

Town of Cicero & Jackson Township, IN

ZONING ORDINANCE

Adoption Date: April 17, 2015

Ordinance # 03-17-2015-1





TOWN OF CICERO/ JACKSON TOWNSHIP, IN

Zoning Ordinance

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ARTICLE 1

Basic Provisions

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Article 1

Basic Provisions

1.1 Title

This Ordinance shall be formally known as the "Town of Cicero/Jackson Township Zoning Ordinance," and it may be cited and referred to as the "Zoning Ordinance," or as the "Zoning Code."

1.2 Defined Words

Words used in a special sense in this Ordinance are defined in Article Fifteen.

1.3 Authority

This Zoning Ordinance is adopted by the Town pursuant to its authority under the laws of the State of Indiana, 36-7-4 et seq. Whenever codes cited in this ordinance refer to Indiana Code which has been amended or superseded, this Ordinance shall be deemed amended in reference to the new or revised code.

1.4 Purpose

This Ordinance is intended to guide the growth and development of the Town and Township in accordance with the goals, objectives, and strategies stated within the Town of Cicero/Jackson Township Comprehensive Plan and for the following purpose.

- A. To secure adequate light, air, and convenience of access; and that safety from fire, flood, and other dangers;
- B. To promote the public health, safety, comfort, convenience, morals and general welfare;
- C. To plan for the future development of the Town and Township to the end:
 - 1. That the community grows only with adequate public ways, utility, health, educational, and recreational facilities;
 - 2. That the needs of agriculture, industry, and business be recognized in future growth;
 - 3. That residential areas provide healthful surroundings for family life;
 - 4. That the growth of the community is commensurate with and promotes the efficient and economical use of public funds; and
 - 5. That the community strive for high aesthetic value and quality planning and design.

1.5 Compliance

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, enlarged or used; nor shall any piece of land be used; nor shall any existing use be expanded except when in full compliance with all provisions of this Ordinance and the permits and certificates required by this Ordinance have lawfully been issued.

1.6 Severability

If any provision or the application of any provision of this Ordinance is held unconstitutional or invalid by the courts, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

1.7 Interpretation

The provisions of this Ordinance shall be the minimum requirements necessary for the protection of the health, safety, comfort, morals, convenience, and general welfare of the people at large. The provisions are also designed to establish and maintain reasonable community standards for the physical environment. If two or more provisions within this ordinance are in conflict or are inconsistent with one another, then the provision which is most restrictive shall control.

A. The Interpretation of this ordinance shall be under the direction of the Town of Cicero and Jackson Township, Indiana Plan Commission, Board of Zoning Appeals, and Director of Planning/Director Town of Cicero and Jackson Township, Indiana Advisory Plan Commission, heretofore Director of Planning.

1.8 Jurisdiction Area

This Ordinance shall apply to all land within the corporate limits of the Town of Cicero and Jackson Township, Indiana, but excluding the planning jurisdiction of the Towns of Arcadia and Atlanta, upon adoption by the Cicero Town Council.

1.9 Application

When this Ordinance along with private covenants, private contracts, commitments, permits, agreements, state laws, federal laws, or other regulations regulates a structure or parcel of land, the greater restriction shall control.

1.10 Saving Provision

This Ordinance shall not be construed as eliminating or reducing any action now pending under, or by virtue of, an existing law or previous zoning ordinance. Also, this Ordinance shall not be construed as discontinuing, reducing, modifying, or altering any penalty accruing or about to accrue.

1.11 Repealer

The "Town of Cicero/Jackson Township Zoning Ordinance of Cicero, Indiana, 2008" and all amendments thereto, and as incorporated in Chapter 151 of the Code of Ordinances of the Town of Cicero, Indiana, are hereby repealed. Furthermore, the "Zoning Map of Cicero, Indiana, 2008" are hereby repealed. The Town of Cicero/Jackson Township Zoning Ordinance and the referenced and updated Official Zoning Map shall replace the repealed ordinances as well as shall replace all of the sections and provisions of the repealed ordinances which appear and are incorporated in the Code of Ordinances of the Town of Cicero, Indiana, as of the adoption and effective date.

1.12 Transition Rules

- A. Any subdivision or planned development lot fully approved prior to the adoption of this ordinance shall be regulated by the terms and conditions of the recorded plats (or development laws) of the Subdivision Control and Zoning Ordinance which was in place at the time of the approvals. However, all administrative procedures and penalties shall follow those set forth by this Zoning Ordinance.
- B. Any application for an Improvement Location Permit which has been filed with the Plan Commission or its designee and which is full and complete, prior to the effective date of this Ordinance, shall be regulated by the terms and conditions of the Subdivision Control and Zoning Ordinance which was in place at the time of filing. However, all administrative procedures and penalties shall follow those set forth by this Zoning Ordinance.
- C. Any application for a zone map amendment which was filed with the Plan Commission or its designee, and which is full and complete prior to the effective date of this Ordinance, shall be allowed to be continued through the process to completion pursuant to the terms and conditions of the Subdivision Control and Zoning Ordinance which was in place at the time of filing. However, if the proposed use would no longer be permitted in the proposed zoning district or the proposed zoning district no longer exists in the new ordinance, the zoning administrator shall amend the application such that the request for rezoning would accomplish the same end goal for the applicant.
- D. Any application before the Board of Zoning Appeals (i.e. special exception, use variance, development standards variance) which has been filed with the BZA or its designee and which application is full and complete, prior to the effective date of this Ordinance, shall be allowed to continue the process pursuant to the terms and conditions of the Subdivision Control and Zoning Ordinance which was in place at the time of filing, provided that:
 1. If such application is no longer required by the terms of this Ordinance, the application will be dismissed; or,
 2. If the proposed use or development requires additional approvals from the Board of Zoning Appeals pursuant to the terms of this Ordinance and were not required under the previous Ordinances, such application will be amended to include only those additional approvals which are required and within the jurisdiction of the Board of Zoning Appeals.
- E. Property Splits. All new building sites shall meet the requirements of this Ordinance unless:
 1. A building permit is issued and is still valid,
 2. A parcel was approved as a buildable lot by the Plan Commission or the Board of Zoning Appeals prior to the effective date of this Ordinance.
 3. A parcel or buildable lot was recorded at the Hamilton County Records Office prior to January 1, 1990 and was a buildable lot at that time.

1.13 Amendments

In accordance with I.C. 36-7-4-602, the legislative body may amend or partially repeal the text of this Ordinance or they may amend the zoning maps of this Ordinance as follows:

- A. The legislative body or the Plan Commission may initiate a proposal to amend or partially repeal the text according to the procedure of I.C. 36-7-4-602(b) and I.C. 36-7-4-607 and according to the Commission Rules and Procedures.

B. The legislative body, Plan Commission, or at least fifty percent (50%) of the affected property owners may initiate a petition to change the zoning maps according to the procedure of I.C. 36-7-4-602(c) and I.C. 36-7-4-608 and according to the Commission rules.

C. In its review of the text and zone map amendments, the legislative body and the Plan Commission shall pay reasonable regard to:

1. The most recently adopted Comprehensive Plan.
2. Current conditions and character of structures and uses in each district.
3. The most desirable use for which the land in each district is adapted.
4. The conservation of property values throughout the jurisdiction.
5. Responsible development and growth.
6. The public health, safety and welfare.

1.14 Zoning Map

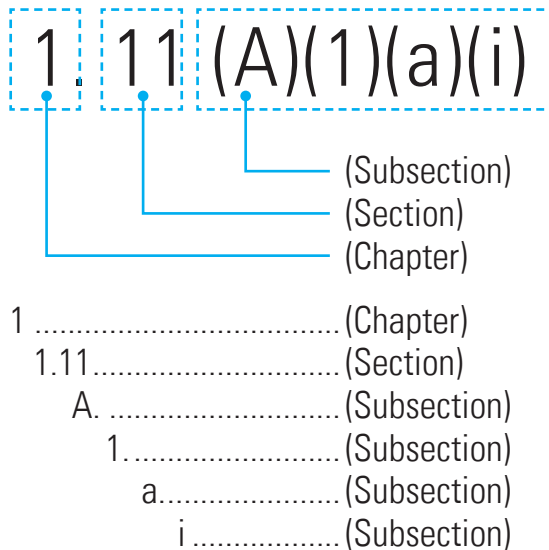
The Zoning Map which was accurate at the time of the March 21, 2015 adoption is located within Chapter 6 of this Ordinance. Please note that the "Official Zoning Map" is located within the Cicero/Jackson Township Office of Planning and Development".

1.15 Effective Date

This Ordinance was adopted by the Town Council of Cicero, Indiana on the 21 day of March, 2015. This Ordinance shall become effective upon adoption.

1.16 How to Use This Document

Structure: The structure of the text of this ordinance is as follows: Chapter (indicated by 1, ect.), Section (indicated by 1.1, etc), and subsequent Subsections (indicated by A, 1, a, ect.). Below is an example of this format:



Article 2

Zoning Districts & Boundaries

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Article 2

Zoning Districts

2.1 Official Zoning Map (See also Article 06)

Territory within the Jurisdiction of the Commission is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Ordinance. See also Article 6 of this Ordinance, for additional information on the Official Zoning Map. The Official Zoning Map shall be identified by the signature of the Town Council President and the Clerk-Treasurer under the words "Official Zoning Map," together with the date of the adoption of this Ordinance. Regardless of the existence of purported copies of the Official Zoning Map which may, from time to time, be made or published, the Official Zoning Map shall be located in the office of the Office of Planning and Development and shall be the final authority as to the current zoning status of land and water areas, buildings and other structures within the Jurisdiction of the Commission.

2.2 Establishment of Districts

For the purpose of this Ordinance, the Planning Jurisdiction is divided into the following zoning districts for the general uses as stated:

AG—Agriculture (Page 26 and 27):

This district is composed of land to be used for production farming, hobby farming, and homes and buildings associated with agriculture production. These districts are not expected to develop for urban uses within the near future. It is the intent of this district to allow agricultural uses, to conserve the desirable characteristics of the land, to preserve prime agriculture land, and to protect these areas from the encroachment of scattered, urban-type uses.

R1—Estate Residential (Page 28 and 29):

This district is primarily established for those areas in the planning jurisdiction which are for single family, detached, large homes and estate sized lots.

R2—Large Lot, Large Home Residential (Page 30 and 31):

This district is primarily established for those areas in the planning jurisdiction which are for single family, detached, large size lots and large homes.

R3—Medium Lot, Medium Home Residential (Page 32 and 33):

This district is primarily established for those areas in the planning jurisdiction which are for single family, detached, medium size homes and medium size lots.

R4—Medium Lot, Small Home Residential (Page 34 and 35):

This district is primarily established for those areas in the planning jurisdiction which are proposed for single family, detached, small to medium size homes, and medium size lots.

R5—Old Town Residential (Page 36 and 37):

This district has been specially developed for the existing older neighborhoods in the Town of Cicero.

R6—Multifamily Residential (Page 38 and 39):

This district is established for small to moderate sized multifamily apartments, duplexes, condominiums, and/or similar units.

RC-1—Residential Condominiums 1 (Page 40 and 41):

This district is intended to provide for medium density multifamily residential.

RC-2—Residential Condominiums 2 (Page 42 and 43):

This district is intended to provide for high density multifamily residential.

MP—Manufactured Home Park (Page 44 and 45):

This district is established for manufactured home parks which lease dwelling sites for single-wide and double-wide manufactured homes.

NC—Neighborhood Commercial (Page 48 and 49):

This district is intended for small scale businesses that provide products and services primarily to local neighborhoods.

OC—Office Commercial (Page 50 and 51):

This district is generally intended for small to moderate scale office uses with provisions for some complementary uses.

DC—Downtown Commercial (Page 52 and 53):

This district is generally intended to meet the special issues and land use goals for the downtown area in Cicero.

HC—Highway Commercial (Page 54 and 55):

This district is generally intended to address the special issues related to commercial developments along Highway 31 in west Jackson Township.

C1—Small to Medium Scale General Commercial (Page 56 and 57):

This district is generally intended for a wide variety of retail, commercial, service, entertainment, and eating establishments that are small to medium in scale.

C2—Medium to Large Scale General Commercial (Page 58 and 59):

This district is generally intended for a wide variety of retail, commercial, service, entertainment, and eating establishments that are medium to large in scale.

C3—Business Park/Light Manufacturing/Utility (Page 60 and 61):

This district is generally intended for small business parks, light manufacturing facilities, light manufacturing parks, and utility usage.

C4—Industrial Park/Manufacturing (Page 62 and 63):

This district is generally intended for large business parks, manufacturing facilities, manufacturing parks, and utility usage.

Each of the above districts stand alone and are not a part of a hierarchy system of zoning. For example, what is permitted in the C1 district is NOT permitted in the C2 district. Only those uses and development standards which are expressly permitted and noted for each district apply.

2.3 Planned Development Districts

A. The provisions of this ordinance allow the R2, R3, R4, R6, OC, HC, C1, C2, and C3 districts to be rezoned for a planned development. No other districts can be rezoned into a planned development district.

B. On the Official Zoning Map a planned development district, once rezoned, shall be labeled as PD followed by the district it was created from. The following are the appropriate labels for Planned Development Districts: PD-R2, PD-R3, PD-R4, PD-R6, PD-OC, PD-HC, PD-C1, PD-C2, and PD-C3.

C. The provisions that regulate Planned Developments can be found in Article 8 beginning on page 110.

2.4 District Land Uses

A. Land uses are either Permitted, Non-Permitted or a Special Exception in each Zoning District. Cicero/Jackson Township's permitted and special exception uses for each district are noted in the Permitted Use and Special Exception columns in Article 3 and 4. These articles represent two categories of Zoning Districts. They are:

1. Residential Districts, Article 3, found on page 25, and
2. Commercial Districts, Article 4, found on page 47.

2.5 Unlisted or Questionable Land Uses

Any land use not listed as a Permitted Use or Special Exception is considered Non-Permitted unless the Plan Commission or Director of Planning makes a determination otherwise. The Plan Commission or Director of Planning may determine into which category any questionable use be placed if not specifically listed and is similar to another use that is Permitted or a Special Exception. This determination may be appealed to the Board of Zoning Appeals.

Article 3

Agricultural and Residential Zoning Districts

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Article 3

Agricultural and Residential Zoning Districts

"AG" District

3.1 "AG" District Standards

District Intent

The "AG" District, Agriculture, is intended to provide a land use category for agricultural activities. The provisions that regulate this land use district should protect, promote and maintain areas in Cicero and Jackson Township for farming operations.

Cicero/Jackson Township's Plan Commission and Board of Zoning appeals should strive to protect this district from "spot zoning", conflicting land uses, and any use that may inflict significant environmental impacts.

The Plan Commission and Board of Zoning Appeals should also strive to promote prime agriculture land for production crops in the "AG" district.

Permitted Uses

Residential

- dwelling, single family
- residential facility for developmentally disabled (small)*
- residential facility for mentally ill*

Agricultural Uses

- agricultural crop production
- orchards (without retail sales)
- plant nursery (without retail sales)
- production of farm animals
- roadside produce sales
- storage of agricultural products produced on site
- tree farms (without retail sales)

Institutional/Public Facilities

- public park/recreation

Miscellaneous

- home occupations #1
- riding stables (private)
- kennel (private)

Special Exception Uses

Residential

- child care home (owner occupied home)

Agricultural Uses

- agricultural seed sales
- private commercial raising of nonfarm animals
- farm equipment sales/service
- commercial outdoor storage of farm materials
- commercial processing agriculture products
- commercial processing agriculture products produced on site

Business: General Business

- kennel

Business: Recreation

- commercial riding stables

Institutional/Public Facilities

- fire station
- church, mosque, or temple
- school, public or private
- child care center
- community center

Communication/Utility

- utility substation
- public well
- sewage treatment plant
- water treatment plant

Miscellaneous

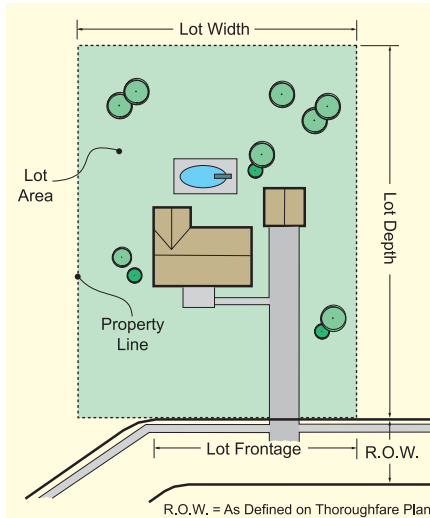
- artificial lake or pond over one (1) acre in size
- home occupation #2
- greenhouse facilities (wholesale only)

All Special Exceptions are discretionary by the Board of Zoning Appeals.

*These uses are permitted by Indiana Code (IC 12-28-4-8 and IC 12-28-4-7).

"AG" District

3.2 "AG" District Standards



Minimum Lot Area:

- 1.5 acres

Minimum Lot Width:

- 200 feet

Maximum Lot Depth:

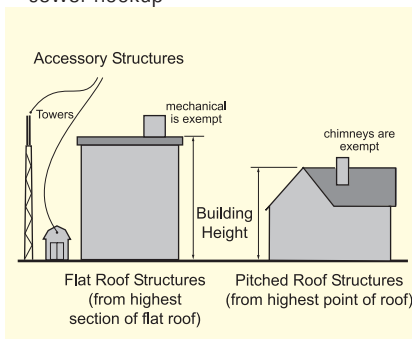
- 2.5 times the lot width

Minimum Lot Frontage:

- 180 feet on a Public Street with access from said Public Street (only if used for a building site for primary or secondary structures)

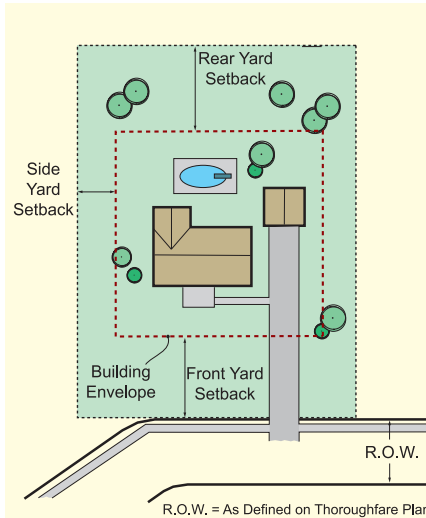
Sewer and Water:

- Does not require municipal water or sewer hookup



Maximum Structure Height:

- 35 feet for the Primary Structure
- 22 feet for Accessory Structures
- Agriculture related accessory structures are exempt.



Minimum Front Yard Setback:

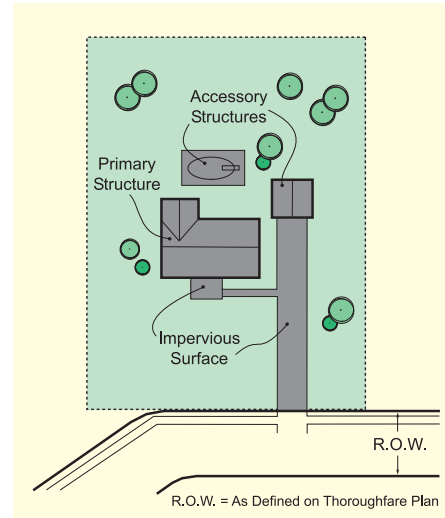
- 60 feet when adjacent to a Primary Arterial Road
- 500 feet when adjacent to a Secondary Arterial Road
- 45 feet when adjacent to a Collector Road
- 40 feet when adjacent to a Local Road

Minimum Side Yard Setback:

- 45 feet for Primary Structure
- 35 feet for Secondary Structure

Minimum Rear Yard Setback:

- 45 feet for the Primary Structure
- 35 feet for Secondary Structures



Maximum Lot Coverage:

- square feet of all primary and secondary structures, and impervious surface cannot exceed 25% of the Lot Area.

Minimum Main Floor Area:

- 1,400 square feet for one story Primary Structures; or
- 800 square feet for multiple story Primary Structures, provided that the total Finished Floor Area is 1,400 square feet

Additional Standards that Apply

Lot/Yard (LY)	Floodplain (FP)	Fences and Walls (FN)
• LY-01 Page 76	• FP-01 Page 84	• FN-01 Page 97
Height (HT)	Lighting (LT)	Miscellaneous (MS)
• HT-01 Page 76	• LT-01 Page 86	• MS-02 Page 98
Accessory Structures (AS)	Parking (PK)	• MS-03 Page 98
• AS-01 Page 76	• PK-01 Page 86	• MS-04 Page 98
• AS-02 Page 77	• PK-06 Page 88	• MS-05 Page 99
Temporary Uses (TU)	• PK-07 Page 88	• MS-06 Page 99
• TU-01 Page 79	Entrances/Drives (ED)	• MS-07 Page 99
• TU-02 Page 79	• ED-01 Page 89	Wind Turbine (WECS)
Landscaping (LS)	Vision Clearance (VC)	• WECS-01 Page 99
• LS-01 Page 79	• VC-01 Page 90	
• LS-02 Page 80	Home Occupation (HO)	
Buffer Yards (BY)	• HO-01 Page 91	
• BY-01 Page 81	• HO-02 Page 92	
Performance Standards (PS)	Telecommunication Facilities (TF)	
• PS-01 Page 82	• TF-01 Page 94	
Environmental (EN)	• TF-02 Page 96	
• EN-01 Page 83	• TF-03 Page 96	

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"R1" District

3.3 "R1" District Intent, Permitted Uses, and Special Exception Uses

District Intent

The "R1" (Estate Residential) District is intended to provide a land use category for large lots and large single family detached homes. The provisions that regulate this land use district should provide for this district to be used sparingly in Cicero and Jackson Township.

Cicero/Jackson Township's Plan Commission and Board of Zoning appeals should strive to protect this district from conflicting land uses, and non-family oriented businesses.

The Plan Commission and Board of Zoning Appeals should also strive to promote an average net density of 1 dwelling unit per acre community-wide in the "R1" district.

Permitted Uses

Residential

- dwelling, single family
- residential facility for developmentally disabled (small) *
- residential facility for mentally ill *

Institutional/Public Facilities

- public park/recreation center

Miscellaneous

- home occupation #1

Special Exception Uses

Residential

- residential facility for developmentally disabled (large)

Business: Recreation

- golf course

Institutional/Public Facilities

- fire station
- church
- school, public or private
- community center
- government buildings

Communication/Utility

- public well

Miscellaneous

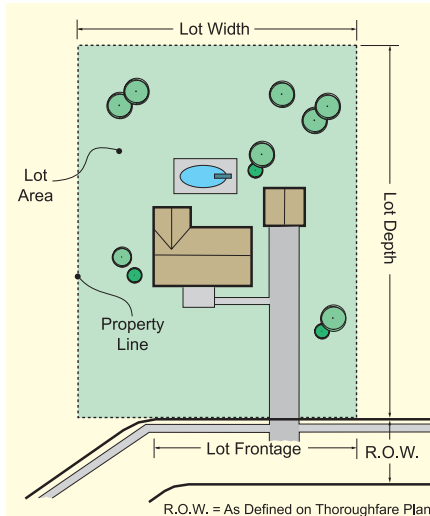
- artificial lake or pond over one (1) acre in size
- home occupation #2

All Special Exceptions are discretionary by the Board of Zoning Appeals.

*These uses are permitted by Indiana Code (IC 12-28-4-8 and IC 12-28-4-7).

"R1" District

3.4 "R1" District Standards



Minimum Lot Area:

- 45,000 square feet

Minimum Lot Width:

- 140 feet

Maximum Lot Depth:

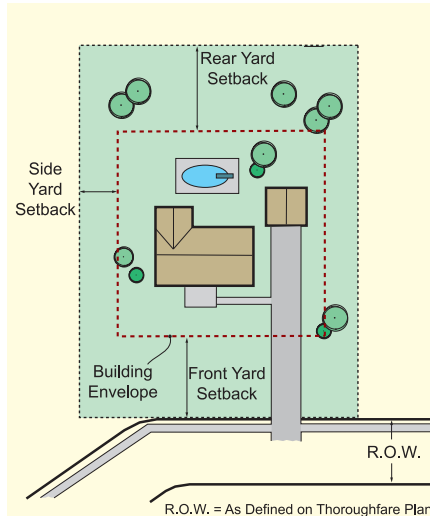
- 2.5 times the Lot Width

Minimum Lot Frontage:

- 80 feet on a Public Street with access from said Public Street

Sewer and Water:

- Requires municipal water and sewer hookup



Minimum Front Yard Setback:

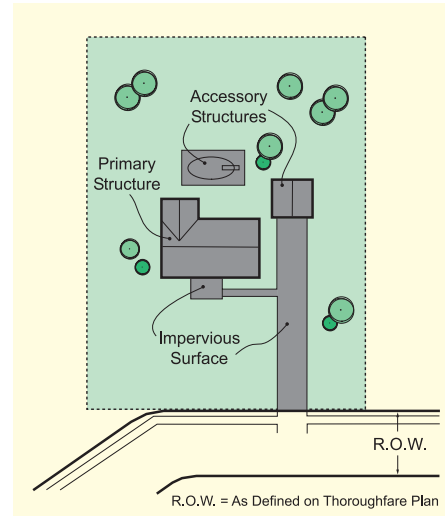
- 150 feet when adjacent to a Primary Arterial or Parkway. Driveways not permitted off of a Primary Arterial Street or Parkway.
- 110 feet when adjacent to a Secondary Arterial. Driveways not permitted off of a Secondary Arterial Street.
- 80 feet when adjacent to a Collector Street.
- 60 feet when adjacent to a Local Street.

Minimum Side Yard Setback:

- 40 feet

Minimum Rear Yard Setback:

- 75 feet for the Primary Structure
- 55 feet for Accessory Structures

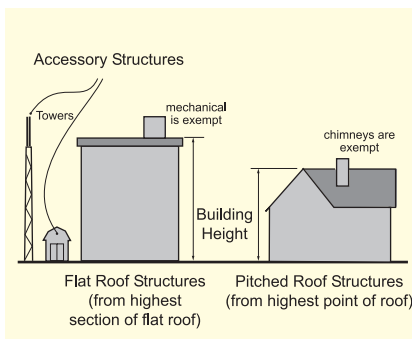


Maximum Lot Coverage:

- square feet of all primary and secondary structures, and impervious surface cannot exceed 25% of the Lot Area.

Minimum Main Floor Area:

- 2,600 square feet for one story Primary Structures; or
- 1,900 square feet for the first floor of the Primary Structure, provided that the total Finished Floor Area is 2,600 square feet or more.



Maximum Structure Height:

- 35 feet for the Primary Structure
- 20 feet for Accessory Structures

Additional Standards that Apply

Lot/Yard (LY)	
• LY-01	Page 76
Height (HT)	
• HT-01	Page 76
Accessory Structures (AS)	
• AS-01	Page 76
• AS-02	Page 77
Temporary Uses (TU)	
• TU-01	Page 79
• TU-02	Page 79
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Performance Standards (PS)	
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Environmental (EN)	
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Floodplain (FP)	
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Lighting (LT)	
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Vision Clearance (VC)	
• VC-01	Page 90
Home Occupation (HO)	
• HO-01	Page 91
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Telecommunication Facilities (TF)	
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Fences and Walls (FN)	
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Wind Turbine (WECS)	
• WECS-01	Page 99

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"R2" District

3.5 "R2" District Intent, Permitted Uses, and Special Exception Uses

District Intent

The "R2" (Large Lot, Medium Home) District is intended to provide a land use category for large lots and medium-sized single family detached homes. The provisions that regulate this land use district should protect, promote and maintain areas in Cicero for existing and future housing growth.

Cicero/Jackson Township's Plan Commission and Board of Zoning appeals should strive to protect this district from conflicting land uses, and non-family oriented businesses.

The Plan Commission and Board of Zoning Appeals should also strive to promote an average net density of 1.5 to 2.0 dwelling units per acre community-wide in the "R2" district.

Permitted Uses

Residential

- dwelling, single family
- residential facility for developmentally disabled (small) *
- residential facility for mentally ill *

Institutional/Public Facilities

- public park/recreation center

Miscellaneous

- home occupation #1

Special Exception Uses

Residential

- bed and breakfast facility (owner occupied - 3 guest rooms)
- residential facility for developmentally disabled (large)

Business: Recreation

- golf course

Institutional/Public Facilities

- fire station
- church
- school, public or private
- child care center
- community center
- Government building

Communication/Utility

- public well

Miscellaneous

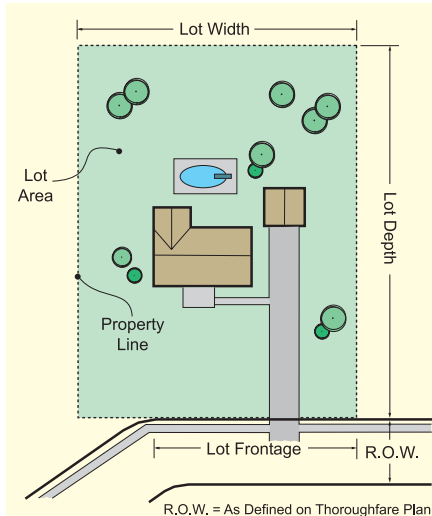
- home occupation #2

All Special Exceptions are discretionary by the Board of Zoning Appeals.

*These uses are permitted by Indiana Code (IC 12-28-4-8 and IC 12-28-4-7).

"R2" District

3.6 "R2" District Standards



Minimum Lot Area:

- 35,000 square feet

Minimum Lot Width:

- 100 feet

Maximum Lot Depth:

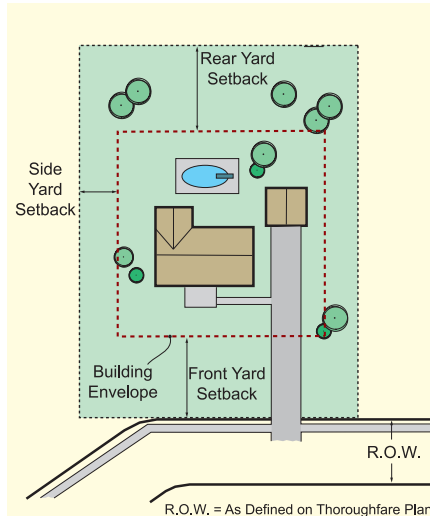
- 2.5 times the Lot Width

Minimum Lot Frontage:

- 65 feet on a Public Street with access from said Public Street

Sewer and Water:

- Requires municipal water and sewer hookup



Minimum Front Yard Setback:

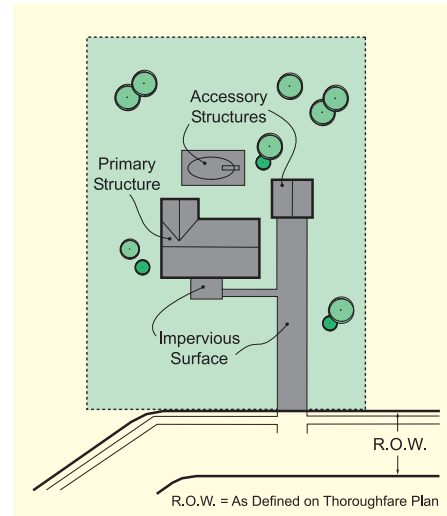
- 70 feet when adjacent to a Primary Arterial or Parkway. Driveways not permitted off of a Primary Arterial Street or Parkway.
- 60 feet when adjacent to a Secondary Arterial. Driveways not permitted off of a Secondary Arterial Street.
- 40 feet when adjacent to a Collector Street. Driveways not permitted off of a Collector Street.
- 30 feet when adjacent to a Local Street.

Minimum Side Yard Setback:

- 30 feet

Minimum Rear Yard Setback:

- 30 feet for the Primary Structure
- 30 feet for Accessory Structures

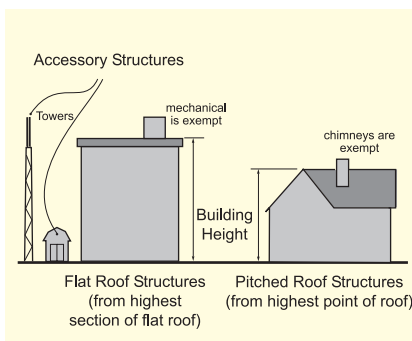


Maximum Lot Coverage:

- square feet of all primary and secondary structures, and impervious surface cannot exceed 40% of the Lot Area.

Minimum Main Floor Area:

- 2,100 square feet for one story Primary Structures; or
- 1,600 square feet for the first floor of the Primary Structure, provided that the total Finished Floor Area is 2,100 square feet or more.



Maximum Structure Height:

- 35 feet for the Primary Structure
- 18 feet for Accessory Structures

Additional Standards that Apply

Lot/Yard (LY)	
• LY-01	Page 76
Height (HT)	
• HT-01	Page 76
Accessory Structures (AS)	
• AS-01	Page 76
• AS-02	Page 77
Temporary Uses (TU)	
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• BY-01	Page 81
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"R3" District

3.7 "R3" District Intent, Permitted Uses, and Special Exception Uses

District Intent

The "R3" (Medium Lot, Medium Home) District is intended to provide a land use category for medium lots and medium-sized single family detached homes. The provisions that regulate this land use district should protect, promote and maintain areas in Cicero for existing and future housing growth.

Cicero/Jackson Township's Plan Commission and Board of Zoning appeals should strive to protect this district from conflicting land uses, and non-family oriented businesses.

The Plan Commission and Board of Zoning Appeals should strive to promote an average net density of 2.5 to 3.5 dwelling units per acre community-wide in the "R3" district.

Permitted Uses

Residential

- dwelling, single family
- residential facility for developmentally disabled (small) *
- residential facility for mentally ill *

Institutional/Public Facilities

- public park/recreation center

Miscellaneous

- home occupation #1

Special Exception Uses

Residential

- dwelling, two-family **
- bed and breakfast facility
- boarding house**
- child care home (owner occupied home)**
- residential facility for developmentally disabled (large)

Business: Recreation

- golf course

Institutional/Public Facilities

- fire station **
- church **
- school, public or private **
- child care center **
- community center **
- government building **

Communication/Utility

- public well

Miscellaneous

- home occupation #2

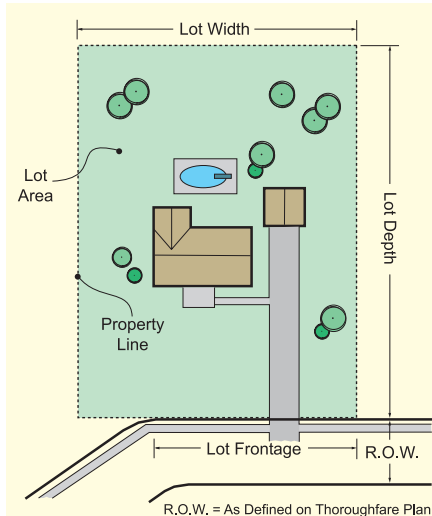
All Special Exceptions are discretionary by the Board of Zoning Appeals.

* These uses are permitted by Indiana Code (IC 12-28-4-8 and IC 12-28-4-7).

**Minimum side yard setback of 25 feet, minimum lot width of 100 feet

"R3" District

3.8 "R3" District Standards



Minimum Lot Area:

- 23,000 square feet

Minimum Lot Area/Dwelling Unit:

- 12,000 square feet

Minimum Lot Width:

- 85 feet

Maximum Lot Depth:

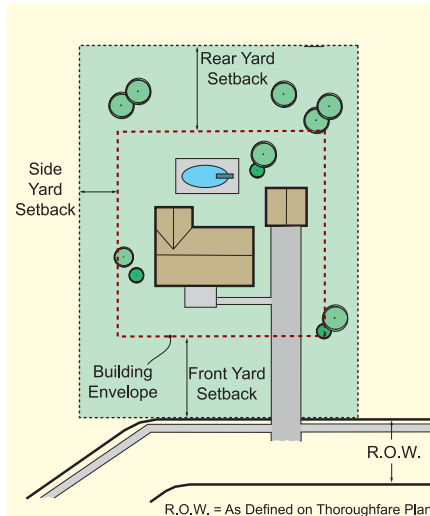
- 2.5 times the Lot Width

Minimum Lot Frontage:

- 50 feet on a Public Street with access from said Public Street

Sewer and Water:

- Requires municipal water and sewer hookup



Minimum Front Yard Setback:

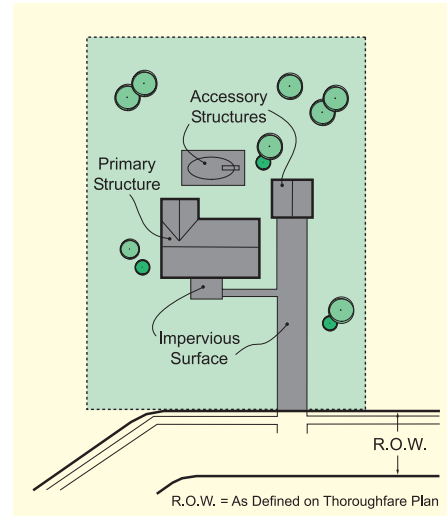
- 60 feet when adjacent to a Primary Arterial or Parkway. Driveways not permitted off of a Primary Arterial Street or Parkway.
- 50 feet when adjacent to a Secondary Arterial. Driveways not permitted off of a Secondary Arterial Street.
- 40 feet when adjacent to a Collector. Driveways not permitted off of a Collector Street.
- 30 feet when adjacent to a Local Street.

Minimum Side Yard Setback:

- 15 feet

Minimum Rear Yard Setback:

- 25 feet for Primary Structures
- 20 feet for Accessory Structures

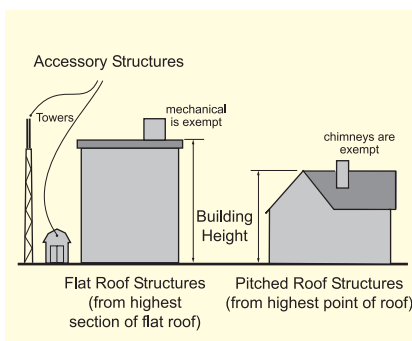


Maximum Lot Coverage:

- square feet of all primary and secondary structures, and impervious surface cannot exceed 45% of the Lot Area.

Minimum Main Floor Area:

- 1,800 square feet for one story Primary Structures; or
- 1,200 square feet for the first floor of the Primary Structure, provided that the total Finished Floor Area is 1,800 square feet or more.



Maximum Structure Height:

- 35 feet for the Primary Structure
- 18 feet for Accessory Structures

Additional Standards that Apply

Lot/Yard (LY)	Environmental (EN)
• LY-01 Page 76	• EN-01 Page 83
Height (HT)	Floodplain (FP)
• HT-01 Page 76	• FP-01 Page 84
Accessory Structures (AS)	Lighting (LT)
• AS-01 Page 76	• LT-01 Page 86
• AS-02 Page 77	Parking (PK)
Temporary Uses (TU)	• PK-01 Page 86
• TU-01 Page 79	• PK-06 Page 88
• TU-02 Page 79	• PK-07 Page 88
Landscaping (LS)	Entrances/Drives (ED)
• LS-01 Page 79	• ED-01 Page 89
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Buffer Yards (BY)	• VC-01 Page 90
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Performance Standards (PS)	• HO-01 Page 91
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Telecommunication Facilities (TF)
• TF-01 Page 94
• TF-02 Page 96
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Fences and Walls (FN)
• FN-01 Page 97
Architecture (AR)
• AR-01 Page 98
• AR-02 Page 98
Miscellaneous (MS)
• MS-02 Page 98
• MS-03 Page 98
• MS-04 Page 98
• MS-05 Page 99
• MS-06 Page 99
• MS-07 Page 99

"R4" District

3.9 "R4" District Intent, Permitted Uses, and Special Exception Uses

District Intent

The "R4" (Medium Lot, Small Home) District is intended to provide a land use category for medium lots and small-sized single family detached homes. The provisions that regulate this land use district should protect, promote and maintain areas in Cicero for existing and future housing growth.

Cicero/Jackson Township's Plan Commission and Board of Zoning appeals should strive to protect this district from conflicting land uses, and non-family oriented businesses.

The Plan Commission and Board of Zoning Appeals should strive to promote an average net density of 5 to 6 dwelling units per acre community-wide in the "R4" district.

Permitted Uses

Residential

- dwelling, single family
- dwelling, two-family **
- residential facility for developmentally disabled (small) *
- residential facility for mentally ill *
- Institutional/Public Facilities
- public park/recreation center

Miscellaneous

- home occupation #1

Special Exception Uses

Residential

- dwelling, multifamily (4-unit or less)
- bed and breakfast facility **
- boarding house (owner-occupied, maximum 8 boarders)***
- child care home (owner occupied home)***
- residential facility for developmentally disabled (large)
- Business: Recreation
- golf course (structures***)

Institutional/Public Facilities

- fire station***
- church***
- school, public or private***
- child care center***
- community center***
- government building***
- library***

Communication/Utility

- public well

Miscellaneous

- home occupation #2

All Special Exceptions are discretionary by the Board of Zoning Appeals.

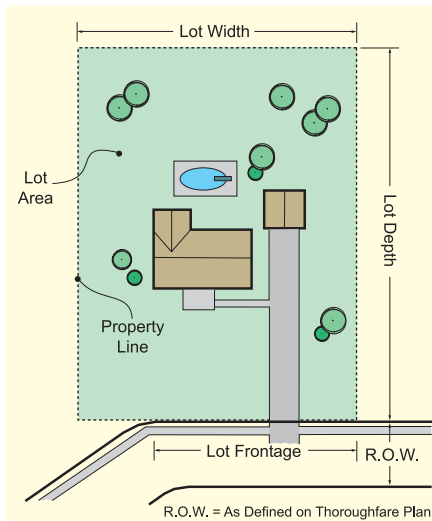
*These uses are permitted by Indiana Code (IC 12-28-4-8 and IC 12-28-4-7).

**Minimum side yard setback of 25 feet, minimum lot width of 90 feet

***Minimum side yard setback of 35 feet, minimum rear yard setback of 30 feet, minimum lot width of 100 feet

"R4" District

3.10 "R4" District Standards



Minimum Lot Area:

- 13,000 square feet

Minimum Lot Area/Dwelling Unit

- 8,000 square feet

Minimum Lot Width:

- 70 feet

Maximum Lot Depth:

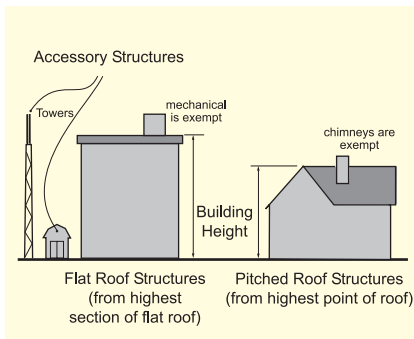
- 2.5 times the Lot Width

Minimum Lot Frontage:

- 30 feet on a Public Street with access from said Public Street

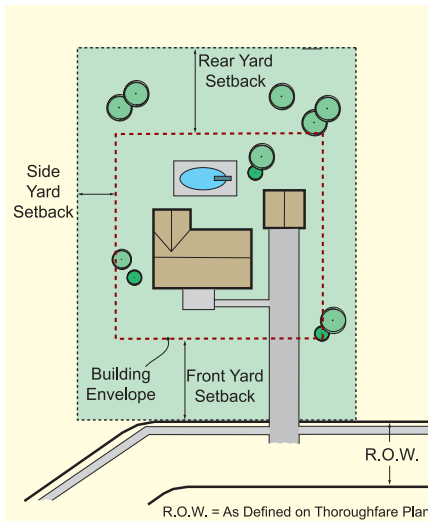
Sewer and Water:

- Requires municipal water and sewer hookup



Maximum Structure Height:

- 35 feet for the Primary Structure
- 16 feet for Accessory Structures



Minimum Front Yard Setback:

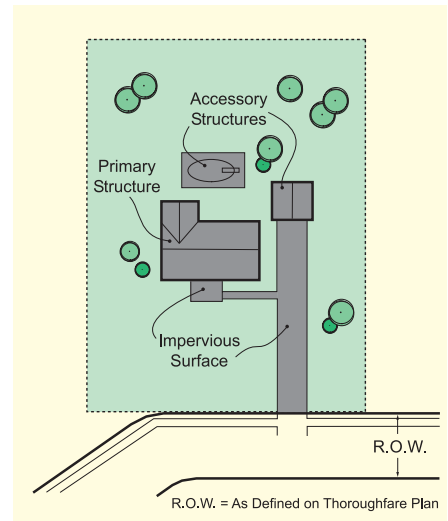
- 50 feet when adjacent to a Primary Arterial or Parkway. Driveways not permitted off of a Primary Arterial Street or Parkway.
- 35 feet when adjacent to a Secondary Arterial. Driveways not permitted off of a Secondary Arterial Street.
- 30 feet when adjacent to a Collector. Driveways not permitted off of a Collector Street.
- 25 feet when adjacent to a Local Street.

Minimum Side Yard Setback:

- 15 feet

Minimum Rear Yard Setback:

- 25 feet for the Primary Structure
- 15 feet for Accessory Structures



Maximum Lot Coverage:

- square feet of all primary and secondary structures, and impervious surface cannot exceed 60% of the Lot Area.

Minimum Main Floor Area:

- 1,400 square feet for one story Primary Structures; or
- 900 square feet for the first floor of the Primary Structure, provided that the total Finished Floor Area is 1,400 square feet or more.

Additional Standards that Apply

Lot/Yard (LY)	
• LY-01	Page 76
Height (HT)	
• HT-01	Page 76
Accessory Structures (AS)	
• AS-01	Page 76
• AS-02	Page 77
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"R5" District

3.11 "R5" District Intent, Permitted Uses, and Special Exception Uses

District Intent

The "R5" (Old Town Residential) District is intended to provide a land use category for small lots and small-sized single family detached homes. The provisions that regulate this land use district should protect, maintain and promote where possible the "old town character" in Cicero.

Cicero/Jackson Township's Plan Commission and Board of Zoning appeals should strive to protect this district from business encroachment, conflicting land uses, and non-family oriented businesses.

The Plan Commission and Board of Zoning Appeals should strive to promote an average net density of 7 to 8 dwelling units per acre community-wide in the "R5" district.

Permitted Uses

Residential

- dwelling, single family
- residential facility for developmentally disabled (small) *
- residential facility for mentally ill *

Institutional/Public Facilities

- public park/recreation center

Miscellaneous

- home occupation #1

Special Exception Uses

Residential

- dwelling, multifamily, apartment (10-unit or less)***
- dwelling, two-family
- bed and breakfast facility (12 boarders or less)**
- boarding house (owner-occupied)***
- child care home (owner-occupied home)***
- residential facility for developmentally disabled (large)***

Institutional/Public Facilities

- fire station ***
- church ***
- school, public or private ***
- child care center ***
- community center ***
- government building ***

Communication/Utility

- public well

Miscellaneous

- home occupation #2

All Special Exceptions are discretionary by the Board of Zoning Appeals.

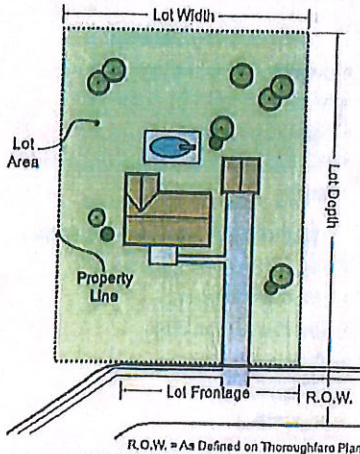
*These uses are permitted by Indiana Code (IC 12-28-4-8 and IC 12-28-4-7).

**Minimum side yard setback of 25 feet, minimum lot width of 90 feet

***Minimum side yard setback of 35 feet, minimum rear yard setback of 30 feet, minimum lot width of 100 feet

"R5" District

3.12 "R5" District Standards



Minimum Lot Area:

- 10,000 square feet

Minimum Lot Area/Dwelling Unit

- 5,000 square feet

Minimum Lot Width:

- 35 feet

Maximum Lot Depth:

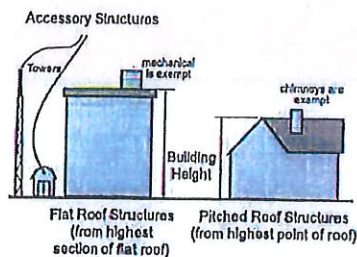
- 5 times the Lot Width

Minimum Lot Frontage:

- 35 feet on a Public Street with access from said Public Street. Street access must be directly from street on the front side of the primary structure.

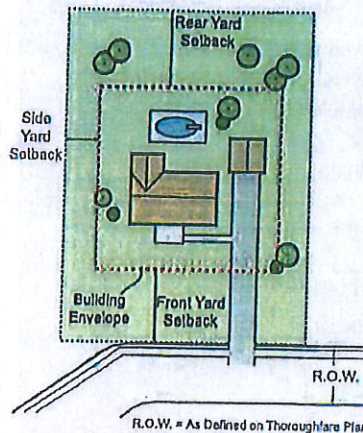
Sewer and Water:

- Requires municipal water and sewer hookup



Maximum Structure Height:

- 35 feet for the Primary Structure
- 16 feet for Accessory Structures



Minimum Front Yard Setback:

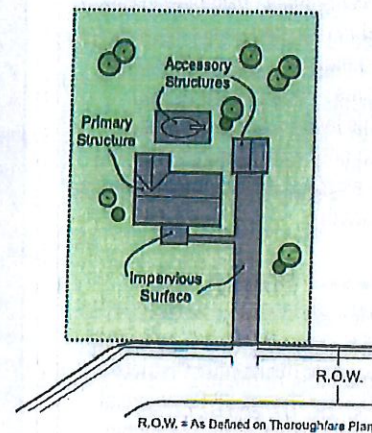
- 20 feet when adjacent to a Primary Arterial Street or Parkway.
- 20 feet when adjacent to a Secondary Arterial Street.
- 15 feet when adjacent to a Collector Street.
- 10 feet when adjacent to a Local Street.

Minimum Side Yard Setback:

- 5 feet

Minimum Rear Yard Setback:

- 15 feet for the Primary Structure
- 5 feet for Accessory Structures



Maximum Lot Coverage:

- square feet of all primary and secondary structures, and impervious surface cannot exceed 75% of the Lot Area.

Minimum Main Floor Area:

- 900 square feet for one story Primary Structures; or
- 700 square feet for the first floor of the Primary Structure, provided that the total Finished Floor Area is 900 square feet or more.

Additional Standards that Apply

Lot/Yard (LY)	Environmental (EN)	Telecommunication Facilities (TF)
• LY-01 Page 76	• EN-01 Page 83	• TF-01 Page 94
Height (HT)	Floodplain (FP)	• TF-02 Page 96
• HT-01 Page 76	• FP-01 Page 84	• TF-03 Page 96
Accessory Structures (AS)	Lighting (LT)	Fences and Walls (FN)
• AS-01 Page 76	• LT-01 Page 86	• FN-01 Page 97
• AS-02 Page 77	Parking (PK)	Miscellaneous (MS)
Temporary Uses (TU)	• PK-01 Page 86	• MS-02 Page 98
• TU-01 Page 79	• PK-06 Page 88	• MS-03 Page 98
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Landscaping (LS)	Entrances/Drives (ED)	• MS-05 Page 99
• LS-01 Page 79	• ED-01 Page 89	• MS-06 Page 99
• LS-02 Page 80	Vision Clearance (VC)	• MS-07 Page 99
Buffer Yards (BY)	• VC-01 Page 90	Table of Contents
• BY-01 Page 81	Home Occupation (HO)	
Performance Standards (PS)	• HO-01 Page 91	
• PS-01 Page 82	• HO-02 Page 92	

"R6" District

3.13 "R6" District Intent, Permitted Uses, and Special Exception Uses

District Intent

The "R6" (Multifamily Residential) District is intended to provide a land use category for small to medium scale multifamily developments. The provisions that regulate this land use district should protect, promote and maintain areas in Cicero for existing and future multifamily housing growth.

Cicero/Jackson Township's Plan Commission and Board of Zoning appeals should strive to sensitively integrate this district into other Residential Districts and the NC, OC, DC, C1, and C2 Commercial Districts. This district should be within close proximity to parks, open space, services and retail if possible. Avoid locating near conflicting land uses and non-family oriented businesses.

The Plan Commission and Board of Zoning Appeals should strive to promote an average net density of 8 to 10 dwelling units per acre community-wide in the "R6" district.

Permitted Uses

Residential

- dwelling, multifamily
- dwelling, multifamily, apartment
- dwelling, two-family
- nursing home
- retirement community
- residential facility for developmentally disabled (large)
- residential facility for developmentally disabled (small) *
- residential facility for mentally ill *

Miscellaneous

- N/A

Special Exception Uses

Residential

- dwelling, single-family
- bed and breakfast facility
- boarding house
- child care home (owner occupied home)

Institutional/Public Facilities

- church, temple or mosque
- community center
- government building
- library
- police/fire station
- post office
- public park/recreation center
- school, public/private
- trade or business school

Communication/Utilities

- public wells

Miscellaneous

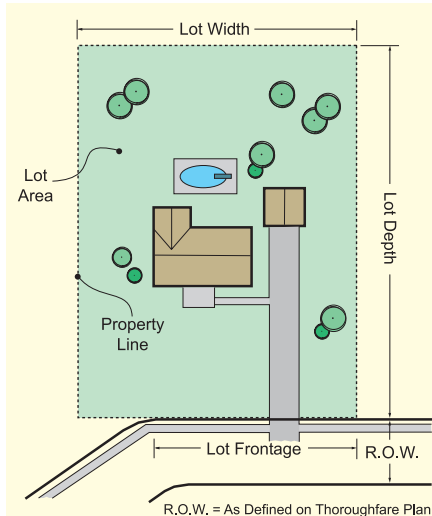
- child care institution
- home occupation #1

All Special Exceptions are discretionary by the Board of Zoning Appeals.

*These uses are permitted by Indiana Code (IC 12-28-4-8 and IC 12-28-4-7).

"R6" District

3.14 "R6" District Standards



Minimum Lot Area:

- 17,000 square feet

Minimum Lot Area/Dwelling Unit

- 6,000 square feet

Minimum Lot Width:

- 90 feet

Maximum Lot Depth:

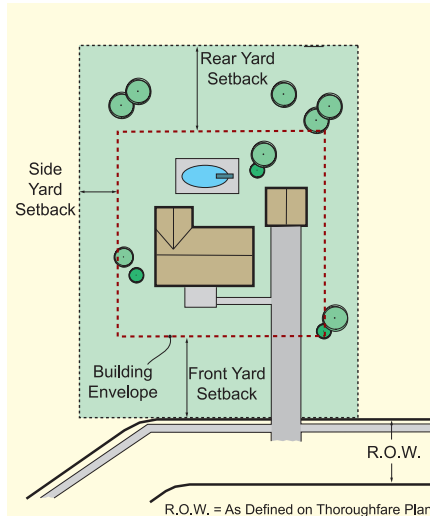
- 2.5 times the Lot Width

Minimum Lot Frontage:

- 70 feet on a Public Street with access from said Public Street

Sewer and Water:

- Requires municipal water and sewer hookup



Minimum Front Yard Setback:

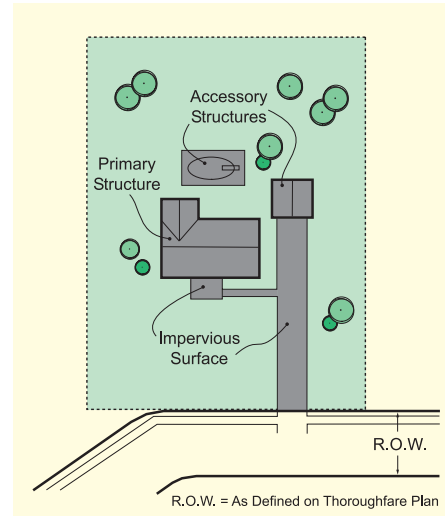
- 45 feet when adjacent to a Primary Arterial Street or Parkway. Driveways not permitted off of a Primary Arterial Street or Parkway.
- 45 feet when adjacent to a Secondary Arterial Street. Driveways not permitted off of a Primary Arterial Street.
- 35 feet when adjacent to a Collector Street.
- 30 feet when adjacent to a Local Street.

Minimum Side Yard Setback:

- 20 feet (plus buffer yard)

Minimum Rear Yard Setback:

- 20 feet for the Primary and Accessory Structures (plus buffer yard)



Maximum Lot Coverage:

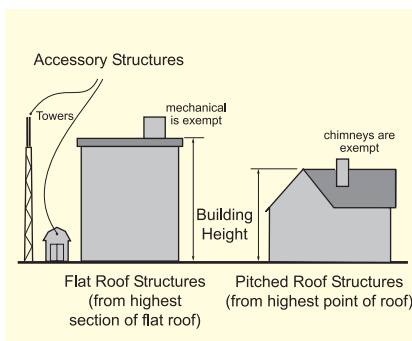
- square feet of all primary and secondary structures, and impervious surface cannot exceed 65% of the Lot Area.

Minimum Main Floor Area:

- 1,100 square feet per Primary Structure for single family or multifamily uses.

Minimum Floor Area Per Unit:

- 950 square feet average per dwelling unit in a multiple-unit Primary Structure.



Maximum Structure Height:

- 40 feet for the Primary Structure
- 16 feet for Accessory Structures

Additional Standards that Apply

Lot/Yard (LY)	Floodplain (FP)
• LY-01 Page 76	• FP-01 Page 84
Height (HT)	Lighting (LT)
• HT-01 Page 76	• LT-01 Page 86
Accessory Structures (AS)	Parking (PK)
• AS-01 Page 76	• PK-02 Page 86
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• TU-02 Page 79	Entrances/Drives (ED)
Landscaping (LS)	• ED-01 Page 89
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Telecommunication Facilities (TF)
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"RC-1" District

3.15 "RC-1" District Intent, Permitted Uses, and Special Exception Uses

District Intent

The "RC-1" (Residential Condominiums 1) District is intended to provide a land use category for medium density multifamily residential. The provisions that regulate this land use district should make the district compatible with R-3, R-4, R-5, and R-6 residential districts, and OC, NC, DC, and C1 commercial districts.

Cicero/Jackson Township's Plan Commission and Board of Zoning appeals should strive to use this district sparingly and appropriately as a "spot zone" in the community. The Plan Commission and Board of Zoning Appeals should strive to use this district in areas adjoining golf courses, Morse Reservoir, existing commercial/retail operations, or where adjoining residential zones are not adversely affected by lighting, traffic, and parking conflicts which might be created by the use of this district.

The Plan Commission and Board of Zoning Appeals should strive to exclude businesses from the "RC-1" district, which are not family oriented, or that have an adverse effect on existing or future residential neighborhoods.

Permitted Uses

Residential

- dwelling, multifamily

Miscellaneous

- home occupation #1

Special Exception Uses

Business: Recreation

- golf courses

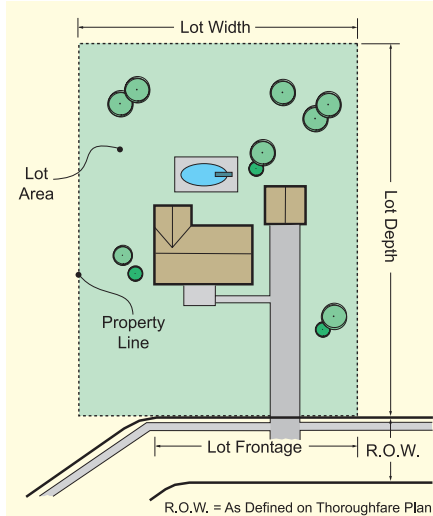
Institutional/Public Facilities

- fire station
- church
- school, public/private
- community center
- fire station
- government building

All Special Exceptions are discretionary by the Board of Zoning Appeals.

"RC-1" District

3.16"RC-1" District Standards



Minimum Lot Area:

- 10,000 square feet

Min Lot Area/Dwelling Unit

- None

Minimum Lot Width:

- 75 feet for interior lots, 100 feet for corner lots

Maximum Lot Depth:

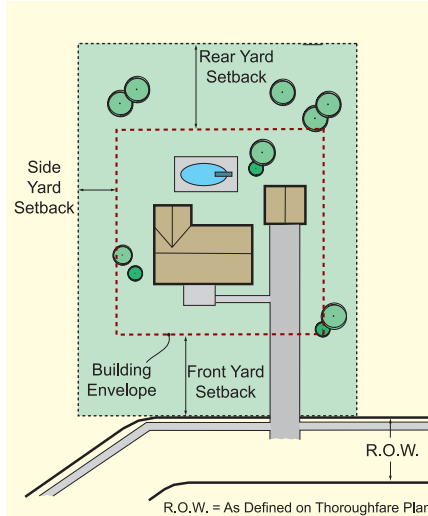
- 2.5 times the Lot Width

Minimum Lot Frontage:

- 60 feet on a Public Street with access from said Public Street

Sewer and Water:

- Requires municipal water and sewer hookup



Minimum Front Yard Setback:

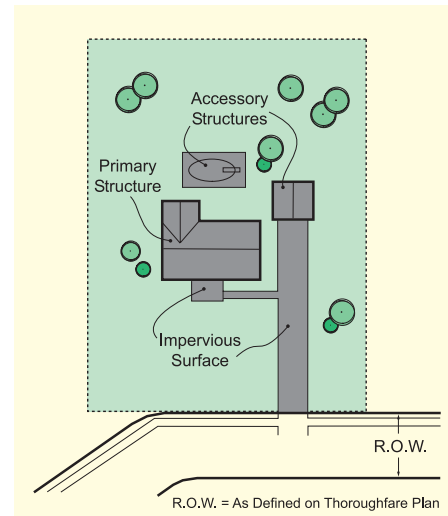
- 30 feet when adjacent to a Primary Arterial Street or Parkway.
- 25 feet when adjacent to a Secondary Arterial Street.
- 20 feet when adjacent to a Collector Street.
- 15 feet when adjacent to a Local Street.

Minimum Side Yard Setback:

- 20 feet

Minimum Rear Yard Setback:

- 20 feet



Maximum Lot Coverage:

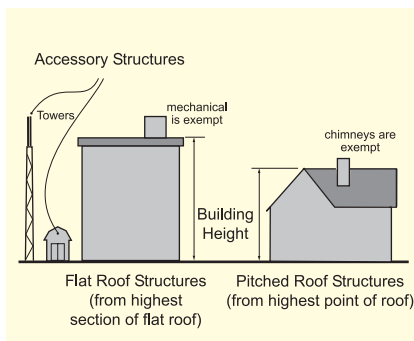
- square feet of all primary and secondary structures, and impervious surface cannot exceed 80% of the Lot Area.

Minimum Main Floor Area:

- 2,500 square feet per Primary Structure.

Minimum Floor Area Per Unit:

- 1,100 square feet per dwelling unit.



Maximum Structure Height:

- 55 feet for the Primary Structure
- 18 feet for Accessory Structures. Heating ventilation and air conditioning equipment (HVAC), elevator bulkheads, and rooftop stairway access structures are exempt in calculating maximum structure height.

Minimum Structure Height:

- 3 stories for all Primary Structures

Additional Standards that Apply

Lot/Yard (LY)	
• LY-01	Page 76
Height (HT)	
• HT-01	Page 76
Accessory Structures (AS)	
• AS-02	Page 76
• AS-06	Page 78
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"RC-2" District

3.17 "RC-2" District Intent, Permitted Uses, and Special Exception Uses

District Intent

The "RC-2" (Residential Condominiums 2) District is intended to provide a land use category for high density multifamily residential. The provisions that regulate this land use district should make the district compatible with R-3, R-4, R-5, and R-6 residential districts, and OC, NC, DC, and C1 commercial districts.

Cicero/Jackson Township's Plan Commission and Board of Zoning appeals should strive to use this district sparingly and appropriately as a "spot zone" in the community. The Plan Commission and Board of Zoning Appeals should strive to use this district in areas adjoining golf courses, Morse Reservoir, existing commercial/retail operations, or where adjoining residential zones are not adversely affected by lighting, traffic, and parking conflicts which might be created by the use of this district.

The Plan Commission and Board of Zoning Appeals should strive to exclude businesses from the "RC-2" district, which are not family oriented, or that have an adverse effect on existing or future residential neighborhoods.

Permitted Uses

Residential

- dwelling, multifamily

Miscellaneous

- N/A
- home occupation #1

Special Exception Uses

Business: Recreation

- golf courses

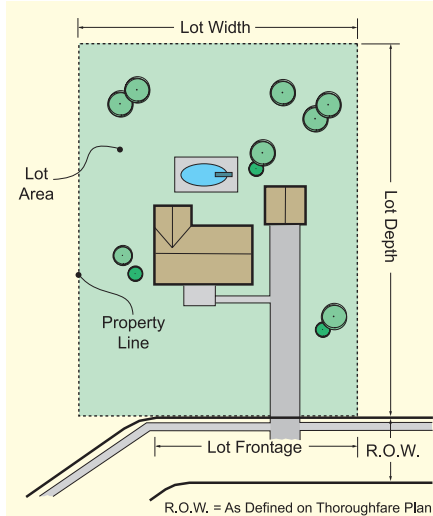
Institutional/Public Facilities

- fire station
- church
- school, public/private
- community center
- fire station
- government building

All Special Exceptions are discretionary by the Board of Zoning Appeals.

