

**ORDINANCE NO. 2001-03**

**AN ORDINANCE REPEALING APPENDIX A-ZONING OF  
THE TOWN CODE, INCLUDING ALL AMENDMENTS THERETO,  
THE CHESTERTON ZONING MAP, AND  
CHAPTER 24-SUBDIVISION REGULATIONS OF  
THE TOWN CODE AND ADOPTING  
A REPLACEMENT UNIFIED COMPREHENSIVE ZONING  
AND SUBDIVISION CONTROL ORDINANCE,  
INCLUDING A ZONING MAP FOR  
THE TOWN OF CHESTERTON,PORTER COUNTY, INDIANA**

WHEREAS, the Town of Chesterton has previously approved a Comprehensive Plan pursuant to Indiana Code 36-7-4-500 et seq.; and

WHEREAS, the Plan Commission has initiated a proposal to adopt a replacement zoning ordinance which includes repealing Chesterton's entire zoning ordinance found in the Town Code at Appendix A-Zoning; and

WHEREAS, the proposal prepared by the Plan Commission is consistent with I.C. 36-7-4-601; and

WHEREAS, the Plan Commission and Chesterton Town Council have complied with I.C. 36-7-4-603 in preparing the replacement zoning ordinance and zoning map by paying reasonable regard to:

- a. The Comprehensive Plan;
- b. Current conditions and the character of current structures and uses in each district;
- c. The most desirable use for which the land in each district is adapted;
- d. The conservation of property values throughout the jurisdiction; and
- e. Reasonable development and growth; and

WHEREAS, included in this replacement ordinance with zoning map, is the re-establishment of the Chesterton subdivision control provisions previously found in Chapter 24 of the Town Code, which is being reestablished pursuant to I.C. 36-7-4-701; and

WHEREAS, the Plan Commission has given notice and held a public hearing concerning its proposal pursuant to I.C. 36-7-4-604; and

WHEREAS, the Plan Commission has certified the following proposal to the Chesterton Town Council pursuant to I.C 36-7-4-605; and

WHEREAS, the Chesterton Town Council concurs in the recommendation of its Plan Commission to adopt this ordinance in accordance with I.C. 36-7-4-606.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the Chesterton Town Council as follows:

**SECTION 1:** That Appendix A-Zoning of the Town Code, including all amendments thereto and the Chesterton Zoning Map, along with Chapter 24 of the Chesterton Town Code, Subdivision Regulations, are all repealed in their entirety and replaced with the Zoning Map attached to this ordinance and the following, which shall constitute the Chesterton Zoning and Subdivision Ordinance to be located in Appendix A-Zoning of the Town Code:

**ARTICLE I.  
ZONING ORDINANCE - BASIC PROVISIONS**

**TITLE:** The official title of this Appendix to the Chesterton Town Code is the “Unified Comprehensive Zoning and Subdivision Control Ordinance of Chesterton, Indiana.”

**SHORT TITLE:** This Ordinance also may be referred to as the “Chesterton Zoning and Subdivision Ordinance.”

**EFFECTIVE DATE:** This ordinance shall take effect after its passage and publication according to law.

**AUTHORITY:** This ordinance is adopted pursuant to I.C. 36-7-4-600 et seq. and I.C. 36-7-4-700 et seq.

**COMPLIANCE:** No structure shall be located, erected, constructed, reconstructed, moved, converted, or enlarged; nor shall any structure or land be used or be designed to be used, except in full compliance with all the provisions of this ordinance and after the lawful issuance of any and all permits required pursuant to this ordinance.

**SEVERABILITY:** If any provisions of this ordinance or the application of any provision to particular circumstances is held invalid, the remainder of the ordinance or the application of such provision to other circumstances shall not be affected.

**JURISDICTIONAL AREA:** This ordinance shall apply to all incorporated land within the Town of Chesterton, Indiana.

**APPLICATION:** It is not intended by this ordinance to interfere with, abrogate or amend any existing easements, covenants, or other agreements, between parties. Where this ordinance imposes a greater restriction upon the use of buildings or real estate than is imposed or required by such existing provisions of law or by such rules, regulations, agreements, covenants or permits, the provisions of this ordinance shall control. All ordinances and parts of ordinances in conflict herewith are hereby repealed in their entirety, including the Appendix A-Zoning and Chapter 24 – Subdivision Regulations of the Town Code, as the same existed prior to the adoption of this Ordinance.

**ARTICLE II  
DEFINITIONS**

For the purpose of this ordinance, the definitions contained in this Article are to be observed and applied in the interpretation of all Articles in this ordinance, except when the context clearly indicates otherwise. The following shall also apply:

1. words used in the present tense include the future tense;
2. words used in the singular number include the plural number;
3. words in the plural number include the singular;
4. words used in the masculine gender shall include the feminine;

5. the word "shall" is always mandatory and not merely directory;
6. the word "person" shall mean an individual, partnership, corporation or other association or their agents; and
7. terms not defined in this Section shall have the meanings customarily assigned to them.

**Accessory building, structure, or use:** A building or use which:

1. Is clearly incidental to, subordinate to, customarily found in connection with, and serves a principal building or principal use; and
2. Contributes to the comfort, convenience or necessity of occupants of the principal building; and
3. Is subordinate in area, extent or purpose to the principal building or principal use served; and
4. Is located on the same lot as the principal building or principal use served with the exception of accessory off-street parking facilities as are permitted elsewhere on the same lot with the use or structure; and
5. Is under the same ownership as the principal building or principal use served.  
(For illustration, see Building, Principal.)

**Accessory equipment building:** A structure used to house equipment for the operation, maintenance, or repair of a wireless communications tower, in which may also include electronic receiving, transmitting, relay equipment, and backup power-generating equipment.

**Acresage:** Any tract or parcel of land which has not heretofore been subdivided or platted.

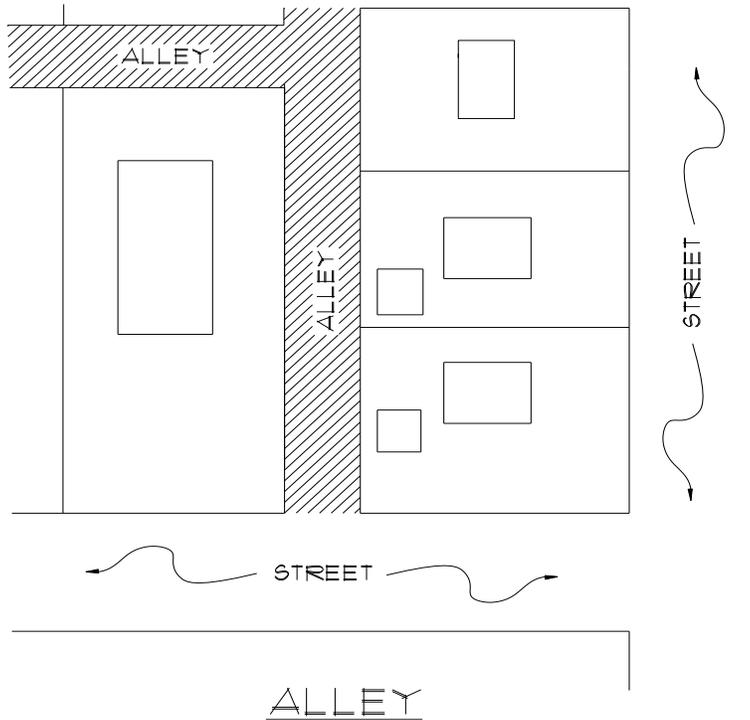
**ADA:** Americans with Disabilities Act of 1990, as amended.

**Agriculture:** The use of land for purposes of farming, pasturage, horticulture, floriculture, viticulture, animal and poultry activities, and the necessary accessory uses for parking, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to the normal agricultural activities. The term "agriculture" does not include chemical storage or manufacturing associated with agriculture.

**Aircraft:** Any contrivance now known or hereafter invented for use in or designed for navigation of or flight in the air.

**Airport:** Any area of land or water which is used or intended for use for the landing and taking off of aircraft and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open space.

**Alley:** Any dedicated public way affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.



**Alteration or remodeling:** Any change in the structural members, stairways, basic construction, type, kind or class of occupancy, light or ventilation, means of egress and ingress, or any other change of an existing building or structure affecting or regulated by the building code of the Town of Chesterton, except for minor repairs or changes not involving any of the aforesaid provisions.

**Antenna:** A device used in communication which transmits or receives radio, television, telephone, or spectrum based signals. Antennas may be omni-directional (whip), directional (panel), dish (microwave type), and other ancillary freestanding devices.

**Apartment:** A part of a building consisting of a room or suite of rooms intended, designed, or used as a complete housekeeping unit.

**Apartment house:** A residential structure containing three (3) or more apartments.

**Architectural features:** Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay winds, chimneys, and decorative ornaments.

**Auditorium:** A room or building assigned to the gathering of people as an audience to hear lectures, plays and other presentations.

**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.

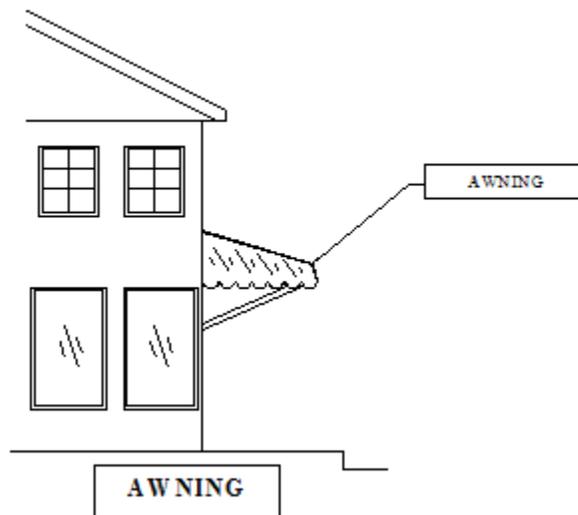
**Auto Repair, Minor:** Incidental repairs, replacement of parts, and motor service to automobiles but excluding any operation specified under "Automobile Repair, Major".

**Automobile Service Station:** A building or structure designed or used for the retail sale or supply of fuels (stored only in underground tanks), lubricants, air, water, and other products for motor vehicles, aircraft or boats, which building or structure may include the facilities for the installation of such products on or in such vehicles, and also may include space for storage, minor repair and servicing, but not bumping, painting, refinishing, steam cleaning, rustproofing, muffler installation where such is the primary use of the premises, or facilities designed for washing of more than two (2) vehicles at a time.

**Automobile and Trailer Sales:** An open or enclosed area other than a street used for the display and sale of new or used automobiles or trailers. Outside storage of the vehicles for sale shall be allowed so long as the vehicles are operable and in running condition. However, no public street or right-of-way shall be used for the display and sale of new or used automobiles or trailers.

**Automobile Wash Establishment:** A building or portion thereof, the primary purpose of which is the washing of motor vehicles.

**Awning:** A structure made of cloth, metal, or other material attached to a building.

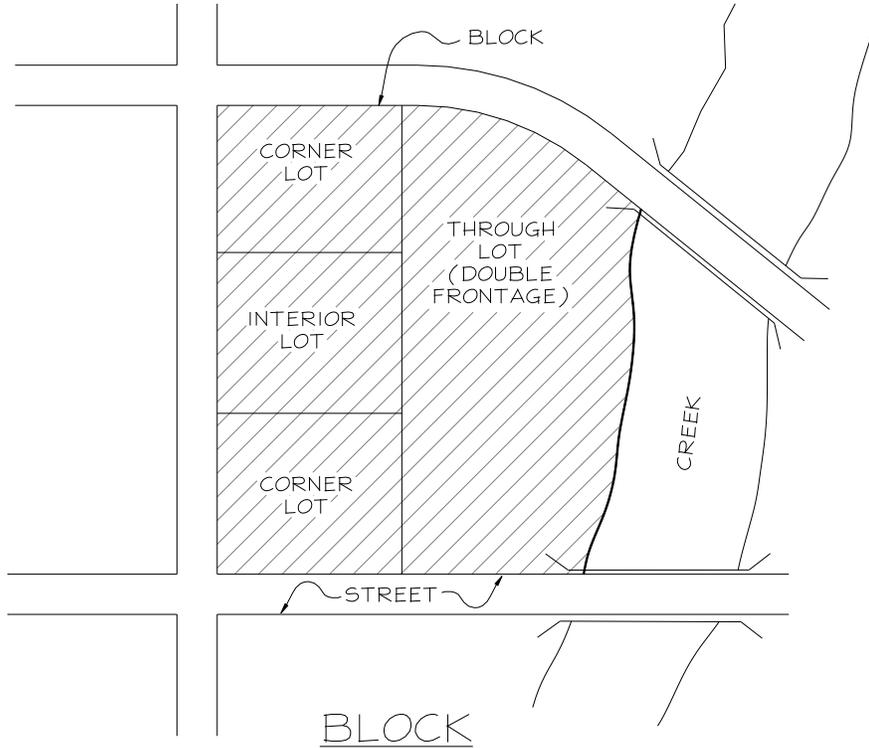


**Basement:** That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

**Bed and Breakfast Inns:** A one (1)- or two (2)-family dwelling, where rooms are leased for the night with breakfast provided and where the owner is a full-time resident of the dwelling. No kitchen facilities are to be made available to the guests in bed and breakfast inns. Any structure in the Town of Chesterton that is used totally or partially for leasing rooms by the night and contains six (6) or more guest rooms shall be considered a hotel or motel.

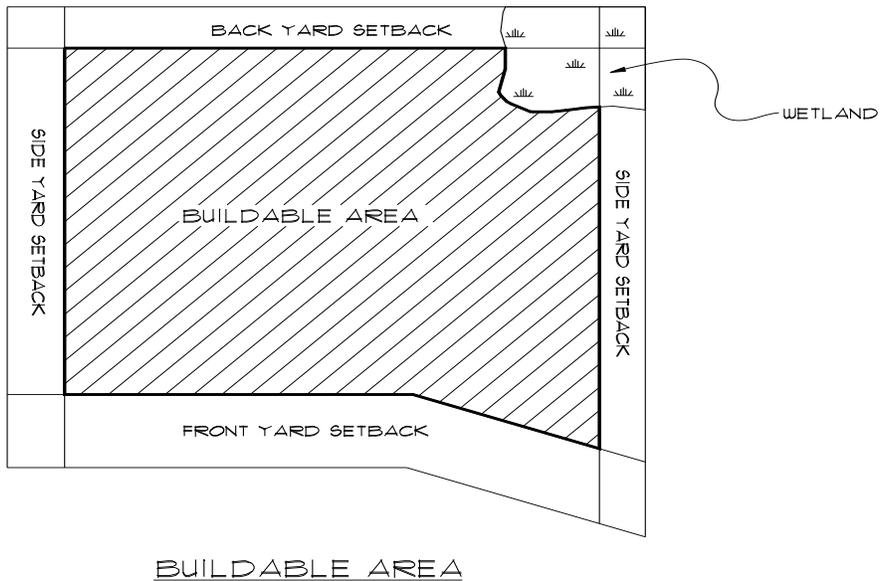
**Block:** Property abutting on one side of a street, and lying between the two (2) nearest intersecting or intercepting streets and railroad rights-of-way, un-subdivided areas, or other definite barrier.

