational, religious and recreational needs of the residents and which are not likely to create a substantial negative impact on the residential area.

... Use Regulations

Permitted Uses - No land, building, or structure shall be used and no building or structure shall be erected, reconstructed or altered to be used for any purpose other than a use which is permitted in Table I of this Chapter.

Special Uses - Special Uses may be permitted as designated in Table 1 when specifically authorized in accordance with the provisions in Chapter 4.

Accessory Uses - Accessory uses and/or structures as defined in Chapter 1, Section 1.9. shall be permitted in accordance with the provisions of Chapter 5, Section 5.9.

... Size Regulations

No building shall hereafter be erected, reconstructed or altered to exceed 35 feet in height from the natural or pre-existing grade. No single-family dwelling shall be less than 951 square feet in occupied space. No duplex or multi-family dwelling shall be less than 635 square feet in occupied space per single-family unit.

The total footprint square footage of all structures, including dwellings, decks, porches, garages, other accessory structures, and impervious surfaces shall not exceed a maximum of fifty percent (50%) of the total zoning lot square footage. All other front, back, and side yard setbacks and restrictions must also be met.

... Area, Width and Yard Regulations

No building shall hereafter be erected, reconstructed or altered in any manner, which will encroach upon or reduce the regulations of this ordinance.

... Regulations

If served by both municipal sewer and water, the minimum lot width shall be 75 feet at the established building location and have a minimum lot area per dwelling unit as follows:

Type Of Dwelling	Minimum Lot Area First Unit	Minimum Lot Area Each Additional Unit
Single-Family	7,500Sq. Ft.	
Two-Family	5,000 Sq. Ft.	5,000 Sq. Ft.
Multi-Family	6,000 Sq. Ft.	2,500 Sq. Ft.
Efficiency Apartments	6,000 Sq. Ft.	1,500 Sq. Ft.
Homes For The Aged	6,000 Sq. Ft.	1,000 Sq. Ft.

If served by either municipal water or sewer, the minimum lot width shall be 75 feet at the established building location and have a minimum lot area per dwelling unit as follows:

Type Of Dwelling	Minimum Lot Area First Unit	Minimum Lot Area Each Additional Unit
Single-Family	10,890 Sq. Ft.	
Two-Family	7,500 Sq. Ft.	7,500 Sq. Ft.
Multi-Family	8,000 Sq. Ft.	5,000 Sq. Ft.
Efficiency Apartments	8,000 Sq. Ft.	4,000 Sq. Ft.

Homes For The Aged	8,000 Sq. Ft.	3,000 Sq. Ft.
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If neither municipal sewer or water is available the minimum lot width shall be 100 feet at the established building location and have a minimum lot area of no less than 21,780 square feet for both single family and two-family dwellings.

All multi-family, efficiency apartments, and homes for the aged structures shall have private systems for water and sewerage approved by the Indiana State Board of Health. Each structure shall have a minimum lot area of 21,780 square feet for the first unit and 5,000 square feet for each additional unit thereafter.

Front Yard Requirement

There shall be a front yard setback a depth of not less than 25 feet.

When the abutting right-of-way is a State or County Highway, the minimum setback shall be 85 feet measured from the centerline of the highway or 25 feet from the property line, whichever distance is greater.

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

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

Side Yard Requirements

The minimum side yard setback for an interior lot line shall be no less than 10 feet in width and there shall be two side yards on all interior lots.

Rear Yard Requirement

There shall be a rear yard setback on each lot, the depth of which shall be not less than 25 feet.

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

... Supplementary Regulations

Fences shall be in accordance with the provisions of Chapter 5, Section 5.0. and also in accordance with the provisions set forth in Visibility Clearance, Chapter 5, Section 5.1.

Visibility Clearance shall be in accordance with the provisions of Chapter 5, Section 5.1.

Off-Street Parking and Loading Requirements shall be in accordance with Chapter 5, Section 5.2.

Signs shall be in accordance with the provisions in Chapter 5, Section 5.3.

Construction Standards shall be in accordance with the provisions in Chapter 5 Section 5.15.

Water Runoff Containment shall be in accordance with the provisions in Chapter 5 Section 5.16.

... Special Use Permits

Residential structures constructed under a special use permit shall be required to have no less than the lot area stipulated in the District in which it is a permitted use. Area requirements may be increased and other regulations may be imposed as a condition to the issuance of a special use permit.

A non-residential structure shall be on a lot having an area sufficient to conform to the setback requirements of the R-2 Residential District and to provide parking for the specific special use in accordance with Chapter 5, Section 5.2. The lot area and/or width requirement may be increased and other regulations may be imposed as a condition to the issuance of a special use permit.

... Site Plan Approval

Site plan approval by the Plan Commission shall be required prior to the issuance of a building permit for any structure other than single family residential dwelling units and their accessory structures.

SECTION 3.5. - C-1 COMMERCIAL DISTRICT

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

... Use Regulations

Permitted Uses - No land, building, or structure shall be used and no building or structure shall be erected, reconstructed or altered to be used for any purpose other than a use which is permitted in Table I of this Chapter.

Special Uses - Special uses may be permitted as designated in Table 1 when specifically authorized in accordance with the provisions of Chapter 4.

Accessory Uses - Accessory uses and/or structures as defined in Chapter 1, Section 1.9. established within the setback limits of this District shall be permitted in accordance with the provisions of Chapter 5, Section 5.9.

... Size Regulations

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

No apartment or transient dwelling shall be less than 635 square feet of occupied space per unit.

... Area, Width, and Yard Regulations

Front, Rear, Side Yard Requirements

No front, rear, or side yard shall be required. If a side yard is provided, there shall be not less than 5 feet between the side lot line and the furthest projection of the structure.

... Supplementary Regulations

Fences shall be in accordance with the provisions of Chapter 5, Section 5.0. and with the provisions in Visibility Clearance, Chapter 5, Section 5.1.

Visibility Clearance shall be in accordance with the provisions of Chapter 5, Section 5.1.

Off-Street Parking and Loading Requirements are not required. However, if provided, they shall meet the design and maintenance requirements in accordance with Chapter 5, Section 5.2. of this ordinance.

Signs shall be in accordance with the provisions in Chapter 5, Section 5.3.

Construction Standards shall be in accordance with the provisions in Chapter 5 Section 5.15.

Water Runoff Containment shall be in accordance with the provisions in Chapter 5 Section 5.16.

... Special Use Permits

Structures constructed under a special use permit shall be required to have no less than the lot area stipulated in the District in which it is a permitted use. Area requirements may be increased and other regulations may be imposed as a condition to the issuance of a special use permit.

... Special Conditions

Apartment or transient dwellings shall be prohibited below a commercial establishment or in an accessory structure. They may be located above a commercial establishment.

... Site Plan Approval

Culver, Indiana – Zoning Ordinance

Site plan approval by the Plan Commission shall be required prior to the issuance of a building permit for any new structure or major addition to an existing structure in accordance with the provisions of Chapter 9, Section 9.1.

SECTION 3.6. - C-2 COMMERCIAL DISTRICT

The C-2 Commercial District is a general commercial district designed to serve free-standing commercial activities which may be highway oriented or those business establishments which by their nature do not readily adapt to a downtown location. This district may also serve a grouping of retail and service establishments in the outlying area if developed as a complex under one ownership or if the development plan provides for a service road thus limiting access drives. Strip development shall be avoided.

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

... Use Regulations

Permitted Uses - No land, building, or structure shall be used and no building or structure shall be erected, reconstructed or altered to be used for any purpose other than a use which is permitted in Table I of this Chapter.

Special Uses - Special uses may be permitted as designated in Table 1 when specifically authorized in accordance with the provisions of Chapter 4.

Accessory Uses - Accessory uses and/or structures as defined in Chapter 1, Section 1.9., established within the setback limits of this District shall be permitted in accordance with the provisions of Chapter 5, Section 5.9.

... Size Regulations

No building shall hereafter be erected, reconstructed or altered to exceed 35 feet in height from the natural or pre-existing grade. No accessory structure shall exceed 20 feet in height from the natural or pre-existing grade.

The total footprint square footage of all structures, including dwellings, decks, porches, garages, other accessory structures, and impervious surfaces shall not exceed a maximum of sixty percent (60%) of the total zoning lot square footage. All other front, back, and side yard setbacks and restrictions must also be met.

... Area, Width, and Yard Regulations

Minimum lot areas shall be not less than 21,780 square feet with a minimum lot width of 100 feet at the established building location.

Front Yard Requirements

There shall be a front yard setback of not less than 25 feet in depth. The front yard shall be maintained as a green area except for necessary access ways.

When the abutting right-of-way is a State or County Highway, the minimum setback shall be 85 feet measured from the centerline of the highway or 30 feet from the property line, whichever distance is greater.

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

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

Side Yard Requirements

The minimum side yard setback for an interior lot line shall be no less than 10 feet in width and there shall be two side yards on all interior lots.

Rear Yard Requirements

There shall be a rear yard setback on each lot, the depth of which shall be not less than 15 feet.

Lots Abutting a Residential Zoning District

In no case shall any building or structure be erected less than 20 feet from any residential zoning district nor shall any parking or loading facilities be permitted within the 20 foot area adjacent to said district. It shall further be required that any property line abutting a residential zoning district be effectively screened in one of the following ways, or a combination thereof.

Buffering by a dense strip of natural plantings, or by a solid or opaque fence. The Plan Commission shall approve screening plans.

... Supplementary Regulations

Fences shall be in accordance with the provisions of Chapter 5, Section 5.0. and also in accordance with the provisions set forth in Visibility Clearance, Chapter 5, Section 5.1.

Visibility Clearance shall be in accordance with the provisions of Chapter 5, Section 5.1.

Off-Street Parking and Loading Requirements shall be in accordance with Chapter 5, Section 5.2.

Signs shall be in accordance with the provisions in Chapter 5, Section 5.3.

Construction Standards shall be in accordance with the provisions in Chapter 5 Section 5.15.

Water Runoff Containment shall be in accordance with the provisions in Chapter 5 Section 5.16.

... Special Use Permits

Structures constructed under a special use permit shall be required to have no less than the lot area stipulated in the District in which it is a permitted use. Area requirements may be increased and other regulations may be imposed as a condition to the issuance of a special use permit.