"RC-2" District

3.18 "RC-2" District Standards



Minimum Lot Area:

- 40,000 square feet

Min Lot Area/Dwelling Unit

- None

Minimum Lot Width:

- 150 feet for interior lots, 175 feet for corner lots

Maximum Lot Depth:

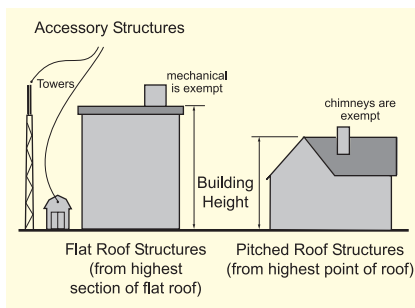
- 2.5 times the Lot Width

Minimum Lot Frontage:

- 60 feet on a Public Street with access from said Public Street

Sewer and Water:

- Requires municipal water and sewer hookup

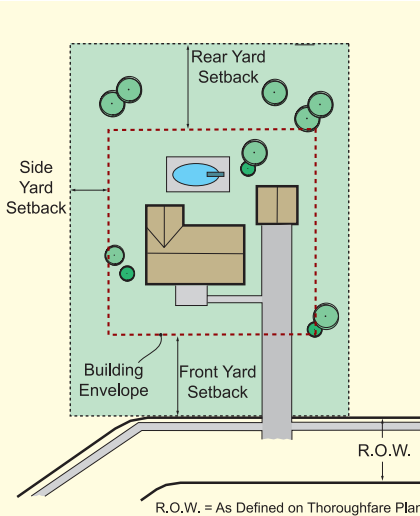


Maximum Structure Height:

- 900 feet ASL (above sea level) for Primary Structures
- 18 feet for Accessory Structures. Heating ventilation and air conditioning equipment (HVAC), elevator bulkheads, and rooftop stairway access structures are exempt in calculating maximum structure height.

Minimum Structure Height:

- 4 stories for all Primary Structures



Minimum Front Yard Setback:

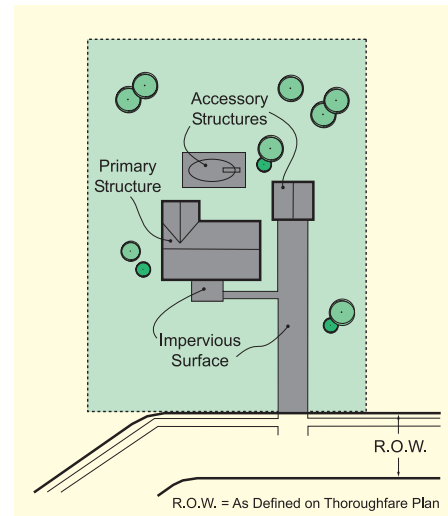
- 30 feet when adjacent to a Primary Arterial Street or Parkway.
- 25 feet when adjacent to a Secondary Arterial Street.
- 20 feet when adjacent to a Collector Street.
- 15 feet when adjacent to a Local Street.

Minimum Side Yard Setback:

- 50 feet

Minimum Rear Yard Setback:

- 40 feet
- 20 feet for parcels that border Morse Reservoir



Maximum Lot Coverage:

- square feet of all primary and secondary structures, and impervious surface cannot exceed 80% of the Lot Area.

Minimum Main Floor Area:

- 2,500 square feet per Primary Structure.

Minimum Floor Area Per Unit:

- 1,500 square feet per dwelling unit.

Additional Standards that Apply

Lot/Yard (LY)	
• LY-01	Page 76
Height (HT)	
• HT-01	Page 76
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• AS-06	Page 78
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"MP" District

3.19 "MP" District Intent, Permitted Uses, and Special Exception Uses

District Intent

The "MP" (Manufactured Home Park) District is intended to provide a land use category for manufactured homes parks in the community as attractive and decent affordable housing. Manufactured Home Parks shall be in accordance with IC 16-11-27-1 et. seq., Rule 410 IAC 6-6 and their subsequent amendments, the State Board of Health Requirements, and the requirements of this Ordinance.

This district should be within close proximity to parks, open space, services and retail if possible. Avoid locating near conflicting land uses and non-family oriented businesses.

The Plan Commission and Board of Zoning Appeals should strive to promote an average net density of 7 to 8 dwelling units per acre community-wide in the "MP" district.

Permitted Uses

Residential

- manufactured home park **
- dwelling, mobile home
- dwelling, manufactured
- dwelling, single-family
- residential facility for developmentally disabled (small) *
- residential facility for mentally ill *

Institutional/Public Facilities

- public park/recreation center

Miscellaneous

- private swimming pool

Special Exception Uses

Residential

- child care home (owner occupied home)
- Institutional/Public Facilities
- community center

Miscellaneous

- child care institution
- home occupation #1

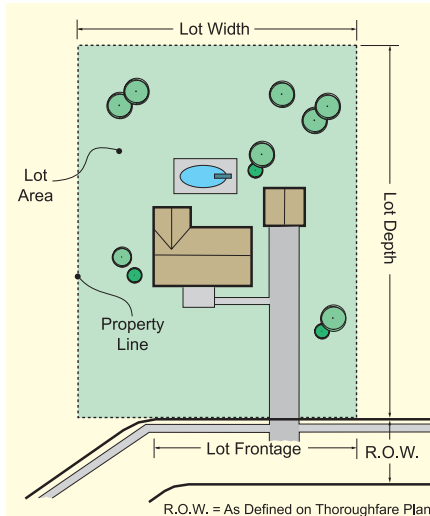
All Special Exceptions are discretionary by the Board of Zoning Appeals.

*These uses are permitted by Indiana Code (IC 12-28-4-8 and IC 12-28-4-7).

**A development plan shall be submitted, reviewed and approved by plan commission at a public hearing

"MP" District

3.20 "MP" District Standards



Minimum Lot Size:

- 5 acres

Minimum Lot Width:

- 250 ft.

Maximum Lot Depth:

- 3.5 times the Lot Width

Minimum Dwelling Site Size:

- 4,000 square feet

Min Dwelling Site Width:

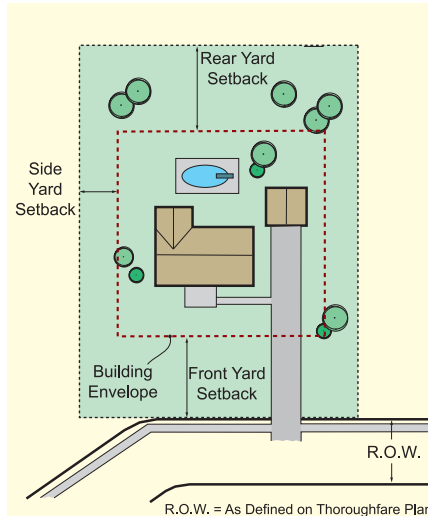
- 30 feet

Max Dwelling Site Depth:

- 3.5 times the Lot Width

Sewer and Water:

- Requires municipal water and sewer hookup



Minimum Lot Front Yard Setback:

- 35 feet when adjacent to a Primary Arterial Street or Parkway.
- 30 feet when adjacent to a Secondary Arterial Street.
- 20 feet when adjacent to a Collector Street.
- 20 feet when adjacent to a Local Street.

Minimum Lot Side Yard Setback:

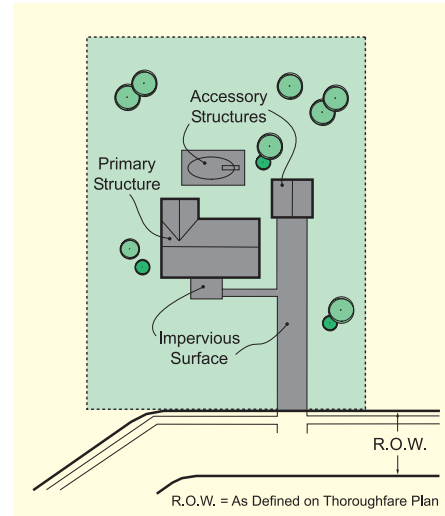
- 20 feet (plus buffer yard)

Minimum Lot Rear Yard Setback:

- 20 feet for the Primary and Secondary Structures (plus buffer yard)

Minimum Dwelling Front Yard Setback:

- 10 feet from edge of pavement of interior roads



Minimum Dwelling Site Side Yard Setback:

- 7 feet for Primary and Secondary Structures

Min Rear Yard Setback:

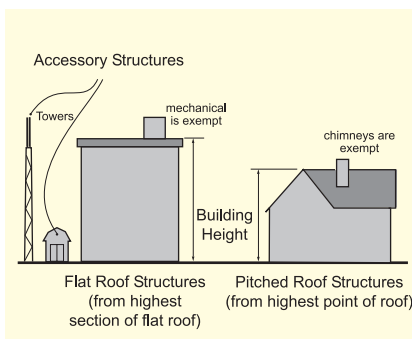
- 7 feet for the Primary and Secondary Structures

Maximum Lot Coverage:

- square feet of all primary and secondary structures, and impervious surface cannot exceed 65% of the Lot Area.

Minimum Main Floor Area per Dwelling Unit:

- 750 square feet per Primary Structure



Maximum Structure Height:

- 20 feet for the Primary Structure
- 16 feet for Accessory Structures

Additional Standards that Apply

Lot/Yard (LY)	
• LY-01	Page 76
Height (HT)	
• HT-01	Page 76
Accessory Structures (AS)	
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Article 4

Commercial Zoning Districts

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"NC" District

4.1 "NC" District Intent, Permitted Uses, and Special Exception Uses

District Intent

The "NC" (Neighborhood Commercial) District is intended to provide a land use category for small scale commercial uses that provide products and services to neighborhoods. The provisions that regulate this land use district should promote appropriate commercial uses that are clearly nonconflicting with neighborhoods in Cicero.

Cicero/Jackson Township's Plan Commission and Board of Zoning appeals should strive to use this district sparingly and appropriately as a "spot zone" in the community.

The Plan Commission and Board of Zoning Appeals should also strive to exclude businesses from the "NC" district that are not family oriented or that have an adverse effect on the existing or future adjacent neighborhoods.

Permitted Uses

Business: Retail

- drug store
- flower shop
- news dealer/bookstore
- antique shop apparel
- shop
- fabric shop
- flower shop
- gift shop
- jewelry store
- music store
- news dealer/bookstore
- shoe sales
- variety store
- electronics store

Business: Food Sales/Service

- bakery, retail
- convenience store (without gas pumps)
- delicatessen
- grocery
- ice cream/frozen yogurt shop

Business: Personal Service

- barber/beauty shop
- coin laundry
- day care
- dry-cleaning service
- fitness center/gym
- computer/electronics repair
- shoe repair
- tailor/pressing shop

Business: Recreation

- video store

Business: Office/Professional

- professional offices
- travel agency
- service organization office
- real estate office
- insurance office
- architecture/design services
- bank machine/ATM

Institutional/Public Facilities

- public park/recreation center

Miscellaneous

- accessory uses

Special Exception Uses

Residential

- dwelling, single-family (upper stories)
- dwelling, multifamily, (upper stories)

Business: Food Sales/Service

- restaurant
- restaurant with outdoor seating

Business: Recreation

- public docks

Business: Auto Sales/Services

- automobile service station

Institutional/Public Facilities

- church, temple or mosque
- community center
- government office
- library
- police/fire station
- post office
- recycling collection point (no outdoor storage)
- school, public/private

Communication/Utility

- telephone exchange
- utility substation
- public well

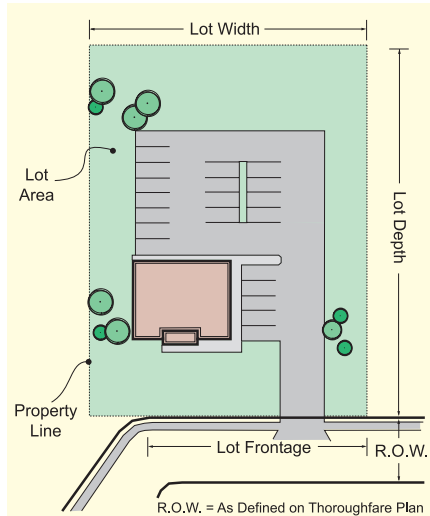
Miscellaneous

- home occupation #1

All Special Exceptions are discretionary by the Board of Zoning Appeals.

"NC" District

4.2 "NC" District Standards



Maximum Lot Area:

- 30,000 square feet

Minimum Lot Area:

- 7,000 square feet

Minimum Lot Width:

- 60 feet

Maximum Lot Depth:

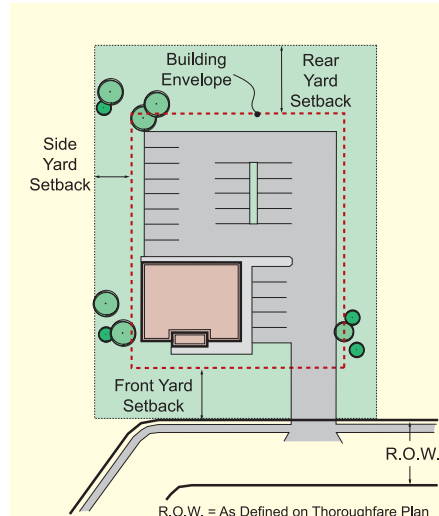
- 2 times the Lot Width

Minimum Lot Frontage:

- 50 feet on a Public Street with access from said Public Street

Sewer and Water:

- Requires municipal water or sewer hookup



Minimum Front Yard Setback:

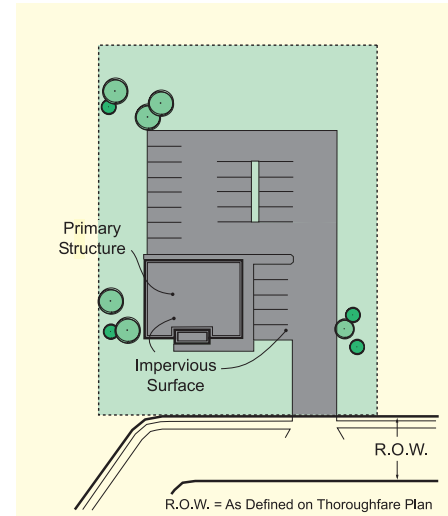
- 20 feet when adjacent to a Primary Arterial Street or Parkway.
- 20 feet when adjacent to a Secondary Arterial Street.
- 15 feet when adjacent to a Collector Street.
- 15 feet when adjacent to a Local Street.

Minimum Side Yard Setback:

- 12 feet (plus buffer yard)

Minimum Rear Yard Setback:

- 12 feet for the Primary and Accessory Structures (plus buffer yard)



Maximum Lot Coverage:

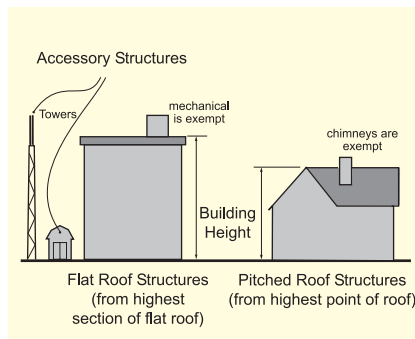
- square feet of all primary and secondary structures, and impervious surface cannot exceed 60% of the Lot Area.

Minimum Floor Area:

- 800 square feet for Primary Structures

Maximum Floor Area:

- 6,000 square feet for Primary and Accessory Structures



Maximum Structure Height:

- 28 feet for the Primary Structure
- 15 feet for Accessory Structures

Additional Standards that Apply

Lot/Yard (LY)

- LY-01 [Page 76](#)

Height (HT)

- HT-01 [Page 76](#)

Accessory Structures (AS)

- AS-03 [Page 77](#)

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Temporary Uses (TU)

- TU-01 [Page 79](#)

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Landscaping (LS)

- LS-01 [Page 79](#)

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Buffer Yards (BY)

- BY-01 [Page 81](#)

Performance Standards (PS)

- PS-01 [Page 82](#)

Environmental (EN)

- EN-01 [Page 83](#)

Floodplain (FP)

- FP-01 [Page 84](#)

Lighting (LT)

- LT-01 [Page 86](#)

Parking (PK)

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Loading (LD)

- LD-01 [Page 88](#)

Entrances/Drives (ED)

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Vision Clearance (VC)

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Home Occupation (HO)

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Telecommunication Facilities (TF)

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"OC" District

4.3 "OC" District Intent, Permitted Uses, and Special Exception Uses

District Intent

The "OC" (Office Commercial) District is intended to provide a land use category for low impact office commercial uses. The provisions that regulate this land use district should make the district compatible with all residential districts. This district can be used as a buffer between any residential district and high impact or conflicting land uses.

Cicero/Jackson Township's Plan Commission and Board of Zoning appeals should strive to use this district sparingly.

The Plan Commission and Board of Zoning Appeals should also strive to minimize lighting, large parking lots, traffic generation, traffic conflicts, and noise generation in the "OC" District.

Permitted Uses

Business: Office/Professional

- architecture
- bank/credit union
- design services
- insurance office
- professional offices
- real estate office
- secretarial service
- service organization offices

Business: General

- clinic/medical/dental
- print shop

Miscellaneous

- accessory uses

Special Exception Uses

Residential

- dwelling, single-family (upper floors)
- dwelling, two-family (upper floors)
- dwelling, multifamily, (upper floors)

Business: Food Sales/Service

- restaurant
- restaurant with outdoor seating

Business: Personal Service

- day care
- fitness center/gym
- health spa

Business: Office/Professional

- bank machine/ATM

Institutional/Public Facilities

- church, temple or mosque
- community center
- government office
- library
- police/fire station
- post office
- public park/recreation center
- school, public/private

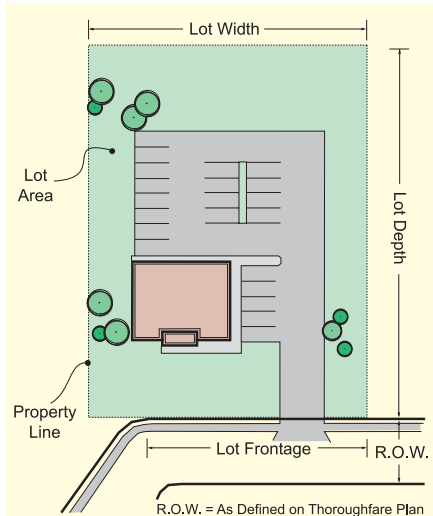
Miscellaneous

- home occupation #1
- recycling collection point

All Special Exceptions are discretionary by the Board of Zoning Appeals.

"OC" District

4.4 "OC" District Standards



Minimum Lot Area:

- 9,000 square feet

Minimum Lot Width:

- 70 feet

Maximum Lot Depth:

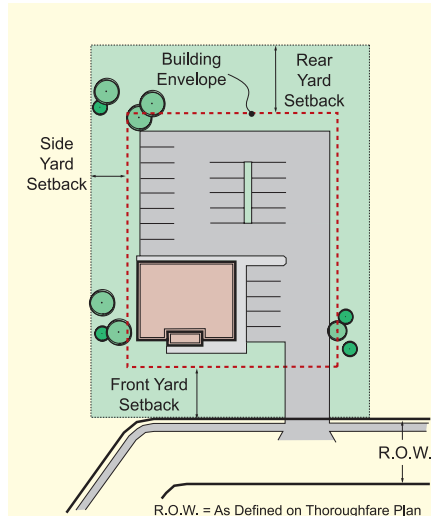
- 2.5 times the Lot Width

Minimum Lot Frontage:

- 50 feet on a Public Street with access from said Public Street

Sewer and Water:

- Requires municipal water or sewer hookup



Minimum Front Yard Setback:

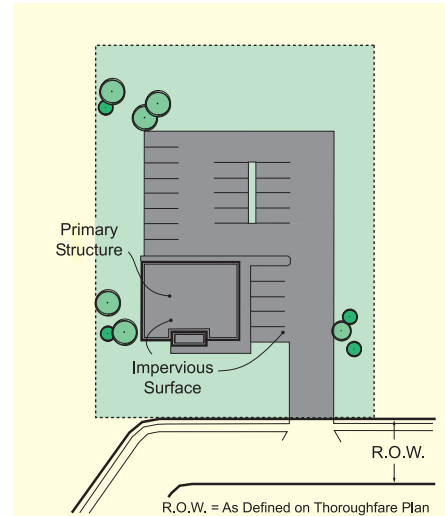
- 25 feet when adjacent to a Primary Arterial Street or Parkway.
- 25 feet when adjacent to a Secondary Arterial Street.
- 20 feet when adjacent to a Collector Street.
- 20 feet when adjacent to a Local Street.

Minimum Side Yard Setback:

- 12 feet (plus buffer yard)

Minimum Rear Yard Setback:

- 12 feet for the Primary and Accessory Structures (plus buffer yard)

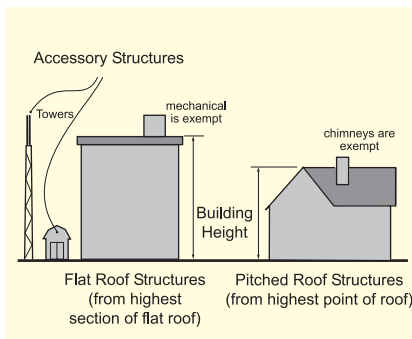


Maximum Lot Coverage:

- square feet of all primary and accessory structures, and impervious surface cannot exceed 70% of the Lot Area.

Minimum Floor Area:

- 1,000 square feet for Primary Structures



Maximum Structure Height:

- 30 feet for the Primary Structure
- 15 feet for Accessory Structures

Additional Standards that Apply

Lot/Yard (LY)	Environmental (EN)	Telecommunication Facilities (TF)
• LY-01 Page 76	• EN-01 Page 83	• TF-01 Page 94
Height (HT)	Floodplain (FP)	• TF-02 Page 96
• HT-01 Page 76	• FP-01 Page 84	• TF-04 Page 97
Accessory Structures (AS)	Lighting (LT)	Fences and Walls (FN)
• AS-03 Page 77	• LT-01 Page 86	• FN-02 Page 97
• AS-04 Page 78	Parking (PK)	Miscellaneous (MS)
Temporary Uses (TU)	• PK-03 Page 86	• MS-03 Page 98
• TU-01 Page 79	• PK-04 Page 87	• MS-05 Page 99
• TU-03 Page 79	• PK-05 Page 87	• MS-06 Page 99
Landscaping (LS)	Loading (LD)	• MS-07 Page 99
• LS-01 Page 79	• LD-01 Page 88	• MS-08 Page 99
• LS-02 Page 80	Entrances/Drives (ED)	
• LS-03 Page 80	• ED-01 Page 89	
Buffer Yards (BY)	Vision Clearance (VC)	
• BY-01 Page 81	• VC-01 Page 90	
Performance Standards (PS)	Home Occupation (HO)	
• PS-01 Page 82	• HO-01 Page 91	

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"DC" District

4.5 "DC" District Intent, Permitted Uses, and Special Exception Uses

District Intent

The "DC" (Downtown Commercial) District is intended to provide a land use category for normal commercial uses in small town downtowns. The provisions that regulate this land use district should make the district compatible with the "R5" and "R6" residential districts, and "OC" and "C1" commercial districts.

Cicero/Jackson Township's Plan Commission and Board of Zoning appeals should strive to use this district only in the historic downtown area and its immediate surroundings.

The Plan Commission and Board of Zoning Appeals should strive to minimize parking lots between buildings, rather, encouraging parking behind buildings.

Permitted Uses

- Residential
- dwelling, single-family (upper floors)
- dwelling, two-family (upper floors)
- dwelling, multi-family, (upper floors)

Business: Auto Sales/Services

- automobile part sales (new)
- Business: Retail
- antique shop
- apparel shop
- department store
- drug store
- fabric shop
- flower shop
- gift shop
- hardware store
- jewelry store
- liquor sales
- music store
- news dealer/bookstore
- office supplies
- shoe sales
- sporting goods
- variety store

Business: Food Sales/Service

- bakery retail
- ice cream/frozen yogurt shop
- delicatessen
- restaurant

Business: Personal Service

- barber/beauty shop
- coin laundry
- dry-cleaning service
- shoe repair
- tailor/pressing shop

Business: Office/Professional

- architecture / design services
- bank/credit union
- insurance office
- professional offices
- real estate office
- secretarial service
- service organization offices
- travel agency

Business: Recreation

- video store

Miscellaneous

- accessory uses

Special Exception Uses

Residential

- bed and breakfast facility
- boarding or lodging house

Business: Food Sales/Service

- convenience store
- farmers market
- restaurant with outdoor seating

Business: Recreation

- bar/night club
- billiard/arcade room
- dance/aerobics/gymnastics studio
- karate studio
- lodge or private club
- theater, indoor

Business: Office/Professional

- bank machine/ATM

Institutional/Public Facilities

- church, temple or mosque
- community center
- government office
- museum
- police/fire station
- post office
- public park/recreation center
- public/private parking area

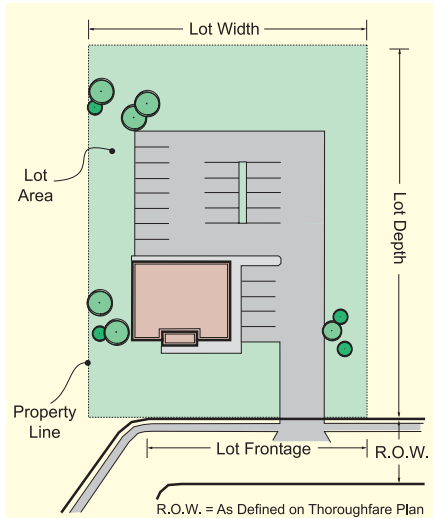
Miscellaneous

- home occupation #1

All Special Exceptions are discretionary by the Board of Zoning Appeals.

"DC" District

4.6 "DC" District Standards



Minimum Lot Area:

- 2,000 square feet

Minimum Lot Width:

- 25 feet

Maximum Lot Depth:

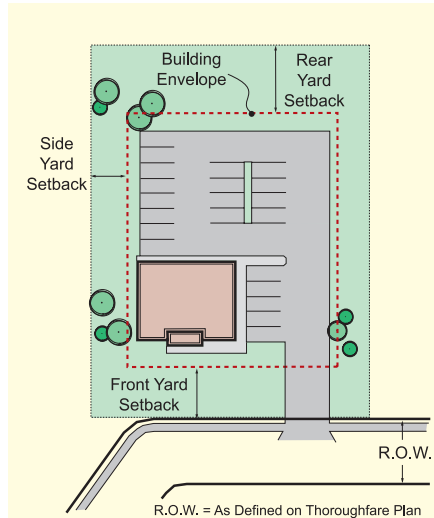
- 3 times the Lot Width

Minimum Lot Frontage:

- 25 feet on a Public Street with access from said Public Street

Sewer and Water:

- Requires municipal water or sewer hookup



Minimum Front Yard Setback:

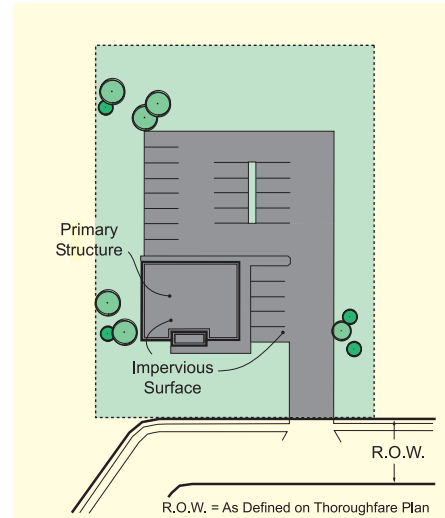
- 0 feet when adjacent to a Primary Arterial Street or Parkway.
- 0 feet when adjacent to a Secondary Arterial Street.
- 0 feet when adjacent to a Collector Street.
- 0 feet when adjacent to a Local Street.

Minimum Side Yard Setback:

- 0 feet

Minimum Rear Yard Setback:

- 0 feet for the Primary Structure
- 0 feet for Secondary Structures



Minimum Lot Coverage:

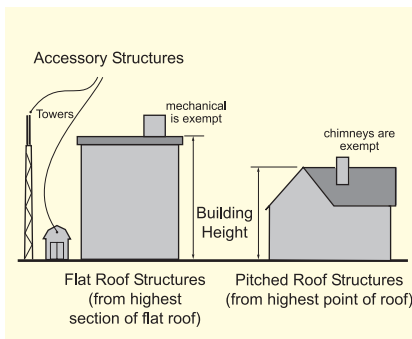
- square feet of all primary and secondary structures, cannot be below 80% of the Lot Area.

Minimum Floor Area:

- 1,500 square feet for Primary Structures

Minimum Living Area per Dwelling Unit:

- 900 square feet per Dwelling Unit



Maximum Structure Height:

- 40 feet for the Primary Structure
- 15 feet for Accessory Structures

Minimum Height:

- Two Stories for all Primary Structures

Additional Standards that Apply

Lot/Yard (LY)	
• LY-01	Page 76
Height (HT)	
• HT-01	Page 76
Accessory Structures (AS)	
• AS-03	Page 77
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"HC" District

4.7 "HC" District Intent, Permitted Uses, and Special Exception Uses

District Intent

The "HC" (Highway Commercial) District is intended to provide a land use category for the special type of commercial that locates along highways. The provisions that regulate this land use district should make the district compatible with the agriculture district and environmentally sensitive areas. This district should be used along Highway 31.

Cicero/Jackson Township's Plan Commission and Board of Zoning appeals should strive to use this district to minimize lighting, large parking lots along the major roadways, hazardous traffic patterns, traffic conflicts, and excessive use of signs in the "HC" District.

The use of access roads/frontage roads should be required for all commercial uses in this district. Further, road cuts onto existing thoroughfare or collector roads shall be restricted.

Permitted Uses

Business: Retail

- drug store
- gift shop
- news dealer/bookstore
- variety store

Business: Food Sales/Service

- bakery retail
- convenience store (without gas pumps)
- delicatessen
- drive-in restaurant
- drive-thru restaurant
- restaurant

Business: General Business

- hotel/motel

Business: Recreation

- miniature golf

Business: Office/Professional

- bank machine/ATM

Miscellaneous

- accessory uses

Special Exception Uses

Business: Auto Sales/Services

- automobile sales area
- automobile service station
- automobile wash (automatic and self)
- filling/gas station
- oil change service (enclosed)

Business: Food Sales/Service

- restaurant with outdoor seating
- roadside food stand
- roadside product stand
- convenience store (with gas pumps)

Business: Recreation

- golf course
- country club
- Business: General Business
- truck stop

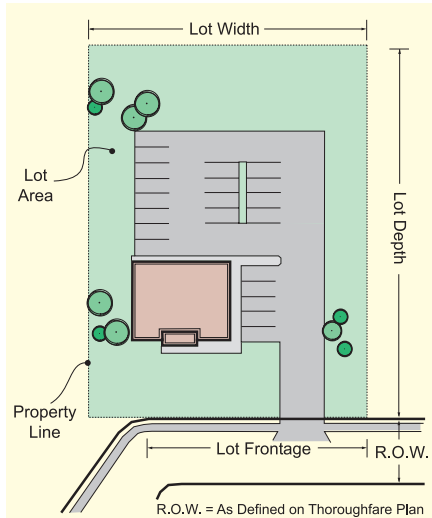
Communication/Utilities

- cellular/communication/radio/television tower

All Special Exceptions are discretionary by the Board of Zoning Appeals.

"HC" District

4.8 "HC" District Standards



Minimum Lot Area:

- 20,000 square feet

Minimum Lot Width:

- 85 feet

Maximum Lot Depth:

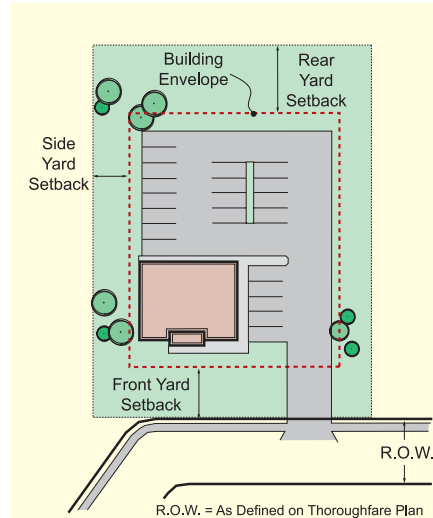
- 3 times the Lot Width

Minimum Lot Frontage:

- 85 feet on a Public Street with access from said Public Street

Sewer and Water:

- Does not requires municipal water or sewer hookup



Minimum Front Yard Setback:

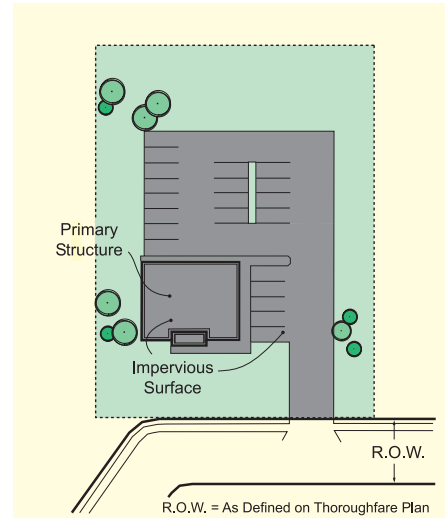
- 45 feet when adjacent to a Primary Arterial Street or Parkway.
- 35 feet when adjacent to a Secondary Arterial Street.
- 30 feet when adjacent to a Collector Street.
- 25 feet when adjacent to a Local Street.

Minimum Side Yard Setback:

- 15 feet (plus buffer yard)

Minimum Rear Yard Setback:

- 15 feet for the Primary Structure (plus buffer yard)
- 10 feet for Accessory Structures (plus buffer yard)

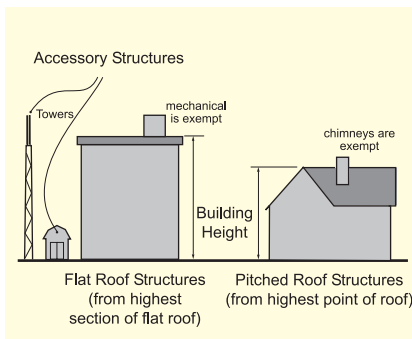


Maximum Lot Coverage:

- square feet of all primary and accessory structures, and impervious surface cannot exceed 65% of the Lot Area.

Minimum Floor Area:

- 1,000 square feet for Primary Structures



Maximum Structure Height:

- 20 feet for the Primary Structure
- 15 feet for Accessory Structures

Additional Standards that Apply

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"C1" District

4.9 "C1" District Intent, Permitted Uses, and Special Exception Uses

District Intent

The "C1" (Small to Medium Scale General Business) District is intended to provide a land use category for most small scale general business uses. The provisions that regulate this land use district should not overly restrict normal business practices. This district can be used adjacent to all other commercial districts and the "R5" and "R6" residential districts.

Cicero/Jackson Township's Plan Commission and Board of Zoning appeals should strive to use this district with the "C2" district to encourage a strong and stable area for commerce.

The Plan Commission and Board of Zoning Appeals should not encourage "strip development", rather development in clusters which share resources and minimize the cost of public utilities and services. The Plan Commission and Board of Zoning Appeals should also strive to minimize lighting, parking lots fronting the major streets, and traffic conflicts in the "C1" District.

Permitted Uses

Business: Retail

- antique shop
- apparel shop
- drug store
- electrical supplies
- fabric shop
- floor coverings
- flower shop
- furniture store
- gift shop
- hardware store
- jewelry store
- liquor sales
- music store
- news dealer/bookstore
- office supplies
- paint store
- satellite dish sales/service
- shoe sales
- sporting goods
- variety store
- garden shop

Business: Auto Sales/Services

- automobile part sales (new)
- automobile service station
- automobile wash (automatic and self)
- oil change service (enclosed)

Business: Food Sales/Service

- bakery retail
- convenience store
- delicatessen
- drive-in restaurant
- drive-thru restaurant
- grocery/supermarket
- meat market

Business: Personal Service

- barber/beauty shop
- coin laundry
- dry-cleaning service
- fingernail salon
- shoe repair
- tailor/pressing shop
- tanning salon

Business: Recreation

- bar/night club
- billiard/arcade room
- bowling alley

- dance/aerobics/gymnastics studio
- theater, indoor
- video store

Business: Office/Professional

- bank/credit union
- clinic/medical/dental
- insurance office
- real estate office
- travel agency

Miscellaneous

- accessory uses

Special Exception Uses

Business: Auto Sales/Services

- automobile body shop (enclosed)
- automobile repair, minor (enclosed)
- automobile repair, major (enclosed)

Business: Food Sales/Service

- farmers market
- Open, unenclosed business (farmer's market, etc.)
- restaurant
- restaurant with outdoor seating

Business: Personal Service

- bank machine/ATM
- day care

Business: Recreation

- lodge or private club
- miniature golf
- public docks
- theater, outdoor

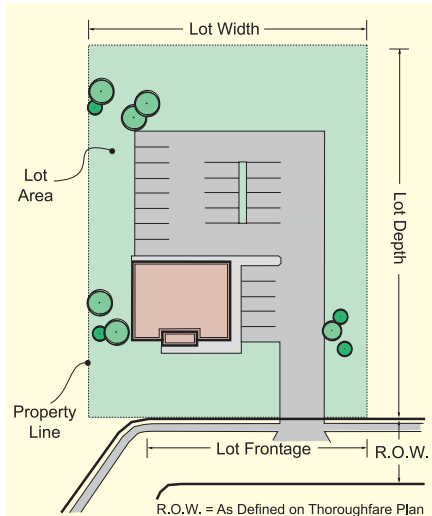
Business: Office/Professional

- contractor office
- electrical contractor
- plumbing contractor
- building contractor
- landscape contractor
- landscape business

All Special Exceptions are discretionary by the Board of Zoning Appeals.

"C1" District

4.10 "C1" District Standards



Minimum Lot Area:

- 25,000 square feet

Minimum Lot Width:

- 70 feet

Maximum Lot Depth:

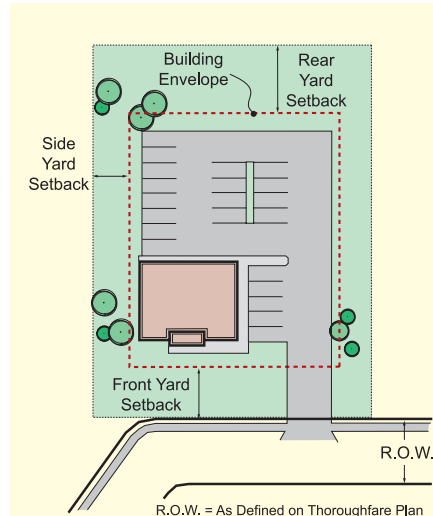
- 2.5 times the Lot Width

Minimum Lot Frontage:

- 70 feet on a Public Street with access from said Public Street

Sewer and Water:

- Requires municipal water or sewer hookup



Minimum Front Yard Setback:

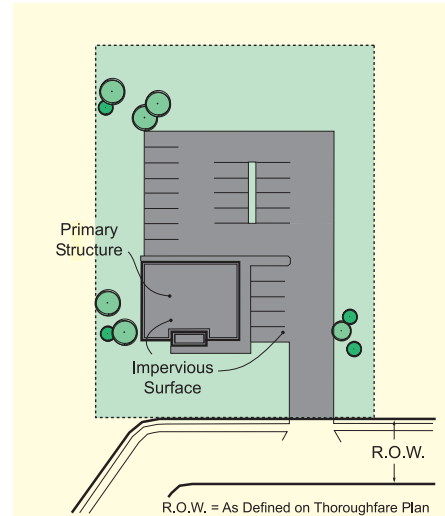
- 35 feet when adjacent to a Primary Arterial Street or Parkway.
- 35 feet when adjacent to a Secondary Arterial Street.
- 30 feet when adjacent to a Collector Street.
- 25 feet when adjacent to a Local Street.

Minimum Side Yard Setback:

- 25 feet (plus buffer yard)

Minimum Rear Yard Setback:

- 25 feet for the Primary/Secondary Structure (plus buffer yard)

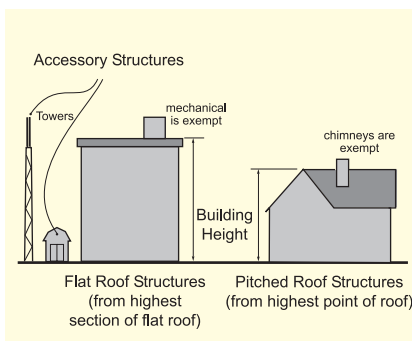


Maximum Lot Coverage:

- square feet of all primary and secondary structures, and impervious surface cannot exceed 65% of the Lot Area.

Minimum Floor Area:

- 1,000 square feet for Primary Structures



Maximum Structure Height:

- 22 feet for the Primary Structure
- 15 feet for Accessory Structures

Additional Standards that Apply

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"C2" District

4.11 "C2" District Intent, Permitted Uses, and Special Exception Uses

District Intent

The "C2" (Medium to Large Scale General Business) District is intended to provide a land use category for most large scale general business uses. The provisions that regulate this land use district should not overly restrict normal business practices. This district can be used adjacent to all other commercial districts and the "R5" and "R6" residential districts. However, buffering should be provided between any residential or agricultural district.

Cicero/Jackson Township's Plan Commission and Board of Zoning appeals should strive to use this district with the "C1" district to encourage a strong and stable area for commerce.

The Plan Commission and Board of Zoning Appeals should not encourage "strip development", rather development in clusters which share resources and minimize the cost of public utilities and services. The Plan Commission and Board of Zoning Appeals should also strive to minimize lighting, un-landscaped large parking lots, parking lots fronting the major streets, and traffic conflicts in the "C2" District.

Permitted Uses

Business: Retail

- apparel shop
- department store
- drug store
- electrical supplies
- fabric shop
- floor coverings
- flower shop
- furniture store
- gift shop
- hardware store
- home electronics/appliance store
- jewelry store
- liquor sales
- lumber yard
- music store
- news dealer/bookstore
- office supplies
- paint store
- plumbing supplies
- sporting goods

Business: Food Sales/Service

- convenience store (without gas pumps)
- drive-in restaurant
- grocery/supermarket

Business: Personal Service

- barber/beauty shop
- dry-cleaning service
- fingernail salon
- fitness center/gym
- health spa
- tanning salon

Business: Recreation

- banquet hall
- bowling alley
- theater, indoor
- video store

Business: Office/Professional

- bank/credit union
- bank machine/ATM
- clinic/medical/dental

Business: General Business

- hotel/motel
- wholesale business

Miscellaneous

- accessory uses

Special Exception Uses

Business: Retail

- antique shop
- heating & cooling sales/service
- satellite dish sales/service

Business: Food Sales/Service

- convenience store (with gas pumps)
- restaurant
- restaurant with outdoor seating

Business: Auto Sales/Services

- automobile body shop (enclosed)
- automobile part sales (new)
- automobile repair, minor (enclosed)
- automobile sales area
- automobile service station
- automobile wash (automatic and self)
- oil change service (enclosed)
- recreational vehicle sales
- motor home sales

Business: Recreation

- ballfields
- bar/night club
- theater, outdoor

Business: General Business

- boat sales/service
- funeral home or mortuary
- hospital
- sign painting/fabrication
- enclosed mini-storage facility

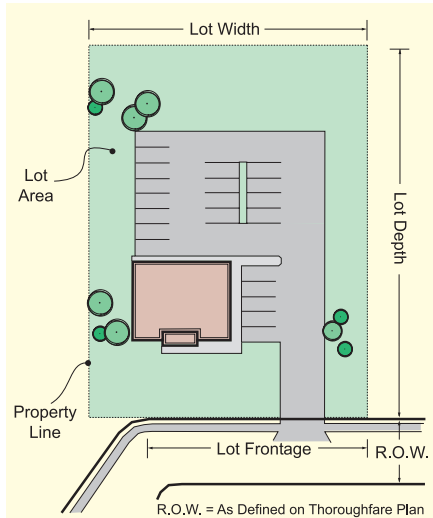
Communication/Utilities

- cellular/communication/radio/television tower
- public wells
- radio/TV station
- sewage treatment plants
- towers over sixty (60) feet tall

All Special Exceptions are discretionary by the Board of Zoning Appeals.

"C2" District

4.12 "C2" District Standards



Minimum Lot Area:

- 2 acres

Minimum Lot Width:

- 250 feet

Maximum Lot Depth:

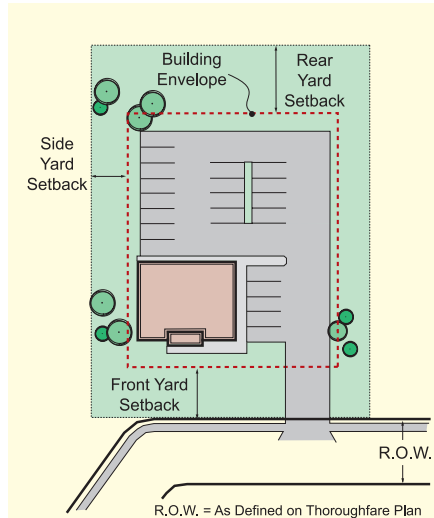
- 2.5 times the Lot Width

Minimum Lot Frontage:

- 150 feet on a Public Street with access from said Public Street

Sewer and Water:

- Requires municipal water or sewer hookup



Minimum Front Yard Setback:

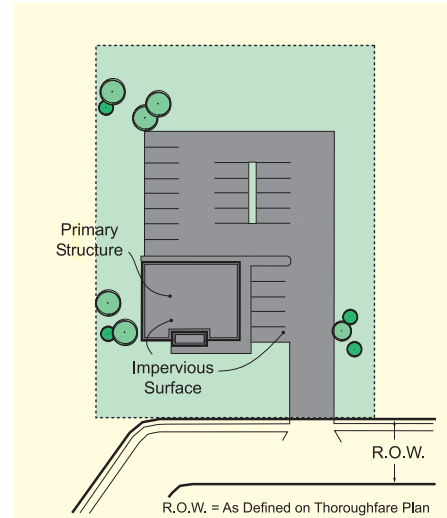
- 60 feet when adjacent to a Primary Arterial Street or Parkway.
- 50 feet when adjacent to a Secondary Arterial Street.
- 40 feet when adjacent to a Collector Street.
- 30 feet when adjacent to a Local Street.

Minimum Side Yard Setback:

- 25 feet (plus buffer yard)

Minimum Rear Yard Setback:

- 30 feet for the Primary/Accessory Structure (plus buffer yard)

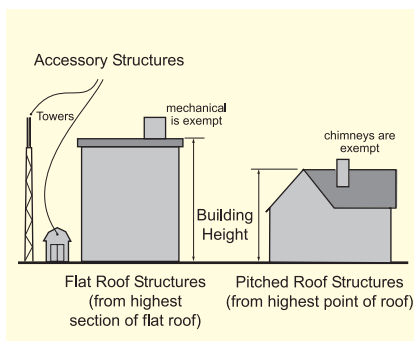


Maximum Lot Coverage:

- square feet of all primary and secondary structures, and impervious surface cannot exceed 70% of the Lot Area.

Minimum Floor Area:

- 5,000 square feet for Primary Structures



Maximum Structure Height:

- 25 feet for the Primary Structure
- 20 feet for Accessory Structures

Additional Standards that Apply

Lot/Yard (LY)	Environmental (EN)	Telecommunication Facilities (TF)
• LY-01Page 76	• EN-01Page 83	• TF-01Page 94
Height (HT)	Floodplain (FP)	• TF-02Page 96
• HT-01Page 76	• FP-01Page 84	• TF-04Page 97
Accessory Structures (AS)	Lighting (LT)	Fences and Walls (FN)
• AS-03Page 77	• LT-01Page 86	• FN-02Page 97
• AS-04Page 78	Parking (PK)	Miscellaneous (MS)
Temporary Uses (TU)	• PK-03Page 86	• MS-03Page 98
• TU-01Page 79	• PK-04Page 87	• MS-05Page 99
• TU-03Page 79	• PK-05Page 87	• MS-06Page 99
Landscaping (LS)	Loading (LD)	• MS-07Page 99
• LS-01Page 79	• LD-01Page 88	• MS-08Page 99
• LS-02Page 80	Entrances/Drives (ED)	
• LS-03Page 80	• ED-01Page 89	
Buffer Yards (BY)	Vision Clearance (VC)	
• BY-01Page 81	• VC-01Page 90	
Performance Standards (PS)	Home Occupation (HO)	
• PS-01Page 82	• HO-01Page 91	

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"C3" District

4.13 "C3" District Intent, Permitted Uses, and Special Exception Uses

District Intent

The "C3" (Business Park/Light Industrial) District is intended to provide a land use category for most low to moderate impact business park and light industrial facilities. This district can be used adjacent to all other commercial districts, agriculture districts, and the "R5" and "R6" residential districts.

Cicero/Jackson Township's Plan Commission and Board of Zoning appeals should strive to use the "C3" district to develop a contiguous area, or cluster, for commerce and job creation.

The Plan Commission and Board of Zoning Appeals should not encourage "spot zoning" with this district. The Plan Commission and Board of Zoning Appeals should also strive to minimize lighting, parking lots fronting the major streets, excessive use of signs, and traffic conflicts in the "C3" District.

Permitted Uses

Business: Auto Sales/Services

- automobile body shop (enclosed)
- automobile repair, minor (enclosed)
- automobile service station
- recreational vehicle sales
- oil change service (enclosed)

Business: General Business

- warehouse
- welding
- trade shops

Communication/Utility

- radio/TV station

Industrial Uses:

- distribution center
- flex-space
- light manufacturing
- office complex
- research center

Institutional/Public Facilities

- public park/recreation center

Miscellaneous

- accessory uses

Special Exception Uses

Agricultural Uses/Service

- farm equipment sales/service
- commercial processing agriculture products
- commercial storage of agricultural products

Business: Auto Sales/Services

- automobile body shop (enclosed)
- automobile repair, major (enclosed)
- automobile/truck storage (outdoor)

Business: General Business

- outside storage facility (shall be enclosed with privacy fence)

Communication/Utility

- cellular/communication/radio/television tower
- pipeline pumping station
- public wells
- utility substation

Institutional/Public Facilities

- police/fire station

Industrial Uses:

- bottled gas storage/distribution
- general manufacturing
- industrial park

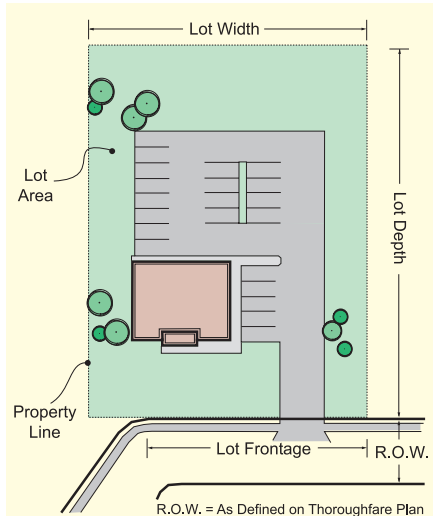
Miscellaneous

- artificial lake or pond over one (1) acre in size

All Special Exceptions are discretionary by the Board of Zoning Appeals.

"C3" District

4.14 "C3" District Standards



Minimum Lot Area:

- 2 acres

Minimum Lot Width:

- 200 feet

Maximum Lot Depth:

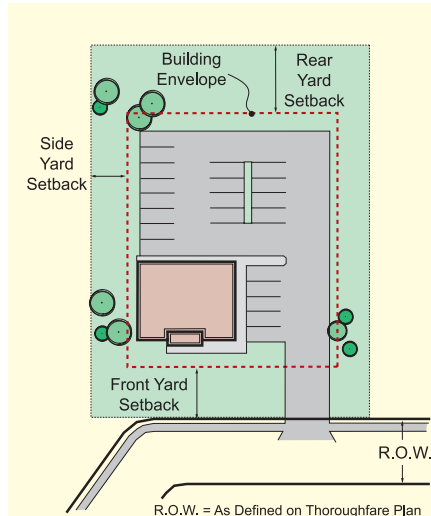
- 3 times the Lot Width

Minimum Lot Frontage:

- 100 feet on a Public Street with access from said Public Street

Sewer and Water:

- Requires municipal water or sewer hookup



Minimum Front Yard Setback:

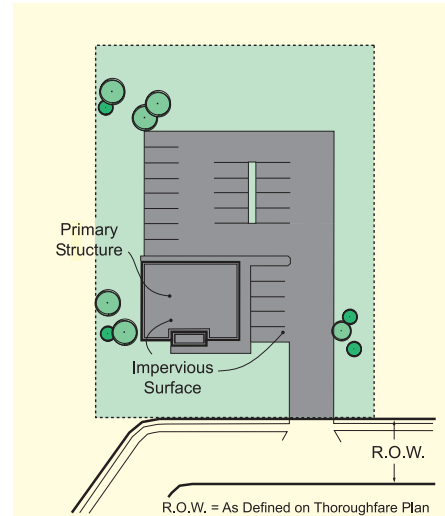
- 60 feet when adjacent to a Primary Arterial Street or Parkway.
- 50 feet when adjacent to a Secondary Arterial Street.
- 50 feet when adjacent to a Collector Street.
- 45 feet when adjacent to a Local Street.

Minimum Side Yard Setback:

- 40 feet (plus buffer yard)

Minimum Rear Yard Setback:

- 40 feet for the Primary/Accessory Structure (plus buffer yard)

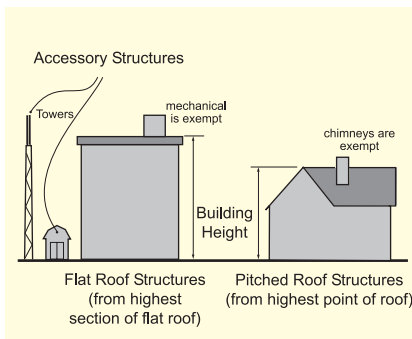


Maximum Lot Coverage:

- square feet of all primary and accessory structures, and impervious surface cannot exceed 60% of the Lot Area.

Minimum Floor Area:

- 3,000 square feet for Primary Structures



Maximum Structure Height:

- 45 feet for the Primary Structure
- 35 feet for Accessory Structures

Additional Standards that Apply

Lot/Yard (LY)	Environmental (EN)	Telecommunication Facilities (TF)
• LY-01 Page 76	• EN-01 Page 83	• TF-01 Page 94
Height (HT)	Floodplain (FP)	• TF-02 Page 96
• HT-01 Page 76	• FP-01 Page 84	• TF-05 Page 97
Accessory Structures (AS)	Lighting (LT)	Fences and Walls (FN)
• AS-03 Page 77	• LT-01 Page 86	• FN-02 Page 97
• AS-04 Page 78	Parking (PK)	Miscellaneous (MS)
Temporary Uses (TU)	• PK-03 Page 86	• MS-03 Page 98
• TU-01 Page 79	• PK-04 Page 87	• MS-05 Page 99
• TU-03 Page 79	• PK-05 Page 87	• MS-06 Page 99
Landscaping (LS)	Loading (LD)	• MS-07 Page 99
• LS-01 Page 79	• LD-01 Page 88	• MS-08 Page 99
• LS-02 Page 80	Entrances/Drives (ED)	
• LS-03 Page 80	• ED-01 Page 89	
Buffer Yards (BY)	Vision Clearance (VC)	
• BY-01 Page 81	• VC-01 Page 90	
Performance Standards (PS)	Home Occupation (HO)	
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"C4" District

4.15 "C4" District Intent, Permitted Uses, and Special Exception Uses

District Intent

The "C4" (Industrial Park/Heavy Industrial) District is intended to provide a land use category for most moderate to high impact industrial park and heavy industrial facilities. This district can be used adjacent to the "C2" and "C3" commercial districts, and agriculture districts where there are not negative effects on the environment.

Cicero/Jackson Township's Plan Commission and Board of Zoning appeals should strive to use the "C4" district on a case-by-case basis. Vacant land should not be zoned "C4".

The Plan Commission and Board of Zoning Appeals should be very careful in allowing this district. Environmental, public safety, public welfare, and protection from all forms of pollution should be the highest priority. The Plan Commission and Board of Zoning Appeals should also strive to minimize lighting, parking lots fronting the major streets, excessive use of signs, and traffic conflicts in the "C3" District.

Buffer yards are mandatory and outdoor storage is not permitted.

Permitted Uses

Agricultural Uses/Service

- farm equipment sales/service
- storage of agricultural products

Business: General Business

- trade shops
- warehouse
- mini-storage facility
- welding

Communication/Utility

- radio/TV station
- telephone exchange

Industrial Uses:

- bottled gas storage/distribution
- distribution center
- flex-space
- heavy manufacturing
- light manufacturing
- office complex
- research center

Institutional/Public Facilities

- public park/recreation center

Miscellaneous

- accessory uses

Special Exception Uses

Agricultural Uses/Service

- processing agriculture products

Business: Auto Sales/Services

- automobile body shop (enclosed)
- automobile repair, major (enclosed)
- automobile/truck storage (outdoor)

Business: General Business

- storage (indoor or outdoor with screening)

Communication/Utility

- cellular/communication/radio/television tower
- electrical generator
- pipeline pumping station
- public wells
- sewage treatment plants
- storage tanks nonhazardous
- utility substation

Institutional/Public Facilities

- police/fire station

Industrial Uses:

- incinerator
- liquid fertilizer storage/distribution

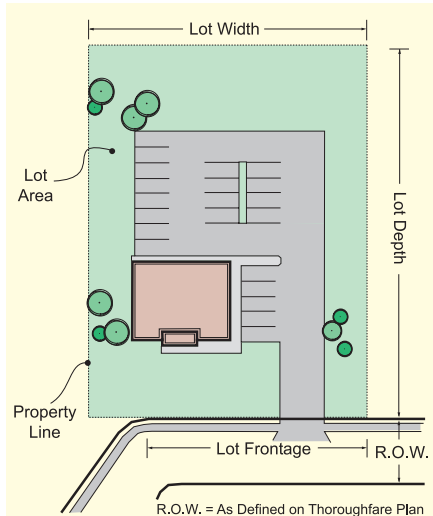
Miscellaneous

- artificial lake-one (1) or more acres

All Special Exceptions are discretionary by the Board of Zoning Appeals.

"C4" District

4.16 "C4" District Standards



Minimum Lot Area:

- 3 acres

Minimum Lot Width:

- 250 feet

Maximum Lot Depth:

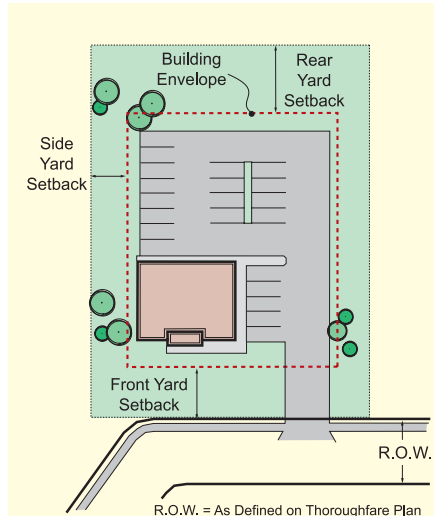
- 3 times the Lot Width

Minimum Lot Frontage:

- 50 feet on a Public Street with access from said Public Street

Sewer and Water:

- Requires municipal water or sewer hookup



Minimum Front Yard Setback:

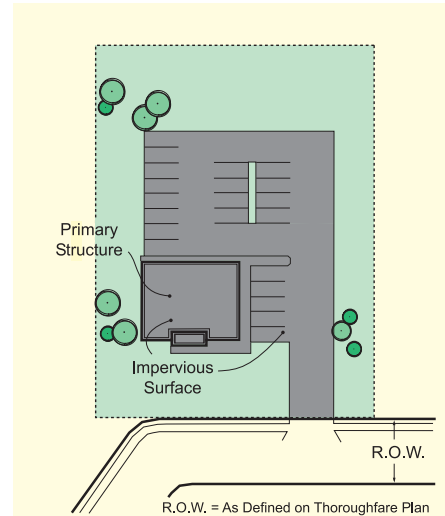
- 60 feet when adjacent to a Primary Arterial Street or Parkway.
- 50 feet when adjacent to a Secondary Arterial Street.
- 50 feet when adjacent to a Collector Street.
- 50 feet when adjacent to a Local Street.

Minimum Side Yard Setback:

- 30 feet (plus buffer yard)

Minimum Rear Yard Setback:

- 30 feet for the Primary/Accessory Structure (plus buffer yard)

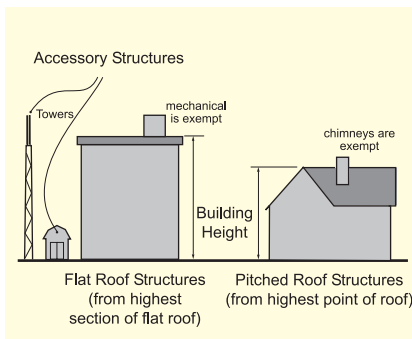


Maximum Lot Coverage:

- square feet of all primary and accessory structures, and impervious surface cannot exceed 65% of the Lot Area.

Minimum Floor Area:

- 5,000 square feet for Primary Structures



Maximum Structure Height:

- 35 feet for the Primary Structure
- 25 feet for Accessory Structures
- 16 feet for Towers/Antennas

Additional Standards that Apply

Lot/Yard (LY)	Environmental (EN)
• LY-01 Page 76	• EN-01 Page 83
Height (HT)	Floodplain (FP)
• HT-01 Page 76	• FP-01 Page 84
Accessory Structures (AS)	Lighting (LT)
• AS-03 Page 77	• LT-01 Page 86
• AS-04 Page 78	Parking (PK)
Temporary Uses (TU)	• PK-03 Page 86
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Telecommunication Facilities (TF)
• TF-01 Page 94
• TF-02 Page 96
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Article 5

Overlay Districts

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Article 5

Aesthetic Review Overlay District

5.1 Purpose

The purpose of this Article is to establish a special overlay district in the Town of Cicero and Jackson Township. The overlay district regulations and a brief description of its intent is stated below. The Plan Commission will establish an Aesthetic Overlay District Committee as a subcommittee of the Plan Commission per IC 36-7-4-407. The Aesthetic Overlay District Committee shall establish a regular meeting schedule, the appropriate composition of members and Rules of Procedure as appropriate.

5.2 Intent

In order to promote community goals and objectives for character and aesthetics along specified corridors and area within the planning jurisdiction of this ordinance, the "Aesthetics Review Overlay District" has been created. The general intent is to promote appropriate and sensitive designs that integrate the character and aesthetic goals and objectives of the community as determined in the Cicero/Jackson Township Comprehensive Plan. The requirements of this overlay district are described in this Article.

5.3 Aesthetics Review Overlay District Boundaries

The boundaries for the Aesthetic Review Overlay District are shown on the Official Zoning Map. The Aesthetic Review Overlay District is marked with a hatch pattern as designated on the Official Zoning Map's legend.

Any portion of a subdivision, development or construction project which is located within the Aesthetic Review Overlay District and which extends beyond the boundary of the said Aesthetic Review Overlay District shall, for the purpose of this Article, cause the entire subdivision, development or construction project to be considered within the jurisdictional area of the Aesthetic Review Overlay District.

5.4 Minimal Submission of Information

The minimal submission of information shall include a Site Plan, Drainage Plan, Landscape Plan, Lighting Plan, Sign Plan, and Building Elevations of all sides of any Primary and Accessory Structure(s). Twenty (20) copies of each of the above items is mandatory.

5.5 Site Plan

The Site Plan must include an accurately scaled drawing which notes the location of all Primary and Accessory Structures, edge of pavement, road easements, utility easements, tree locations and general description. All existing physical aspects of the site must be noted by dotted or dashed lines and proposed physical changes shall be noted with solid lines.

5.6 Landscape Plan

For sake of clarity, the Landscape Plan may be included on the Site Plan or depicted separately. The Landscape Plan must include the existing vegetation, trees, landscape elements, structures, parking lots, and sidewalks. The Landscape Plan must also show the proposed landscape features including vegetation, trees, landscape elements, structures, parking lots, and sidewalks. Species information for trees, bushes, and flowers must be included. The sizes of proposed trees, bushes, and quantity of flowers must be noted.

5.7 Lighting Plan

A Lighting Plan must be included with the submission showing the style of lights propose to be used on the site and their locations. Information submitted should include, but not be limited to, height, material, type, specifications, and photometrics.

5.8 Building Elevations

Scale drawings of all Primary and Accessory Structure(s) elevations must be submitted noting the building materials, doors, windows, signage, roof pitches and landscaping planted within five feet (5) of the structure.

5.9 Goals and Objectives within the Aesthetic Review Overlay District

- A. Primary Structure Location: The primary structure should be located toward the front of the property.
- B. Parking Location: The parking should be located primarily along the side and rear of the property. No more than thirty percent (30%) of the parking spaces may be placed in the front of the buildings.
- C. Signage: All signs shall be designed to create a unified and consistent sign package for the development. The signs used must not include pole signs even if allowed in the base zoning district.
- D. Building Facades: The building facade facing any adjacent street must have a finished facade. No loading docks or trash collection bins may be placed on or along the facades which face any adjacent street.
- E. Outdoor Storage: No unscreened outdoor storage shall be permitted.
- F. Mechanical Equipment: All mechanical equipment must be screened by vegetation, fencing or a building feature (i.e. a parapet). Screening must effectively reduce the ability of sight from any spot within four hundred feet of the mechanical equipment.
- G. Building Materials: The primary building material for all facades facing adjacent streets shall be brick, natural or cut stone. Other materials suggested on these facades include products like stucco or dryvit.
- H. Landscaping: Trees used in the yards adjacent to any adjacent street shall be Deciduous Shade Trees. Ornamental Trees can be used on all other yards. Deciduous Shade and Ornamental Trees are strongly encouraged to be used in and around parking areas. At least one (1) one and one half inch (1 1/2") caliper tree per 4,000 square feet of gross lot area is required.
- I. Lighting: Lighting in parking areas shall not exceed twenty (20) feet in height. All lighting shall be Metal Halide, have cutoff luminaries (shielded down lighting), and be consistent with the architecture style lighting of the Primary Building.
- J. Roofs: Roofs shall be a gable design with slopes between fifteen (15) and forty-five (45) degrees.