**Boarding House:** A dwelling other than a hotel or motel, where meals, or lodging and meals, are provided for compensation to three (3) or more persons other than members of the keeper's immediate family by prearrangement for



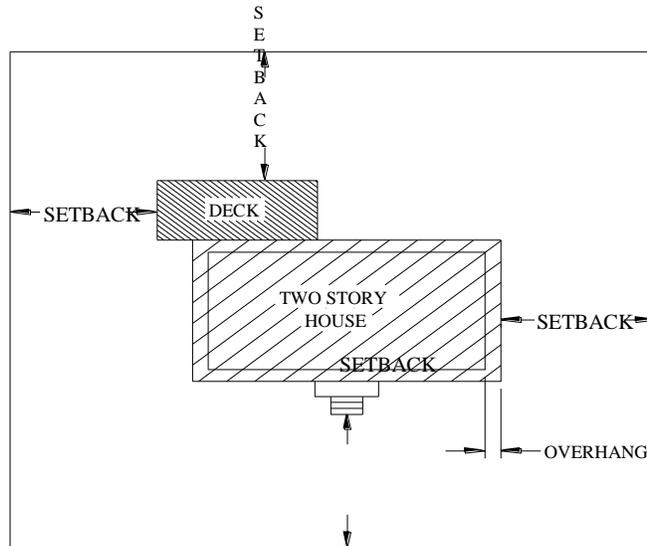
definite periods of not less than one (1) week, and where individual cooking facilities are prohibited.

**Buildable Area:** The space remaining on a lot after the setbacks, easements, and minimum open space requirements of this ordinance have been complied with. Additionally, wetlands must be subtracted from the overall land before determining the buildable area.



**Building:** Any structure, either temporary or permanent, having a roof and used or built for shelter or enclosure of persons, animals, chattel or property of any kind. In the event an additional structure is to be attached to a principal structure which is of different use, it must be attached in a substantial manner with the attachment being at least 50 percent of the common wall for each structure. Said new structure must be of similar construction and no higher than the original principal structure. Further the new structure cannot be more than 75 percent of the original structure building area when the use is not the same as the original structure. An example of this is a garage that is attached to an existing single-family residential structure. The garage is a use that is not the same as that of the residential structure so it could not be more than 75 percent of the original residential structure building area. In the event it is not connected in a substantial manner as defined herein, the new structure shall be considered as a separate principal structure.

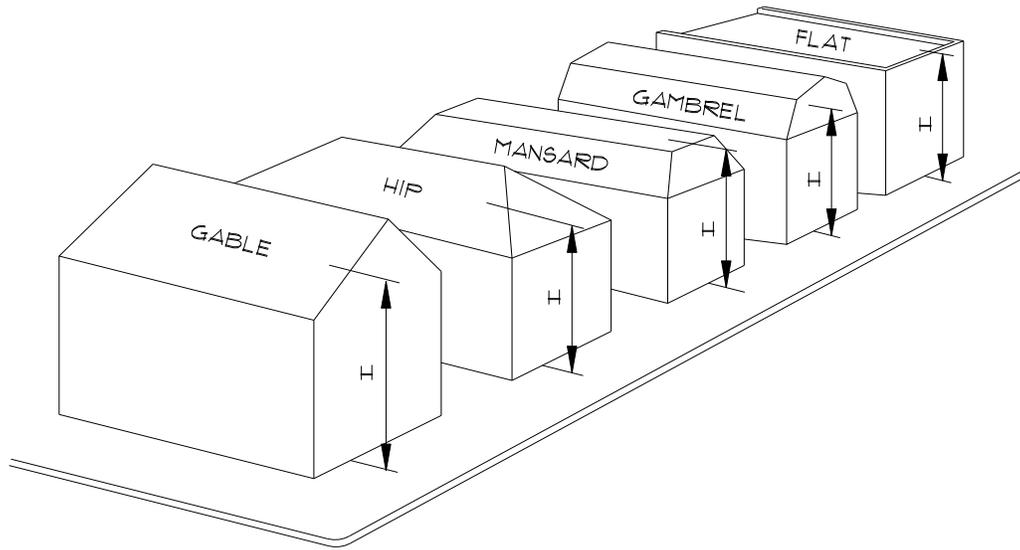
**Building Area:** The footprint of the building or structure including eaves, overhangs, steps, porches, and decks more than one (1) foot above grade.



### BUILDING AREA

**Building Coverage:** The area on a lot occupied by buildings and structures, including accessory buildings. (For illustration, see Lot Coverage.)

**Building Height:** The vertical distance from the grade to: (a) the highest point of a flat roof, (b) the deck line of a mansard roof, or (c) the average height between eaves and ridge for gable, hip and gambrel roofs. Chimneys, elevator

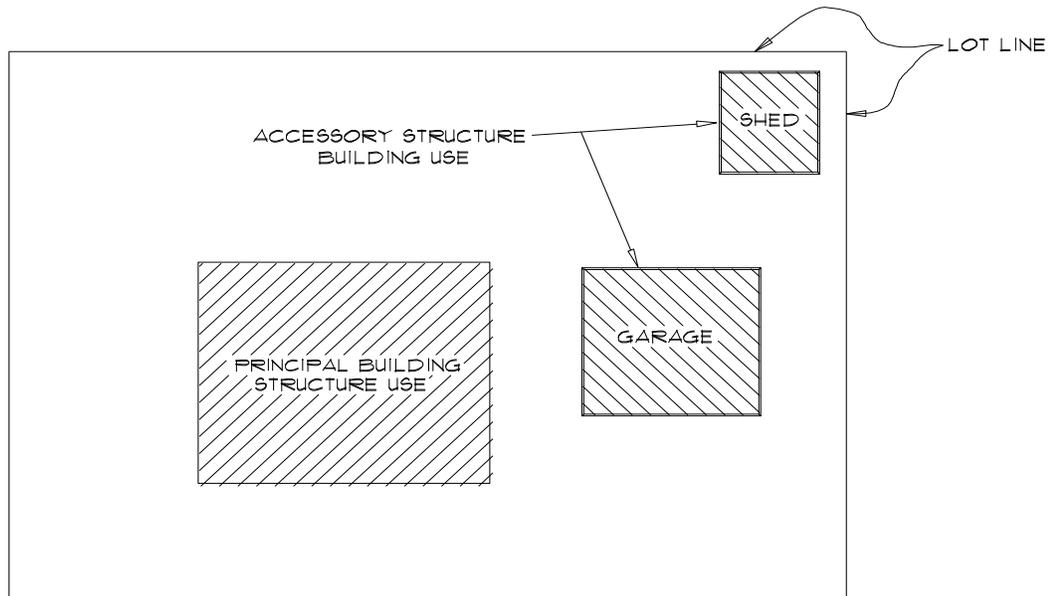


BUILDING HEIGHT

penthouses, tanks and similar projections, other than signs, shall not be included in calculating height.

**Building Line:** A line established, in general, parallel to the front lot line or right-of-way line, beyond which no part of a building shall project, except as otherwise provided by this ordinance. (For illustration, see Lot.)

**Building, Principal:** A building in which is conducted the principal use of the lot on which it is situated.



PRINCIPAL BUILDING

**Building setback line:** A line extending across a lot establishing the minimum open space to be provided between the front line of buildings and the front lot line.

**Bulk:** A term used to indicate the size and setbacks of buildings or structures and the location of same with respect to one another and including, but not limited to, the following:

1. size and height of buildings
2. location of exterior walls at all levels in relation to lot lines
3. gross floor area of buildings in relation to lot lines, lot size, streets and other buildings
4. all open spaces allocated to the building site
5. amount of lot area per dwelling unit
6. required parking areas

**Business Complex:** (For the purpose of determining allowable signs) A single building in B1, B2, or B3 zoned business districts, or PUD, within which two (2) or more businesses are located, and where said businesses are principally professional suites and/or service businesses.

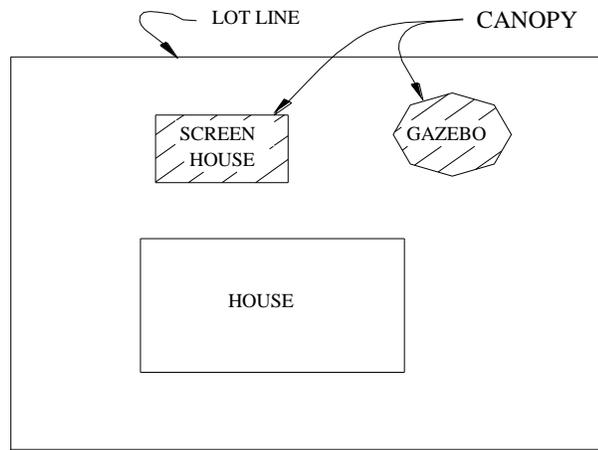
**Business Recreation:** Shall include any recreational function, activity or area that is developed and operated for a profit, and will include any recreational activity or area that is not owned, operated or sanctioned by the Chesterton Department of Parks and Recreation or the Duneland YMCA or other similar non-profit organizations.

**Business Schools:** Shall include beauty schools, barber schools, business schools, trade schools, or other similar schools that specialize in one (1) or several related subjects where a recognized college degree is not granted.

**Business Wireless Service:** Licensed business wireless telecommunication services which include cellular, personal communication service (PCS), specialized or enhanced mobile radio (SMR or ESMR), paging, and similar service licensed by the FCC and marketed to the general public.

**BZA:** Chesterton Advisory Board of Zoning Appeals.

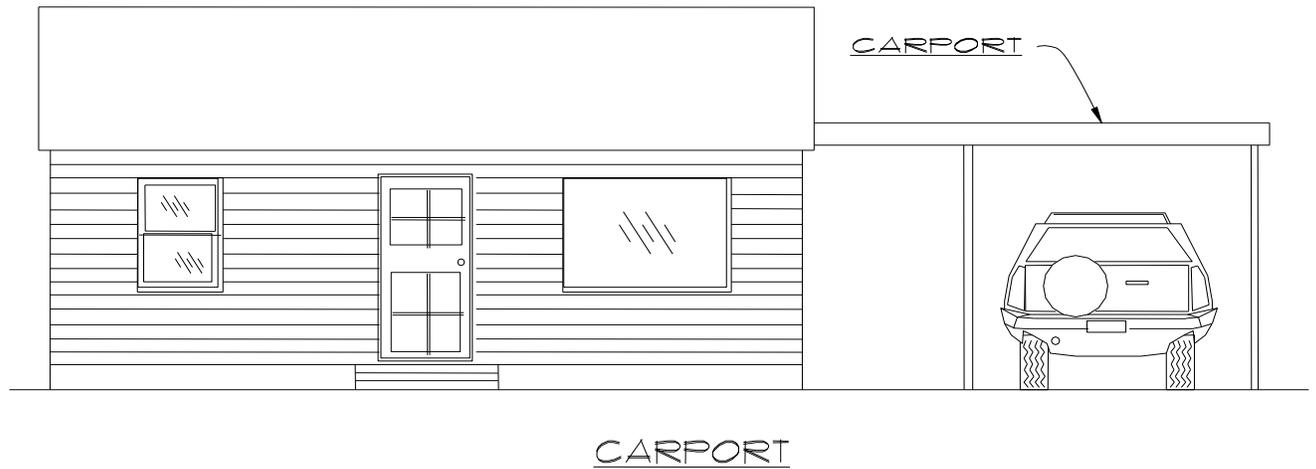
**Canopy:** An open structure consisting of a roof or hood of permanent construction supported separately from the primary building on a lot, for the purpose of providing shelter and protection from the weather.



CANOPY

**Capacity in Persons:** Of an establishment or use is the maximum number of persons that can avail themselves of the service (or goods) of such establishment, at any time, with reasonable safety and comfort as determined in the Building Code.

**Carport:** A partially enclosed structure principally devoted to the storage of motor vehicles.



**Child Care Center:** Any place, other than a family home, in which persons receive child care services during any part of a day not exceeding 13 hours in any one 24-hour period and licensed pursuant to Indiana Code.

**Child Care Home:** A home which is used to receive, for regular compensation, less than six (6) children (except those for whom the provider is a parent, stepparent, guardian, custodian or other relative) for care during any part of the day for more than 4 hours but less than 24 hours in each of 10 consecutive days per year, excluding intervening Saturdays, Sundays and holidays.

**Clear sight triangle:** An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street line.

**Clinic, Medical or Dental:** A building or portion thereof, the principal use of which is for offices of physicians or dentists or both, for the examination and treatment of persons on an out-patient basis.

**Club:** An establishment operated for social, recreational, or educational purposes but open only to members and not the general public, but not operated for profit.

**Co-Location:** A single site where equipment from multiple providers is located.

**Communications Facility:** A land use infrastructure including towers, accessory buildings, power source, and structures, supporting antennas or other structures intended for the use in connection with business transmission or receipt of radio or television signals, or any spectrum-based transmissions/receptions, along with backup power-generating equipment.

**Communications Tower:** Any structure designed and constructed primarily for the purpose of supporting one or more antennas. The term includes radio and television transmission towers, microwave towers, cellular telephone and wireless communication towers, alternative tower structures, and the like. Tower types include, but are not limited to guyed steel towers, wooden poles, "lattice" towers, and "monopoles."

**Comprehensive Plan:** The comprehensive plan for the Town of Chesterton adopted on March 28, 1994, pursuant to I.C. 36-7-4-500 et seq., as the same may be amended from time to time.

**Concept Plan:** A plan for the development of an entire parcel of land, drawn to scale, that generally indicates densities, uses, open space, and infrastructure locations including all of the requirements for a concept plan that are set forth in this Ordinance.

**Condominium:** A condominium is an ownership arrangement, not a land use; therefore, it is allowed under the same restrictions in any given district as the use that comprises it. In order to be a condominium the real estate must be owned and maintained in accordance with the Horizontal Property Law of the State of Indiana as found at I.C. 32-1-6 et seq.

**Conforming Structure:** A structure which complies with all use, bulk and development standard requirements of this ordinance.

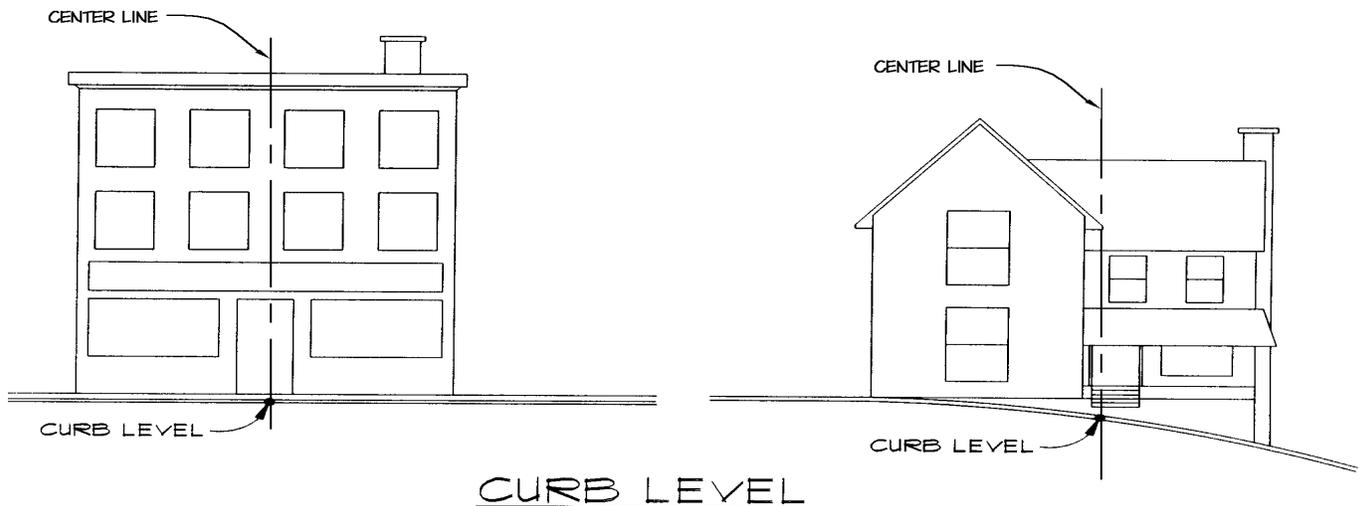
**Convalescent or Nursing Home:** A home for the care of the aged or physically or mentally disabled, wherein three (3) or more persons are cared for, but not including hospitals or clinics. Said home shall conform and qualify for license under State laws even though State laws may not apply to such home because the number of persons cared for as specified in this definition is less than the number set forth in the State statutes.