... Special Conditions

Apartment dwellings shall be prohibited below a commercial establishment or in an accessory structure. Apartment dwellings may be located above a commercial establishment.

... Site Plan Approval

Site plan approval by the Plan Commission shall be required prior to the issuance of a building permit for any new structure or major addition to an existing structure in accordance with the provisions of Chapter 9, Section 9.1.

SECTION 3.7. - I-1 INDUSTRIAL DISTRICT

The I-1 Industrial District is designed to provide sites for heavy commercial, warehousing) wholesaling, and light manufacturing activities. Such areas should be protected from intrusion of non-industrial uses, which would impede the full utilization of the industrial district.

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

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

... Use Regulations

Permitted Uses - No land, building, or structure shall be used and no building or structure shall be erected, reconstructed or altered to be used for any purpose other than a use which is permitted in Table I of this Chapter.

Special Uses - Special uses may be permitted as designated in Table 1 when specifically authorized in accordance with the provisions of Chapter 4.

... Size Regulations

No building shall hereafter be erected, reconstructed or altered to exceed 50 feet in height from the natural or pre-existing grade.

The total footprint square footage of all structures, including dwellings, decks, porches, garages, other accessory structures, and impervious surfaces shall not exceed a maximum of sixty percent (60%) of the total zoning lot square footage. All other front, back, and side yard setbacks and restrictions must also be met.

... Area, Width, and Yard Regulations

Minimum lot area shall be not less than 21,780 square feet with a minimum lot width of 100 feet at the established building location.

Front Yard Requirements

There shall be a front yard setback of not less than 35 feet in depth. The required 35-foot front yard setback shall be maintained as a green area except for necessary access ways.

When the abutting right-of-way is a State or County Highway, the minimum setback shall be 85 feet measured from the centerline of the highway or 35 feet from the property line, whichever distance is greater.

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

Side Yard Requirements

The minimum side yard setback for an interior lot line shall be no less than 20 feet in width and there shall be two side yards on all interior lots.

Rear Yard Requirements

There shall be a rear yard setback on each lot, the depth of which shall be not less than 30 feet.

Lots Abutting a Residential Zoning District

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

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

The Plan Commission shall approve all screening plans.

... Supplementary Regulations

Fences shall be in accordance with the provisions of Chapter 5 Section 5.0. and also in accordance with the provisions set forth in Visibility Clearance, Chapter 5 Section 5.1.

Visibility Clearance shall be in accordance with the provisions of Chapter 5, Section 5.1.

Off-Street Parking and Loading Requirements shall be in accordance with Chapter 5 Section 5.2.

Signs shall be in accordance with the provisions in Chapter 5, Section 5.3.

Construction Standards shall be in accordance with the provisions in Chapter 5 Section 5.15.

Water Runoff Containment shall be in accordance with the provisions in Chapter 5 Section 5.16.

... Open Storage

All open storage yards shall be entirely enclosed with a solid or opaque fence of not less than 7 feet in height.

... Special Use Permits

Structures constructed under a special use permit shall be required to have no less than the lot area stipulated in the District in which it is a permitted use. Area requirements may be increased and other regulations may be imposed as a condition to the issuance of a special use permit.

... Special Conditions

Residential dwellings shall be prohibited. However, a single apartment unit for the specific use of a security guard may be permitted as a Special Use when properly authorized in accordance with the provisions of Chapter 4 of this ordinance.

... Site Plan Approval

Site plan approval by the Plan Commission shall be required prior to issuance of a building permit for any new structure or major addition to an existing structure in accordance with the provisions of Chapter 9, Section 9.1.

SECTION 3.8. - I-2 INDUSTRIAL DISTRICT

The I-2 Industrial District is designed to provide areas suitable for development of heavy industrial sites, and at the same time to protect such industrial developments from the intrusion of non-industrial uses which impede the full utilization of such areas. The public health, safety and the general welfare of the Town, as well as the adjacent districts, are to be safeguarded from the effects of the heavier industrial usage permitted in this district.

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

... Use Regulations

Permitted Uses - No land, building, or structure shall be used and no building or structure shall be erected, reconstructed or altered to be used for any purpose other than a use which is permitted in Table I of this Chapter.

Special Uses - Special uses may be permitted as designated in Table 1 when specifically authorized in accordance with the provisions of Chapter 4.

... Size Regulations

No building shall hereafter be erected, reconstructed or altered to exceed 50 feet in height from the natural or pre-existing grade.

The total footprint square footage of all structures, including dwellings, decks, porches, garages, other accessory structures, and impervious surfaces shall not exceed a maximum of sixty percent (60%) of the total zoning lot square footage. All other front, back, and side yard setbacks and restrictions must also be met.

... Area, Width, and Yard Regulations

Minimum lot area shall be not less than 21,780 square feet with a minimum lot width of 100 feet at the established building location.

Front Yard Requirements

There shall be a front yard setback of not less than 50 feet in depth. The required 50-foot front yard setback shall be maintained as a green area except for necessary access ways.

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

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

Side Yard Requirements

The minimum side yard setback for an interior lot line shall be no less than 20 feet in width and there shall be two side yards on all interior lots.

Rear Yard Requirements

There shall be a rear yard setback on each lot, the depth of which shall be not less than 30 feet.

Lots Abutting a Residential Zoning District

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

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

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

The Plan Commission shall approve screening plans.

... Supplementary Regulations

Fences shall be in accordance with the provisions of Chapter 5, Section 5.0. and also in accordance with the provisions set forth in Visibility Clearance, Chapter 5 Section 5.1.

Visibility Clearance shall be in accordance with the provisions of Chapter 5, Section 5.1.

Off-Street Parking and Loading Requirements shall be in accordance with Chapter 5, Section 5.2.

Signs shall be in accordance with the provisions in Chapter 5, Section 5.3.

Construction Standards shall be in accordance with the provisions in Chapter 5 Section 5.15.

Water Runoff Containment shall be in accordance with the provisions in Chapter 5 Section 5.16.

... Open Storage

All open storage yards shall be entirely enclosed with a solid or opaque fence of not less than 7 feet in height.

... Special Use Permits

Structures constructed under a special use permit shall be required to have no less than the lot area stipulated in the District in which it is a permitted use. Area requirements may be increased and other regulations may be imposed as a condition to the issuance of a special use permit.

... Special Conditions

Residential dwellings shall be prohibited. However, a single apartment unit for the specific use of a security guard may be permitted as a Special Use when properly authorized in accordance with the provisions of Chapter 4 of this ordinance.

... Site Plan Approval

Site plan approval by the Plan Commission shall be required prior to issuance of a building permit for any new structure or major addition to an existing structure in accordance with the provisions of Chapter 9, Section 9.1.

SECTION 3.9. - P-1 PARK DISTRICT

The purpose of the Park District is to provide a stable environment for public recreational development free from incompatible uses.

The P-1 Park District is created to provide areas primarily designated for recreation on parcels of adequate size to promote public health, safety, and welfare.

Uses shall be restricted to those facilities which are compatible with the recreational nature of the area and are not likely to cause negative impact on the surrounding area.

... Use Regulations

Permitted Uses - No land, building, or structure shall be used and no building or structure shall be erected, reconstructed or altered to be used for any purpose other than a use which is permitted in Table I of this Chapter.

Special Uses - Special uses may be permitted as designated in Table 1 when specifically authorized in accordance with the provisions of Chapter 4.

Accessory Uses - Accessory uses and/or structures as defined in Chapter 1, Section 1.9. established within the setback limits of this District shall be permitted in accordance with the provisions of Chapter 5, Section 5.9.

... Size Regulations

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

The total footprint square footage of all structures, including dwellings, decks, porches, garages, other accessory structures, and impervious surfaces shall not exceed a maximum of fifty percent (50%) of the total zoning lot square footage. All other front, back, and side yard setbacks and restrictions must also be met.

... Area, Width, and Yard Regulations

No building shall hereafter be erected, reconstructed or altered in any manner, which will encroach upon or reduce the regulations of this ordinance.

Definition Of Frontage

For purposes of this district, the boundary of any lot abutting upon a lake, stream, channel, or other body of water shall be considered the front lot line.

In the event a parcel of land does not have water frontage, the boundary line abutting the public right-of-way shall be considered the frontage.

Front Yard Requirements

There shall be a front yard setback having a depth of not less than 25 feet.

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

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

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

Side Yard Requirements

The minimum side yard setback for an interior lot line shall be no less than 10 feet in width, and there shall be two side yards on all interior lots.

Rear Yard Requirements

There shall be a rear yard setback on every lot the depth of which shall not be less than 25 feet.

... Supplementary Regulations

Fences shall be in accordance with the provisions of Chapter 5, Section 5.0. and also in accordance with the provisions set forth in Visibility Clearance, Chapter 5, Section 5.1.

Visibility Clearance shall be in accordance with the provisions of Chapter 5, Section 5.1.

Off-Street Parking and Loading Requirements shall be in accordance with Chapter 5, Section 5.2.

Signs shall be in accordance with the provisions in Chapter 5, Section 5.3.

Construction Standards shall be in accordance with the provisions in Chapter 5 Section 5.15.

Water Runoff Containment shall be in accordance with the provisions in Chapter 5 Section 5.16.

... Special Use Permits

Residential structures constructed under a special use permit shall be required to have no less than the lot area stipulated in the District in which it is a permitted use. Area requirements may be increased and other regulations may be imposed as a condition to the issuance of a special use permit.

Any non-residential building or structure erected under a special use permit shall be on a lot having an area large enough to conform to the setbacks of the P-1 Park District and further to provide the parking area required in Chapter 5, Section 5.2. for the specific special use granted. The lot area and/or width requirements may be increased and other regulations may be imposed as a condition to the issuance of the special use permit.

... Site Plan Approval

Site plan approval by the Plan Commission shall be required prior to the issuance of a building permit for any structure.