5.10 Plan Commission Discretionary Incentives

The Plan Commission may alter the Development Standards as follows for significant compliance to the overlay district regulations. Any of the incentives listed below are fully discretionary by the Plan Commission. These incentives include:

- A. Setbacks: The Plan Commission may reduce the required yard setback by as much as twenty-five percent (25%).
- B. Impervious Surface: The Plan Commission may increase the allowed impervious surface percentage by as much as five percent (5%).
- C. Minimum Lot Frontage: The Plan Commission may decrease the minimum lot frontage by as much as fifteen percent (15%).

5.11 Process

The Aesthetic Overlay District Committee shall review the information submitted as per the overlay district regulations. The information submitted for review must be complete and adequate for the Aesthetic Overlay District Committee to make a recommendation to the Plan Commission. All material must be submitted thirty (30) days prior to the Plan Commission meeting scheduled to review the proposed development.

The Aesthetic Overlay District Committee shall meet prior to the Plan Commission meeting scheduled to review the development. The Overlay District Committee shall make a recommendation for approval, conditional approval, or non-approval and shall recommend incentives to be given. To make recommendation for incentives, the Aesthetic Overlay District Committee shall have negotiated for higher standards of design that will further improve the aesthetic character while keeping in line with the communities goals and objectives outlined in the Comprehensive Plan.

Wellhead Protection Overlay District

5.12 Applicability

The following requirements apply to all land within the Wellhead Protection Zones, as defined in Section 5.13, with the exceptions of single and multi-family residential land uses connected to municipal sanitary and storm sewers.

5.13 Establishment of Wellhead Protection Zones

For purposes of this ordinance, the following areas are designated as Well Field Protection Zones:

Zone 1:

The area contained within a one (1) year time-of-travel to a public water supply well or well field, as defined by a modeled delineation performed in compliance with 327 IAC 8-4.1;

or

The areas contained within one thousand (1,000) feet of a public water supply well.

Zone 2:

The area contained within a five (5) year time-of-travel to a public water supply well or well field, as defined by a modeled delineation performed in compliance with 327 IAC 8-4.1 ;

or

The areas within three thousand (3,000) feet of a public water supply well.

5.14 Site Plan Review

A. Development Plans Required. Unless otherwise exempted under subsection B, any proposed land use within a Wellhead Protection Zone must submit a Site and Development Plan, as described in subsection D.

B. Exemptions. The following are not required to submit Site and Development Plans:

1. Zone 1 district - Any land use, in the ordinary course of their business, that has, or will have, less than the threshold amount of one (1) gallon of liquids in the aggregate or six (6) pounds of water soluble solids; and
2. Zone 2 district - Any land use, in the ordinary course of their business, that has , or will have, less than the threshold amount of one hundred (100) gallons of liquid in the aggregate or six hundred (600) pounds of water soluble solids in the aggregate.
3. In determining thresholds, the following substances shall be exempted:
 - a. Reasonable quantities of substance used for routine building and yard maintenance stored inside a facility;
 - b. Liquids required for normal operation of a motor vehicle in use in that vehicle;
 - c.Substances contained within vehicles for bulk deliveries to the site;
 - d.Beverages and food at restaurants, supermarkets, convenience stores, and other retail food establishments;
 - e.Uncontaminated public water supply water, groundwater and/or surface water;
 - f.Substances, which are packaged in pre-sealed containers, sold at retail establishments;
 - g.Substances utilized for the production and treatment of public water supply; and
 - h.Substances, which due to their inherent chemical or physical properties, that are determined to pose no significant threat to groundwater quality.

C. Plan Review. Property located within Zone 1 and 2 proposed for new construction or expansion of existing facilities shall prepare and submit a description of said construction or expansion and the new or expanded use of the property. The site description shall be submitted to the Building Commissioner for review and either approval, disapproval, or approval with conditions. The Building Commissioner may solicit comments from the Hamilton County Health Department and the applicable water utility on the site and development plan. In reviewing the site and land use description, the Building Commissioner shall assess whether the site and proposed land use.

1. Will prevent potential ground water contaminants associated with human activity from interfering with each community public water supply system's ability to produce drinking water that meets all applicable federal and State drinking water standards after undergoing conventional ground water treatment, as employed by the public water supply system. These treatment processes include, but are not limited to aeration, detention, pressure filtration, and disinfection;
 2. Will not unreasonably endanger the quality of groundwater in a designated wellhead protection area. An unreasonable risk includes, but is not limited to, the inappropriate storage, handling, use and/or production of metals, inorganic compounds, volatile organic compounds, semi-volatile organic compounds or other substances listed at 40 CFR Part 355, or defined at Chapter 4 of the Hamilton County Code, "Hazardous Material Emergencies" (10-4-4-1) within a wellhead protection area; and
 3. The site complies with the standards and prohibitions listed in Article 5.15, E.
- D. Plan Documentation and Supporting Information. Said Site and Development Plans shall include the following:
1. A narrative description of the site including:
 - a. A narrative description of the site including any existing uses, setbacks, available sewage disposal facilities, and a brief history of the site (including any former uses, historical environmental concerns, abandoned wells, underground storage tanks, septic systems, etc.)
 - b. Description of the proposed operations, including chemical/products uses or generated, chemical/product storage area descriptions, waste generation quantities, equipment cleaning/maintenance procedures
 - c. Methods and locations of receiving, handling, storing and shipping chemicals/products and wastes
 - d. Spill or release response measures and reporting
 - e. Description of slopes near containment vessels and waste storage areas
 2. A Site Plan including:
 - a. A site plan Map (drawn to scale) depicting:
 - i. All existing and proposed structures
 - ii. Paved and non-paved areas
 - iii. Utility lines (inside and outside structures) including sanitary sewer, storm sewers, storm retention ditches/basins/French drains/dry wells, etc. (both proposed and existing)
 - iv. Floor drain locations and outlets
 - v. Chemical/product storage locations
 - vi. Waste storage locations
 - vii. Liquid transfer areas
 - viii. Site surface water bodies (stream, rivers, ponds)
 - ix. Underground Storage Tanks (and associated piping)
 - x. Aboveground Storage Tanks (and associated piping)
 - xi. Slope and contours of finished grade at 2-foot intervals
 3. Proposed containment area detail drawing, including area, heights, materials, specifications, if applicable.

5.15 Development Standards and Prohibitions

- A. Except for single-family residences (with sewage flows under 750 gallons per day), all development shall be connected to municipal sanitary sewers or combined sewers. Floor drains, if present, must be connected to sanitary sewers or combined sewers or routed to a temporary holding area for removal.
- B. No surface impoundments, pits, ponds or lagoons shall be established except for:
 1. Storm water detention and retention ponds; and

- 2.Recreation, landscaping, or public water supply purposes
- C. In Zone 1, detention and retention ponds shall be constructed in a manner that provides an effective barrier to the migration of potential ground water contaminants into ground water.
- D. The following restrictions apply to new storage areas in Zone 1:
 - 1.No above ground storage of liquid and/or petroleum of greater than one thousand (1000) gallons in aggregate;
 - 2.No storage of water-soluble solids of more than six thousand (6000) pounds per container in any one (1) containment area;
 - 3.No new underground storage tanks (USTs) are permitted
- E. All above ground storage of liquids in excess of 40 gallons for more than 24 hours within Zones 1 and 2 must provide secondary containment which meets the following requirements:
 - 1. Containment must be capable of containing one-hundred and ten percent (110%) of the volume of the tank or tanks;
 - 2.Constructed to meet one of the following:
 - a. Designed to prevent and control the escape of the contaminant(s) into ground water for a minimum of 72 hours before removal; or
 - c. Designed and built with an outer shell and a space between the tank wall and outer shell that allows and includes interstitial monitoring
 - 3.The secondary containment structure shall be properly maintained and shall be free of vegetation, cracks, open seams, open drains, siphons, or other openings that jeopardize the integrity of the structure; and
 - 4.Secondary containment systems shall be designed so that the intrusion of precipitation is inhibited or that stormwater is removed to maintain system capacity.
- F. In Zone 1, the following requirements apply to existing fuel dispensing facilities and associated underground storage tanks (USTs) which are to be replaced or upgraded:
 - 1. All USTs shall be double walled;
 - 2. All USTs shall include the following three methods of release detection:
 - a. Inventory control as defined in 40 CFR 280.43(a)
 - b. Monthly 0.2 in-tank leak test as defined in 40 CFR 280.43(d)
 - c. Interstitial monitoring of a double walled approved UST as defined by 40 CFR 280.43(g)
 - 3.Connected piping must include the following three methods of release detection:
 - a. Inventory control;
 - b. Continuous detection for 3 gallon per hour line leak; as specified in 40 CFR 280.44(a) except that automatic shutoff is required at 95% tank capacity; and
 - c. Double walled line which is continuously monitored to detect the presence of liquid in the interstitial space and provided an alarm as specified in 40 CFR 280.44(c) via 40 CFR280.43(g)
- G. In Zone 2 the requirements of 40 CFR Part 280 apply to all existing, registered USTs that are replaced or upgraded and USTs installed at new fuel dispensing facilities. In addition, the construction standards of 40 CFR Part 280, application to non-petroleum USTs, shall be applicable to the following in Zone 2:
 - 1. Such a tank that is covered by State or federal hazardous waste regulations; and
 - 2.Heating oil tanks for on-site use.
- H. All Class V Injection Wells (including but not limited to dry wells, large-capacity cesspools, motor vehicle waste disposal wells, or other injection wells as defined at 40 CFR 146) shall be prohibited with the exception of the following:
 - 1.Air conditioning return flow wells used to return to the supply aquifer the water used for heating or cooling in a heap pump, if non-contact;

2. Cooling water return flow wells used to inject water previously used for cooling, in non-contact;
 3. Barrier recharge wells used to replenish the water in aquifer or to improve ground water quality, provided the injected fluid does not contain potential ground water contaminants; and
 4. Wells associated with the recovery of geothermal energy for heating, aquaculture and production of electric power, in non-contact.
- I. The transfer area for bulk delivery of liquids shall be required to accommodate and contain a release that occurs during loading and unloading of a tank as follows:
1. The liquid transfer area shall be constructed in a manner to prevent a release in the transfer area from reaching the ground water; and
 2. The portion of the liquid transfer area intended to contain releases shall be maintained so that it is free of vegetation, cracks, open seams, open drains, siphons, or other openings that jeopardizes the integrity of the area.
- J. No disposal of Solid Waste, as defined at 329 IAC 10-2-174 shall be permitted in either Zone 1 or Zone 2.
- K. The following requirements apply to all excavation activities associated with the removal of sand and gravel materials:
1. If the extraction of sand and gravel involves the removal of materials below the normal groundwater level, the work shall be performed by means of a drag-line, floating dredge, or an alternative "wet" excavation method.
 2. There shall be no dewatering of sites utilized for sand and gravel extraction
 3. No form of solid waste (as defined at 329 IAC 10-2-174) or any other form of waste material of any kind, including but not limited to construction/demolition debris, shall be used on the site. Clean natural earth fill materials may be used without restriction as to origin or placement on-site.
 4. All fuels, oils, lubricants, hydraulic fluids, petroleum products, or other similar materials on site shall have appropriate secondary containment, as specified in subsection E.
- L. Remedies. The Building Commissioner shall in the name of the Town of Cicero bring action in the Circuit or Superior Courts of Hamilton County, Indiana, for mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders made by the Building Commissioner, and any such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this ordinance and/or code.
- M. Penalties. If any person, firm or corporation shall violate any of the provisions of this ordinance, or shall do any act prohibited herein, or shall fail to pay any fee or charge or to perform any duty lawfully enjoined, within the time prescribed by the Building Commissioner, or shall fail, neglect, or refuse to pay any fee or charge or to obey any lawful order given by the Building Commissioner in connection with the provisions of this Ordinance for each violation, failure or refusal, such person, firm or corporation shall be fined in any sum not less than \$50.00, nor more than \$2,500.00. The payment of a penalty shall not excuse the violation or permit it to continue nor shall such payment be held to prevent the enforced correction of the prohibited conditions by legal and injunctive remedies in a court of law or equity. A separate offense shall be deemed committed upon each day during or on which such violation occurs or continues.

Cross-reference of Development Standards and Prohibitions by Land Use and Zoning Districts

Land Use	Zoning District	
	Zone 1 (One Year TOT)	Zone 2 (Five Year TOT)
Sanitary Land Fills	Prohibited	Prohibited
On Site Sewage Disposal (Commercial Facilities)	Prohibited	Prohibited
Sand and Gravel Mining	Allowed • Must use wet excavation; • Excavation can only be filled with clean fill.	Allowed • Must use wet excavation; • Excavation can only be filled with clean fill.
Surface Impoundments (e.g. pits, ponds & lagoons)	Prohibited • Exceptions for stormwater, recreation, etc.	Prohibited • Exceptions for stormwater, recreation, etc.
Detention and Retention Basins	Allowed • Must be lined.	No Restrictions
New AST's (> 1,000 gallons)	Prohibited	Allowed • Must have secondary containment at 110% of volume.
New AST's (< 1,000 gallons)	Allowed • Must have secondary containment at 110% of volume.	Allowed • Must have secondary containment at 110% of volume.
Existing AST's	Allowed • Must have secondary containment at 110% of volume.	Allowed • Must have secondary containment at 110% of volume.
Storage of Water Soluble Solids	Prohibited • In excess of 6,000 lbs.	Allowed • Must prevent release to ground; • Must be properly maintained .
New UST's	Prohibited	Allowed • Must meet all requirements of 40 CFR Part 280.
Existing UST's	Allowed • Must be double walled; • Must include leak detection (40 CFR 280.43); • Must have release detection on connection piping (40 CFR 240.44)	Allowed • Must meet all requirements of 40 CFR Part 280.
Class 5 Injection Wells (e.g. dry wells)	Prohibited	Prohibited
Liquid Transfer Areas	Allowed • Must prevent release to ground; • Must be appropriately maintained.	Allowed • Must prevent release to ground; • Must be appropriately maintained.

ARTICLE 5.2: COMMERCIAL SOLAR ENERGY SYSTEMS (SES) OVERLAY DISTRICT AND SES PROVISIONS

1. PURPOSE AND INTENT

- i. To assure safe and effective development of solar-generated electricity.
- ii. To facilitate economic opportunities for Cicero / Jackson Township and its residents.
- iii. To assist in the reduction of carbon-based emissions and the dependence of petroleum and coal-based energy systems.
- iv. To develop standards for solar generated energy, utilize natural resources and ecologically sound energy sources, support Indiana's alternative energy sources potential and other such economic development tools; and
- v. Regulate the construction, modification, and operation of Solar Energy Systems, subject to reasonable restrictions, to preserve the public health, safety, general welfare and avoid the adverse impacts of such operations on the community and the area's natural and constructed resources while still accommodating the need for solar energy production.

2. CREATION OF SES OVERLAY DISTRICT

The Commercial Solar Energy System Overlay District is hereby created as an overly zoning district within the Land Use and Development Code of Cicero / Jackson Township, Indiana (Zoning Ordinance). The Commercial Solar Energy System Overlay District may be referred to as the "SES Overlay District." Notwithstanding anything in the Zoning Ordinance to the contrary, an SES is a permitted use in the SES Overlay District.

3. APPLICATION

The provisions of this Article are applicable to those zoning districts which allow or may allow Solar Energy Systems (SES), including the SES Overlay District, and govern the siting, development, operation, rehabilitation, decommissioning, and restoration of SESs, which generate electricity to be sold in the wholesale market or retail market, or which are utilized to generate electricity for private use and public use.

When any part of the development, construction, rehabilitation, operation, decommissioning, or restoration of a SES requires action, recommendations, hearing and/or decision pursuant to the provisions of the Zoning Ordinance, notice shall be given pursuant to the Zoning Ordinance of the Plan Commission of Cicero / Jackson Township, Indiana (HCPC) and the Rules & Procedures of the Board of Zoning Appeals of Cicero / Jackson Township (BZA), as applicable.

Provisions of this Article or other parts of the Zoning Ordinance which are specifically made applicable to a specific type of SECS such as Small-Scale Commercial (CS-SES), or Large-Scale Commercial (CL-SES), shall apply to that type of SES. Provisions without reference to a specific type of SES, shall apply to all SESs unless determined otherwise by the Plan Director. The Plan Director may, upon proper notice, assign any question, general or as to a specific SES application, for discussion and/or instruction from the BZA.

An applicant for a SES may appeal the requirement, decision, or determination of the Plan Director in the manner prescribed by applicable Rules of the BZA, the Zoning Ordinance and statute(s).

Exemptions (electrical permit still required): SES constructed prior to the effective date of this Article shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to

an existing SES whether existing prior to the effective date of this Article that materially alters the SES shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.

4. APPLICATION FOR REZONE

An application for rezoning to a commercial SES District must be submitted to the Cicero / Jackson Township Plan Commission provided all property owners within the proposed commercial SES Overlay District are listed as co- applicants. The application shall also include the following items:

A commercial SES Project Summary, including, to the extent available:

- i. A general description of the project including its total generating capacity, the potential equipment manufacturers, the type of SES, the number of SES panels, a total name plate showing generating capacity of each SES panel, the maximum height of the SES, the minimum spacing of the SES panels, and the specific location of the project.
- ii. A description of the applicant/owner/operator, including their respective business structures.
- iii. A description of substations, maintenance structures, storage yards, permanent meteorological towers and equipment, and other buildings that are a direct functional part of the SES project. These structures, within the proposed overlay district, shall be considered accessory uses.
- iv. The names, addresses and phone numbers of the applicants/owners/operators, and all co-applicants.
- v. A topographic map of the project site and the surrounding area which shall encompass an area at least a quarter mile radius from the proposed district with contours of two-foot intervals.

5. PERMITTED USE

Solar energy systems are a Permitted Use within the SES Overlay District in the Agricultural (AG) zoning district and subject to requirements as set forth. Solar carports and associated electric vehicle charging equipment are a permitted accessory use on surface parking lots in all districts regardless of the existence of another building.

6. AGRICULTURAL PROTECTION

As part of a rezoning to the SES Overlay District or a Development Plan required for a C-SES, the applicant shall conduct and present a soil identification study or investigation that is intended to identify agricultural soils. The soil study shall utilize the soil classification system utilized by either the Purdue Extension or as provided in the most current edition of Soil Taxonomy, A Basic System of Soil Classification for Making and Interpreting Soil Surveys published by the Soil Survey Staff of the United States Department of Agriculture. Use of prime farmlands for solar array placement and C-SESs is not permitted and shall be the basis for the denial of a requested rezoning and/or Development Plan Approval.

7. ENVIRONMENTAL PERFORMANCE

All SESs shall meet environmental performance requirements in addition to satisfying dimensional and site-condition standards. Requirements include not causing nuisance glare or noise, and follow tree preservation, habitat protection, and erosion control and stormwater management standards.

Widespread tree removal is prohibited, and post-construction stormwater runoff volume and quality shall mimic or improve upon pre-development conditions.

8. APPROVED SOLAR COMPONENTS

Electric Equipment must have an Underwriters Laboratory (UL), or equivalent listing and solar hot water systems must have a Solar Rating & Certification Corporation (SRCC) or equivalent rating.

9. COMPLIANCE WITH BUILDING, ELECTRIC AND PLUMBING CODES

All SESs shall meet approval of local building code officials, consistent with the State of Indiana Building Code, and solar thermal systems shall comply with HVAC-related requirements of the Energy Code.

All applicable portions of a SES shall comply with the Indiana State Electric Code. Solar thermal systems shall comply with applicable Indiana State Plumbing Code requirements.

All SESs, regardless of this Ordinance, shall receive all appropriate permits for construction and operation.

10. UTILITY NOTIFICATION

It is recommended that the interconnection application be submitted to the utility prior to applying for required permits. Grid-tied solar energy systems shall comply with interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

11. GENERAL REGULATIONS

A Pre-application meeting is required with the Plan Commission Plan Director before filing an application for an SES, including a rezoning petition to the SES Overlay District.

A. CONTACT INFORMATION

The SES owner and/or operator shall maintain a phone number and identify a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number and name to the Plan Director. The SES owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints.

A. STANDARDS FOR C-SES

Horizontal extension for C-SES: The furthest horizontal extension of a C-SES, excepting the C-SES collection system, C-SES transmission lines, ingress/egress road and C-SES access roads/lanes, shall not extend into a setback which is otherwise required for the zoning district in which the C-SES is located or into a required buffer yard or into a setback required for an adjacent zoning district nor be less than fifteen (15') feet from any structure or public right-of-way easement for any above-ground telephone line, electrical transmission line, electrical distribution line or other above ground communication or transmission line.

B. SAFETY PROVISIONS FOR C-SES

The SES owner and/or operator shall maintain an emergency response plan for the C-SES, which shall include (i) emergency contact information, including mobile telephone numbers, for the operator of the C-SES and, if applicable, the utility company that is purchasing the electricity generated by the C-SES, (ii) information regarding the presence of any explosive, toxic, hazardous or highly flammable materials that, if exposed to fire or ignited, would be reasonably likely to pose a threat to emergency response persons or surrounding persons or property, (iii) a plan for dealing with a fire in any part of the C-SES.

The plan shall be updated not less than once per year, and a copy shall be provided to the Chief of the Fire Departments that may respond to an emergency at the C-SES along with the Executive Director of Hamilton County Emergency Management.

C. HEIGHT

- i. Building- or roof- mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes for height measurement, solar energy systems other than building-integrated systems shall be given an equivalent exception to height standards as building-mounted mechanical devices or equipment.
- ii. Ground- or pole-mounted solar energy systems shall not exceed 15 feet in height when oriented at maximum tilt.
- iii. Solar carports in all districts shall not exceed 20 feet in height

D. VISIBILITY

- i. Solar energy systems in residential districts shall be designed to minimize visual impacts from the public right-of-way to the extent that doing so does not affect the cost or efficacy of the system. Visibility standards do not apply to systems in non-residential districts, except for historic building or district.
- ii. **Building Integrated Photovoltaic Systems:** Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.
- iii. **Aesthetic restrictions:** Roof- or ground-mounted solar energy systems shall not be restricted for aesthetic reasons if the system is not visible from the closest edge of any public right-of-way other than an alley, or if the system meets the following standards.
 - a. Roof-mounted systems on pitched roofs that are visible from the nearest edge of the front right-of-way shall have the same finished pitch as the roof and be no more than ten inches above the roof.
 - b. Roof-mount systems on flat roofs that are visible from the nearest edge of the front right-of-way shall not be more than five feet above the finished roof and are exempt from any rooftop equipment or mechanical system screening.
- iv. **Reflectors:** All SESs using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties, including public right-of-way.

E. LOT COVERAGE

- i. Ground-mounted SESs within Residential and Commercial Districts shall not exceed the lot coverage standards associated with that District. All other Districts shall not exceed 80% lot coverage.
- i. Solar panels shall have a 15' min. space between panel rows (regardless of panel angle).
- ii. Ground-mounted systems shall be exempt from lot coverage or impervious surface standards if the soil under the collector is maintained in vegetation and not compacted.
- iii. Ground-mounted systems shall not count toward accessory structure limitations.
- iv. Solar carports in non-residential districts are exempt from lot coverage limitations.

F. HISTORIC BUILDINGS

SESs on buildings within designated historic districts or on locally designated historic buildings (exclusive of State or Federal historic designation) must receive approval of the Council, consistent with the

standards for solar energy systems on historically designated buildings published by the U.S. Department of Interior.

G. SETBACK REQUIREMENTS

- i. The minimum setback for solar equipment associated with the C-SES shall be 300 feet from single-family dwellings. A waiver agreement may be utilized to reduce this setback to the minimum setback for each zone district for the appropriate property line building setback for Primary Structures. The minimum setback must include the 20' buffer yard requirement (a waiver agreement with a setback of 20 feet would need to be set at 45 feet).
- ii. The minimum setbacks for solar equipment associated with the C-SES shall be the required primary building setback for the zone district and may include a buffer yard around the perimeter of the solar arrays. The setback may be reduced with an approved buffer/landscaping plan and/or waiver agreement. Minimum setbacks are measured from the road right-of-way (ROW) or the property line where there is no ROW present.
- iii. Setbacks apply to solar panels, racking, structures, solar collector and electrical equipment. They do not apply to underground cabling, fencing, access roads/lanes or ingress/egress roads.
- iv. Minimum setback requirements along all county roads shall be determined by the front yard setback for each zoning district and the road classification as defined in the Thoroughfare Plan.

Buffer Yard, Screening & Vegetation

- i. The width of buffer yards is identified in the table below and are measured from the road right-of-way (ROW) or the property line (PL) where there is no ROW present.

DISTANCE FROM	BUFFER YARD	MINIMUM SETBACK
Agriculture Districts	0'	Required building setbacks + an additional 10'
Residential Districts	30'	200' from a residential district or 300' from a residential primary structure (includes 25' buffer yard)
Parks & Recreation (PR) & Institutional (IS) Districts	30'	Required building setbacks + an additional 45' (includes 25' buffer yard)
Commercial Districts	30'	Required building + an additional 45' (includes 25' buffer yard)
Manufacturing / Manufacturing Districts	30'	Required building + an additional 45' (includes 25' buffer yard)

- ii. Clearing of natural vegetation for the installation of a solar energy system shall be limited to that which is necessary for the construction, operation and maintenance of the system and as otherwise prescribed by applicable laws, regulations, and ordinances. Existing topsoil shall not be removed from the site though it may be redistributed within the site as necessary for construction.
- iii. All trees to be removed to accommodate the installation of a solar energy system shall be accompanied by a plan demonstrating the need to remove the trees. Any applicant shall locate a solar energy system so that tree removal is not required to the extent practical. Any healthy tree removed over 4" caliper shall be replaced 1:1 on-site or in an agreed upon location within the Cicero / Jackson Township Plan Commission jurisdiction. Tree health shall be determined by a certified arborist.
- iv. No trees or other landscaping otherwise required by the Ordinance or attached as a condition of approval of any plan, application, or permit may be removed for the installation or operation of a C-SES
- v. A C-SES may only be located on a parcel larger than 5 acres.
- vi. All Buffers requiring landscaping/screening shall have 100% opacity year round
- vii. Only the following improvements shall be permitted within the buffer yard:
 - a. Vehicular ingress/egress drives which tie into approved access points as determined by INDOT and/or the Town Engineer and/or County Engineer
 - b. Landscaping and landscaping fixtures
 - c. Lighting
 - d. Fencing
 - e. Signage
 - f. Underground utility lines
 - g. Overhead utility lines
 - h. Drainage or storm water detention or retention areas

H. LANDSCAPING/SCREENING REQUIREMENTS

- i. All other roads and/or ROW in all other zone districts require a 25' buffer yard with opaque (100% opacity) landscaping/screening but may receive a reduction in opacity with a Landscaping and Screening Plan approved by the BZA with proper notice and hearing.
- ii. A visually opaque (100% opacity) landscaping/screen shall be provided for any adjacent property that is zoned Residential, and/or has an existing residential use. An opaque screen is intended to exclude visual contact with the solar equipment from any protected property. An opaque screen may be composed of landscaping, landscaped berm. The opacity, buffer yard width, and method of screening may be waived by the adjacent property owner(s) with a waiver agreement.
- iii. Natural areas as detailed below may also be used to meet screening requirements.
- iv. An existing vegetated area located on the same property as the solar farm; is within or includes the required buffer; and is of sufficient height, length, and depth and contains adequate and sufficient healthy vegetation to provide a visually opaque screen where required. The Director may determine that further screening improvements shall not be required.
- v. Buffers adjoining Commercial or Manufacturing Zone Districts may use a screen to block, or obscure the view, composed of landscaping, a landscaped berm, or any combination thereof to screen from those districts as approved by the Plan Director. The Plan Director should take into consideration the design wishes of the adjacent property owner/operator. Fencing and walls

shall not be used for screening however this requirement may be waived by the adjoining property owner(s) with a waiver agreement.

- vi. Landscaping required within buffer yards shall have a minimum height that exceeds the maximum panel height (15' max.) within three (3) years. The intent is to provide visually opaque screening year-round, through a combination of buffers, fencing, landscaping, and/or landscaped berms to obscure the solar equipment from exterior view from adjoining residential uses and specified public right of ways.
- vii. Grass or ground cover shall be planted on all portions of the required buffer yard not occupied by other landscaped material.
- viii. All landscaping materials shall be installed and maintained according to accepted nursery industry procedures. The owner of the property shall be responsible for the continued property maintenance of all landscaping materials and shall keep them in a proper, neat, and orderly appearance free from refuse and debris at all times.
- ix. Unhealthy and dead plants shall be replaced within one (1) year of being provided written notice from the Plan Director of the violation. The determination of whether a plant is unhealthy shall be at the discretion of the Plan Director or a recognized landscape professional.
- x. The effectiveness of screening shall be maintained as the plant materials mature.
- xi. A clear sight triangle shall be maintained at all intersections and ingress/egress locations.
- xii. The C-SES shall be planted and maintained free of invasive or noxious species, as listed by the Indiana Invasive Species Commission. No insecticide use is permitted on the site. This provision does not apply to insecticide use in on-site buildings, in and around electrical boxes, spot control of noxious weeds, or as otherwise may be deemed necessary to protect public health and safety.
- xiii. Ground area under solar panels and in project site buffer areas shall be planted, established, and maintained for the life of the project in perennial vegetated ground cover meeting the definition of Pollinator- Friendly Solar Energy, which is the requirements of the Current Indiana Solar Site Pollinator Habitat Planning Scorecard developed by Purdue University.
- xiv. Applicant shall submit a completed pollinator-friendly solar scorecard.
 - i. If the scorecard results demonstrate that the C-SES does not qualify as pollinator-friendly, the applicant shall submit a landscaping plan detailing site conditions that prevent the site from being qualified and an alternative plan of meeting the water quality and habitat goals of the pollinator-friendly standard.
 - ii. Applicant shall install native species in array, perimeter and buffer areas that are in excess of 75% as per the Scorecard. No invasive species shall be permitted. If the scorecard results demonstrate that the C-SES does not qualify as 'provides exceptional habitat', the applicant shall submit a landscaping plan, to be approved by the Plan Director, detailing site conditions that prevent the site from being so qualified and an alternative plan for meeting the water quality and habitat goals of the exceptional habitat standard.

I. FOUNDATIONS

A qualified engineer shall certify, prior to application for building permits, that the foundation and design of the solar panel racking and support is within accepted professional standards, given local soil and climate conditions.

J. COLOR, FINISH, AND GLARE

- a. In addition to any applicable FAA requirements that now exist and the same are amended from time to time, the following shall also apply:
- b. The C-SES shall remain painted or finished in the color or finish that was originally applied by the manufacturer provided the exterior surface of any visible components are non-reflective, a neutral color like white, grey or another non-obtrusive color. Finishes shall be matte or non-reflective.
- c. To the extent reasonably possible, solar energy panels and arrays, regardless of how they are mounted, shall be oriented and/or screened year-round so that glare is directed away from adjacent properties, structures, and roadways.
- d. The applicant has the burden of proving that any color, finish, or glare produced does not have significant adverse impact on adjacent uses either through siting or mitigation.

K. MATERIALS HANDLING, STORAGE, AND DISPOSAL SOLID WASTES

- i. All solid wastes whether generated from supplies, equipment, parts, packaging, operation, maintenance, rehabilitation, decommissioning, restoration of the facility, or otherwise, including, but not limited to, old parts and equipment related to the maintenance, rehabilitation, decommissioning, or restoration of any C-SES shall be removed from the site promptly and disposed of in accordance with all federal, state, and local regulations, laws, and ordinances. The C-SES owner and C-SES operator shall have the same responsibility for compliance hereof.
- ii. Hazardous materials: All hazardous materials or hazardous waste related to the construction, operation, maintenance, rehabilitation, decommissioning, or restoration of any C-SES or otherwise generated by the facility shall be handled, stored, transported, and disposed of in accordance with all applicable local, state, and federal regulations and laws. The C-SES owner and the C-SES operator shall have the same responsibility for compliance hereof.

L. SEWER AND WATER

All C-SES facilities shall comply with the septic system and well regulations as currently required or as hereinafter amended, of the Hamilton County Health Department and the State of Indiana Department of Public Health.

M. UTILITY INTERCONNECTION

A C-SES, if interconnected to a utility system, shall meet the requirements for interconnection and operate as prescribed by the interconnection agreement with the electrical utility, as any applicable federal and state regulations now exist and as the same are from time to time amended.

N. SIGNAGE

Signs will comply with Ordinance Sign Standards.

- i. Development Signs: An identification sign relating to a C-SES may be located on each side of the fenced facility area provided that there shall be no more than one (1) sign located on any side of the C-SES fenced facility area unless additional identification signs are required to provide reasonable notice to the general public
- ii. A sign shall be securely posted on each gate entry point clearly displaying an emergency telephone number(s) and other contact information
- iii. All ingress/egress roads to a C-SES shall have posted in a conspicuous location a 911 Address Road sign indicating the assigned address for that location
- iv. Warning signs shall comply with applicable laws

- v. No portion of the C-SES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the C-SES provided they comply with the prevailing sign regulations
- vi. All signage required or permitted by this Article shall be made of materials and constructed in a manner to be durable and long lasting. The same shall be painted or made of material with a distinct, high contrast background and be weatherproof paint or other weatherproof material to promote safety and protect the public from hazards and/or potential hazards.

O. FENCE

- i. For security, all ground-mounted C-SES shall be completely enclosed by a minimum six (6) foot high fence with a locking gate accessed by a keypad or Knox box with key.
- ii. Signage will be permitted as specified in this Article.
- iii. The fence should be located between the access road/lane and any required landscaping in the Buffer Yard unless otherwise approved.
- iv. A fence in an agriculture zone located on the property lines is the sole responsibility of the C-SES owner/operator.
- v. Any fences located within the Regulated Drain must seek approval from the Hamilton County Drainage Board.

P. NOISE

- i. No operating C-SES shall produce noise that exceeds any of the following limitations except during construction. Adequate setbacks, barriers, enclosures, use of quieter equipment, or other effective means of reducing noise shall be used to comply with these limitations:
- ii. Fifty (50) dBA, as measured at the property line of any adjacent residentially zoned lot.
- iii. Forty-five (45) dBA, as measured at any existing adjacent residence between the hours of nine p.m. and seven a.m.; and
- iv. Sixty (60) dBA, as measured at the property lines of the project boundary, unless the owner of the affected property agrees to a higher noise level, as follows: The owner of an adjacent property that would otherwise be protected by the sixty dBA noise limitations may voluntarily agree, by written waiver, to a higher noise level. Any such agreement must specifically state the noise standard being modified, the extent of the modification, and be in the form of a legally binding contract or easement between the landowner (including assignees in interest) and the solar energy system developer, effective for the life of the project. This waiver must be recorded and cross-referenced with the affected property (properties).
- v. The Plan Director may hire an appropriate company, at the C-SES's owner or C-SES's operator's expense, to determine if noise levels have been exceeded.

Q. INGRESS/EGRESS AND PERIMETER ACCESS

- i. At a minimum, a 20' wide ingress/egress road must be provided from a public street, legally established access drive/road or another roadway into the site. This access shall be paved a minimum of 12', and the design accepted by the Plan Director upon written approval of the local Fire Chief. Approvals must meet all State and Federal regulations.

- ii. At a minimum, a 12' wide perimeter access road/lane shall be provided around the perimeter of the C-SES between the solar arrays and required fence to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles. Part of this access may be a mown well maintained grass lane. The design of the perimeter access road/lane shall be accepted by the Plan Director upon written approval from the local Fire Chief. Approvals must meet all State and Federal regulations.
- iii. Lighting: The ground mounted CS-SES shall not be artificially lit except to the extent required for safety or applicable federal, state, or local authority. Such lighting shall be shielded and downcast so as not to affect adjacent properties.

R. SUB-SURFACE AND SURFACE DRAINS (REGULATED AND NON-REGULATED)

- i. Owner must locate all public and private subsurface drains prior to construction. Provide information on the Drainage Plan. Approval is needed by the County Surveyor.
- ii. Damages, including but not limited to damming, cutting, removing, and blocking, to surface, sub-surface drains, or any other drainage infrastructure, by any cause connected with the project during construction, post construction, while in operation, or before the decommissioning is complete, must be restored by the solar owner/operator to a condition that is equal to or better than the pre-existing conditions within 10 days after receipt of notice of such damage, unless such repair is rendered impractical by weather or other natural force. The solar operator/owner shall be responsible for all expenses related to repairs, relocations, reconfigurations, and replacements of drainage infrastructure and systems that are damaged.
 - a. The solar owner/operator shall post a "5A" surety bond in an amount determined by the Drainage Board, payable to the Drainage Board to address any need for drainage tile repair, replacement or re-routing caused by construction activities or installation of the Project, such bond to be posted within 45 days prior to commencement of the construction of the C-SES and C-SES facilities.
 - b. The bond is to remain in effect for a minimum period of five (5) years after the first day the C-SES is complete of all phases and in operation. The Drainage Board shall determine and adjudicate whether claims brought by an adjacent property owner for damage was and is a direct result from the project based on substantial evidence.
 - c. The Drainage Board may waive the posting of a bond or modify the requirements of this section.
- iii. The solar owner/operator of the CS-SES shall fully comply with Indiana Code requirements regarding regulated drains except as otherwise approved by the Drainage Board and any other necessary bodies, including, but not limited to, the Storm Water Management Ordinance.
- iv. The solar owner/operator, and/or petitioner shall enter into an agreement with the Drainage Board and County Surveyor to retain an appropriate inspector, at the owner/operator's sole expense. The inspector will ensure that all drainage infrastructures were installed according to specifications of the drainage plans and according to the requirements in the Storm Water Management Ordinance and any additional written requirements from the Drainage Board and County Surveyor. The fees to cover the inspection costs shall be fair and reasonable. The Drainage Board may waive the requirements of this section.

S. OPERATIONS AND MAINTENANCE

- i. SES owner and/or operator shall repair, maintain, and replace the SES and related solar equipment during the term of the permit in a manner consistent with industry standards as needed to keep the SES in good repair and operating condition.
- ii. The applicant shall submit a plan for the operation and maintenance of the SES, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operation and maintenance of the installation.
- iii. **Physical Modifications:** Any physical modification to any SES or a part thereof which materially alters the mechanical load, mechanical load path, or major electrical components shall require re-certification by all appropriate regulatory authorities. Like-kind replacements shall not require re-certification, unless required by a regulatory authority. Prior to making any material physical modification, other than a like-kind modification, the owner or operator of such SES shall confer with the Plan Director, County Surveyor, County Engineer, Town Engineer, and any other appropriate regulatory authority as to whether or not the proposed physical modification requires re-certification of such SES.

T. NUISANCE

- i. **Declaration of Public Nuisance:** Any SES declared unsafe by the Town Council by being in breach of, or out of compliance with its SES permit(s) may seek to be rehabilitated and declared safe by appropriate repair(s) and other essential steps necessary to eliminate the breach(es) so as to be in compliance with such SES permit(s). An SES declared by the Town Council by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage, abandonment or as provided herein to be determined unsafe, is hereby declared to be a public nuisance. A Rehabilitation Plan should be submitted to the Town Council within 60 days. This plan shall provide procedures to rehabilitate the SES in a time not to exceed three hundred sixty-five (365) days except in the event of force majeure, including but not limited to unavailability of components or parts, strikes, and moratoriums which said majeure extends said time to 18 months total or a reasonable extension agreed to by the Town Council. In the absence of an approved Rehabilitation Plan or meeting the agreed to time schedule(s), or failure to execute the required repair(s), in the time determined reasonable by the Town Council, such SES shall be demolished and removed in accordance with the Decommissioning-Restoration Plan and Agreement.
- ii. **Public Nuisance Waiver:** In the instance that an unavoidable Act of God inhibits, damages, or destroys part of, or the majority of, the SES, the three hundred sixty-five (365) day public nuisance removal timeline may be waived so long as the SES owner and/or SES operator provides a Rehabilitation Plan to remedy the damage and said plan is submitted to, and approved by, the Town Council. Said plan will outline the necessary protocol and time schedule for returning the SES to energy production and must be submitted to the County within sixty (60) days of the date the damage was incurred, or a time determined reasonable by the Town Council.
- iii. **Adverse Effects:** To the extent possible the SES owner and/or operator shall minimize and/or mitigate all adverse effects created by the development of a SES.
 - a. **Failure to Remedy a Complaint: Penalty**
 - i. If an agreement to remedy a known adverse effect is not reached within one hundred eighty (180) days from the date of the written complaint or if an agreement to remedy is reached, however, the agreement is not implemented and completed within thirty (30) days of the date of such agreement i.e. the remedy is not fully implemented by the owner and/or operator of the SES

causing such adverse effect, unless all parties agree in writing to an extension of time, the complainant may file a complaint with the Plan Director. The Plan Director shall make an appropriate investigation and determine if the complaint is meritorious, and if so, refer the same to the BZA for determination as to whether or not the BZA seek remedies available to it including, but not limited to, fines and/or injunctive relief, temporary or permanent, which may result in an order requiring the offending SES to be enjoined from operating.

- ii. In order for a complainant to have a valid complaint, specific evidence shall be presented to the Plan Director. This complaint should not exceed specific standards specified in Safety Design and Installation Standards contained herein. The Plan Director shall make this evidence part of the investigation of the complaint.

U. LIABILITY INSURANCE

- e. The owner and operator of an SES shall maintain a commercial general liability policy covering death, bodily injury and property damage, which may be combined with umbrella coverage, and said policy shall carry dollar amounts satisfactory to the Town Council and with agreed upon dollar amount limits per occurrence, aggregate coverage, and deductible amounts, all of which shall be agreed upon by the owner and operator and said Town Council and provided in the Decommissioning-Restoration Plan and Agreement or other appropriate plan or agreement between the Town Council and SES owner and SES operator.
- f. The SES owner and/or operator shall furnish a certificate of insurance and annual renewal certificate of insurance to the Town Council prior to commencing construction and thereafter by January 5th of each year pursuant to this provision.

V. DRAINAGE EASEMENT

Provide a 30' drainage easement around the property, separate from the buffer yard, in favor of the Hamilton County Drainage Board or its designee.

W. SUBSTATION

The substation setbacks shall be the same as those of a C-SES. An adjacent landowner may waive this setback requirement by execution of a Waiver Agreement.

X. POLES AND UNDERGROUND WIRING

Underground wiring is required for all on-site and off-site connection infrastructure. All poles carrying overhead wiring and underground wiring connecting the racks and components of a C-SES and/or to connect a C-SES to a substation for connection to or other direct connection to a utility's electric transmission line, there are no setback requirements from property lines of adjoining landowners so long as the poles and underground wiring are located within a recorded easement for such purpose.

- i. Ground-mounted C-SES shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system, Regulated Drain easement, Special Flood Hazard Area, or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system except by written permissions granted by the County Drainage Board, and owner of the land and/or right-of-way and/or easement. This would include but not be limited to State, County, and/or private owned waterways, ditches, drainage tiles, retention areas and designated swales

- ii. Any inverter shall be a minimum of seven hundred fifty (750) feet from any dwelling. This requirement may be reduced with an approved variance from the BZA only if the inverter is to be encapsulated.
- iii. Ingress/egress into a C-SES shall be no closer than 300 feet from the property line of an adjoining landowner.

Y. POWER AND COMMUNICATION LINES

- g. Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Variances may be granted by the BZA in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible.
- h. Power and communication lines between the project and the point of interconnection with the transmission system may be overhead.

Z. COLLECTION CABLE/LINES

Collection cables, collection lines, and communication lines installed as part of any C-SES shall not be considered essential services.

AA. OTHER APPURTENANCES

No appurtenances other than those associated with the C-SES construction operations, maintenance, repair, replacement, rehabilitation, decommissioning, restoration, removal, and permit requirements shall be connected to the C-SES area except after notice of hearing and the hearing before the BZA pursuant to the applicable Article(s) of this Ordinance.

BB. EQUIPMENT TYPE

- i. All C-SES shall be constructed of commercially available equipment and in conformance with this Article. All panel brands and models used must have a full Toxicity Characteristic Leaching Procedure test showing that the proposed model of panels will not be considered hazardous waste at the end of life of the panel. Panels may not include Gen-X chemicals, P-FAS compounds, or heavy metals that are exposed to precipitation. Provide a report to the Plan Director indicating compliance with this requirement.
- j. Experimental or proto-type equipment still in testing which does not fully comply with industry standards, may be used so long as it meets the requirements of this Article.
- k. When solar storage batteries are included as part of the solar energy collector system, they must be placed in a secure container or enclosure meeting the requirements of the Indiana Building Code and IDEM regulations when in use and when no longer used shall be disposed of in accordance with all applicable laws and regulations.
- l. All C-SESs shall conform to applicable industry best practice standards, as well as all local state and federal regulations. An applicant shall submit certificate(s) of design compliance that solar manufacturers have obtained from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Solar Energie, or an equivalent third party.

CC. ELECTRICAL COMPONENTS

- m. Electrical components of all C-SESs shall conform to applicable local, state, and national safety codes for similar C-SESs.
- n. Cables and lines

- i. All cables and lines on site, except transmission cables and lines, shall be buried no less than thirty-six (36") inches underground. Transmission cables and lines shall be buried no less than sixty (60") inches underground with a warning mesh located at thirty-six inches (36") deep. No plow type installations are permitted, only open trenching or boring installations. All underground cabling will be marked at road crossings, creeks, riverbeds and property lines with a metal or fiberglass post at least 5 feet in height.
- ii. For any installation method of cables and lines except as provided herein, applicant shall apply for a variance before the BZA pursuant to this Zoning Ordinance.

12. PLANS AND AGREEMENTS

All reasonable attorney fees incurred in the preparation of any agreement or plan required hereunder shall be borne by the applicant.

Aggregated plans and agreements for all C-SESs must be approved by the Plan Commission and, if a rezoning to the SES Overlay District is filed, the Town Council, and shall include, singly or in combination, all the following:

A. PLANS

The following plans shall be submitted with any required approval for a C-SES under this Article:

- i. Emergency Response Plan
 - a. The owner/operator of the SES shall conduct create and update annually, at the expense of the owner/operator, an emergency response plan that includes requirements for annual training drills with local emergency responders. Equipment needed specifically to manage emergency issues at the SES and the SES facilities shall be contributed to the appropriate emergency response agency at the owner/operator's expense as part of the plan.
- ii. Decommissioning-Restoration Plan
 - a. Prior to receiving a solar permit, under this Article, the applicant, owner and operator shall submit a Decommissioning-Restoration Plan outlining the anticipated means, costs and method of payment of all costs in carrying out such Decommissioning-Restoration Plan and Agreement at the end of the SES life or the life of any part of a SES, upon becoming an abandoned use, or being declared a public nuisance as provided by this Article. Such plan shall include, but is not limited to, the requirements of this Article.
 - b. Discontinuation and abandonment
 - i. Owner operator shall give written notice of intent to abandon use of an SES facility 60 days prior to the discontinuation of electrical production to the Town Council and Cicero Jackson Township Plan Commission.
 - c. An SES or portion of an SES shall be considered an abandoned use after one (1) year without energy production unless a Rehabilitation Plan developed by the SES owner and SES operator is submitted to, and approved by, the Plan Commission outlining the necessary procedures and time schedule for commencing or returning the SES to energy production as provided in this Article. Failure by the SES owner and/or operator to commence, energy production at such SES or return such SES to energy production within the time schedule which has been approved by the Plan Commission, said SES or portion of SES shall be considered an abandoned use and/or a public nuisance.

- d. Upon decommissioning and removal, the SES owner and/or the SES operator is required to remove all physical material pertaining to the SES above ground level and all improvements of said SES below ground level for all SES's declared irreparably damaged, and/or an abandoned use and/or a public nuisance. All materials shall be so removed, and the SES site restored within three hundred sixty-five (365) days of the discontinuation of energy production or in accordance with Agreements. An SES which is irreparably damaged, abandoned or declared to be a public nuisance shall within said time limit (365 days) require the SES owner and/or SES operator to have completed restoration of the SES site to as near as practicable to the original condition of the SES site prior to the development of such SES. If the property has been timbered or trees removed within two (2) years prior to the initial landowner agreements, the original condition means replanted with trees of similar species as originally removed (no waiver or variance is allowed for this portion of the requirement). If any portion of the SES is found to be hazardous in nature by State or Federal regulatory agency(ies) or required to be recycled the SES owner and/or SES operator is required to remove in a manner as prescribed by law.
- e. Identification and Removal of Hazardous Materials: throughout the removal and restoration the SES owner/operator shall identify all hazardous materials as regulated by State and Federal regulatory agencies (such as the EPA and IDEM) as well as non-hazardous materials and indicate the appropriate handling, storage, and transport during Disposal and/or Diversion of both.

iii. Performance Guarantee

- a. Prior to issuance of a solar permit, the applicant must provide the Town with a performance guarantee in the form of a bond, irrevocable letter of credit and agreement, or other financial security acceptable to the Cicero Jackson Plan Commission in the amount of 125% of the estimated decommission and restoration cost minus the documented salvage value factor. Estimates shall be determined by a licensed engineer.
- b. Unless otherwise agreed to by all parties, every three (3) years a new engineer's estimate of probable cost of Decommissioning and Restoration, shall be submitted to the Planning Plan Director for approval in the same manner as the initial submission, and the bond, letter of credit, or other financial security acceptable to the county shall be adjusted upward or downward as necessary. A new estimate will be submitted to the Plan Director prior to the sale of any portion of the SES and the Performance Guarantee adjusted appropriately and made part of the sales agreement.
- c. All expenses involved in such removal and restoration shall be paid by the SES owner and SES operator, or removal and restoration will be completed by Town of Cicero at the SES owner's expense and SES operator's expense as specifically provided by the Decommissioning-Restoration Plan.
- d. Written notices: Prior to implementation of any procedures or remedy for the resolution of any SES owner's and/or operator's failure to decommission the SES pursuant to the Decommissioning-Restoration Plan and/or this Article, the Plan Director shall first provide written notice to the owner and/or operator, setting forth the alleged default(s). Such written notice shall provide the owner and/or operator a reasonable time period not to exceed sixty (60) days, except upon such longer time that the Plan Director may approve, to resolve the default(s). In the event the negotiations fail to resolve the default

issue(s), either party may pursue all remedies available by the terms of the Ordinance and/or Decommissioning-Restoration Plan.

- iv. Access or Road Plan
 - a. Identification of road and services: All roads and services, to the extent that all proposed routes that will be used for transportation of construction materials, construction of the SES, and/or maintenance of the SES shall be identified. If the route includes a public road, such route shall be approved by the Town Engineer and/or Hamilton County Engineer. To the extent possible State or Federal Highways shall be utilized for the purposes of transporting any component of an SES, substation and/or any other equipment for the construction, operation, or maintenance of an SES.
- v. Drainage Plan
 - a. A Drainage, as defined and required by the Hamilton County Drainage Board, shall be submitted to and approved by the County Surveyor and, if applicable, the Hamilton County Drainage Board, prior to the issuance of a Solar Permit. The Drainage Plan must prescribe or reference provisions to address field tile damages and repairs thereof for any field tile owned by Hamilton County.
- vi. Written Commitments
 - a. In addition to any other commitments (as defined in Indiana Code 36-7-4-1015) that are required as a condition of approval of any permit for a C-SES, the owner of the property on which the C-SES is to be constructed shall execute and record in the Office of the Recorder of Hamilton County, Indiana, a set of commitments that includes all required plans, including the Decommissioning-Restoration Plan, the Emergency Response Plan, the Drainage Plan and the Access or Road Plan.

B. CHANGE IN OWNERSHIP

Change in Ownership It is the duty and responsibility of the SES applicant, SES owner and/or SES operator and any subsequent SES owner and SES operator to notify by written notice the Town Council and Plan Director of any change in the ownership of the SES or any part of the ownership thereof to and through the time that all applicable acceptances, releases and performance standards of any description have been met and concluded and accepted by the appropriate local, state, federal or private authority, department, agency, and person(s) and all financial payments or other financial obligations are fully satisfied and all appropriate parties are in receipt thereof. In order for the owner and/or operator to inform said Town Council and Plan Director of the required information regarding changes as herein provided, said notice shall be sent by certified mail with certified funds for any required recording fees and any other applicable fee(s) to the Clerk-Treasurer of the Town of Cicero, and Plan Director of the Cicero/Jackson Township Plan Commission, or by personally delivering the same to said Cicero Town Council and Plan Director.

C. ADDITIONAL PLANS AND DRAWINGS

- i. Emergency Services Plan
 - a. Prior to issuance of a building or solar permit, the SES owner or operator shall provide a plan including but not limited to the project summary, electrical schematic, and site plan to the appropriate local safety officials including the Hamilton County Emergency Management, Sheriff Department, the responding Fire Department, and Building Inspector. Upon request the owner or operator shall cooperate with local safety officials in developing an emergency response plan. Any specialized training necessary will be

provided at the operator's expense. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.

- b. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

ii. Operation and Maintenance Plan

- a. The applicant shall submit a plan for the operation and maintenance of the SES which shall include measures for maintaining safe access to the installation, storm water, as well as general procedures for operation and maintenance of the facility.
- b. Maintenance of vegetation within the buffer strip and underneath the ground mounted solar arrays should be included in the plan and consistent with the requirements in this Article.

iii. Erosion Control Plan

- a. An erosion control plan developed in accordance with the Natural Resources Conservation Services (NRCS), and any storm water quality management plan adopted by the applicable jurisdiction(s).
- b. The area beneath the ground mounted SES is considered pervious cover. However, use of impervious construction materials within the SES would cause areas to be subject to the impervious surface's limitations for the applicable Zoning District. Natural (pervious) ground covers are required beneath the solar arrays.
- c. Submit erosion control plans County Surveyor for approval.

iv. Solar Easements

- a. If necessary, an SES owner and/or operator may obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s). Copies of such easements shall be submitted as part of the application process with proof of recording in the Hamilton County Recorder's Office.

v. Amendments and Changes to the Preliminary Site Plan

- a. Any material changes of location of the SES fenced boundary and any material change in the location of SES facilities outside of the SES fenced boundary shall be furnished to the Director, Town Engineer and/or County Engineer, County Surveyor, and any other person(s) designated and authorized by the Town Council. It shall be the duty and responsibility of the applicant, owner and/or operator to obtain any variance required by such change and to comply with any other requirement necessitated by such change. Any variance required by this Section shall be obtained prior to construction or implementation of such change.

vi. As-Built Plans Requirement

- a. Where upon completion of all development, the exact measurements of the location of utilities, structures and components erected during the development are necessary for public record and shall therefore be recorded. The applicant, owner, and/or operator shall submit a copy of the final as built survey to the Director with the locations of the SES facilities shown thereon. Said Director, after being satisfied that the locations of the SES facilities are substantially similar to the locations on the originally approved final plan(s) or as the same were from time to time amended, shall approve, date and sign said as-built survey for the SES, which the applicant, owner, and/or operator shall then record and provide Cicero Jackson Plan Commission a copy of said recorded Plans.

D. CONSTRUCTION

- i. Pre-construction requirements for an SES
 - a. Avoidance and Mitigation of Damages to Public Infrastructure
 - b. In addition to complying with the approved Road Use and Maintenance Agreement, an applicant, owner, and/or operator proposing to use any county road(s), for the purposes of transporting any component of an SES, substation and/or any other equipment for the construction, operation or maintenance of an SES shall comply with the following pre- construction requirements.
- ii. Pre-construction survey
 - a. The applicant, owner and/or operator shall conduct a pre-construction baseline survey in coordination with, and acceptable to, the Town Engineer and/or Hamilton County Engineer and such survey shall be a part of the Road Use and Maintenance Agreement to determine existing road conditions for assessing current needed improvements and potential future damage. The survey shall include, but not be limited to, photographs, and/or video, or a combination thereof, and a written agreement to document the condition of the public facility as the same exists on the date of the baseline survey.
- iii. Construction Requirements
 - a. During construction, the applicant shall demonstrate and document to the satisfaction of the Town Engineer and/or County Engineer, Highway Superintendent, County Surveyor, Plan Director, and any other person(s) designated and authorized by the Town Council, that the following requirements are being met:
 - b. Dust control: All reasonable dust control measures required by the Town Council during construction of the SES are being followed together with any additional steps or adjustments for dust control which may from time to time be required by the Town Council.
 - c. Drainage: Reasonable storm water best management practices as required by the approved Drainage Plan/Agreement.
 - d. Noise: Near a residence or public use noise shall be kept to a minimum during the hours of 7pm to 7am
- iv. Post-Construction Requirement
 - a. Road and Drainage Repairs: Any road or drainage damage caused by the transport of any matter or material utilized in any way regarding the SES, in the construction of the SES, the installation of the same, and/or the removal and decommissioning of the same, shall be repaired to the satisfaction of the Town Engineer and/or Hamilton County Engineer (as per the Road Use and Maintenance Agreement).
 - b. The Town Engineer and/or County Engineer may choose to require either remediation of road(s) upon completion of the SES or said Engineer is authorized to collect fees for oversized load permits. Further, a surety bond or letter of credit in an amount to be determined by the Town Engineer and/or County Engineer may be required by the Town to ensure that future repairs are completed to the satisfaction of the Town Council.
 - c. The cost of such bond or letter of credit shall be paid by the SES owner and said bond shall remain in full force and affect until the decommissioning and restoration is fully completed as prescribed by this Zoning Ordinance and the Decommissioning-Restoration Plan and Agreement.

13. APPLICATION FOR A COMMERCIAL SES

A. GENERAL APPLICATION REQUIREMENTS

- i. **Community Meeting (C-SES):** Prior to submission of an application for Administrative Solar Permit, a community information meeting shall be organized and hosted by the project developer. The purpose of the meeting is outreach, with the intent of providing complete information to the community in an informal setting. The meeting shall not be construed to be a local government meeting or formal public hearing. The meeting shall be conducted in accordance with the following protocol:
 - a. **Notification:** The applicant shall notify the Town of Cicero, the Plan Director, the Town Engineer and/or County Engineer, the County Surveyor, and all property owners within one half (1/2) mile of the proposed C-SES a minimum of ten (10) days prior to the community meeting.
 - b. **Meeting Date/Time/Location:** The meeting shall be held on a weeknight (Monday thru Thursday) at an accessible location within 10 miles of the proposed project.
 - c. **Content of Meeting:** The informational meeting shall be arranged and hosted by the applicant or a qualified representative and shall at a minimum include a detailed explanation of the project, the site plan for the proposed project, anticipated construction schedule, the landscaping and screening plan, and the decommissioning plan.
 - d. **Response to Concerns:** The project developer shall solicit and accept all comments, questions, and concerns of the citizens at the meeting, and respond to the identified concerns with reasonable, practical means and methods of mitigating undue impact to the surrounding area.
 - e. **Meeting Summary and Report:** A summary and report regarding the community meeting shall be submitted to the Department at the time of the application for the Permit. The report shall include a list of the landowners who were invited, a record of attendees, and copies of all written comments received. The report shall itemize the concerns stated by the citizens and shall include a statement of reasonable, practical mitigation the proposer will undertake to address those concerns and minimize impact to the community. This report shall be used by the Plan Director to establish suitable conditions of approval on the C-SES permit application.

B. APPLICATIONS FOR SESs SHALL INCLUDE

- ii. Contact information of SES Applicant
- iii. The name(s), address(es), telephone number(s) and e-mail address(es) (if available) of the applicant(s), together with a description of the applicant's business structure and overall role in the proposed project.
- iv. Contact information of SES Owner
- v. The name(s), address(es), telephone number(s) and e-mail address(es) (if available) of the SES owner(s), together with a description of the owner's business structure and overall role in the proposed SES, and documentation of real estate ownership of any real property upon which any part of the proposed SES is to be located. The SES owner shall inform the Plan Director of any change of SES ownership, in whole or part, and shall furnish the required information regarding such owner.
- vi. Contact information of SES Operator
- vii. The name(s), address(es), telephone number(s) and e-mail address(es) (if available) of the operator(s), as well as a description of the operator's business structure and overall role in the

proposed project. The SES operator shall inform the Plan Director of any change of the SES operator and furnish the required information regarding such operator.

viii. **Legal description:** The legal description and the 911 Emergency Address of the real property upon which the SES is to be located.

ix. **SES Description:** The SES description and information including, but not limited to the following:

- a. Type of solar technology (e.g., solar panels, solar shingles, etc.)
- b. Solar panel mounting technique (e.g., ground-mount, roof-mount, etc.).
- c. Solar panel installation height.
- d. Name plate generating capacity.
- e. The means of interconnecting with the electrical grid.
- f. The potential equipment manufacturer(s); including information sheets and installation manuals.
- g. Accessory structures and other appurtenances

x. **Preliminary Site Plan**

- a. A site plan, drawn to scale, including distances pertaining to all applicable setback and buffer requirements. All drawings shall be at a scale of one (1") inch equals thirty (30') feet. Any other scale must be approved by the Plan Director. No individual sheet or drawing shall exceed twenty-four (24") inches by thirty-six (36") inches without the prior consent of the Plan Director.
- b. The preliminary site plan shall illustrate the following:
 - i. Property lines upon tract(s) subject to the application, together with property lines and with the names of owners or record of each adjacent tract(s).
 - ii. Location and name/number of public roads surrounding, abutting, and/or traversing the SES and any SES ingress/egress road.
 - iii. Substations: location
 - iv. Location of electrical cabling outside of fenced areas
 - v. Ancillary equipment
- c. Proposed solar arrays, connecting lines, and all affiliated installations and structures
- d. Proposed Access points, interior drives, security features, and fencing
- e. Surface water drainage patterns
- f. Woodlands, Grasslands, and Farmland identification
- g. Soil types
- h. Area designated Prime Farmland on each participating parcel
- i. Any structure within one quarter (1/4) mile of the proposed SES boundary.
- j. The location of any airport within one (1) mile of the proposed SES boundary.
- k. Setback lines: Distances from the SES to each setback requirement.
- l. The location of any historic or heritage sites as recognized by the Division of Historic Preservation and Archeology of the Indiana Department of Natural Resources, within one (1) mile of a proposed SES.
- m. The location of any wetlands based upon a delineation plan prepared in accordance with the applicable U.S. Army Corps of Engineers requirements and guidelines, within one (1) mile of a proposed SES.
- n. Location of any Special Flood Hazard Area as determined by the Federal Emergency Management Agency (FEMA) and by the Indiana Department of Natural Resources (IDNR), whichever is more stringent.

- o. Location and height of fencing, access roads, berms and landscaping associated with any buffer zone.
 - p. All other information reasonably requested by the BZA, Plan Commission and the Plan Director.
 - q. Topographic Map: A United States Geological Survey (USGS) topographical map, or map with similar data, of the property and the surrounding area, with contours of not more than two (2') foot intervals.
 - r. Wetland Delineation: A Wetland delineation and report shall be submitted on properties proposed for use as a CS-SES or a CL-SES.
- xi. **Engineering Certification:** For all SES and SES facilities, the manufacturer's engineer or another qualified registered professional engineer shall certify, as part of the Improvement Location Permit Application, that all structural aspects of the SES design are within accepted professional standards, and the structure or substrate the solar technology will be affixed to will tolerate the installed weight of said technology (e.g., roof structure, soils, etc.).
 - xii. **Proof of Correspondence and Cooperation with Wildlife Agencies:** For the purposes of demonstrating compliance with required permits, the applicant shall provide written documentation that the applicant is in direct correspondence, cooperation and in compliance and shall remain in compliance with all applicable regulations and requirements of the U.S. Fish and Wildlife Service and the Indiana Department of Natural Resources.
 - xiii. **Aggregated SES Application:** Aggregated SESs may jointly submit a single application and be reviewed under joint proceedings, including notices, hearing, and reviews, and as appropriate, approvals.
 - xiv. **Fees:** as prescribed by the Town's and/or Cicero Jackson Plan Commission Schedule of Fees

C. PRIMARY DEVELOPMENT PLAN

Following the creation of a commercial SES Overlay District, a Development Plan together with a petition for Development Plan review must be submitted to the Cicero / Jackson Township Plan Commission for approval pursuant to the 1400 SERIES of the Indiana Code.

The petition for Primary Development Plan approval shall include:

- i. A final site plan at an appropriate scale showing (standard sheet of 36 inches by 24 inches and individual tower sites not greater than one-inch equals 20 feet).
 - a. the proposed location of all SES Facilities (including locations of each SES panel and anchor bases (if any), including Battery Back-Up equipment.
 - b. If a Battery Back-Up is included, the design of the Battery Back-Up, its manufacturer, and provisions within the applicable plans for the decommissioning and emergency response issues associated with the Battery-Back-Up.
 - c. SES access roads; substations, maintenance structures; storage yards.
 - d. temporary and permanent meteorological towers; electrical cabling; ancillary equipment; and any other structures that are a direct functional part of the SES.
 - e. Each tower and/or structure should be assigned a unique identification number on the site plan. In addition, the site plan shall show primary structures within one-quarter mile of any commercial SES Zone District; property lines, including
 - i. identification of adjoining properties.
 - ii. setback lines.
 - iii. public roads.