**Country Club:** Land area and buildings containing golf courses, recreational facilities, a club house, and customary uses only open to members and their guests with the primary purpose being that of a social golf club.

**Crosswalk:** A public right-of-way which crosses a block to furnish access for pedestrians to adjacent streets or properties.

**Cul-de-sac:** A street with one opening for ingress and egress, and terminated by a vehicle turnaround.

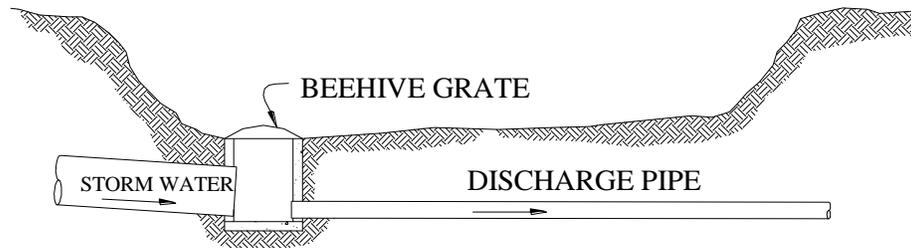
**Curb Levels:** The level of the established curbs in front of a building or structure measured at the center of such front. Where no curb level has been established, it shall be deemed to be the established level of the centerline of the street surface in front of a building or structure, measured at the centerline of such front.



**Decibel:** A unit of measurement of the intensity (loudness) of sound. Sound level meters, which are employed to measure the intensity of sound, are calibrated in decibels.

**Designed Fail Area:** The area surrounding a tower in which the tower could fall should it fail as structurally designed. The designed fail area is quantified in terms of linear distance from the tower to the perimeter of the designed fail area. This designed fail area shall be certified by a structural engineer.

**Detention Pond:** A natural or artificial stormwater storage area outlet to a regulated drain that is designed and maintained to temporarily contain water only when excess stormwater run-off occurs.



DETENTION POND

**Development Plan:** A specific plan for the development of real property that requires approval by the Plan Commission under the 1400 Series of I.C. 36-7-4, which includes a site plan, satisfies the development requirements specified in the Unified Comprehensive Zoning and Subdivision Regulations Ordinance regarding development, and contains the plan documentation and support information required by this Ordinance.

**Diameter Breast Height (DBH):** The trunk diameter of a tree in inches measured four and one-half (4 ½) feet from the ground.

**Dispensing Device:** Any mechanically or manually operated device for the dispensing of merchandise such as, but not limited to, soft drinks, milk, ice, candy, cigarettes, money, or other items.

**District:** A portion or portions of the Town of Chesterton within which uses of land and buildings are permitted and wherein regulations and requirements apply under the provisions of this ordinance on a uniform basis.

**Drive-in Establishment:** A business establishment so developed that all or any part of its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle (e.g., restaurants, cleaners, banks, theaters).

**Dwelling Unit:** Any building or portion thereof having cooking facilities which is used or designed as a habitable unit. However, in no case shall a manufactured home other than Type I, automobile chassis, or tent be considered a dwelling unit. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the parts so occupied shall be deemed a dwelling unit for the purpose of this ordinance and shall comply with the provisions thereof relative to dwellings.

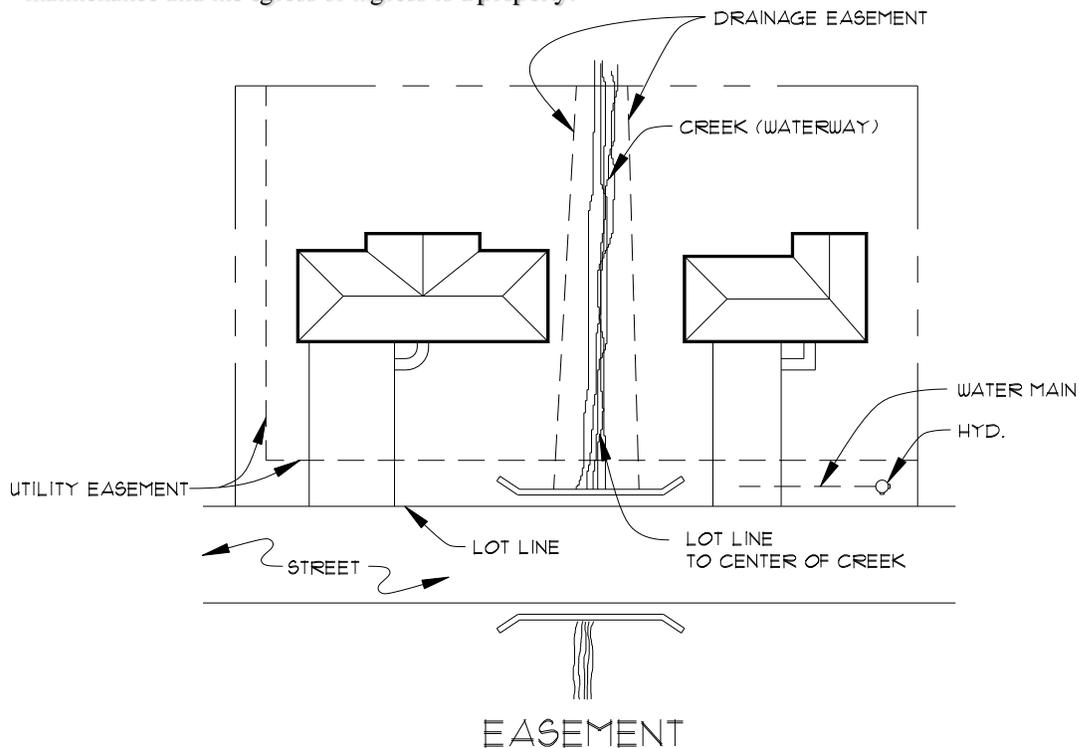
**Dwelling, Multiple:** A building used or designed for three (3) or more dwelling units as a residence for three (3) or more families living independently of each other, or occupied by five (5) or more unrelated persons living together as a single housekeeping unit.

**Dwelling, Row House or Townhouse:** A row of three (3) or more attached dwelling units, not more than two and one-half (2½) stories in height, each dwelling having its own front and rear yards and entrances.

**Dwelling, Single-Family:** A single dwelling unit designed for and occupied exclusively by one (1) family.

**Dwelling, Two-Family:** A building designed exclusively for use by two (2) families living independently of each other.

**Easement:** An authorization by a property owner for the use by another, and for a specified purpose. Easements are generally granted for the purpose of providing public utilities, gas lines, electrical lines, in addition to creek and/or ditch maintenance and the egress or ingress to a property.



**Efficiency Unit:** A dwelling unit consisting of one (1) principal room, other than the bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room, provided such dwelling unit shall contain not less than 600 square feet of floor area.

**Engineer:** The designated Town Engineer or engineering consultant of the Town of Chesterton, Indiana.

**Erected:** The word “erected” shall include the words built, constructed, reconstructed, or any physical operations on the premises required for the building. Building excavations, fill, drainage, and the like shall be considered a part of erection.

**Erosion:** A wearing away of the land surface by the action of wind, water or gravity. All developmental activity that may result in erosion shall comply with the Federal Clean Water Act and 327 IAC 15-5 (“Rule 5”).

**Essential Services:** The erection or maintenance of public utilities, municipal departments or commissions, or underground, surface or overhead gas, communications, electrical, steam, fuel, or water transmission or distribution systems, collection, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience or welfare.

**Excavating:** The removal of sand, stone, gravel, clay, or fill dirt below the average elevation or the surrounding land or established grade.

**Family:** One (1) or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over five (5) persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

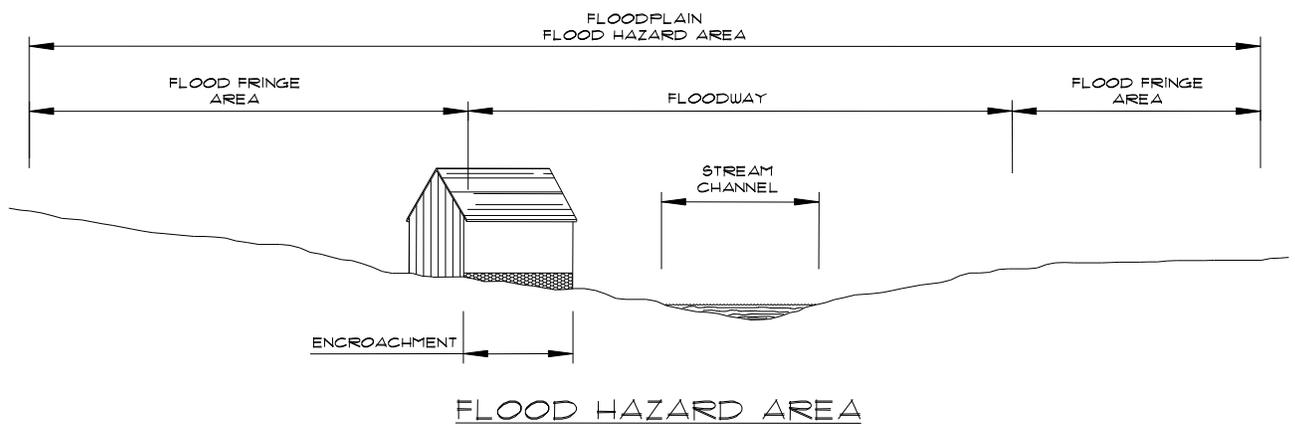
**Fence:** A structure, other than a building, designed and constructed of wood, metal, plastic, or masonry, which is a barrier and used to enclose property, or used as a boundary or means of protection.

**Filling:** The depositing or dumping of any matter onto, or into the ground, except such as is related to common household gardening.

**Flood or Floodwater:** The water of any lake or watercourse which is above the banks and/or outside the channel and banks of such watercourse. (See Regulatory Flood.)

**Flood Control:** The prevention of floods, the control, regulation, diversion or confinement of floodwater or flood flow, and the protection therefrom, according to sound and accepted engineering practice, to minimize the extent of floods, and the death, damage, and destruction caused thereby.

**Flood Hazard Area:** Any floodplain or portion thereof, which has not been adequately protected from floodwater by means of dikes, levees, reservoirs, or other works approved by the State of Indiana Department of Natural Resources commission.



**Flood Protection Grade:** The elevation of the lowest point around the perimeter of a building at which floodwater may enter the interior of the building.

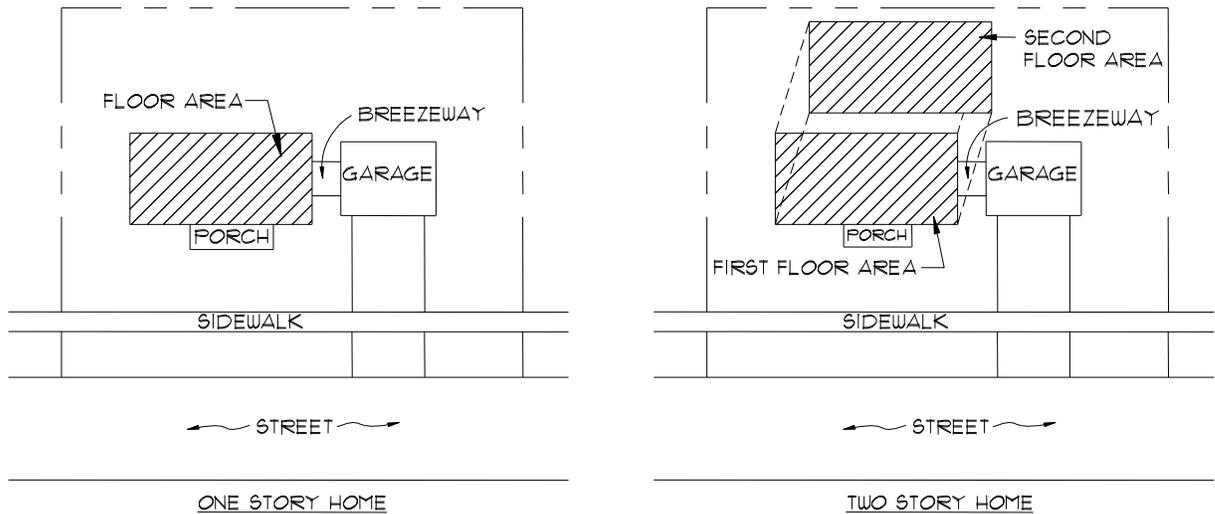
**Floodplain:** The relatively flat area or low land adjoining the channel of a river or stream which has been or may be covered by floodwater. The floodplain includes the channel, floodway, and floodway fringe.

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

**Floodway:** The channel of the stream or body of water and that portion of the floodplain that is inundated by a flood and used to carry the flood flow. The floodway district is that area designated as a "regulatory floodway" by the Indiana Department of Natural Resources and under the jurisdiction of the Indiana Natural Resources Commission.

**Floodway Fringe:** Those portions of the flood hazard area lying outside the floodway.

**Floor Area:** The term "floor area" shall mean, for the purposes of computing the minimum allowable floor area, the sum of the horizontal areas of each story of the building measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways and enclosed and unenclosed porches.



## FLOOR AREA

**Floor Area, Usable:** Usable floor area, for the purposes of computing required parking spaces, is that area used for or intended to be used for the sale of merchandise or services or for serving patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, or for utilities shall be excluded from this computation of usable floor area.

**Garage, Private:** A detached accessory building or portion of a main building, used for the storage of self propelled vehicles for the use of the occupants of the lot on which the garage is located and with a capacity of not more than three (3) motor vehicles. This definition includes storage on any one (1) lot, for the occupants thereof, of not more than one (1) commercial vehicle not exceeding a rated capacity of two (2) tons.

**Grade or Average Ground Level:** The established grade shall be the average elevation of the finished ground surface adjacent to the walls or foundation of the principal building on a lot.

**Greenbelt or Buffer Strip:** A strip of vegetated land of definite width and location planted with shrubs and/or trees serving as an obscuring screen or buffer; or protecting sensitive natural areas such as streams and wetlands.

**Half street:** One (1) side of a street divided longitudinally by a property line.

**Health Board:** The State Board of Health.

**Hedge:** A row of closely planted shrubs forming a boundary or barrier.

**Home Occupation:** An occupation carried on in a dwelling by a resident thereof, not involving:

1. the conduct of a retail business or manufacturing business;
2. structural additions, enlargements or exterior alterations changing the residential appearance to a business appearance;
3. exterior storage of equipment or materials used in connection with the home occupation;
4. provision for more than one (1) extra off-street parking space other than the requirements and the permitted facilities of the zone district. No part of a minimum required setback distance shall be used for off-street parking or loading facilities, and not additional driveway to serve such home occupations shall be permitted;
5. substantial increases in vehicular traffic to and from the Home Occupation location;
6. the creation of vibrations or other like nuisances; and
7. signage which exceeds two (2) square feet and does not exceed one (1) sign on the property.

Permitted home occupations shall be of a personal service nature limited to domestic crafts and professional service, including, but not limited to:

1. such domestic crafts as dressmaking and hair grooming; or
2. such professions as consulting, music, painting, and tutoring; or
3. child care facilities which meet the State of Indiana regulations and the number of children cared for in a one (1) day period of time does not exceed five (5) children not immediately related to the home owner and living on the premises.

For purposes of this ordinance, clinics, doctor's offices, dress shops, funeral homes, tourist homes, animal clinics, kennels, trailer rentals, and the like shall not be deemed to be home occupations.

Each home occupation shall be required to obtain a business registration permit at the Clerk-Treasurer's office in accordance with Section 12-4 of the Town Code.

**Hospital:** An institution providing health services, primarily for patients who remain overnight, and medical and surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, out-patient departments, training facilities, central service facilities, and staff offices.