SECTION 3.10. - PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

A. General Requirements

- 1) The tract proposed shall consist of one or more contiguous parcels of land comprising an area of 21,780 square feet or more in size, unless the tract be bounded on all sides by public rights-of-way, public lands, watercourses, or less restrictive use districts, in which case it may be smaller than 21,780 square feet.
- 2) The major use of the tract shall be residential, and may include single family, two-family, and multifamily dwellings and the usual accessory uses such as garages, storage space and community activities.
- 3) The tract shall contain commercial and professional uses as an integral part of a residential development.
- 4) Planned unit developments shall be designed to create environments of stable and desirable character; they must provide provisions for recreation space adequate to meet the needs of the anticipated population or as designated in the master plan.
- 5) The tract must be served directly by streets of appropriate size, function, and capacity.
- 6) The Plan Commission shall determine the minimum lot sizes, minimum setbacks, maximum lot coverage, minimum lot widths, and height limitations.
- 7) All buildings shall be served by a municipal sewer system, an adequate water supply and other utilities.
- 8) Street right-of-way and pavement widths, if approved by the Plan Commission, may be reduced; however, every dwelling unit and all other uses shall have access to a public street, court, walkway, or other area dedicated to public use.
- 9) All parking lots, open spaces and other areas in common ownership shall be maintained properly by the developer, management, or homeowners association.
- 10) Provisions for open space, compensating for the reduced lot sizes, setbacks, etc., shall be made by the developer.
- 11) Any uses permitted by this district shall not be of a nature or so located as to create a detrimental influence on surrounding residential areas, both within and outside of the planned unit development.
- 12) Construction standards shall be in accordance with the provisions in Chapter 5 Section 5.15.
- 13) Water runoff containment shall be in accordance with the provisions in Chapter 5 Section 5.16. In addition, any runoff being discharged into the lake or channel must first be filtered by an approved filtering device such as a catch basin or other appropriate device.

B. Preliminary Proposal

The proponent of a planned unit development permit shall first submit an application for a Preliminary Proposal to the Building Commissioner, together with a plat of the area involved in the application which shall show at least the following within the planned unit development area and within three hundred (300) feet thereof:

- 1) Accurate boundaries of the planned unit development area;
- 2) Existing zoning;
- 3) Rights-of-way of existing streets, roads, and easements;
- 4) Existing buildings, structures, land and building use;

- 5) Existing water, sewer, electrical, and other utility lines, facilities, and easements;
- 6) Proposed zoning;
- 7) Final grade and topography at a contour interval of five (5) feet or less and all proposals for surface drainage including additions, alterations, or relocations of streams, other drainage ways, lakes and other water areas;
- 8) Location and height of proposed buildings and building groups and the proposed use of each;
- 9) Proposed street and lot layouts, including right-of-way and pavement, showing the abandonment or relocation of existing streets and alleys, and the provision for new streets, alleys, and easements for pedestrian and vehicular access. Also the location, capacity, proposed access, and circulation of off-street parking areas;
- 10) The relevance of the project to the comprehensive plan must be addressed.

Upon submittal of all of the required documents as set forth above, (which may be prepared as conceptual drawings rather than by a professional engineer at this stage of review) the Plan Commission shall review said proposal at their next scheduled meeting, and indicate its preliminary approval or propose changes to the proposal that would make the same acceptable on a preliminary basis. If agreed upon by the petitioner, such changes would be added to the proposal when it next comes up for action by the Plan Commission. If the Plan Commission is not satisfied with the plan as proposed, and no agreement is reached on changes to the same, the preliminary proposal shall be deemed to be defeated and may not be brought back before the Plan Commission for a period on one (1) year. If agreement is reached and preliminary approval is granted, then the petitioner shall then prepare and file with the Building Commissioner an application for Final Approval.

C. Final Proposal

In addition to the items required for a preliminary proposal, the final proposal shall also include the following information with such application:

- 1) Abandonment or relocation of existing utility lines and provisions for new water, sewer, electrical, other utility lines, and easements;
- 2) The location of proposed parks, playfields, schools, and other common or public open space;
- 3) Proposed points of vehicular and pedestrian ingress and egress for the planned unit development.
- 4) Copies of proposed agreements for permanent unified control, such as deed restrictions, covenants or other instruments by which development, improvement or uses are regulated or limited;
- 5) A realistic timetable within which each phase of the improvements contained in the planned 'unit development can reasonably be expected to be completed.
- 6) Evidence of financial worth or access to capital with which to carry out such a development.

D. Public Hearing

Upon submittal of all of the required documents as set forth above, the Plan Commission shall give public notice and hold a public hearing on the proposed change of district and / or the development plan as required by law in the case of an amendment to this section. After the public hearing this section may be amended so as to define the boundaries of the PUD Planned Unit Development District, but such action shall have the effect only of granting permission for development of the specific proposal, in accordance with the development plan submitted. Prior to the granting of any development plan, the Plan Commission may recommend and the Town Council may stipulate such conditions and restrictions upon the establishment, location, design, layout, construction, maintenance, beautification, aesthetics, operation, and other elements of the planned unit development as deemed necessary for the protection of the public interest, improvement of the development, and protection of the adjacent area, and to secure compliance with the standards specified in this section. In all cases in which development plan approval is granted, the Town Council shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated therewith are being and will be complied with for the improvement of the development and

protection of the adjacent area, and to secure compliance with the standards specified.

E. Disposition

The Plan Commission, after determining that all the requirements of this Section dealing with PUD Planned Unit Development Districts has been met, shall recommend the approval, approval with modifications or disapproval of the development plan. The Plan Commission shall enter its reasons for such action in its records. The Plan Commission may recommend the establishment of a PUD Planned Unit Development District provided that it finds the facts submitted with the development plan establish that:

- 1) The uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect that could not be achieved under any other district.
- 2) Any amendment to the requirements of this Section is warranted by the design and amenities incorporated in the development plan.
- 3) Land surrounding the proposed development either can be planned in coordination with the proposed development or will be compatible in use.
- 4) The, proposed change to a PUD Planned Unit Development District is in conformance with the general intent of the comprehensive plan.
- 5) Existing and proposed streets are suitable and adequate to carry anticipated traffic within the proposed district and in the vicinity of the proposed district.
- 6) Existing and proposed utility services are adequate for the proposed development.
- 7) Each phase of the proposed development, as it is proposed to be completed, contains the required parking spaces, landscape and utility areas necessary for creating and sustaining a desirable and stable environment.
- 8) Each phase of the proposed Planned Unit Development District and all proposed buildings, structures, parking spaces, and landscape and utility areas can be completely developed within two years of the establishment of the district.

F. Culver Town Council Review

Secondary review of a PUD District Ordinance shall be conducted by the Town Council in accordance with procedures established in the Zoning Ordinance and in accordance with the following:

- 1) The Town Council shall consider development requirements expressed in general terms, and if they find that such general requirements are satisfied and the applicable requirements of the Zoning Ordinance are satisfied, then the Town Council shall grant secondary approval of the PUD District Ordinance.
- 2) The Town Council may also express in detailed terms any other development requirements that will apply to the Planned Unit Development.
- 3) The Town Council may also specify any plan documentation or supporting information that must be supplied before an improvement location permit may be issued for development of real property in the Planned Unit Development.
- 4) Such secondary review by the Town Council may take place simultaneously with Town Council consideration of the adoption of a PUD District Ordinance.

G. Final Approval

Upon final approval of a development plan, it shall be recorded and shall be binding upon the applicants and owners of all areas contained within the planned unit development, their successors, heirs, and assigns, and shall limit and control the issuance and validity of all Certificates of Occupancy, Improvement Location Permits, construction or reconstruction, location or relocation, use and activity in all land, buildings and structures located within the planned unit development area.

H. Modifications

Any proposed modifications or amendments to the approved and recorded development plan shall be referred to the Plan Commission and may be approved in the same manner as the original approval of the planned unit development and through the same procedures.

I. Failure To Comply

Failure of the applicant to develop a planned unit development within the time schedule submitted and approved as a part of the planned unit development program, or failure to develop in accordance with the approved and recorded plan, shall void the permit for a planned unit development.

J. Improvement Location Permit Issuance

Improvement Location permits shall be issued contingent to the meeting of all requirements contained in this ordinance pertaining to planned unit developments

SECTION 3.11. – MANUFACTURED HOUSING DISTRICT

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

... Use Regulations

Permitted Uses - Buildings shall consist of manufactured homes type B Constructed on or after January 1, 1981. That are at least 23 feet in width and have more than 950 square feet of occupied space which is composed of a double or multi-section unit. Must not be constructed with a permanent hitch, and the hitch, wheels and axles must be removed. The home must be placed directly on a foundation. It must have a 3/12 or greater pitched roof and siding made of materials customarily used for site constructed dwellings.

Accessory Uses - Accessory uses and/or structures as defined in Chapter 1, Section 1.9. shall be permitted in accordance with the provisions of Chapter 5, Section 5.9.

... Size Regulations

The minimum district size shall be three (3) acres.

The total footprint square footage of all structures, including dwellings, decks, porches, garages, other accessory structures, and impervious surfaces shall not exceed a maximum of sixty five percent (65%) of the total zoning lot square footage. All other front, back, and side yard setbacks and restrictions must also be met.

... Area, Width and Yard Regulations

No building shall hereafter be erected, reconstructed or altered in any manner, which will encroach upon or reduce the regulations of this ordinance.

... Regulations

The minimum lot width shall be 50 feet at the established building location and have a minimum lot area of 4000 square feet.

Front Yard Requirement

There shall be a front yard setback having a depth of not less than 20 feet.

When the abutting right-of-way is a State or County Highway, the minimum setback shall be 85 feet measured from the centerline of the highway or 25 feet from the property line, whichever distance is greater.

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

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

Side Yard Requirements

The minimum side yard setback for an interior lot line shall be 10 feet or ten percent (10%) of the lot width whichever is less. There shall be two (2) side yards on all interior lots..

Rear Yard Requirement

There shall be a rear yard setback on each lot, the depth of which shall be not less than 15 feet.

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

... Supplementary Regulations

Fences shall be in accordance with the provisions of Chapter 5, Section 5.0. and also in accordance with the provisions set forth in Visibility Clearance, Chapter 5, Section 5.1.

Visibility Clearance shall be in accordance with the provisions of Chapter 5, Section 5.1.

Off-Street Parking and Loading Requirements shall be in accordance with Chapter 5, Section 5.2.

Signs shall be in accordance with the provisions in Chapter 5, Section 5.3.

Construction Standards shall be in accordance with the provisions in Chapter 5 Section 5.15.

Water Runoff Containment shall be in accordance with the provisions in Chapter 5 Section 5.16.

SECTION 3.12. –MOBILE HOME PARKS

Mobile Home Parks are not permitted within the Culver Zoning Boundaries.