- iv. county regulated drains,
 - v. open ditches,
 - vi. all water bodies and streams.
 - vii. location of all above-ground utility lines within a distance of two (2) times the SES panel height of a SES panel.
 - viii. location of all existing underground utility lines associated with the SES site.
 - ix. Solar Easements
 - x. recognized historic or heritage sites as noted by the Indiana Department of Natural Resources.
 - xi. floodplains.
 - xii. and any wetlands based upon a delineation prepared in accordance with the applicable U.S. Army Corps of Engineer requirements and guidelines.
 - f. This site plan must also be distributed to the county surveyor, county highway department, county health department, emergency management agency, any fire departments serving any part of the site and the county sheriff's department.
- ii. Transportation Plan showing delivery route of all equipment as recommended by the Hamilton County Highway Department and approved by the Cicero Town Council.
- iii. Drainage Plan approved by the Hamilton County Surveyor and Drainage Board. The Transportation Plan and the Drainage Plan shall establish that all newly constructed SES access roads shall not impede the flow of water and will comply with the county drainage ordinance and highway department requirements.
- iv. Decommissioning Plan.
- v. An Emergency Services Plan
- vi. An Operation and Maintenance Plan
- vii. Erosion Control Plan
- viii. A Security and Safety Plan which must include adequate provisions for site security and safety. If the plan includes using county services, then it should include signatures indicating those parties are aware of their role and are capable of performing it.
- ix. Adequate assurance of the completion and continued operation of the SES project from the date of the commencement of construction through the life of operation of the SES. The owner/applicant/operator shall demonstrate such adequate assurance of completion and continued operation of the SES project by providing evidence of:
 - a. adequate funding of one hundred percent (100%) of the estimated cost of construction of the SES; and
 - b. performance bonds or other sureties from the owner/applicant/operator and/or major equipment suppliers and contractors.

D. APPLICABLE STATE AND FEDERAL PERMITS, APPROVALS AND LICENSES.

After Development Plan approval is obtained, but before any construction commences or Improvement Location Permits issued, all applicable state and federal permits, approvals and licenses must be obtained, and all state and federal statutes and regulations must be complied with, and the following requirements satisfied:

- i. The applicant/owner/operator of the SES shall maintain liability policies covering (1) bodily injury and property damage and (2) environmental contamination arising from construction, operation, maintenance, and decommissioning of the SES, with nationally recognized, well-capitalized insurance companies initially approved by the plan

commission and annually thereafter by the director of the plan commission and name the Town of Cicero, Jackson Township, and Hamilton County as an additional insureds. Limits on the bodily injury and property damage policy shall be of at least \$2 million per occurrence and \$5 million in the aggregate with a deductible of no more than \$20,000.00 and on the environmental contamination policy shall be of at least \$1 million per occurrence and \$2 million in the aggregate with a deductible of no more than \$50,000.00.

- ii. The applicant/owner/operator shall establish a 24-hour toll-free phone number for the registering of complaints and concerns. This number shall be posted at every road intersection throughout the project area before Improvement Location Permits are issued and before any construction or earth moving can commence. If legitimate complaints are not remedied within 48 hours, the county may address these complaints with any expenses incurred to be reimbursed by the SES applicant.

Required toll-free number – sign example:

1-800-000-000	
Call to report problems related to Solar Farm construction	

- iii. The applicant/owner/operator must attend a pre-construction meeting between the Cicero / Jackson Township Plan Commission Director, the Cicero / Jackson Township Plan Commission President, the Cicero / Jackson Township Building Inspector, the Hamilton County Highway Engineer, the Hamilton County Surveyor, the Town Engineer, and any other public officer or official whose input is deemed appropriate, and the SES applicant/owner/operator will verify that all requirements in the Cicero / Jackson Township Zoning Ordinance have been met. Once reviewed, if all requirements have been met, the SES applicant/owner/operator may then obtain Improvement Location Permits/building permits. If any requirements have not been met, then further pre-construction meetings will be held until it can be verified that the identified issues have been resolved.

E. PLAN REVIEW

The rezoning application, the Development Plan (including but not limited to Decommission Plan and each update thereof and the assurance of completion and continued operations) and the Improvement Location Permit/building permit applications shall be reviewed by plan commission staff; counsel; an independent professional engineer, if needed; and any other professionals deemed necessary as selected or approved by the plan commission. Within 30 days of submission, the owner/applicant/operator shall reimburse the plan commission for all costs and expenses associated

with the initial or any subsequent review of the Development Plan including but not limited to the employment of a professional engineer, financial consultant, or other professional advisors consulted by the plan commission. A professional engineer shall certify, as part of the Improvement Location Permit application/building permit that the foundation and panel design of the SES is within accepted professional standards, given local soil roadway and climate conditions.

- i. **Prior to the issuance** of an Improvement Location Permit (solar permit), and in addition to all other application requirements and any other requirements for the applicant, owner and/or operator to be in compliance with the Ordinance, the following shall be submitted to the Plan Director:
 - a. Form, Content and Title of Agreements
 - b. The plans and agreements. Any agreement title or document name/designation made by the parties shall be sufficient provided such plans and agreements follow the requirements of the Ordinance and all other requirements of applicable federal, state, and local laws, rules, regulations, and ordinances.
- ii. **Waivers:** All waiver agreements shall be in writing and follow the requirements specified in this Article (definitions). Copies of all waivers are required as part of the SES application. Definitions Unless otherwise expressly stated, or unless the context clearly indicates a different meaning, the words, and phrases in the following list of definitions shall, for the purposes of this Article 5, have the meanings indicated. All words and phrases not defined shall have their common meaning.

14. DEFINITIONS

Unless otherwise expressly stated, or unless the context clearly indicates a different meaning, the words, and phrases in the following list of definitions shall, for the purposes of this Article 5.2, have the meanings indicated. All words and phrases not defined shall have their common meaning.

Adjacent: Lying near, close; contiguous; adjoining; neighboring.

Adjoining: Being in contact at some point or line; contiguous; bordering.

Applicant means the entity or person who submits to the county, any application for the siting or construction of any C-SES or substation or thereafter operates or owns a C-SES.

Battery Back-Up: A battery system that stores electrical energy from a solar PV system, making the electricity available for future use. Battery Back-Up systems are common in Off-Grid Systems and Hybrid Systems.

Community means a political entity that has the authority to adopt and enforce floodplain ordinances for the areas within its jurisdiction.

County Assessor. The County Assessor of Hamilton County or his or her authorized representative.

County Engineer. The Hamilton County Engineer or his or her authorized representative.

County. Hamilton County, Indiana

dBa. Weighted decibel of sound pressure level.

Essential services. The erection, construction, alteration, or maintenance of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply, or disposal systems by public utilities, municipal or other governmental agencies, but not including buildings.

FEMA means the Federal Emergency Management Agency.

Fence. An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land and are listed as accessory structures per Article 7.5 Development Standards of the Cicero/Jackson Township Zoning Ordinance.

Ground-Mounted System: A solar energy system that is directly installed on specialized solar racking systems, which are attached to an anchor in the ground and wired to connect to an adjacent home, building or utility. Ground-mount systems may be applicable when insufficient space, structural and shading issues or other restrictions prohibit rooftop solar.

Historic site. Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listings after review by the Indiana state archaeologist or the director of the Indiana Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

Hybrid Solar Photovoltaic Systems (aka grid-tied PV with battery back-up): Solar photovoltaic electricity generation systems designed to serve the electricity needs of the building to which it is connected, thus offsetting a home or business's electricity usage, while also utilizing a battery back-up in the event of a power outage. This is the only system that provides the ability to have power when the utility grid is down. Typical system components include PV panels, inverter(s) and required electrical safety gear, battery bank, and a charge controller.

Impervious surface. Any material that substantially reduces or prevents the natural absorption of stormwater into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow. Impervious surfaces include, but are not limited to, buildings or other structures with roofs, sidewalks, and all stone, brick, concrete, or asphalt surfaces.

Intensive vegetative clearing. The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

Inverter: A device that converts the direct current (DC) electricity produced by a solar photovoltaic system to usable alternating current (AC).

Large-Scale Solar Energy System: A commercial solar energy system that converts sunlight into electricity for the primary purpose of wholesale sales of generated electricity. A large-scale solar energy system will have a project size greater than 20 acres and is the principal land use for the parcel(s) on which it is located.

Lot coverage. That portion of a lot that is covered by the ground floor of any structure, parking lots, and private streets and drives. Also, pools, tennis courts, sidewalks and plazas are counted toward lot coverage.

Megawatt (MW): Equal to 1000 Kilowatts; a measure of the use of electrical power.

Megawatt-hour (MWh): A unit of energy equivalent to one Megawatt (1 MW) of power expended for one hour of time.

Mitigation means sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the cost of disaster response and recovery.

Nuisance Glare: A continuous source of excessive brightness. It could be experienced by a stationary observer located in the path of reflected sunlight from the face of the panel.

Opacity: The state or quality of being opaque; the degree to which something is opaque.

Opaque: Not transparent or translucent; impenetrable to light; not allowing light to pass through. As applied to this article, it refers to completely excluding visual contact (100% opacity) with solar panels and equipment.

Operator means the entity responsible for the day-to-day operation and maintenance of the C-SES, including any third-party subcontractors.

Overlay district. A zoning district that encompasses one or more primary zoning districts, or portions thereof, and that imposes additional requirements, or relaxes one or more standards required by the primary zoning district.

Owner means the entity or entities with an equity interest in the SES(s), including their respective successors and assigns. Owner does not mean (i) the property owner from whom land is leased for locating the SES (unless the property owner has an equity interest in the SES); or (ii) any person holding a security interest in the SES(s) solely to secure an extension of credit, or (iii) a person foreclosing on such security interest provided that after foreclosure, such person seeks to sell the SES(s) within one year of such event.

Passive Solar: Techniques, design, and materials designed to take advantage of the sun's position throughout the year (and the local climate) to heat, cool, and light a building with the sun. Passive solar incorporates the following elements strategically to maximize the solar potential of any home or building (namely, maximizing solar heat gain in winter months and minimizing solar heat gain in summer months to reduce heating/cooling demand and maximizing the use of daylighting to reduce demand for electricity for lighting): strategic design and architecture, building materials, east west and building lot orientation, windows, landscaping, awnings, and ventilation.

Prime farmland, as defined by the U.S. Department of Agriculture, is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses. It could be cultivated land, pastureland, forestland, or other land, but it is not urban or built-up land or water areas. The soil quality, growing season, and moisture supply are those needed for the soil to economically produce sustained high yields of crops when proper management, including water management, and acceptable farming methods are applied. In general, prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, an acceptable salt and sodium content, and few or no rocks. The water supply is dependable and of adequate quality. Prime farmland is permeable to water and air. It is not excessively erodible or saturated with water for extended periods, and it either is not frequently flooded during the growing season or is protected from flooding.

Public use. A use of land owned or operated by a municipality, school district, county or state agency, or other governmental entity.

Photovoltaic (PV) System: A solar energy system that produces electricity using semiconductor devices, called photovoltaic cells, which generate electricity when exposed to sunlight. A PV system may be roof-mounted, ground-mounted, or pole-mounted.

Racking: Solar energy systems are attached securely and anchored to structural sections of the roof-mounted or pole-mounted systems. Specially designed metal plates called flashings prevent leaks and are placed under shingles and over bolts to create a water-tight seal.

Roof-Mount System (aka rooftop mounted, building mounted): A solar energy system consisting of solar panels are installed directly on the roof of a home, commercial building, and/or an accessory structure, such as a garage, pergola, and/or shed. Solar panels are mounted and secured using racking systems specifically designed to minimize the impact on the roof and prevent any leaks or structural damage. Roof-mount systems can be mounted flush with the roof or tilted toward the sun at an angle.

Screening. The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, wall, hedges, berms, or other features.

Significant historic site. Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Indiana Statutes. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Indiana State Archaeologist or the Director of the Indiana Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

Solar Access: The ability of one property to continue to receive sunlight across property lines without obstruction from another's property that contains buildings, foliage, or another impediment.

Solar Array: Multiple solar panels combined to create one system.

Solar Carport: A solar energy system of any size that is installed on a carport structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities.

Solar Collector: A solar PV cell, panel, or array, or solar thermal collector device, which relies upon solar radiation as an energy source for the generation of electricity or for the transfer of stored heat.

Solar Easement: An easement recorded pursuant to IC 32-23-4, obtained for the purpose of insuring exposure of a solar energy device or a passive solar energy system to the direct rays of the sun. Solar easements are to follow the State requirements of Recording (IC 32-23-2-5).

Solar Energy System (SES): The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing, buffer yard, and landscaping. The term applies, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems, and solar hot water systems.

Regulated systems fit into one of three (3) system types:

1. **Commercial – small scale (CS-SES)** A utility-scale commercial facility that converts sunlight into electricity with the primary purpose of wholesale or retail sales of generated electricity. Concentrated Solar Thermal (CST) is not permitted or considered a CS-SES for the purpose of this Article. A CS-SES is typically established by a public utility and produces between 1MW and 15MW.
2. **Commercial – large scale (CL-SES)** A utility-scale commercial facility that converts sunlight into electricity with the primary purpose of wholesale or retail sales of generated electricity. Concentrated Solar Thermal (CST) is not permitted or considered a C-SES for the purpose of this Article. A CL-SES will produce 15MW or greater.
3. **Noncommercial (NC-SES)** Includes any photovoltaic, solar thermal, or solar hot water devices that are accessory to, and incorporated into, the development of an authorized use of the property, and which are designed for the purpose of reducing or meeting on- site energy needs. An NC-SES will produce 1MW or less.
4. As applicable to this ordinance a SES does not include concentrated solar thermal systems and such systems are not permitted.

Solar Glare: The potential for solar panels to reflect sunlight, with intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Solar Hot Air System: (also referred to as Solar Air Heat or Solar Furnace) A solar energy system that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air. The most efficient performance includes a solar collector to preheat air or supplement building space heating, typically using a vertically mounted collector on a south-facing wall.

Solar Panel (or module): A device for the direct conversion of sunlight into usable solar energy (including electricity or heat).

Solar photovoltaic (Solar PV) System: Solar systems consisting of photovoltaic cells, made with semiconducting materials, which produce electricity (in the form of direct current (DC) when they are exposed to sunlight. A typical PV system consists of PV panels (or modules) that combine to form an array. Other system components may include racks and hardware, wiring for electrical connections, power conditioning equipment, such as an inverter and/or batteries.

Solar Thermal System (aka Solar Hot Water or Solar Heating Systems): A solar energy system that directly heats water or other liquid using sunlight. Consists of a series of tubes that concentrate light to heat either water or a heat-transfer fluid (such as food-grade propylene glycol, a non-toxic substance) in one of two types of collectors (flat-plate collectors and evacuated tube collectors). The heated liquid is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.

Solar-Ready Design: The design and construction of a building that facilitates and makes feasible the installation of rooftop solar.

Special Flood Hazard Area (SFHA), synonymous with “areas of special flood hazard” and floodplain, means those lands within the jurisdiction, subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, A99, or VE. The SFHA includes areas that are flood prone and designated from other federal, state, or local sources of data including but not limited to best available flood layer maps provided by or approved by the Indiana Department of Natural Resources, historical flood information

reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

Steep slope. Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped, and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this ordinance. Where specific information is not available, steep slopes are lands having average slopes over fifteen (15) percent over horizontal distances of fifty (50) feet or more and that are not bluffs.

Switching station means an apparatus/structure in the system similar to a substation but not necessarily increasing into the grid.

Waiver Agreement: An agreement to modify a standard required in this Article which is entered into by and between the landowner burdened by lessening the standard required by this Article and the landowner requesting the modification of the standard required by this Article. An agreement to modify a standard required by this Article, or a "waiver agreement," is permissible only when a waiver of such standard is specifically authorized by this Article. In order to be valid, a "waiver agreement" must: (1) Be in writing; (2) Specifically state that the document is a waiver agreement; (3) Briefly describe the standard or requirement which is being modified; (4) Briefly describe the standard agreed upon by the parties to the waiver agreement; (5) Be executed in a manner free from coercion or duress; (6) Be executed by both parties to the waiver agreement; (7) Be subject to the approval of the Plan Director; and (8) Filed with the Planning Department.

Watts (W): A measure of the use of electrical power; [power (Watts) = voltage (volts) x current (Amps) or by the formula $W=VA$].

Article 6

Zoning Map

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6.1 Official Zoning Map

The zoning map for the Town of Cicero/Jackson Township, officially labeled “Cicero/Jackson Township Zoning Map”, is divided into zones, and is hereby adopted by reference and declared to be part of this Ordinance. The Official Zoning Map shall be identified by the signature of the Town Council President and the Clerk-Treasurer under the words “Official Zoning Map,” together with the date of the adoption of this Ordinance. The map depicted on page 72 and 73 represents the Zoning as of the effective date of this Ordinance.

6.2 Official Zoning Map Copies

Copies of the Official Zoning Map may be made and distributed to interested persons. The Official Zoning Map Copies shall be labeled as copies and have the date which they were last modified printed on them.

6.3 Location of the Official Zoning Map

Regardless of the existence of purported copies of the Official Zoning Map which may, from time to time, be made or published, the Official Zoning Map shall be located in the office of the office of the Director of Planning and shall be the final authority as to the current zoning status of land and water areas, buildings and other structures within the Jurisdiction of the Commission.

6.4 Zoning District Boundaries

The Zoning District boundaries shall be shown on the Official Zoning Map. The abbreviations for the zoning districts appearing in this ordinance shall be used to identify the zoning districts on the map. Planned developments shall be shown on the map by abbreviations as noted in this ordinance and shall also be identified by the number and date of passage of the Ordinance approving the Planned Development.

6.5 Regular Revisions

The Zoning Map should be formally revised every 180 days, or as the Plan Commission determines necessary. During interim periods of time, hand drawn lines and text on the Official Zoning Map will be appropriate to note zoning changes. Copies may be made after the amendments are noted, and each copy shall be noted as an update with the “date last changed” noted on the map. Other revisions may be made to correct drafting or other errors and omission in the prior map, but shall not have the effect of amending the Official Zoning Map except as adopted by the Town Council.

6.6 Damaged, Destroyed, or Lost Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret due to the nature or number of changes and additions, the Town Council may, by resolution, adopt a new Official Zoning Map which shall, to the extent possible, duplicate the accuracy of the damaged, destroyed or lost map.

6.7 Official Zoning Map Standards

District boundaries on the Official Zoning Map shall be interpreted as follows:

- A. District boundaries shown within the lines of roads, easements, and transportation right-of-ways shall be deemed to follow the center lines.
- B. District boundaries indicated as following section or fractional sectional lines, platted lot lines, or town/township corporation lines shall be construed as following such lines.
- C. District boundaries indicated as parallel to or extensions of above features shall be construed as so.
- D. District boundaries indicated as approximately following the center line of streams, rivers, or other bodies of water shall be construed to follow such center lines.
- E. Where a district boundary line divides a lot at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than twenty-five (25) feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district. Further, the exact location of where the line crosses the property shall be determined by the Director of Planning.

- F. The vacation of streets and roads shall not affect the location of such district boundaries.
- G. When the Director of Planning cannot definitely determine the location of a district boundary by such center lines, by scale or dimensions stated on the Official Zoning Map, or by the fact that it does not clearly coincide with a property line, the Administrator shall refuse action and the Plan Commission shall interpret the location of the district boundary with reference to the scale of the Official Zoning Map and the purposes set forth in all relevant provisions of this Ordinance.
- H. Any ruling of the Director of Planning pertaining to the district boundaries may be appealed to the Board of Zoning Appeals.

6.8 Annexed Land

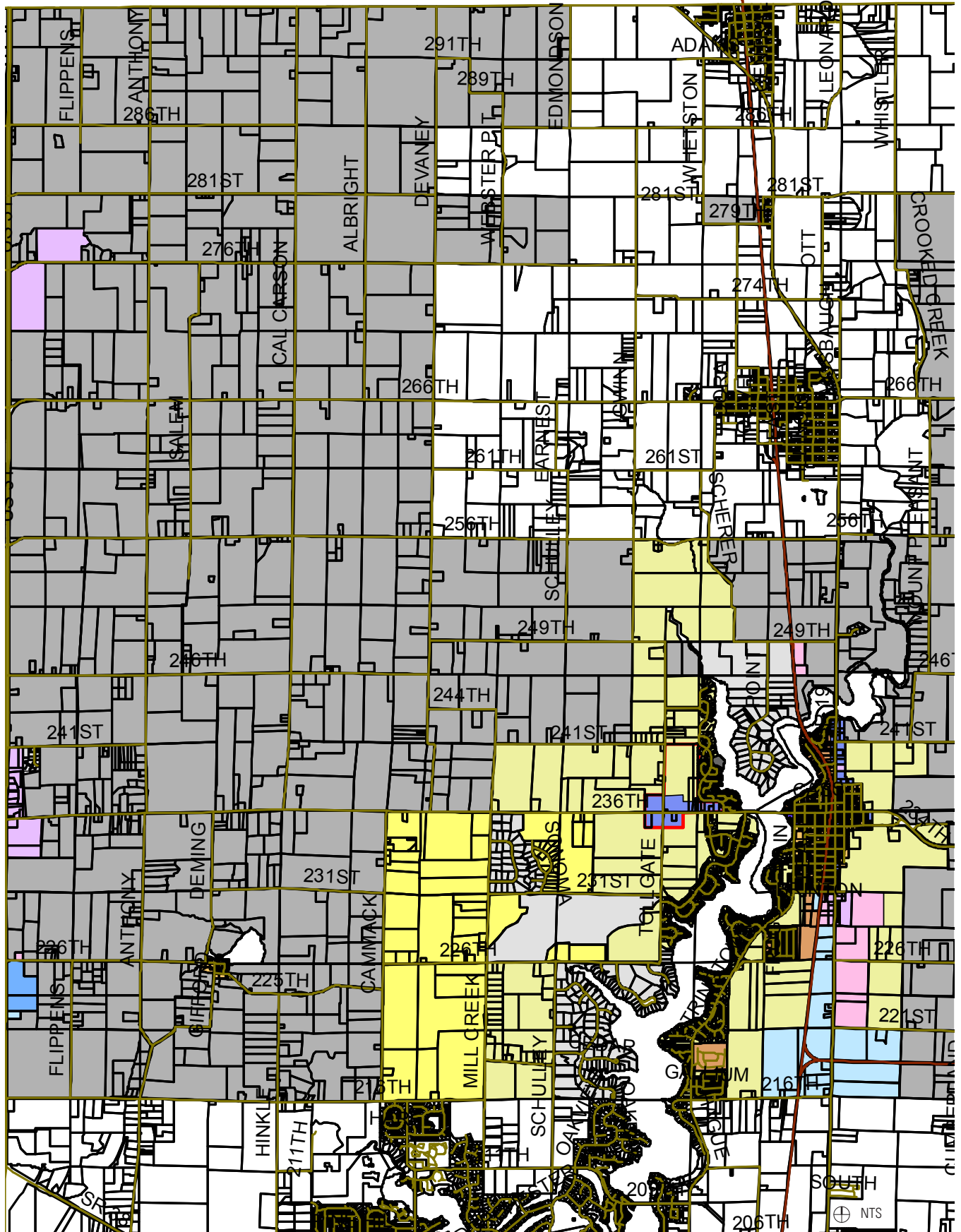
Territory which may hereafter be annexed to the Town of Cicero shall be zoned consistent with the land use policy of the comprehensive plan and with the zoning district most similar to the zoning which was applicable prior to annexation, unless changed by amendment to this Ordinance.

CICERO/JACKSON TWP.,IN

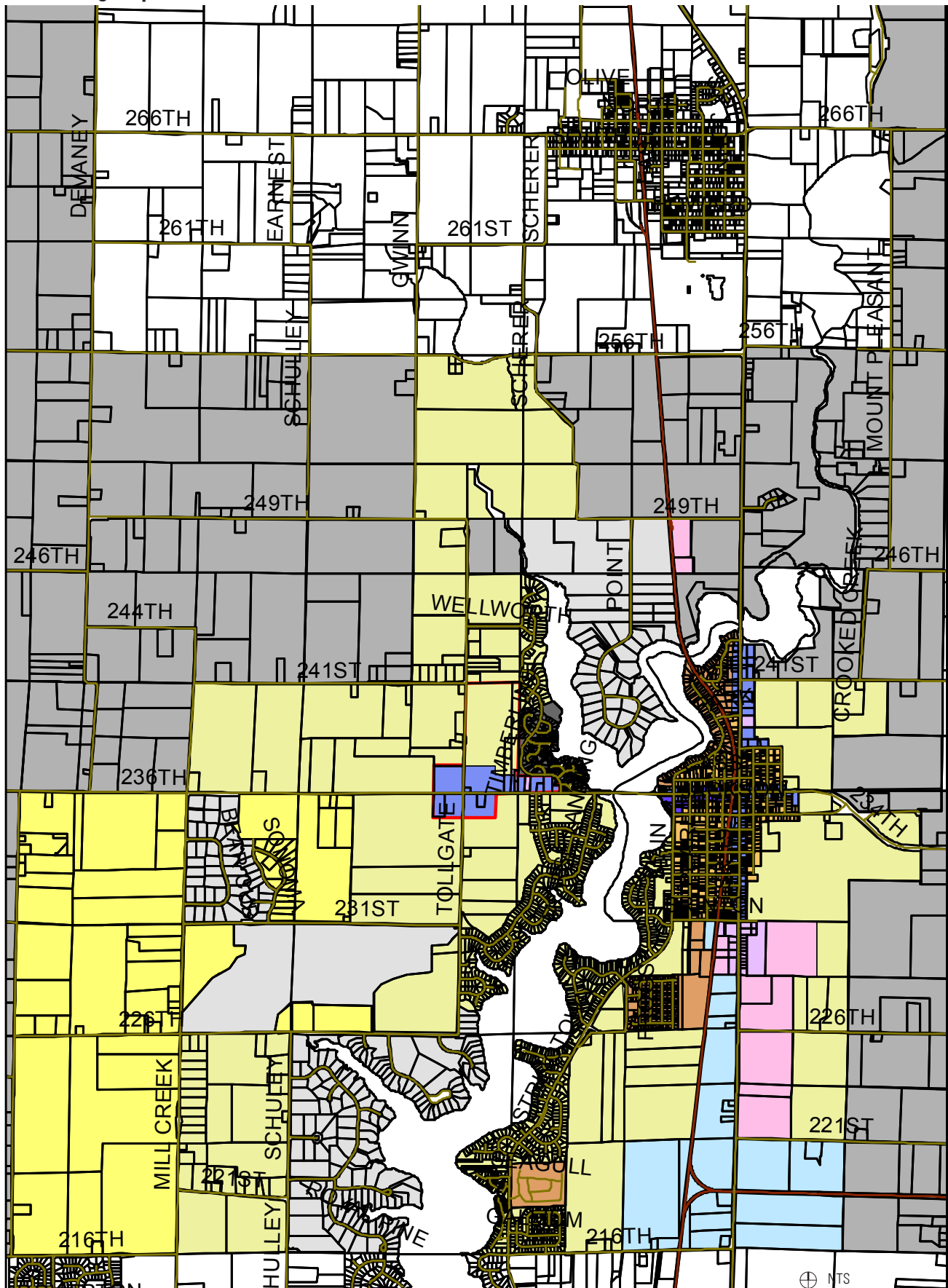
ZONING DISTRICTS

	AG
	A0D
	C1
	C2
	C3
	C4
	DC
	MP
	NC
	OC
	R1
	R2
	R3
	R4
	R5
	R6

Official Zoning Map is located in the Office of Planning and Development.



Official Zoning Map of Town of Cicero as existed in March 2015



Article 7

Development Standards

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Article 7

Development Standards

7.1 Introduction

All structures, buildings, land uses, land use changes, structural alterations, structural relocations, demolitions, structural additions, and structural enlargements that are constructed, created, established, or occur after the Effective Date of this ordinance (except as may otherwise be provided within this ordinance) shall be subject to all development standards and regulations for the applicable Zoning District.

7.2 Development Standards that Apply

Under the sections below are Development Standards which are arranged by category. To determine which development standards apply to the subject Zoning District, refer to the "Additional Standards that Apply" section on the Two-Page Spread for that subject Zoning District. The four digit codes noted in the "Additional Standards that Apply" sections for each Zoning district can be found in the sections below. Only the four digit codes noted in the "Additional Standards that Apply" section apply to that Zoning District.

As an example, on page 4-3, the four digit code "LY-01" can be found under the "Additional Standards that Apply" section in the Neighborhood Commercial (NC) District. Therefore, the Development Standards following the section below labeled "LY-01" (on page 7-2) would apply to Neighborhood Commercial (NC) Districts.

7.3 Lot/Yard Standards (LY)

A. LY-01: Except hereinafter provided, no building or structure shall be erected unless such building or structure conforms; and no building or structure shall be altered, enlarged or reconstructed unless such alteration, enlargement, or reconstruction conforms with the lot/yard regulations of the district in which it is located, as follows:

1. Front Yard Setbacks: The minimum Front Yard setbacks shall be as noted in the Two-Page Spreads for each Zoning District found in Articles 3 and 4.
2. Side Yard Setbacks: The minimum Side Yard setbacks shall be as noted in the Two-Page Spreads for each Zoning District found in Articles 3 and 4.
3. Rear Yard Setbacks: The minimum Rear Yard setbacks shall be as noted in the Two-Page Spreads for each Zoning District found in Articles 3 and 4.
4. Buildings, structures, material for sale, storage, advertising or display to attract attention or parking lots are not permitted within any setback.

7.4 Height Standards (HT)

A. HT-01: No structure may be erected or changed so as to make its height greater than specified in its applicable Zoning District, except as noted below. Exceptions to height standards include:

1. Church steeples
2. Municipal water towers

B. The above specified height exceptions may exceed the permitted height regulations by twofold (x2) or sixty (60) feet; whichever is less. Additional exceptions to height standards include:

3. Necessary mechanical appurtenances
4. Elevator bulkheads

C. These above specified height exceptions may exceed the permitted height standards by up to fifteen (15) feet, but must be shielded from view by design features of the building.

5. Height of basement walk-out (Single family residential structures only.)

7.5 Accessory Structure Standards (AS)

A. AS-01: Accessory Structures shall comply with all Development Standards for the subject Zoning District. Also, no Accessory Structures shall encroach on any platted easement unless written consent is given by the agency the easement belongs to or is managed by.

Accessory Structures are not permitted on a lot prior to any Primary Structure being constructed except where the accessory structure is being used for personal storage or agricultural purposes. Accessory Structures also must relate to the Primary Structure and its uses. B. The following Accessory Structures are permitted, but must abide by all applicable Standards:

1. Antennas or satellite dishes
2. Bath houses or saunas
3. Decks
4. Detached garages
5. Gazebos
6. Greenhouses (personal)
7. Hot tubs
8. Mini barns
9. Storage building
10. Pole barn
11. Agricultural buildings
12. Sheds
13. Sport courts
14. Swimming pools (swimming pools must abide by 675 IAC 20)
15. Fences, and walls

B. AS-02: All permissible Accessory Structures shall abide by the following standards:

1. Size of Accessory Structures
 - a. RR-may not exceed one-hundred percent (100%) of the Finished Floor Area of the Primary Structure.
 - b. R1-may not exceed sixty-five percent (65%) of the Finished Floor Area of the Primary Structure.
 - c. R2- may not exceed sixty-five percent (65%) of the Finished Floor Area of the Primary Structure.
 - d. R3- may not exceed sixty percent (60%) of the Finished Floor Area of the Primary Structure.
 - e. R4- may not exceed sixty percent (60%) of the Finished Floor Area of the Primary Structure
 - f. R5- may not exceed fifty percent (50%) of the Finished Floor Area of the Primary Structure.
 - g. R6- may not exceed fifty percent (50%) of the Finished Floor Area of the Primary Structure.
 - h. MP-may not exceed fifty percent (50%) of the Finished Floor Area of the Primary Structure.
 - i. AG-no size restriction.
2. No more than two (2) enclosed accessory structures are permitted on a Lot, unless the property is in the AG, Agriculture District and is used as a working farm; in that instance, there is no limit to the number of accessory structures.
3. An accessory structure shall only be located to the rear or side of the primary structure.
4. Swimming pools, hot tubs, mini barns, campers, bath houses or sauna shall only be located to the rear of the primary structure except in the case of corner or through lots; in that instance, the structures may be placed on the side of the primary structure.
5. No mobile home or manufactured home may be used as an accessory structure in any district.

C. AS-03: Accessory Structures shall comply with all Development Standards for the subject Zoning District. Also, no Accessory Structures shall encroach on any platted easement unless written consent of the agency the easement belongs to or is managed by. Accessory Structures must relate to the Primary Structure and its uses.

1. The following Accessory Structures are permitted, but must abide by all applicable Standards:
 - a. Antennas or satellite dishes
 - b. Decks

- c. Gazebos
- d. Storage buildings
- e. Sheds
- f. Dumpsters

D. AS-04: All permitted Accessory Structures shall abide by the following standards:

- 1. No more than two (2) Accessory Structures are permitted on a lot.
- 2. An accessory structure shall only be located to the rear or side of the primary structure.
- 3. Antennas or Satellite Dishes shall only be permitted to the rear of the primary structure.
- 4. Dumpsters shall be enclosed and screened on all four sides.

E. AS-05: Manufactured Home Park Accessory Structures standards are as follows:

- 1. Management offices, sales offices, storage, mini-warehouses, laundry, dry cleaning facilities, and other structures customarily incidental to manufactured home parks shall be permitted, provided that the following criteria are met:
 - a. They are subordinate to the residential component of the park and add aesthetic value to the park.
 - b. They are located, designed and intended to serve only the needs of the park.
 - c. The establishments shall present no visible evidence of their business nature to areas outside the park.
 - d. Each manufactured home is entitled to one (1) accessory structure in addition to a carport or garage. Attached or detached garages, and carports are to be counted toward the total accessory building area. The total area of all accessory structures shall not exceed twenty percent (20%) of the dwelling site.
- 2. Permitted accessory structures are as follows:
 - a. Decks,
 - b. Attached/detached garages,
 - c. Gazebos,
 - d. Greenhouses,
 - e. Hot tubs,
 - f. Mini barns,
 - g. Patios,
 - h. Sheds,
 - i. Sport courts, and
 - j. Boat houses.
- 3. Model manufactured homes as sales units provided the number of model homes is limited to five percent (5%) of the authorized number of dwelling sites in the park. Model homes must comply with all standards set forth in the MP District. One (1) unit may be used as a sales office.

F. AS-06: Condominium Accessory Structures standards are as follows:

- 1. Accessory Structures shall comply with all Development Standards for the subject Zoning District. Also, no Accessory Structure shall encroach on any recorded easement unless consent of the agency the easement belongs to or is managed by.
Accessory Structures must relate to the Primary Structure and its uses.
- 2. Each dwelling unit within the complex shall have allocated no less than one covered (1) carport or garage space. The total area of all accessory structures shall not exceed thirty percent (30%) of the site. The following Accessory Structures are permitted, but must abide by all applicable Standards:
 - a. Decks
 - b. Gazebos,

- c. Dumpsters (enclosed)
- d. Detached garages or carports
- e. Hot tubs
- f. Sport courts
- g. Bath houses or saunas
- h. Swimming pools (swimming pools must abide by 675 IAC 20)

7.6 Temporary Use/Structure Standards (TU)

A. TU-01: Temporary Uses or Structures that abide by all applicable development standards for the subject zoning district are permitted. The following standards also pertain to temporary uses/structures.

1. Transition to Permanent or Accessory Uses/Structures: Any temporary use or structure that is intended to transition into a permanent use/structure or accessory structure must meet all standards for a permanent use/structure or accessory structure. In the event the intent is not noted upon the application, the transition to a permanent use/structure or accessory structure will not be permitted for one (1) year from the application date.
2. Duration: All temporary uses/structures shall be permitted for the period of up to six (6) months, unless otherwise noted in this Ordinance including Chapter 16: Definitions.
3. Permit: All temporary uses/structures will be required to have a temporary improvement location permit and will be subject to fees as adopted, unless otherwise noted in this article.
4. Cessation of Use: All temporary uses/structures must, upon cessation, remove all structures, elements, and debris; and revert all alterations to the original site to its original state. All removal and alterations must take place within the permitted duration.
5. A petitioner shall be limited to a total of one (1) temporary uses/structures per year.

B. TU-02: Temporary uses permitted include:

1. Garage sales (no permit necessary),
 - a. Garage sales are permitted a maximum of three (3) times per year, per property and/or per person or legal entity.
 - b. Maximum duration (time limit) for a sale shall be two (2) days.
2. Children's roadside stand (no permit necessary), and
3. Tents for a private party/event (no permit necessary).

C. TU-03: Temporary Structures/Uses permitted include:

1. Construction trailers (permit may be renewed one time by the Director of Planning with reason,
2. Roadside sales vehicles or structures,
3. Tents for sales and business events. Maximum duration (time limit) is fifteen (15) days with permit.

7.7 Landscaping Standards (LS)

A. LS-01: Landscaping is an essential part in the design and development of a site. Such plantings are a benefit to the environment, public health, safety, comfort, convenience and general welfare of the community. These standards will result in the reduction of storm water runoff, glare, heat buildup, may reduce energy costs in structures and will improve the aesthetics of the community.

A detailed landscape plan including size, type, and location of plant materials shall be submitted for review and approval to the plan commission or its designee for all multifamily, commercial, industrial, or institutional new construction projects, additions, or conversion from residential to commercial.

For the purposes of this section, Institutional is included but is not limited to governmental institutions, schools, churches, and hospitals. The minimum requirements are as follows:

1. All deciduous trees planted shall be at least one and one-half inch (1 1/2") caliper trees. All evergreen trees planted shall be a minimum of five feet (5') in height.
2. Any trees planted to meet the landscaping standards must be replanted with a tree of like species if the tree dies or becomes diseased at any time regardless of property ownership.

3. A minimum of sixty-five percent (65%) of all plantings, including foundation plantings, shall be located in the front yard(s).

B. LS-02

Minimum Plantings Required by Use:

USE	TYPE	NUM.	PER	SIZE
Single Family	Deciduous	1	1 dwelling unit	1 1/2" caliper
	Needled Evergreen	1	1 dwelling unit	5 feet tall
	Foundation Plantings	1	20' of perimeter	12" tall
Multiple Family	Deciduous	1	2 dwelling units	1 1/2" caliper
	Needled Evergreen	1	2 dwelling units	5 feet tall
	Ornamental	1	4 dwelling units	6 feet tall
	Foundation Plantings	1	10' of perimeter	12" tall
Residential Condominium	Deciduous	1	2 dwelling units	1 1/2" caliper
	Needled Evergreen	1	2 dwelling units	5 feet tall
	Ornamental	1	4 dwelling units	6 feet tall
Retail Commercial (Not DC district)	Deciduous	1	1000 sq. ft. floor area	1 1/2" caliper
	Needled Evergreen	1	1000 sq. ft. floor area	5 feet tall
	Ornamental	1	1000 sq. ft. floor area	6 feet tall
	Foundation Plantings	1	20' of perimeter	18" tall
Office Commercial (Not DC district)	Deciduous	1	1000 sq. ft. floor area	1 1/2" caliper
	Needled Evergreen	1	1000 sq. ft. floor area	5 feet tall
	Ornamental	1	1000 sq. ft. floor area	6 feet tall
	Foundation Plantings	1	10' of perimeter	18" tall
Institutional (Not DC district)	Deciduous	1	1000 sq. ft. floor area	1 1/2" caliper
	Needled Evergreen	1	1000 sq. ft. floor area	5 feet tall
	Ornamental	1	1000 sq. ft. floor area	6 feet tall
	Foundation Plantings	1	10' of perimeter	18" tall
Industrial (Not DC district)	Deciduous	1	3000 sq. ft. floor area	1 1/2" caliper
	Needled Evergreen	1	3000 sq. ft. floor area	5 feet tall
	Ornamental	1	3000 sq. ft. floor area	6 feet tall
	Foundation Plantings	1	30' of perimeter	24" tall

1. The plantings required to meet Buffer Yard or Parking Lot standards shall not be counted toward this minimum landscaping requirement.
2. Existing vegetation on site can be counted toward the minimum landscaping requirements.
3. All foundation plantings must be within ten feet of the structures' foundation and should be scrubs, ornamental bushes, ornamental plants, or flowering plants.

C. LS-03: General Standards for Landscaping:

1. No landscaping materials, vegetation, plants, shrubs, trees, retaining walls, bedding, lighting, or mounds may extend into any existing or proposed right-of-way or easement without the written permission from the agency that established the right-of-way or easement.

2. No trees may be planted within five (5) feet of sidewalks, streets, curbs, gutters, drainage tile, or other infrastructure, unless approved otherwise by the planning commission.
 4. The species of trees and plants for proposed landscape plan may be subject to approval of plan commission or its designee.
- D. LS-04: Single Family Standards for Landscaping:
1. A minimum of one tree, one-and-a-half (1.5) inch caliper or greater or a minimum of eight (8) feet tall, shall be planted in the front yard of each single family residential structure.
 2. The front yard tree shall be installed prior to the final inspection on the residential structure.

7.8 Buffer Yard Standards (BY)

A. BY-01:

1. The general purpose of a buffer yard is to soften the potential conflicts between potential uses in one zoning district from the potential uses in another adjacent district by using plantings, fences, and mounds. The potential degree (or intensity) of conflict (or potential conflict) between two Zoning Districts will determine the extent of Buffer Yard required.
2. The following matrix determines the type of Buffer Yard which shall be installed by the subject development. First find the Zoning District of the Subject Property (across the top). Second, find the Zoning District of the Adjacent property (in the left column). Where the two intersect on the matrix will be a letter (A, B, or C) or a blank space. When there is a blank space no Buffer Yard is necessary. If an "A", "B", or "C" is indicated in the matrix, a Buffer Yard is mandatory.

Adjacent District	Zoning District of the Subject Property															
	R1*	R2*	R3*	R4*	R5*	RC1	RC2	MP	NC	OC	DC	C1	C2	C3	C4	AG
R1	B	B	B	B	B	B	B	C	B	B	B	C	C	C	C	B
R2	B	B	B	B	B	B	B	C	B	B	B	C	C	C	C	B
R3	B	B	B	B	B	B	B	C	B	B	B	C	C	C	C	B
R4	B	B	B	B	B	B	B	C	B	B	B	C	C	C	C	B
R5	A	B	B	B	A	B	B	C	B	A	A	B	C	C	C	B
RC1						A	A	A	A			A	A	C		A
RC2						A	A	A	A			A	A	C	C	A
MP						B	B	B	B	A	A	B	B	C	C	A
NC						A	A	A	A			A	A	C	C	A
OC								A				A	A	B	C	
DC	A	A	A	A				B					A	B	C	
C1								A					A	A	C	
C2								A						A	B	
C3													A			
C4																
AG																

A = "A" Buffer Yard B = "B" Buffer Yard C = "C" Buffer Yard

*Non single family residential use

3. General Buffer Yard Standards: The following Buffer Yard Standards will apply to all bufferyards.
 - a. The Buffer Yard Standards only apply along the property lines where the two conflicting Zoning Districts meet.
 - b. The developer or owner of the subject property is responsible for installing the Buffer Yard.
 - c. The adjacent property owner shall not have to participate in installing the Buffer Yard.
 - d. An irregular row and spacing of trees is preferred. However, no two (2) trees shall be placed within twenty (20) feet from one another.
 - e. All deciduous trees must have at least a two inch (2") caliper and all needled evergreen must be six feet (6') in height when planted.

f. All trees must be properly maintained, and be replaced if the tree dies, is diseased, or is damaged from natural causes.

4. Buffer Yard "A"

- a. An additional five (5) feet of setback shall be required in addition to the normal setback.
- b. One (1) deciduous canopy tree and one (1) needled evergreen tree must be planted for every sixty (60) feet of contiguous boundary with conflicting district.
- c. All trees must be planted within five (5) to fifteen (15) feet from the property line which is contiguous to the conflicting property.

5. Buffer Yard "B"

- a. An additional eight (8) feet of setback shall be required in addition to the normal setback.
- b. One (1) deciduous canopy tree and two (2) needled evergreen trees must be planted for every fifty (50) feet of contiguous boundary with conflicting district.
- c. All trees must be planted within five (5) feet from the property line.

6. Buffer Yard "C"

- a. An additional thirty-five (35) feet of setback shall be required in addition to the normal setback.
- b. A row of deciduous canopy trees must be planted forty (40) feet apart from one another.
- c. Additionally, a five (5) foot tall fence, or five (5) foot tall undulating berm, or a row of needled evergreen trees thirty (30) feet apart will also need to be placed parallel to the property line and at least five (5) feet from the deciduous canopy trees.
- d. All trees must be planted within ten (10) to thirty (30) feet from the property line and within the subject property.

7.9 Performance Standards (PS)

A. PS-01: All uses established or placed into operation after the effective date of this Ordinance shall comply with the following performance standards in the interests of protecting public health, safety, and general welfare and lessening damage to property. No use on a property shall exhibit obnoxious characteristics to the extent that it constitutes a public nuisance or interferes with reasonable enjoyment of neighboring properties. No use in existence on the effective date of this Ordinance shall be altered or modified to conflict with these standards:

- 1. Air Pollution: No use on a property shall release fly ash, dust, smoke, vapors, noxious, toxic or corrosive matter or other air pollutants in such concentration as to be detrimental to health, animals, vegetation or property, or conflict with public air quality standards.
- 2. Electrical Disturbance: No use on a property shall cause electrical disturbance adversely affecting radio, television or other equipment in the vicinity.
- 3. Fire Protection: Fire fighting equipment and prevention measures acceptable to the local Fire Departments shall be readily available and apparent when any activity involving the handling and storage of flammable or explosive materials is conducted.
- 4. Noise: No use on a property shall produce noise in such a manner as to be objectionable because of volume, frequency, intermittent, beat, shrillness, or vibration. Such noise shall be muffled or otherwise controlled so as not to become detrimental. Public safety sirens and related apparatus used solely for public purposes shall be exempt from this standard.
- 5. Odor: No use on a property shall emit across lot lines any gas or matter with a bad odor in such quantity as to be readily detectable at any point along such lines.
- 6. Vibration: No use on a property shall cause vibrations detectable beyond lot lines without the aid of instruments.
- 7. Heat and Glare: No use on a property shall produce heat and glare in such a manner as to create a hazard to neighboring property. Nor shall any such heat or glare interfere with the reasonable enjoyment of neighboring property, or transportation function.
- 8. Waste Matter: No use on a property shall accumulate within the lot or discharge waste matter beyond the lot lines.
- 9. Water Pollution: No use on a property shall produce erosion or other pollutants in such a quantity as to be detrimental to adjacent properties or to conflict with public water quality standards.

7.10 Environmental Standards (EN)

A. EN-01: No land shall be used or structure erected where the land is unsuitable for such use or structure due to slopes greater than ten percent (10%), adverse soil or rock formation, erosion susceptibility, low percolation rate or bearing strength, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of the community. In addition the following standards must be met:

1. **Surface Water:** It shall be the responsibility of the owner of any lot or parcel of land developed for any use other than for agriculture to provide for adequate surface water drainage. Existing natural surface drainage should be utilized. Whenever the evidence available indicates that the natural surface drainage is inadequate the owner shall provide the parcel with an adequate surface water drainage system which shall be integrated into the drainage pattern of surrounding properties. Swales are required to be placed in an easement to prohibit future filling or constructing. On-site detention for a 100 year storm event shall be required unless written statement by Town Engineer or County Surveyor that it is not necessary to prevent harm to adjoining properties. All drainage plans shall be reviewed and approved by the Town Engineer, Cicero Building and Public Works, or the Hamilton County Surveyor.
2. **Drainage:** Drainage swales (ditches) along dedicated roadways and within the right-of-way or on dedicated drainage easements are not to be altered, except for maintenance as originally constructed and as approved by Town Engineer, Cicero Building and Public Works, Hamilton County Highway Department, the Hamilton County Drainage Board, or Indiana Department of Transportation. Driveways may be constructed over these or other approved structures as permitted by the appropriate agency.
3. **Permanent Structures:** No permanent structures may be erected, and if erected in violation of this section, no such structure may be used if the location is within seventy-five feet of the center line of any regulated tile ditch, or within seventy-five feet of the existing top edge of any regulated open ditch or tile, or platted regulated subdivision easement unless approved by the Hamilton County Drainage Board and Hamilton County Surveyor.
4. **Preservation of Natural / Historic Features:** Existing natural and historic features which would add value to development of natural or man-made assets of the county such as trees, streams, vistas, Lakes, historical landmarks, and similar irreplaceable assets, when possible shall be preserved through harmonious and careful design. Land to be developed shall be designed and improved as far as practical in conformity to existing topography in order to minimize storm water runoff, and conserve the natural cover and soil.
5. **Landscaping:** Any part or portion of a non-farm parcel which is not used for structures, loading or parking spaces, sidewalks and accessory uses shall be landscaped or left in a natural state. If landscaped, they shall be planted with an all season ground cover and shall be landscaped with trees and shrubs in accordance with the Development Plan and/or site plan and shall be in keeping with natural surroundings.
6. **Cut / Fill Grade:** No cut or fill grade shall exceed a slope of 3/1 or 33-1/3 percent. This provision shall apply to all cuts and fills exceeding 100 square feet in exposed surface area, including cuts or fills on land naturally exceeding 3/1 in slope.
7. **Erosion Prevention:** All land, regardless of slope, from which structures or natural cover has been removed or otherwise destroyed, shall be appropriately graded and seeded within thirty (30) days after the removal or destruction of said natural cover to prevent erosion.
8. **Alterations to Shoreline:** No alteration of the shoreline or bed of a river or public lake shall be made until written approval is obtained from the Indiana Department of Natural Resources and Army Corp of Engineers, and the provisions of this ordinance are complied with. Alterations include, among other things, filling of a river or wetlands, dredging of a riverbed, and ditch excavation within one half mile of a water body.
9. **Retention, Detention, and Pond Edges:** All retention, detention, and pond edges must be maintained with a buffer of natural plantings within twenty (20) feet of the peak elevation. The use of "rip-rap" or any other engineered hard edges are not permitted except around inlets and outlets. However, the use of "rip-rap" or any other engineered hard edges shall not exceed five percent (5%) of lineal feet of the total edge of any retention facility, detention facility, or pond.
10. **Code Compliance / Hazardous Waste:** All development must be in compliance with Title 7 of the Indiana Code, as amended, as it relates to hazardous waste, low level nuclear waste, underground storage tanks, waste tires, and other applicable chapters of said Title.
11. **Code Compliance / Environmental Quality:** All development must be in compliance with Title 13 of the Indiana Code, as amended, as it relates to air pollution control, water pollution control, solid waste management, and other applicable chapters of said Title.

12. **Waste Disposal:** No waste materials such as garbage, rubbish, trash, construction material, gasoline, oil, flammables, soils, tars, chemicals, greases, industrial or agricultural waste, or any other material of such nature, quantity, obnoxiousness, toxicity, or temperature so as to contaminate, pollute, or harm the waters shall be deposited, located, stored, or discharged on any lot in a way that would be likely to runoff, seep, or wash into surface or ground water.
13. **Fuel Storage:** No highly flammable or explosive liquids, solids, or gasses specified by the State Fire Marshal shall be stored in bulk above ground, except tanks or drums of fuel connected directly with energy devices or heating appliances located and operated on the same lot as the tanks or drums of fuel.
14. **Debris / Refuse:** Debris, refuse, trash, construction material, garbage, litter, unfinished buildings, and rotting wood shall not accumulate on any property, in any zoning district.
15. **Treatment of Fill:** Material used for fill where permitted by this ordinance and/or by the IDEM, IDNR, or other governmental agency, shall be promptly covered and seeded.
16. **View Requirements:** Where a proposed structure will eliminate more than fifty percent of an adjacent structure's view or exposure to the sun, an additional yard area setback may be required by the Director of Planning so that the fifty percent (50%) view or exposure may be maintained.
17. **Improvement Location Permit Requirements:** The following activities are permitted with no Improvement Location Permit required, provided all other applicable standards are met.
 - a. Normal plowing and preparing the land for farming, gardens, and yards.
 - b. Normal trimming and/or removal of trees and shrubs for maintenance and/or site preparation.
 - c. Earth movements related to farming and other agricultural activity.
 - d. Drain tile laying and ditch cleaning.
18. **Projects Affecting Regulated Drains:** Regulated drains are under the jurisdiction of the Hamilton county Drainage Board. The Hamilton County Drainage Board or Hamilton County Surveyor shall review and approve all development or projects directly affecting a regulated open ditch or tile per I.C. 36-9-27-13 of the Indiana Drainage Code.

7.11 Floodplain Standards (FP)

A. FP-01: Intent: The intent of floodplain standards are to protect from loss of property and maintain natural areas that help mitigate flooding downstream. Cicero/Jackson Township's Plan Commission and Board of Zoning appeals should strive to prevent any infilling of land in the floodplain, or constructing of any structures. The floodplain includes the channel, floodway, and floodway fringe of a 100 year flood. Floodplain boundaries are to be determined by using the Floodway-Flood Boundary Maps of the Federal Insurance Administration/Federal Emergency Management Administration or best available information. The Director of Planning may require a petitioner to acquire a surveyor or engineer to determine the floodplain on a parcel of land.

Statement of Purpose: Under the authority granted to local units of government to control land use within their jurisdiction, which includes taking into account the effects of flooding, the Town Council adopts the following floodplain management regulations in order to accomplish the following: to prevent unwise developments from increasing flood or drainage hazards to others; to protect new buildings and major improvements to buildings from flood damage; to protect human life and health from the hazards of flooding; to lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations; and to maintain property values and a stable tax base by minimizing the potential for creating flood-blighted areas.

All development shall be prohibited within the floodplain except as outlined below.

1. The following uses shall be permitted, provided they are permitted by the underlying district:
 - a. Agricultural uses such as crop production, pastures, orchards, tree farms, plant nurseries, vineyards, and general farming.
 - b. Forestry, wildlife areas and nature preserves.
 - c. Parks and recreational uses except golf course and driving range.
 - d. Public streets, bridges, and roadways.
2. Uses permitted as a Special Exception are as follows:
 - a. Unenclosed riding stables or trails,

- b. Telephone exchange,
 - c. Utility substation ,
 - d. Public well,
 - e. Sewage treatment plant,
 - f. Water treatment plant,
 - g. Water management use facilities such as dams, docks, channel improvements, dikes, jetties, marinas, piers, wharves, levees, seawalls, floodwalls, and irrigation facilities.
 - h. Public/private parking areas of any type (grass, gravel, or paved),
 - i. Golf course, Driving range,
 - k. Artificial lake - one (1) or more acres.
3. An Improvement Location Permit is required if any structure or use (except farming activities other than the construction of structures) is proposed to be erected, any excavation opened, or any material deposited in the floodplain. The application for an Improvement Location Permit shall be accompanied by the following:
- a. A description of the proposed development.
 - b. Location of proposed development - sufficient to accurately pinpoint the property and structure in relation to existing roads and streams.
 - c. A legal description of the property site.
 - d. A site development plan showing existing and proposed structure locations and existing and proposed land grades.
 - e. Elevation of lowest floor (including basement) of all proposed structures.
 - f. Base flood elevations. If the stream or waterway is located outside the FEMA detailed study areas base flood elevations must be approved by IDNR.
4. If the site is in the floodway the staff shall require the applicant to forward the application, along with all pertinent plans and specifications, to IDNR and apply for a permit for construction in a floodway. Under the provisions of IC 13-2-22 a permit from IDNR is required prior to any excavation, deposit, construction or obstruction activity located in the floodway. This includes land preparation such as filling, grading, clearing, and paving, etc. undertaken before the actual start of construction of the building. No action shall be taken by the staff until a permit has been granted by IDNR granting approval for construction in a floodway. The staff may issue an Improvement Location Permit provided that the provisions contained in FP-01 of this Ordinance have been met.
5. If the site is located in the floodway fringe, the staff may issue an Improvement Location Permit provided that the provisions contained in FP-01 of this Ordinance have been met.
6. Facilities (nonresidential) may be constructed within the floodplain provided that the flood protection grade for all buildings shall be at least two (2) feet above the regulatory flood profile. Floodproofed nonresidential may also be constructed; provided, that the plans and necessary specifications are certified by a professional engineer or registered architect licensed to practice in the State of Indiana. A registered professional engineer or architect shall certify that below the flood protection grade the structure and attendant facilities are watertight and capable of resisting the affects of regulatory flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Also, on-site waste disposal systems may be permitted only when in accordance with the policies of the Hamilton County Health Department.
7. The Director of Planning may require any or all of the following measures as conditions of approval of new construction:
- a. Retention or detention of stormwater runoff to minimize the increase in floodflows due to watershed urbanization.
 - b. Erosion and sedimentation control during construction projects to reduce siltation resulting in loss of channel carrying capacity.
 - c. Additional fill to reduce flood danger.

d. Under no circumstance shall there be a net loss of flood water capacity. No development shall be permitted which acting alone or in combination with existing or future similar works will cause any increase in the elevation of the regulatory flood.

9. The Cicero/Jackson Township Board of Zoning Appeals when hearing variance requests from this section of the Ordinance shall consider the following:

- a. The potential damage to personal property belonging to private individuals other than the property or building owner.
- b. The increased hazard the proposed structure may cause to other structures and properties.
- c. The potential risk to stranded individuals and rescue workers.
- d. Whether the site is subject to more frequent flooding than the 100-year flood.
- e. Whether there are other options for locating the structure.
- f. The applicant shall demonstrate the necessity of the particular use or structure within the floodplain.
- g. The applicant will demonstrate that there will be no net loss of flood storage capacity. All fill shall come from subject property in order to ensure flood water storage capacity.

7.12 Lighting Standards (LT)

A. LT-01: The intent of lighting standards are to provide a level of illumination for adequate, safe and efficient movement of vehicle and persons without affecting neighboring properties. Further the level of illumination shall vary according to the type of use on a lot. The intensity of light created on any site shall not significantly go beyond the property line of the subject property.

The following lighting standards apply:

- 1. All lighting shall be shielded with opaque material to prevent direct lighting on streets, alleys, and adjacent properties.
- 2. All lighting elements used to cast light on building facades, features of buildings or signs shall have cutoff luminaires with less than a ninety degree angle ("downlighting").
- 3. Lighting for parking lots must all be consistent in their color, size, height, and design. Further, all parking lot lights shall have cutoff luminaires with less than a ninety-degree angle (downlighting) and shall be no more than twenty (20) feet in height.
- 4. All free standing lights and lights mounted on walls or facades must have cutoff luminaires with less than a ninety degree angle.
- 5. All lights within a single development must use consistent style, design, height, size and color throughout the development.
- 6. All lighting from a property must not cause illumination beyond the property line of that property (at .5 foot candles).

The only exception to this standard is as follows:

- a. when the subject property is business and the adjacent property is zoned for business or industrial the allowable light at the property line is one (1.0) foot candles (only on sides of the property that are adjacent to the similar Zoning District).
- b. when the subject property is industrial and the adjacent property is zoned for industrial the allowable light at the property line is two and one half (2.5) foot candles (only on sides of the property that are adjacent to the similar Zoning District).
- 7. Measurements shall be taken along any property line of the subject property with a light meter facing the center of the property at a height of six (6) feet.

7.13 Parking Standards (PK)

A. PK-01: Two (2) off-street parking spaces, paved or gravel, are required per dwelling unit. Neither of the off-street parking spaces required may include spaces within car ports or garages. Further, off-street parking spaces may not fully or partially be in a public right-of-way or utility easement. Each space must be at least nine (9) feet wide and eighteen (18) feet long.

B. PK-02: One and one-half (1.5) paved off-street parking spaces are required per dwelling unit. In multifamily housing developments or manufactured home parks, at least one (1) space per two (2) units is required for visitor parking and shall be spread evenly throughout the development. Visitor parking spaces cannot include spaces in car ports or garages. Further, any off-street parking space may not fully or partially be in a public right-of-way or utility easement. Each space must be at least nine and one-half (9.5) feet wide and nineteen (19) feet long.

C. PK-03: All parking lots for commercial, industrial, business, public and private employee parking, offices, organizations,

and places of assembly must be paved with asphalt, concrete, or other durable material. Gravel, stone, rock, dirt, sand or grass is not permitted as a parking surface. Expansion of existing gravel, stone, rock, dirt, sand or grass lots is not permitted. In addition, these parking lots must also conform to all the following requirements:

1. All ingress/egress into parking areas must be paved with asphalt, concrete or other durable material.
2. Be striped so as to show each parking space.
3. Be constructed to allow proper drainage.
4. Be designed as to prevent vehicles from having to maneuver in the public right-of-way.
5. The interior of all parking lots shall be landscaped with one (1) deciduous shade tree per ten (10) parking spaces (or any part of ten (10) spaces).

D. PK-04: To reduce traffic congestion and hazards along roadways, off-street parking shall be required for business and industrial uses. The minimum number of parking spaces shall be determined by adding up the spaces required for each applicable statement below. The numbers below do not guarantee the quantity needed per use, only minimums are expressed. The developer/builder must calculate additional parking spaces that may be necessary.

1. One (1) parking space per employee that potentially can be working at any given time.
2. One (1) parking space for every three (3) chairs/seats in a restaurants, food services, movie theatre, auditorium, or church.
3. One (1) parking space per five hundred (500) square feet of Gross Floor Area in all furniture stores and automobile sales establishment.
4. One (1) parking space per four hundred (400) square feet of Gross Floor Area in all hardware stores, home improvement stores, and community centers.
5. One (1) parking space per two hundred (200) square feet of Gross Floor Area in all fitness, health spa, entertainment facility, skating rink or similar facilities.
6. One (1) parking space per every three hundred (300) square feet of Gross Floor Area in all convenience stores, gasoline stations, grocery stores, banks, and department stores.
7. One (1) parking space per every ten (10) children enrolled in a day-care facility.
8. One (1) parking space per sleeping unit in a hotel, motel, or bed and breakfast.
9. Twenty (20) parking spaces are required per nine (9) holes at any golf course.
10. One parking space per 250 square feet of gross floor area (or any part of 250 square feet) for general or professional office use.
11. Additional parking spaces may be required by the Planning Commission or Board of Zoning Appeals if deemed necessary.

E. PK-05: Parking spaces shall be installed as follows:

1. Maximum of 30% in front of the primary structure,
2. Maximum of 70% to the side of the primary structure, and
3. Minimum of 10% to the rear of the in rear yard.
4. Under no circumstances shall parking be permitted within any required yard setback or buffer areas.
5. Parking spaces prescribed in this Rule must be located either on the premises or on a lot approved by the Plan Commission. All required off-street parking spaces, however, must be located within six-hundred (600) feet of the respective lot.
6. Parking spaces shall be a minimum of 9' x 18'. Parking aisle widths shall be as follows:
 - s. 90 degree angle space - 24' wide parking aisle
 - b. 60 degree angle space - 18' wide parking aisle
 - c. 45 degree angle space - 14' wide parking aisle
7. A group of adjacent properties may provide a joint parking area if the number of spaces required for all properties is adequate, and at least eighty percent (80%) of the total spaces required for each use. A permanent documentation of

the agreement must be recorded with both properties. A permanent written agreement signed by all property owners involved which shall include but is not limited to the following items: maintenance, snow removal, ownership, and liability. The agreement shall be reviewed/approved by the Director of Planning and/or Town Attorney. The agreement shall be recorded in the office of the Hamilton County Recorder. A copy of the recorded agreement shall be kept in the office of the Plan Commission. The Director of Planning shall approve aggregate parking lots such as mentioned above.

8. A church or temple or like uses may request a variance to a down-size parking requirements if adequate parking is located near the use and which is available during the times of use by the church or temple.

F. PK-06: Vehicles or trailers of any type without current license plates or in an inoperable condition shall be prohibited in residential zone districts other than in completely enclosed buildings, and shall not be parked or stored in any zone unless specifically authorized under the terms of this Ordinance.

No vehicle or tractor/trailer of any type may be used predominantly for the purpose of personal storage.

G. PK-07: The parking of commercial vehicles in residential zone districts shall be prohibited; except that one commercial vehicle of not more than **three (3)** tons capacity may be parked on any lot where there is a principal building as along as it is **1. Used by a resident of the premises.**

2. parked in an enclosed garage or accessory building or is located in the rear yard at least ten (10) feet from the rear property line.

This regulation shall not be interpreted to prohibit commercial vehicles from temporary loading and unloading in a residential district.

7.14 Loading Standards (LD)

A. LD-01: There shall be provided off-street loading berths not less than the minimum requirements specified in this section in connection with any building or structure which is to be erected or substantially altered, and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles.

1. Location: All required off-street loading berths shall be located on the same lot as the use to be served, and no portion of the vehicle shall project into a street right-of-way or alley easement. No permitted or required loading berth shall be located within twenty-five (25) feet of the nearest point of intersection of any two (2) streets, nor shall it be located in a front of the primary structure, or on the side of the primary structure adjoining a street.
2. Size: Off-street loading berths for over-the-road tractor-trailers shall be at least fourteen (14) feet in width by at least sixty (60) feet in length with a sixty (60) foot maneuvering apron, and shall have a vertical clearance of at least fifteen (15) feet. For local pick-up and delivery trucks, off-street loading berths shall be at least twelve (12) feet in width by at least thirty (30) feet in length with a thirty (30) foot maneuvering apron, and shall have a vertical clearance of at least twelve (12) feet.
3. Access: Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements. There shall be no maneuvering within the right-of-way.
4. Surfacing: All open off-street loading berths shall be improved with a compacted base ~~not less~~ of asphalt, concrete or some comparable all-weather, dustless material.
5. Space Allowed: Space allowed to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements of any off-street parking areas or portions thereof.
6. Off-Street Loading Berth Requirements:

- a. Minimum Loading Berths Required Gross Floor Area

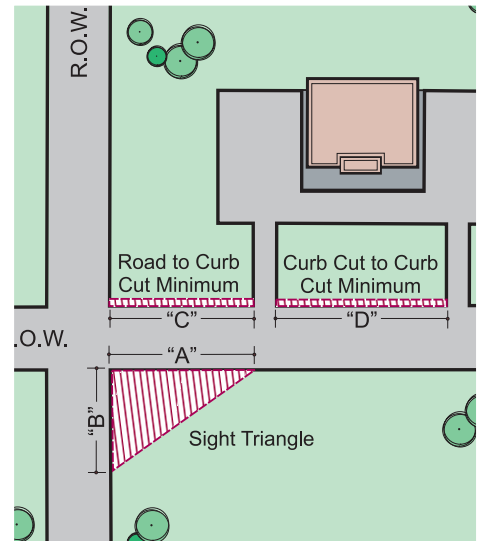
1	Up to 40,000 sq. ft.
2	40,000 to 80,000 sq. ft.
3	80,000 to 120,000 sq. ft.
4	120,000 to 160,000 sq. ft.