**Hotel:** A building occupied or used for the lodging of individuals or groups of individuals with or without meals, and in which there are more than six (6) sleeping rooms, and in which no provision is made for cooking in any guest room.

**Impervious Surface:** Any surface, including among other elements streets, sidewalks, and structures, which does not allow for the percolation of water through it.

**Illegal nonconforming Sign:** Any sign, other than a legal nonconforming sign, which does not conform to the requirements of Article IV of this Ordinance.

**Illegal Nonconforming Structure:** Any building or structure, other than a legal nonconforming structure, which does not now conform to the development standard requirements, including those of bulk, of this Ordinance.

**Illegal Nonconforming Use:** Any use of land or a structure, other than a legal nonconforming use, which does not now conform to the use regulation of the zoning district in which it is located.

**Junk Yard:** Any open lot, open structure, open premises, or parts thereof used for the storage, keeping, or abandonment of any worn out, cast-off, or discarded or abandoned article, material, vehicle, automobile, and machinery, or parts thereof, which is ready for destruction or sale or has been collected for storage as salvage or conversion to some use including but not limited to scrap metal, paper, wood, cordage or other waste, or discarded materials, articles, vehicles, automobiles and machinery or parts thereof, or vehicles or automobiles that are inoperable or incapable of movement by their own locomotion or power, and have been inoperable for 30 days, or vehicles or automobiles without a valid current state registration and license plate issued to said vehicle or automobile to the occupant, owner, purchaser, lessor, lessee, or tenant of any lot, building or structure therein or thereon situated.

All junk yards shall be required to provide for all storage to be screened from view by an eight (8) foot fence.

**Laboratory:** A place devoted to experimental or routine study, such as testing and analytical operations; also included in this definition would be dental or medical laboratories where products might be manufactured for dentists or doctors, but in which general manufacturing of product or products are not permitted.

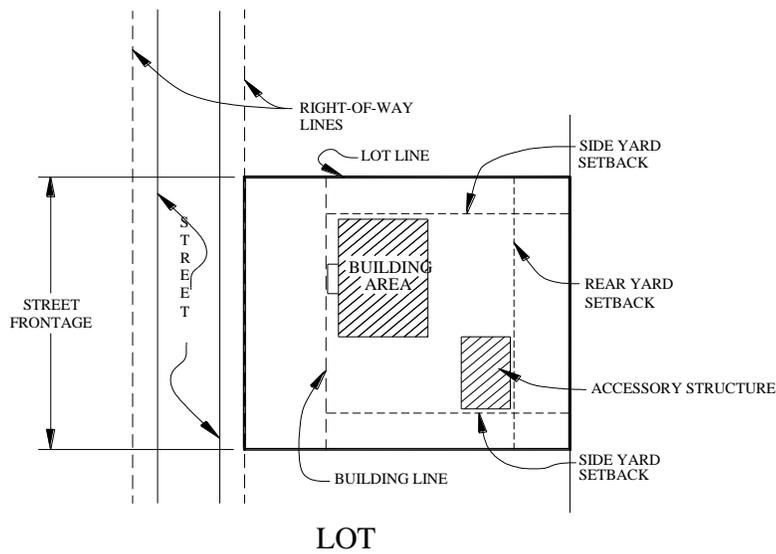
**Legal nonconforming sign:** A sign which, although legal at the time erected, does not conform to the requirements of Article IV of this Ordinance.

**Legal Nonconforming Structure:** A building or structure, although legal when built or constructed, does not now conform to the development standard requirements, including those of bulk, of this Ordinance.

**Legal Nonconforming Use:** Any use of land or a structure which, although legal at the time the use was commenced, does not now conform to the use regulations of the zoning district in which it is located.

**Loading Space:** All off-street space on the same lot with a building or group of buildings, for temporary parking for a business vehicle while loading and unloading merchandise or materials.

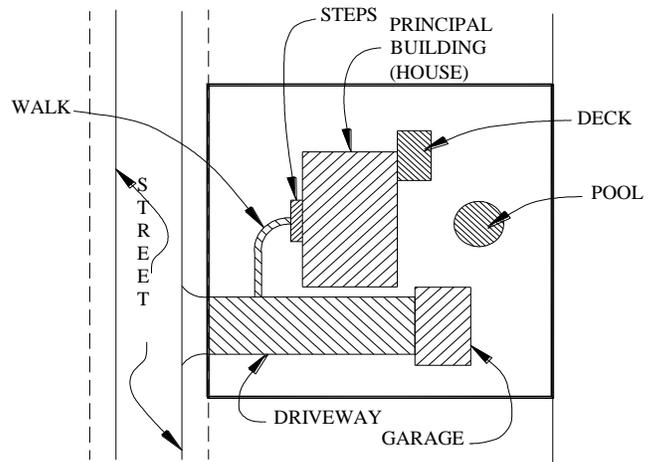
**Lot:** A parcel of land occupied or to be occupied by one (1) principal structure and its accessory buildings with such open spaces and off-street parking spaces as are required by the provisions of this ordinance and having frontage on a public street.



**Lot Area:** The area of any lot exclusive of street, highway, alley, road, or other right-of-way. Easements are considered to be part of the lot area. (For illustration, see Lot Depth.)

**Lot Corner:** A lot located at the intersection of two (2) or more streets or a lot bounded on two (2) sides by a curving street, two (2) chords of which form an angle of 135 degrees or less. The point of intersection of the street lot lines is the "corner." In the case of a corner lot with curved street lines, the corner is that point of intersection of the chords described above.

**Lot Coverage:** The percent of lot area that may be occupied by buildings and accessory structures including, but not limited to, pools, decks, tennis courts, carports, sheds, and the like.

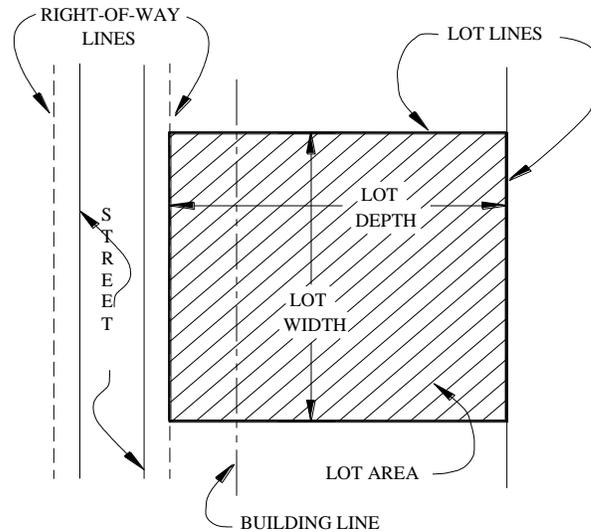


▨ DENOTES LOT COVERAGE

$$\text{MAXIMUM LOT COVERAGE \% (PER ORDINANCE)} \geq \frac{\text{SQ. FT. LOT COVERAGE}}{\text{SQ. FT. LOT}}$$

### LOT COVERAGE

**Lot Depth:** The mean horizontal distance from the front lot line to the rear lot line.



### LOT DEPTH

**Lot, Double Frontage:** An interior lot having frontages on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, one (1) street may be designated as the front street for all lots in the plat. (See Lot, Through. For illustration, see Block.)

**Lot, Interior:** A lot other than a corner lot. Any portion of a corner lot more than 120 feet from the "corner" measured along a front street lot line, shall be considered an interior lot, provided such portion is of sufficient width, length, and area to meet the minimum requirements of the zoning district in which it is located. (For illustration, see Block.)

**Lot Lines:** The property lines bounding the lot. (For illustration, see Lot.)

**Lot Line, Front;** Any lot line which is a street line except that in the case of a corner lot the front line is the shorter of the two (2) intersecting lines. In the case of a double frontage lot, all lot lines which are street lines shall be considered front lot lines unless otherwise designated in the plat.

**Lot Line, Rear:** A lot line which is opposite and most distant from the front lot line of the lot, and in the case of an irregular or triangular shaped lot, a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line.

**Lot Line, Side:** Any lot line which is not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**Lot Line, Street or Alley:** A lot line separating the lot from the right-of-way of a street or an alley.

**Lot of Record:** A lot which is part of a division of a lot or a parcel described by metes and bounds, the description of which have been so recorded in the Office of the Porter County Recorder, Indiana.

**Lot, Through:** A lot other than a corner lot with frontage on more than one (1) street. (See Lot, Double Frontage. For illustration, see Block.)

**Lot Width:** The horizontal distance between the side lot lines, measured at the two (2) points where the building line, or setback, intersects the side lot lines. (For illustration, see Lot Depth.)

**Manufactured Home:** A dwelling unit fabricated in an off-site manufacturing facility for assembly at the building site, bearing a seal certifying that it is built in compliance with either the Federal Manufactured Housing Construction and Safety Standards Code of Indiana, Public Law 360, Acts of 1971, as promulgated by the Indiana Administrative Building Council (HUD seal); or CABO One- and Two-Family Dwelling Code (Modular Unit seal), Public Law 360. Only manufactured structures bearing these seals shall be allowed for residential use without a variance from the Chesterton Board of Zoning Appeals.

**Manufacturing, General:** The manufacturing, processing, assembling, fabrication or repair of any materials or products where no continuous process involved will produce noise, vibration, electrical disturbance, air pollution, water pollution, heat, glare, waste matter, odor or fire hazard which will disturb or endanger any neighboring property and where some operations and storage may be in open spaces, which are fenced in from adjoining properties.

**Manufacturing, Light:** The manufacturing, processing, assembly, fabrication or repairing of certain materials or products where no process involved will produce noise, vibration, electrical disturbances, air pollution, water pollution, heat, glare, waste matter, odor, or fire hazard which will disturb or endanger any neighboring property and where all operations and storage are entirely within enclosed buildings or areas.

**Mini-Warehouse:** A structure or group of structures containing individual storage units of 300 square feet or less with access to each unit only for the storage and warehousing of personal property. Mini-warehouses do not include the following activities: wholesaling, retailing, servicing, assembling, or repair of household or business goods in conjunction with storage.

Storage of chemicals, flammable solvents and the like are not permitted in any mini storage facility. Perishable food/produce or odorous/noxious material are not permitted.

**Mobile Home:** A transportable structure larger than 320 square feet, designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Act of 1974, which became effective for all mobile home construction June 15, 1976.

**Motel:** A series of attached, semi-detached, or detached rental units containing bedroom, bathroom and closet space and in which kitchen or cooking facilities may be provided. Units shall contain not less than 250 square feet of floor space, provided, however, that for those units with kitchens or kitchenettes a total of 300 square feet of floor space in each rental unit shall be provided.

**Motor Freight Terminal:** A building or premise in which freight is received and dispatched by motor vehicle.

**Museum:** A building or place where art, artifacts, cultural items, or other objects of permanent public value are kept and displayed. Additionally, the building or place must be conducted by a not-for-profit organization, legally existing in the State of Indiana, accessible to the general public, and not utilized more than 5 percent of the floor area for sale of merchandise.

**Nameplate:** A sign which displays only the name and/or address of the occupant.

**Noxious Matter:** Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.

**Nursing, Shelter, Care or Rest Home:** An establishment for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorder, but not including facilities for the treatment of sickness or injuries or for surgical care.

**Occupancy:** The occupation or use of a building, or parts thereof, by any party.

**Octave Band:** A means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.

**Odorous Matter:** Any matter or material that yields an odor, which is offensive in any way.

**Office:** A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government generally furnished with desks, tables, files, communication equipment and the like.

**Off-Street Parking Area:** Land which is improved and used, or a structure which is designed and used exclusively for the storage of passenger motor vehicles, either for accessory off-street parking spaces or business off-street parking spaces when permitted herein by district regulations.

**Off-Street Parking Lot:** A lot, or portion thereof, devoted to parking spaces for motor vehicles along with adequate drives and aisles for maneuvering to provide access for entrance and exit for the parking of more than two (2) automobiles.

**One and Two Family Dwelling Code:** The nationally recognized model building code prepared by the Council of American Building Officials, adopted by the Indiana Administrative Building Council (ABC) and, which includes those supplements and amendments thereto.

**Open Air Market:** Open air markets shall include the retail sales of fruits, vegetables, perishable foods and other home garden supplies and equipment when operated for a profit and not conducted from a wholly enclosed building.

**Open Space:** Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment. Such areas may be improved with only those buildings, structures, streets, and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

**Park Board:** Chesterton Board of Park and Recreation.

**Park Dept.:** Chesterton Dept. of Parks and Recreation.

**Parking Area:** An area which is designed or used for the parking of one (1) automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances or exits and being fully accessible for the storage or parking of permitted vehicles. However, the location and size of handicapped parking spaces shall conform with Federal and State law.

**Particulate Matter:** Dust, smoke or any form of airborne pollution in the form of minute separate particles.

**Performance Standard:** A criteria established to control smoke and particulate matter, noise, odorous matter, toxic matter, vibration, fire and explosion hazards, glare and radiation hazards generated by, or inherent in, uses of land or buildings.

**Planned Unit Development (PUD):** The development of an area of land as a single entity for a variety of dwelling units and/or other uses, which may not correspond in use, lot size, bulk or type of dwelling, density, lot coverage, and required open space to the regulations otherwise required by this Ordinance.

**Planned Unit Development Ordinance (PUD Ordinance):** A zoning ordinance that does the following:

1. designates a parcel of real property as a PUD district;
2. specifies uses or a range of uses permitted in the PUD district;
3. specifies development requirements in the PUD district;
4. specifies the planned documentation and supporting information that may be required;
5. specifies any limitation applicable to a PUD district; and
6. meets the requirements of the 1500 Series of I.C. 36-7-4.

**Plat:** A map or chart indicating the subdivision or resubdivision of land, intended to be filed for record.

**Porch, Enclosed:** A covered entrance to a building or structure which restricts the free entry of air, natural light, or view by means of permanently installed fixtures, and which projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

**Porch, Open:** An entrance to a building or structure which is unenclosed except for columns supporting the porch roof and railing which may be attached thereto, and which projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

**Primary Approval:** The conferral of certain rights pursuant to this Ordinance after specific elements of a plan have been agreed upon by the Chesterton Advisory Plan Commission.

**Property Lines:** The lines bounding a lot, as defined herein. (For illustration, see Lot.)

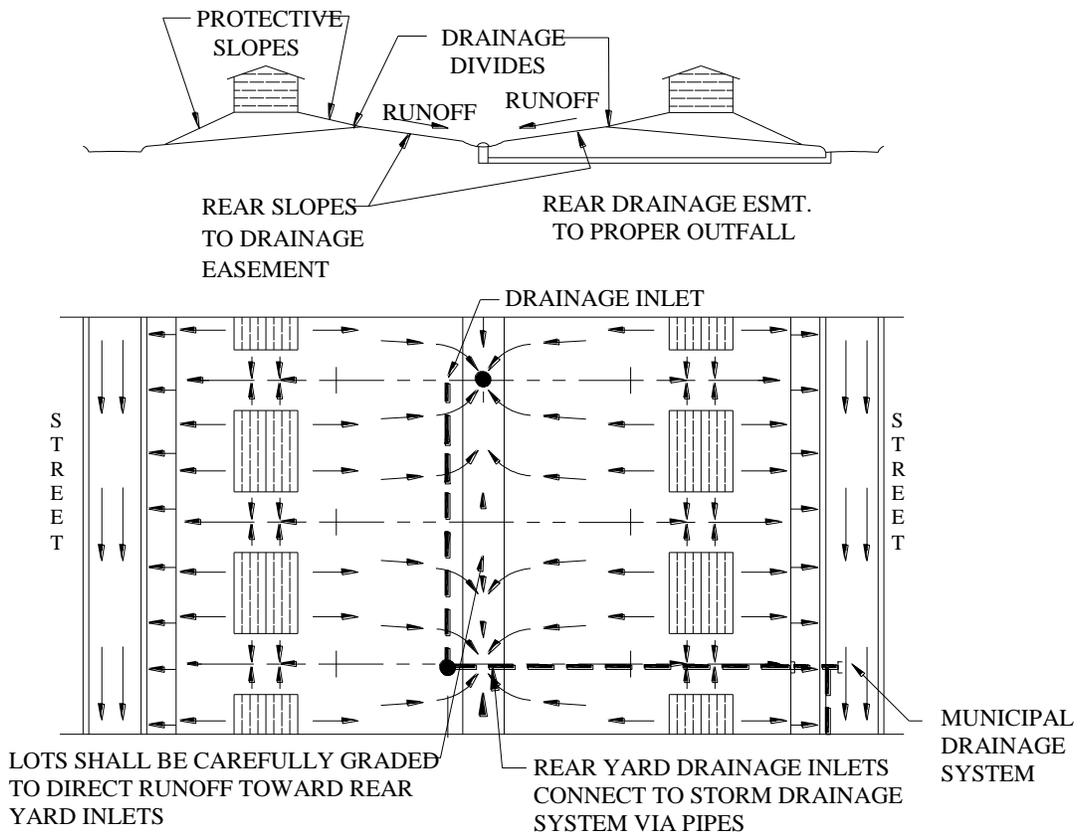
**Public Utility:** Any person, firm, corporation or municipal department duly authorized to furnish, pursuant to law, to the public, including but not limited to, cable telecommunications, electricity, natural gas, telephone, telegraph, transportation, water, or sewer.