Manufactured Homes Type B (See Chapter 1. Section 1.9. for definitions) are permitted within zoning districts S-1, L-1, R-1, R-2, and MH provided that they meet the same requirements as other dwellings within the district.

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

No increase in park density shall be created.

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

CHAPTER 4 - SPECIAL USE PERMIT

SECTION 4.0. - PURPOSE

A "Special Use" designation is provided to permit the location of certain uses specified in Chapter 3, Table 1, which are deemed necessary or proper within a given district, but which because of their unique character, the nature of their operation, or limited application, cannot necessarily be properly classified into a particular district without consideration in each case of the possible impact upon the character and future development of the district in which they are located.

SECTION 4.1. - EXISTING USES

Where a lawful use exists on the effective date of this ordinance and is classified as a Special Use by this ordinance, it shall be considered to be a lawful Special Use. Additions or major alterations to existing structures or expansion of said lawful special use may be permitted provided it meets the requirements as set out in this section, and upon application, is specifically authorized by the Board of Zoning Appeals of the Town of Culver.

SECTION 4.2. - AUTHORIZATION

Only the Culver Board of Zoning Appeals in accordance with I.C. 36-7-4-900 shall authorize a special use.

SECTION 4.3. - APPLICATION

An application for Special Use shall be filed with the Building Commissioner. The application shall include the complete legal description of the property; the name(s) and signature(s) of titleholder(s) of record and the name(s) of option holders, if applicable. Further, it shall include: 1) the current zoning classification; 2) a detailed explanation of the special use being requested; 3) the manner in which such special use shall be operated or conducted; 4) any special provisions or conditions proposed to be incorporated into the execution of the use to insure it will not be detrimental to the surrounding area.

A scaled plot plan shall be made an attachment to and a part of the application with said plan detailing dimensions of boundaries, location and size of structures, access provisions, and all other pertinent data.

Applications for a special use permit shall be accompanied with an application fee as set forth in the attached Schedule "B" Application And Improvement Location Permit Fees.

SECTION 4.4. - PROCEDURE

After public notice in accordance with I.C.5-3-1 and due notice to interested parties at least 10 days before the date set for the hearing, the Board of Zoning Appeals shall hold a public hearing. In its consideration the Board of Zoning Appeals shall determine if the special use is necessary for public convenience at the specific location requested; if it is designed, and proposed to be operated in a manner that will protect the public health, safety and general welfare of the neighborhood; and that it will not have substantial negative impact on other property in the area.

Special uses are permissible only if, in the opinion of the Board of Zoning Appeals, adequate conditions exist or can be imposed that will make such uses compatible with permitted uses.

SECTION 4.5. - CONDITIONS AND / OR RESTRICTIONS

The Board of Zoning Appeals may impose conditions and restrictions over and above those required in this ordinance upon the construction, location, and operation of a Special Use, including, but not limited to, location of points of vehicular ingress and egress, off-street parking and loading, building setbacks, hours of operation, etc., as may be deemed necessary to promote the general objectives of this ordinance. Failure to maintain or observe the conditions or restrictions imposed shall constitute grounds for revocation of the special use permit.

SECTION 4.6. - CHANGES, EXPANSION, ALTERATION OF PERMITTED SPECIAL USE

Any proposed expansion, change or alteration in the operation of a permitted special use shall be reported in detail to the Board of Zoning Appeals in written form. It shall be the Board of Zoning Appeals' responsibility to determine if such change is of a significantly substantial nature to require the issuance of a new permit.

If the Board of Zoning Appeals determines the proposed change is not of a significant nature and may be done under the current permit, the Board of Zoning Appeals shall so notify the applicant in writing. All correspondence regarding same is to be attached to the original Special Use Permit.

If the Board of Zoning Appeals determines the requested change is of a significant nature and a new permit is required, an application shall be filed and processed in the same manner as any new application.

SECTION 4.7. - ABANDONMENT - CHANGE IN OWNERSHIP

When a special use is abandoned or becomes unused for a continuous period of one year, the Special Use Permit shall automatically be terminated.

A Special Use Permit goes with the land and a change of ownership does not void the permit. The new owner must, however, abide with all details of operation and conditions/restrictions previously imposed on said permit or file for a new permit to cover any proposed changes.

CHAPTER 5 - SUPPLEMENTARY PROVISIONS, REGULATIONS AND REQUIREMENTS

SECTION 5.0. - FENCES

... General Provisions - All Districts

1. No fence or wall shall be constructed of or contain barbed wire, broken glass, spikes or sharp and dangerous objects nor be electrically charged, except that barbed wire may be used at the top portion of a permitted fence or wall if located more than 8 feet above the adjacent ground level. Farm fences shall be exempt from the restriction on electrically charged and/or barbed wire fences.
2. All permitted fences or retaining walls shall be located entirely on the zoning lot. They may be located immediately adjacent to the lot line.
3. Fences and walls not permitted herein but which are approved in conjunction with a planned development or a special use may be authorized as part of that planned development or special use.
4. The provisions of Chapter 5, Section 5.1. Visibility Requirements, shall take priority over the provisions of this Section in restricting the height, location and type of permitted fence and retaining wall.
5. All fences and walls shall be kept in a state of good repair.

.... Fences Permitted in Residential and Commercial Districts

1. Within the limits of a required front yard setback area, no fence shall exceed 5 feet in height and shall have a minimum of 50% of its surface open to permit visibility. Necessary retaining walls are exempt from the provisions of this requirement.
2. A fence or wall not more than 7 feet in height may be installed in the side and/or rear yard of any lot in a residential or commercial district provided visibility requirements of Chapter 5, Section 5.1. are met.

... Fences Permitted in Industrial Districts

1. In an industrial district, a fence or wall, not to exceed 12 feet in height may be installed immediately adjacent to all property lines providing all visibility requirements of Chapter 5, Section 5.1. are met.

... Fences Around Junk Yards or Automobile Wrecking Yards

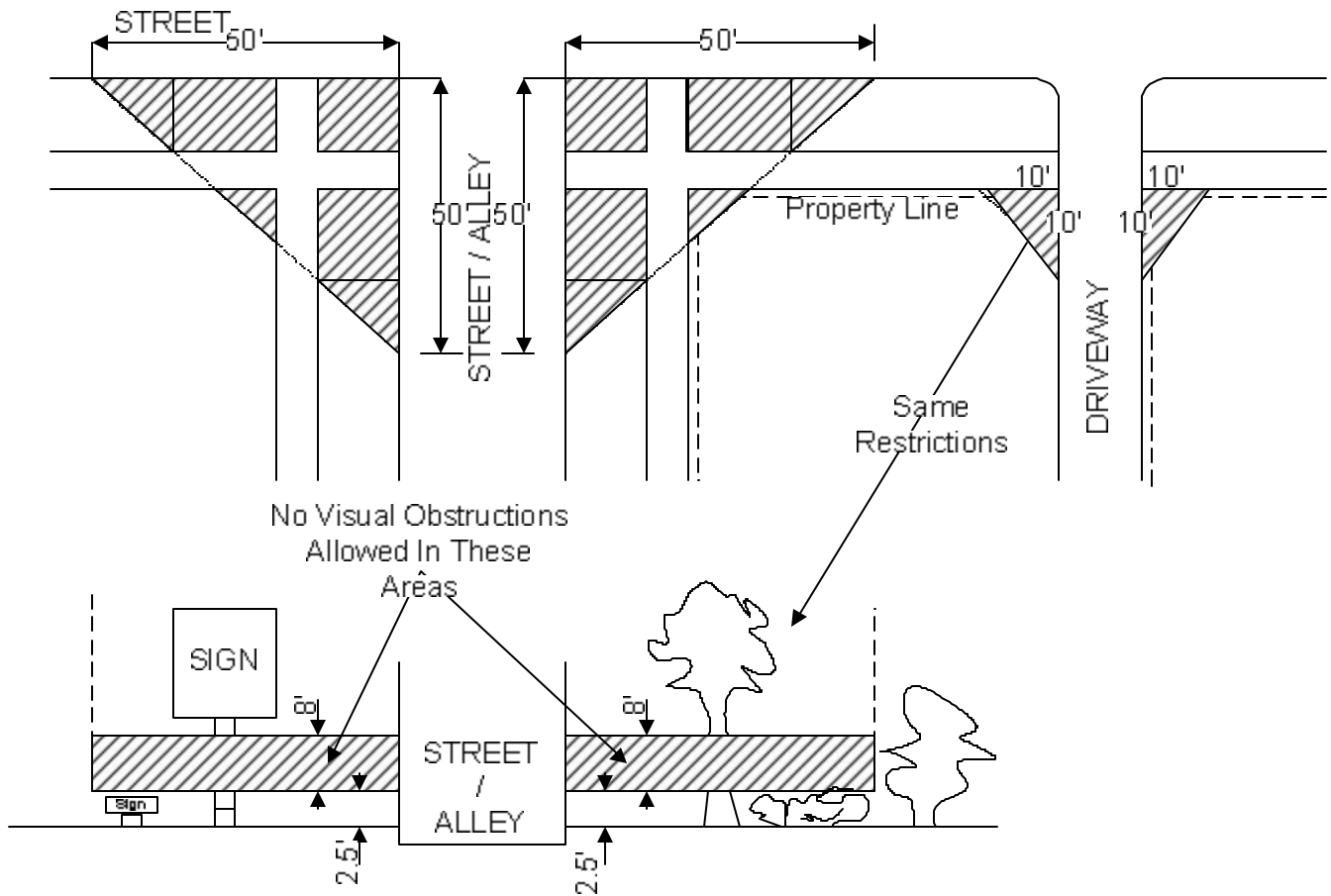
1. A solid or opaque fence, no less than 8 feet in height and no more than 12 feet in height, shall be maintained in good repair around junk yards and motor vehicle wrecking yards, subject to and in accordance with visibility requirements of Chapter 5, Section 5.1. are met. It is the intention of this provision that required fences shall be more attractive than the view they are constructed to obscure and that said fences shall be maintained in a state of good repair at all times.