- b. One additional off-street loading space shall be required for each additional 80,000 sq. ft. after 320,000 sq. ft.
- c. In situations where the structure clearly does not need and will not in the foreseeable future need loading docks, the planning commission may reduce the number required or eliminate the requirement.

7.15 Entrance/Drive Standards (ED)

A. ED-01: The intent of Entrance and Drive Standards is to provide for a safe and efficient vehicular and pedestrian transportation system. The following standards apply to entrances and drives.

1. All classification of roads shall be based on the Transportation Plan as found and maintained in the Cicero/Jackson Township Comprehensive Plan.
2. No entrance or drive shall be permitted to begin within:
 - a. 220 feet of any intersecting road if along a Primary Arterial (see "C" in the illustration on the following page),
 - b. 175 feet of any intersecting road if along a Secondary Arterial (see "C" in the illustration on the following page),
 - c. 170 feet of any intersecting road if along a Collector (see "C" in the illustration on the following page), and
 - d. 150 feet of any intersecting road if along a Local Road (see "C" in the illustration on the following page).



Entrance and Drive Standards Diagram

The distances for the above standards shall be determined by measuring from ROW line to the curb or edge of pavement whichever is less) of the entrance or drive.

3. No two entrance or drive shall be within:
 - a. 120 feet of one another if along a Primary Arterial (see "D" in the illustration on the following page),
 - b. 100 feet of one another if along a Secondary Arterial (see "D" in the illustration on the following page),
 - c. 70 feet of one another if along a Collector (see "D" in the illustration on the following page), and
 - d. 50 feet of one another if along a Local Street (see "D" in the illustration on the following page),

The distances for the above standards shall be determined by measuring from the curb or edge of pavement to the curb or edge of pavement (whichever is less) of each entrance, or drive.

4. No entrance or drive shall be permitted within:
 - a. 140 feet of the apex of a curve (30 degrees or greater) and where the roads is a Primary Arterial,
 - b. 120 feet of the apex of a curve (30 degrees or greater) and where the roads is a Secondary Arterial,
 - c. 100 feet of the apex of a curve (30 degrees or greater) and where the roads is a Collector,
 - d. 70 feet of the apex of a curve (30 degrees or greater) and where the roads is a Local Road.

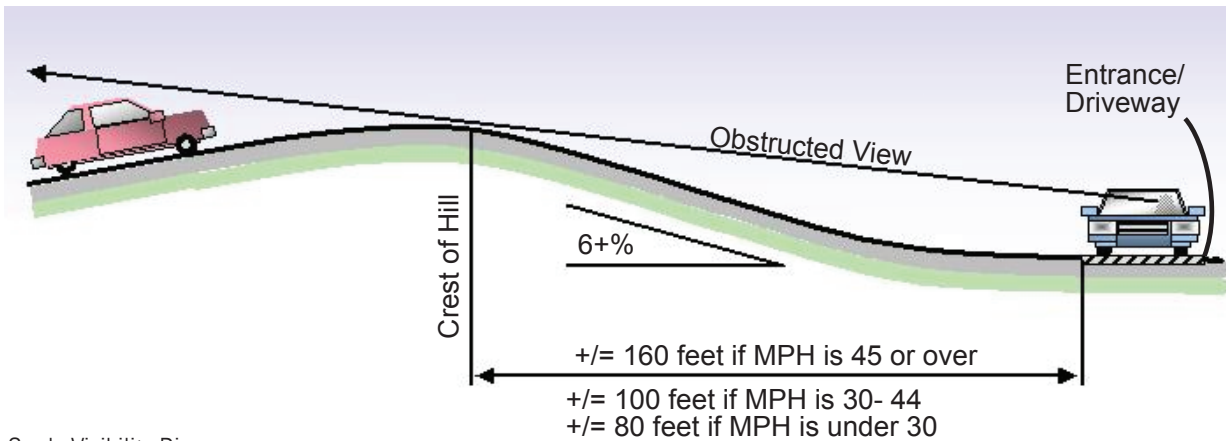
The location of drives on or near curves may be investigated individually by the Town Engineer or his designee and evaluated for their sight distance and design speed of the roadway or the posted speed limit, whichever is greater. In no case shall the Town Engineer or his designee be able to reduce the above stated distances by greater than fifty percent (50%).

5. No entrance or drive shall exceed the following pavement widths for two-way traffic (if one-way, the measurements shall be one-half (1/2) of the below measurements):
 - a. 32 feet if from a commercial Zoning District onto a Primary Arterial,
 - b. 30 feet if from a commercial Zoning District onto a Secondary Arterial,
 - c. 28 feet if from a commercial Zoning District onto a Collector,

- d. 26 feet if from a commercial Zoning District onto a Local Street,
- e. 30 feet if from a multifamily residential Zoning District onto a Primary Arterial, Secondary Arterial, or Collector,
- f. 28 feet if from a multifamily residential Zoning District onto a Local Street,
- g. 28 feet if from a single-family residential Zoning District onto any type of street, or
- h. 22 feet if from a single-family residential unit onto any type of street.

The distances for the above standards shall be determined by measuring from the outside edges of the curb or pavement (whichever is more) of the entrance, or drive.

- 6. The Planning Commission may determine if the following are necessary:
 - a. an acceleration or deceleration lane, or
 - b. a passing blister at a new entrance or drive.
- B. ED-02: In manufactured home parks with forty (40) or more manufactured homes:
 - 1. Two (2) access points shall be required into and out of the manufactured home park.
 - 2. Individual dwelling sites may only have driveways on interior roads.
- C. D-03: Single family residential driveways:
 - 1. All driveways shall be concrete, concrete pavers, brick, or asphalt.



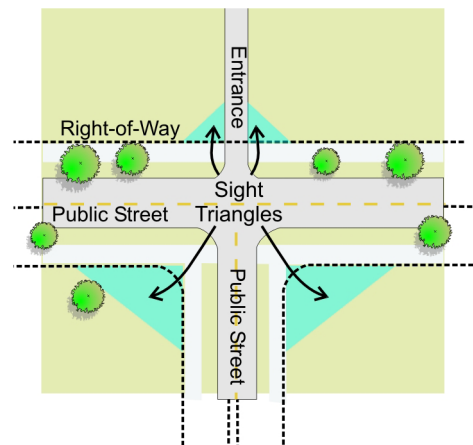
Grade Visibility Diagram

7.16 Vision Clearance Standards (VC)

A. VC-01: The intent of Vision Clearance Standards are to provide for a safe vehicular and pedestrian transportation system. The visibility at intersections, driveways, curb cuts, and entrances are particularly important for the safe movement of vehicles and pedestrians.

The following Vision Clearance Standards apply to all intersections, drive, curb cuts, and entrances.

- 1. No entrance, curb cut, or drive shall be permitted if within:
 - a. 160 feet of the crest of a hill where the slope on either side of the crest is 6% or greater, or the visibility is determined to be impaired by the Director of Planning, County or Town Engineer, and the speed limit is 45 MPH or greater.



Clear Vision Triangle Diagram

- b. 100 feet of the crest of a hill where the slope on either side of the crest is 6% or greater, or the visibility is determined to be impaired by the Director of Planning, County or Town Engineer, and the speed limit is 30-44 MPH
 - c. 80 feet of the crest of a hill where the slope on either side of the crest is 6% or greater, or the visibility is determined to be impaired by the Director of Planning, County or Town Engineer, and the speed limit is under 30 MPH.
2. All intersections must maintain a clear vision triangle where no Primary or Accessory Structures, trees, vegetation, or signs other than road signs are allowed to be placed or to project into. The Clear Vision Triangle is illustrated below.
 3. The following triangle leg lengths will apply to the determination of a clear vision triangle.

a. Along Primary Arterials	45 feet
b. Along Secondary Arterials	40 feet
c. Along Collectors	35 feet
d. Along Local Roads	20 feet

7.17 Public Improvement Standards (PI)

A. PI-01: The following public improvement standards shall apply as follows:

1. Manufactured Home Parks and Multifamily Developments shall be permitted only if the public streets, drainage facilities, and utilities are adequate to serve the proposed development.

Any public streets which will carry the increased traffic the park or development shall be adequate to accommodate such traffic. Drainage facilities and public utilities shall have sufficient capacity to serve the development. The town/township engineer shall make a determination as to needed street and drainage improvements. The town/township engineer or his designee shall make a determination as to needed utility improvements. The decision of the town/township engineer or his designee may be appealed to the Board of Zoning Appeals. When public improvements are required, the developer or authorized representative shall be required to post performance and maintenance guarantees for such improvements in a manner specified in the Subdivision Control Ordinance.

2. Attachment to public or semi-public water and sanitary facilities shall be mandatory in MP, Manufactured Home Parks.
3. Manufactured Home Parks shall be in accordance with IC 16-11-27-1 et. seq., Rule 410 IAC 6-6 and their subsequent amendments, the State Board of Health Requirements, and the requirements of this Ordinance.
4. All private streets shall be constructed to the public streets standards set forth in the Public Improvement Design Standards Ordinance.

7.18 Open Space Standards (OS)

A. OS-01: The intent of the Open Space standards are to allow adequate open space in the MP, Manufactured Home Parks District:

1. A minimum of 400 square feet per dwelling site shall be dedicated to open space, a portion of which shall be an active recreational area, or a quarter (1/4) acre whichever is greater. Open space shall be configured for the activity for which it is designed.
2. The minimum lot size may be reduced provided that the amount by which the lot is reduced is devoted to common open space and the lot size is not less than 3200 square feet.

7.19 Home Occupation Standards (HO)

A. HO-01: Home Occupation #1: The intent of the Home Occupation #1 provisions are to allow minimal business practices within certain residential Zoning Districts. Further, the intent is not to allow the loss of the residential district's character or function as a residential area or neighborhood. To regulate reasonable business practices and residential character, the following development standards apply:

1. The home occupation must not involve retail sales or manufacturing operations.
2. The home occupation must not involve the employment of any person other than those residing at the location of the home occupation.
3. At least one (1) members residing on the premises must be the primary operator of the company.
4. The equipment used for the business must be limited to computers, fax machines, telephones, copy machines, and other small business office equipment.

5. There must not be any interior or exterior storage or display of products, equipment or materials used in connection with the home occupation.
 6. No more than ten percent (10%) of the total floor area of the primary structure shall be used for the home occupation.
 7. There shall not be any interior or exterior, structural or aesthetic alterations to the dwelling unit to accommodate for the home occupation.
 8. There shall not be any room additions or other structural/aesthetic alterations that change the residential character of the dwelling unit.
 9. There shall not be an additional entrances to the dwelling unit for the purpose of conducting business or to accommodate the business.
 10. No use of Accessory Structure including attached/detached garages, shall be allowed.
 11. No traffic generation due to the business will be permitted.
 12. No signage for the business shall be allowed on or off the property.
 13. No business practice, function, equipment, or process shall create electrical interference, odors, noise, vibration, light, smoke, fumes, or any thing offensive.
 14. No home occupation that demands increasing or enhancing the size, capacity, or flow of the water, gas, septic, sewer, or electrical system beyond what is standard for a residence will be allowed.
 15. No additional parking may be added to the Lot(s) the residence is located to accommodate for the home occupation.
 16. Use of commercial vehicles for pickup and deliveries other than from the U.S. Postal Service, UPS, and other express couriers is not permitted.
 17. The permitted uses in for Home Occupation #1 shall be limited to small offices or operations which have no clients, associates, or persons visiting, shopping, meeting, or otherwise doing business at the home location.
 18. Business activities involving escort services, adult bookstores, adult novelty sales, pornographic materials, or nude or partially nude modeling services are strictly forbidden and considered an unpermitted use, and such activities will be considered a public nuisance under Home Occupation #1.
 19. Home occupation uses that meet the above described standards are deemed permitted until the Town Council, Commission or BZA rule the use to be a nuisance, or until all adjacent neighbors petition to the Commission that the use is a nuisance.
- B. HO-02: Home Occupation #2: The intent of the Home Occupation #2 provisions are to allow reasonable business practices within certain residential Zoning Districts. Further, the intent is not to allow the loss of the residential district's character or function as a residential area or neighborhood. To regulate reasonable business practices and residential character, the following development standards apply.
1. The home occupation must not involve retail sales or manufacturing operations.
 2. The home occupation must not involve the employment of any more than one (1) person who is not related and does not reside at the location of the home occupation.
 3. At least one (1) members residing on the premises must be the primary operator of the business and be that person(s) primary work.
 4. There shall not be any use of mechanical equipment, other than what is usual for purely domestic or hobby purposes.
 5. There must not be any exterior storage or display of equipment or materials used in connection with the home occupation.
 6. No more than twenty-five percent (25%) of the total floor area of any level of the primary structure shall be used for the home occupation.
 7. There shall not be any exterior structural or aesthetic alterations to the dwelling unit to accommodate for the home occupation.
 8. There shall not be any room additions or other structural/aesthetic alterations that change the residential character of the dwelling unit.
 9. There shall not be an additional entrances to the dwelling unit for the purpose of conducting business or to accommodate the business.

10. Business practice in all Accessory Structure is not permitted.
11. Minimal traffic generation due to the business will be permitted.
12. A small sign not exceeding two (2) square feet will be allowed on the primary structure. No off-site signs or signs in the yard of the property shall be permitted.
13. No business practice, function, equipment, or process shall create electrical interference, odors, noise, vibration, light, smoke, fumes, or any thing offensive beyond the property line for the Dwelling Unit.
14. No home occupation that demands increasing or enhancing the size, capacity, or flow of the water, gas, septic, sewer, or electrical system beyond what is standard for a residence will be allowed.
15. No additional parking may be added to the Lot(s) the residence is located to accommodate for the home occupation.
16. Use of commercial vehicles for pickup and deliveries other than from the U.S. Postal Service, UPS, and other express couriers is not permitted.
17. The permitted uses in for Home Occupation #2 shall be limited to domestic crafts, professional service, catalog businesses and internet businesses, including but not limited to:
 - a. dressmaking,
 - b. sewing,
 - c. weaving,
 - d. tailoring,
 - e. ironing,
 - f. washing,
 - g. computer/internet based sales,
 - h. catalog order business,
 - i. furniture repair,
 - j. hair grooming - one (1) chair,
 - k. home office for a lawyer, doctor, architect, engineer, accountant, or planner,
 - l. home office for a real estate, insurance, notary public, or manufacturer's agent,
 - m. office for clergy,
 - n. art studio, writing studio, music studio, photography studio,
 - o. teaching art, writing, or music for one student at one time, and
18. The following types of business shall not be permitted as a Home Occupation #2:
 - a. medical clinics of any kind,
 - b. retail dress shops,
 - c. funeral homes,
 - d. tourist homes,
 - e. animal hospitals,
 - f. kennels,
 - g. trailer rentals,
 - h. automobile, motor vehicles, equipment repair of any kind,
 - i. painting of automobiles, motor vehicles, or equipment of any kind,
 - j. photo developing,
 - k. television, radio or other electronics repair,
 - l. tooling, welding, or machining of any kind,
 - m. retail or manufacturing of any kind,

- n. tool or equipment rental of any kind,
 - o. restaurant or similar establishment,
 - p. salvage operations of any kind,
 - q. freight or trucking operations of any kind,
 - r. contractors business,
 - s. landscaping/lawn care business, and
 - t. escort services, adult bookstores, adult novelty sales, sales of pornographic materials, or nude or partially nude modeling services of any kind.
19. Permitted uses are deemed so until the Town Council, Commission or BZA rule the use to be a nuisance, or until all adjacent neighbors petition to the Town that the use is a nuisance.
20. Uses not specifically mentioned will be interpreted by the Director of Planning or BZA as to whether the use is permitted or not.

7.20 Telecommunication Facilities Standards (TF)

A. TF-01: Statement of Purpose: The purpose of this section of the ordinance is to provide for sensible and reasonable land uses to allow for the provision of adequate reliable public and private telecommunication service and to maximize the use of any transmission tower in order to reduce the total number of towers needed to serve the telecommunications needs of the area; to minimize adverse, undesirable visual effects of towers through careful design, siting, and vegetative screening.

All Wireless Telecommunication Facilities shall meet the following provisions:

1. The location of the tower and equipment buildings shall comply with all local, state, and federal natural resource protection standards.
2. The following buffer plantings shall be located around the perimeter of the outer most perimeter or security fence of a wireless telecommunications facility:
 - a. A live evergreen screen shall be planted around the entire facility including the guy wires and anchors, if used, that consist of a hedge, planted three feet on center maximum, or a row of evergreen trees planted a maximum of ten feet on center, height of plants at time of planting shall be no less than 5 feet tall.
 - b. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
3. An antenna may be located on a building or structure that is listed on a historic registry only after obtaining all necessary and required approvals. Any antenna located in a historic district will require approval by the Board of Zoning Appeals for a Special Exception approval.
4. Vehicular access to the tower and equipment building shall, whenever feasible, be provided along the existing driveways.
5. The wireless telecommunications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance and emergencies.
6. Proposed or modified towers and antennas shall meet the following design requirements:
 - a. Tower and antennas shall be designed to blend into the surrounding environment through the use of color, camouflaging and architectural treatment, except in an instance where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
 - b. Wireless telecommunication service towers less than 131 feet tall shall be of a monopole design and when located within or adjacent to an environmentally, aesthetically sensitive area or a residential district, designed in such a way as to architecturally camouflage the wireless telecommunication service tower as much as reasonably practical to blend into the surroundings.
 - c. The entire facility must be aesthetically and architecturally compatible with its environment. The use of residentially compatible materials such as wood, brick, or stucco is required for associated support structures, which shall be designed to architecturally match the exterior of residential or commercial structures with in the neighborhood or area. Only if the facility will be 100% screened during all seasons will other materials be approved.

- d. Only when lighting is for safety or security reasons or required by the Federal Aviation Administration or other federal or state authority will it be permitted. When approved the lighting shall be oriented inward so as not to project onto surrounding residential properties.
- 7. Any request submitted to the Office of the Cicero/Jackson Township Plan Commission to install an antenna to be located on an existing approved or "grandfathered" tower will only require a building permit and the contract between the applicant company and the owner of the tower.
- 8. All towers at a minimum are to be constructed to support the initial user (wireless telecommunication antenna) plus handle the anticipated loading of a second user on a monopole and third user on all other towers equal to the antenna loading of the initial user.
- 9. The size of the site of the initial tower and support facility shall be sufficient area to allow the location of one (1) additional tower and associated support facility for future monopole tower and sufficient area to allow for the location of two additional towers and associated support facilities for non-monopole towers.
- 10. A proposal for a new commercial wireless telecommunications service tower shall not be approved unless the applicant submits verification that the telecommunication equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or buildings or other structure due to one or more of the following reasons:
 - a. The planned equipment would exceed the structural capacity of the existing or approved tower, building, or structure as documented by a qualified and licensed professional engineer, and the existing or approved tower, building or structure cannot be reinforced, modified, or replaced to accommodate planned or equipment at a reasonable cost.
 - b. The planned equipment would cause interference impacting the usability of other existing or planned equipment at the tower site. Supportive documentation by a qualified and licensed professional engineer indicating that the interference cannot be prevented at a reasonable cost.
 - c. That existing or approved towers, buildings or structure within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
 - d. Other unforeseen reasons that make it unfeasible or impossible to locate the planned telecommunications equipment upon an existing or approved tower, building or structure.
 - e. Unable to enter a commonly reasonable lease term with the existing tower owner.
 - f. If agreement cannot be reached between parties both parties shall agree to binding arbitration.
 - g. Additional land area is not available.
- 11. Any proposed commercial wireless telecommunication service tower shall be designed, and engineered structurally, electrically and in all other respects to accommodate both the applicants height and at least one additional users for every 30 feet of tower above 60 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and accept antennas mounted at varying heights. Tower sites shall be large enough to accommodate all future accessory structures needed by future antenna users.
- 12. All antennas, towers, accessory structure and wiring constructed within the Cicero/Jackson Township Plan Commission jurisdiction, shall comply with the following requirement:
 - a. All applicable provisions of this Code and the Building Code of the State of Indiana and the Federal Communications Commission when applicable.
 - b. Towers shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the Uniform Building Code and the Electronics Industry Association.
 - c. With the exception of necessary electric and telephone service and connection lines approved by the Board of Zoning Appeals no part of any antenna or tower nor any lines, cables, equipment or wires or braces in connection with either shall at any time extend across or over any part of the right-of-way, public street, highway, sidewalk, trails or property line without appropriate approval in writing.
 - d. The tower and associated antennas shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code.

- e. All towers shall be constructed to conform with the requirements of Occupational Safety and Health Administration.
 - f. An eight (8) foot high security fence shall completely surround the tower (and guy wires if used) and equipment building.
 - g. All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower, antenna and a structure, or between towers, shall be at least ten (10) feet above the ground at all points, unless buried underground.
 - h. The tower shall be designed and constructed to all applicable standards of the American National Standards Institute manual, as amended.
 - i. An engineers certification shall be submitted to document and verify the design specifications but not limited to, the foundation for the tower, and anchors for the guy wires if used, co-location, strength requirements, for natural forces; ice, wind, earth movements, etc.
 - j. Towers and antenna shall be designed and constructed, at a minimum, to withstand wind gusts of at least 80 miles per hour with one-half inch of ice and to accommodate any co-location requirements.
13. The following shall apply to Existing Antennas and Towers:
- a. May continue in use for the purpose now used and, as now existing but may not be replaced or structurally altered without complying in all respects to the requirements in this Ordinance.
 - b. If such towers are hereafter damaged or destroyed due to any reason or cause whatsoever, the tower may be repaired and restored to its former location, and physical dimensions upon obtaining a building permit provided, however, that if the cost of repairing the tower to the former use, physical dimensions, and location would be ten percent (10%) more of the cost of a new tower of like kind and quality, then the tower may not be repaired or restored except in full compliance with all requirements in this Ordinance
 - c. Existing antennas or towers cannot be used for anything other than their originally intended use.
14. The following shall apply to the inspection of towers:
- a. All towers may be inspected at least once every one to five (1-5) years by an official of the Cicero/Jackson Township Plan Commission and/or a qualified and licensed engineer to determine compliance with the original construction standards. Deviation from original construction for which a permit is obtained constitutes a violation of this Ordinance.
 - b. Notice of violations will be sent by registered mail to the owner and the owner will have thirty (30) days from the date the notification is issued to make repairs. The owner will notify the building inspector that the repairs have been made, and as soon as possible thereafter, another inspection will be made and the owner notified of the results.
15. Any tower unused or left abandon for twelve (12) months shall be removed by the tower owner at its expense.
- B. TF-02: Roof/Wall Mounted Antennas: The following chart shows where roof mounted antennas are permitted, and where and how they are restricted and necessary approvals.
- | 1. BZA Approval | Directors Approval |
|---|---|
| Unscreened 11 or more feet above the roof line | Unscreened 10 or less ** feet above the roof line |
| Directors Approval | Directors Approval |
| Screened 11 or more feet above the roof line | Screened 10 or less feet above the roof line |
| <i>If within 200 feet of residential property lines BZA approval required</i> | |
- C. TF-03: This section applies to residential and agriculture districts.
- Wireless Telecommunications Facility shall require a Special Exception approval from the Board of Zoning Appeals and meet all the general and following requirements when located in a residential or agriculture district:

1. The tower shall be setback from any property line a distance equal to at least one hundred percent (100%) the height of the tower.
2. Maximum height: tower 125 feet - accessory structure 15 feet
3. Minimum number of antenna sites for a 125 feet tower is 3; if tower is less than 125 feet refer to TF-01K.
4. The tower shall be a monopole design.

D.TF-04: This section applies to the NC, OC, DC, C1 and C2 districts.

Wireless Telecommunications Facility shall require approval as Special Exception by the Board of Zoning Appeals and meet the following and all other requirements within this ordinance:

1. Minimum side and rear property setbacks equal to 80% of the height of the tower. Towers are not permitted in the front yards.
2. Maximum height: tower 180 feet - accessory structure 15 feet.
3. Minimum number of antenna sites for a 180 feet tower is 4; if tower is less than 180' refer to TF-01K.
4. Tower shall be placed no closer than 500 feet to any residential structure. If it is closer it will require Special Exception Approval by the Board of Zoning Appeals.

E. TF-05: This section applies to the HC, C3, and C4 districts.

A Wireless Telecommunications Facility shall be permitted that meet the following and all other requirements within this ordinance:

1. Minimum setback from the side and rear property line: equal to fifty percent (50%) of the height of the tower. Towers not allowed in the front yards.
2. Maximum height: tower two hundred fifty (250) feet and accessory structure fifteen (15) feet
3. Minimum number of Antenna sites for a two hundred fifty (250) feet tower is six (6); if tower is less than two hundred fifty feet (250') refer to TF-01K.
4. Tower shall be placed no closer than five hundred (500) feet to any residential structure. If closer will require Special Exception Approval by the Board of Zoning Appeals.

7.21 Fence and Wall Standards (FN)

A. FN-01: All fences and walls are accessory structures and require a building permit:

1. Present the non-structural face outward.
2. Be permitted up to the property line or easements; fences shall not be allowed within any utility and/or drainage easement.
3. Not be greater than six (6) feet in height in the side yard and rear yard or greater than three (3) feet in height in the front yard.
4. Not be closer than two (2) feet to any public right-of-way.
5. Not be placed within the clear vision triangle.
6. Not incorporate security wire or sharpened top spikes.
7. Fences or walls located in the front yard shall have no less than 50% surface open area. (Picket fence/rail fence.)
8. Wire fences and walls for agricultural purposes are exempt from this requirement and do not require a permit.

B. FN-02: All fences and walls shall:

1. Present the non-structural face outward.
2. Be permitted up to the property line or easements; fences shall not be allowed within any utility and/or drainage easement.
3. Not be greater than eight (8) feet in height in the side yard and rear yard.
4. Not be closer than two (2) feet to any public right-of-way.
5. Not be placed within the clear vision triangle.

6. Fences or walls located in the front yard shall have no less than 50% surface open area. (Picket fence/rail fence.)
 7. Wire fences and walls for agricultural purposes are exempt from this requirement and do not require a permit.
- C. FN-03: All fences and walls are accessory structures and require a building permit, and shall:
1. Present the non-structural face outward.
 2. Be permitted up to the property line or easements, but shall not be allowed within any utility and/or drainage easement.
 3. Not be greater than eight (8) feet in height in the side yard or rear yard.
 4. Not be greater than six (6) feet in height in the front yard.
 5. Not be placed within the clear vision triangle.
 6. Not incorporate security wire or sharpened top spikes.
 7. Be constructed of brick, ironwork, or decorative masonry blocks.

7.22 Architecture Standards (AR)

- A. AR-01: The following architectural standards apply and shall be shown on plans submitted with a building permit:
1. A minimum roof pitch of 7:12 is required for the primary structure. The minimum roof pitch for an open porch is 5:12.
 2. Siding for all structures shall have a textured surface.
 3. All single family residential structure roof overhangs or eaves shall be no less than twelve (12) inches.
 4. All single family residential structures shall have gutters and down spouts.
- B. AR-02: The primary building material for all facades of the Primary and Accessory Structures are to be brick, natural or cut stone. Other accent materials suggested on the facades include products like stucco or dryvit (no vinyl, aluminum or plywood siding shall be permitted).
1. Gazebos, bath houses, detached garages or carports shall have the same architectural design and look as the Primary Structure, and the same building materials, unless otherwise approved by the Plan Commission.

7.23 Miscellaneous Standards (MS)

- A. MS-01: Each manufactured home in a manufactured home park must be tied down and have perimeter skirting.
- B. MS-02: Storage or parking of recreational vehicles is subject to the following conditions:
1. At no time shall a parked or stored vehicle, recreational vehicle, boat, or trailer be occupied or used for living, sleeping or housekeeping purposes, except as outlined below.
 2. A recreational vehicle may be permitted to be parked for visitation for up to seven (7) consecutive days, but not to exceed fourteen (14) total days in any one calendar year.
 3. No more than two (2) recreational vehicles may be stored or parked outdoors on a residential parcel at any one time. Of these two permitted vehicles, no more than one may be a motorized recreational vehicle. In the event of a boat, jet skis or vehicles properly stored upon a trailer, the trailer and any vehicle/s properly stored upon it shall be considered as one vehicle for the purpose of this Section.
 4. A recreational vehicle shall not be parked on a parcel of less than one half (0.5) acres without a primary structure.
 5. A recreational vehicle, boat or trailer shall not be used solely for the purpose of personal storage.
- C. MS-03: All roof mounted heating, air conditioning, ventilation, or other mechanical equipment shall be screened with materials that are complementary and aesthetically appealing to the structure on which they are affixed. From any location within four hundred (400) feet of the structure, the screening must hide or disguise the above listed equipment.
- D. MS-04: Farm animals must have a minimum fenced area per animal to be permitted within the jurisdiction of this Ordinance. The minimum lot size to be able to have any farm animal on any lot or combination of lots is three (3) acres. The zoning administrator shall have discretion to determine the minimum acreage for farm animals not listed.

ORDINANCE NO. 05-15-2018-3

AN ORDINANCE TO AMEND CHAPTER TWENTY-THREE OF ARTICLE SEVEN AND THE DEFINITION OF RECREATIONAL VEHICLE IN ARTICLE SIXTEEN OF THE CICERO/JACKSON TOWNSHIP ZONING ORDINANCE

WHEREAS, from time-to-time it is necessary to amend certain parts of the Cicero/Jackson Township Zoning Ordinance; and

WHEREAS, the Cicero/Jackson Township Plan Commission was contacted last fall regarding the application and enforcement of chapter twenty-three of article seven of the Cicero/Jackson Township Zoning Ordinance regarding the parking of recreational vehicles; and

WHEREAS, the Cicero/Jackson Plan Commission conducted an in-depth review of said ordinance which included looking at the historical basis for the current ordinance, reviewing ordinances governing the parking of recreational vehicles from other communities, conducting discussions among the membership of the Plan Commission at multiple public meetings, and advertising for and holding a special meeting to solicit public input regarding this issue; and

WHEREAS, based upon this investigation the Cicero/Jackson Plan Commission has determined that the current ordinance, which was originally adopted more than thirty years ago, is outdated and no longer meets the needs of the community; and

WHEREAS, the Cicero/Jackson Plan Commission has determined that certain updates and revisions of the ordinance are necessary to address these changes.

IT IS HEREBY ORDAINED by the Town Council of Cicero that the zoning ordinance be amended as followed:

Section 1: Item B of Section 7.23 of Article 7 entitled Development Standards, Miscellaneous Standards (MS) is hereby deleted and revised to read as follows:

B. MS-02: Storage or parking of recreational vehicles, boats and trailers in any area zoned Residential or Commercial is subject to the following conditions:

1. At no time shall a parked or stored vehicle, recreational vehicle, boat, or trailer be occupied or used for living, sleeping or housekeeping purposes, except as outlined below.
2. A recreational vehicle, boat, or trailer owned and being utilized by individuals who are not residents of the Town of Cicero or Jackson Township may be permitted to be parked

and utilized for sleeping purposes on a residential parcel for visitation for up to seven (7) consecutive days, but not to exceed fourteen (14) total days in any one calendar year.

3. No more than two (2) vehicles covered by this Section may be stored or parked outdoors on a residential or commercial parcel at any one time. Of these two (2) permitted vehicles, no more than one (1) may be a motorized recreational vehicle. In the event of a boat, jet skis or vehicles properly stored upon a trailer, the trailer and any vehicle/s properly stored upon it shall be considered as one (1) vehicle for the purposes of this Section.
4. A recreational vehicle, boat, or trailer shall not be parked on a parcel of less than one half (0.5) acres without a primary structure.
5. A recreational vehicle, boat, or trailer shall not be used solely for the purposes of personal storage.

Section 2.

The definition of "Recreational Vehicle" in Section 20 of Article 16 is hereby deleted and revised to read as follows:

Recreational Vehicle: The term Recreational Vehicle or RV covers both motorized and non-motorized recreational vehicles.

- A. "Motorized Recreational Vehicle" means a motor home built on a truck or bus chassis or a van chassis which usually has a section overhanging the cab. All these vehicles are powered by engines that run on gasoline, diesel, batteries or other fuel. Van campers and pickup truck campers are excluded from the Motorized Recreational Vehicle definition. \
- B. "Non-Motorized Recreational Vehicle" means a conventional travel trailer or a fifth wheeled trailer utilized for recreational purposes and designed to be towed by a vehicle. Boats, boat trailers, horse trailers, utility trailers for storing recreational equipment or other equipment, and all-terrain vehicles stored on trailers utilized for recreational purposes are considered Non-Motorized Recreational Vehicles. Pickup truck camper shells which have been removed from the vehicle and stored are considered non-motorized recreational vehicles and shall conform to Section 7.23 of this Ordinance.

1. The following animals shall have:

Large Animals (horses, cows, buffalo, camels, donkeys)	1.5 acres fenced pasture per animal
Medium Animals (llamas, emu, ostrich, alpacas, sheep)	1 acre fenced pasture per animal
Small Animals (pigs, turkeys)	.5 acre fenced pasture per animal
Very Small Animals (chickens)	.1 acre fenced pasture per animal

E. MS-05: All side property lines must be within ten (10) degrees of perpendicular to the street center line or radial on curve.

F. MS-06: All outdoor storage of materials, products for sale, construction materials, trash containers, etc. shall be fenced with a six (6) foot privacy fence on all sides in all zoning districts.

G. MS-07: Street addresses must be posted on all primary structures and be visible from primary roadway and/or be posted on mailbox or other suitable structures visible from primary roadway.

H. MS-08 Knox boxes are requested on all commercial, multifamily, residential and residential condominium buildings but are not required.

7.24 Wind Energy Conversion Systems (WECS)

A. WECS-01: General Standards

1. Purpose and Intent. In order to protect the public health, safety, and general welfare of the community while accommodating the energy needs of residents and businesses, wind energy conversion system (WECS) regulations are necessary in order to:

- Promote the development of wind energy resources in support of Indiana's economic development objectives;
- Facilitate economic opportunities for local residents;
- Provide a framework to allow WECS for the residents and businesses of the community;
- Assure that any development and production of wind-generated electricity is safe and effective;
- Provide a regulatory scheme for the construction and operation of WECS in the jurisdiction of the Plan Commission; subject to reasonable restrictions these regulations are intended to preserve the health and safety of the public;
- Minimize adverse visual effects of WECS facilities through careful design and siting standards;
- Avoid potential damage to adjacent properties from WECS failure through structural standards and setback requirements.

2. Compliance with Other Applicable Regulations. Nothing in this Chapter is intended to preempt other applicable state and federal laws or regulations, including compliance with all Federal Aviation Administration rules and regulations. Nor are they intended to interfere with, abrogate, or annul any other ordinances, rule, or regulation, statute or other provision of law. In the event that any provision of these regulations imposes restrictions different from any other ordinance, rule, regulation, statute, or provision of law, the provisions that are more restrictive or that imposes higher standards shall govern.

3. Prerequisites

- Drainage and erosion control
- Broad use agreements (including mitigation of damages to public infrastructure)
- Federal approvals (FAA)

4. Classifications. For purposes of this ordinance, wind energy conversion systems shall be classified as either Small WECS or Commercial WECS and as further defined in Article 16 Definitions.

B. WECS-02: Small WECS Development Standards

1. Where Permitted: A Small WECS is permitted by right as an accessory use to a permitted primary use in all zoning districts provided the lot is at least one (1) acre in size and at least one hundred eighty (180) feet wide.

2. Height and Setbacks. Free-standing Small WECS Towers:

- Maximum Height: The maximum height shall be measured to the top of the rotor blade at its highest point and shall be as follows:

- i. Seventy-five (75) feet for a lot that is less than five (5) acres in size.
 - ii. One hundred fifty (150) feet for a lot that is greater than five (5) acres in size.
- b. Minimum Setback:
 - i. The minimum setback for a Small WECS shall be at least one and one tenth (1.1) times the height of the WECS from all property lines, rights-of-way, and overhead electrical transmission or distribution lines.
 - ii. All outbuildings and cabinets associated with the Small WECS shall meet the setback requirements for primary structures for the zoning district of the subject lot.
- 3. Minimum Clearance: Minimum clearance between the blade tip and ground level shall be at least thirty (30) feet.
 - a. Building-mounted Small WECS: Building-mounted WECS shall provide engineering documentation that the structure upon which the WECS is to be mounted shall have the structural integrity to carry the weight and wind loads of the Small WECS and have minimal vibration impacts on the structure.
 - i. Maximum Height. The maximum clearance height shall be as established by the zoning district of the subject lot for a primary structure unless a Variance is granted by the BZA.
 - ii. Minimum Setback. The minimum setback shall be as established by the zoning district of the subject lot for a primary structure unless a Variance is granted by the BZA.
 - iii. Minimum Clearance. Building-mounted Small WECS blade spheres shall have a minimum clearance of five feet (5') from any structure, tree, or any other impediment.
- 4. Illumination: No Small WECS shall be illuminated unless required by a state or federal agency, such as the FAA.
- 5. Aesthetics: The exterior surface of all Small WECS, including the tower and associated outbuildings, shall be a non-reflective, neutral color.
- 6. Operation and Maintenance Requirements.
 - a. Electrical Controls and Connections:
 - i. All electrical controls, control wiring, and power lines shall be wireless or underground except where the Small WECS wiring is brought together for connection to the transmission or distribution network.
 - ii. No grid interconnected Small WECS shall be installed until evidence has been provided to the Town that the appropriate electric power provider has approved the customer's intent to install a grid connected customer owned Small WECS and that the customer's system meets that utility's approved specifications for interconnection.
 - iii. If a Small WECS is to be interconnected to the electric utility, proof of an executed interconnect agreement shall be provided before the system is interconnected.
 - b. Braking Devices: All Small WECS shall be equipped with both a manual braking device and an automatic braking device capable of halting operation.
 - c. Maintenance. A Small WECS shall be maintained in compliance with the standards contained in the building code. If upon inspection by the Director of Planning, it is concluded that any part of the system fails to comply with the building code and the system constitutes a danger to persons or property, the property owner shall receive notice and be required to bring the facility into compliance. In addition, a Small WECS that has become unstable, leans significantly out of plumb, or poses a danger of collapse shall be deemed a public nuisance and ordered removed or brought into repair within sixty (60) days of notice to the owner of the property.
- 7. Access and Safety:
 - a. Access to the tower shall be limited by one or more of the following options:
 - i. A six-foot (6') fence around the base of the tower.
 - ii. Limiting access to the tower climbing apparatus to a height of at least twelve feet (12') above the ground.
 - iii. Using a tower that does not include a climbing apparatus because it is designed to be lowered for service.
 - iv. All access doors or panels to the towers and electrical equipment shall be lockable.
 - v. Appropriate warning signs shall be placed on the towers, electrical equipment, and accessory buildings.

8. Noise Restrictions. A Small WECS shall not exceed 60 dB(A), as measured at the property line closest to the system. If the ambient noise level exceeds 60 dB(A), the standard shall be ambient noise level plus 5 dB(A). This noise level may be exceeded during short term events such as utility outages and/or severe wind storms.
 9. Discontinuance. If a Small WECS is found to not be in operation for a period of twelve (12) consecutive months, the property owner shall be notified by the Town Administrator by certified mail that the Small WECS needs to be repaired or removed. The property owner shall have forty-five (45) days to respond in writing with the reasons for the operational difficulty, and shall include a reasonable timetable for corrective action. The Administrator shall review the information submitted and make a decision based upon all the information available. The Administrator shall notify the property owner of his decision in writing within ten (10) days of the submittal. If the Administrator deems the timetable for corrective action as unreasonable, they shall notify the property owner of the insufficiency of the data and shall inform the property owner of the need to remove the Small WECS within one hundred twenty (120) days of the receipt of the notice.
 10. Other Regulations.
 - a. Compliance With Other Laws and Regulations:
 - i. All electrical equipment and connections for a Small WECS must adhere to all applicable local, state, and national codes.
 - ii. The applicant shall demonstrate compliance with all FAA regulations and the Indiana Tall Structures Act as part of the approval process if applicable.
 - b. The Small WECS shall not be used to display any signage or advertisement.
 - c. The location of the Small WECS shall not result in the displacement of required parking for the primary use of the property.
 - d. No part of a Small WECS shall be located within or over drainage, utility, or other established easements.
 - e. No part of a Small WECS shall be located on or over property lines.
 11. Permit Requirements. A building permit is required for a Small WECS. An application and all necessary attachments shall be submitted in the appropriate format to the Director of Planning.
- C. WECS-03: Commercial WECS Development Standards.
1. Where Permitted:
 - a. A Commercial WECS is permitted by Special Exception in all zoning districts. An application for Special Exception and all necessary attachments shall be submitted in the appropriate format approved by the BZA.
 - b. No Commercial WECS shall be installed in any location where its proximity with fixed broadcast, retransmission, or reception antenna for radio, airport RF signals, television, wireless phone, or other personal communication 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 such other systems).
 2. Height and Setbacks.
 - a. Maximum Height: The maximum height shall be measured to the top of the rotor blade at its highest point and shall be no more than two hundred feet (200') in height.
 - b. Minimum Setback:
 - i. The minimum setback for a Commercial WECS shall be at least fifteen hundred feet (1500') as measured from the perimeter property lines, rights-of-way, and overhead electrical transmission or distribution lines unless a Variance is granted by the BZA.
 - ii. A Commercial WECS shall be at least fifteen hundred feet (1500') from all sensitive receptors (includes but not limited to hospitals, schools, daycare facilities, elderly housing) measured from the center of the WECS tower to the nearest corner of the structure. This setback shall be reciprocal in that no sensitive receptors shall be constructed within one thousand five hundred feet (1,500') of a Commercial WECS measured from the center of the WECS tower to the nearest corner of the structure.
 - iii. All outbuildings and cabinets associated with the Commercial WECS shall meet the setback as established by the zoning district of the subject lot for a primary structure.

c. Minimum Clearance: Minimum clearance between the blade tip and ground level shall be at least thirty (30) feet.

3. Illumination: No Commercial WECS shall be illuminated unless required by a state or federal agency, such as the FAA.

4. Aesthetics:

a. A Commercial WECS shall use tubular towers and all systems in a project shall be finished in a single, non-reflective matte -finished color. A project shall be constructed using systems of similar design, size, operation, and appearance throughout the project. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades.

i. The exterior surface of all associated outbuildings shall be a non-reflective, neutral color.

5. Operation and Maintenance Requirements.

a. Electrical Controls and Connections:

i. All electrical collection cables between each Commercial WECS facility and the utility interconnection point shall be located underground unless they are located on public or utility rights-of-way with existing above-ground cables.

ii. All transmission lines should be at a depth consistent with or greater than local utility and telecommunication underground line standards or as negotiated with the land owner until they reach the property line or a substation adjacent to the property.

b. Braking Devices: All Commercial WECS shall be equipped with both a manual braking device and an automatic braking device capable of halting operation.

c. Access and Safety:

i. All Commercial WECS facilities shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present.

ii. Appropriate warning signs shall be placed on the towers, electrical equipment, and accessory buildings associated with the Commercial WECS. All warning signage and identification of manufacturers, installers, and operators shall be no more than four (4) square feet. A sign shall be posted near the tower or operations/maintenance building that contains emergency contact information.

iii. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires (if applicable) to a height of not less than fifteen (15) feet from the ground.

d. Noise Restrictions. A Commercial WECS shall not exceed 60 dB(A), as measured at the property line closest to the system. If the ambient noise level exceeds 60 dB(A), the standard shall be ambient noise level plus 5 dB(A). This noise level may be exceeded during short term events such as utility outages and/or severe wind storms.

e. Maintenance. A Commercial WECS shall be maintained in compliance with the standards contained in the building code. If upon inspection by the Administrator it is concluded that any part of the system fails to comply with the building code and the system constitutes a danger to persons or property, the property owner shall receive notice and be required to bring the facility into compliance. In addition, a Commercial WECS that has become unstable, leans significantly out of plumb, or poses a danger of collapse shall be deemed a public nuisance and ordered removed or brought into repair within sixty (60) days of notice to the owner of the property.

f. Waste. All solid waste, whether generated from supplies, equipment, parts, packaging, or operation and maintenance of the facility, including old parts and equipment, shall be removed from the site in a timely manner consistent with industry standards. All hazardous waste generated by the operation and maintenance of the facility, including but not limited to lubricating materials, shall be handled in a manner consistent with all local, state, and federal rules and regulations.

6. Decommissioning and Liability.

a. Decommissioning. As part of the Special Exception approval process, the applicant must submit a decommissioning plan to ensure that the Commercial WECS project is properly decommissioned at the end of its use. The decommissioning plan shall meet the following:

i. Such plan shall be implemented when such wind farm ceases operation for a period of twelve (12) consecutive months, with or without notification of the Administrator.

ii. The plan shall include removal of all portions of the Commercial WECS, including any components up to forty-eight (48) inches below ground level, and restoration of the area occupied by the projects improvements to as near as practicable to the same condition that existed immediately prior to construction of such improvements.

iii. The decommissioning process shall be completed within six (6) months.

iv. Prior to the issuance of a permit, the applicant shall provide a contractor cost estimate for demolition and removal of the Commercial WECS and will provide financial assurance in an amount at least equal to one hundred ten percent (110%) of the demolition and removal contractor cost estimates, through the use of a bond or other security acceptable to the Town, for the cost of decommissioning each tower to be constructed under said permit. The security shall be released when such tower is properly decommissioned as determined by the Administrator.

v. The applicant's, owner's, or operator's failure to materially comply with any of the above provisions shall constitute a default under this section.

vi. Prior to implementation of the existing Town procedures for the resolution of such default, the appropriate county body shall first provide written notice to the owner and operator, setting forth the alleged default. Such written notice shall provide the owner and operator no more than sixty (60) days for good faith negotiations to resolve the alleged default.

vi. If the Town determines, in its discretion, that the parties cannot resolve the alleged default within the good faith negotiation period, the existing city ordinance provisions addressing the resolution of such default shall govern.

b. Liability Insurance. The owner or operator of a Commercial WECS shall maintain a current general liability policy veering bodily injury and property damage and shall be required to name Cicero/Jackson Township as an additional insured with dollar amount limits not less than two million dollars (\$2,000,000) per occurrence, five million dollars (\$5,000,000) in the aggregate, and a deductible which is reasonably commercially available and which is mutually suitable to the Applicant or Successor and the Town.

7. Environmental Regulations and Considerations.

a. Existing mature trees more than three inches in diameter at breast-height (3" DBH) and natural land forms on the site must be preserved to the maximum extent possible. If mature trees are removed, the same number of trees must be planted on the site within six (6) months following the completion of the tower. In some cases, where such towers are sited on large wooded lots, natural growth around the property perimeter may serve as sufficient buffer.

b. The applicant shall implement measures to protect and segregate topsoil from subsoil in cultivated lands unless otherwise negotiated with the affected landowner.

c. The applicant shall implement measures to minimize compaction of all lands during all phases of the project's life and shall confine compaction to as small an area as practicable.

8. Other Regulations.

a. Compliance With Other Laws and Regulations:

i. All electrical equipment and connections for a Commercial WECS must adhere to all applicable local, state, and national codes.

ii. The applicant shall demonstrate compliance with all FAA regulations and the Indiana Tall Structures Act as part of the approval process if applicable.

iii. The Commercial WECS, including the tower, shall comply with all applicable state construction and electrical codes and the National Electrical Code.

iv. All signage on a wind turbine, tower, building, or other structure associated with the Commercial WECS shall not be visible from any public road or adjoining property.

v. No part of a Commercial WECS shall be located within or over drainage, utility, or other established easements.

vi. No part of a Commercial WECS shall be located on or over property lines.

vii. Facilities shall be well-maintained in an operational condition that poses no potential safety hazard, and does not present a public nuisance.

viii. The enactment of these regulations does not constitute the granting of an easement by the town/township. The Commercial WECS owner or operator shall provide covenants, easements, or similar documentation to assure sufficient wind to operate the Commercial WECS unless adequate accessibility to the wind is provided by the site.

9. Development Plan. After a Special Exception for the use is approved by the BZA, the project shall make application for Development Plan approval by the Plan Commission. An application and all necessary attachments shall be submitted in the appropriate format approved by the Plan Commission.
10. Permit Requirements. A building permit is required for a Commercial WECS. An application and all necessary attachments shall be submitted in the appropriate format approved by the Director of Planning.

7.25 Outdoor Seating and Furniture

A. OSF-01 General Standards

1. Outdoor dining areas and furniture are permitted as an accessory use for Restaurants including fast food Restaurants (collectively Restaurant) subject to the following conditions:
 - a. Permitted Areas. Outdoor dining areas shall be permitted on the same lot as an existing and legally operating Restaurant in an area under the control of the Restaurant. Outdoor dining shall be permitted so that the service and dining does not endanger or interfere with pedestrian traffic. All elements in the public right-of-way as approved by the Director of Planning and placed by the adjacent property owner shall be maintained by the property owner and removed as required for safety, access and utility maintenance.
 - b. Design Standards. Outdoor dining areas shall be designed to be architecturally compatible with the existing structures on the property. Fencing and screening should be consistent with the architecture of the Restaurant.
 - c. Limitation on Seating. Seating for outdoor dining shall not exceed twenty (20) seats unless the Director of Planning determines that more than twenty (20) seats can reasonably be accommodated in the proposed outdoor dining area. In the event there is no indoor seating, outdoor furniture (including and excluding dining) shall not exceed six (6) seats.
 - d. Location. Outdoor dining areas shall be located so as to minimize the impact upon adjacent property owners.
 - e. Signage. Benches, bollards, trash receptacles, light standards and other similar elements shall not have advertising or business identification signage unless approved by the Aesthetic Review Committee.
 - f. Maintenance. Outdoor furniture shall be maintained in an aesthetically appealing manner and shall be removed to storage if not used for a period of six (6) months, or longer.

Article 8

Planned Developments

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"PD" District Intent and Permitted Uses

8.1 District Intent, Permitted Uses, and Miscellaneous Standards

District Intent

The purposes of these regulations are to provide greater design flexibility in the development of land when consistent with the Comprehensive Plan and intent of the Zoning Ordinance and Subdivision Control Ordinance. The use of Planned Development zoning classifications shall be encouraged when the use of such regulations promotes a harmonious variety of uses, and/or provides for an economy of shared services and facilities, and/or are compatible with surrounding areas and/or foster the creation of attractive, healthful, efficient and stable environments for living, shopping or working.

The Planned Development regulations and procedures may apply to the development of existing developed lands, or vacant lands. Further, they generally only apply to large tracts of land.

Planned Development regulations are intended to encourage innovations in land development techniques so that the growing demands of the community may be met with greater flexibility, variety in type, design and layout of sites and buildings. Also, Planned Development projects should also encourage a more efficient use of land so that resulting economies may accrue to the benefit of the community at large. Examples of this concept would include the preservation of existing trees or wetlands, and the inclusion of recreation areas within new subdivisions.

Permitted Uses

All uses are subject to the discretion and approval of the Plan Commission. No uses are granted by right.

In general the uses that will be allowed in a Planned Development are: Uses designated as Permitted Uses or Special Exceptions in the Zoning District prior to being changed to a Planned Development district. For example if the previous zoning was R2 and the proposed Planned Development district would be PD-R2, the Permitted Uses and Special Exceptions in the R2 District would generally be appropriate.

All other land uses will be reviewed and considered at the discretion of the Plan Commission. Mixed uses will be considered and may be encouraged when appropriate. All land uses proposed in a PD must be non-conflicting and in the spirit of the previous Zoning District and surrounding land uses and Zoning Districts.

Miscellaneous Standards

Minimum Land Area:

- 20 acres to qualify for any PD
- Minimum Overall Lot Frontage:
- 300 feet on a single Public Street with access from said Public Street

Maximum Lot Coverage:

- square feet of all primary and secondary structures, and impervious surface cannot exceed 65% of the Lot Area.

Minimum Floor Area:

- based on Zoning District prior to rezoning to a PD District

Maximum Structure Height:

- 40 feet for the Primary Structure
- 20 feet for Accessory Structures

Minimum Open Space:

- 30% (gross area) for residential based Planned Developments
- 15% (gross area) for commercial based Planned Developments

8.2 General

Planned Developments are a special district that can be petitioned for by a land owner or developer.

8.3 Rezoning to a Planned Development District

Planned Development districts can only be created from the R2, R3, R4, R6, OC, HC, C1, C2, and C3 Zoning Districts. From each of these Zoning Districts (called Base Zones during the petition process) the following Planned Development Districts can be created once the Development Plans are approved by the Plan Commission. They are:

- R2 Districts can only be rezoned to PD-R2
- R3 Districts can only be rezoned to PD-R3
- R4 Districts can only be rezoned to PD-R4
- R6 Districts can only be rezoned to PD-R6
- OC Districts can only be rezoned to PD-OC
- HC Districts can only be rezoned to PD-HC
- C1 Districts can only be rezoned to PD-C1
- C2 Districts can only be rezoned to PD-C2
- C3 Districts can only be rezoned to PD-C3

No other Zoning District can be rezoned directly to a PD District. A petitioner may first ask that a property be rezoned to a Zoning District that allows PD Districts. Further, if a petitioner wants a PD district based on a different Base Zone a successful rezoning request to change the existing Zoning District to the preferred Base Zone must first be accomplished.

8.4 Planned Development Uses

Planned developments may contain mixed uses. Depending on the previous zoning (or Base Zone) the maximum overall square footage allowed by type is as follows:

Base Zone	New District	Residential	Commercial	Manufacturing
R2 PD-R2	100%	15 %	0%	
R3 PD-R3	100%	20%	0%	
R4 PD-R4	100%	40%	0%	
R6 PD-R6	100%	50%	0%	
OC PD-OC	50%	70%	0%	
HC PD-HC	30%	100%	0%	
C1 PD-C1	40%	100%	0%	
C2 PD-C2	40%	100%	0%	
C3 PD-C3	0%	40%	80%	

8.5 Origination of Proposals

Any person or group of persons may propose a Planned Development District in accordance with the procedures hereinafter established. Further, the person or group of persons making such proposal intends to act as developer or sponsor of the development. A parcel, or site proposed for a Planned Development need not be under single ownership. However, if not under single ownership, the multiple owners must have a contractual agreement to not developed separately, but in accordance with a single, unitary plan, and in which the separate owners have given their expressed intentions to enter into such private agreements and assure its completion as planned to the satisfaction of the Commission.

8.6 General Procedure

The general procedure for establishing a Planned Development (PD) is as follows:

- A. Petitioner is to meet informally with the Planned Development Sub-Committee to discuss general concepts of the development and to make sure petitioner understands the process.
- B. Petitioner develops the Preliminary Development Plans and Plat for all land involved in the PD.
- C. Petitioner files for rezoning to the PD classification and submits the Preliminary Development Plan to the Plan Commission.
- D. The Planned Development Sub-Committee will review the Preliminary Development Plan and Primary Plat and then meet with the petitioner within thirty-five (35) days to make comments.
- E. The petitioner will revise the plans (if necessary) and submit the Preliminary Development Plan and Plat to the Plan Commission.

- F. The Plan Commission will schedule a public hearing for the rezoning of the property and for review of the Final Development Plan. The Plan Commission will give a favorable or unfavorable recommendation to the Town Council to grant the rezoning. The Plan Commission should have final approval of the Development Plan and Plat.
- G. If the Plan Commission gives an unfavorable recommendation, the petitioner may revise the Final Development Plan and resubmit the revised Development Plan and Plat to the Plan Commission.
- H. If the Plan Commission gives a favorable recommendation, the Town Council will, at their following regularly scheduled meeting, review the rezoning petition and vote to approve or disapprove.
- I. If the Town Council disapproves the rezoning, the petitioner must wait one (1) year before resubmitting another petition.
- J. If the Town Council approves the rezoning, the land is officially rezoned and the petitioner may move forward with the Detailed Plan approval process.
- K. The Official Zoning Map must be amended to reflect the Zoning Change, Date of approval by the Town Council, and the Town Council case number.
- L. The petitioner shall submit the Final Development Plan and Final Plat 30 days prior to a scheduled Plan Commission Public Hearing for their review.
- M. When approved, the Final Development Plan and Final Plat will be stamped and signed by the Plan Commission President and Secretary. The petitioner may begin procedures for Improvement Location and building permits.
- N. All agreements shall be recorded as covenants with the County Recorder and be clearly stated that they are enforceable by, as a minimum, the Plan Commission.
- O. Upon 100% completion of the development the public properties shall be deeded over to the community as per agreements. Also, the Plan Commission or representative(s) will review the completed project for compliance to the agreement.

Detailed descriptions of each general step outlined above are discussed in the following sections.

8.7 Filing Procedure

The authorization of a Planned Development (PD) shall be subject to the following procedures:

- A. First a petition for rezoning to the PD classification shall be submitted. Said petition shall be signed by the owner or owners of all real estate involved in the petition for the Planned Development, or shall have attached thereto letters of consent to change to a PD classification by all such owners prior to the filing.
- B. The petition shall include a Preliminary Development Plan and Primary Plat for any area proposed for development as a Planned Development. The petition, Preliminary Development Plan and Primary Plat shall be filed with the Plan Commission for review at their next available, regularly scheduled meeting.

8.8 Preliminary Development Plan

The following shall be included in the Preliminary Development Plan:

- A. Proposed layout of streets, open space and other basic elements of the plan;
- B. General description of, location of, and types of structures on the site;
- C. Proposals and plans for handling traffic, parking, sewage disposal, drainage, tree preservation and removal, lighting, signage, landscaping, and other pertinent development features;
- D. A separate location map, to scale, shall show the boundary lines of adjacent land and the existing zoning of the area proposed to be developed as well as the adjacent land;
- E. A general statement of the covenants to be made a part of the Planned Development as well as the order and estimated time of development;
- F. A statement of the proposed order of development of the major elements of the project. This includes phasing, if applicable, and the order and content of each phase;
- G. The land use categories within the development, including proposed densities of said uses.

The Preliminary Development Plan shall be presented to the Planned Development Sub-Committee of the Plan Commission

for their review and comment. The scale of the plan shall not exceed 1"=100'. The preliminary plan may include any additional graphics which will explain the features of the development.

Within thirty-five (35) days after filing, the Planned Development Sub-Committee shall consult with the petitioner regarding the petition and review all comments. After such consultation the petitioner may make modifications to the petition.

After consultation with the Planned Development Sub-Committee and after making any modifications to the proposed preliminary plans, the petitioner shall file the proposed "Preliminary Development Plan" and Primary Plat for Public Hearing.

8.9 Final Development Plan

The Final Development Plan shall:

- A. Include all documents included in the Preliminary Development Plan, as updated and/or amended;
- B. Include an index identifying all documents included in the Preliminary Development Plan;
- C. Include a cover sheet indicating that it is the Final Development Plan and indicating the date and case number; and
- D. Be bound together and all documents submitted on paper 8-1/2 x 11 inches in dimension, except for the maps, sketches, plans and conceptual plat(s) which must be folded to 8 1/2 x 11 inches.

8.10 Final Development Plan and Primary Plat Public Hearing

The petition, as modified, shall be reviewed by the Plan Commission at Public Hearing. The Commission may recommend approval, amendment, or disapproval of the plan and may impose any reasonable condition(s) with a recommendation for approval. If approval is recommended, the Final Development Plan shall be stamped "Approved Final Development Plan" and be signed by the President and Secretary of the Plan Commission. Once recorded a copy of the recorded documents shall be permanently retained in the office of the Commission.

8.11 Approval of Detailed Plan

Before the Final Development Plan or Final Plat are signed and before development can occur, the petitioner shall present to the Plan Commission a Detailed Construction Plan specifying the location, composition, and general engineering features of all lots, drainage, sewage, water supply facilities, recreation facilities, site perimeter treatment, landscape plan, and other site development features including locations of proposed buildings. The Detailed Construction Plan shall be signed by all Town and County Departments and Hamilton County Soil and Water Conservation Service before submitting to the Plan Commission. The Commission shall then approve, amend, or disapprove said Detailed Construction Plans by motion, upon an affirmative finding that the Detailed Construction Plan is consistent with the Approved Final Development Plan. Having so approved the Detailed Construction Plan, the Commission shall have no further authority to review or act thereon, except as to enforcement, or the review of an amendatory ordinance, or as hereafter provided for.

The Approved Detailed Construction Plan shall be stamped "Approved Detailed Construction Plan" and be signed by the President and Secretary of the Plan Commission with one copy permanently retained in the office of the Plan Commission. Approval of the Detailed Construction Plan shall be obtained within one (1) year of the adoption of the Approved Final Development Plan.

The Director of Planning may from time to time approve minor modifications of the Approved Detailed Construction Plan in a manner consistent with the Approved Final Development Plan. Such modifications shall not include any increase in density, any reduction in aesthetic treatments, any alteration of frontage or general building location, any change in type of use, or any change in access points.

The Approved Final Development Plan and Final Plat may provide for development of the property in phases. If such phasing is included as a part of the approval of the Final Development Plan, the petitioner may submit partial Detailed Construction Plans which correspond to the phases involved. Such partial Detailed Plans, when approved, shall be treated in the same manner as Approved Detailed Plans for an entire Planned Development.

Approval of the Detailed Construction Plan shall expire after a period of two (2) years from the approved phasing of the Final Development Plan unless the development is seventy-five percent (75%) complete in terms of public improvements including streets, parks, walkways, utility installations and sanitary sewers or is consistent with the approved phasing schedule. Determination of the amount of completion shall be made by the Director of Planning.

8.12 Covenants and Maintenance

Covenants, when required by the Commission, shall be set forth in detail. Furthermore, covenants shall provide for a provision for the release of such restriction by execution of a document so stating and suitable for recording signatures of the Commission President and Secretary upon authorization by the Commission and signatures of all the owners of property in the area involved in the petition for whose benefit the covenant was created. Covenants required by the Commission shall provide that their benefits be specifically enforceable by the Commission. An executed recorded copy shall be provided to and maintained in the Plan Commission Office.

The Commission shall require the developer/property owner to record all covenants with the Hamilton County Recorder. The Commission shall also require the recording of commitments and development standards based upon the Approved Detailed Construction Plan. These development standards may include, but are not limited to, the following:

- A. Lot area,
- B. Floor area,
- C. Ratios of floor space to land space,
- D. Area in which structures may be built ("buildable area"),
- E. Open space,
- F. Setback lines and minimum rear yards,
- G. Building separations,
- H. Height of structures,
- I. Signs,
- J. Off-street parking and loading space,
- K. Design standards, and
- L. Phasing of development.

The petitioner shall be required to provide financial assurance for the satisfactory installation of all public facilities in the form of bonds or such other assurances as are required in the normal procedures of platting pursuant to the provisions of the Zoning Ordinance and Subdivision Control Ordinance.

Adequate provision shall be made for a private organization (i.e., Homeowners Associations) with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of all common facilities if such facilities are a part of the Planned Development, and, in such instance legal assurances shall be provided which show that the private organization is self-perpetuating.

All common facilities not dedicated to the public shall be maintained by the aforementioned private organization in such a manner that adequate access is provided at all times to vehicular traffic so that fire, police, health, sanitation, and public utility vehicles can serve the properties contiguous or adjacent thereto, and so that said vehicles will have adequate turning area. All streets and roadways not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

8.13 Recording

All approved Detailed Plans, covenants, commitments, plats, and modifications thereof shall be recorded in the office of the Hamilton County Recorders Office within sixty (60) days after approval.

Where upon completion of each phase of the development, the exact measurements, as to the location of buildings, roads, infrastructure, and structures erected during the development, are deemed desirable for public record by recording, the developer will submit a copy of the "Approved Detailed Construction and Development Plans" with the exact measurements. Once verified by the Plan Commission that the exact measurements are substantially the same as indicated on the original Approved Detailed Construction and Development Plans, the Plan Commission shall re-approve, date and sign said amended approved Detailed Plan, which the developer may then record.

8.14 Permits

An Improvement Location Permit shall be issued for all improvements proposed by the Planned Development with full compliance to the approved Detailed Construction and Development Plans once the plans have been recorded and two (2) copies have been provided to the Planning Commission.

8.15 Construction

No construction or installation work shall commence on any public improvements until satisfactory plans and specifications have been submitted and approved by the Plan Commission and until the petitioner provides, at least forty-eight (48) hours in advance, notice to the Town Engineer or entity having jurisdiction of the public facility, in order that inspections may be made as the work progresses.

All development shall be in conformity with the approved Detailed Construction and Development Plans and any material deviations from the approved Detailed Plan shall be subject to appropriate enforcement action.

8.16 Extension, Abandonment, Expiration

An extension, not to exceed twelve (12) months, for accomplishing any matters set forth within this Article may be granted by the Plan Commission for good cause shown.

Upon the abandonment of a development authorized under this section (abandonment shall be deemed to have occurred when no or minimal improvements have been made pursuant to the Approved Detailed Construction and Development Plans for nine (9) consecutive months), or upon the expiration of three (3) years from the approval of the Detailed Construction Plan for a development which has not been completed, the land will revert to the Base Zoning District. The Plan Commission may grant up to a twelve (12) month extension. If an extension for expiration is granted such extension shall be recorded.