**Public Way:** Any sidewalk, street, alley, highway or other thoroughfare dedicated to the use of the public. For purpose of this definition "public way" shall mean only the actual surfaced area used by vehicles and person as distinguished from the right-of-way which incorporates and is a larger area than the public way.

**Radio-Frequency Emission (RF):** A non-ionizing electromagnetic energy used to transmit communications signals through space.

**Railroad Right-of-Way:** A strip of land containing tracks and auxiliary facilities for track operations, but not including depots, loading platforms, train sheds, workhouses, car shops, car yards, locomotive shops or water towers.

**Rear Yard Drainage System:** A drainage system through which stormwater runoff is conveyed from rear lot lines to a municipal drainage system by means of drainage inlets and pipes.



## REAR YARD DRAINAGE

**Recreational Vehicle:** A portable vehicular structure not built to 1974 Federal standards for mobile homes or the ANSI 119.1 Mobile Home Design and Construction Standards, as amended, designed for travel, recreational camping or vacation purposes, either having its own motor power or mounted onto or drawn by another vehicle, and including but not limited to travel and camping trailers, truck campers and motor homes.

**Regulated Drain:** A ditch, storm sewer, or swale that is located on a right-of-way or other property which is regulated by public authority such as the Chesterton Department of Stormwater Management, Porter County Drainage Board, Indiana Department of Natural Resources, or the Army Corp of Engineers.

**Regulatory Flood:** That flood having a peak discharge which can be expected to be equaled or exceeded on the average of once in a 100 year period, as calculated by a method and procedure which is acceptable to and approved by the State of Indiana. This flood is equivalent to a flood having a probability of occurrence of 1percent in any given year.

**Regulatory Flood Profile:** A longitudinal profile along the thread of a stream showing the maximum water surface attained by the regulatory flood.

**Rengelmann Chart:** A chart which is described in the U.S. Bureau of Mines, Information Circular 6888, and on which are illustrated graduated shades of grey for use in estimating the light-obscuring capacity of smoke.

**Research Laboratory:** A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

**Retail Sales:** Business practices which provide products and services for the exchange of legal tender. Further, primary retail sales shall not include the sale of or distribution of any form of pornographic material or services. The use classification for a retail sales operation is determined by the primary use of the operation.

**Retention Pond:** A stormwater storage area that is designated and maintained to contain water when excess stormwater occurs.



**Retirement Village:** A business venture for the establishment of a retirement village for senior citizens that will provide for the privacy of the individual residents in private dwelling units but also including such basic services as barber shops, beauty shops, gift shops, pharmacies, and a centralized kitchen and dining area.

A retirement village must also meet all of the following criteria:

1. have a centralized kitchen and dining area to accommodate all occupants of the facility;
2. have a full-time staff member present on site;
3. comply with all ADA requirements;
4. have a maximum of two (2) persons per unit; and
5. at least one (1) occupant of each unit must be at least 55 years of age.

**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.

**Roadside Food Sale Stand:** A temporary structure designed or used for the display or sale of agricultural and other food products to the motoring public.

**Satellite Dish:** A device incorporating a reflective surface that is solid, open mesh or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrial or orbitally based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas) and satellite microwave antennas.

**Secondary Approval:** The official action taken by the Plan Commission after all conditions, engineering, plans, and other requirements of any plat given primary approval have been completed or fulfilled and the required improvements have been installed or guarantees properly posted for their completion at the time of Secondary Plat approval, all as provided for in this Ordinance.

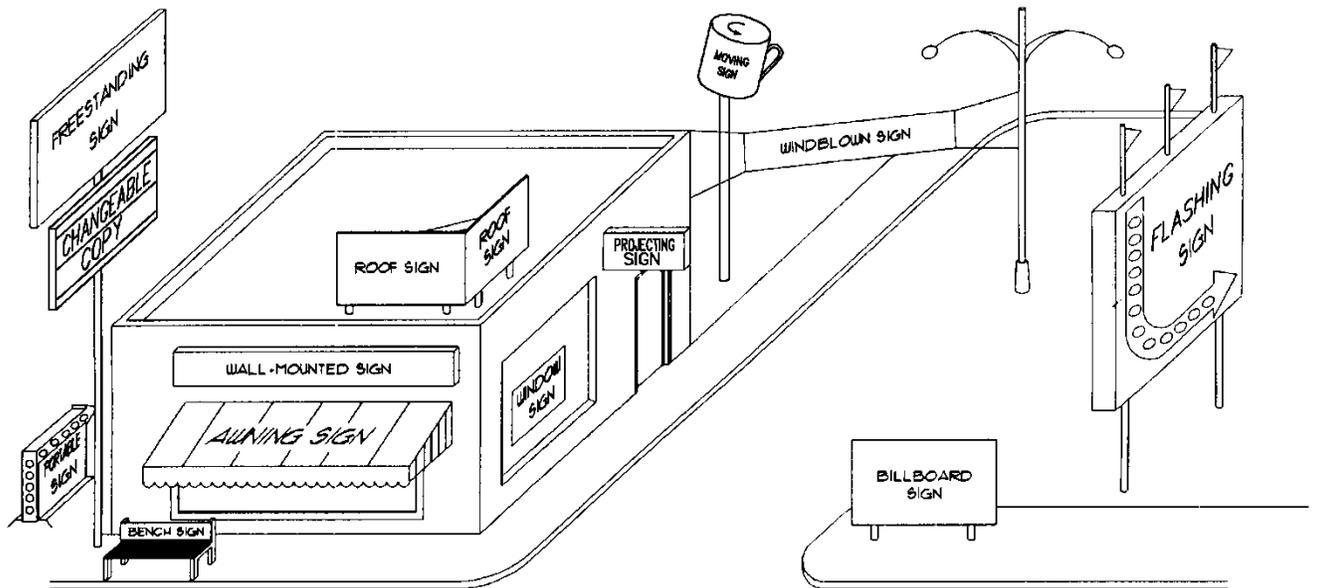
**Sensitive or unique natural area:** Any physical, vegetative, topographic, or hydrologic natural feature that is unique to this area or environmentally sensitive.

**Service Structures:** Equipment or elements over four (4) feet in height providing service to a building or structure, including, but not limited to, dumpsters, lift stations, utility vaults, air conditioning units, propane tanks, and any other apparatus used for similar purposes as the aforementioned.

**Setback:** A line established by this Ordinance, generally parallel with and measured from the lot line (property line), defining the limits of a yard in which no building, other than a permitted accessory building or structure may be located, except as otherwise provided in this Ordinance. (For illustration, see Lot.)

**Shopping Center:** An integral planned business development with a single ownership or management, or under unified control, and developed and operated principally for retail merchandising.

**Sign:** Any device or visual communication used for business purposes which is used or intended to attract the attention of the public, when the display of this device or visual communication is visible from any public right-of-way. The definition of sign does not include the temporary display of merchandise for sale located on the business property.



## SIGNS

**Sign, Animated:** A sign any part of which is electrically or mechanically activated.

**Sign, Bench:** A sign attached to or painted upon a bench or seat which is located outside a building or structure. (For illustration, see Sign.)

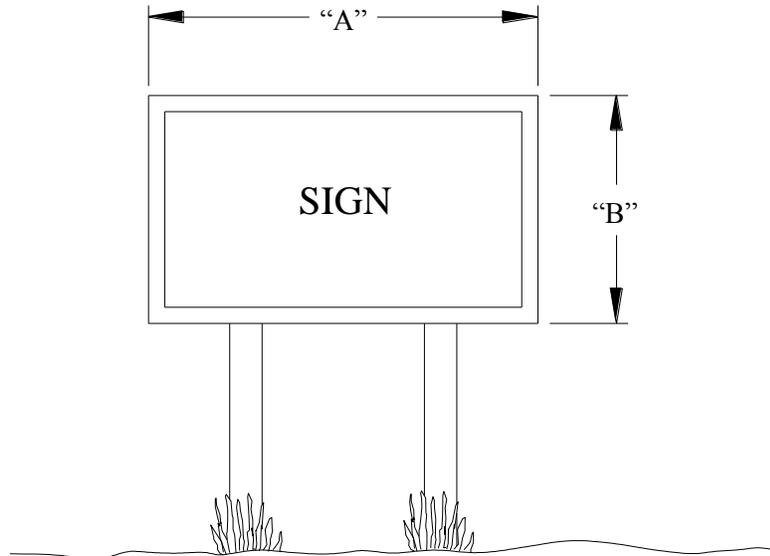
**Sign, Billboard:** A sign permanently attached to a building, the ground or to a permanent structure having a location upon the ground, advertising a business, product, service or event not available on the premises where the sign is located. (For illustration, see Sign.)

**Sign, Changeable Copy:** A sign whereon provision is made for letters or characters to be placed in or upon the surface area either manually or electronically to provide a message, illustration, picture, or display. (For illustration, see Sign.)

**Sign, Freestanding:** A sign completely or principally self-supported by posts or other supports independent of any building or other structure and anchored in or upon the ground, including a ground mounted sign and pole sign. (For illustration, see Sign.)

**Sign, Flashing:** A sign in which the illumination intermittently flashes off and on, in whole or in part, including an animated sign. (For illustration, see Sign.)

**Sign, Gross Surface Area:** The maximum area enclosed within a connected geometric shape completely enclosing, as a single unit, the shape of the sign face including both copy, background, and any frame or boxed display. Where a sign has two (2) or more display faces of unequal dimensions, the area of all faces shall determine the gross surface area of the sign. The supporting structure located below a horizontal line bordering the lowest projection of a freestanding sign, if its cross-sectional area has a reasonable need for structural support only, it need not be enclosed within the two (2) connected geometric shapes and shall not be considered as part of the gross sign.



$$"A" \times "B" = \text{GROSS SURFACE AREA}$$

## SIGN AREA

**Sign, Illuminated (external):** A sign illuminated by an external source which is cast upon the surface of the sign.

**Sign, Illuminated, (internal):** A light source contained within the sign itself which becomes visible in darkness, by shining through a translucent surface.

**Sign, Moving:** A sign which rotates or moves or gives the visual impression of rotation or movement. (For illustration, see Sign.)

**Sign, Portable:** A sign that is not permanently affixed to a building, structure, or the ground and is generally designed to be moved from place to place including sandwich signs, trailer signs, and vehicle signs. (For illustration, see Sign.)

These signs include but are not limited to signs attached to wood or metal frames designed to be self-supporting and/or movable; paper, cardboard or canvas signs wrapped around or attached to supporting poles; signs temporarily attached to cars, vans, or other motor vehicles when the vehicle is parked in a position to call attention to a place of business, service, or event.

**Sign, Projecting:** A sign supported by a building or other structure which projects over any street, sidewalk, alley, public way or easement, or which projects more than 12 inches from the face of the building, structure, or supporting wall, including an overhanging sign. (For illustration, see Sign.)

**Sign, Public:** A sign, either permanent or temporary, which is authorized and erected by public officials of the State or Town for the public safety, health, and welfare, including traffic signs, other municipal signs, railroad crossing signs, danger and other non-advertising signs.

**Sign, Roof:** A sign erected, constructed or maintained in whole or in part upon or over the roof of a building or structure. (For illustration, see Sign.)

**Sign, Sandwich:** A two- (2) sided sign of a temporary nature not exceeding 10 square feet per side.

**Sign, Wall-Mounted:** A sign affixed to any exterior surface of a building. (For illustration, see Sign.)

**Sign, Wall-Painted:** A sign painted on any exterior surface of a building.

**Sign, Windblown:** Any banner, flag, pennant, spinner, streamer, moored blimp, or gas balloon. (For illustration, see Sign.)

**Sign, Window Identification:** A sign visible from the exterior of a building or structure, which sign is painted on a window; or displayed through a window for the purpose of identifying the proprietor or the name of the business to persons outside the building or structure. (For illustration, see Sign.)

**Sign, Window Promotional:** A sign visible from the exterior of a building or structure which is painted on a window; depicted upon a card, paper or other material and placed on, taped on or hung immediately behind the window; or displayed through a window for the purpose of advertising a product, service, or event.

**Soil Fill:** Addition of any kind of soil or earth matter, including topsoil, sand, gravel, clay, rock, or similar materials or a combination thereof, utilized to raise the elevation of land and/or to alter drainage patterns.

**Soil Removal:** Shall mean removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay, rock or similar materials, or combination thereof, except such as is related to common household gardening and agriculture.

**Story:** That portion of a building, except as hereinafter provided, between the surface of any floor and the surface of the floor next above, or if there be no floor above it, then the space between the floor and the ceiling next above it and including cellars and basements used for dwelling or business purposes. A "mezzanine" shall be deemed a full story when it covers more than 50 percent of the horizontal area of the story underneath said mezzanine or if the vertical distance from the floor next below it to the floor next above it is 24 feet or more.

**Story, Half:** The part of a building between a pitched roof and the uppermost full story, said part having a finished floor area which does not exceed one-half (1/2) the floor area of said uppermost full story or a basement not used for dwelling or business purposes.

**Street:** A thoroughfare which affords traffic circulation and a principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare, except an alley. Improved public streets are those constructed according to standards existing at the time of new construction.

**Street, Arterial:** A street designated on the official thoroughfare plan as "arterial." Such streets are designated to carry large volumes of traffic. Certain arterial streets may be designated as limited access highways to which entrances and exits are provided only at controlled intersections and access is denied to abutting properties.

**Street, Collector:** A street planned to facilitate the collection of traffic from local streets and to provide circulation within neighborhood areas and convenient ways for traffic to reach arterial streets. Such streets are designated as "collector" on the official thoroughfare plan.

**Street, Local:** A street designated primarily to provide access to abutting properties.

**Street, Local Collector:** A local street lying within a subdivision which, although not shown as a collector on the official thoroughfare plan, is built to collector specification and standards at the request of the Commission.

**Structure:** Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground, excluding only sidewalks and driveways.

**Structural Alterations:** Any change, other than incidental repairs, which would prolong the life of the supporting members of a building such as the addition, removal, or alteration of bearing wall, columns, beams, girders or foundations.

**Subdivider:** A person engaged in developing or improving a tract of land which complies with the definition of a subdivision. The subdivider must be the owner of the land to be subdivided.