SECTION 5.1. – VISIBILITY REQUIREMENTS

... Street, Alley and Driveway Intersection Visibility Requirements

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

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



SECTION 5.2. - OFF-STREET PARKING AND LOADING REQUIREMENTS

... Purpose

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

... Scope of Regulations

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

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

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

... Off-Street Parking

Prohibited Use

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

Required Use

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

Design and Maintenance

1. Accessory parking spaces may be open or enclosed in a building.
2. All maneuvering lane widths shall be sufficient to permit a minimum of one-way traffic.
3. Each parking space shall be 10'x20' and open directly upon a drive area.
4. All off-street parking facilities shall have means of access to a street in a manner that will least interfere with traffic movement.
5. All access drives shall be hard surfaced.
6. All parking areas shall be surfaced with a material that will remain free from dust. They shall be kept free of weeds, dirt, trash and debris.
7. On-site drainage shall be provided as to not increase the runoff rate of surface water on the property.

8. All open commercial parking areas located adjacent to a residential district shall be screened by natural plantings or a solid fence with said screening to be approved by the Plan Commission.
9. Lighting used to illuminate any parking area shall be so located, shielded, and directed so as not to reflect or cause glare onto adjacent property or interfere with street traffic.
10. Parking areas shall be provided with bumper guards or stops located in a position that permits no part of a parked vehicle to extend the boundary of the established area. The lot shall be secured to prevent vehicular access to the street other than at the approved access drives.
11. Off-street parking shall not be located in a required front yard setback area in any district.
12. Visibility clearance at street, alley and driveway intersections shall be in accordance with Section 5.1. of this Chapter.

... Minimum Required Parking Spaces (see chart on next page)

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

For uses not specified or for which requirements are unclear, the number of spaces shall be recommended by the Plan Commission and confirmed by the Board of Zoning Appeals on the basis of similar or mixed uses, number of

persons served or employed, and the capability of adequately serving the visiting public.

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

OFF-STREET PARKING	
USES	MINIMUM SPACES REQUIRED
Residential – Single Family, Two Family, Multi-Family, Manufactured Home	2 spaces per dwelling unit
Assisted Living	1 space for every 3 units plus 1 space for each 2 employees per largest working shift
Convalescent Homes, Extended Care Facility, Nursing Homes	1 space for each 4 beds plus 1 space for each 2 employees per largest working shift
Hospitals	1 space for each 3 beds and 1 space for each 2 employees per largest working shift
Hotels, Motels, Inns	1 space for each sleeping room plus additional spaces for accessory uses, i.e. restaurants, lounges, etc.
Medical/Dental Clinics, Doctors' Office	2 spaces for each examining or treatment room plus one space for each doctor and regular employee
Funeral Homes/Mortuaries	8 spaces for each room used as a chapel or parlor
Elementary and Junior High School	1 space for each faculty member and other full time employee
High School	1 space for each faculty member and other full time employee plus 1 space for each 25 students based on maximum design capacity
Nursery School, Day Care Center	1 space for each 8 children cared for and 1 space for each 2 employees
Business/Vocational/Trade Schools	1 space for each faculty member and full time employee plus 1 space for each 8 students based on maximum design capacity
Churches, Theaters, Auditoriums and similar places of congregation	1 space for each 8 seats based on maximum seating capacity
Private Clubs, Community Centers and Public Service Uses	1 space for each 125 square feet. of net floor area
Amusement Establishments, i.e. skating rinks, bowling alleys, swimming pools, racquetball, tennis, and similar uses	1 parking space for each 250 square feet of gross floor or water area
Golf Course	4 spaces for each hole plus 1 space for each employee
Miniature Golf Course, Driving Range	1 space for each hole and 1 space for each driving area plus 1 space for each employee
Parks, Recreation Areas	1 space for each employee plus adequate number of spaces to serve the public need according to the facilities and/or location of said park or recreation area
Business, Commercial, and Service Establishments, except as otherwise specified	1 space per 250 square feet of gross floor space plus one space for each two employees
Barber Shops and Beauty Shops	2 spaces per chair plus 1 space for each 2 employees
Eating and Drinking Establishments, except drive-ins	1 space for each 4 customer seats plus 1 space for each 2 employees
Drive-In Business and Commercial Establishments, i.e. food, banks, cleaners, and similar uses	1 space for each employee plus reservoir storage lanes to accommodate vehicles waiting for window service at any one time, plus additional parking as per interior space designed to serve customers
Open-air type businesses, i.e. auto, boat, RV, farm machinery sales, nurseries, and similar uses	1 space for each employee plus an adequate number of spaces to accommodate the maximum number of patrons anticipated at any given time
Automobile Service Station	1 space for each 2 employees plus 2 spaces for each service stall
Warehouse, Industrial, and Manufacturing	1 space for each 2 employees plus an adequate number of spaces for visitors and company vehicles

... Off-Street Loading

Location

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

Area

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

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

Space Requirements

On the same premises with every structure hereafter erected or enlarged, occupied for manufacturing, warehousing, storage, retail/wholesale stores, or other uses involving the receipt or distribution by vehicles, of material or merchandise, there shall be provided and maintained adequate space for standing, loading, and unloading, in order to avoid undue interference with public use of the street or alley. The following provisions shall apply:

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

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

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

SECTION 5.3. - SIGN REGULATIONS

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

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

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

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

All signs hereafter erected shall be in accordance with visibility requirements as set forth in Section 5.1. of this Chapter as well as with regulations of this section.

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

Violations of this Section 5.3 shall be subject to a fine of \$25.00 per day for each day of violation.

... Non-Conforming Signs

Any sign lawfully established prior to the year 2010 that does not conform to the regulations of this ordinance shall be deemed a non-conforming sign and may be continued in accordance with the provisions of Chapter 6 of this ordinance except as noted in the provisions of this Section.

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

... Special Use Signs

Signs accessory to a Special Use may be approved as a part of the Special Use Permit in accordance with the provisions of Chapter 4 of this ordinance.

... Limitations On Signs

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

... General Requirements

1. No projecting sign shall be erected or maintained from the front or face of a building a distance of more than two (2) feet, including those projecting from the face of any theater, hotel, or motel marquee;
2. No sign shall be placed on the roof of any building;
3. No sign erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than twenty (20) percent of the window surface;
4. No sign shall be placed in or over any public right-of-way without the written approval of the Culver town Council. Temporary signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any private property with the owner's written permission.
5. No building wall shall be used for display of advertising except that pertaining to the use carried on within such building;

6. All permanent signs shall conform to building setback and height requirements;
7. Temporary signs, a maximum of two (2), not exceeding thirty-two (32) square feet in area, announcing special public or institutional events, may be erected on the site for a specific pre-designated time period and shall be promptly removed when they have fulfilled their function;
8. Signs erected by governmental agencies are exempt from the limitations on sign regulations contained in this ordinance;
9. No signs are permitted on utility posts or poles, trees, or fences;
10. Signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed twelve (12) square feet in area, except in all residential districts where the area of the sign shall not be more than six (6) square feet.
11. A "Home For Sale" sign, including a directional arrow, not more than two (2) square feet containing no advertising may be placed at the entrance of a dead-end street or cul-de-sac.
12. Open house signs, not to exceed six (6) square feet, for real estate open houses, occasional business / commercial open houses and yard / garage sales. Such signs may not be placed more than forty-eight (48) hours prior to the event and must be removed at the conclusion of the event. No sign for the same event may be re-erected to subvert the requirements of this ordinance. No more than five (5) signs per event. All such signs placed on private property must be with the owner's written permission and in compliance with Section 5.1 herein. Such signs must contain the name of the event sponsor or a contact telephone number for the sponsor and the date and time of the event. No such signs may be placed on any public right-of-way or on any infrastructure of any public utility.
13. Professional name plates not to exceed four (4) square feet in area;
14. Signs denoting the name and address of the occupants of the premises, not to exceed two (2) square feet in area;
15. Bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, or societies shall not exceed fifteen (15) square feet in area and shall be located on the premises of such institutions.

... Construction Signs

Signs posted on construction sites are permitted provided that such signs are not located in the right-of-way, do not exceed thirty-two (32) square feet, and are removed within 30 days of the issuance of the Certificate Of Occupancy.

... Business Signs

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

1. Signs shall not contain information or advertising for any products not sold or produced on the premises;
2. Total signage on the building shall not have an aggregate surface size greater than four (4) square feet for each foot of width of the principal structure on the premises, maximum 300 square feet;
3. *Signs shall not project over public rights-of-ways;*
4. Signs shall not be illuminated in any manner, which causes undue confusion, distraction, or hazard to vehicular traffic.

... Advertising Signs

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

... Permission For Signs

No sign shall be placed on private property without the written consent of the owner or agent thereof. Proof of such consent must be filed with the Building Commissioner.

SECTION 5.4. – POOLS - PRIVATE

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

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

All pools are accessory structures and shall be enclosed by a fence, wall, or other structure, which shall be a minimum of 5 feet in height. Any opening under the bottom of the fence shall be not more than 4 inches above the ground level if placed on the ground or 4 inches above pool level if placed around an above ground pool.

The gate of the enclosure shall be self-latching with the latch placed a minimum of 4 feet above the underlying ground. The enclosure shall be maintained in a secure condition at all times.

Pools shall be located not less than 15 feet from any property line.

SECTION 5.5. – PLACE HOLDER (Not Used)

SECTION 5.6. - STREET ACCESS - ALL PRINCIPAL STRUCTURES

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

SECTION 5.7. - INDIVIDUAL MANUFACTURED HOME - TEMPORARY USE

Temporary use of a manufactured home shall be by Special Use Permit in accordance with the provisions established in Chapter 4 of this ordinance.

Basis for authorization of a temporary Special Use Permit shall be evidence of undue hardship, i.e. the reconstruction of a home after a natural disaster.

The Special Use Permit shall require the manufactured home to be connected to a proper water and sanitary sewer system. A time limit shall be placed upon the special use permit and any request for an extension of time shall be accompanied by documentation that the termination of the permit will cause undue hardship; and further that the manufactured home shall be removed from the premises promptly upon termination of the cause of hardship or at the end of the time limit, whichever shall come first. In addition to these requirements the Board of Zoning Appeals may apply any additional restrictions they deem necessary.

SECTION 5.8. - HOME OCCUPATIONS

For the purpose of this ordinance, a home occupation shall be interpreted as an occupation or hobby carried on by a member of the immediate family residing on the premises and which is clearly incidental to the use of the dwelling unit for residential purposes. The home occupation shall be carried on wholly within the principal building or an accessory structure. The following regulations shall apply.