8.17 Rules of Procedure

All proceedings brought under this section shall be subject to the Rules of Procedure of the Plan Commission, where not described otherwise herein.

8.18 Limitation of Rezoning

Any initiative of the Plan Commission to amend the Zoning Ordinance or Subdivision Control Ordinance, and that would affect an approved Planned Development before its completion, shall not be enforced on the Planned Development. Only in the case that the Planned Development is no longer in conformity with the Approved Detailed Construction or Development Plans or is not proceeding in accordance with the time requirements imposed herein or by agreement, will the new amendments of the Zoning Ordinance or Subdivision Control Ordinance apply.

Article 9

Development Plans

9.01 [RESERVED FOR FUTURE USE]

Article 10

Sign Regulation

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Article 10

Sign Regulation

10.1 General Sign Standards

General Sign Standards. These sign standards apply to uses that are permitted in each respective zoning district by right, special exception, or use variance. The intent of sign standards is to accomplish the goals of the Comprehensive Plan; to regulate time, place and manner characteristics of signs; to avoid the proliferation of signs; to provide businesses with appropriate identification; to create a consistent streetscape; to maintain and enhance the aesthetic environment of the town/township; to eliminate potential hazards to motorists and pedestrians resulting from sign clutter; and, to promote the health, safety, and welfare of the residents of Cicero/Jackson Township.

A. Sign Types. The different types of signs addressed in this ordinance are defined in Section 16 Definitions.

Permitted Signs. The types of signs specifically permitted in each in each zoning district and their respective regulations are listed in this article.

Prohibited Signs. Type types of signs specifically prohibited in each zoning district are listed in this article. In addition, the following types of signs are prohibited in all districts:

1. **Animated Signs:** Signs that gain attention through animation, including:
 - a. Signs that utilize any motion picture, laser, or visual projection of images or copy.
 - b. Signs that emit audible sound, odor or visible matter.
 - c. Signs that have blinking, flashing, or fluttering lights or which has a changing light intensity, brightness or color, or give such illusion.
2. **Misleading Signs:** Signs that are misleading, including:
 - a. Signs that purport to be or are in imitation of, or resemble an official traffic sign or signal or which bear the words "Stop", "Slow", "Caution", "Danger", "Warning", or similar words.
 - b. Signs that may be construed as or have on it a light of an emergency or road equipment vehicle.
 - c. **Roof Signs:** Signs to be placed on the roofs of structures and signs that extend above the roof line or parapet of a building.
3. **Vehicle Signs:** Vehicle signs are prohibited when the vehicle is parked on public, or private property for the primary purpose of displaying the sign. Prohibited vehicle signs are not to be construed as vehicles with signs on them that:
 - a. Are lawfully parked overnight or during nonbusiness hours for that operation, on public or private property;
 - b. Are making deliveries, sales calls, or customary practices relating to doing business;
 - c. Are making trips to transport persons or property; or
 - d. Are in conjunction with customary construction operations on a construction site.
4. **Other Prohibited Signs:**
 - a. Trailblazer or point of destination signs.
 - b. Search lights.
 - c. Pennants, streamers, and/or spinners.
 - d. Bench signs.
 - e. Signs with moving or movable parts.
 - f. Obscene signs that contain profane language, male genitalia and/or female genitalia are prohibited.
 - g. Human signage
 - h. Inflatable signage

B. Signs Exempt From These Regulations. Signs that are specifically exempt from these regulations and their respective limitations include:

1. Building Addresses: Every building is required to post its numerical street address, and is exempt from needing a permit if installed as follows:
 - a. Single Family Residential Structure Addresses: Street addresses for single family residential structures shall consist of Arabic numerals (i.e. 1,2,3 ...) no less than three (3) inches in height and no more than eight (8) inches in height on its mailbox and/or at its main entrance door, whichever is more visible.
 - b. Apartment Complex Addresses: Street addresses for apartment complexes shall consist of Arabic numerals (e.g. 1, 2, 3 ...) no less than five (5) inches in height and no more than ten (10) inches in height. Each apartment complex is required to have each building's address displayed in an obvious location if the entrance into each apartment unit is not clearly labeled with a street address.
 - c. Non-residential Use Addresses: The minimum and maximum height for address numbers varies according to front setback as follows:
 - i. If the address is posted one-hundred (100) feet or less from the road right-of-way, the numbers shall be between five (5) and twelve (12) inches in height.
 - ii. If the address is posted between one-hundred (100) and two-hundred (200) feet from the road right-of-way, the numbers shall be between eight (8) and sixteen (16) inches in height.
 - iii. If the address is posted over two-hundred (200) feet from the road right-of-way, the numbers shall be between twelve (12) and twenty (20) inches in height.
 - d. Legibility: All street addresses shall contrast to the color of the surface on which they are mounted and shall be clearly visible and identifiable from the street.
2. Directional Devices: Directional devices if installed as follows:
 - a. Use: Directional devices shall be used to indicate points of entry or exit for a business, public amenity, or off-street parking area.
 - b. Area: Directional devices are limited to a maximum of four (4) square feet in area per entrance.
 - c. Height: Directional devices are limited to a maximum of forty-two (42) inches in height above the ground.
 - d. Placement:
 - i. Directional devices shall not interfere with safe vehicular or pedestrian traffic circulations.
 - ii. Directional devices shall not obstruct tile view of drivers entering or exiting the lot.
 - iii. Directional devices shall not be placed within a public right-of-way.
 - iv. Directional devices shall be on the property to which it refers.
 - a) Quantity: No more than two (2) directional devices shall be used per street frontage, with a maximum of four (4) per parcel.
 - b) Message: Directional devices without a logo may contain information such as "in", "enter", "entrance", "out", "exit", "do not enter" or directional arrows indicating desired traffic movement.
3. Flags: The flag, pennant, or insignia of any nation, state, city or other political unit are exempt, but shall not be mounted more than thirty-five (35) feet in height and be more than forty (40) square feet in area (e.g. a five (5) foot by eight (8) foot flag).
 - a. Residential: maximum area of a flag shall be twenty-five (25) square feet.
 - b. Non-residential: maximum area of a flag shall be thirty-five (35) square feet.
4. Holiday Decorations: Holiday decorations are exempt and may include window painting, trees, wreaths, decorative lighting, and similar seasonal displays that do not contain the name or logo of an establishment or any type of advertising.
5. Informational Sign: Informational signs including all municipal signage are exempt.
6. Murals: Murals are exempt provided that the mural does not contain the name or logo of an establishment or any type of advertising.

7. Residential Private Property: Informational Signs are permitted on residential private property provided that they do not exceed one (1) square foot in area.
8. Religious Symbols: Religious symbols that are incorporated into the architecture on places of worship or structures owned and operated by religious organizations that are not accompanied with text.
9. Scoreboards: Scoreboards are exempt from needing a permit as follows: (1) when used in conjunction with a legally established sport field, and (2) when not containing any commercial messages, and (3) when the scoreboard does not exceed twenty (20) feet in height above the ground, and (4) when the total scoreboard area does not exceed one hundred (100) square feet, and (5) when the scoreboards are single sided.
10. Wayfinding Signs: Wayfinding signs erected by the municipality.

C. Sign Permits.

1. Signs Requiring Permits. A sign permit is required for all signs located, erected, constructed, reconstructed, moved, and altered unless otherwise stated in the in this Article.
 - a. Permanent signs: A sign permit is required for all new, relocated, and altered signs.
 - b. Temporary signs: A sign permit is required for temporary signs as stipulated within the respective district regulations.
2. Application. Sign Applications are administratively approved by staff of the Department of Planning and Development.
 - a. A permit shall be obtained to erect or display a sign.
 - b. A person proposing to erect or display a sign shall file an application for a permit with the Department of Planning and Development. The application shall contain:
 - i. A drawing or digital image to scale indicating the location, height, and size of sign and the zoning district and if it is in an overlay district.
 - ii. Specifications for the construction of the sign and for its illumination, if any, shall be provided.
 - c. The Director of Planning and Development and/or his/her designee shall issue a permit for the sign if:
 - i. It complies with the regulations for signs contained in this Article.
 - ii. It has been authorized as a variance by the Board of Zoning Appeals.
 - iii. It has been approved by the Aesthetic Review Committee and/or as part of a sign package for a planned development.
 - iv. A permit shall be expedited if previously approved by the Aesthetic Review Committee as part of a sign package.
 - d. Inspections. Signs for which a permit is required may be inspected periodically by the municipality for compliance with this Zoning Ordinance.

D. Installation

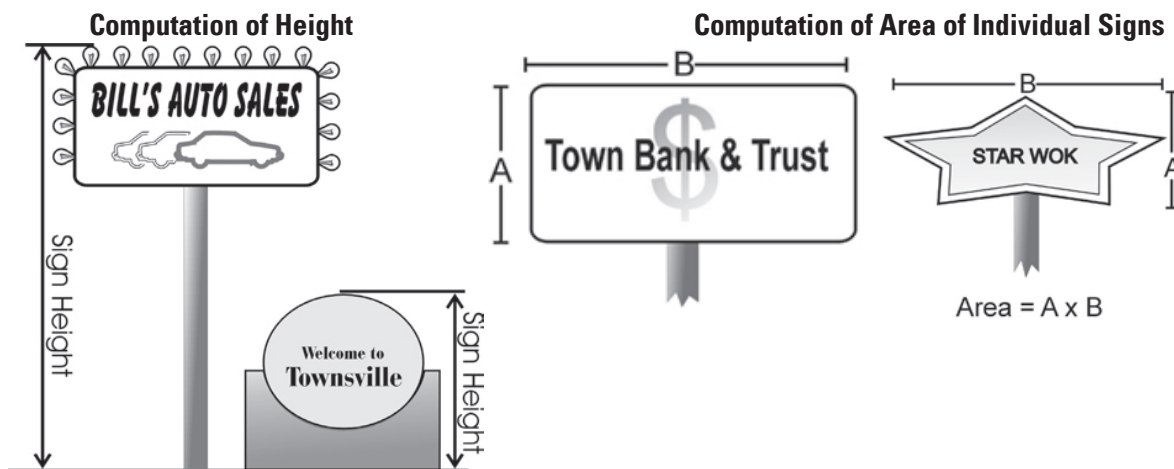
1. The ground shall not be raised or lowered to artificially change the point at which a sign height is measured.

E. Location and Placement

1. Signs may not be installed at any of the following locations:
 - a. In any public right-of-way, unless specifically authorized by the Town Council or their designee.
 - b. In any utility easement unless authorized by the Town Council or their designee.
 - c. In any no-build or no-disturb zone.
 - d. In any public park or other public property, with the exception of those signs specifically permitted in this Zoning Ordinance.
 - e. On any traffic control signs, highway construction signs, fences, utility poles, street signs, trees or other natural objects.
 - f. Obstructing any door, fire escape, stairway, or any opening intended to provide entrance or exit for any building or structure.
 - g. In a manner that obstructs or interferes with safe movement of vehicular or pedestrian traffic.

F. Computations

1. **Computation of Area of Individual Signs.** The area of a sign face (which is also the sign area of a wall sign or other sign with only one (1) face) shall be computed by means of the smallest rectangle encompassing the extreme limits of the sign, but not including any supporting framework, bracing, or decorative fence or wall when such fence.
2. **Computation of Area of Multifaceted Signs.** The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces.
3. **Computation of Height.** The height of a sign shall be computed as the distance from the base of the sign at normal grade or grade of adjacent right-of-way to the top of the highest attached component of the sign, or structure supporting the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.
4. **Computation of Maximum Total Permitted Sign Area for a Lot.** The permitted sum of the area of all individual signs on a lot shall be computed by applying the formula, contained in the figure below, to the road frontage, building frontage, or wall area, as appropriate, for the zoning district in which the lot is located. Lots fronting on two (2) or more streets are allowed the permitted sign area for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the portion of the lot's total sign area allocation that is derived from the lot, building, or wall area frontage on that street.



G. **Maintenance.** All signs and components thereof shall be kept in good repair and in safe, neat, clean and working condition.

H. **Abandoned Signs.** All on-site signs, their mounting, and related components shall be removed within fourteen (14) days of the day the business which it identifies is no longer conducted. When a permanent sign exists that allows a "face-out/face-in" change to identify a new business, said sign may be left standing, but must be covered with a durable and attractive material. Under no circumstances shall any permanent sign be left in place for more than three (3) months. The owner of the premise upon which the sign is located is responsible for its removal or covering.

I. **Non-conforming Signs.** Signs existing prior to the adoption of these sign regulations shall be classified as follows (See Article Eleven for more information):

1. **Conforming** – the sign meets the new regulations;
2. **Legally non-conforming** – the sign met the old regulations and is now grandfathered; or
3. **Illegal** - the sign didn't meet the old regulations and doesn't meet the new regulations.

J. **Violations and Penalties.** Failure to comply with the provisions of this Article will result in notices, enforcement and penalties as per Article Fourteen of the Cicero/Jackson Township Zoning Ordinance.

1. Repeat Violation: A repeat violation means a violation of a specific provision of this section by a person who has been previously found to have violated the same provision within a period of five (5) years prior to a subsequent violation. If a repeat violation is found, the Administrator shall document the violation, but is not required to notify the violator of the repeat violation or required to give the violator time to correct the violation before proceeding with enforcement measures and penalties.

K. The Director of Planning may order the removal of any sign erected or maintained in violation of this ordinance, at the cost of the property owners, consistent with Article 14 of the Cicero/Jackson Township Zoning Ordinance.

District Sign Regulations for Permanent and Temporary Signs				
Cumulative Total of Permanent Signs Permitted on Site	Cumulative Total of Temporary Signs Permitted on Site	Maximum Cumulative Area of Permanent Signs (square feet)	Permitted Signs	Prohibited Signs
1 per 200 feet of road frontage (unless otherwise stated by sign type)	2 (unless otherwise stated by sign type)	40	<u>PERMANENT SIGNS:</u> Changeable Copy Marker Sign Monument Sign Wall Sign <u>TEMPORARY SIGNS:</u> Changeable Copy Marker Sign Monument Sign Wall Sign	Awning Banner Bench sign Billboard Electronic/Animated Hanging Inflatable Painted Sign Off-premise Pole Portable Projecting Roof Unified Development Vehicle Window

10.2 Agriculture (AG) Sign Standards

A. Overall District Sign Regulations

1. Illumination. All illuminated signs shall comply with the following standards:

- No sign shall have blinking, flashing, or fluttering lights, nor shall any device be utilized which has a changing light intensity, brightness of color, or give such illusion.
- All illuminating elements shall be kept in satisfactory working condition and repaired or replaced if damaged or inoperable within fourteen (14) days or as soon as possible if circumstances (e.g. weather or product availability) do not allow.
- The direct or reflected light from a primary light source shall not create a traffic hazard to operators of motor vehicles on public and/or private roadways and parking lots.
- The light from any illuminated sign shall be so shaded, shielded, or directed such that the light intensity or brightness does not interfere with safety or visibility and does not project onto any adjacent property. No exposed light source is permitted.
- Neon light elements may be used for internal illumination and/or when permitted otherwise in this Zoning Ordinance.

B. Permanent Signs. The following signs are permitted as permanent signs and are subject to the development standards described for each type of sign respectively. All other types of signs are prohibited.

1. Permanent Changeable Copy Sign Standards

a. Prerequisites:

- for institutional uses only
- Sign must be accessory to a primary structure and use on the subject site.

2. Maximum Quantity: 1 sign

3. Maximum Area:

- Monument sign: 20 square feet per side
- Wall sign: 20 square feet

4. Maximum Height:

- Monument sign: 6 feet above ground level
- Wall sign: 20 feet above ground level

5. Setback: 5 feet from right-of-way or sidewalk, whichever is farthest

6. Landscaping: The permanent base for a monument sign shall be landscaped as follows:

- The base of the sign shall be effectively landscaped with living plant material or hardscape material (i.e. decorative brick or rock) and maintained in good condition at all times.
- The minimum landscaped area shall be equal to at least 50% of the total sign face area (cumulative of both sides), and extend beyond all faces or supporting structures in all directions. The landscaped area shall include all points where sign structural supports attach to the ground.
- Exposed foundations must be covered with a finish material such as brick, stone, or wood, or be screened with vegetation.

7. Other Limitations:

- No part of a wall sign may protrude more than 4 inches from the wall it is attached to.
- At least 100 feet of separation between monument signs on the same lot.

C. Permanent Marker Sign Standards

1. Prerequisites:



Changeable Copy Sign

- a. for agricultural uses only
 - b. lot must have at least 500 feet of road frontage
 - 2. Maximum Quantity: 1 sign
 - 3. Maximum Area: 16 square feet per side
 - 4. Maximum Height: 12 feet above ground level
 - 5. Setback: 5 feet from right-of-way or sidewalk, whichever is farthest
 - 6. Landscaping: The permanent base for a monument sign shall be landscaped as follows:
 - a. The base of the sign shall be effectively landscaped with living plant material or hardscape material (i.e. decorative brick or rock) and maintained in good condition at all times.
 - b. The minimum landscaped area shall be equal to at least 50% of the total sign face area (cumulative of both sides), and extend beyond all faces or supporting structures in all directions. The landscaped area shall include all points where sign structural supports attach to the ground.
 - c. Exposed foundations must be covered with a finish material such as brick, stone, or wood, or be screened with vegetation.
 - i. Other Limitations: none.
- D. Permanent Monument Sign Standards
- 1. Prerequisites:
 - a. for institutional uses only
 - b. Sign must be accessory to a primary structure and use on the subject site.
 - 2. Maximum Quantity: 1 sign
 - 3. Maximum Area: 40 square feet per side
 - 4. Maximum Height: 6 feet above ground level
 - 5. Setback: 5 feet from right-of-way or sidewalk, whichever is farthest
 - 6. Landscaping: The permanent base for a monument sign shall be landscaped as follows:
 - a. The base of the sign shall be effectively landscaped with living plant material or hardscape material (i.e. decorative brick or rock) and maintained in good condition at all times.
 - b. The minimum landscaped area shall be equal to at least 50% of the total sign face area (cumulative of both sides), and extend beyond all faces or supporting structures in all directions. The landscaped area shall include all points where sign structural supports attach to the ground.
 - c. Exposed foundations must be covered with a finish material such as brick, stone, or wood, or be screened with vegetation.
 - i. Other Limitations: none.
- E. Permanent Wall Sign Standards
- 1. Prerequisites:
 - a. for institutional uses only
 - b. Sign must be accessory to a primary structure and use on the subject site.
 - 2. Maximum Quantity: 2 signs
 - 3. Maximum Sign Area: 40 square feet based on a measurement of 2 square feet per 1 linear foot of structure or tenant frontage on the front facade.
 - 4. Maximum Height:
 - a. Top of sign is 15 feet.
 - b. Base of sign 12 feet.

5. Other Limitations:

- a. No part of the sign may protrude more than eight (8) inches from the wall it is attached.
- b. No part of the sign may extend above the eaves of the roof or be mounted on the roof.

F. Temporary Signs. The following signs are permitted as temporary signs and are subject to the time, placement, and development standards described for each type of sign respectively. All other types of signs are prohibited.

1. Temporary Changeable Copy Sign Standards

- a. Prerequisites: for institutional uses only.
- b. Duration: For the duration of the temporary event, not to exceed 7 days. The sign may be posted up to 5 days prior to the temporary event and must be taken down within 7 days after the sign's purpose no longer exists.
- c. Type: monument sign only.
- d. Maximum Quantity: 1 sign per road frontage of the subject lot.
- e. Maximum Area: 5 square feet per side.
- f. Maximum Height: 4 feet above ground level.
- g. Setback: 5 feet from right-of-way or sidewalk, whichever is farthest
- h. Permit required: no
- i. Other Limitations: None.



Temporary Changeable Copy Sign

2. Temporary Marker Sign Standards

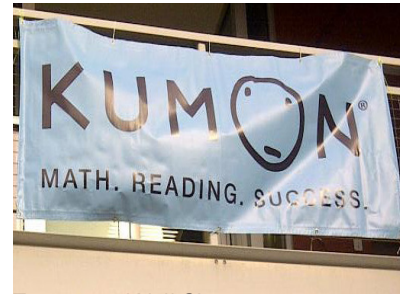
- a. Prerequisites:
 - i. For agricultural uses only.
 - ii. Lot must have at least 300 feet of road frontage
- b. Duration: For the duration of the temporary event, not to exceed 7 days. The sign may be posted up to 5 days prior to the temporary event and must be taken down within 7 days after the sign's purpose no longer exists.
- c. Maximum Quantity: 60 per 300 feet of road frontage.
- d. Maximum Area: 4 square feet per side.
- e. Maximum Height: 8 feet above ground level.
- f. Setback: 10 feet from right-of-way or sidewalk, whichever is farthest
- g. Permit required: no.
- h. Other Limitations: None.

3. Temporary Monument Sign Standards

- a. Prerequisites: None.
- b. Duration: For the duration of the temporary event, not to exceed 7 days. The sign may be posted up to 5 days prior to the temporary event and must be taken down within 7 days after the sign's purpose no longer exists.
- c. Maximum Quantity: 1 sign per road frontage of the subject lot
- d. Maximum Area: 5 square feet per side.
- e. Maximum Height: 4 feet above ground level.
- f. Setback: 5 feet from right-of-way or sidewalk, whichever is farthest
- g. Permit required: no.
- h. Other Limitations:
 - i. Sign cannot be located on any public sidewalk.
 - ii. Sign may not be permanently affixed to the ground.

4. Temporary Wall Sign Standards

- a. Prerequisites: None.
- b. Duration: For the duration of the temporary event, but the event shall not to exceed 7 consecutive days or 14 total days in any calendar year. The sign may be posted up to 5 days prior to the temporary event and must be taken down within 7 days after the sign's purpose no longer exists.
- c. Maximum Quantity: 1 sign
- d. Maximum Area: 5 square feet.
- e. Maximum Height:
 - i. Maximum height of sign is 4 feet.
 - ii. Sign may not be located more than 15 feet above ground level
- f. Setback: 5 feet from right-of-way or sidewalk, whichever is farthest
- g. Permit required: no.
- h. Other Limitations: None.



Temporary Wall Sign

10.3 Single Family Residential (R1, R2, R3, R4 & R5) Sign Standards

A. Overall District Sign Regulations

District Sign Regulations for Permanent Signs				
Cumulative Total of Permanent Signs Permitted on Site	Cumulative Total of Temporary Signs Permitted on Site	Maximum Cumulative Area of Permanent Signs (square feet)	Permitted Signs	Prohibited Signs
1 per each road frontage (unless otherwise stated by sign type)	1 per each road frontage (unless otherwise stated by sign type)	40 square feet per each road frontage	<u>PERMANENT SIGNS:</u> Changeable Copy Marker Sign Monument Sign Wall Sign <u>TEMPORARY SIGNS:</u> Banner Changeable Copy Marker Sign Monument Sign	Awning Bench Sign Billboard Electronic/Animated Hanging Inflatable Painted Sign Off-premise Pole Portable Projecting Roof Unified Development Vehicle Window

1. Illumination. All illuminated signs shall comply with the following standards:

- No sign shall have blinking, flashing, or fluttering lights, nor shall any device be utilized which has a changing light intensity, brightness of color, or give such illusion.
- All illuminating elements shall be kept in satisfactory working condition and repaired or replaced if damaged or inoperable within fourteen (14) days or as soon as possible if circumstances (e.g. weather or product availability) do not allow.

- c. The direct or reflected light from a primary light source shall not create a traffic hazard to operators of motor vehicles on public and/or private roadways and parking lots.
- d. The light from any illuminated sign shall be so shaded, shielded, or directed such that the light intensity or brightness does not interfere with safety or visibility and does not project onto any adjacent property. No exposed light source is permitted.
- e. Neon light elements may be used for internal illumination and/or when permitted otherwise in this Zoning Ordinance.

B. Permanent Signs. The following signs are permitted as permanent signs and are subject to the development standards described for each type of sign respectively. All other types of signs are prohibited.

1. Permanent Changeable Copy Sign Standards

- a. Prerequisites:
 - i. for institutional uses only
 - ii. Sign must be accessory to a primary structure and use on the subject site.

2. Maximum Quantity: 1 sign

3. Maximum Area:

- a. Monument sign: 20 square feet per side
- b. Wall sign: 20 square feet

4. Maximum Height:

- a. Monument sign: 6 feet above ground level
- b. Wall sign: 20 feet above ground level

5. Setback: 5 feet from right-of-way or sidewalk, whichever is farthest

6. Landscaping: The permanent base for a monument sign shall be landscaped as follows:

- a. The base of the sign shall be effectively landscaped with living plant material or hardscape material (i.e. decorative brick or rock) and maintained in good condition at all times.
- b. The minimum landscaped area shall be equal to at least 50% of the total sign face area (cumulative of both sides), and extend beyond all faces or supporting structures in all directions. The landscaped area shall include all points where sign structural supports attach to the ground.
- c. Exposed foundations must be covered with a finish material such as brick, stone, or wood, or be screened with vegetation.

7. Other Limitations:

- a. No part of a wall sign may protrude more than 4 inches from the wall it is attached to.
- b. At least 100 feet of separation between monument signs on the same lot.

8. Permanent Marker Sign Standards

- a. Prerequisites:
 - i. for agricultural uses only
 - ii. lot must have at least 500 feet of road frontage
- b. Maximum Quantity: 1 sign
- c. Maximum Area: 16 square feet per side
- d. Maximum Height: 12 feet above ground level
- e. Setback: 5 feet from right-of-way or sidewalk, whichever is farthest
- f. Landscaping: None.
- g. Other Limitations: none.

9. Permanent Monument Sign Standards

- a. Prerequisites: for subdivision or neighborhood entryways and for institutional uses
- b. Maximum Quantity: 1 sign per road frontage
- c. Maximum Area: 40 square feet per side
- d. Maximum Height: 6 feet above ground level
- e. Setback: 5 foot from right-of-way
- f. Landscaping: The permanent base for a monument sign shall be landscaped as follows:
 - i. The base of the sign shall be effectively landscaped with living plant material or hardscape material (i.e. decorative brick or rock) and maintained in good condition at all times.
 - ii. The minimum landscaped area shall be equal to at least 50% of the total sign face area (cumulative of both sides), and extend beyond all faces or supporting structures in all directions. The landscaped area shall include all points where sign structural supports attach to the ground.
 - iii. Exposed foundations must be covered with a finish material such as brick, stone, or wood, or be screened with vegetation.
- g. Other Limitations:
 - i. Sign shall be maintained by a home owner's association or similar legally binding arrangement.
 - ii. Sign must consist entirely of brick, stone, or other aesthetically appealing materials. The reverse sides of such signs shall use the same materials and be finished to match the front.



Monument Sign

10. Permanent Wall Sign Standards

- a. Prerequisites:
 - i. for institutional uses only
 - ii. Sign must be accessory to a primary structure and use on the subject site.
- b. Maximum Quantity: 1 per facade, maximum 2 signs
- c. Maximum Sign Area: 40 square feet based on a measurement of 2 square feet per 1 linear foot of structure or tenant frontage on the front facade.
- d. Maximum Height:
 - i. Top of sign is 15 feet.
 - ii. Base of sign 12 feet.
- e. Other Limitations:
 - i. No part of the sign may protrude more than 4 inches from the wall it is attached.
 - ii. No part of the sign may extend above the eaves of the roof or be mounted on the roof.



Wall Sign

C. Temporary Signs. The following signs are permitted as temporary signs and are subject to the time, placement, and development standards described for each type of sign respectively. All other types of signs are prohibited.

1. Temporary Banner Sign Standards

- a. Prerequisites: None.
- b. Duration: For the duration of the temporary event, but the event shall not to exceed 7 consecutive days or 14 total days in any calendar year. The sign may be posted up to 5 days prior to the temporary event and must be taken down within 7 days after the sign's purpose no longer exists.

- c. Maximum Quantity: 1.
 - d. Maximum Area: 25 square feet
 - e. Maximum Height: 15 feet above ground level.
 - f. Setback: 5 feet from right-of-way or sidewalk, whichever is farthest
 - g. Permit required: no
 - h. Other Limitations:
- 2. Sign cannot be located on any public sidewalk.
- 3. Temporary Changeable Copy Sign Standards
 - a. Prerequisites: for institutional uses only.
 - b. Duration: For the duration of the temporary event, not to exceed 7 days. The sign may be posted up to 5 days prior to the temporary event and must be taken down within 7 days after the sign's purpose no longer exists.
 - c. Type: monument sign only.
 - d. Maximum Quantity: 1 sign per road frontage of the subject lot.
 - e. Maximum Area: 5 square feet per side.
 - f. Maximum Height: 4 feet above ground level.
 - g. Setback: 5 feet from right-of-way or sidewalk, whichever is farthest
 - h. Permit required: no
 - i. Other Limitations: None.
- 4. Temporary Marker Sign Standards
 - a. Prerequisites:
 - i. For agricultural uses only.
 - ii. Lot must have at least 300 feet of road frontage
 - b. Duration: For the duration of the temporary event, not to exceed 7 days. The sign may be posted up to 5 days prior to the temporary event and must be taken down within 7 days after the sign's purpose no longer exists.
 - c. Maximum Quantity: 60 per 300 feet of road frontage.
 - d. Maximum Area: 4 square feet per side.
 - e. Maximum Height: 8 feet above ground level.
 - f. Setback: 10 feet from right-of-way or sidewalk, whichever is farthest
 - g. Permit required: no.
 - h. Other Limitations: None.
- 5. Temporary Monument Sign Standards
 - a. Prerequisites: None.
 - b. Duration: For the duration of the temporary event, not to exceed 7 days. The sign may be posted up to 5 days prior to the temporary event and must be taken down within 7 days after the sign's purpose no longer exists.
 - c. Placement: Sign must be placed adjacent to the public right-of-way.
 - d. Maximum Quantity: 1 sign per road frontage of the subject lot
 - e. Maximum Area: 5 square feet per side.
 - f. Maximum Height: 4 feet above ground level.
 - g. Setback: 1 foot from right-of-way or sidewalk, whichever is farthest
 - h. Permit required: no.

i. Other Limitations:

- i. Sign cannot be located on any public sidewalk.
- ii. Sign may not be permanently affixed to the ground.

10.4 Multifamily Residential (R6 & MP) Sign Standards

A. Overall District Sign Regulations

District Sign Regulations for Permanent Signs				
Cumulative Total of Permanent Signs Permitted on Site	Cumulative Total of Temporary Signs Permitted on Site	Maximum Cumulative Area of Permanent Signs (square feet)	Permitted Signs	Prohibited Signs
1 per each road frontage (unless otherwise stated by sign type)	1 per each road frontage (unless otherwise stated by sign type)	50 square feet per each road frontage	<u>PERMANENT SIGNS:</u> Changeable Copy Marker Sign Monument Sign Wall Sign <u>TEMPORARY SIGNS:</u> Banner Marker Sign Monument Sign	Awning Bench Sign Billboard Electronic/Animated Hanging Inflatable Painted Sign Off-premise Pole Portable Projecting Roof Unified Development Vehicle Window

1. Illumination. All illuminated signs shall comply with the following standards:

- No sign shall have blinking, flashing, or fluttering lights, nor shall any device be utilized which has a changing light intensity, brightness of color, or give such illusion.
- All illuminating elements shall be kept in satisfactory working condition and repaired or replaced if damaged or inoperable within fourteen (14) days or as soon as possible if circumstances (e.g. weather or product availability) do not allow.

- c. The direct or reflected light from a primary light source shall not create a traffic hazard to operators of motor vehicles on public and/or private roadways and parking lots.
- d. The light from any illuminated sign shall be so shaded, shielded, or directed such that the light intensity or brightness does not interfere with safety or visibility and does not project onto any adjacent property. No exposed light source is permitted.
- e. Neon light elements may be used for internal illumination and/or when permitted otherwise in this Zoning Ordinance.

B. Permanent Signs. The following signs are permitted as permanent signs and are subject to the development standards described for each type of sign respectively. All other types of signs are prohibited.

1. Permanent Changeable Copy Sign Standards

a. Prerequisites:

- i. for institutional uses only
- ii. Sign must be accessory to a primary structure and use on the subject site.

2. Maximum Quantity: 1 sign

3. Maximum Area:

- a. Monument sign: 25 square feet per side
- b. Wall sign: 25 square feet

4. Maximum Height:

- a. Monument sign: 6 feet above ground level
- b. Wall sign: 20 feet above ground level

5. Setback: 5 feet from right-of-way or sidewalk, whichever is farthest

6. Landscaping: The permanent base for a monument sign shall be landscaped as follows:

- a. The base of the sign shall be effectively landscaped with living plant material or hardscape material (i.e. decorative brick or rock) and maintained in good condition at all times.
- b. The minimum landscaped area shall be equal to at least 50% of the total sign face area (cumulative of both sides), and extend beyond all faces or supporting structures in all directions. The landscaped area shall include all points where sign structural supports attach to the ground.
- c. Exposed foundations must be covered with a finish material such as brick, stone, or wood, or be screened with vegetation.

7. Other Limitations:

- a. No part of a wall sign may protrude more than 4 inches from the wall it is attached to.
- b. At least 100 feet of separation between monument signs on the same lot.

C. Permanent Marker Sign Standards

1. Prerequisites:

- a. for agricultural uses only
- b. lot must have at least 500 feet of road frontage

2. Maximum Quantity: 1 sign

3. Maximum Area: 16 square feet per side

4. Maximum Height: 12 feet above ground level

5. Setback: 5 feet from right-of-way or sidewalk, whichever is farthest

6. Landscaping: None.

7. Other Limitations: none.

D. Permanent Monument Sign Standards

1. Prerequisites: for apartment complexes or lease lot developments with at least 20 dwelling units and for institutional uses
2. Maximum Quantity: 1 sign per road frontage
3. Maximum Area: 50 square feet per side
4. Maximum Height: 5 feet above ground level
5. Setback: 5 foot from right-of-way
6. Landscaping: The permanent base for a monument sign shall be landscaped as follows:
 - a. The base of the sign shall be effectively landscaped with living plant material or hardscape material (i.e. decorative brick or rock) and maintained in good condition at all times.
 - b. The minimum landscaped area shall be equal to at least 50% of the total sign face area (cumulative of both sides), and extend beyond all faces or supporting structures in all directions. The landscaped area shall include all points where sign structural supports attach to the ground.
 - c. Exposed foundations must be covered with a finish material such as brick, stone, or wood, or be screened with vegetation.
7. Other Limitations:
 - a. Sign shall be maintained by a home owner's association or similar legally binding arrangement.
 - b. Sign must consist entirely of brick, stone, or other aesthetically appealing materials. The reverse sides of such signs shall use the same materials and be finished to match the front.



Monument Sign

E. Permanent Wall Sign Standards

1. Prerequisites:
 - a. for institutional uses only
 - b. Sign must be accessory to a primary structure and use on the subject site.
2. Maximum Quantity: 1 per facade, maximum 2 signs
3. Maximum Sign Area: 50 square feet based on a measurement of 2 square feet per 1 linear foot of structure or tenant frontage on the front facade.
4. Maximum Height:
 - a. Top of sign is 15 feet.
 - b. Base of sign 12 feet.
5. Other Limitations:
 - a. No part of the sign may protrude more than 4 inches from the wall it is attached.
 - b. No part of the sign may extend above the eaves of the roof or be mounted on the roof.



Wall Sign

F. Temporary Signs. The following signs are permitted as temporary signs and are subject to the time, placement, and development standards described for each type of sign respectively. All other types of signs are prohibited.

1. Temporary Banner Sign Standards

- a. Prerequisites: None.
- b. Duration: For the duration of the temporary event, but the event shall not to exceed 7 consecutive days or 14 total days in any calendar year. The sign may be posted up to 5 days prior to the temporary event and must be taken

down within 7 days after the sign's purpose no longer exists.

c. Maximum Quantity: 1.

d. Maximum Area: 25 square feet

e. Maximum Height: 15 feet above ground level.

f. Setback: 5 feet from right-of-way or sidewalk, whichever is farthest

g. Permit required: no

h. Other Limitations: Sign cannot be located on any public sidewalk.

2. Temporary Marker Sign Standards

a. Prerequisites:

i. For agricultural uses only.

ii. Lot must have at least 300 feet of road frontage

b. Duration: For the duration of the temporary event, not to exceed 7 days. The sign may be posted up to 5 days prior to the temporary event and must be taken down within 7 days after the sign's purpose no longer exists.

c. Maximum Quantity: 60 per 300 feet of road frontage.

d. Maximum Area: 4 square feet per side.

e. Maximum Height: 8 feet above ground level.

f. Setback: 10 feet from right-of-way or sidewalk, whichever is farthest

g. Permit required: no.

h. Other Limitations: None.

3. Temporary Monument Sign Standards

a. Prerequisites: None.

b. Duration: For the duration of the temporary event, not to exceed 7 days. The sign may be posted up to 5 days prior to the temporary event and must be taken down within 7 days after the sign's purpose no longer exists.

c. Placement: Sign must be placed adjacent to the public right-of-way.

d. Maximum Quantity: 1 sign per road frontage of the subject lot

e. Maximum Area: 5 square feet per side.

f. Maximum Height: 4 feet above ground level.

g. Setback: 5 foot from right-of-way or sidewalk, whichever is farthest

h. Permit required: Yes. Each new sign or the posting/relocation of an existing sign requires a new permit.

Other Limitations:

i. Sign cannot be located on any public sidewalk.

ii. Sign may not be permanently affixed to the ground.



Banner Sign

10.5 Neighborhood Commercial (NC) Sign Standards

A. Overall District Sign Regulations

District Sign Regulations for Permanent and Temporary Signs				
Cumulative Total of Permanent Signs Permitted on Site	Cumulative Total of Temporary Signs Permitted on Site	Maximum Cumulative Area for Permanent Signs (square feet)	Permitted Signs	Prohibited Permanent Signs
1 per 200 feet of road frontage (unless otherwise stated by sign type)	1 per tenant (unless otherwise stated by sign type)	<u>SINGLE-TENANT STRUCTURE: 100 square feet</u> <u>MULTI-TENANT STRUCTURE: 75 square feet per tenant</u>	<u>PERMANENT SIGNS:</u> Awning Changeable Copy Hanging Monument Sign Painted Sign Projecting Unified Development Wall Sign Window Directional Sign <u>TEMPORARY SIGNS:</u> Banner Marker Sign Monument Sign	Banner Bench Sign Billboard Inflatable Marker Sign Off-premise Pole Portable Roof Vehicle Electronic/Animated

1. Illumination. All illuminated signs shall comply with the following standards:

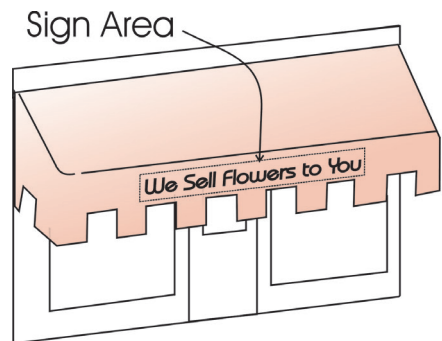
- No sign shall have blinking, flashing, or fluttering lights, nor shall any device be utilized which has a changing light intensity, brightness of color, or give such illusion.
- All illuminating elements shall be kept in satisfactory working condition and repaired or replaced if damaged or inoperable within fourteen (14) days or as soon as possible if circumstances (e.g. weather or product availability) do not allow.

- c. The direct or reflected light from a primary light source shall not create a traffic hazard to operators of motor vehicles on public and/or private roadways and parking lots.
- d. The light from any illuminated sign shall be so shaded, shielded, or directed such that the light intensity or brightness does not interfere with safety or visibility and does not project onto any adjacent property. No exposed light source is permitted.
- e. Neon light elements may be used for internal illumination and/or when permitted otherwise in this Zoning Ordinance.

B. Permanent Signs. The following signs are permitted as permanent signs and are subject to the development standards described for each type of sign respectively. All other types of signs are prohibited.

1. Permanent Awning Sign Standards

- a. Prerequisites: None.
- b. Maximum Quantity: none.
- c. Maximum Area:
 - i. Single-tenant structure: 20 square feet
 - ii. Multi-tenant structure: 10 square feet per tenant
- d. Maximum Height:
 - a. Maximum height of sign area is 2 feet.
 - b. No part of the awning shall be less than 9 feet above ground level
 - c. Top of awning sign area may not be located more than 15 feet above ground level
- e. Other Limitations: Sign shall not be illuminated by back-lighting.



2. Permanent Changeable Copy Sign Standards

- a. Prerequisites: Must be an integral part of a permanent monument sign.
- b. Maximum Quantity: Per maximum quantity requirements for permanent monument signs and permanent wall signs respectively.
- c. Maximum Area:
 - i. Monument sign: May not exceed 80% of the area of the permanent monument sign
 - ii. Wall sign: Up to 100% of a permanent wall sign.
- d. Maximum Height: Per maximum height for permanent monument signs and permanent wall signs respectively.
- e. Setback: Per setback requirements for permanent monument signs
- f. Landscaping: Per landscaping requirements for permanent monument signs.

Other Limitations:

- i. Only static messages are allowed which are placed text or electronic messages.
- ii. No scrolling, flashing, or cyclical changing of electronic messages is permitted.

3. Permanent Electronic/Animated Sign Standards

- a. Prerequisites: Must be an integral part of a permanent monument sign.



Awning Signage



Electronic Signage

- b. Maximum Quantity: Per maximum quantity requirements for permanent monument signs and permanent wall signs respectively.
- c. Maximum Area:
 - i. Monument sign: May not exceed 80% of the area of the permanent monument sign
 - ii. Wall sign: Up to 100% of a permanent wall sign.
- d. Maximum Height: Per maximum height for permanent monument signs and permanent wall signs respectively.
- e. Setback: Per setback requirements for permanent monument signs
- f. Landscaping: Per landscaping requirements for permanent monument signs.
- g. Other Limitations:
 - i. Only static messages are allowed which are placed text or electronic messages.
 - ii. No scrolling, flashing, or cyclical changing of electronic messages is permitted.

4. Permanent Hanging Sign Standards

- a. Prerequisites: None.
- b. Maximum Quantity: 1 per tenant
- c. Maximum Area:
 - i. Single-tenant structure: 10 square feet
 - ii. Multi-tenant structure: 10 square feet per tenant
- d. Maximum Height:
 - i. Maximum height of sign is 2 feet.
 - ii. No part of the sign shall be less than 9 feet above ground level
 - iii. Top of sign may not be located more than 15 feet above ground level
- e. Other Limitations: Sign shall not be illuminated.

5. Permanent Marker Sign Standards

- a. Prerequisites:
 - i. for agricultural uses only
 - ii. lot must have at least 500 feet of road frontage
- b. Maximum Quantity: 1 sign
- c. Maximum Area: 16 square feet per side
- d. Maximum Height: 12 feet above ground level
- e. Setback: 5 feet from right-of-way or sidewalk, whichever is farthest
- f. Landscaping: None
- g. Other Limitations: None.

6. Permanent Monument Sign Standards

- a. Prerequisites: None.
- b. Maximum Quantity:
 - i. Frontage on one public street: 1
 - ii. Frontage on two or more public streets: 1 per frontage, maximum 2 signs
- c. Maximum Area:
 - i. Single-tenant structure: 36 square feet per side
 - ii. Multi-tenant structure: see Permanent Unified Development Standards below



Mural Sign



Lighted Sign



Hanging Sign

- d. Maximum Height: 6 feet above ground level
- e. Setback: 10 feet from right-of-way or sidewalk, whichever is farthest
- f. Landscaping: The permanent base for a monument sign shall be landscaped as follows:
 - i. The base of the sign shall be effectively landscaped with living plant material or hardscape material (i.e. decorative brick or rock) and maintained in good condition at all times.
 - ii. The minimum landscaped area shall be equal to at least 50% of the total sign face area (cumulative of both sides), and extend beyond all faces or supporting structures in all directions. The landscaped area shall include all points where sign structural supports attach to the ground.
 - iii. Exposed foundations must be covered with a finish material such as brick, stone, or wood, or be screened with vegetation.
- g. Other Limitations: No two signs shall be within 70 feet of one another.

9. Permanent Painted Sign Standards

- a. Prerequisites: None.
- b. Maximum Quantity:
 - i. Single-tenant structure: 1 sign per façade, maximum 2 signs per building
 - ii. Multi-tenant structure: 1 sign per tenant, maximum of three separate signs
- c. Maximum Area:
 - i. Single-tenant structure: 65 square feet
 - ii. Multi-tenant structure: 50 square feet per tenant
- d. Maximum Height:
 - i. Maximum height of sign is 4 feet.
 - ii. Sign may not be located more than 16 feet above ground level
- e. Other Limitations:
 - i. No part of the sign may extend above the eaves of the roof or be mounted on the roof.

10. Permanent Projecting Sign Standards

- a. Prerequisites: None.
- b. Maximum Quantity: 1 per tenant
- c. Maximum Area:
 - i. Single-tenant structure: 15 square feet
 - ii. Multi-tenant structure: 10 square feet per tenant
- d. Maximum Height:
 - i. Maximum height of sign is 10 feet.
 - ii. No part of the sign shall be less than 9 feet above ground level
 - iii. Top of sign may not be located more than 15 feet above ground level
- e. Other Limitations:
 - i. No part of the sign may protrude more than 18 inches from the wall it is attached.
 - ii. No part of the sign may extend above the eaves of the roof or be mounted on the roof.

11. Permanent Unified Development Sign Standards

- a. Prerequisites:
 - i. for multi-tenant developments with at least 6 separate tenants and 12,000sqft of space that can be occupied in the building.



Projecting Sign

- ii. these signs are permitted in addition to all other permanent signs permitted within the development

b. Types:

i. Multi-tenant Monument Sign:

- i.i. Maximum quantity: 1 sign is permitted at the primary entrance to the development

i.ii. Maximum area:

- 100 square feet per side

ii. Maximum single tenant area is 30 square feet.

iii. Maximum Height: 6 feet above ground level

c. Landscaping: The permanent base for a monument sign shall be landscaped as follows:

- i. The base of the sign shall be effectively landscaped with living plant material or hardscape material (i.e. decorative brick or rock) and maintained in good condition at all times.

- ii. The minimum landscaped area shall be equal to at least 50% of the total sign face area (cumulative of both sides), and extend beyond all faces or supporting structures in all directions. The landscaped area shall include all points where sign structural supports attach to the ground.

- iii. Exposed foundations must be covered with a finish material such as brick, stone, or wood, or be screened with vegetation.

12. Directional Signs:

- a. Maximum quantity: 1 per curb cut from a public street into the development

- b. Maximum area: 4 square feet

- c. Maximum Height: 3 feet above ground level

d. Other Limitations:

- i. Signs shall contain language or icons to guide pedestrians or motor vehicles inot, out of, or around a development.

13. Permanent Wall Sign Standards

- a. Prerequisites: None.

b. Maximum Quantity:

- i. Single-tenant structure: 1 sign per façade, maximum 2 signs per building.

- ii. Multi-tenant structure: 1 sign per tenant.

c. Maximum Sign Area:

- i. Single-tenant structure: 65 square feet based on a measurement of 2 square feet per 1.5 linear foot of structure or tenant frontage on the front facade.

- ii. Multi-tenant structure: 50 square feet (per tenant) based on a measurement of 2 square feet per 1.5 linear foot of structure or tenant frontage on the front facade.

d. Maximum Height:

- i. Top of sign is 15 feet.

- b. Base of sign 12 feet.

e. Other Limitations:

- i. No part of the sign may protrude more than 8 inches from the wall it is attached.

- ii. No part of the sign may extend above the eaves of the roof or be mounted on the roof.



Multi-tenant Signage

iii. All signs in a multi-tenant structure must be consistent in type (i.e. reverse channel, or box) and be mounted consistently on the façade of the building in order to create a uniform appearance.

14. Permanent Window Sign Standards

- a. Prerequisites: None.
- b. Maximum Quantity:
 - i. Single-tenant structure: 2
 - ii. Multi-tenant structure: 1 per tenant
- c. Maximum Area: 20 square feet
- d. Maximum Height: Maximum height of sign is 4 feet.
- e. Other Limitations: None.

C. Temporary Signs. The following signs are permitted as temporary signs and are subject to the time, placement, and development standards described for each type of sign respectively. All other types of signs are prohibited.

1. Temporary Banner Sign Standards

- a. Prerequisites: None.
- b. Duration: For the duration of the temporary event, but the event shall not to exceed 7 consecutive days or 14 total days in any calendar year. The sign may be posted up to 5 days prior to the temporary event and must be taken down within 7 days after the sign's purpose no longer exists.
- c. Placement: signs must be placed in window or affixed to an entrance door.
- d. Maximum Quantity: 1 per tenant
- e. Maximum Area: 4 square feet
- f. Maximum Height: 7 feet above ground level.
- g. Permit required: Yes. Each new sign or the posting/relocation of an existing sign requires a new permit.
- h. Other Limitations: None.



Temporary Banner Signage

2. Temporary Marker Sign Standards

- a. Prerequisites:
 - i. For agricultural uses only.
 - ii. Lot must have at least 300 feet of road frontage
- b. Duration: For the duration of the temporary event, not to exceed 7 days. The sign may be posted up to 5 days prior to the temporary event and must be taken down within 7 days after the sign's purpose no longer exists.
- c. Maximum Quantity: 60 per 300 feet of road frontage.
- d. Maximum Area: 4 square feet per side.
- e. Maximum Height: 8 feet above ground level.
- f. Setback: 10 feet from right-of-way or sidewalk, whichever is farthest
- g. Permit required: no.
- h. Other Limitations: None.

3. Temporary Monument Sign Standards

- a. Prerequisites: for single-tenant structures only
- b. Duration: For the duration of the temporary event, not to exceed 7 days. The sign may be posted up to 5 days prior to the temporary event and must be taken down within 7 days after the sign's purpose no longer exists.
- c. Maximum Quantity:

- i. Frontage on one public street: 1
 - ii. Frontage on two or more public streets: 1 per frontage, maximum 2 signs
 - d. Maximum Area: 5 square feet per side.
 - e. Maximum Height: 4 feet above ground level.
 - f. Setback: 5 feet from right-of-way or sidewalk, whichever is farthest
 - g. Permit required: Yes. Each new sign or the posting/relocation of an existing sign requires a new permit.
 - h. Other Limitations:
 - i. Sign cannot be located on any public sidewalk.
 - ii. Sign may not be permanently affixed to the ground.
 - iii. Sign must be at least 15 feet from any other sign on the property
- Sign must be at least 80 feet from all other temporary signs on the property

10.6 Office Commercial (OC) Sign Standards

A. Overall District Sign Regulations

District Sign Regulations for Permanent and Temporary Signs				
Cumulative Total of Permanent Signs Permitted on Site	Cumulative Total of Temporary Signs Permitted on Site	Maximum Cumulative Area for Permanent Signs (square feet)	Permitted Signs	Prohibited Permanent Signs
1 per 200 feet of road frontage (unless otherwise stated by sign type)	1 per tenant (unless otherwise stated by sign type)	<u>SINGLE-TENANT STRUCTURE:</u> 100 square feet <u>MULTI-TENANT STRUCTURE:</u> 75 square feet per tenant	<u>PERMANENT SIGNS:</u> Awning Changeable Copy Hanging Monument Sign Painted Sign Unified Development Wall Sign Window Directional Sign <u>TEMPORARY SIGNS:</u> Banner Marker Sign Monument Sign	Banner Bench Sign Billboard Electronic/Animated Inflatable Marker Sign Off-premise Pole Portable Projecting Roof Vehicle

1. Illumination. All illuminated signs shall comply with the following standards:

- No sign shall have blinking, flashing, or fluttering lights, nor shall any device be utilized which has a changing light intensity, brightness of color, or give such illusion.
- All illuminating elements shall be kept in satisfactory working condition and repaired or replaced if damaged or inoperable within fourteen (14) days or as soon as possible if circumstances (e.g. weather or product availability) do not allow.
- The direct or reflected light from a primary light source shall not create a traffic hazard to operators of motor vehicles on public and/or private roadways and parking lots.

d. The light from any illuminated sign shall be so shaded, shielded, or directed such that the light intensity or brightness does not interfere with safety or visibility and does not project onto any adjacent property. No exposed light source is permitted.

e. Neon light elements may be used for internal illumination and/or when permitted otherwise in this Zoning Ordinance.

B. Permanent Signs. The following signs are permitted as permanent signs and are subject to the development standards described for each type of sign respectively. All other types of signs are prohibited.

1. Permanent Awning Sign Standards

- a. Prerequisites: None.
- b. Maximum Quantity: none.
- c. Maximum Area:
 - i. Single-tenant structure: 30 square feet
 - ii. Multi-tenant structure: 20 square feet per tenant

2. Maximum Height:

- a. Maximum height of sign is 3 feet.
- b. No part of the awning shall be less than 9 feet above ground level
- c. Top of awning sign may not be located more than 15 feet above ground level
 - i. Other Limitations: Sign shall not be illuminated by back-lighting.



Monument Signage

3. Permanent Changeable Copy Sign Standards

- a. Prerequisites: Must be an integral part of a permanent monument sign.
- b. Maximum Quantity: Per maximum quantity requirements for permanent monument signs and permanent wall signs respectively.
- c. Maximum Area:
 - i. Monument sign: May not exceed 80% of the area of the permanent monument sign
 - ii. Wall sign: Up to 100% of a permanent wall sign.
- d. Maximum Height: Per maximum height for permanent monument signs and permanent wall signs respectively.
- e. Setback: Per setback requirements for permanent monument signs
- f. Landscaping: Per landscaping requirements for permanent monument signs.
- g. Other Limitations:
 - i. Only static messages are allowed which are placed text or electronic messages.
 - ii. No scrolling, flashing, or cyclical changing of electronic messages is permitted.



Changeable Copy Signage

4. Permanent Electronic/Animated Sign Standards

- a. Prerequisites: Must be an integral part of a permanent monument sign.
- b. Maximum Quantity: Per maximum quantity requirements for permanent monument signs and permanent wall signs respectively.
- c. Maximum Area:
 - i. Monument sign: May not exceed 80% of the area of the permanent monument sign
 - ii. Wall sign: Up to 100% of a permanent wall sign.
- d. Maximum Height: Per maximum height for permanent monument signs and permanent wall signs respectively.
- e. Setback: Per setback requirements for permanent monument signs

- f. Landscaping: Per landscaping requirements for permanent monument signs.
- g. Other Limitations:
 - i. Only static messages are allowed which are placed text or electronic messages.
 - ii. No scrolling, flashing, or cyclical changing of electronic messages is permitted.

5. Permanent Hanging Sign Standards

- a. Prerequisites: None.
- b. Maximum Quantity: 1 per tenant
- c. Maximum Area:
 - i. Single-tenant structure: 10 square feet
 - ii. Multi-tenant structure: 10 square feet per tenant
- d. Maximum Height:
 - i. Maximum height of sign is 2 feet.
 - ii. No part of the sign shall be less than 9 feet above ground level
 - iii. Top of sign may not be located more than 15 feet above ground level
- e. Other Limitations: Sign shall not be illuminated.

6. Permanent Marker Sign Standards

- a. Prerequisites:
 - i. for agricultural uses only
 - ii. lot must have at least 500 feet of road frontage
- b. Maximum Quantity: 1 sign
- c. Maximum Area: 16 square feet per side
- d. Maximum Height: 12 feet above ground level
- e. Setback: 5 feet from right-of-way or sidewalk, whichever is farthest
- f. Landscaping: None.
- h. Other Limitations: None.

7. Permanent Monument Sign Standards

- a. Prerequisites: None.
- b. Maximum Quantity:
 - i. Frontage on one public street: 1
 - ii. Frontage on two or more public streets: 1 per frontage, maximum 2 signs
- c. Maximum Area:
 - i. Single-tenant structure: 36 square feet per side
 - ii. Multi-tenant structure: see Permanent Unified Development Standards below
- d. Maximum Height: 6 feet above ground level
- e. Setback: 10 feet from right-of-way or sidewalk, whichever is farthest
- f. Landscaping: The permanent base for a monument sign shall be landscaped as follows:
 - i. The base of the sign shall be effectively landscaped with living plant material or hardscape material (i.e. decorative brick or rock) and maintained in good condition at all times.
 - ii. The minimum landscaped area shall be equal to at least 50% of the total sign face area (cumulative of both sides), and extend beyond all faces or supporting structures in all directions. The landscaped area shall include all points where sign structural supports attach to the ground.

iii. Exposed foundations must be covered with a finish material such as brick, stone, or wood, or be screened with vegetation.

g. Other Limitations: No two signs shall be within 70 feet of one another.

8. Permanent Painted Sign Standards

a. Prerequisites: None.

b. Maximum Quantity:

i. Single-tenant structure: 1 sign per façade, maximum 2 signs per building

ii. Multi-tenant structure: 1 sign per tenant, maximum of three separate signs

c. Maximum Area:

i. Single-tenant structure: 65 square feet

ii. Multi-tenant structure: 50 square feet per tenant

d. Maximum Height:

i. Maximum height of sign is 4 feet.

ii. Sign may not be located more than 16 feet above ground level

e. Other Limitations:

i. No part of the sign may extend above the eaves of the roof or be mounted on the roof.

9. Permanent Unified Development Sign Standards

a. Prerequisites:

i. for multi-tenant developments with at least 6 separate tenants and 12,000sqft of space that can be occupied in the building.

ii. these signs are permitted in addition to all other permanent signs permitted within the development

b. Types:

i. Multi-tenant Monument Sign:

i.i Maximum quantity: 1 sign is permitted at the primary entrance to the development

i.ii. Maximum area:

- 100 square feet per side

- Maximum single tenant area is 30 square feet.

c. Maximum Height: 6 feet above ground level

d. Landscaping: The permanent base for a monument sign shall be landscaped as follows:

i. The base of the sign shall be effectively landscaped with living plant material or hardscape material (i.e. decorative brick or rock) and maintained in good condition at all times.

ii. The minimum landscaped area shall be equal to at least 50% of the total sign face area (cumulative of both sides), and extend beyond all faces or supporting structures in all directions. The landscaped area shall include all points where sign structural supports attach to the ground.

iii. Exposed foundations must be covered with a finish material such as brick, stone, or wood, or be screened with vegetation.

10. Directional Signs:

a. Maximum quantity: 1 per curb cut from a public street into the development

b. Maximum area: 4 square feet

c. Maximum Height: 3 feet above ground level

d. Other Limitations:

i. Signs shall contain language or icons to guide pedestrians or motor vehicles into, out of, or around a development.

11. Permanent Wall Sign Standards

- a. Prerequisites: None.
- b. Maximum Quantity:
 - i. Single-tenant structure: 1 sign per façade, maximum 2 signs per building
 - ii. Multi-tenant structure: 1 sign per tenant.
- c. Maximum Area:
 - i. Single-tenant structure: 65 square feet based on a measurement of 2 square feet per 1 linear foot of structure or tenant frontage on the front facade.
 - ii. Multi-tenant structure: 50 square feet (per tenant) based on a measurement of 2 square feet per 1 linear foot of structure or tenant frontage on the front facade.
- d. Maximum Height:
 - i. Maximum height of sign is 6 feet.
 - ii. Sign may not be located more than 20 feet above ground level
- e. Other Limitations:
 - i. No part of the sign may protrude more than 12 inches from the wall it is attached.
 - ii. No part of the sign may extend above the eaves of the roof or be mounted on the roof.
 - iii. All signs in a multi-tenant structure must be consistent in type (i.e. reverse channel, or box) and be mounted consistently on the façade of the building in order to create a uniform appearance.

12. Permanent Window Sign Standards

- a. Prerequisites: None.
- b. Maximum Quantity:
 - i. Single-tenant structure: 2
 - ii. Multi-tenant structure: 1 per tenant
- c. Maximum Area: 20 square feet
- d. Maximum Height: Maximum height of sign is 4 feet.
- e. Other Limitations: None.

C. Temporary Signs. The following signs are permitted as temporary signs and are subject to the time, placement, and development standards described for each type of sign respectively. All other types of signs are prohibited.

1. Temporary Banner Sign Standards

- a. Prerequisites: None.
- b. Duration: For the duration of the temporary event, but the event shall not to exceed 7 consecutive days or 14 total days in any calendar year. The sign may be posted up to 5 days prior to the temporary event and must be taken down within 7 days after the sign's purpose no longer exists.
- c. Placement: signs must be placed in window or affixed to an entrance door.
- d. Maximum Quantity: 1 per tenant
- e. Maximum Area: 4 square feet
- f. Maximum Height: 7 feet above ground level.



Window Signage

- g. Permit required: Yes. Each new sign or the posting/relocation of an existing sign requires a new permit.
- h. Other Limitations: None.

2. Temporary Marker Sign Standards

- a. Prerequisites:
 - i. For agricultural uses only.
 - ii. Lot must have at least 300 feet of road frontage
- b. Duration: For the duration of the temporary event, not to exceed 7 days. The sign may be posted up to 5 days prior to the temporary event and must be taken down within 7 days after the sign's purpose no longer exists.
- c. Maximum Quantity: 60 per 300 feet of road frontage.
- d. Maximum Area: 4 square feet per side.
- e. Maximum Height: 8 feet above ground level.
- f. Setback: 10 feet from right-of-way or sidewalk, whichever is farthest
- g. Permit required: no.
- h. Other Limitations: None.

3. Temporary Monument Sign Standards

- a. Prerequisites: for single-tenant structures only
- b. Duration: For the duration of the temporary event, not to exceed 7 days. The sign may be posted up to 5 days prior to the temporary event and must be taken down within 7 days after the sign's purpose no longer exists.
- c. Maximum Quantity:
 - i. Frontage on one public street: 1
 - ii. Frontage on two or more public streets: 1 per frontage, maximum 2 signs
- d. Maximum Area: 5 square feet per side.
- e. Maximum Height: 4 feet above ground level.
- f. Setback: 5 feet from right-of-way or sidewalk, whichever is farthest
- g. Permit required: Yes. Each new sign or the posting/relocation of an existing sign requires a new permit.
- h. Other Limitations:
 - i. Sign cannot be located on any public sidewalk.
 - ii. Sign may not be permanently affixed to the ground.
 - iii. Sign must be at least 15 feet from any other sign on the property
- i. Sign must be at least 80 feet from all other temporary signs on the property

10.7 Commercial (C1, C2, C3, C4, and HC) Sign Standards

A. Overall District Sign Regulations

District Sign Regulations for Permanent and Temporary Signs				
Cumulative Total of Permanent Signs Permitted on Site	Cumulative Total of Temporary Signs Permitted on Site	Maximum Cumulative Area for Permanent Signs (square feet)	Permitted Signs	Prohibited Permanent Signs
1 per 200 feet of road frontage (unless otherwise stated by sign type)	1 per tenant (unless otherwise stated by sign type)	<u>SINGLE-TENANT STRUCTURE:</u> 200 square feet <u>MULTI-TENANT STRUCTURE:</u> 100 square feet per tenant	<u>PERMANENT SIGNS:</u> Awning Changeable Copy Hanging Monument Sign Painted Sign Unified Development Wall Sign Window Directional Sign <u>TEMPORARY SIGNS:</u> Banner Marker Sign Monument Sign	Banner Bench Sign Billboard Electronic/Animated Inflatable Marker Sign Off-premise Pole Portable Projecting Roof Vehicle

1. Illumination. All illuminated signs shall comply with the following standards:

- a. No sign shall have blinking, flashing, or fluttering lights, nor shall any device be utilized which has a changing light intensity, brightness of color, or give such illusion.
- b. All illuminating elements shall be kept in satisfactory working condition and repaired or replaced if damaged or inoperable within fourteen (14) days or as soon as possible if circumstances (e.g. weather or product availability) do not allow.

- c. The direct or reflected light from a primary light source shall not create a traffic hazard to operators of motor vehicles on public and/or private roadways and parking lots.
- d. The light from any illuminated sign shall be so shaded, shielded, or directed such that the light intensity or brightness does not interfere with safety or visibility and does not project onto any adjacent property. No exposed light source is permitted.
- e. Neon light elements may be used for internal illumination and/or when permitted otherwise in this Zoning Ordinance.

B. Permanent Signs. The following signs are permitted as permanent signs and are subject to the development standards described for each type of sign respectively. All other types of signs are prohibited.

1. Permanent Awning Sign Standards

- a. Prerequisites: One per tenant.
- b. Maximum Quantity: None.
- c. Maximum Area:
 - i. Single-tenant structure: 30 square feet
 - ii. Multi-tenant structure: 20 square feet per tenant
- d. Maximum Height:
 - i. Maximum height of sign area is 3 feet.
 - ii. No part of the awning shall be less than 9 feet above ground level
 - iii. Top of awning sign may not be located more than 15 feet above ground level
- e. Other Limitations: Sign shall not be illuminated by back-lighting.

2. Permanent Changeable Copy Sign Standards

- a. Prerequisites: Must be an integral part of a permanent monument sign.
- b. Maximum Quantity: Per maximum quantity requirements for permanent monument signs and permanent wall signs respectively.
- c. Maximum Area:
 - i. Monument sign: May not exceed 80% of the area of the permanent monument sign
 - ii. Wall sign: Up to 100% of a permanent wall sign.
- d. Maximum Height: Per maximum height for permanent monument signs and permanent wall signs respectively.
- e. Setback: Per setback requirements for permanent monument signs
- f. Landscaping: Per landscaping requirements for permanent monument signs.
- g. Other Limitations:
 - i. Only static messages are allowed which are placed text or electronic messages.
 - ii. No scrolling, flashing, or cyclical changing of electronic messages is permitted.