**Subdivision:** The division of a single lot, tract or parcel of land, or a part thereof, into more than two (2) lots, tracts, or parcels of land for the purpose, whether immediate or future, of transfer of ownership for residential, business, or industrial purposes; or the division of a single lot, tract, or parcel of land, or a part thereof, into more than two (2) lots, tracts, or parcels for the purpose, whether immediate or future, of building development for mobile homes, residential, business, or industrial purposes; notwithstanding the above, and any one (1) division of land into two (2) lots, tracts, or parcels of land shall preclude further division of such lot, tract, or parcel of land by any other person; provided, however, that this definition shall not include division of land for agricultural purposes only, or the sale of lots or exchange of parcels between adjoining lot owners that does not create additional building sites. In determining whether land has been divided pursuant to this definition, this definition shall apply to land as it existed as of the date of passage of Ordinance No. 92-03 which is January 27, 1992. Any division of land from and after the passage of the above mentioned ordinance which is January 27, 1992, shall fall within the definition of subdivision as set forth above.

The following kinds of divisions are not subdivisions and are exempt from the rules of this ordinance:

1. 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; and
2. a division of land for Federal, State or Local government to acquire street right-of-way.

**Supply Yards:** A business establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods. Supply yards do not include the wrecking, salvaging, dismantling or storage of automobiles and similar vehicles.

**Swimming Pool:** Any body of water or receptacle for water having a depth of two (2) feet or more at any point and maintained by the owner or manager for swimming purposes, to be governed under the regulations of the Municipal Code for the Town of Chesterton concerning swimming pools.

**Temporary Building and Use:** A structure or use permitted by the Building Commissioner to exist during periods of construction or rehabilitation of the main building or used for special events, and shall be used only during the period of construction or rehabilitation or special event. In the event more than one storage trailer is to be used, then a variance must be obtained from the Board.

**Theater:** Shall include any building or structure which is designed or used primarily to show business movies or plays for a profit.

**Thoroughfare:** A public way or public place. This term includes the entire right-of-way for public use of the thoroughfare and all surface and subsurface improvements on it such as sidewalks, curbs, shoulders, and utility lines, and mains.

**Thoroughfare Plan:** The development plan for the Town of Chesterton now or hereafter adopted, which includes a major street and highway plan and sets forth the location, alignment, dimensions, identification and classification of existing and proposed streets, highways and other thoroughfares.

**Tower:** See Communications Tower.

**Tower Height:** The vertical distance from ground level to the highest point of the tower assembly or attached antenna or similar device, including any attached communications facilities.

**Tower Setback:** The horizontal distance from the base of a tower to an abutting property line, right-of-way, road, easement, or structure.

**Town:** The Town of Chesterton, Indiana.

**Town Council:** Chesterton Town Council.

**Toxic Matter or Material:** A substance (liquid, solid, or gaseous) which by reason of an inherent deleterious property tends to destroy life or impair health.

**Traffic Directional Sign:** A sign which guides traffic on a property, and is not used to identify the business located on that property.

**Trailer:** Any vehicle, house-car, camp-car, or any portable or mobile vehicle on wheels, skids, rollers or blocks, either self-propelled or propelled by any other means, which is used or designed to be used for residential living, sleeping, business, or construction purposes and herein referred to as a "trailer."

**Tree:** A tree shall mean a perennial woody plant, that ordinarily has one (1) main stem or trunk, develops many branches, and grows to a height of 20 feet or more.

Trees, Large are designated as those capable of attaining a height of 45 feet or more at maturity.

Trees, Medium are designated as those capable of attaining a height of 30 to 45 feet at maturity.

Trees, Small are designated as those capable of attaining a height of 20 to 30 feet at maturity.

**Tree Pit:** The planting area located within a pedestrian walkway that is intended for the tree growth.

**Usable Open Space:** Permanently reserved open space which is provided as required by this Ordinance for the use of residents of dwellings or the general public.

**Use:** The purpose for which land or a building thereon is designed, arranged, or intended, or for which it is occupied or maintained, let or leased.

**Use, Lawful:** The use of any structure or land that conforms with all of the regulations of this ordinance, or any amendment thereto, and which conforms with all of the codes, ordinances and other legal requirements as existing at the time of the enactment of this ordinance, or any amendment thereto, for the structure or land that is being examined.

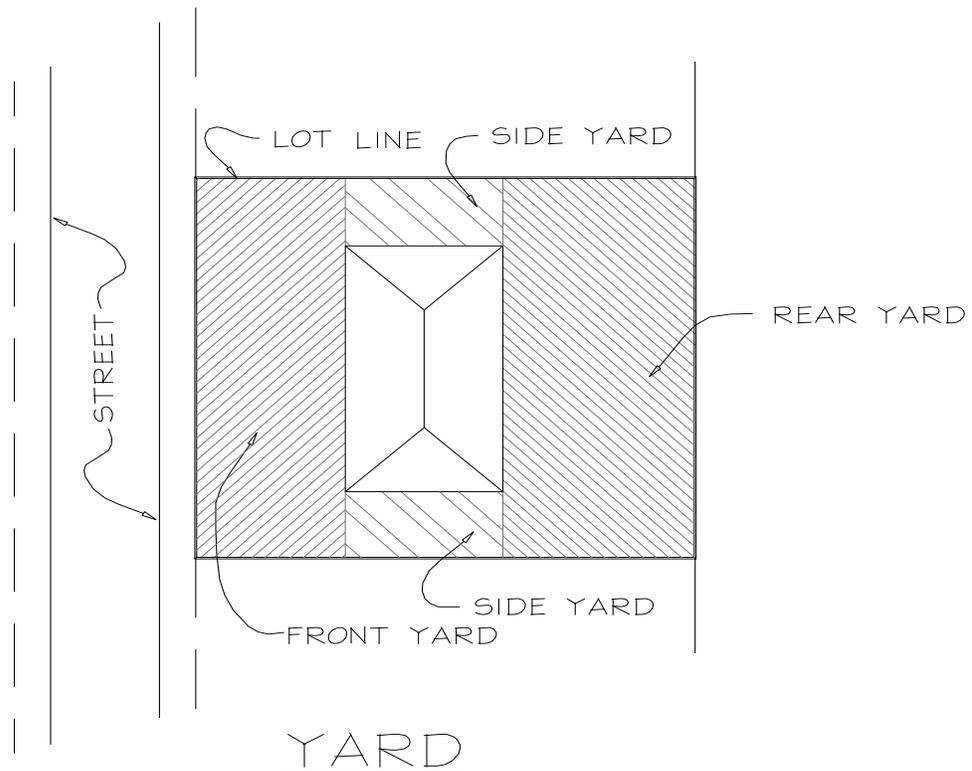
**Vehicular Use Areas (VUA):** Any open or unenclosed area containing more than 1,800 square feet of area and/or used by five (5) or more of any type of vehicle, whether moving or at rest, including, but not limited to, parking lots, loading/unloading areas, and sales and service areas. Driveways are considered vehicular use areas whenever they are adjacent to public streets or other vehicular use elements and where intervening curbs, sidewalks, or landscape strips do not eliminate adjacency.

**Veterinary Animal Clinic:** A place used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for treatment, observation, and or recuperation. It may also include boarding that is incidental to the principal activity or use.

**Warehouse:** Shall include any building or structure in which the primary function of the building or structure is to store materials or products for use at a later date, excluding retail or wholesale sales even if secondary to the principal use of storage.

**Wireless Communications:** The technology by which communication or radio signals are transmitted or received from one (1) communication source to another. This includes portable units, mobile units, fixed land based units, of satellite radio, telephone, or television, whether analog or digital, and not otherwise exempted by Federal regulations.

**Yard:** The area of a lot not occupied by any building or structure.



**Yard, Front:** A yard extending the full length of a front lot line, the depth of which is the minimum distance between the front lot line and the nearest part of the main building. (For illustration, see Yard.)

**Yard, Rear:** A yard extending the full length of a rear lot line, the depth of which is the minimum distance between the rear lot line and the nearest part of the main building. On lots abutting streams, the rear yard shall be considered the area between the main building and said stream. (For illustration, see Yard.)

**Yard, Side:** A yard extending along a side lot line between the front yard and the rear yard, the width of which is the minimum distance between the side lot line and the nearest part of the main building. (For illustration, see Yard.)

**Zoning Districts:** The districts into which the Town of Chesterton has been divided for zoning regulations and requirements as set forth in the zoning district map.

**Zoning Map:** The map or maps incorporated into this ordinance as part thereof, designating zoning districts.

## ARTICLE III

### TOWN BOARDS, ADMINISTRATIVE BODIES AND OFFICIALS

#### Section 301. Town Council.

The Chesterton Town Council is the legislative and executive branch of Town government. The Town Council's powers and duties with respect to this Ordinance of the Town are as follows:

- A. Hear and take final action, in its discretion, on the Comprehensive Plan and amendments thereto, the comprehensive zoning ordinance and amendments thereto, PUD ordinances and amendments thereto, and subdivision ordinances and amendments thereto.
- B. Make appointments, fill vacancies and remove, if appropriate, members of Plan Commission, BZA, Plat Committee, and Town employees under its jurisdiction, all in accordance with Indiana law.
- C. The Town Council delegates its authority to name and rename streets to its Plan Commission.
- D. Pursuant to I.C. 36-7-4-615, as the same shall be amended from time to time, the Town Council specifies that written commitments may be required or allowed for proposals submitted pursuant to I.C. 36-7-4-608, as the same shall be amended from time to time, and also for proposals for PUD district ordinances. The procedures for the making, modification or termination of a written commitment for proposals submitted under I.C. 36-7-4-608 and for PUD district ordinances are as follows:
  1. Creation - A written commitment shall be created by either the petitioner, the Town Council or the Plan Commission.
  2. Form - A written commitment shall be in written form and included as part of the petition and ordinance for a proposal submitted under I.C. 36-7-4-608 and, in the case of PUD district ordinances, shall be in written form and detailed on the written portion of the PUD district ordinance and also on the plat of development for the PUD district in recordable form acceptable to the Office of the Recorder of Porter County.
  3. Enforcement - Written commitments as allowed hereunder may be enforceable by the Town Council, its Plan Commission or any property owner within the land covered by a proposal submitted pursuant to I.C. 36-7-4-608 or, in the case of PUD district ordinances, any property owner within the PUD district or any property owner within 300 feet of the preceding. Enforcement by the owners of property within the PUD or property owners within the 300 feet of a PUD district are determined to be classes of specially affected persons who may enforce a written commitment by the seeking of an injunction and/or damages in a court of competent jurisdiction. The Chesterton Town Council and/or its Plan Commission is also considered a class of specially affected persons who may enforce a written commitment concerning proposals under I.C. 36-7-4-608 or a PUD district ordinance. Additionally, the Town Council or its Plan Commission may, through the Town Attorney, file suit against the offending party in any court of competent jurisdiction seeking a restraining order, temporary or permanent injunction, damages, and also a fine of up to \$2,500.00 per day for each violation of an existing written commitment which is deemed to be a violation of this Ordinance. Finally, no building or occupancy permit shall be issued for land within the PUD district or property under I.C. 36-7-4-608, while a violation of any written commitment exists.

4. Notice and hearing - The notice and hearing required for the granting, amending or termination of a written commitment shall be part of the process for proposals under I.C. 36-7-4-608 and PUD district ordinances. No termination or modification of a written commitment may be had unless a public hearing is held by the Plan Commission, with due notice to all parties located within 300 feet of a proposal pursuant to I.C. 36-7-4-608 or parties located within 300 feet of the PUD district and given at least ten (10) days before the day set for the hearing. The rules of the Plan Commission shall apply in determining how notice is to be given to interested parties and who is required to give that notice.
  
5. Recording - All written commitments made pursuant to the Town Code shall be recorded in the Office of the Porter County Recorder and take effect upon approval of the proposal. Unless a commitment is modified or terminated in accordance with the procedures specified in this zoning ordinance, a commitment is binding upon:
  - a. the owner of the parcel;
  - b. a subsequent owner of the parcel; and
  - c. a person who acquires an interest in the parcel.

An unrecorded commitment is binding upon the owner of the parcel. An unrecorded commitment is binding on a subsequent owner of the parcel or a person acquiring an interest in the parcel only if the subsequent owner or the person acquiring the interest has actual notice of the commitment.
  
6. No written commitment shall affect the validity of any covenant, easement, equitable servitude, or other land use restriction in accordance with the law.

E. The Town Council shall also have all other powers and duties as allowed by Indiana law.

**Section 302. Plan Commission.**

- A. Establishment - The Plan Commission is hereby reestablished pursuant to I.C. 36-7-4-202, as the same shall be amended from time to time.
  
- B. Composition, Jurisdiction and Appointment - The Plan Commission shall consist of seven (7) members whose jurisdiction, appointment, and term shall be as set forth in I.C. 36-7-4-200 *et seq.*, as the same shall be amended from time to time.
  
- C. Organization - At the first meeting of each year, the Plan Commission shall elect a president and a vice-president from among its members, and it may appoint and affix the compensation of a secretary and such employees as are necessary for the discharge of its duties, all in conformity to and compliance with the salaries and compensation fixed by the Town Council.
  
- D. Rules of Procedure - The Plan Commission shall adopt rules concerning the filing of all petitions before it, the giving of notice, the conducting of hearings, and all other matters within its jurisdiction. The Rules of Practice and Procedure of the Plan Commission is attached to this Ordinance as an Appendix. These Rules may be changed at any time by the Plan Commission by a majority vote of the entire membership without the necessity of a public hearing being held. Any such changes will automatically be deemed a change in this Ordinance.
  
- E. Meetings and Records - All meetings of the Plan Commission shall be open to the public, unless executive sessions are conducted in accordance with Indiana law. The Plan Commission shall keep minutes of its meetings and all official actions, prepare written

findings of fact when required, and record the vote of each member voting upon each question. All minutes and records shall be filed at the Office of the Clerk-Treasurer and shall be public records.

- F. Powers and Duties - The Plan Commission shall have the following powers and it shall be its duty to:
1. Make recommendations to the Town Council concerning:
    - a. The adoption of a comprehensive plan and amendments to the comprehensive plan;
    - b. The adoption or text amendment of:
      - (1.) an initial zoning ordinance;
      - (2.) a replacement zoning ordinance; and
      - (3.) a subdivision control ordinance;
    - c. The adoption or amendment of a PUD district ordinance; and
    - d. Zoning Map changes.
  2. Render decisions concerning and approve plats, replats, and amendments to plat subdivisions under I.C. 36-7-4-700 *et seq.*, as the same shall be amended from time to time.
  3. The Plan Commission:
    - a. shall assign street numbers to lots and structures;
    - b. shall renumber lots and structures; and
    - c. shall name and rename streets.
  4. The Plan Commission shall also have all other powers given to it by the Town Council in ordinances and specifically has the power to file suit to enforce violation of its zoning and/or subdivision ordinances and all decisions made by it, and written commitments as set forth in this section and pursuant to I.C. 36-7-4-1014, as the same shall be amended from time to time.
  5. The Plan Commission shall also have all other powers and duties as allowed by Indiana law.

**Section 303. Advisory Board of Zoning Appeals.**

- A. Establishment - The Chesterton Advisory Board of Zoning Appeals (hereafter "BZA") is hereby reestablished in accordance with I.C. 36-7-4-900, as the same shall be amended from time to time.
- B. Composition, Jurisdiction and Appointment - The BZA shall consist of five (5) members whose jurisdiction, appointment and terms shall be as set forth in I.C. 36-7-4-900 *et seq.*, as the same shall be amended from time to time.
- C. Organization - At the first meeting of each year, the BZA shall elect a chairman and a vice-chairman from among its members, and it may appoint and fix the compensation of a secretary and such employees as are necessary for the

discharge of its duties, all in conformity to and compliance with the salaries and compensation thereto fixed by the fiscal body.