No person may be employed other than a member of the immediate family residing on the premises.

No sign, other than a nameplate, shall be permitted to be larger than 2 square feet in area and mounted flush against the structure.

Parking shall not cause undue congestion to the immediate area.

No electrical or mechanical equipment shall be installed or maintained other than that customarily incidental to normal domestic use.

SECTION 5.9. - ACCESSORY USES - ACCESSORY STRUCTURES

Accessory uses are defined in Chapter 1, Section 1.9. and the following regulations shall apply to said accessory uses:

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

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

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

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

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

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

SECTION 5.10. - PRIVATE STREETS

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

SECTION 5.11. - ESSENTIAL SERVICES

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

SECTION 5.12. - PUBLIC CAMPGROUNDS / RECREATIONAL VEHICLE PARK - REGULATIONS

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

All parks shall have direct access to a public roadway with sufficient frontage for the construction of entrances and

Culver, Indiana – Zoning Ordinance

exits properly designed for the safe movement of traffic.

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

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

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

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

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

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

SECTION 5.13. - DANGEROUS AND EXOTIC ANIMALS

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

SECTION 5.14. - PUBLIC WALKWAYS

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

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

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

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

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

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

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

SECTION 5.15. - CONSTRUCTION STANDARDS

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

SECTION 5.16. – WATER RUNOFF CONTAINMENT

It is the responsibility of each land owner to insure that any portion of precipitation from such sources as rainfall, snowmelt, or irrigation water that flows over the ground surface be contained within their lot or channeled to an appropriate storm sewer, ditch, or stream.

SECTION 5.17. – DRIVEWAY REQUIREMENTS

Driveways must meet the Visibility Requirements as set forth in Section 5.1 of this ordinance.

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

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

SECTION 5.18. – TELECOMMUNICATION FACILITY STANDARDS

A. Intent

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

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

B. Wireless Communication Facility Application Procedure and Approval Process

1. General Procedure

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

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

2. Site Plan Requirements

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

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

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

C. General Approval Standards

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

- a. The location of the proposed tower is compatible with the intent of the Culver Comprehensive Plan and Zoning Ordinance.
- b. All efforts to locate on an existing tower have not been successful or legally / physically possible.
- c. The submitted site plan complies with the performance criteria set in these regulations.
- d. The proposed facility / tower will not unreasonably interfere with the view from any public park, natural scenic vista, historic building or district, or major view corridor.
- e. The Setback distance from the center of the proposed facility / tower to the nearest recorded parcel line shall be 60% of the height of the facility/tower.
- f. The proposed communication tower facility, including tower, buildings, and guyed cable anchors shall be enclosed in a fenced area. The fence shall be at least six (6) feet high. The fence shall enclose the ground area around and under guyed anchors until the point the guyed anchors are higher than fourteen (14) feet from finished grade.
- g. The lowest six (6) feet of the facility / tower be visually screened by trees, large shrubs, solid walls, or opaque fences and/or nearby buildings if the facility is within five hundred feet (500) feet of a residence.
- h. The owner of the wireless communication facility has agreed to permit other persons, cellular providers, and/or government agencies to attach cellular antenna or other communications apparatus that do not interfere with the primary purpose of the facility.
- i. There exists no other existing, facility / tower that can reasonably serve the needs of the owner of the proposed new facility/tower.
- j. The facility/tower is in compliance with any other applicable local, state, or federal regulations.
- k. Residential telecommunication towers are only permitted in the side or rear yard area.

D. Accessory Utility Buildings

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

E. Tower Lighting

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

F. As-Built Survey

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

SECTION 5.19. – WIND ENERGY CONVERSION SYSTEMS (WECS)

A. Intent

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

1. facilitate the provision of wind energy conversion systems (WECS) services to the residents and businesses of the Culver Zoning District;
2. minimize adverse visual effects of WECS facilities through careful design standards;
3. encourage the location of WECS in nonresidential areas through performance standards and incentives;
4. avoid potential damage to adjacent properties from WECS failure through structural standards and setback requirements.

B. General Approval Standards

1. All WECS are subject to the air space control height and use restrictions surrounding airports per FAA requirements.
2. No WECS shall be illuminated unless required by a state or federal agency, such as the FAA.
3. The exterior surface of all WECS, including the wind tower and associated outbuildings shall be a non-reflective, neutral color.
4. Minimum clearance between blade tip and ground level is 30'.
5. The minimum separation distance between a wind tower associated with a large and small wind system and all surrounding property lines, overhead utility or transmission lines, other electrical substations, meteorological towers and primary communications towers shall be no less than 1.5 times the total height of the wind tower. This is measured from the base of each wind tower.
6. The minimum setback between a wind tower associated with a large and small wind system and public street(s) shall be no less than 1.5 times the total height of the wind tower.
7. Large wind system(s) must be located at least 1000' from any dwelling unit, except dwelling unit(s) located on-site. Dwelling unit(s) located adjacent to and off-site from a large wind system shall maintain these same minimum separation requirements. No dwelling unit shall be built less than 1000' from any existing large wind system.
8. Wind Farms occupying multiple parcels may have internal property line setbacks waived by execution of a written document signed by all landowners sharing such a property line. All such documents shall be recorded in the office of the Marshall County Recorder.
9. All WECS shall be located so that the level of noise produced by wind turbine operation heard off-site shall not exceed 55 dBA.
10. The base of all WECS, including any guy wires and wind tower, shall be totally and permanently enclosed by a security fence at least 6' high. All guy wires must be fenced if utilized. No fence is required if the climbing apparatus is enclosed inside the wind tower and the entry is secured, or if the climbing apparatus is located at least 12' above the ground level.
11. Associated outbuildings/cabinets shall meet all setback requirements for primary structures for the zoning district in which the WECS is located.
12. All WECS shall be equipped with a manual and automatic braking device capable of halting operation.
13. All wiring for wind farm collection system shall be buried to the utility interconnection point.
14. No WECS shall be installed in any location where its proximity with fixed broadcast, retransmission or reception antenna for radio, airport RF signals, television or wireless phone, or other personal communications systems would produce electromagnetic interference with signal transmission or reception unless proven, engineered technology exists to dispel such problems is incorporated into the plans (i.e. detuning or other such systems).
15. All WECS electrical equipment and connections must adhere to all applicable local, state, and national codes, and relevant national and international standards.
16. Residential WECS are only permitted in the rear yard area.

C. WECS Facility Application Procedure and Approval Process

1. General Procedure

In addition to the information required elsewhere in the Culver Zoning Ordinance, development applications and approval for WECS facilities shall include the following supplemental information to the Board Of Zoning Appeals for Special Use approval and Culver Plan Commission for site plan review:

- a. A report from a qualified and licensed professional engineer which:
 - 1) describes the tower height and design including a cross section, latitude, longitude, and elevation,
 - 2) describes the tower's capacity.
 - 3) document what steps the applicant will take to avoid interference with established public safety telecommunications;

- 4) includes an engineer's stamp and registration number; and,
 - 5) includes other information necessary to evaluate the request.
 - 6) demonstrates the WECS compliance with structural and electrical standards.
- b. A copy of the FAA's response to the submitted "Notice of Proposed construction or Alteration" (FAA Form 7460 1) shall be submitted.

2. Site Plan Requirements

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

- a. Location and approximate size and height of all buildings and structures within one thousand (1000) feet adjacent to the proposed WECS facility.
- b. Site plan of the entire development, indicating all improvements.
- c. Elevations showing all facades, indicating exterior materials and color of the tower(s) on the proposed site.

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

D. As-Built Survey

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

CHAPTER 6 - NON-CONFORMING USES, STRUCTURES, LOTS

SECTION 6.0. - INTENT

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

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

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

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

SECTION 6.1. - AVOIDANCE OF UNDUE HARDSHIP

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

SECTION 6.2. - SINGLE NON-CONFORMING LOTS OF RECORD

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

SECTION 6.3. - NONCONFORMING LOTS

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

If two or more lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance.

SECTION 6.4. - NON-CONFORMING STRUCTURES

Where a lawful structure exists, prior to the effective date of this ordinance, that could not now be built under the terms of this ordinance, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

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

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

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

SECTION 6.5. - INCOMPATIBILITY OF NONCONFORMING USES

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

SECTION 6.6. - NON-CONFORMING USES OF LAND

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

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

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

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

No additional structure shall be erected in connection with such nonconforming use of land.

SECTION 6.7. - NON-CONFORMING USE OF STRUCTURES AND LAND IN COMBINATION

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

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

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

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

When a non-conforming use is replaced by a permitted use, it shall thereafter conform to the regulations for

the district, and a non-conforming use may not thereafter be resumed.

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

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

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

SECTION 6.8. - REPAIRS AND MAINTENANCE

On any structure devoted in whole or in part to any non-conforming use, normal day to day maintenance shall be permitted, including repair or replacement of non-bearing walls, wiring, plumbing, roofing, or the strengthening or the restoring of any part of the structure.

SECTION 6.9. - CHANGE OF TENANCY OR OWNERSHIP

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

CHAPTER 7 – EROSION CONTROL

SECTION 7.1. – PURPOSE

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

SECTION 7.2. - APPLICABILITY OF CHAPTER

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

SECTION 7.3. - GENERAL PRINCIPLES

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

1. To minimize the potential for soil erosion, development should fit topography and soils of the site. Areas with steep slopes where deep cuts and fills may be required should be avoided wherever possible, and natural contours should be followed as closely as possible.
2. Natural vegetation should be retained and protected wherever possible. Areas immediately adjacent to watercourses and lakes also should be left undisturbed wherever possible.
3. All activities on a site should be conducted in a logical sequence so that the smallest practical area of land will be exposed for the shortest practical period of time during development.
4. Sediment basins, retention ponds, detention ponds, silt traps, or filters should be installed prior to construction to remove sediment from runoff leaving the site.
5. The selection of soil erosion and sedimentation control measures should be based on an assessment of the probable frequency of climatic events likely to contribute to soil erosion and on evaluation of risks, costs, and benefits involved.
6. In the design of erosion control measures, aesthetics and the requirements of continuing maintenance should be considered.
7. Provision should be made to accommodate the increased runoff caused by changed soil and surface conditions during and after development. Drainages should be designed so that their final gradients and resultant velocities will not cause channel scouring.
8. Permanent vegetation and structures should be installed as soon as practical during development.