3. Permanent Electronic/Animated Sign Standards

- a. Prerequisites: Must be an integral part of a permanent monument sign.
- b. Maximum Quantity: Per maximum quantity requirements for permanent monument signs and permanent wall signs respectively.
- c. Maximum Area:



Temporary Signage



Changeable Copy Signage

- i. Monument sign: May not exceed 80% of the area of the permanent monument sign
- ii. Wall sign: Up to 100% of a permanent wall sign.
- d. Maximum Height: Per maximum height for permanent monument signs and permanent wall signs respectively.
- e. Setback: Per setback requirements for permanent monument signs
- f. Landscaping: Per landscaping requirements for permanent monument signs.
- g. Other Limitations:
 - i. Only static messages are allowed which are placed text or electronic messages.
 - ii. No scrolling, flashing, or cyclical changing of electronic messages is permitted.

4. Permanent Hanging Sign Standards

- a. Prerequisites: None.
- b. Maximum Quantity: 1 per tenant
- c. Maximum Area:
 - i. Single-tenant structure: 10 square feet
 - ii. Multi-tenant structure: 10 square feet per tenant
- d. Maximum Height:
 - i. Maximum height of sign is 2 feet.
 - ii. No part of the sign shall be less than 9 feet above ground level
 - iii. Top of sign may not be located more than 15 feet above ground level
- e. Other Limitations: Sign shall not be illuminated.

5. Permanent Marker Sign Standards

- a. Prerequisites:
 - i. for agricultural uses only
 - ii. lot must have at least 500 feet of road frontage
- b. Maximum Quantity: 1 sign
- c. Maximum Area: 16 square feet per side
- d. Maximum Height: 12 feet above ground level
- e. Setback: 5 feet from right-of-way or sidewalk, whichever is farthest
- f. Landscaping: None.
- g. Other Limitations: None.

6. Permanent Monument Sign Standards

- a. Prerequisites: None.
- b. Maximum Quantity:
 - i. Frontage on one public street: 1
 - ii. Frontage on two or more public streets: 1 per frontage, maximum 2 signs
- c. Maximum Area:
 - i. Single-tenant structure: 60 square feet per side
 - ii. Multi-tenant structure: see Permanent Unified Development Standards below
- d. Maximum Height: 6 feet above ground level
- e. Setback: 10 feet from right-of-way or sidewalk, whichever is farthest
- f. Landscaping: The permanent base for a monument sign shall be landscaped as follows:

- i. The base of the sign shall be effectively landscaped with living plant material or hardscape material (i.e. decorative brick or rock) and maintained in good condition at all times.
 - ii. The minimum landscaped area shall be equal to at least 50% of the total sign face area (cumulative of both sides), and extend beyond all faces or supporting structures in all directions. The landscaped area shall include all points where sign structural supports attach to the ground.
 - iii. Exposed foundations must be covered with a finish material such as brick, stone, or wood, or be screened with vegetation.
- g. Other Limitations: No two signs shall be within 100 feet of one another.

7. Permanent Painted Sign Standards

- a. Prerequisites: None.
- b. Maximum Quantity:
 - i. Single-tenant structure: 1 sign per façade, maximum 2 signs per building
 - ii. Multi-tenant structure: 1 sign per tenant, maximum of three separate signs
- c. Maximum Area:
 - i. Single-tenant structure: 65 square feet
 - ii. Multi-tenant structure: 50 square feet per tenant
- d. Maximum Height:
 - i. Maximum height of sign is 4 feet.
 - ii. Sign may not be located more than 16 feet above ground level
- e. Other Limitations:
 - i. No part of the sign may extend above the eaves of the roof or be mounted on the roof.

8. Permanent Unified Development Sign Standards

- a. Prerequisites:
 - i. for multi-tenant developments with at least 6 separate tenants and 12,000sqft of space that can be occupied in the building.
 - ii. these signs are permitted in addition to all other permanent signs permitted within the development
- b. Types:
 - i. Multi-tenant Monument Sign:
 - a) Maximum quantity: 1 sign is permitted at the primary entrance to the development
 - b) Maximum area:
 - 100 square feet per side
 - Maximum single tenant area is 30 square feet.
 - ii. Maximum Height: 6 feet above ground level
 - iii. Landscaping: The permanent base for a monument sign shall be landscaped as follows:
 - a) The base of the sign shall be effectively landscaped with living plant material or hardscape material (i.e. decorative brick or rock) and maintained in good condition at all times.
 - b) The minimum landscaped area shall be equal to at least 50% of the total sign face area (cumulative of both sides), and extend beyond all faces or supporting structures in all directions. The landscaped area shall include all points where sign structural supports attach to the ground.
 - c). Exposed foundations must be covered with a finish material such as brick, stone, or wood, or be screened with vegetation.
- c. Directional Signs:
 - i. Maximum quantity: 1 per curb cut from a public street into the development

- ii. Maximum area: 4 square feet
- iii. Maximum Height: 3 feet above ground level
- iv. Other Limitations:
 - a.) Signs shall contain language or icons to guide pedestrians or motor vehicles into, out of, or around a development.

9. Permanent Wall Sign Standards

- a. Prerequisites: None.
- b. Maximum Quantity:
 - i. Single-tenant structure: 1 sign per façade, maximum 2 signs per building
 - ii. Multi-tenant structure: 1 sign per tenant.
- c. Maximum Area:
 - i. Single-tenant structure: 90 square feet based on a measurement of 2 square feet per 1 linear foot of structure or tenant frontage on the front facade.
 - ii. Multi-tenant structure: 50 square feet (per tenant) based on a measurement of 2 square feet per 1 linear foot of structure or tenant frontage on the front facade.
- d. Maximum Height:
 - i. Maximum height of sign area is 6 feet.
 - ii. Sign may not be located more than 20 feet above ground level.
- e. Other Limitations:
 - i. No part of the sign may protrude more than 12 inches from the wall it is attached.
 - ii. No part of the sign may extend above the eaves of the roof or be mounted on the roof.
 - iii. All signs in a multi-tenant structure must be consistent in type (i.e. reverse channel, or box) and be mounted consistently on the facade of the building in order to create a uniform appearance.

10. Permanent Window Sign Standards

- a. Prerequisites: None.
- b. Maximum Quantity:
 - i. Single-tenant structure: 2
 - ii. Multi-tenant structure: 1 per tenant
- c. Maximum Area: 20 square feet
- d. Maximum Height: Maximum height of sign is 4 feet.
- e. Other Limitations: None.

C. Temporary Signs. The following signs are permitted as temporary signs and are subject to the time, placement, and development standards described for each type of sign respectively. All other types of signs are prohibited.

1. Temporary Banner Sign Standards

- a. Prerequisites: None.
- b. Duration: For the duration of the temporary event, but the event shall not to exceed 7 consecutive days or 14 total days in any calendar year. The sign may be posted up to 5 days prior to the temporary event and must be taken down within 7 days after the sign's purpose no longer exists.
- c. Placement: signs must be placed in window or affixed to an entrance door.
- d. Maximum Quantity: 1 per tenant
- e. Maximum Area: 4 square feet

- f. Maximum Height: 7 feet above ground level.
- g. Permit required: Yes. Each new sign or the posting/relocation of an existing sign requires a new permit.
- h. Other Limitations: None.

2. Temporary Marker Sign Standards

- a. Prerequisites:
 - i. For agricultural uses only.
 - ii. Lot must have at least 300 feet of road frontage
- b. Duration: For the duration of the temporary event, not to exceed 7 days. The sign may be posted up to 5 days prior to the temporary event and must be taken down within 7 days after the sign's purpose no longer exists.
- c. Maximum Quantity: 60 per 300 feet of road frontage.
- d. Maximum Area: 4 square feet per side.
- e. Maximum Height: 8 feet above ground level.
- f. Setback: 10 feet from right-of-way or sidewalk, whichever is farthest
- g. Permit required: no.
- h. Other Limitations: None.

3. Temporary Monument Sign Standards

- a. Prerequisites: for single-tenant structures only
- b. Duration: For the duration of the temporary event, not to exceed 7 days. The sign may be posted up to 5 days prior to the temporary event and must be taken down within 7 days after the sign's purpose no longer exists.
- c. Maximum Quantity:
 - i. Frontage on one public street: 1
 - ii. Frontage on two or more public streets: 1 per frontage, maximum 2 signs
- d. Maximum Area: 5 square feet per side.
- e. Maximum Height: 4 feet above ground level.
- f. Setback: 5 feet from right-of-way or sidewalk, whichever is farthest
- g. Permit required: Yes. Each new sign or the posting/relocation of an existing sign requires a new permit.
- h. Other Limitations:
 - i. Sign cannot be located on any public sidewalk.
 - ii. Sign may not be permanently affixed to the ground.
 - iii. Sign must be at least 15 feet from any other sign on the property
 - iv. Sign must be at least 80 feet from all other temporary signs on the property

10.8 Downtown Commercial (DC) Sign Standards

A. Overall District Sign Regulations

District Sign Regulations for Permanent and Temporary Signs				
Cumulative Total of Permanent Signs Permitted on Site	Cumulative Total of Temporary Signs Permitted on Site	Maximum Cumulative Area for Permanent Signs (square feet)	Permitted Signs	Prohibited Permanent Signs
1 per 200 feet of road frontage (unless otherwise stated by sign type)	1 per tenant (unless otherwise stated by sign type)	<u>SINGLE-TENANT STRUCTURE</u> : 60 square feet <u>MULTI-TENANT STRUCTURE</u> : 40 square feet per tenant	<u>PERMANENT SIGNS:</u> Awning Changeable Copy Hanging Monument Sign Painted Sign Projecting Unified Development Wall Sign Window Directional Sign <u>TEMPORARY SIGNS:</u> Banner Marker Sign	Banner Bench Sign Billboard Inflatable Marker Sign Off-premise Pole Portable Projecting Roof Vehicle Electronic/Animated

1. Illumination. All illuminated signs shall comply with the following standards:

- No sign shall have blinking, flashing, or fluttering lights, nor shall any device be utilized which has a changing light intensity, brightness of color, or give such illusion.
- All illuminating elements shall be kept in satisfactory working condition and repaired or replaced if damaged or inoperable within fourteen (14) days or as soon as possible if circumstances (e.g. weather or product availability) do not allow.

- c. The direct or reflected light from a primary light source shall not create a traffic hazard to operators of motor vehicles on public and/or private roadways and parking lots.
- d. The light from any illuminated sign shall be so shaded, shielded, or directed such that the light intensity or brightness does not interfere with safety or visibility and does not project onto any adjacent property. No exposed light source is permitted.
- e. Neon light elements may be used for internal illumination and/or when permitted otherwise in this Zoning Ordinance.

B. Permanent Signs. The following signs are permitted as permanent signs and are subject to the development standards described for each type of sign respectively. All other types of signs are prohibited.

1. Permanent Awning Sign Standards

- a. Prerequisites: None.
- b. Maximum Quantity: One.
- c. Maximum Area:
 - i. Single-tenant structure: 20 square feet
 - ii. Multi-tenant structure: 10 square feet per tenant
- d. Maximum Height:
 - i. Maximum height of sign area is 2 feet.
 - ii. No part of the awning shall be less than 9 feet above ground level
 - iii. Top of awning sign area may not be located more than 15 feet above ground level
- e. Other Limitations: Sign shall not be illuminated by back-lighting.

2. Permanent Changeable Copy Sign Standards

- a. Prerequisites: Must be an integral part of a permanent wall sign.
- b. Maximum Quantity: Per maximum quantity requirements for permanent wall signs.
- c. Maximum Area: Up to 100% of a permanent wall sign.
- d. Maximum Height: Per maximum height for permanent wall signs.
- e. Other Limitations:
 - i. Only static messages are allowed which are placed text or electronic messages.
 - ii. No scrolling, flashing, or cyclical changing of electronic messages is permitted.

3. Permanent Electronic/ Sign Standards

- a. Prerequisites: Must be an integral part of a permanent wall sign.
- b. Maximum Quantity: Per maximum quantity requirements for permanent wall signs.
- c. Maximum Area: Up to 100% of a permanent wall sign.
- d. Maximum Height: Per maximum height for permanent wall sign.
- e. Other Limitations:
 - i. Only static messages are allowed which are placed text or electronic messages.
 - ii. No scrolling, flashing, or cyclical changing of electronic messages is permitted.

4. Permanent Hanging Sign Standards

- a. Prerequisites: None.
- b. Maximum Quantity: 1 per tenant
- c. Maximum Area:
 - i. Single-tenant structure: 10 square feet
 - ii. Multi-tenant structure: 10 square feet per tenant

- d. Maximum Height:
 - i. Maximum height of sign is 2 feet.
 - ii. No part of the sign shall be less than 9 feet above ground level
 - iii. Top of sign may not be located more than 15 feet above ground level
- e. Other Limitations: Sign shall not be illuminated.

5. Permanent Painted Sign Standards

- a. Prerequisites: Prior approval by the Aesthetic Review Board.
- b. Maximum Quantity:
 - i. Single-tenant structure: 1 sign per façade, maximum 2 signs per building
 - ii. Multi-tenant structure: 1 sign per tenant
- c. Maximum Area:
 - i. Single-tenant structure: 65 square feet
 - ii. Multi-tenant structure: 50 square feet per tenant
- d. Maximum Height:
 - i. Maximum height of sign area is 4 feet.
 - ii. Sign may not be located more than 16 feet above ground level
- e. Other Limitations:
 - i. No part of the sign may extend above the eaves of the roof or be mounted on the roof.

6. Permanent Projecting Sign Standards

- a. Prerequisites: None.
- b. Maximum Quantity: 1 per tenant
- c. Maximum Area:
 - i. Single-tenant structure: 15 square feet
 - ii. Multi-tenant structure: 10 square feet per tenant
- d. Maximum Height:
 - i. Maximum height of sign area is 10 feet.
 - ii. No part of the sign shall be less than 9 feet above ground level
 - iii. Top of sign area may not be located more than 15 feet above ground level
- e. Other Limitations:
 - i. No part of the sign may protrude more than 18 inches from the wall it is attached.
 - ii. No part of the sign may extend above the eaves of the roof or be mounted on the roof.

7. Permanent Unified Development Sign Standards

- a. Prerequisites:
 - i. for multi-tenant developments with at least 5 separate tenants and 12,000sqft of space that can be occupied in the building.
 - ii. these signs are permitted in addition to all other permanent signs permitted within the development
- b. Types:
 - i. Multi-tenant Monument Sign:
 - ii. Maximum quantity: 1 sign is permitted at the primary entrance to the development
 - iii. Maximum area:

- a) 25 square feet per side
- b) Maximum single tenant area is 5 square feet per side.
- iv. Maximum Height: 4 feet above ground level
- v. Landscaping: The permanent base for a monument sign shall be landscaped as follows:
 - vi. The base of the sign shall be effectively landscaped with living plant material or hardscape material (i.e. decorative brick or rock) and maintained in good condition at all times.
 - vii. The minimum landscaped area shall be equal to at least 50% of the total sign face area (cumulative of both sides), and extend beyond all faces or supporting structures in all directions. The landscaped area shall include all points where sign structural supports attach to the ground.
 - viii. Exposed foundations must be covered with a finish material such as brick, stone, or wood, or be screened with vegetation.
- c. Directional Signs:
 - i. Maximum quantity: 1 per curb cut from a public street into the development
 - ii. Maximum area: 2 square feet
 - iii. Maximum Height: 3 feet above ground level
 - iv. Other Limitations:
- d. Signs shall be directional with language or icons to guide pedestrians or motor vehicles in, out, and around a development.

8. Permanent Wall Sign Standards

- a. Prerequisites: None.
- b. Maximum Quantity:
 - i. Single-tenant structure: 1 sign per front façade, maximum 2 signs per building.
 - ii. Multi-tenant structure: 1 sign per tenant.
- c. Maximum Area:
 - i. Single-tenant structure: 60 square feet based on a measurement of 2 square feet per 1.5 linear foot of structure or tenant frontage on the front facade.
 - ii. Multi-tenant structure: 40 square feet (per tenant) based on a measurement of 2 square feet per 1.5 linear foot of structure or tenant frontage on the front facade.
- d. Maximum Height:
 - i. Maximum height of sign area is 4 feet.
 - ii. Top of sign may not be located more than 16 feet above ground level
- e. Other Limitations:
 - i. No part of the sign may protrude more than 8 inches from the wall it is attached.
 - ii. No part of the sign may extend above the eaves of the roof or be mounted on the roof.
 - iii. All signs in a multi-tenant structure must be consistent in type (i.e. reverse channel or box) and be mounted consistently on the facade of the building in order to create a uniform appearance.

9. Permanent Window Sign Standards

- a. Prerequisites: None.
 - b. Maximum Quantity:
 - i. Single-tenant structure: 2
-

- ii. Multi-tenant structure: 1 per tenant
- c. Maximum Area: 20 square feet
- d. Maximum Height: Maximum height of sign is 4 feet.
- e. Other Limitations: None.

C. Temporary Signs. The following signs are permitted as temporary signs and are subject to the time, placement, and development standards described for each type of sign respectively. All other types of signs are prohibited.

1. Temporary Banner Sign Standards

- a. Prerequisites: None.
- b. Duration: For the duration of the temporary event, but the event shall not to exceed 7 consecutive days or 14 total days in any calendar year. The sign may be posted up to 5 days prior to the temporary event and must be taken down within 7 days after the sign's purpose no longer exists.
- c. Placement: signs must be placed in window or affixed to an entrance door.
- d. Maximum Quantity: 1 per tenant
- e. Maximum Area: 4 square feet
- f. Maximum Height: 7 feet above ground level.
- g. Permit required: Yes. Each new sign or the posting/relocation of an existing sign requires a new permit.
- h. Other Limitations: None.

2. Temporary Marker Sign Standards

- a. Prerequisites:
 - i. For agricultural uses only.
 - ii. Lot must have at least 300 feet of road frontage
- b. Duration: For the duration of the temporary event, not to exceed 7 days. The sign may be posted up to 5 days prior to the temporary event and must be taken down within 7 days after the sign's purpose no longer exists.
- c. Maximum Quantity: 60 per 300 feet of road frontage.
- d. Maximum Area: 4 square feet per side.
- e. Maximum Height: 8 feet above ground level.
- f. Setback: 10 feet from right-of-way or sidewalk, whichever is farthest
- g. Permit required: no.
- h. Other Limitations: None.

ARTICLE 11

Nonconforming Structures, Lots and Uses

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Article 11

Nonconforming Structures, Lots, and Uses

11.1 Intent

Upon adoption of this Ordinance and Zoning Map, some buildings, structures, lots, and uses may no longer conform to the regulations of the Zoning District that they are located. For this reason, this Article has been generated to provide the rules, policies and regulations that apply to these buildings, structures, lots, and uses referred to as Legal Nonconforming.

11.2 Distinction Between Illegal Nonconforming and Legal Nonconforming

A building, structure, or lot which was constructed or is being used without an approved Building Permit, Improvement Location Permit or approval from the Board of Zoning Appeals (BZA) or Plan Commission is considered illegal nonconforming. An illegal nonconforming property shall be subject to actions and penalties allowed by this Ordinance and all other applicable town/township law and shall be altered to conform with all applicable standards and regulations of this Ordinance. Further, an illegal nonconforming building, structure, lot or use is created at the fault of the owner, tenant or property manager.

Legal Nonconforming differs from Illegal Nonconforming in that the reason for the nonconformance is caused by a change to the Zoning Ordinance. The building, structure, lot or use has not changed, but due to the Ordinance change, the property no longer conforms to the policies and standards of the Zoning District in which the property resides. When this situation occurs, the property is deemed Legal Nonconforming or also known as "Grandfathered."

11.3 Nonconforming Buildings and Structures

Any continuously occupied, lawfully established structure or building built prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meets the development standards due to the reasons listed below shall be deemed a Legal Nonconforming Building(s) or Structure(s).

Legal Nonconforming building(s) or structure(s) will no longer meet one or more of the following development standards of this Ordinance:

- Front, Side and Rear Yard Setbacks,
- Maximum Lot Coverage,
- Minimum Main Floor Area,
- Minimum Finished Floor Area,
- Height,
- Temporary Structures,
- Landscaping,
- Parking,
- Accessory Structures,
- and any other provision of this Ordinance that is applicable to the building, or structure.

A legal nonconforming building or structure may continue provided that it remains the same or fits within the below described tolerances:

- A. Any legal nonconforming building(s) or structure(s) shall not be enlarged or altered in a manner that increases its nonconformity but any building(s) or structure(s) or portion thereof may be altered to decrease its nonconformity.
- B. Any legal nonconforming building(s) or structure(s) which is damaged or destroyed by more than seventy-five percent (75%) of its fair market value shall thereafter conform to the regulations of the district in which it is located. All primary residential structures are exempt from this (the 75%) rule.
- C. If a building or structure is moved for any reason, for any distance, it shall thereafter conform to the provisions of this Ordinance

11.4 Nonconforming Lots of Record

All legally established and recorded lots prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meet the lot standards listed below shall be deemed a Legal Nonconforming Lot of Record.

A Legal Nonconforming Lot of Record no longer meets one or more of the following lot standards of this Ordinance:

- Lot Area,
- Lot Width,
- Lot Depth,
- Lot Frontage, and
- Any other provision of this Ordinance that is applicable to Lots.

A. Legal Nonconforming Lots of Record may be built upon only if the proposed use is permitted and all development standards of the applicable Zoning District of this Ordinance are met.

11.5 Nonconforming Uses of Structures, Land, or Structures and Land in Combination

Any continuous, lawful use of structures, land, or structures and land in combination established prior to the effective date of this Ordinance or its subsequent amendments that is no longer a permitted use in the district where it is located shall be deemed a Legal Nonconforming Use. A legal nonconforming use may continue provided that it remains otherwise lawful, subject to the following conditions:

- A. No existing structure or structure and land in combination devoted to a legal nonconforming use shall be enlarged, expanded, increased, extended, constructed, reconstructed, moved, paved, or structurally altered except as to change the use of the structure to a use permitted in the district in which it is located or as otherwise specified in this Chapter.
- B. No building or structure shall be constructed in connection with an existing legal nonconforming use of land.
- C. Any legal nonconforming use of a structure may be extended throughout any parts of a building which were plainly arranged or designed for such use at the effective date of this Ordinance or its subsequent amendments, but no such use shall be extended to occupy any land outside the building.
- D. In the case of a legal nonconforming use of structure, the structure may be expanded by building permit two times only. Each of the two expansions may not exceed ten percent (10%) of the existing floor area. The expansion shall conform to all applicable development standards except for landscaping, unless a variance of developmental standards is received from the Board of Zoning Appeals. If the structure is a commercial or industrial use in a residential district, sections 7.13 PK-03, 7.13 PK-04, and 7.13 PK-05 shall be used for parking standards.
- E. If no structural alterations are made, a legal nonconforming use of structure or structure and land in combination may be changed to another legal nonconforming use, provided that the zoning administrator shall make specific findings that the proposed use is equally appropriate or more appropriate to the district than the existing legal nonconforming use. With the exception that if the new use requires more parking or loading area than the previous use, such new use will comply with the requirements of Section 7.13 and Section 7.14 of this Ordinance, unless a variance from developmental standards is granted by the Board of Zoning Appeals.
- F. If a legal nonconforming use is discontinued or abandoned for six (6) consecutive months, except when government action impedes access to the premises, any subsequent use of such land, structure or land in combination and structure shall conform to the provisions of this Ordinance.
- G. When a legal nonconforming use is superseded by a permitted use, it shall thereafter conform to regulations of the district, the legal nonconforming use may not thereafter be resumed.
- H. Where a legal nonconforming use applies to a structure and land in combination, removal or destruction of the structure shall eliminate both the nonconforming use of the structure and the land. Destruction is defined as damage of more than seventy-five percent (75%) of its fair market value at the time of destruction.
- I. When a mobile home is legally nonconforming due to the size and type of structure, it may only be replaced if the new structure reduces the nonconformity (becomes larger in width, overall square footage, and is manufactured after 1981). If the lot is vacated for six (6) months consecutively, any structure placed on the site or lot shall thereafter conform to the ordinance provisions of the zoning district where it is located.

11.6 Repairs and Maintenance

The following applies to legal nonconforming structures or buildings, and legal nonconforming uses of structures, or structures and land in combination:

- A. Work may be done for ordinary repairs or replacement of walls, heating, fixtures, wiring, or plumbing; under the condition that the cubic content existing when the structure became nonconforming shall not be increased.
- B. If a structure or portion of a structure were to become unsafe or condemned due to lack of repairs or maintenance, and is declared by an authorized official to be unsafe or condemned due to physical condition the building or structure shall be restored, repaired or rebuilt within six (6) months of the declaration. If the improvements have not been made within the six (6) months, all future improvements must conform to all standards and regulations within this ordinance.
- C. If a building or structure becomes unsafe or unlawful due to physical condition and is razed, the building or structure shall be rebuilt in conformity with the zoning district in which it is located. The use of the land shall also be in conformity with the zoning district in which it is located.
- D. Nothing in this Section shall be deemed to prevent the strengthening, repairing, or restoring to a safe condition of any building or structure or part thereof declared to be unsafe by any official charged with protecting public safety upon order of such official.

Article 12

Board of Zoning Appeals

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Article 12

Board of Zoning Appeals

12.1 Membership

The Board of Zoning Appeals (BZA) shall consist of and continue as a five (5) member Board. Members shall be appointed pursuant to IC 36-7-4-902

12.2 Officers, Members, and Employees

Following their initial appointment to the BZA, each member shall be appointed for a term of four (4) years. Each term shall expire at midnight on December 31 of the fourth year of the four (4) year term; however, members of the Board of Zoning Appeals shall serve until his successor is appointed and seated.

At its first regularly scheduled meeting in each calendar year, the Board shall select from its membership a chairman and a vice-chairman for a one year term.

The vice-chairman shall have the authority to act as chairman of the Board during the absence or disability of the chairman.

Upon resignation or replacement of the chairman or vice-chairman as a member of the Board, the Board shall elect a successor at its next regularly scheduled meeting.

The Board shall appoint and fix the duties of a secretary, who is not required to be a member of the Board. The secretary shall be charged with such duties as required under state statutes, town ordinances, and these rules.

If a vacancy occurs among the members of the Board, the appointing authority shall appoint a member for the unexpired term of the vacating member. The appointing authority shall be notified in writing by the secretary when a member has been absent for three (3) consecutive meetings of the Board. Such absences may constitute cause for removal from the board by the appointing authority under IC 36-7-4-906(f).

12.3 Territorial Jurisdiction

The Board of Zoning Appeals shall have jurisdiction over all the land subject to the Cicero/Jackson Township Zoning Ordinance and Subdivision Control Ordinance.

12.4 Powers and Duties

The Board of Zoning Appeals shall have exclusive subject matter jurisdiction for:

- A. Variance from Development Standards;
- B. Variances of use (use variances);
- C. Special exceptions; and
- D. Administrative appeals.

12.5 Rules and Procedures

A. Rules and Procedures: The Board of Zoning Appeals shall have sole authority to adopt any and all rules under Indiana Code Section 36-7-4-916 and any and all procedures concerning organization, selection of officers, forms for applications, filing requirements, procedures, notices for and conduct of meetings, and public hearings.

B. Facilities and Funding: Cicero/Jackson Township shall provide suitable facilities for the holding of Board of Zoning Appeals meetings and hearings and the storage of its records, documents, and accounts, and in its annual budget to provide sufficient funds for the functioning of said Board and its staff.

C. Filing: All applications for variances, special exceptions, and requests for appeal shall be filed by the applicant with the staff of the Board of Zoning appeals and in the form prescribed by said Board.

12.6 Hearings

A. The Board shall fix a reasonable time for the hearing of administrative appeals, special exceptions, and variances.

B. Public notice in accordance with IC 5-3-1-2 and IC 5-3-1-4 and due notice to interested parties shall be given at least ten (10) days before the date set for the hearing.

C. The party pursuing the appeal or applying for the special exception or variance shall be required to assume costs of public notice and notice to interested parties. Interested parties shall include, but are not limited to, all properties adjacent within six hundred (600) feet or two (2) properties deep whichever is less of the subject site boundaries within the corporate boundary and only directly adjacent properties outside the corporate limit.

- D. The Board may, by rule, determine who are interested parties, how notice is to be given to them, and who is required to give that notice.
- E. Other persons may appear and present relevant evidence at such public hearing.
- F. A person may not communicate with any member of the Board before the hearing with intent to influence the member's action on a matter pending before the Board.
- G. Special meetings may be called by the chairman or by two (2) members of the Board upon written request to the secretary. The secretary shall send to all members, at least three (3) days before the special hearing, a special notice fixing the time and place of the meeting. Written notice is not required if:
 - 1. The date, time and place of the special meeting are fixed in the regular meeting;
 - 2. All members of the Board are present at that regular meeting; and
 - 3. The secretary complies with the notice requirement of IC 5-14-1.5.
- H. The chairman of the Board shall preside over meetings and hearings, decide questions of order, subject to appeal by Board meetings, and preserve decorum in the meeting room. The chairman may warn any person present that particular conduct is a breach of courtesy and may order a person expelled from the meeting for disruptive conduct.
- I. The Board shall use Robert's Rules of Order when conducting their meetings and hearings.
- J. The Board may set time limits on public input when deemed necessary.
- K. The secretary shall keep minutes of its proceedings and record the vote on all actions taken. The Board shall also make written findings of fact in all cases heard by it. The minutes shall be presented to the Board at the next succeeding regular meeting. When approved, the minutes shall be signed by the chairman and attested by the secretary.

12.7 Appearances

- A. The petitioner or the petitioner's agent must appear in person or by counsel to present petition or remonstrance to the Board and for the Board to consider the case. If no person appears on behalf of a petition, the petition may be tabled until the following meeting or dismissed under B.
- B. The Board's secretary or staff must be informed in writing prior to the meeting if the petitioner requests a time extension. The chairman will determine whether the petitioner's reasons warrant an extension. If the petitioner or the petitioner's agent fail to appear at the meeting for which the extension was given without sufficient reason, the petition may be dismissed.

12.8 Order of Business

- A. The order of business for a regular meeting shall be:
 - 1. Executive Meeting,
 - 2. Call to Order;
 - 3. Roll Call and determination of quorum;
 - 4. Consideration of minutes of previous meeting;
 - 5. Old Business (tabled or continued items);
 - 6. New Business;
 - 7. Report of officers and Committees;
 - 8. Communications, Bills, and Expenditures; and
 - 9. Adjournment.
- B. The order of business for special meetings shall be:
 - 1. Call to Order;
 - 2. Roll Call and determination of quorum;
 - 3. The business for which the special meeting was called; and
 - 4. Adjournment

12.9 Official Action

- A. A majority of the members of the Board who are qualified to vote shall constitute a quorum. Action of the Board shall not be official unless it is authorized at a regular or properly-called special meeting by a majority of the entire membership of the Board.
- B. Voting by the Board shall be by roll call vote of the members. All members present shall vote on every question unless they are permitted to abstain by the presiding officer.
- C. On all decisions on petitions before the Board of Zoning Appeals, the Board shall adopt written findings of fact and a written decision.
- D. Pursuant to IC 36-7-4-909, a member of the Board of Zoning Appeals may not participate in a hearing or decision of that Board concerning a zoning matter in which he has a direct or indirect financial interest. The Board shall enter in its records the fact that its member has such a disqualification.

12.10 Appeals

Every decision of the Board of Zoning Appeals shall be subject to review by a writ of certiorari as prescribed in IC 36-7-4-1000 series. Such appeals shall be presented to a court of jurisdiction within thirty (30) business days of the Board's decision, and not thereafter.

12.11 Special Exceptions

To be eligible for the granting of a special exception under this section, a person must first receive a determination from the Director of Planning that a special exception is required for the intended use, change of use or for the expansion, extension, or enlargement of a use.

There shall be no cases or applications, nor any particular situation in which these rules authorize special exceptions without the approval of the BZA. Further, no previous applications shall set a precedence for any other application before the BZA.

- A. The Board may grant a special exception for a use in a district if, after a hearing under, it makes findings of facts in writing, that:
 - 1. the proposal will not be injurious to the public health, safety, morals, and general welfare of the community;
 - 2. the requirements and development standards for the requested use as prescribed by this Ordinance will be met;
 - 3. granting the exception will not subvert the general purposes served by this Ordinance and will not permanently injure other property or uses in the same district and vicinity; and,
 - 4. the proposed use will be consistent with the character of the district therein, the spirit and intent of this Ordinance, and the Cicero/Jackson Township Comprehensive Plan.
- B. When considering a Special Exception the Board of Zoning Appeals may take into consideration the following items as they relate to the proposed use:
 - 1. topography and other natural site features
 - 2. zoning of the site and surrounding properties;
 - 3. driveway locations, street access and vehicular and pedestrian traffic;
 - 4. parking amount, location, design;
 - 5. landscaping, screening, buffering;
 - 6. open space and other site amenities;
 - 7. noise production and hours of operation;
 - 8. design, placement, architecture, and building material of the structure;
 - 9. placement, design, intensity, height, and shielding of lights;
 - 10. traffic generation; and,
 - 11. general site layout as it relates to its surroundings.
- C. The Board may impose such reasonable conditions upon its approval as it deems necessary to find that the above criteria will be served.

- D. The Board may permit or require the owner of the parcel of property to make a written commitment concerning the use or development of the parcel as specified under IC 36-7-4-921 and have such commitment recorded in the Hamilton County Recorder's Office.
- E. The Board may limit special exceptions to a specific individual and/or a specific time period and for a specific use.
- F. A use authorized by special exception may not be changed, expanded, extended, or enlarged unless reauthorized by the Board under the procedures set forth in these rules for granting a special exception.
- G. If the Board grants the special exception, it shall direct the applicant to apply for a Building Permit and/or Improvement Location Permit within four (4) months or the special exception will be void. If such application complies with all Ordinances and rules, a Building Permit and/or Improvement Location Permit for the use authorized by special exception shall be issued.
- H. A special exception, granted for a specific use ceases to be authorized and is void if that use is not 50% established within a twelve-month period of the date the special exception was granted. A special exception, granted for a specific use ceases to be authorized and is void if that use is discontinued at that site for a consecutive six month period.
- I. A special exception may be terminated by the Board of Zoning Appeals under the following conditions:
 - 1. Upon the filing of an application by an interested person or a member of the staff, a public hearing is held with notice to the property owner; and,
 - 2. At the public hearing a finding is made by the Board that one or more of the following has not been complied with:
 - a. The terms of this Ordinance,
 - b. Conditions of approval,
 - c. Written Commitments.

12.12 Development Standards Variances

- A. A development standards variance (such as height, bulk, area) may be approved under this section if the Board of Zoning Appeals, after a public hearing, determines in writing that:
 - 1. the approval will not be injurious to the public health, safety, morals, and general welfare of the community; and
 - 2. the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
 - 3. the strict application of the terms of this Ordinance will result in a Practical Difficulty. This situation shall not be self-imposed, nor be based on a perceived reduction of or restriction of economic gain.
- B. The Board may permit or require the owner of a parcel of property to make written commitments and record it in the Hamilton County Recorder's Office concerning the use or development of that parcel or may impose conditions upon that grant of variance.
- C. A developmental standards variance granted by the Board shall run with the parcel until such time as:
 - 1. the use of the variance ends, or
 - 2. the property conforms with this Ordinance as written.
- D. The Board of Zoning Appeals may enforce any condition and/or commitment it has imposed as if it were a standard of this Ordinance.

12.13 Use Variances

- A. A use variance may be approved under this section if the Board of Zoning Appeals, after a public hearing, determines in writing that:
 - 1. the approval will not be injurious to the public health, safety, morals, and general welfare of the community;
 - 2. the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
 - 3. the need for a variance arises from some condition peculiar to the property involved;
 - 4. the strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
 - 5. the approval does not interfere substantially with the comprehensive plan adopted under the 500 series of IC 36-7-4.

- B. The Board may permit or require the owner of a parcel of property to make written commitments and record it in the Hamilton County Recorder's Office concerning the use or development of that parcel or may impose conditions upon that grant of variance.
- C. A use variance granted by a Board may run with the parcel or applicant until such time as:
 - 1. the use of the variance ends, is vacated, or unused for three (3) months consecutively;
 - 2. the property conforms with the Ordinance as written; or,
 - 3. or the property is sold.
- D. The Board of Zoning Appeals may enforce any condition and/or commitment it has imposed as if it were a standard of this Ordinance.

12.14 Exclusion

Nothing in these rules, regulations or orders issued pursuant to this Ordinance shall be deemed to restrict or regulate the power of eminent domain by the State of Indiana or by any state agency. Nor shall they be deemed to authorize any unit of government, legislative body, plan commission, or board of zoning appeals to restrict or regulate the power of eminent domain by the State of Indiana or a state agency.

As used in this section, the term "state agency" shall mean and include all agencies, boards, commissions, departments, and institutions, including state educational institutions of the State of Indiana.

12.15 Amendments

Amendments to these rules of procedure may be made by the Board at any regular meeting upon the affirmative vote of a majority of the members of the Board. The suspension of any rule may be ordered at any meeting by a three-fifths (3/5ths) vote of the quorum.

12.16 Repeal

All previous rules and regulations heretofore adopted by the Cicero/Jackson Township Board of Zoning Appeals are hereby expressly repealed, as of the effective date of these rules.

ARTICLE 13

Administration

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Article 13

Administration

13.1 Administrative Officer

The Director of Planning in the Town of Cicero/Jackson Township, Indiana will have the principal responsibility for administration and enforcement (or coordination of enforcement) of this Ordinance within the Plan Commission's planning jurisdiction.

13.2 Effect on Annexation or Vacation on Zoning

A. After the effective date of this Ordinance, areas annexed by the Town of Cicero shall retain the Zoning District prior to annexation. If the Zoning District of the subject property (ies) does not exist in this Cicero/Jackson Township Zoning Ordinance, the district most similar to its current district will be applied.

B. Whenever any street, alley, public way, railroad right-of-way, waterway, or other similar area is vacated by proper authority, the Zoning Districts adjoining each side of vacated areas shall be extended automatically to the center of the vacated area. All areas included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended Zoning Districts. In the event of a partial vacation, the adjoining Zoning District, or Zoning District nearest the portion vacated, shall be extended automatically to include all of the vacated area. Any disputes as to the exact zoning district boundaries shall be determined by the Director of Planning.

13.3 Summary of Powers and Duties of the Town Council

The powers and duties of the Town Council are described below. Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional to be initiated.

A. Town Council Duties:

1. Adopt, reject or amend the Comprehensive Plan, Strategic Plans, Zoning Ordinance, or Subdivision Control Ordinance that have been certified and submitted by the Plan Commission.
2. Adopt, reject or amend proposals to amend or partially repeal the text of the Comprehensive Plan, Strategic Plans, Zoning Ordinance, or Subdivision Control Ordinance that has been certified and submitted by the Plan Commission.
3. Adopt, reject or amend proposals to amend the Official Zoning Map certified and submitted by the Plan Commission.
4. Adopt, reject or amend proposals to adopt or amend a Fee Schedule that have been certified and submitted by the Plan Commission.
5. All duties as permitted by Indiana State Code.

B. Town Council Powers:

1. Initiate amendments to the text of the Comprehensive Plan, Strategic Plans, Zoning Ordinance, or Subdivision Control Ordinance.
2. Initiate amendments to the Official Zoning Map.
3. All powers as permitted by Indiana State Code.

13.4 Summary of Powers and Duties of the Plan Commission

The powers and duties of the Plan Commission are described below. Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional to be initiated.

A. Plan Commission Duties:

1. Adopt and maintain a Town Council approved Comprehensive Plan, Zoning Ordinance and Subdivision Control Ordinance as authorized under Indiana State Law.
2. Adopt and maintain rules and procedures for holding meetings, holding public hearings, and administering and enforcing the Comprehensive Plan, Zoning Ordinance, and Subdivision Control Ordinance.
3. Maintain complete records of all meetings, hearings, correspondences, and affairs of the Plan Commission.
4. Record and file bonds and contracts for development and land use functions.
5. Publish and make available to the public all plans, ordinances, and other related material that are the responsibility of the Plan Commission.

6. Adopt and maintain a permitting process and seal used to certify official or approved documents.
 7. Certify and submit recommendations to the Town Council including new versions of and revisions to the Comprehensive Plan, Zoning Ordinance, Subdivision Control Ordinance, and Official Zoning Map.
 8. Certify and submit recommendations to the Town Council for adopting a Planned Development District.
 9. Maintain monetary and fiscal records of the Plan Commission.
 10. Prepare and submit an annual budget to the Town Council.
 11. Approve or deny plats or replats of Subdivisions.
 12. Approve or deny development plans and amendments to development plans.
 13. Assign street numbers to new lots and structures, renumber lots and structures, assign street names, and approve or deny proposed street names in new developments; however, the Plan Commission may assign the powers and duties granted in this "paragraph m" to the Cicero and/or Jackson Township Fire Departments.
 14. Establish and maintain a Town Council approved Fee Schedule that assigns a fee to permits, processes, and official actions of the Plan Commission in order to defray the administrative costs of such duties and powers.
 15. Enforce regulations and procedures of the Comprehensive Plan, Zoning Ordinance, and Subdivision Control Ordinance to the extent of the local Resolutions, Ordinances, and State of Indiana Law.
 16. All duties as permitted by Indiana State Code.
- B. Plan Commission Powers:
1. Delegate to a committee or person the role of Director of Planning.
 2. Hire, remove, and determine job descriptions for support staff (as necessary).
 3. Establish advisory committees as necessary made up of Town/Township officials and the general public.
 4. Establish an executive committee.
 5. Seek funding assistance through grant programs as necessary.
 6. Distribute copies or summaries of the Comprehensive Plan, Zoning Ordinance, or Subdivision Control Ordinance to the general public and development community.
 7. All powers as permitted by Indiana State Code.

13.5 Summary of Powers and Duties of the Board of Zoning Appeals

The powers and duties of the Board of Zoning Appeals are described below. Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional to be initiated.

- A. Board of Zoning Appeals Duties
1. Review and hear appeals of decisions made under this Ordinance by the Director of Planning, Plan Commission Staff, Building Commissioner, Committees or Administrative Boards or other body except Plan Commission.
 2. Review, hear and approve or deny all petitions for special exceptions based on the provisions of this ordinance and Indiana State Code.
 3. Review, hear, and approve or deny all petitions for variances from development standards (such as height, bulk, or area) of this Ordinance.
 4. Review, hear, and approve or deny all petitions for variances of use regulations in this Ordinance.
 5. All duties as permitted by Indiana State Code.
- B. Board of Zoning Appeals Powers
1. Hire, remove, and determine job descriptions for support staff (as necessary).
 2. Determine the compensation for support staff and BZA members as provided within the annual budget of the Board of Zoning Appeals.
 3. All powers as permitted by Indiana State Code.

ARTICLE 14

Processes, Permits and Fees

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Article 14

Processes, Permits, and Fees

Purpose and Intent

All fees shall be intended to reimburse the Town of Cicero/Jackson Township Plan Commission for the time and cost of processing the required materials. In no instance shall a fee be used as a means of discouraging or encouraging any particular types of applications.

A. The Administrative Officer, or his or her designee, shall maintain a schedule of fees available to the public, as approved by the Town Council, for all applications, permits, and other processes outlined in this Ordinance.

B. The fee schedule shall be prepared by the Administrative Officer or his or her designee, reviewed by the Plan Commission, and approved, by resolution, by the Town Council.

C. The Administrative Officer, or his or her designee, shall review the fee schedule, at a minimum, annually and bring any necessary revisions to the attention of the Plan Commission and Town Council. The fee schedule may be amended by a recommendation submitted to the Town Council by the Plan Commission followed by the Council's approval of a revised fee schedule resolution.

D. Payment in Full Required -Until all applicable fees have been paid in full, no action shall be taken on any application or petition. In addition, the Administrative Officer, or his or her designee, may require any property owner(s) who initiates construction of a structure or the alteration of land prior to obtaining any required permit to pay up to two times the amount of the normal permit fee listed on the Official Fee Schedule as a penalty. Said penalty shall be in addition to any enforcement cost including incurred attorney's fees for such activity and the established fee.

14.1 Types of Petitions

The Town of Cicero/Jackson Township hereby requires that an application and filing fee be submitted for the following formal petitions:

- A. Variances (developmental standards or use),
- B. Special Exceptions,
- C. Improvement Location Permit,
- D. Certificate of Occupancy,
- E. Subdivision Plats/Development Plans,
- F. Planned Developments,
- G. Zoning Amendments (zoning map change),
- H. Administrative Appeals,
- I. Voluntary Annexations,
- J. Sign Permit Review (permanent and temporary),
- K. Building Permits, and
- L. Change of Use Permits.

All applications may be obtained through the Director of Planning's office. Fees shall be paid according to the Fee schedule available online and in the Director of Planning's office at the time of assignment of a Docket Number.

14.2 Processes per Type of Petition

- A. Variances: The following procedure applies to Variance Petitions.
 1. Submit a Variance application, required supportive information, and application fee thirty (30) days prior to the regularly scheduled Board of Zoning Appeals meeting.
 2. The Board of Zoning Appeals (BZA) will then review the variance application and required supportive information. The BZA may approve, deny or table the petition. The BZA may add conditions to an approval. Approvals shall only be granted upon findings of fact in compliance with 36-7-4-900 et seq. and the requirements of this Ordinance.

3. The intensity of the variance may be reduced at the public hearing if approved by the BZA.
- B. Special Exceptions: The following procedure applies to Special Exception Petitions.
 1. Submit a Special Exception application, required information, and application fee thirty (30) days prior to the regularly scheduled Board of Zoning Appeals meeting.
 2. At their next regularly scheduled public meeting, the BZA shall then review:
 - a. The Special Exception application, required information,
 - b. The opinion of the Plan Commission if requested,
 - c. Testimony of the petitioner, and
 - d. Testimony of the public.

The BZA may (the Board has discretionary powers) approve, deny, or table the petition. The BZA may add conditions to an approval.

14.3 Improvement Location Permits

- A. Permits Required: No building, structure, or major infrastructure shall be erected, moved, added to, demolished or structurally altered without an Improvement Location Permit and Building Permit issued by the Director of Planning. No Improvement Location Permit or Building Permit shall be issued by the Director of Planning unless the project is in conformity with the provision of this Ordinance. Changes of use or expansions of use also require an Improvement Location Permit and Change or Expansion of Use Permit.
- B. Application for an Improvement Location Permit: All applications for Improvement Location Permits shall be accompanied by:
 1. The common address for subject property and parcel number,
 2. A site location map showing context around subject property (aerial or USGS maps are preferred),
 3. Plans drawn to scale showing the actual dimensions and shape of the lot to be built upon,
 4. The exact sizes and locations of all buildings, wells, and septic systems already existing, if any,
 5. The location and dimensions of the proposed building(s) or alteration,
 6. Building setback distances from all property lines, and from existing and proposed road right of ways,
 7. Elevations of all sides of proposed buildings,
 8. Location of floodplain boundaries or wetlands, and
 9. Drainage outlets.
- C. The application shall also include such other information as lawfully may be required by the Planning Commission or Director of Planning to determine conformance with and provide for the enforcement of this ordinance including but not limited to:
 1. Elevations of the existing or proposed building or alteration,
 2. Detailed description of the existing or proposed uses of the building and land,
 3. The number of families, dwelling units, or rental units the building is designed to accommodate,
 4. Natural, physical or hazardous conditions existing on the lot,
 5. Landscape plan,
 6. Lighting plan, and
 7. Drainage plan.

The approved plans and application materials shall be retained by the Plan Commission or Director of Planning.

- D. Expiration of Permits:
 1. Initiation of Work: If the work described in any Improvement Location Permit has not begun within four (4) months from the date of issuance, said permit shall expire. No written notice shall be given to the persons affected.

2. Completion of Work: If the work described in any Improvement Location Permit has not been completed within two (2) years for a primary structure or one (1) year for an accessory structure of the date of issuance thereof, said permit shall expire. No written notice of expiration shall be given to the persons affected. Work shall not proceed unless and until a new Improvement Location Permit has been obtained.
- E. The Director of Planning may give three (3) extensions for up to three (3) months each for work completion. Requests for extensions must be received within one (1) month of the expiration. A fee will be charged.
- F. Construction According to Permits and Permit Application: Improvement Location Permits issued on the basis of plans and applications only authorize the use, arrangement, and construction set forth in such approved plans and applications. Any other use, arrangement, or construction not authorized shall be deemed as a violation of this ordinance and subject to an order of removal, mitigation, or penalty fees.
- G. On site port-o-lets and dumpsters. Rest room facilities (port-o-lets) and trash dumpsters with a capacity of not less than 30 cubic yards shall be required on all building sites for all new primary structures. These facilities shall be placed no closer than ten (10) feet from all property lines and shall not be placed within any drainage and/or utility easements. These facilities shall be placed on the building site prior to the initial footing inspection on the primary structure and removed from the site prior to the final inspection on a residential primary structure and ten (10) days after final inspection for commercial structures. All discarded construction materials shall be disposed of and/or placed in the dumpster facility.

14.4 Type of Improvement Location Permits

The Town of Cicero/Jackson Township hereby requires that an Improvement Location Permit/Building Permit be obtained for the following:

- A. All residential dwellings,
- B. Mini-barns over 120 square feet without a foundation; or any size with a foundation,
- C. Other detached residential accessory buildings (with foundation or overhead structures),
- D. Detached and attached garages, carports, and stables,
- E. Temporary structures,
- F. Signs,
- G. Swimming pools (in ground or above ground),
- H. Alterations, modification, remodeling, or additions to all structures,
- I. Tents (commercial only),
- J. Demolition,
- K. All commercial, industrial, and institutional buildings,
- L. Structures other than buildings (including satellite dish, towers, antennas),
- M. Surface and subsurface drainage work (including land alteration but excluding agricultural uses),
- N. Street cuts,
- O. Curb cuts,
- P. Storm sewer hook-ups,
- Q. Removal of trees and plants within buffer yards or landscaping required by this ordinance,
- R. Adding or subtracting dwelling units or leased space in multifamily or commercial structures,
- S. Placement or moving of manufactured or mobile homes,
- T. Parking lot construction, alteration, expansion, or removal, and paving of a gravel lot,
- U. Ponds or lakes,
- V. Mineral extraction,
- W. Telecommunication facilities,
- X. Any exterior construction that adds to or alters the height or building materials of the existing structure,

- Y. Any change of use or expansion of use of property,
- Z. Agricultural buildings shall apply for a permit. No fee will be charged except if the structure has plumbing, HVAC, its own electrical permit, office or recreational use, or any use not related to agricultural uses, and
- AA. All fences.

14.5 Certificate of Occupancy

It shall hereby be declared unlawful and in violation of the provisions of this ordinance for any builder or property owner to allow any new or significantly remodeled structure to become occupied or utilized prior to:

- A. Legally obtaining an Improvement Location Permit/Building Permit,
- B. Passing a final inspection; and
- C. Receiving an Certificate of Occupancy Permit from the Director of Planning.

14.6 Schedule of Fees

The Town Council shall maintain an official Fee Schedule for permits and processes outlined in this Ordinance. Penalties, collection procedures for permits and penalties, appeals process, and other petition processes pertaining to this Ordinance are considered a part of this Ordinance. The Fee Schedule shall be available to the public in the office of the Clerk-Treasurer and the Director of Planning. The Fee Schedule may be amended by a recommendation submitted to the Town Council by the Planning Commission followed by the Town Council approving said amendments by resolution.

Until all applicable fees, charges, and expenses have been paid in full, no final action shall be taken on any permit application, appeal, or petition.

Any person or persons who shall initiate construction of a structure or change of use of a structure or property prior to obtaining an Improvement Location Permit/Building Permit or any Plan Commission or BZA reviews and approvals or any other required permit shall pay up to three times the amount of the normal permit fee. First (1st) offense - 1 1/2 times the regular fee. Second (2nd) - 2 times the regular fee. Third (3rd) offense - 3 times the regular fee.

14.7 Permit Time Limits

- A. Initiation of Work: If the work described in any building permit or Improvement Location Permit has not begun within four (4) months from the date of issuance, said permit shall expire; no written notice shall be given to the persons affected.
- B. Completion of Work: If the work described in any Improvement Location Permit has not been completed within two (2) years of the date of issuance thereof for primary structures and one (1) year for an accessory structure, said permit shall expire; no written notice of expiration shall be given to the persons affected. Work shall not proceed unless and until a new Improvement Location Permit has been obtained and inspections completed.

14.8 Appeal

Any person may appeal any decision of the Director of Planning and Building/Director of Planning anyone acting under his supervision in the enforcement of this Chapter of the Code to the Cicero/Jackson Township Plan Commission.

ARTICLE 15

Enforcement and Penalties

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Article Fifteen

Enforcement and Penalties

15.1 Authority

The Plan Commission, Board of Zoning Appeals, Cicero Town Council, and/or Director of Planning are designated to enforce the provisions, regulations, and intent of this Ordinance.

15.2 Violations

Complaints made pertaining to the Zoning Ordinance shall be investigated by the Director of Planning. Also, any violations suspected by the Plan Commission, Town Council or Director of Planning shall be investigated by the Director of Planning. Action may or may not be taken depending on the findings. The degree of action will be to the discretion of the investigating person(s) and should reflect what is warranted by the violation.

15.3 Inspection of Property

In the event that the investigator(s) is (are) denied entry, and providing there is evidence of violation of this Ordinance, the Plan Commission, Town Council or Director of Planning may apply to the court of jurisdiction to invoke legal, equitable, or special remedy for the enforcement of this Ordinance or any applicable ordinances adopted under state code. The application shall include the purpose, violation(s) suspected, property address, owner's name if available, and all relevant facts. Additional information may be necessary as requested by the court.

The warrant issued shall order the owner, tenant, or occupant to permit entry by the Director of Planning for the purposes documented in the application for the warrant.

15.4 Responsibility of Violations

The owner, tenant, or occupant of any property or building, or part thereof, shall be responsible for the violation. Architects, builders, developers, or agents thereof may also be found responsible for the violation if evidence of their involvement or negligence is found. Ultimately, if fault is not clearly found in whole or in part in persons other than the Owner, the Owner shall be held responsible in whole or in part as warranted by the Plan Commission, Board of Zoning Appeals, Town Council, or Director of Planning.

15.5 Liability

A structure that is raised or converted, or land used in violation of this Ordinance or its subsequent amendments may be deemed a common nuisance and the owner or possessor of the structure, or land is liable for said nuisance.

15.6 Violations During the Construction/Building Process

The Plan Commission or Director of Planning may place a stop-work-order or violation notice on any lot improvement process. Stop-work-orders shall be issued by written letter which shall state the violation and that work or illegal activity must stop immediately until the matter is resolved. This letter shall be posted in a conspicuous place or be delivered/mailed to the owner, developer, property manager, tenant, or occupant. The Plan Commission or Director of Planning must meet with the person(s) served the stop-work-order notice within seven (7) days of such a request to meet. A memorandum of agreement shall be drafted stating the conditions in which construction or action may be resumed. This memorandum of agreement must be signed by the owner, developer, property manager, tenant, or occupant that has caused or is responsible for the violation and the Director of Planning or Plan Commission President.

Reasons for a Stop-Work-Order include:

- A. Not complying with Development Standards and/or any regulations of the Zoning or Subdivision Control Ordinance.
- B. Not obtaining an Improvement Location Permit.
- C. Not meeting the conditions or commitments of a special exception, variance, or building permit.
- D. Not meeting the conditions of Development Commitments, Development Plans, Detail Plans, or covenants which are enforceable by the Plan Commission.
- E. Not obtaining any other permit necessary for site/property improvement as called out in local Code, Zoning Ordinance, or Subdivision Control Ordinance.
- F. Illegal use or expansion of use of building/ structures or building/structures and land in combination.

15.7 Types of Violations

The following items shall be deemed civil zoning violations, enforceable by the Plan Commission, Town Council and/or Director of Planning. Penalties may be imposed based on the provisions set forth in this Article.

- A. The placement of a primary structure, secondary structure, sign, structures or any other element determined by the Plan Commission or Director of Planning to not conform to the provisions or explicit intent of the Zoning Ordinance and that has not specifically been granted.
- B. The erection of a primary structure, secondary structure, sign, accessory structure, or any other element determined by the Plan Commission or Director of Planning to not conform to the provisions or explicit intent of the Zoning Ordinance and that has not specifically been granted.
- C. The maintenance of a primary structure, secondary structure, sign, accessory structure, or any other element including property maintenance determined by the Plan Commission or Director of Planning to not conform to the provisions or explicit intent of the Zoning Ordinance and that has not specifically been granted.
- D. Failure to obtain an Improvement Location Permit or Building Permit when required.
- E. Conducting a use or uses that do not comply with the provisions or explicit intent of the Zoning Ordinance, Subdivision Control Ordinance, Sign Ordinance, Building Code, or Floodplain regulations, and which have not specifically been granted.
- F. Any failure to comply with the Development Standards and/or any regulations of the Zoning Ordinance or Subdivision Control Ordinance, Sign Ordinance, Building Code, or Floodplain regulations, Improvement Location Permit, or Building Permit.
- G. Proceeding with work under a Stop-Work-Order or a violation of a Memorandum of Agreement
- H. Any failure to comply with commitments made in connection with a rezoning, approval of a Development Plan, Detailed Plan, Special Exception, Variance, or other similar or documentable commitment, including verbal agreements during official Plan Commission, Town Council, or BZA meetings.

15.8 Procedure for Violations

There shall be a three step procedure for violations of this Ordinance. These steps are as follows:

- A. The Plan Commission, Director of Planning or designated representative of the Plan Commission or Town Council shall issue a Notice of Fines and Penalties to the person(s) who have committed, in whole or in part, a violation. The Notice of Fines and Penalties is a warning to the violator(s) that a Violation has been determined and that it must be corrected within fifteen (15) days of the mailed date of notice or posting of notice. If the violation has been corrected within the fifteen (15) days from the date of the notice of fine and penalties, no fines or penalties will be imposed.
- B. The Plan Commission, Director of Planning or designated representative of the Plan Commission/ Town Council shall issue a Notice of Violation to the person(s) who have committed, in whole or in part, a violation. The Notice of Violation is a citation that states and imposes the fines and penalties for the violation. The person(s) in violation will have fifteen (15) days to pay said fees and/or comply with the penalties. The person(s) in violation must correct the violation within fifteen (15) days or face additional Notices of Violation.
- C. If the person(s) in violation refuse to pay or comply with the penalties, or correct the violation, after Notice the Plan Commission or Town Council may pursue court action through the court of jurisdiction. Fines and liens against the property may also be pursued until the matter is resolved.

15.9 Fines and Penalties

The Board of Zoning Appeals and/or Plan Commission, whichever board has jurisdiction, by mandatory injunction in the circuit and/or superior court of the county against the owner or possessor of the real estate, may require the removal of a structure erected in violation of this Ordinance, or the removal of any use or condition in violation of this Ordinance.

Any person who violates any provision of this ordinance or any regulation of the Plan Commission or the Board of Zoning Appeals hereunder enacted, shall be fined not less than \$10.00 and not more than \$2,500.00. Each day a violation occurs or continues constitutes a separate offense.

Payment of any violation shall be made to the Town of Cicero Clerk-Treasurer who shall deposit the funds in the General Fund or Planning Commission Fund as determined by the Town Council. A receipt of payment must be recorded and a receipt issued to the person making payment.

15.10 Appeals or Trials

Any person receiving a notice of violation and/or fines may appeal the violation and/or fine to the Board of Zoning Appeals within 30 days after receiving a notice of violation then to the court of jurisdiction.

15.11 Enforcement, Remedies, and Injunctive Relief

All remedies and enforcement shall comply with the powers set forth in IC 36-7-4-1000 et. al. and all other applicable state law.

- A. The Plan Commission or any enforcement official designated by this Ordinance may bring an action in the Circuit or Superior Court of the County to evoke any legal, equitable, or special remedy, for the enforcement of any ordinance or regulation created under IC 36-7-4, and its subsequent amendments this includes but its not limited to the Zoning Ordinance, Subdivision Control Ordinance, Sign Ordinance, etc.
- B. The plan commission or any enforcement official designated by this Ordinance may also bring an action in the Circuit or Superior Court of the County to enforce:
 - 1. All agreements between plan commission or its designees which have been recorded as covenants in connection with a subdivision plat, a development plan, or a planned development.
 - 2. All commitments made in accordance with IC 36-7-4 et al.
 - 3. All conditions imposed in accordance with IC 36-7-4 et al.
- C. The Board of Zoning Appeals, or any enforcement official designated by this Ordinance may bring action in the Circuit or Superior Court of the County to restrain a person violating IC 36-7-4 et al. or any ordinance adopted under IC 36-7-4 et al. which includes but its not limited to the Zoning Ordinance, Subdivision Control Ordinance, Sign Ordinance, etc.
- D. The Board of Zoning Appeals or any enforcement official designated by this Ordinance may also bring an action in the Circuit or Superior Court of the County for a mandatory injunction, directing to remove a structure erected in violation of this Ordinance or applicable state code.
- E. If the Board of Zoning Appeals, or its designated enforcement official is successful in its action, the respondent shall bear all costs of the action.
- F. An action to enforce a commitment made in accordance with IC 36-7-4 et al. may be brought in the Circuit or Superior Court of the County by:
 - 1. Any person who is entitled to enforce a commitment made in accordance with IC 36-7-4 et al. under the rules of the Plan Commission or the Board of Zoning Appeals in force at the time the commitment was made; or
 - 2. Any other specially affected person who was designated in the commitment.

ARTICLE 16

Definitions

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16.1 General:

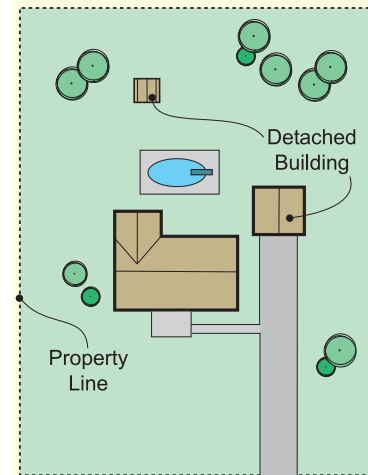
The definitions contained in this Article shall be observed and applied in the interpretation of all Articles in this Ordinance, except where the context clearly indicates otherwise. Words used in the present tense shall include the future; words used in the singular number shall include the plural and the plural the singular; words used in the masculine gender shall include the feminine.

16.2 Defined Words: The following terms shall have the following meanings:

Abandonment: The relinquishment of property or a cessation of the use of the property for a continuous period of one year by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

Accessory Building or Structure: A building or structure which:

- is subordinate to a principal building or structure in area, intent, and/or purpose;
- contributes to the comfort, convenience, or necessity of occupants of the principal building, structure, or principal use;
- does not alter or change the character of the premises;
- is located on the same zoning lot as the principal building, structure, or use;
- conforms to the setback, height, bulk, lot coverage, and other requirements of this Ordinance unless otherwise provided for by this Ordinance;
- may not be constructed prior to the time of construction of the principal building or structure, unless used for agricultural or personal storage or otherwise specified in this Ordinance; and
- is not designed for human occupancy as a dwelling or commercial use.
- requires a permit (includes mini-barns)
- accessory structures exclude storage POD's, or the like



Accessory Structure Diagram

Administrator: See Director of Planning.

Adult Bookstore: An establishment having as a majority of its stock in trade or its dollar volume in trade, books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or sexual anatomical areas.

Adult Entertainment Business: An adult bookstore, adult motion picture theater, adult cabaret, or adult live entertainment arcade, or like uses.

Advisory Plan Commission: A planning commission serving a single local government jurisdiction established as defined under the Indiana Code, 36-7-1-2 (1983) as amended. The Cicero/Jackson Township Plan Commission is an Advisory Plan Commission.

Agriculture: The use of land for agriculture purposes, including farming, dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any accessory uses shall be secondary to that of the normal agricultural activities.

"Agriculture" shall not include feed lots, stock yards, or the commercial feeding of garbage or offal to swine or other animals.

Agriculture Zoning District: Refers to an AG District.

Alley: A public right-of-way, other than a street, road, crosswalk, or easement, that provides secondary access for the special accommodation of the abutting property.

Ambient Noise: Intermittent noise events such as dogs barking, machinery and equipment operating, vehicles on nearby roads, conversation, and music that are all part of the noise environment, but are not considered part of the background noise unless present for at least ninety percent (90%) of the time.

Anemometer: A device for measuring the speed and direction of the wind.

Antenna: A structure or device that is used for the purpose of receiving and or transmitting signals, images, sounds, or information of any nature by radio, visual, or electromagnetic waves, including but not limited to directional or omnidirectional antennas, panels, and microwave or satellite dishes.

Apartment: One (1) or more rooms in an apartment building or combination apartment and commercial building, arranged, intended, designed, or occupied on a rental basis as a dwelling unit of a single family, an individual, or a group of individuals.

Apartment Building: A multi-family housing structure designed and constructed to accommodate three (3) or more apartments, in contrast to single or two-family dwellings converted for multi-family use.

Applicant: The owner, owners, or legal representative of real estate who makes application to the Cicero/Jackson Township Plan Commission and/or Board of Zoning Appeals for action by said commission or board affecting the real estate owned thereby.

Arterial Street: See Street, Arterial.

Assisted Living Facility: see Nursing Home.

Attached Building: A building that is structurally connected to another building by a foundation, wall, or roof line.

Background Noise: sounds that would be present in the noise environment at least ninety percent (90%) of the time. Also known as the lull in the ambient noise environment. .

Broadband Noise: The swishing or whooshing sound emitted as a function of the operation of a WECS.

Carports, garages, porch awnings and the like shall be considered attached buildings and abide by all regulations pertaining to primary buildings.