- D. Rules of Procedure - The BZA shall adopt rules concerning the filing of appeals, the application for variances, special exceptions, conditional uses, the giving of notice, the conducting of hearings, and all other matters within its jurisdiction. The Rules of Practice and Procedure of the BZA is attached to this Ordinance as an Appendix. These Rules may be changed at any time by the BZA by a majority vote of the entire membership without the necessity of a public hearing being held. Any such changes will automatically be deemed a change to this Ordinance.
- E. Meetings and Records - All meetings of the BZA shall be open to the public, unless executive sessions are conducted in accordance with Indiana law. The BZA shall keep minutes of its meetings and all other official actions, prepare written findings of fact, and record of the vote of each member voting upon each question. All minutes and records shall be filed in the office of the Clerk-Treasurer and shall be public records.
- F. Appeals - Any order, requirement, decision or determination by an administrative official or a staff member may be appealed to the BZA by any person claiming to be adversely affected by such an order, decision or determination.
- G. Powers and Duties - The BZA shall have the following powers and it shall be its duty to:
1. Hear and determine appeals from and review any order, requirement, decision, or determination made by an administrative official or staff member made in relation to the enforcement of the zoning ordinance, subdivision ordinance, and the enforcement of the building and occupancy permits as adopted under I.C. 36-7 *et seq.* and all sections therein applicable.
  2. In exercising its powers, the BZA may reverse or affirm, wholly or partly, or may modify any order, requirement, decision or determination appealed from as in its opinion ought to be done in the premises and to that end shall have all the powers from whom the appeal is taken.
  3. Hear and approve or deny variances from the development standards of the zoning ordinance. A development standard variance may be approved by the BZA only upon a determination in writing that:
    - a. the approval will not be injurious to the public health, safety, morals and general welfare of the community; and
    - b. 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
    - c. the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.
  4. Hear and approve or deny variances of use from the terms of this Ordinance. A use variance may be approved by the BZA only upon a determination in writing that
    - a. the approval will not be injurious to the public health, safety, morals, and general welfare of the community;
    - b. the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
    - c. the need for the variance arises from some condition peculiar to the property involved;

- d. the strict application of the terms of this Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
  - e. the approval does not interfere substantially with the comprehensive plan adopted under the 500 series of I.C. 36-7-4.
5. Hear and approve or deny special exceptions only where specifically allowed in Table A of Section 505 of this Ordinance. There shall be no cases or application therefore nor any particular situation in which this ordinance authorizes special exceptions without the approval of the BZA. Further, no previous application shall set a precedent for any other applications before the BZA. The BZA may grant a special exception for a use in a zoning district if, after a public hearing, it makes findings of facts in writing, that:
  - a. the requirements and development standards for the requested use as prescribed in this Ordinance will be met; and
  - b. the special exception shall be designed so that it can be constructed, operated, and maintained in a manner harmonious with the character of adjacent property in the surrounding area; and
  - c. the special exception shall not inappropriately change the essential character of the surrounding area; and
  - d. the special exception shall not interfere with the general enjoyment of adjacent property; and
  - e. the special exception shall represent an improvement to the use or character of the property under consideration and the surrounding area in general, it shall also be in keeping with the natural environment of the site; and
  - f. the special exception shall not be hazardous to adjacent properties, or involve uses, activities, materials or equipment which be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare.
6. The BZA may impose such reasonable conditions upon approval of variances, special exceptions, conditional uses, and home occupations as it deems necessary in order that the findings of fact it makes will be served.
7. The BZA may permit or require the owner of the parcel of property to make written commitments concerning the use or development of the property as specified under I.C. 36-7-4-921, as the same shall be amended from time to time. A commitment may be modified or terminated only by a decision of the BZA made at a public hearing after notice pursuant to BZA Rules.
8. A use authorized by any special exception may not be expanded, extended or enlarged unless authorized by the BZA under the procedures for granting a special exception.
9. A special exception granted for a specific use ceases to be authorized and is void if that use is not established within a 12-month period of the date the special exception was granted, or if that use is discontinued at that site for a six (6) month period during which time it is not succeeded by the same use specifically authorized as a special exception.
10. The application for a special exception and the steps to petition for one, including a preliminary and public hearing, shall be the same as those for a variance.

11. A variance or special exception granted by the BZA may be terminated by the BZA on its own motion or upon the filing of an application therefore by an interested person or a member of the staff or Plan Commission and, upon a finding made at a public hearing with 10 days notice given to the property owner for which the variance or special exception was given, that the terms of this Ordinance or conditions of approval or written commitments have not been complied with.

H. Conflict of interest - A member of the BZA may not participate in a hearing or decision of the BZA concerning a matter in which he has a direct or indirect financial interest or for other reasons brought to the attention of the BZA and which disqualification is approved by the BZA. The BZA shall enter in its records the fact that a regular member has such a disqualification and the name of the alternate member, if any, who participates in the hearing or decision. Said alternate member, if any, shall be appointed by the authority of the appointing body of the regular member who has been disqualified. Communication with BZA members by any person with intent to influence action prior to a hearing or decision regarding matters pending before the BZA is prohibited. However, the staff may file with the BZA a written statement setting forth any facts or opinions relating to the matter.

I. The BZA also shall have all other powers and duties as allowed by Indiana law.

**Section 304. Plan Commission and BZA.**

For purposes of Indiana law, the staff of the Plan Commission and BZA shall be the Department Heads of the Town of Chesterton which include its Building Commissioner, Police Chief, Fire Chief, Street Commissioner, Utility Superintendent, Park Superintendent, and Town Engineer.

**Section 305. Building Commissioner.**

The Chesterton Building Commissioner, in addition to other powers and duties set forth in the Town Code, shall serve as the zoning administrator to enforce the zoning and subdivision ordinances of the Town. He is charged with the enforcement of all Town, State and Federal laws, and regulations pertaining to the erection, construction, alteration, repair or removal of buildings and other structures in the Town or pertaining to the use and occupancy of real estate in said Town. The Building Commissioner, upon believing that any of the provisions of the Town Code are being violated, may notify in writing the person responsible for such violations, ordering the action necessary to correct such violations. Additionally, the Building Commissioner has responsibility for review and issuance of all building permits, inspection of buildings, structure and uses of land to determine compliance with the terms of the Town Code and also for temporary occupancy permits and permanent occupancy permits. The Chesterton Building Commissioner is responsible for the maintenance of permanent and current zoning records including, but not limited to, all plat maps, plats, mylars, PUD district ordinances and plats, special exceptions, conditional use permits, amendments to this Ordinance, variances, appeals and applications therefore. Finally, the Building Commissioner shall perform all other duties as permitted by law and are assigned to him by the Town Council.

**Section 306. Town Attorney.**

The Chesterton Town Attorney is legal advisor to all of the Town boards including the Plan Commission, BZA, and Plat Committee. The Town Attorney shall advise said boards and also be responsible for legal enforcement of the Town Code, including this Ordinance.

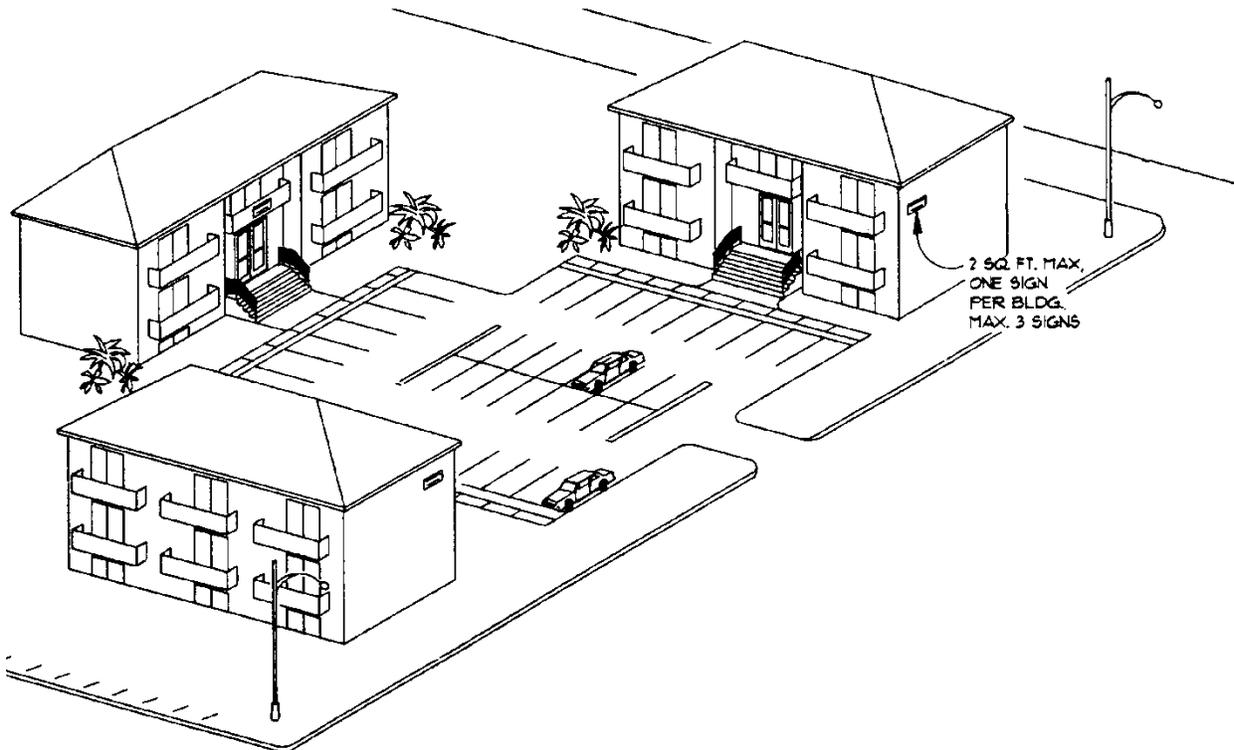


A. Permanent signs.

1. A nameplate sign, non-illuminated only, situated within the property lines, bearing only the name of the principal occupant and/or the street number of the private dwelling and not exceeding two (2) square feet in gross surface area.
2. Signs, excluding neon signs, bearing the name of a public or private educational institution, church, library, hospital, or other public or quasi-public building, public park or playground, and/or such other information pertaining to such premises as is reasonably necessary for the convenience of the general public, and not exceeding 45 square feet total gross surface area. This total shall include all signage.

B. Temporary signs.

1. One (1) non-illuminated temporary sign pertaining to the lease or sale of the premises upon which it is placed and not exceeding six (6) square feet in gross surface area is permitted
2. A realtor or property owner shall be permitted to place a maximum of three (3) directional signs on public property to inform the public of the location of an open house for the sale of a home. Each sign shall not exceed six (6) square feet in gross surface area, shall be placed within reasonable distances of the open house, and may only be displayed from dawn to dusk on the day of the open house. The realtor or property owner shall remove these signs. No permit shall be required.
3. One (1) non-illuminated temporary sign bearing only the street number of a new or remodeled structure, and the name or names of the general contractor, subcontractors, owner and/or tenant, during construction work on the premises upon which they are placed, not exceeding six (6) square feet in gross surface area is permitted. Said sign shall be removed within seven (7) days after substantial completion of the construction work.
4. Temporary signs announcing or advertising any educational, charitable, philanthropic, civic, or religious event shall be permitted for a period not to exceed 21 days preceding the event and shall be removed within five (5) days following the event. The location of such signs shall be limited to the boundaries of the property where the event is to take place. Signs can be two (2) faced, each face not more than 32 square feet in gross surface area, so long as the internal angle between the two (2) faces does not exceed 60 degrees. A sign permit is required.
  - a. Temporary all-weather banners announcing any civic, educational, charitable, cultural or community event may be permitted on designated light standards within the right-of-way in or near the business district upon written approval of the Town Council. Such banners shall each be limited to a gross surface area of 22 square feet.
5. A temporary sign is permitted announcing a private garage, basement, or yard sale owned by the property owner on which property the sale is to be conducted, not to exceed six (6) days in any six- (6) month period. Any such sign shall be removed on the last day of the sale. These signs shall be limited to a total gross surface area of six (6) square feet.
6. A temporary political sign, which is intended to be viewed from public sidewalks and streets, supporting a candidacy for office or urging action on any other matter on the ballot of a primary, general, or special election is permitted.



R3 SIGNS ONE TO THREE BUILDINGS

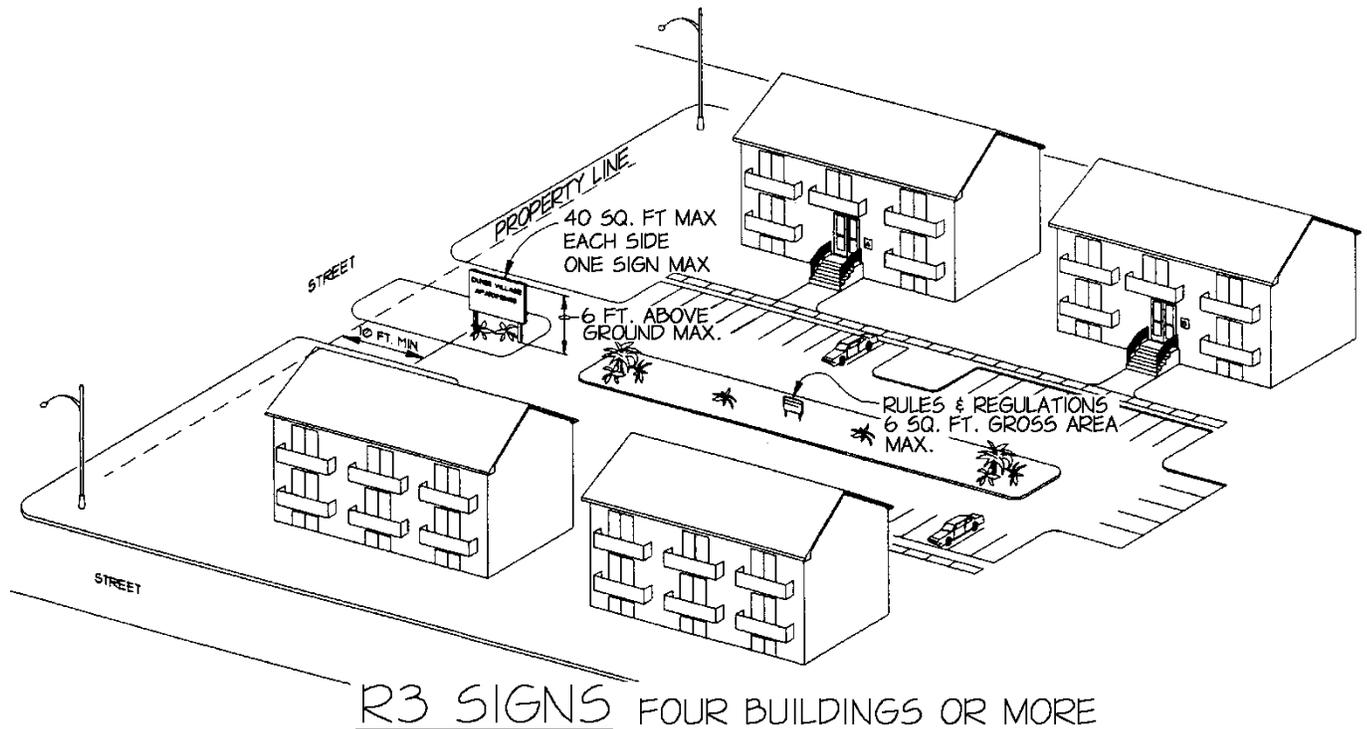
- a. The display or any such sign shall be limited to 30 days immediately preceding any primary, general, or special election to which said sign refers and shall be removed not later than 10 days after the primary and/or general elections.
- b. Any sign six (6) square feet or less in gross surface area shall not require a permit. Signs exceeding six (6) square feet in shall require a \$10 permit per sign from the Building Commissioner. In no event shall any sign exceed 32 square feet.
- c. The person, party, or parties responsible for the erection or distribution of any such sign shall each be liable for the removal of said sign within 10 days after the primary, general, or special election to which it refers.
- d. Political signs cannot be placed on Town property or utility poles within the Town.