SECTION 7.4. - DESIGN CRITERIA, STANDARDS, AND SPECIFICATIONS FOR EROSION CONTROL MEASURES

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

SECTION 7.5. - CONTROL OF EROSION AND SEDIMENT DURING LAND DISTURBING ACTIVITIES

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

1. APPLICABILITY. This section applies to the following sites with land disturbing activities:
 - (a) Those involving grading, removal of protective ground cover or vegetation, excavation, land filling or other land disturbing activity affecting a surface area of 500 square feet or more;
 - (b) Those involving excavation, filling or a combination of excavation and filling affecting 100 cubic yards or more of soil, sand, gravel, stone or other material;
 - (c) Even in those instances where a site development permit is not required under Section 7.7. herein, no person shall commence or perform any grading, stripping, excavating, or filling of land without complying with the applicable standards and requirements for control of soil erosion and sedimentation as contained in Section 7.6. herein, as well as implement necessary erosion and sedimentation control measures to satisfy the general principles contained herein.
2. EROSION AND OTHER SEDIMENT CONTROL REQUIREMENTS
The following requirements shall be met on all sites.
 - (a) Site dewatering. Temporary sediment basins shall detain sediment-laden water flowing from the site, or retention / detention ponds as required. Also, water shall not be discharged in a manner that causes erosion in the receiving channel.
 - (b) Waste and material disposal. Wastes or unused building materials, including but not limited to garbage, debris, cleaning wastes, wastewater, toxic materials, and hazardous substances, shall not be carried by runoff from a site. Proper disposal of all wastes and unused building materials, in line with the nature of the waste or material is required.
 - (c) Tracking. Sediment being tracked from a site onto public roadways shall be minimized. This can be accomplished initially by a well-planned layout of roads, access drives, and parking areas of sufficient width and length and/or a temporary gravel drive into the site. However, protective covering also may be necessary. The Contractor shall remove all tracked soil from the roadways.
 - (d) Sediment removal. Public right-of-ways shall be kept cleared of accumulated sediment. If appreciable sedimentation occurs after a storm event, the sediment shall be deposited on the parcels of land, if in the site, from where it likely originated.
 - (d) Drain inlet protection. All storm drain inlets shall be protected against sedimentation with barriers meeting accepted design criteria, standards, and specifications.
 - (e) Site erosion control. The following items apply only to the time period when land disturbing activities

are taking place.

1. Runoff passing through a site from adjacent areas shall be controlled by diverting it around disturbed areas. Alternatively, the existing channel may be improved to prevent erosion or sedimentation from occurring.
2. One or more of the following measures shall control runoff from a disturbed area.
 - a. Barring unforeseeable weather conditions, all disturbed ground left inactive for seven or more days shall be stabilized within 30 days or prior to October 31, whichever is less, by seeding, sodding, mulching, covering, or by other equivalent erosion control measures.
 - b. With disturbed areas within a site of less than 5 acres, barriers meeting accepted design criteria, standards and specifications shall be placed along all side slopes and down slope sides of the site, shall be required. Also, if concentrated runoff passes through the site said barriers should be placed along the edges of the concentrated flow area to reduce the amount of sediment removed from the site. However, if these measures are not sufficient to control off-site sedimentation, a sediment basin together with retention ponds may still be required.
3. Erosion from all topsoil storage piles shall be controlled by methods meeting accepted design criteria, standards and specifications.
4. Storm drain inlets shall be protected using accepted methods meeting accepted design criteria, standards and specifications.

SECTION 7.6. - MAINTENANCE OF EROSION CONTROL MEASURES

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

SECTION 7.7. - PERMIT APPLICATION, EROSION CONTROL PLAN, AND PERMIT ISSUANCE

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

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

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

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

SECTION 7.8. - INSPECTION

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

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

SECTION 7.9. - ENFORCEMENT

1. The Building Commissioner shall post a stop-work order if:
 - (a) Any land disturbing activity regulated under this ordinance is being undertaken without a permit;
 - (b) The erosion control plan is not being implemented in good faith; or
 - (c) The conditions of the permit are not being met.
2. Upon appeal to the Building Commissioner, a stop-work order or the revocation may be retracted.
3. If within five days after notification, a person required to obtain a permit or a permit holder does not comply with the erosion control plan or permit conditions, the Building Commissioner may charge the permit holder a fine as provided for on the attached Schedule "A" Permit Fees And Penalties.

CHAPTER 8 - AMENDMENT OF ZONING ORDINANCE AND MAP

SECTION 8.0. - INITIATION OF AMENDMENT

The Culver Town Council may from time to time, amend, supplement, change, or modify, this Ordinance including the zoning map, by proceeding in a manner prescribed herewith. An amendment to the text of the ordinance or an amendment involving the zoning map may be initiated by any of the following:

- 1) the Town Council;
- 2) the Plan Commission;
- 3) the titleholder of record or fifty-one percent of the property owners within the area proposed to be changed or affected by said amendment.

SECTION 8.1. - PROCEDURE FOR INITIATION OF AN AMENDMENT

A petition for a text amendment, a rezoning, or an annexation shall be filed with the Clerk-Treasurer. When all required data has been filed, the petition shall be processed in accordance with State Statute and the Rules of Procedure established by the Culver Plan Commission.

Notice of public hearing shall be by publication in a local newspaper of general circulation at least ten days prior to the meeting. Said notice shall set forth the time and place of the hearing and provide a brief description of the proposed amendment. Individual notification of adjacent property owners shall be in accordance with the Rules of Procedure established by the Culver Plan Commission.

SECTION 8.2. - PETITION REQUIREMENTS

A petition for rezoning or annexation shall contain the following:

- 1) the COMPLETE legal description of the property;
- 2) the name(s) and signature(s) of the titleholders of record and the name(s) of option holders, if applicable;
- 3) the current zoning classification;
- 4) the proposed zoning classification; and
- 5) details of the proposed use.

A site plan shall be filed as an attachment to and made a part of the petition. Information on preparation of a site plan will be found in Chapter 9 of this ordinance.

SECTION 8.3. - PROCEDURE OF THE PLAN COMMISSION

The Plan Commission shall hold a public hearing and after hearing both the proponents and opponents, it shall consider the proposal to determine the need, merit, and justification of the proposed amendment. The amendment shall also be reviewed as to its relationship to the overall planning program, this ordinance, and the Comprehensive Plan. A majority vote of the entire membership is required for official action.

The Plan Commission shall submit its report and recommendation to the Culver Town Council, with said report briefly stating the reasoning leading to the recommendation. Such recommendation is advisory and not binding on the Town Council.

SECTION 8.4. - ACTION OF THE CULVER TOWN COUNCIL

A proposed ordinance for the amendment or repeal of the zoning ordinance that does not originate from petition of the Plan Commission must be referred to the Commission for consideration and report before any final action is taken by the legislative body.

After receiving the Plan Commission recommendation, the Culver Town Council shall hold a public hearing on the proposed ordinance. If the report of the Plan Commission is adverse to a proposed ordinance referred to it, the proposed ordinance may not be passed except by a two-thirds (2/3) vote of the Council. (I.C. 36-7-4-609.)

Failure of the Culver Town Council to pass a proposed ordinance by affirmative vote within ninety (90) days after its rejection by the Commission constitutes rejection of the proposed ordinance; and the proposed ordinance may not be reconsidered by the Commission or by the Culver Town Council until the expiration of one (1) year after the date of its original rejection by the Commission.

CHAPTER 9 - ADMINISTRATION AND ENFORCEMENT

SECTION 9.0. - PURPOSE

It is the purpose of this Chapter to provide procedures for administration of this ordinance, for issuance of permits, inspection of properties, handling of violations, and for enforcement of the provisions of this ordinance and amendments thereto.

SECTION 9.1. - IMPROVEMENT LOCATION PERMIT (I.C. 36-7-4 through I.C. 36-7-4-804)

An Improvement Location Permit is required for any of the following activities:

- 1) A new principal or accessory structure
- 2) The remodeling of an existing structure involving a structural change
- 3) Decks, patios, fences, or retaining walls
- 4) Permanent Signs
- 5) In town sidewalks, curbs, or driveways
- 6) Demolition of a structure

The designated Building Commissioner for the Town of Culver and such deputies or assistants that have been, or shall be duly appointed, shall enforce the Zoning Ordinance, and in addition thereto, shall:

- 1) issue all improvement location permits, erosion control permits, and maintain records thereof;
- 2) conduct inspections of buildings, structures, and uses of land to determine compliance with the terms of this ordinance;
- 3) review all applications for improvement location permits and approve or disapprove such applications based on compliance with the provisions of this ordinance and other applicable ordinances and codes of the Town.

Improvement Location Permit

A structure may not be located and an improvement location permit for a structure on platted or unplatted land may not be issued unless the structure and its location conform to the municipal comprehensive plan and zoning ordinance. Further, no improvement location permit shall be issued unless the application and attached plot or site plan is in conformity with the provisions of this ordinance and all amendments hereto. If the permit is denied, reason for the denial shall be provided the applicant in writing.

If the work described in any improvement location permit has not begun within six (6) months of the date of issuance, the permit shall automatically become void and fees forfeited. Written notice of the termination shall be given to those persons affected.

If work described in any improvement location permit has not been completed within two years of the date of issuance thereof, said permit shall expire and be cancelled. Written notice shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new improvement location permit has been obtained.

Applications for an improvement location permit shall be accompanied with a permit fee as set forth on the attached Schedule "B" Improvement Location Permit Fees.

The Building Commissioner shall require that plans and specifications be submitted with all applications for improvement location permits, including a plot plan drawn to scale. Where deemed necessary by the Plan Commission, a boundary survey by a registered land surveyor may be required.

Applications for single family and two-family residential dwellings and their accessory structures shall be accompanied by a plot plan providing the following information:

1. Graphic indication of all property lines; legal description; common address or location; and north point
2. Size and location of structure(s) for which the permit is being requested; location of any existing structure(s);

3. Dimension from property line to furthestmost projection of the structure and, if applicable, distance between structure(s);
4. Location of required off-street parking; and
5. Provisions for water and sewerage.

Applications for improvement location permits for new multi-family residential, commercial, and industrial structures, as well as applications for structural additions, shall not be issued until final site approval has been given by the Plan Commission. The scaled site plan shall include the following information.