Auto Repair, Major: Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame, or fender straightening or repair; and overall painting of vehicles.

Auto Repair, Minor: Incidental repairs, replacement of parts, and motor service to automobiles but excluding any operation specified under "Automobile Repair, Major".

Automobile Service Station: Any building or premises used for the dispensing, sale, or offering for sale at retail to the public, automobile fuels stored only in underground tanks and located wholly within the lot lines; lubricating oil or grease for the operation of automobiles; and the sale and installation of tires, batteries, other minor accessories, and minor auto repair, but not including a bulk plant, conducting of major auto repairs, automobile wrecking, automobile sales, or car washes; provided, however, that the washing of individual automobiles where no chain conveyor is employed may be included.

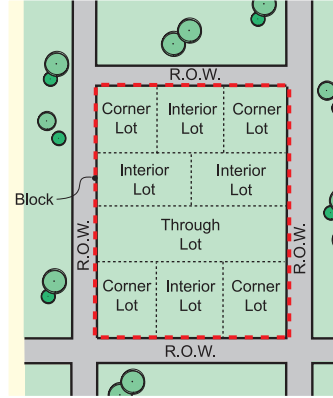
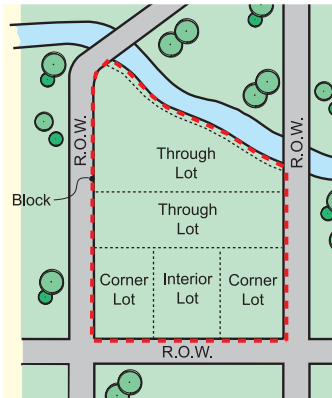
Base Zones: A base zone is the existing zoning district of the subject property prior to the approval of a planned development rezone.

Basement: That portion of a building that is partly or completely below grade.

Basement Walk-out: That portion of a building located partly underground and having an exterior door, where the finished ground at the exterior door is lower than the finished floor.

Bed and Breakfast Facility: An owner occupied or owner employee occupied residence containing no more than six (6) guest rooms for hire, for lodging by prearrangement for periods not to exceed three (3) consecutive weeks and providing for occasional meals daily (usually breakfast) and not a hotel, boarding, lodging house or motel.

Berm: A man-made, formed, earth mound of definite height and width used for landscaping and obscuring purposes, the intent of which is to provide a transition between uses of differing intensity.



Block Diagram

Block: Property abutting on one side of a street and lying between the two (2) nearest intersecting or intercepting streets, intersecting railroad, intersecting waterway, or the end of a dead end street.

Board: See Board of Zoning Appeals

Board of Zoning Appeals: The Cicero/Jackson Township Board of Zoning Appeals or any division thereof.

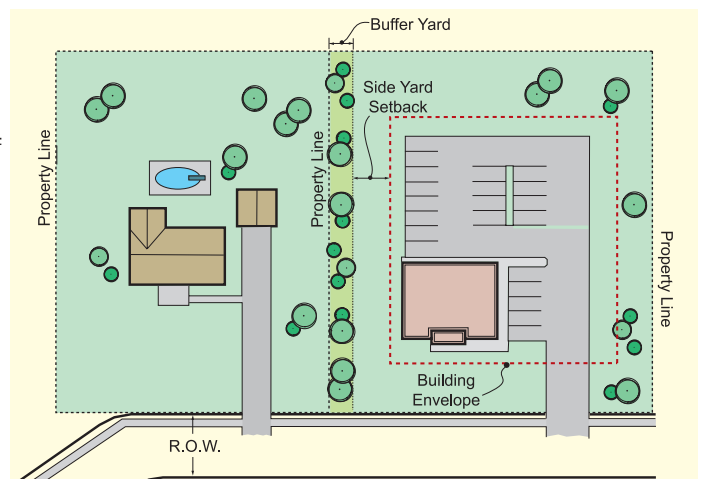
Boarding House: A building or part of a building that contains accommodation facilities for lodging, and typically with meals reserved solely for the occupants thereof for a fee. Boarding houses do not include bed and breakfasts, multi-family dwellings, hotels or motels.

Bond: Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Plan Commission. All bonds shall be approved by the Commission wherever a bond is required by these regulations.

Boulevard: see Street, Parkway

Buffer Landscaping: Any trees, shrubs, walls, fences, berms, space, or related landscaping features required under this Ordinance on private lots, and privately maintained, for buffering lots from adjacent properties or public rights-of-way for the purpose of increasing visual or other aspects of privacy and aesthetics.

Buffer Yards: An area adjacent to front, side and rear property lines, measured perpendicularly from adjacent property lines and/or right-of-way lines, intended to provide attractive spaces to reduce the impacts of proposed uses on adjacent property or natural features and to screen incompatible uses from each other. Buffers also help to maintain existing trees or natural vegetation, to block or reduce noise, glare or other emissions and to maintain privacy. Buffer yards are in addition to (separate from) front, rear, or side yard setbacks.



Buffer Yards Diagram

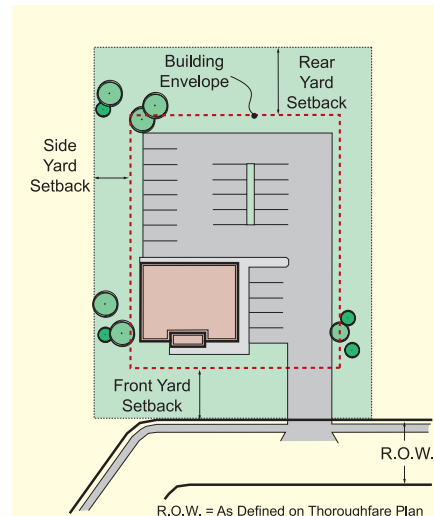
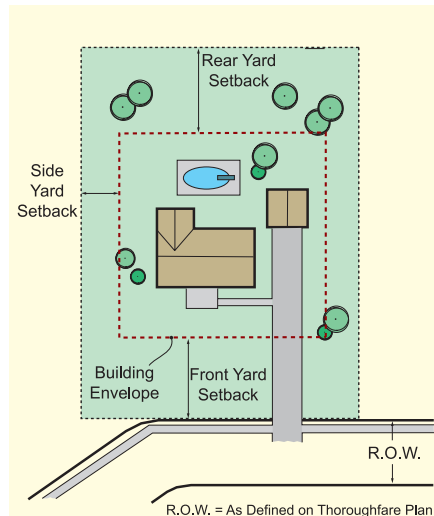
Building: A structure having a roof, supported by columns or walls, for the shelter, support, or enclosure of persons, property, or animals; and when separated by division walls from the ground up and without openings, each portion of such building shall be deemed as a separate building.

Building Area: The horizontal area of the buildings on a lot, measured from the outside exterior walls, excluding open areas or terraces, unenclosed porches or decks, and architectural features that project no more than two feet.

Building Code: The Indiana Building Code which establishes and controls the standards for constructing all forms of permanent structures and related matters. Also referred to herein as the Hamilton County or Cicero/Jackson Township Building Code.

Building Height: see Structure Height.

Building Envelope: The setback lines that establishes an area on a lot in which building can occur.



Building Envelope Diagram

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

Business District: Refers to the NC, OC, DC, C1, and C2 Districts.

BZA: See Board of Zoning Appeals

Campground: Any site, lot, field, or tract of land designed with facilities for short term occupancy by recreational vehicles and other camping equipment but not including mobile homes.

Capital Improvement Plan: A proposed schedule of future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. Major projects requiring the expenditure of public funds, over and above the annual local government's operating expenses, for the purchase, construction, or replacement of the capital improvements for the community are included.

Cemetery: Includes any crematory, mausoleum, or mortuary operated in conjunction with and on the same tract as the cemetery.

Central Water System: A community water supply system including existing and new wells and/or surface water sources and intakes, treatment facilities, and distribution lines and includes such of the above facilities established by the developer to serve a new subdivision or commercial/ industrial development.

Central Sewer System: A community sewer system including collection and treatment facilities owned and maintained by the Town of Cicero/Jackson Township.

Certificate of Compliance: A certificate is issued prior to the Certificate of Occupancy stating that the building, structure or use has been constructed and complies with the provisions of this Ordinance, Developer Commitments, and all conditions of the Plan Commission or BZA. A posting of bond may be accepted for incomplete requirements that will be completed as per a written agreement. The time period and amount of bond shall be determined by the Director of Planning.

Certificate of Occupancy: A certificate stating that the occupancy and use of a building or structure complies with the provisions of the all applicable Cicero-Jackson Township Code and Ordinances.

Child Care Home: An establishment providing non-overnight care, supervision, and protection of children in private residences which is ancillary to the primary use of residential. The maximum number of children allowed is eight (8) at any given time excluding the children of the property owner.

Child Care Center: Any institution operated for the care of children, licensed pursuant to I.C. 12-3-2-3.1, et seq., and as defined by Indiana Code Section 12-3-2-3.

Child Care Institution: a) A residential facility that provides for the care, supervision and protection of children on a twenty-four (24) hour basis; or b) An institution that operates under a license issued under IC 12-16.4; provides for delivery of mental health services that are appropriate to the needs of the individual; and, complies with the rules adopted under IC 4-22-2 by the Division of Family and Children (For reference see Indiana Code 12-7-2)

Children's Home: see Child Care Institution

Clinic: An establishment in which human patients are admitted for medical or dental study or treatment and in which the services of at least two physicians or dentists are provided.

Collector Street: See Street, Collector

Co-location: A number of different telecommunication providers or different use antennas by the same provider or several providers locate their transmitting facilities on a single tower to allow the use of a number of different kinds of public and private telecommunications services including police, fire, emergency management, storm warning etc.

Commission: See Advisory Plan Commission

Comprehensive Plan: Refers to the Cicero/Jackson Township Comprehensive Plan. The plan includes goals, objectives and strategies for land use, growth management, transportation/thoroughfares, community facilities and services, environment concerns, infrastructure, aesthetics and identity, economic development, and parks and recreation. The plan was developed and adopted by the Commission pursuant to the I.C. 36-7-4-500 series and includes any part and/or policies separately adopted and any amendment to such plan and/or policies, or parts thereof.

Condition of Approval: Stipulations or provisions set forth by the Board of Zoning Appeals or Plan Commission required as a prerequisite for approval of a petition.

Condominium: Real estate lawfully subject to I.C. 32-1-6 (1-31), (the Horizontal Property Law), by the recordation of condominium instruments, in which undivided interests in the common areas and facilities are vested in the condominium unit owners.

Construction Plan(s): The maps or drawings showing the specific location and design of improvements to be installed in accordance with the requirements of this Ordinance and the Indiana Building Code as a condition of the approval.

County: Hamilton County, Indiana.

Covenants: Private and legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the subdivider. In the case of public health, safety and welfare, covenants may be applied by the Commission, that are recorded with the plat and deed. Covenants can also be placed on commercial and industrial developments. Unless specifically agreed to, covenants are not enforceable by the Plan Commission or its designees. However, they are enforceable in civil court by interested or affected parties.

Cul-De-Sac: A short street having one (1) end open to traffic and being permanently terminated by a vehicular turnaround.

Day Care Center: see Child Care Center

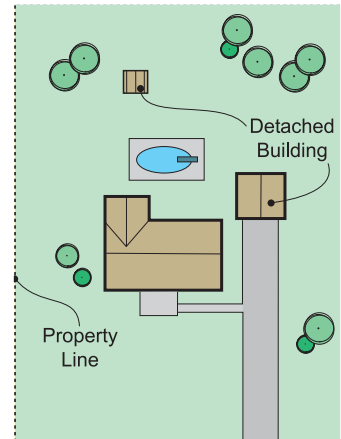
Dedication: The setting apart of land or interests in land for use by the municipality or public by ordinance, resolution, or entry in the official minutes as by the recording of a plat.

Detached Building: A building that has no structural connection with the principal building or any other building or structure.

Developer: The owner or legal representative of land proposed to be subdivided or commercially/ industrially utilized. Consent for making applications for development approval shall be required from the legal owner of the premises.

District: Areas within the Town of Cicero/Jackson Township for which uniform zoning regulations governing use, height, area, size, intensity of use of buildings and land, and open spaces about buildings, are established by this Ordinance. Districts are drawn on the Official Zoning Map.

Domestic Pets: Animals commonly used as household pets, protection, companions, and for the assistance to disabled persons. Domestic pets shall include animals that are cared for and treated in a manner acceptable for pet dogs, cats, and birds. Domestic pets shall include, but not be limited to, dogs, cats, parakeets, parrots, finches, lizards, spiders, guinea pigs, hamsters, gerbils, rats, mice, rabbits, aquarium fish, pot belly pigs, ferrets, and snakes if cared for in the manner described above.



Detached Building Diagram

Drives, Private: See Street, Private

Duplex: see Dwelling, Two-Family

Dwelling: A building or structure or portion thereof, conforming to all requirements applicable to the District it is located, all Building Codes, and is used exclusively for residential occupancy, including single-family dwelling units, two-family dwelling units, and multi-family dwelling units, but excluding hotels, boarding houses, and lodging houses.

Dwelling, Manufactured Home: A single-family dwelling unit designed and built in a factory, installed as a permanent residence, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law (1974 U.S.C. 5401 et seq.), and which also complies with the following specifications:

A. shall have been constructed after January 1, 1981, and must exceed nine hundred fifty (950) square feet of occupied space per I.C. 36-7-4(d).;

B. is attached to a permanent foundation of masonry construction and has a permanent concrete or concrete block perimeter enclosure constructed in accordance with the One and Two Family Dwelling Code;

C. has wheels, axles, and towing chassis removed;

D. has a pitched roof with a minimum rise of 2/12; and

E. consists of two (2) or more sections which, when joined, have a minimum dimension of 23' in width for at least 60% of its length.

Dwelling, Mobile Home: A transportable dwelling unit which is a minimum of 8' in width and which is built on a permanent foundation or tied down with perimeter skirting when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained therein, and which was manufactured either:

A. Prior to June 15, 1976 and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council: or,

B. Subsequent to or on June 15, 1976 and bears a seal, certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards.

Dwelling, Multi-Family: A residential building designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Single-Family: A detached residential dwelling unit designed for and occupied by one (1) family. A single family dwelling shall be at least 23 feet wide for sixty percent of its length.

Dwelling Site: A site within a manufactured home park and/or mobile home park with required improvements and utilities that is leased for the long term placement of a manufactured home and/or mobile home.

Dwelling, Two-Family: A residential building containing two (2) dwelling units designed for occupancy by not more than two (2) families.

Dwelling Unit: Any structure or portion thereof designed for or used for residential purposes as a self-sufficient or individual unit by one (1) family or other social association of persons and having permanently installed sleeping, cooking, and sanitary facilities.

Easement: A grant by a property owner to specific persons, the general public, corporations, utilities, or others, for the purpose of providing services or access to the property.

Exempt Subdivisions: see Subdivision

Expressway/Freeway: Any roadway that operates at a high service level, consists of limited access, is divided, carries region-wide traffic and is generally classified as part of the interstate system.

Facade:

- a. Front Facade: Those portions of a facade which face and are most closely parallel to the front lot line. Corner lots may have two front facades.
- b. Rear Facade: Those portions of a facade which face and are most closely parallel to the rear lot line.
- c. Side Facade : Those portions of a facade which face and are most closely parallel any side lot lines.

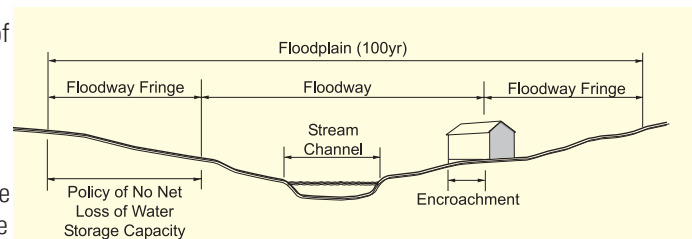
Family: An individual, or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than three (3) persons, not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit.

Farm: An area used for agricultural operations, forestry, the operating of a tree or plant nursery, or the production of livestock and poultry as well as those properties classified by the Internal Revenue Service as a farm.

Farm Animals: Animals commonly used for transportation, food, skins, and other by-products. Farm animals include, but are not limited to, horses, cattle, pigs, sheep, goats, mules, donkeys, miniature horses, miniature donkeys, camels, emu, ostrich, llamas, alpacas, rabbits, mink, fox, buffalo, chickens, turkeys, quail, pheasants, and other animals or fowl of similar characteristics.

Finished Floor Area: see Floor Area, Finished

Floodplain: The relatively flat area or low land adjoining the channel of a river or stream which has been or may be covered by flood water. The flood plain includes the channel, floodway, and floodway fringe. Flood plain boundaries are to be determined by using the Floodway-Flood Boundary Maps of the Federal Insurance Administration/



Floodplain Diagram

Federal Emergency Management Administration.

Floor Area: The sum of all horizontal surface areas of all floors of all roofed portions of a building enclosed by and within the surrounding exterior walls or roofs, or to the center line(s) of party walls separating such buildings or portions thereof. Floor area of a building shall exclude exterior open balconies and open porches.

Floor Area, Finished: That portion of floor area constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, working, entertainment, common space living rooms, areas for personal hygiene, or combination thereof. Floor area or portion thereof used only for storage purposes and not equipped for the facilities mentioned above shall not be considered Finished Floor Area.

Floor Area, Main: That portion of Finished Floor Area located on the first (or nearest ground level) floor of the dwelling unit. The Main Floor Area of a primary structure does not include a garage, carport, deck, unfinished storage, patio, or open porch.

Flood Protection Grade: The elevation of the lowest point around the perimeter of a building at which a one hundred (100) year flood may enter any Finished Floor Area.

Foundation: The supporting member of a wall or structure.

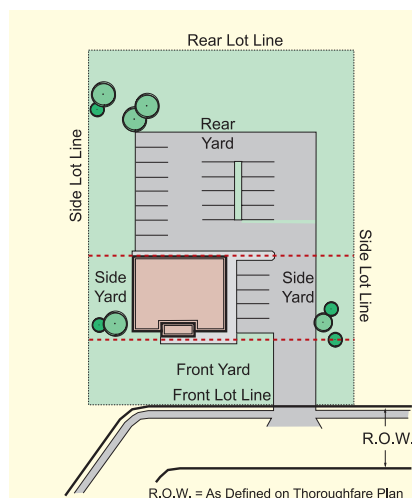
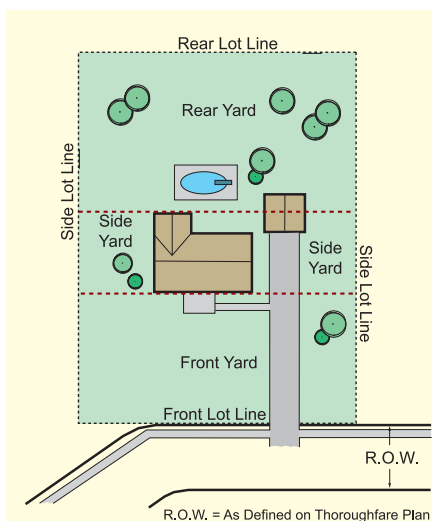
Freeway: See Expressway

Front Line: With respect to a building, the foundation line that is nearest the front lot line.

Front Lot Line:

- a. For an interior or through lot, the line marking the boundary between the lot and the abutting street right-of-way or a Lake or watercourse; and
- b. For a corner lot, the line marking the boundary between the lot and each of the abutting streets.

Front Yard: The horizontal space between the nearest foundation of a building or structural appurtenance, or roof eave to the Front Lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the Front Lot line.



Front Yard Diagram

Frontage: See Lot Frontage

Garage: An attached or detached structure whose principal use is to house motor vehicles or personal property for the accommodation of related dwelling units or related business establishments.

Ground Floor Area: See Floor Area, Main

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 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 result of land division requiring variance from the development standards of this Ordinance in order to render that site buildable.

Height: See Structure Height

Hobby Farming: The use of land for purposes, including: dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry. Processing and storage of harvested produce or other end products shall not be allowed on site. The hobby farming use(s) shall not exceed 40% of the land area of the lot and shall abide by all setback regulations. Hobby farming cannot be the principal income source for the owner, operator or household on site.

Hobby farming shall not include feed lots, stock yards, or the commercial feeding of garbage or offal to swine or other animals.

Home Occupation #1: The intent of the Home Occupation #1 provisions are to allow minimal (no impact to structure or surroundings) business practices within certain residential Zoning Districts. Further, the intent is not to allow the loss of the residential district's character or function as a residential area or neighborhood. To regulate minimal business practices within residential districts, development standards for home occupations have been established and can be found in Article 7 Section 7.18 Subsection HO-01.

Home Occupation #2: The intent of the Home Occupation #2 provisions are to allow reasonable business practices within certain residential Zoning Districts. Further, the intent is not to allow the loss of the residential district's character or function as a residential area or neighborhood. To regulate reasonable business practices for home occupations, development standards have been established and can be found in Article 7 Section 7.18 Subsection HO-02.

Hotel: A building in which lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public. Compensation is usually assessed on a day-to-day basis.

Hospital: An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for three (3) or more unrelated individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions. The term "hospital" as used in this Ordinance does not apply to institutions operating primarily for treatment of insane persons, drug addicts, liquor addicts, and other types of cases necessitating restraint of patients, and the term "hospital" shall not include convalescent, nursing, shelter, or boarding homes.

Impervious Surface: Any material that prevents absorption of stormwater into the ground such as concrete or asphalt. This does not include gravel, rock, or stone .

Improvement Location Permit: A permit issued under the Zoning Ordinance prior to receiving a building permit, permitting a person, firm, or corporation to erect, construct, enlarge, alter, repair, move, occupy, use, improve, remove, convert, or demolish any building or structure within its jurisdiction, or the pursuit of changes to the condition of the land.

Incidental: A minor occurrence or condition which is customarily associated with a permitted use and is likely to ensue from normal operations.

Industry, Light: See Manufacturing, Light

Industry, Heavy: see Manufacturing, Heavy

Industrial District: Refers to the C3 and C4 Districts.

Interior Lot: See Lot, Interior

Internal Illumination: A sign which has characters, letters, fixtures, designs or outlines illuminated from the inside or behind the sign by electric lights or tubes.

Interstate: See Expressway

Jurisdiction: See Planning Jurisdiction

Junk: An automobile, truck, other motor vehicle, large appliances, furniture or like materials which has been damaged to such an extent that it cannot be operated under its own power or used and/or will require major repairs before being made usable. This could also include such a vehicle which does not comply with State, County, or Town vehicle laws or ordinances.

Junk Yard: A place, usually outdoors, where waste or discarded used property other than organic matter, including but not limited to automobiles, farm implements and trucks, is accumulated and is or may be salvaged for reuse or resale; this shall not include any industrial scrap metal yard.

Kennel (Commercial): A place primarily for keeping more than four (4) adult dogs, or other small animals that are ordinarily bred for sale as pets. Also could include temporary care facility for compensation.

Kennel (Private): A place for keeping up to four (4) adult dogs, or other small animals for personal use and enjoyment which is subordinate to the principal residential use.

Landscaping: The improvements of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flower beds, berms, fountains and other similar natural and man-made objects designed and arranged to produce an aesthetically pleasing effect.

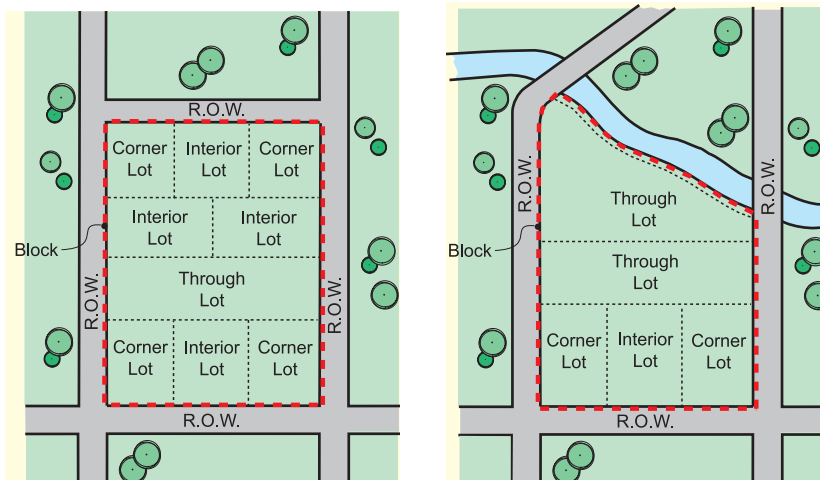
Local Street: See Street, Local.

Lodging House: See Boarding House.

Lot: A piece, parcel or tract of land designated by its owner or developer to be used, developed or built upon as a unit under single or multiple ownership or control. There are generally three types of lots identified in this Ordinance: Interior Lots, Corner Lots, and Through Lots.

Lot, Buildable: See Lot, Improved

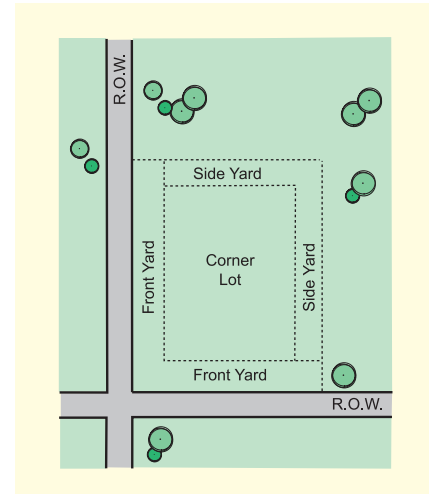
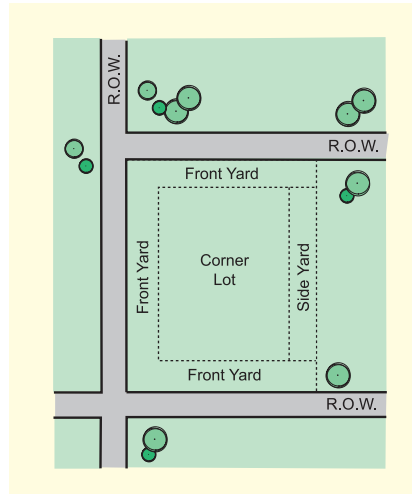
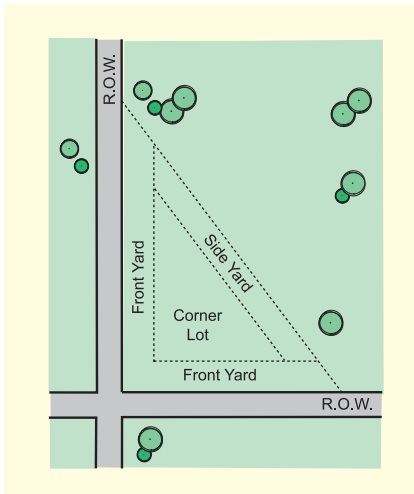
Lot, Corner: A lot situated at the intersection of two (2) streets or which fronts a street on two (2) or more sides forming an interior angle of less than one-hundred and thirty-five (135) degrees



Lot Diagram

Lot Coverage: The area of a zoning lot occupied by the principal building and any accessory structures.

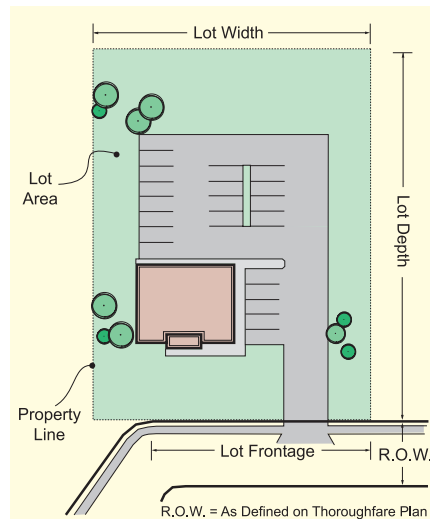
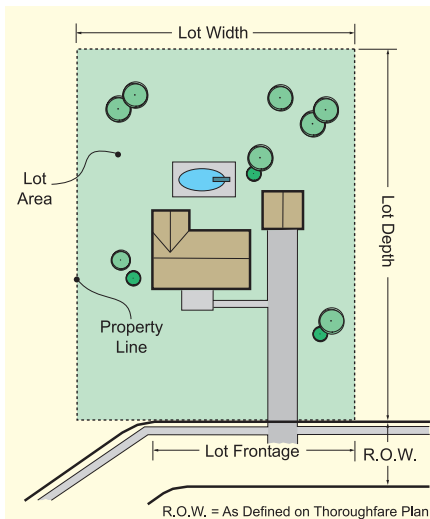
Lot Depth: The horizontal distance between the front and rear lot lines.



Lot Corner Diagram

Lot, Developed: A lot with buildings or structures.

Lot Frontage: All property of a lot fronting on a street, measured along the proposed public right-of-way as defined in the Comprehensive Plan, as measured between side lot lines.

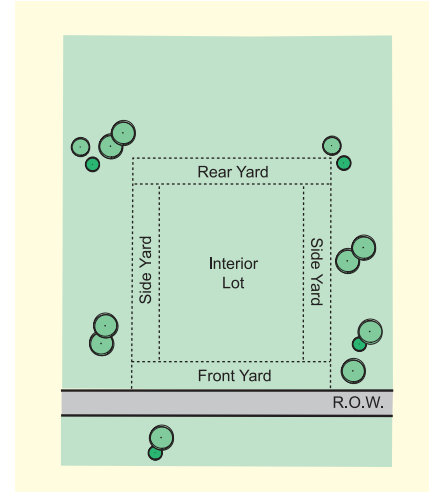
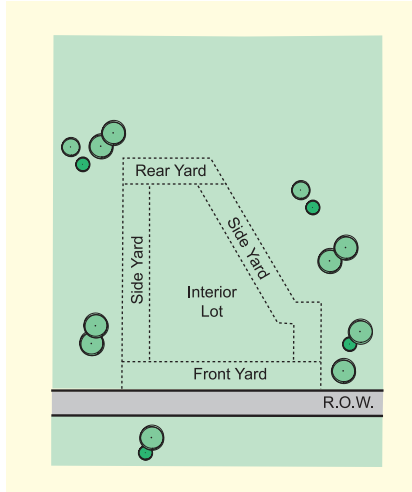
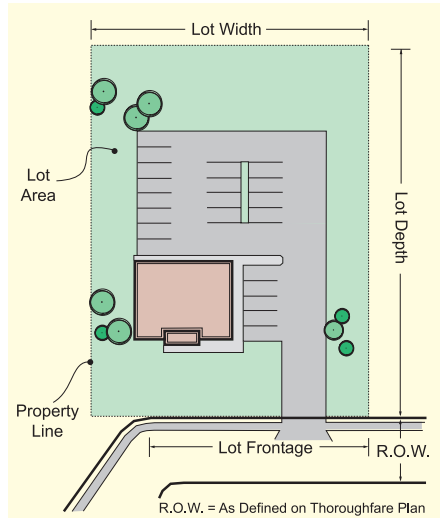


Lot Depth Diagram

Lot, Improved: A lot upon which a structure or building can be constructed and occupied. The lot shall have frontage on and access to an improved street, meet minimal setbacks, and have all necessary utilities available to the lot such as sewer, water, electricity, etc.

Lot, Interior: A lot other than a corner lot or a through lot.

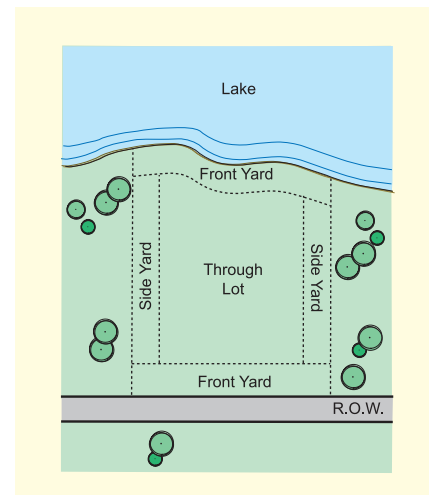
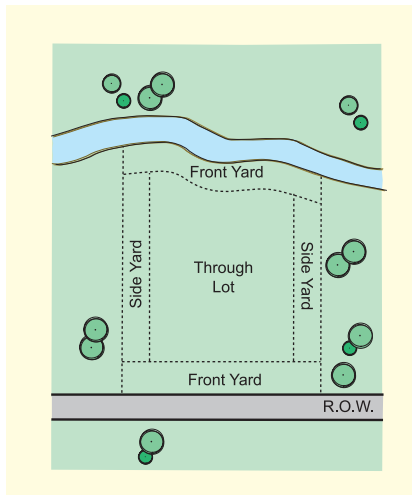
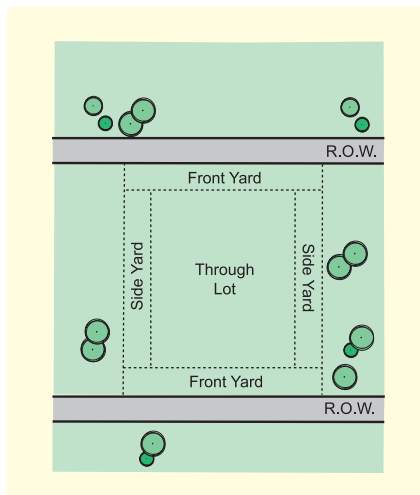
Lot of Record: A lot which is a part of a subdivision recorded in the office of the County Recorder, or a parcel or lot described by metes and bounds, and a description of what has been so recorded. Lots recorded prior to 1990 are lots of record. All lots proposed for development shall meet all the requirements of this Ordinance.



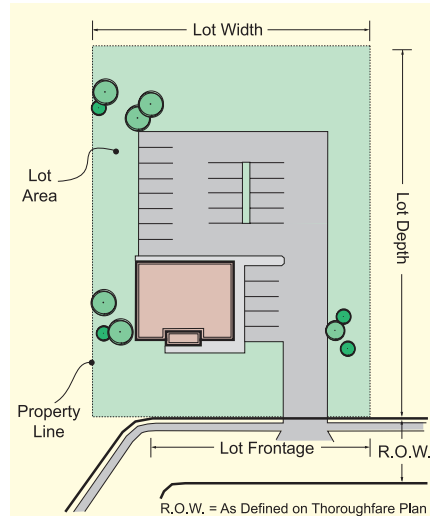
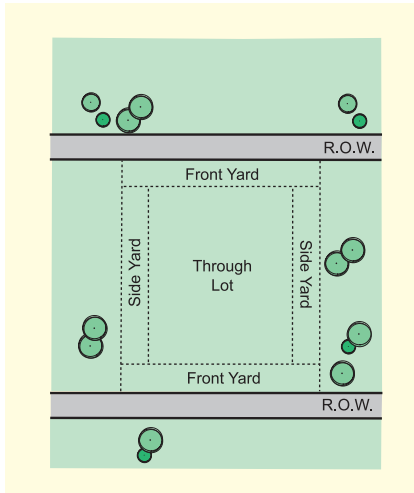
Lot Interior Diagram

Lot, Through: A lot fronting on two (2) parallel or approximately parallel streets, or abutting two (2) streets which do not intersect at the boundaries of the lot. Also includes lots fronting on both a street and a watercourse or lake. Accessory buildings are allowed in front yards facing watercourses or lakes.

Lot Width: The distance between the side lot lines as measured on the front lot line. Cul-de-Sac front lot widths shall be measured at the front set back line.



Lot Through Diagram



Lot Width Diagram

Maneuvering Space: An open space in a parking area which:

- is immediately adjacent to a parking space;
- is used for and/or is necessary for turning, backing or driving forward a motor vehicle into such parking space, but
- is not used for the parking of or storage of motor vehicles.

Manufactured Home: See Dwelling, Manufactured Home.

Manufactured Home Park: A parcel of land containing two or more dwelling sites, with required improvements and utilities, that are leased for long term placement of Mobile Home Dwellings and/or Manufactured Home Dwellings, and shall include any street used or intended for use as part of the facilities of such Manufactured Home Park. A Manufactured Home Park does not involve sales of Mobile Home Dwellings or Manufactured Home Dwellings in which unoccupied units are parked for inspection or sale.

Manufacturing, Heavy: The assembly, fabrication or processing of goods and materials using processes that ordinarily have greater than minimal impacts on the environment, or that otherwise do not constitute light manufacturing, and which may include open uses and outdoor storage. Heavy manufacturing generally includes processing and fabrication of products made from extracted or raw materials. Heavy manufacturing shall not include any use that is otherwise listed specifically in any zoning district as a permitted use or special exception.

Manufacturing, Light: The assembly, fabrication or processing of goods and materials using processes that ordinarily that ordinarily do not create noise, smoke fume odors, glare or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing of goods are housed entirely within an enclosed building. Light manufacturing generally includes processing and fabrication of finished products predominantly from previously prepared materials. Light manufacturing shall not include any use that is otherwise listed specifically in any zoning district as a permitted use or special exception.

Marker (survey): A stake, pipe, rod, nail, or any other object which is not intended to be a permanent point for record purposes.

Master Plan: See Comprehensive Plan.

Mini-Barn (see accessory structure)

Mobile Home: See Dwelling, Mobile Home.

Mobile Home Park: See Manufactured Home Park.

Monument (survey): A permanent physical structure which marks the location of a corner or other survey point.

- Motel:** An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot, and designed for use by transient automobile tourists. A motel furnishes customary services such as maid service and laundering of linen, telephone, secretarial, or desk service, and the use and upkeep of furniture.
- Motor Home:** See Recreational Vehicle.
- Motor Vehicle:** Any passenger vehicle, truck, tractor, tractor-trailer, truck-trailer, trailer, or semi-trailer propelled or drawn by mechanical power.
- Non-Conforming Building:** A building, structure, or portion thereof, which was designed, erected, or structurally altered such that it does not conform to the regulations of the district in which it is located.
- Non-Conforming Use:** A use which does not conform with the use regulations of the district in which it is located.
- Nursing Home:** A private home for the care of the aged or infirm, or any other person in need of nursing care and which does not contain equipment for surgical care or for treatment of disease or injury, and is not primarily designed for mental patients or alcoholics.
- Official Zoning Map:** A map of the Town of Cicero/Jackson Township, Indiana, that legally denotes the boundaries of zoning districts as they apply to the properties within the planning jurisdiction. There is only one Official Zoning Map, and is kept up to date by the Plan Commission and the Director of Planning.
- Official Zoning Map Copies:** A map of the Town of Cicero/Jackson Township, Indiana, that legally denotes the boundaries of zoning districts as they apply to the properties within the planning jurisdiction. These maps may be out of date.
- Off-site Improvements:** Any premises not located within the area of the property to be subdivided, used, or built upon whether or not in the same ownership of the applicant for subdivision approval.
- Open Space:** An area of land not covered by buildings, parking structures, or accessory uses except for recreational structures. Open space may include nature areas; streams and flood plains; meadows or open fields containing baseball, football, and soccer fields, golf courses, swimming pools, bicycle paths, etc. Open Space does not include street rights-of-way, platted lot area, private yard, patio areas, or land scheduled for future development.
- Outdoor Storage:** See Storage, Outdoor.
- Owner:** Any person, group, of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations, or their legal representative.
- Parcel:** See Lot.
- Parent Tract:** A lot of record as recorded on the effective date of this ordinance. Multiple pieces (lots) owned by one person, persons in partnership, or a company and that are contiguous shall together be considered one (1) parent tract. Roads, rivers, easements, and other built or natural features shall not constitute a separation of two or more pieces of land owned by one person, persons in partnership, or a business.
- Parking Space, Automobile:** Space within a public or private parking area for the storage of one (1) passenger automobile or commercial vehicle under a one and one-half (1-1/2) ton capacity.
- Parkway:** See Street, Parkway
- Performance Bond:** An amount of money or other negotiable security paid by the subdivider, developer, or property owner or his surety to the Town which guarantees that the subdivider will perform all actions required by the Town regarding an approved plat or in other situations as stated forth in this Ordinance and/or as deemed by the Director of Planning, and

provides that if the subdivider, developer, or property owner defaults and fails to comply with the provisions of his approval, the subdivider, developer, or property owner or his surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approval.

Permanent Foundation: A structural system for 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.

Permanent Perimeter Enclosure: A permanent perimeter structural system completely enclosing the space between the floor joists of the home and the ground, except for the necessary openings, constructed in accordance with the One and Two Family Dwelling Code.

Person: A corporation, firm, partnership, association, organization, unit of government, or any other group that acts as a unit, as well as a natural person
Plan Commission: See Advisory Plan Commission.

Planned Development: A large-scale unified development meeting the requirements for zoning approval under the provisions of Article Five of this ordinance. Generally a planned development consists of a parcel or parcels of land, controlled by a single landowner, to be developed as a single entity which does not correspond in size of lots, bulk or type of buildings, density, lot coverage, and required open space to the regulations established in any district of this Ordinance. This may result in more attractive and affordable development than conventional developments would allow. Clustered housing (dwellings built in innovative lot arrangements around common open space) and zero lot line housing (dwellings built immediately adjacent to lot lines) are possible as part of planned developments. A planned development requires approval through a zoning map amendment.

Planning Jurisdiction: All land within the corporate limits of the Town of Cicero and Jackson Township, Indiana, but excluding the planning jurisdiction of the Towns of Arcadia and Atlanta.

Plat: A map or chart that shows a division of land and is intended to be filed for record.

Plat, Primary: The primary plat, pursuant to I.C. 36-7-4-700 series, is the plat and plans upon which the approval of a proposed subdivision are based. The primary plat and plans shall be subject to public notice and public hearing according to law and according to Plan Commission rules. (Under former state statutes, the primary plat was referred to as a "preliminary" plat.)

Plat, Secondary: The secondary plat, pursuant to I.C. 36-7-4-700 series, is the final plat document in recordable form. A secondary plat shall substantially conform with the preceding primary plat, or section thereof. The secondary plat and plans are not subject to public notices and public hearings.

POD (Portable Storage Device): Temporary (or portable) storage units are transportable units designed and used primarily for temporary storage of building materials, household goods, personal items and other materials for use on residential and non-residential property for a maximum of sixty (60) days.

Porch: A roofed-over structure projecting out from the wall or walls of a main structure and commonly open to the weather in part.

Portable Storage Structure: A transportable storage structure that is designed and used primarily for the storage of household goods, personal items and other materials for use on residential property for a maximum of sixty (60) days.

Practical Difficulty: A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where the owner could comply with the regulations within this Ordinance, but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

Primary Arterial: See Street, Primary Arterial.

Primary Plat: See Plat, Primary.

Prime Farmland: Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and is also available for these uses (the land could be cropland pastureland, rangeland, forest land, or other land but not urban built-up land or water). It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields of crops when treated and managed, including water management, according to acceptable farming methods.

In general, prime farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. Prime farmlands are not excessively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding.

Examples of soils that qualify as prime farmland are Brookston silty clay loam, drained; and Alford silt loam, 0 to 2 percent slopes.

Principal Building/Structure: The building or structure in which the principal use of the lot or premises is located or conducted, with respect to residential uses, the principal building or structure shall be the main dwelling. Only one primary single-family structure shall be allowed on any one lot at any time.

Principal Use: The main use of land or buildings as distinguished from an accessory use. A principal use may be either a permitted use or a special exception.

Private Street: See Street, Private

Professional Office: An office used by members of a recognized profession such as architects, artists, dentists, engineers, lawyers, musicians, physicians, surgeons or pharmacists, and realtors or insurance agents and brokers.

Public Improvements: Any storm drainage facility, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, utility, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

Public/Private Parking Area: A group of parking spaces in an open area not including any part of a street or alley, designed or used for temporary parking of motor vehicles.

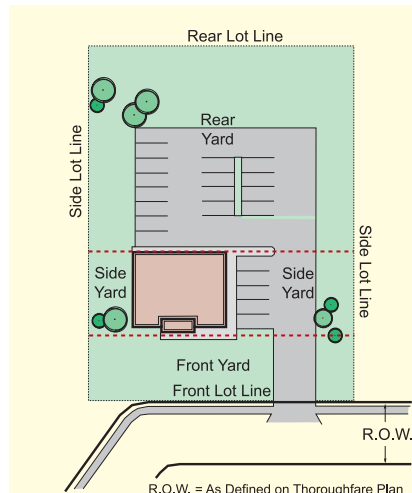
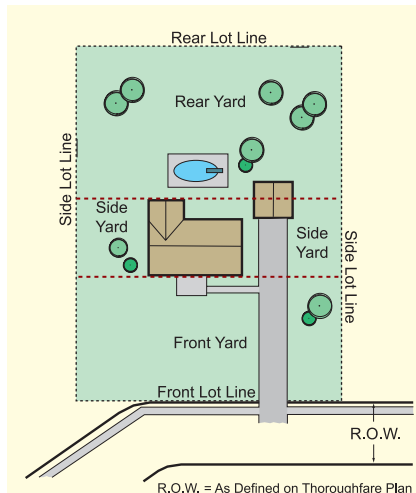
Public Street: See Street, Public.

Public Utility: Any person, firm, or corporation duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, fiber optics, transportation, water, or sewerage systems.

Rear Lot Line: The lot line that is opposite the front lot line and farthest from it, except that for a triangular or other irregularly-shaped lot, the line ten feet long, parallel to the front lot line, and wholly within the lot, that is farthest from the lot line.

Rear Yard: The horizontal space between the nearest foundation or structural appurtenance of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from the foundation to the rear lot line. The rear yard of a corner lot shall be that yard at the opposite end of the lot from the front yard.

Recreational Vehicle: A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use and including but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes. A recreational vehicle shall not be used as living quarters.



Rear Yard Diagram

Recreational Vehicle Park: Any commercially zoned site, lot, field, or tract of land under single ownership, or ownership of two or more people, designed with facilities for short term occupancy for recreational vehicles only.

Registered Land Surveyor: A land surveyor properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Registered Professional Engineer: An engineer properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Regulatory Flood: A flood having a peak discharge which can be equaled or exceeded on the average of once in a one hundred (100) year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission; Further, this flood is equivalent to a flood having a one percent (1%) probability of occurrence in any given year.

Regulatory Floodway: The channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to efficiently carry and discharge peak flow of the regulatory flood of any river or stream and, is that area covered by floodwaters in significant downstream motion or covered by significant volumes of stored water during the occurrence of the regulatory flood.

Residential District: Refers to the R1, R2, R3, R4, R5, R6, RC-1, RC-2, and MP Districts.

Residential Facility for the Developmentally Disabled (large): A residential facility which provides residential services for more than eight (8) developmentally disabled individuals as described in I.C. 12-28-4.

Residential Facility for the Developmentally Disabled (small): A residential facility which provides residential services for eight (8) developmentally disabled individuals or less as described in I.C. 12-28-4.

Residential Facility for the Mentally Ill: A residential facility which provides residential services for mentally ill individuals as described in I.C. 12-28-4. No two Residential Facilities for the Mentally Ill shall be within three thousand (3,000) feet of one another in the Cicero/Jackson Township planning jurisdiction as stated in Indiana Code.

Re-subdivision: A change in a recorded subdivision plat if such change affects any street layout or area reserved thereon for public use or any lot line or easement; or if it affects any map or plan legally recorded.

Retirement Community: An age-restricted development, which may include detached and attached dwelling units, apartments, and may also have a nursing home component.

Restaurant: A structure engaged in the principal use of preparing and selling food and beverages (alcoholic and non-alcoholic).

Right-of-Way: A strip of land occupied or intended to be occupied by transportation facilities, public utilities, or other special public uses. Rights-of-way intended for any use involving maintenance by a public agency shall be dedicated to the public use by the maker of the plat on which such right-of-way is established.

ROW: See Right-of Way.

Road: See Street.

Roof-mounted Antenna: Any device attached to a building, or structure that is used for wireless telecommunications service.

Satellite Dish/Antenna: An apparatus capable of receiving communications from a transmitter relay located in a planetary orbit, or broadcasted signals from transmitting towers.

School: A public or private institution which offers instruction in any of the branches of learning and study comparable to that taught in the public schools under the Indiana School Laws, including pre-kindergarten, kindergarten, elementary school, and junior and senior high schools, but excluding trade, business, or commercial schools.

Scrap Metal Yard: A general industrial use established independent or ancillary to and connected with another general industrial use, which is concerned exclusively in new and salvaged metal pipes, wire, beams, angles, rods, machinery, parts, filings, clippings, and all other metal items of every type, and which acquires such items incidental to its connection with the other general industrial use or by purchase, consignment or bailment which stores, grades, processes, melts, cuts, dismantles, compresses, cleans, or in any way prepares said items for reuse by the connected other general industrial use or for storage, sale or shipment and use in other industries or businesses including open hearth, electric furnaces and foundry operations; such an establishment shall not include junk yards, dumps, or automobile graveyards.

The storage, dealing in or the permitting of the accumulation of significant quantities of combustible, organic or nonmetal scrap materials such as wood, paper, rags, garbage, bones and shattered glass on the premises of such an establishment will disqualify it from being classified as a scrap metal yard, and the same will be classified as a junk yard.

Secondary Arterial: See Street, Secondary Arterial.

Setback: The minimum horizontal distance between the building line and a lot line or right-of-way.

Shared Housing: Any dwelling unit which the owner allows to be occupied by unrelated persons living as a single housekeeping unit, provided that the number of occupants does not exceed twice the number of bedrooms, and that the total number of unrelated occupants does not exceed four (4) regardless of the number of bedrooms.

Side Lot Line: A lot boundary line other than a front or rear lot line.

Side Yard: The horizontal space between the nearest foundation or structural appurtenance of a building to the side lot line.

Sign: Any name, number, symbol, identification, description, display, graphic, or illustration which is affixed to, painted on, or is represented directly or indirectly upon a building, structure, or piece of land, visible from any public right-of-way which directs attention to an object, product, place, activity, person, institution, organization, or business. Religious symbols on places of worship or structures owned and operated by religious organizations shall not be considered a sign unless accompanied with text. This definition includes back-lit plastic panels or strip lighting affixed to any wall or roof where any such panels or lighting serve to identify a business and attract attention rather than to illuminate space for human activity. For purposes of this ordinance, the following signs are defined:

1. Awning Sign: A sign that is attached to an awning, canopy, or other fabric that serves as a structural protective cover over a door, entrance, window, or outdoor service area.
2. Banner: A non-rigid cloth, plastic, paper, flag, or canvas sign typically related to a special event or promotion, that is cultural, educational, charitable, or recreational in its function, under the sponsorship of a for-profit establishment or business, or a public, private non-profit, or religious organization. Banners also include streamers or ribbon-shaped or cord-like rope which may have pennants and/or banners attached and which is stretched or hung between two or more points of support intended to attract attention.
3. Bench Sign: Any sign painted on, located on, or attached to any part of the surface of a bench, seat, or chair placed on or adjacent to a public roadway.

4. **Billboard:** See "off-premise sign".
5. **Changeable Copy:** A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged by mechanical, electronic or manual means without altering the face or surface of the sign.
6. **Directional Sign:** Any on premises sign that includes information assisting in the flow of pedestrians or motorists on site, or providing information to clients or visitors coming onto a premises.
6. **Electronic/ Animated Sign:** Any sign that uses movement or change of artificial and natural lighting or noise to depict action or create a special effect or scene. This includes any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever. Flashing includes repetitive or non-repetitive lighting, and the use of cathode ray tubes, plasma, liquid crystal display (lcd), and the like to project video images.
7. **Hanging Sign:** A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.
8. **Inflatable Sign:** Any device which is capable of being expanded by any gas and used on a permanent or temporary basis to attract attention to a product or event. This definition includes both hot and cold-air balloons tethered or otherwise anchored to the ground.
9. **Marker:**
 - a. A sign that indicates the name of a building, date, or other incidental information about its construction that is cut into a masonry surface, cast in bronze, or made of other material.
 - b. A sign that identifies a product in agricultural areas, typically used to identify seed types used in agricultural fields.
10. **Monument Sign:** A sign in which the bottom edge of the sign face is permanently affixed to the ground. Monument, freestanding or pylon are other names for a monument Sign.
11. **Multi Faceted:** Multi-Faceted/Double-Sided signs shall be measured using only one face area when computing the sign area when the faces are parallel or with an interior angle that does not exceed 60 degrees.
12. **Mural:** An image painted onto the side of a building, wall, or structure, or applied to the ground, sidewalk, parking lot, or similar area as artwork and without a commercial message.
13. **Off-premise Sign:** A sign which directs attention to a business, commodity, service, or entertainment conducted sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed. Also called billboard.
14. **Painted Sign:** An image painted onto the side of a building, wall, or structure, or applied to the ground, sidewalk, parking lot, or similar area as artwork and with a commercial message.
15. **Pole Sign:** Any sign supported by structures or supports that are placed on and anchored in the ground and that are independent from any building or structure. A pole sign uses said structures to raise the sign face above the ground more than four (4) inches.
16. **Portable Sign:** Any sign not permanently attached to the ground, building, or other permanent structure. This includes signs that are designed to be:
 - a. moved/transported by means of wheels or other mechanisms;



Awning Signage



Changeable Copy Signage



Electronic Signage



Hanging Sign



Marker Sign

- b. trailer signs that are attached to, supported by, or part of a structure which is designed to move on trailer wheels, skids, or other similar devices, or transported, pushed, or pulled by a motor vehicle.
 - c. converted to A-frames or T-frames such as menu or sandwich board signs;
 - d. balloons used as signs;
 - e. umbrellas used for advertising; and
 - f. other portable devices or structures used for signage.
- 17. **Projecting Sign:** A sign that is wholly or partly dependent upon a building for support or suspended from a pole attached to a building. Such signs must be perpendicular to the building face upon which they are attached.
- 18. **Roof Sign:** Any sign partially or fully erected on or above the roof line of a building.
- 19. **Scoreboard:** An electronically-controlled changeable copy sign used to display scoring information for sporting events. Such signs are located on or along sports fields.
- 20. **Unified Development Sign:** A sign that identifies the name of a shopping center, office park, industrial park, or other development that contains three or more uses within a single development. A unified development sign is allowed in addition to the permitted signs of the individual tenants.
- 21. **Vehicle Sign:** A Sign that is attached to, or painted on a parked vehicle for the purpose of drawing attention to the product, business, or property which is indicated on the sign.
- 22. **Wall Sign:** Any sign attached to or erected against the inside or outside wall of a building or structure, with the exposed display surface of the sign in a plane parallel (or relatively parallel) to the plane of the building or structure.
- 23. **Wayfinding Sign:** Wayfinding signs erected by the municipality generally on public property, easements, or Rights-of-way.
- 24. **Window Sign:** Any sign, poster, symbol, or other type of identification or information about the use or premises directly attached to the window of a building or erected on the inside or outside of the window, which is legible from any part of a public right-of-way or adjacent property. For purposes of this definition, a "window" is defined as an opening in the wall or roof of a building or vehicle that is fitted with glass or other transparent material in a frame to admit light or air and allow people to see out.

Sign, Abandoned: A sign associated with an abandoned use, a sign that remains after the termination of the business, or a sign on its immediate premises not adequately maintained or repaired.

Sign Area: The face of the entire display area, not including the bracing, framing, and structural supports of the sign, unless such support members are made part of the message or face of the sign. Where a sign has two or more display faces, the area of all faces of the sign shall be included in determining the Sign Area, unless the two faces are joined back to back, are parallel to each other and not more than 24 inches apart. The area of the sign consisting of individual letters or symbols, either freestanding or attached to or painted on a surface, building, wall, or window, shall be considered to be that of the smallest single rectangle which encompasses all the letters and symbols.

Sign Face: The surface intended for the display of information on the sign.

Sign, Height Above Ground: The vertical measurement from the ground to the top of the sign. The height of all signs shall be measured from the established grade line to the highest point of the sign or its frame/support.



Monument Sign



Mural Sign



Pole Sign



Projecting Sign



Sign Area Diagram

- Sign, Illuminated:** Any sign lighted by or exposed to artificial lighting either by light on or in the sign or directed toward the sign.
- Sign, Legal Non-conforming:** A preexisting legal sign, or portion thereof, which was designed, erected, or structurally altered such that it does not conform to the regulations of the district in which it is located.
- Sign, Permanent:** A sign attached to a building, structure, or the ground in a manner that enables the sign to resist environmental loads, such as wind, and precludes ready removal or movement of the sign. The use of anchor bolts, ropes, stakes, chains, glue, or similar anchoring are not methods recognized by this ordinance as a permanent foundation.
- Sign, Temporary:** Any sign that is temporarily used for a specific duration of time and is not affixed to a permanent foundation or structure. A temporary sign is used for the purpose of conveying information, knowledge, or ideas to the public about activities on the premises. These signs are intended to be on-site for the duration of an event (e.g. property for sale, special events, grand openings, sales, etc).
- Sign Structure:** The supporting unit of a sign face, including but not limited to frames, braces cabinets and poles.
- Special Exception:** The authorization of a use that is designated as such by this ordinance as being permitted in the district concerned if it meets special conditions, is found to be appropriate and upon application, is specifically authorized by the BZA.
- Storage, Outdoor:** The outdoor accumulation of goods, junk, vehicles, equipment, products, or materials for permanent or temporary holding.
- Story:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof.
- Street:** Any vehicular that: (1) is an existing state, county, or municipal roadway; (2) is shown upon a plat approved pursuant to law; (3) is approved by other official action; or (4) is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board to review plats; includes the land between the street lines, whether improved or unimproved.
- Street, Collector:** A street designed to facilitate the collection of traffic from local streets and to provide circulation within neighborhood areas and convenient ways to reach arterial streets, as depicted by the Transportation Plan within the Comprehensive Plan.
- Street, Local:** A street designed primarily to provide access to abutting properties and discourage through traffic, as depicted by the Transportation Plan within the Comprehensive Plan.
- Street, Primary Arterial:** A street with access control, restricted parking, and that collects and distributes traffic to and from secondary arterials, as depicted by the Transportation Plan within the Comprehensive Plan.
- Street, Private:** Vehicular streets and driveways, paved or unpaved, which are wholly within private property except where they intersect with other streets within public rights-of-way and maintained by the owner(s).
- Street, Parkway:** A street with limited access (curb cuts), restricted parking, a substantial amount of landscaping usually a landscaped median, and that collects and distributes traffic to and from secondary arterials and collectors, as depicted by the Transportation Plan within the Comprehensive Plan
- Street, Public:** All property dedicated or intended for public highway, freeway, or roadway purpose or subject to public easements therefore.
- Street, Secondary Arterial:** A street that collects and distributes traffic to and from collector and primary arterial streets, as depicted by the Transportation Plan within the Comprehensive Plan.

Structural Alterations: Any change in the supporting members of a building or structure such as bearing walls, partitions, columns, beams or girders, or any substantial change in the footprint or increasing size of living space. Also, substantial roofing and siding work when repairs are made to the structure beneath.

Structure: Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground, including but not limited to buildings, sheds, detached garages, mobile homes, manufactured homes, above-ground storage tanks, free-standing signs and other similar items.

Structure Height: The vertical distance measured from the lot ground level to the highest point of the roof.

Subdivision: The division of a parent tract or other piece of land into at least two (2) smaller lots or the combination of two or more smaller lots into one lot so that, either now or in the future, the subdivider can do any of the following with one or more of the subdivided lots:

- a. Transfer ownership.
- b. Construct buildings or establish a use other than vacant.
- c. Create new building sites for leasehold.

The actual location, shape and size of a parent tract to be divided is determined by the official record of the last transfer of its ownership transacted before the 1990 Cicero/Jackson Township Zoning Ordinance enacted or by its last conditional transfer of ownership by recorded contract transacted before the 1990 Cicero/Jackson Township Zoning Ordinance was enacted. The following kinds of divisions are not subdivisions and are considered exempt from the Rules of the Cicero/Jackson Township Subdivision Control Ordinance:

- a. A division of land into two (2) or more tracts all of which are at least ten (10) acres in size and have at least 200 feet of public road frontage.
- b. A division of land for the transfer of a tract or tracts to correct errors in an existing legal description, provided that no additional principal use building sites are created by the division.
- c. A division of land for federal, state, or local government to acquire right-of-way.
- d. A division of land for the transfer of a tract or tracts between adjoining lots provided that no additional principal use building sites are created by the division. The lots so created hereunder shall have only one principal use building site.

Secondary Plat: See Plat, Secondary

Swimming Pool: A self-contained body of water at least eighteen (18) inches deep and eight (8) feet in diameter or width and used for recreational purposes. It may be above or below ground level, and shall be considered an accessory structure/ use.

Temporary Improvement Location Permit: A permit issued under the Zoning Ordinance permitting a temporary use or structure not to exceed two (2) months. One (1) extension of two (2) months may be authorized by the Director of Planning for reason/ cause.

Temporary Use/Structure: A land use or structure established for a limited and fixed period of no more than four (4) months with the intent to discontinue such use or structure upon the expiration of the time period.

Textured: (a) the visual or tactile surface, characteristic, and appearance of something; (b) impressive and exciting pattern; (c) basic scheme or structure; (d) character; (e) overall structure; (f) to give a particular texture to.

Time, Place and Manner Standards: This term is used by the courts to describe the types of regulations applicable to signs.

Transportation Plan: The official plan, now and hereafter adopted, which includes a street plan, sets forth the location, alignment, dimensions, identification, and classification of existing and proposed streets, and other thoroughfares.

Tower: A ground pole, spire, structure, or combination thereof including supporting lines, cables, wires, braces, and masts intended primarily for the purpose of mounting an antenna, a meteorological device, or other similar apparatus above ground for use as a wireless telecommunications facility.

Town: The Town of Cicero.

Township: Jackson Township.

Tree farm - Agricultural: (a) trees that are grown for five (5) years or more; (b) shrubs that are grown for three (3) years or more; and (c) other plant materials that are grown for more than one growing season. This shall apply to all trees, shrubs and other plant material established on the property after the date of adoption of this ordinance.

Tree farm - Non-agricultural: (a) trees that are grown for less than five (5) years; (b) shrubs that are grown for less than three (3) years, and (c) other plant materials that are grown for less than one growing season. This shall apply to all trees, shrubs, and other plant material established on the property after the date of the adoption of this ordinance.

Two-Page Spread: Two-Page Spread refers to the two-page layout accompanying each zoning district in chapters three (3) and four (4) of this Ordinance. The two-page layout includes permitted uses, special exception uses, and basic zone district information.

Use: The purposes of which land, building, or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.

Variance, Use: The approval of a use other than that prescribed by the zoning ordinance, an act granted by I.C. 36-7-4-918.4.

Variance, Development Standards: A specific approval granted by a Board of Zoning Appeals in the manner prescribed by this Ordinance, to deviate from the development standards (such as height, bulk, area) that the Ordinance otherwise prescribes.

WECS (Wind Energy Conversion System): The 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.

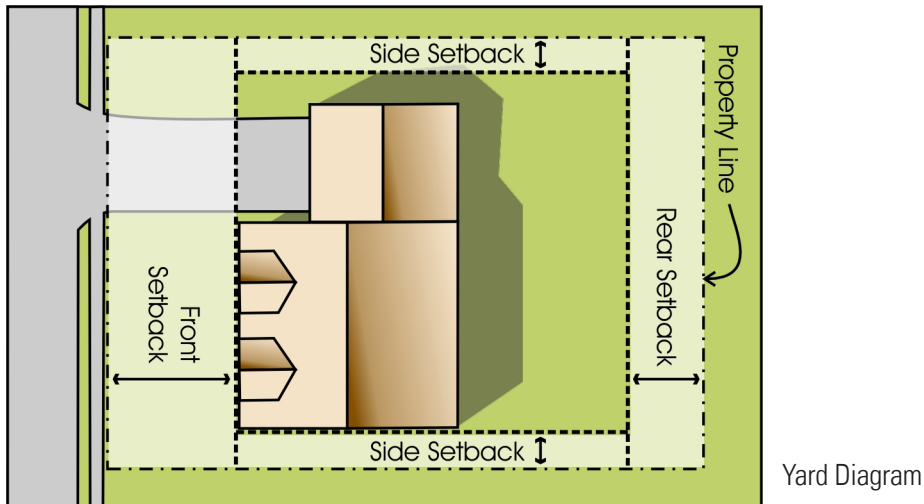
Small WECS (Wind Energy Conversion System): A wind energy conversion system which has a rated capacity of up to 100 kilowatts and which is incidental and subordinate to a permitted use on the same parcel. A system is considered a small wind energy system only if it supplies electrical power solely for on site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess power generated and not presently needed for on site use may be used by the utility company.

Commercial WECS (Wind Energy Conversion System): A wind energy conversion system which has a rated capacity of more than 100 kilowatts and which may be the primary, or incidental use on a parcel. A system is considered a commercial wind energy system if it supplies electrical power on site use, or to be generated by, leased by, or sold to a utility company.

Wireless Telecommunications Facility: A wireless telecommunications facility consists of the equipment and structures utilized to transmit or receive telecommunication signals to and from any communications source which may also be connected to a mobile and or stationary unit with land-based facilities including but not limited to all antennas, towers, and accessory structures.

Wireless Telecommunications Services: Licensed public commercial telecommunications services, including but not limited to cellular, digital, personal communication services (PCS), enhanced specialized mobilized radio (ESMR), paging, and other similar services that are marketed to the general public.

Yard: A space on the same lot with a principal building that is open and unobstructed except as otherwise authorized by this ordinance. All required yards shall be kept free of all material including but not limited to, buildings, structures, material for sale, storage, advertising or display to attract attention and parking lots.



Director of Planning and Development: The officer appointed by and/or delegated the responsibility for the administration of this ordinance's regulations by the Advisory Plan Commission. The Plan Commission is hereby designated as the Administrator for the purpose of administering and enforcing this ordinance and is the Town officer referred to herein wherever the term Administrator or Director of Planning appears.

Zoning District: See District

Zoning Map: See Official Zoning Map



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