1. Scale of the drawing and north point;
2. Graphic indication of property lines; location and size of proposed and existing structures; dimensions from property lines to the furthestmost projection of the structures; and distance between structures;
3. Building elevations;
4. Location and number of required parking spaces; type of parking area surface; method of retaining surface water and calculations, using one or more of the following:
 - a. Drywells (30 gallon per 100 square feet of paved and/or roofed area); and/or
 - b. Retention pond (capacity, depth, size); and/or
 - c. Detention Ponds (capacity, depth, size); and/or
 - d. Swales and natural absorption area; and/or
 - e. A combination of the above.
5. Provisions for water and sewerage;
6. Location, width, and radii of ingress and egress ways;
7. Width of right-of-way and width of driving surface of adjacent street(s).
8. Record of all required County and State permits.
9. Existing infrastructure i.e., retaining walls, sewer lines, storm water lines, power lines, ditches, streams, swales, and easements.
10. Impervious surface calculations.

SECTION 9.2. - PLAN COMMISSION DUTIES AND POWERS

(I.C. 36-1-4 through I.C. 36-7-4-411)

It is the intent of the advisory planning law that the Plan Commission serve in an advisory capacity to Boards and Officials, and to encourage the local units of government to improve the health, safety, convenience and general welfare of their citizens and to plan for the future development of their community.

Each Plan Commission shall:

- 1) supervise, and make rules for, the administration of the affairs of the Commission;
- 2) prescribe uniform rules pertaining to investigations and hearings;
- 3) keep a complete record of all the departmental proceedings;
- 4) record and file all bonds and contracts and assume responsibility for the custody and preservation of all papers and documents of the Plan Commission;
- 5) prepare, publish, and distribute reports, ordinances, and other material;
- 6) adopt a seal; and
- 7) certify to all official acts.

Further, each Plan Commission shall:

- 1) supervise the fiscal affairs of the Plan Commission; and
- 2) prepare and submit an annual budget in the same manner as other departments of municipal government, and be limited to the provisions made for the expenditures by the fiscal body of the municipality.

SECTION 9.3. - PROCEDURES OF THE PLAN COMMISSION

The Plan Commission shall adopt rules necessary for the conduct of its affairs in keeping with the provisions of this ordinance and with Indiana Code. Meetings shall be held at the call of the president and at such other times as the
Culver, Indiana – Zoning Ordinance

Commission may determine. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be of public record and be immediately filed in the office of the Commission.

The Plan Commission shall at all times carry out its functions in full compliance with the advisory planning laws as established under I.C. 36-7-4 as amended. Information pertinent to the proper functioning of the Plan Commission will be found as follows:

200 Series - Commission Establishment and Membership - The series covers membership; qualifications for appointment; terms of office; and reference to non-participation of a commission member who has direct or indirect financial interest concerning a zoning matter.

300 Series - Commission Organization - This section covers quorum; requirements for official quorum action; appointment of Secretary; the keeping of minutes and records; meetings; prescribing of duties and fixing compensation.

400 Series - Duties and Powers - The series covers the duties of the Plan Commission in detail; the powers granted under State law; and establishment of committees.

500 Series - Comprehensive Plan - The series covers preparation of a comprehensive plan; content of the plan; manner of adoption; legislative rejection or amendment; procedure after final adoption.

600 Series - Zoning Ordinance - The series covers the Commission's role in the preparation and administration of the zoning ordinance; the right to amend or repeal; adverse report to a proposed ordinance; passage by legislative body; and rehearing on a proposal.

700 Series - Subdivision Ordinance - This series handles provision of subdivision control; approval of plats; procedure for review of conformity with comprehensive plan; conditions for approval; application procedures; payment of fees; tentative approval and setting of a hearing date; and approval requirements prior to recording.

800 Series – Improvement Location Permits - This series deals with the issuance of improvement location permits (Building Permits)

SECTION 9.4. - BOARD OF ZONING APPEALS - DUTIES AND POWERS **(I.C. 36-7-4 through I.C. 36-7-4-924)**

The Board of Zoning Appeals shall:

Hear and determine appeals from and review any order, requirement, decision, or determination made by an administrative official or board charged with the enforcement of the zoning ordinance; and

Hear and determine requests for variance to the terms of the zoning ordinance and authorize on appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the zoning ordinance will result in undue hardship, and so that the spirit of the zoning ordinance shall be observed and substantial justice done.

The Board of Zoning Appeals may on appeals, reverse, affirm, or modify the order, requirement, decision, or determination. The Board has all the powers of the official or board from whom the appeal is taken.

The Board of Zoning Appeals MAY NOT grant a variance from a use district or classification.

SECTION 9.5. - PROCEDURES OF THE BOARD OF ZONING APPEALS

The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public record and be immediately filed in the office of the Board. A majority of the entire board shall constitute a quorum. A majority vote of the entire membership is required for official action.

The Board shall at all times carry out the functions of that body in full compliance with I.C. 36-7-4-900 through I.C. 36-7-4-924 as amended. Information concerning Board functions will be found in the following series.

900 Series - Board of Zoning Appeals - provides for establishment of the Board; membership requirements; term of office; filling of vacancies; nonparticipation of a member in a zoning matter who has a direct or indirect financial interest; and It further sets forth quorum requirements; procedure for appointment of employees; the keeping of minutes and records; the adoption of rules for filing of appeal; giving of notice and conduct of hearings; and the duties and powers granted to the Board of Zoning Appeals.

1000 Series - Remedies and Enforcement - provides for the staying of work; the review by certiorari; the leveling of costs; the investigation of a common nuisance and determination that a violation is a Class C infraction.

1100 Series - Miscellaneous Provisions - applicable to the Board of Zoning Appeals.

... Variances

The Board of Zoning Appeals may authorize upon appeal in specific cases such variances from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this ordinance would result in unnecessary hardship.

A variance from the terms of this ordinance shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Board of Zoning Appeals containing:

1. Name, address, and telephone number of applicants;
2. Legal description of property;
3. Description of nature of variance requested;
4. A narrative statement demonstrating that the requested variance conforms to each of the following standards:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
 - b. That a literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
 - c. That special conditions and circumstances are not the result of the action of the applicant or the actions of a previous owner;
 - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings.

Applications for a variance or a special use permit shall be accompanied with an application fee as set forth in the

attached Schedule "B" Application And Improvement Location Permit Fees.

A variance shall not be granted unless the Board makes specific findings of fact based directly on the evidence presented to it. Such findings must be made a part of the permanent record (minutes) of the Board.

Under no circumstances shall a Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation and may result in the withdrawal of the variance at the discretion of the Board.

... Special Use Permit

An application for a Special Use Permit shall be filed with the Board of Zoning Appeals in accordance with Chapter 4 of this Ordinance.

... Public Hearing Requirements

The Board of Zoning Appeals shall hold a public hearing within a reasonable length of time after the receipt of an application for an appeal for variance or request for Special Use from the applicant. Public notice shall be given in accordance with I.C. 5-3-1 and due notice to interested parties shall be given at least fifteen (15) days before the date set for the hearing. The party taking the appeal or requesting the special use, shall be required to assume the cost of public notice and due notice to interested parties.

Within a reasonable time after the public hearing the Board of Zoning Appeals shall either approve, approve with supplementary conditions, or disapprove the appeal, for variance or special use. The Board of Zoning Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure. Such findings shall be made a part of the minutes of the meeting and kept as a permanent record of the Board's action.

Every decision of the Board of Zoning Appeals shall be subject to review by certiorari. Any person aggrieved by a decision of the Board of Zoning Appeals may present to the Circuit or Superior Court of the county in which the premises affected are located, a petition duly verified, setting forth that such decision is illegal in whole or in part, and specifying the grounds of illegality. The petition shall be presented to the court within thirty (30) days after the entry of the decision of the Board of Zoning Appeals complained of.

SECTION 9.6. - VIOLATIONS - PENALTIES - ENFORCEMENT

Any person or agent in charge of such structure or land who commences erection, construction, reconstruction, or alteration of said property without first obtaining an improvement location permit shall be automatically fined triple the fee normally charged for such permit.

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a complaint with the Structure Commissioner. The Structure Commissioner shall record such complaint and immediately investigate.

If such investigation establishes a reasonable belief that a violation has occurred, the Structure Commissioner shall notify the parties involved of the alleged violation. If the violation is not corrected, the Structure Commissioner shall file with the Town Attorney a complaint requesting action thereon as provided by and in accordance with law.

Any person or agent in charge of such structure or land who violates, disobeys, omits, neglects or refuses to comply with any provisions of this ordinance or amendment thereof, shall be fined upon conviction, not more than \$100.00 for each days violation plus cost of prosecution. Each and every day during which any illegal erection, construction, reconstruction, alteration, maintenance, or use continues shall be deemed a separate offense.

The Plan Commission, the Board of Zoning Appeals, the Town Attorney, or the Culver Town Council may institute a **Culver, Indiana – Zoning Ordinance**

suit for injunction to restrain any person from violating the provisions of this ordinance.

SECTION 9.7. - SEPARABILITY

It is hereby declared to be the intention of the Town of Culver that the several provisions of this ordinance are separable, in accordance with the following: If any court of competent jurisdiction shall adjudge any provision of this ordinance or amendments thereto to be invalid, such judgment shall not affect any other provisions of this ordinance or amendment thereto, not specifically included in said judgment.

SECTION 9.8. - REPEALER

All prior ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are, to the extent of their inconsistency, expressly repealed, with the legislative intent that this Ordinance shall contain all regulations pertaining to zoning.

NOW THEREFORE, be it ordained that this ordinance, revising, amending and restating the Comprehensive Zoning Ordinance of the Town of Culver, Indiana, and Contiguous Unincorporated Territory under the Jurisdiction of the Culver Plan Commission: Containing regulations, requirements, and providing for the administration, enforcement and amendment thereof, shall be in full force and effect from and after its passage and due publication by the Town Council of the Town of Culver, Marshall County, Indiana.

Passed by the Culver Town Council of the Town of Culver, Indiana, this 25th day of July, 2001.

CULVER TOWN COUNCIL

Sally Ricciardi

Lynn Overmyer

Ed Pinder

Ginny Munroe

Ralph Winters

ATTEST:

Casey Howard, Clerk-Treasurer