**Section 404. R-3 Zoning District - Permitted Signs and Provisions.**

The restrictions, prohibitions, and regulations for shall be the same as R-1 and R-2, with the following additions:

- A. Apartment or condominium complexes of one (1) to three (3) buildings shall be permitted a single identification sign on each building displaying only the building name or management name. The gross surface area of each sign shall not exceed two (2) square feet.

B. Apartment or condominium complexes of four (4) or more buildings shall be allowed one (1) freestanding sign displaying only the name of the complex in lieu of individual building identification signs, and to be constructed to the following specifications:



1. The sign shall have not more than two (2) display surfaces with each surface not exceeding 40 square feet in gross surface area. The sign shall not be placed closer than 10 feet to any property line. The top of the sign shall not be higher than six (6) feet above surrounding ground level.
2. Additionally, the complex shall be able to have signs within the complex designating rules and regulations that apply to this development. The gross surface area of each sign shall not exceed six (6) square feet.

**Section 405. B-1, B-2 and B-3 Zoning Districts.**

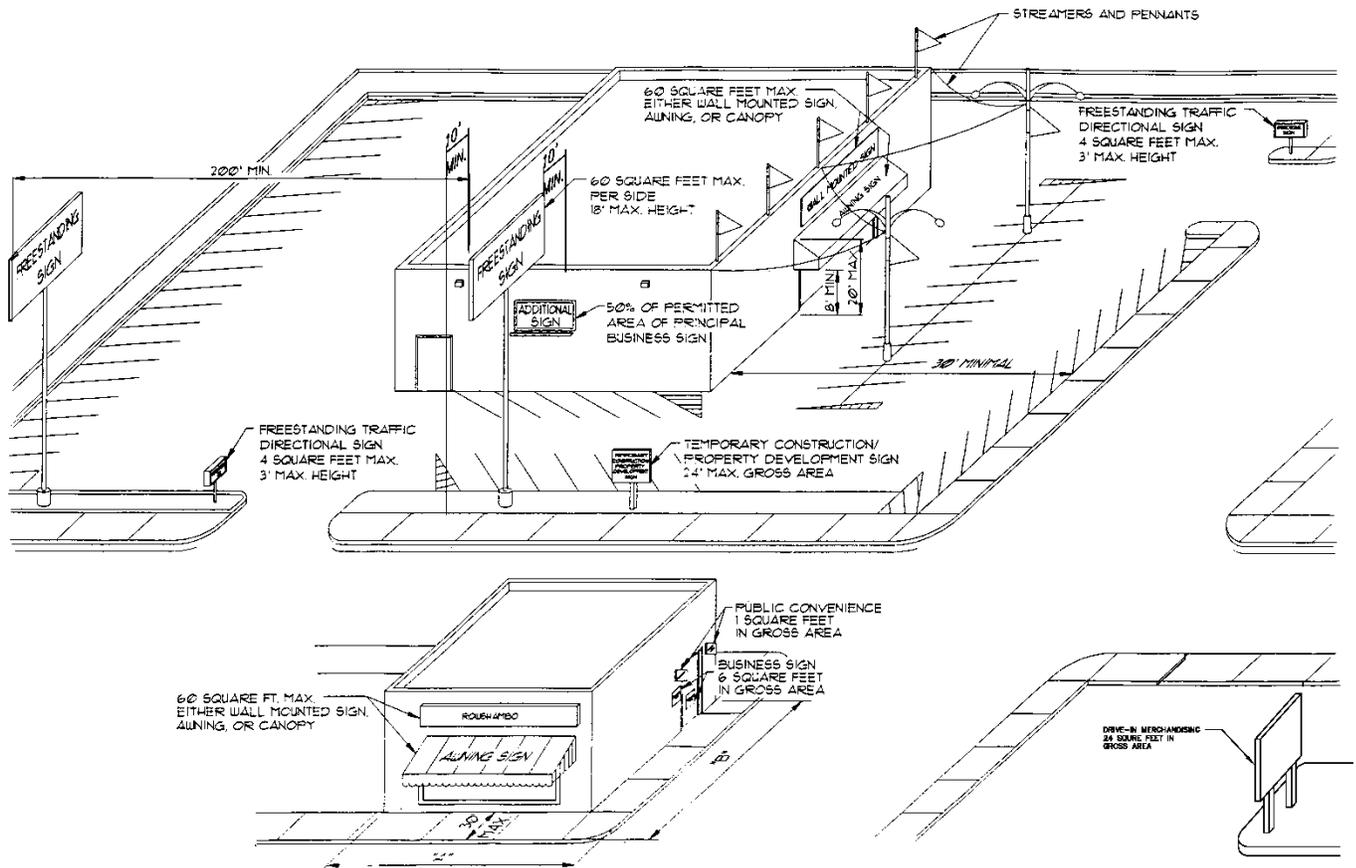
The following regulations shall apply:

A. Permitted signs

1. All signs permitted in R-1 and R-2 districts shall be permitted in this area.
2. Businesses located at street level with a set back of less than 30 feet shall be permitted one (1) principal sign for each business with frontage. Such signs may be wall-mounted, awning, or canopy, not exceeding one (1) square foot in gross surface area for each front foot of the structure occupied by the business. The maximum gross surface area shall not exceed 120 square feet, which includes all

occupants. In the event that a business has frontage on two (2) or more streets, the property owner shall be permitted to have signage on each building front. Such signs may be wall-mounted, awning or canopy, not exceeding one (1) square foot in gross surface area for each front foot of the structure occupied by the business. The maximum gross surface area shall not exceed 60 square feet, which includes all occupants.

3. A business sign shall be allowed on a door or immediately adjacent to the door of each business, bearing the name, street number, business hours, and/or type of business of the principal occupant not to exceed six (6) square feet in gross surface area.



### B ZONING SIGNS

- a. Temporary construction/property development sign - One (1) non-illuminated temporary sign bearing the names of only the street number, project, contractors, engineers, architects, owner and/or tenant and artist's or architect's portrayal of completed project during construction work located on the premises, not exceeding one (1) square foot of gross surface area for each two (2) feet of property frontage, but not to exceed 32 square feet gross surface area. Said sign shall be removed within seven (7) days after substantial completion of the construction work. A sign permit is required for all signs, and fee paid in accordance with Section 5-44 of the Town Code.

4. Signs serving the public convenience, such as a “public telephone”, “public restrooms”, shall be permitted, each not to exceed one (1) square foot in total gross surface area.
5. Streamers and pennants except as noted below shall be permitted only upon the occasion of a bona fide opening shortly after the erection or extensive remodeling of building, or shortly after a change of form or ownership of the business there. They may be displayed for a period of not to exceed 14 days during the event and they are to be permanently removed within three (3) days after the end of such occasion. A business may display temporary promotional signs including banners, for a maximum of 30 days in a calendar year.
6. Drive-in merchandising - Drive-in or drive-through merchandising businesses shall be allowed an informational (menu, price, etc.) sign not exceeding 32 square feet in gross surface area.
7. A business with a parking lot(s) may erect two (2) freestanding traffic directional signs per lot, each not to exceed four (4) square feet of gross surface area and not higher than three (3) feet. Such signs may be illuminated. Additional traffic directional signs may be allowed for the safe and orderly flow of traffic upon the written approval of the Town Building Commissioner.
8. If a building has a rear and/or side parking lot, or adjoins a public street, an additional sign developed to the same restrictions noted in this Section shall be permitted on only one (1) side or rear of the building provided the total square feet for the additional sign does not exceed 50 percent of the permitted area of the principal business sign. If adjacent to a residential district, a sign, if illuminated, shall be indirectly lighted in such a manner as not to illuminate the adjoining residential property.
9. Awnings and canopies - Maximum of one (1) sign per canopy or awning permitted. Signage shall be limited to 50 percent of the area of the front or top plane and 30 percent of the side plane of the canopy or awning. The maximum height of the top of the canopy or awning shall be 20 feet above the curb level. Signage shall be affixed flat to the surface of the canopy or awning, and shall not extend vertically or horizontally beyond it. There shall be a minimum clearance of eight (8) feet between the bottom of the canopy or awning and the sidewalk or ground.
10. The following regulations shall apply to business buildings, which are situated 30 feet or more from a public right-of-way.
  - a. A building may have one (1) wall mounted sign, or awning, or canopy, plus a freestanding sign. The total gross surface area for such wall signs shall not exceed one (1) square foot in area for each front foot of the structure, with a maximum allowable gross surface area of 60 square feet. Freestanding signs are allowed one (1) square foot per linear foot of building frontage with a maximum of 120 square feet gross surface area for both wall-mounted and freestanding.
  - b. A business complex and/or shopping center that may include some businesses without building frontage, shall be allowed, in addition to the signs allowed in Section 405 (1), a coordinated freestanding sign. The total gross surface area of the complex freestanding sign shall be in accordance with Section 405 (2).

B. Freestanding signs

1. Location, height and area limitations - It shall be unlawful to erect any freestanding sign the total height of which is greater than 18 feet above the level of the street upon which the sign's lot has frontage above the unaltered ground level, whichever is lower, upon which the sign is to be placed. Fill cannot be used or otherwise mound dirt in order to alter the ground level in order to attempt to have a sign that stands higher than that which is permitted herein. A freestanding sign shall not exceed the gross surface area of 120 square feet on any display surface.
2. Placement - A freestanding sign shall not be nearer than 10 feet to any building or structure, or nearer than 200 feet to any other freestanding sign, or within 10 feet of any property line.
3. Display surface - A freestanding sign having more than one (1) display surface plane shall be limited to gross surface area of 120 square feet on any display plane; provided, however, if the internal angle between the two (2) planes is more than 60 degrees, the two (2) adjoining planes shall be considered as one (1) plane. The total gross area of a freestanding sign shall not exceed that allowed for the principal business sign.
4. No business, shopping center, or PUD (business area) shall erect more than one (1) freestanding sign except for the provisions stated in 2 j (ii) above or unless the (2) business, shopping center, or PUD front on two separate streets. In that instance, a freestanding sign shall be allowed at each entrance/exit, not to exceed 120 square feet in gross surface area.

C. Projecting Signs. A business may erect one (1) projecting sign no less than seven feet (7') nor more than nine feet (9') in height, as measured from grade. A projecting sign permitted by this Section may be no greater than four (4) square feet in gross surface area and may not be internally illuminated. A projecting sign may be set at a building corner at no greater than 135 degrees to each facade. In no event shall a projecting sign, or the apparatus attaching the sign to the building, proceed farther than four feet (4') from the facade of the building or over a curb or street line. The total size of a projecting sign erected pursuant to this Section shall not be included in the maximum gross surface area permitted pursuant to this Article.

D. Sandwich Signs. A business may display one (1) sandwich sign not exceeding ten (10) square feet in accordance with this Section. The sandwich sign permitted by this Section shall be located on the property of the business or on the sidewalk in the front profile of the business, provided that, in the case of a sandwich sign located on a sidewalk, the sign must be situated not less than one foot (1') off of the street or curb line and must allow not less than thirty-six inches (36") of passage or the minimum width permitted under the most current provisions of the Americans with Disabilities Act, whichever is greater. The total surface area of a sandwich sign permitted pursuant to this Section shall not be included in the maximum gross surface area permitted pursuant to this Article.

**Section 406. B-3 Zoning District Permitted Signs and Provisions.**

Permitted Signs – All signs permitted in R-1 and R-2 districts, and R-B districts, as well as B-1 and B-2 districts shall be permitted in this area.

A business complex and/or shopping center containing six (6) or more acres, and set back from the street more than 60 feet shall be permitted the following signs, in addition to those listed above:

A. Façade Signs.

In all cases, mounted signs shall not be wider than 92 per cent of façade width, or greater than the clear width of the store front opening it serves, or greater than the inside clear distance between flanking piers. Maximum height shall not exceed four feet (4') in height. Total gross surface area not-to-exceed 500 square feet, which includes all occupants.

B. Freestanding Signs.

1. Location, height and area limitations. It shall be unlawful to erect any freestanding sign the total height of which is greater than 25 feet above the level of the street upon which the sign's lot has entrance/exit frontage above the unaltered ground level, whichever is lower, upon which the sign is to be placed. Fill cannot be used or otherwise mound dirt in order to alter the ground level in order to attempt to have a sign that stands higher than which is permitted herein. A freestanding sign shall not exceed the gross surface area of 300 square feet gross per side.
2. Placement. A freestanding sign shall not be nearer than 10 feet to any building or structure, or nearer than 200 lineal feet to any other freestanding sign, or within 10 feet of any property line, and shall not be placed within 200 feet of a road intersection.
3. Display surface. A freestanding sign having more than one (1) display surface plane shall be limited to gross surface area of 300 square feet on any display plane; provided, however, if the internal angle between the two (2) planes is more than 60 degrees, the two (2) adjoining planes shall be considered as one (1) plane. The total gross surface area of a freestanding sign shall not exceed that allowed for the principal business sign.
4. If the business, shopping center, or PUD fronts on two (2) separate streets, a freestanding sign shall be allowed at each entrance/exit, not to exceed 300 square feet in gross surface area with the restriction of one (1) freestanding sign per street frontage.
5. A business complex and/or shopping center that may include some business without building frontage, shall be allowed, in addition to those listed above, an additional coordinated freestanding sign. The total gross area of this additional freestanding sign shall not exceed 120 square feet in gross surface area, and shall not exceed 25 feet in height.

**Section 407. I-1 and I-2 District Permitted Signs and Provisions**

The sign regulations shall be the same as those in business districts.

**Section 408. Prohibited Signs.**

The following signs are hereby expressly prohibited for erection, construction maintenance, repair, alteration, location, or relocation within the Town, except as exempt under Section 410:

- A. Flashing signs, excepting those public signs defined in Article II - Definitions of this Ordinance and those that give safety warnings or public service information. (i.e., time, date or weather.)
- B. Moving signs.
- C. Signs with lamps or lights for letters, except neon signs.

- D. Signs identifying past services performed on a building or to premises. (e.g., “Roof by...”)
- E. Signs on fences, utility poles, street lights, or trees.
- F. Signs using reflecting material, except nameplate signs, displaying the address of the occupant and public signs defined in Article II – Definitions, of this Ordinance.
- G. Signs which resemble or are confusingly similar to any official marker erected by the Town, State or other governmental unit or agency, or which by reason of position, shape or color would confuse or conflict with the proper functioning of any traffic sign or signal.
- H. Signs extending over or placed upon a public sidewalk, alley, or right-of-way except awnings and canopies, projecting signs as permitted in Section 405 (C), and sandwich signs as permitted in Section 405 (D).
- I. Pennants and/or streamers - except as allowed for bona fide grand openings, sidewalk sales or other promotions as specified in Section 405 (1) (e) of this Ordinance.
- J. All signs not specifically allowed by the provisions of this Ordinance.

**Section 409. Restrictions.**

All signs shall conform as follows:

- A. All size limitations listed elsewhere in this Article shall be for gross surface area per display unless otherwise indicated.
- B. No sign shall be placed in such a manner that it would block or obscure the vision of the driver of a motor vehicle stopped at a stop sign, traffic light, or entrance to a public street for a distance of 400 feet in any direction in which there is oncoming traffic.
- C. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, fire escape, or public walkway.
- D. A freestanding sign shall be securely built, constructed, and erected per latest Indiana Building Code.
- E. The sign owner shall properly maintain all parts and supports, including display surfaces, of the approved sign.
- F. Internally Illuminated Signs:
  - 1. In no case shall the medium of illumination be visible.
  - 2. In no case shall the lighting intensity exceed the limit of 70 foot candles measured with a standard light meter perpendicular to the face of the sign at a distance equal to the narrower dimension of the sign, whether it be the height or the width.
- G. Externally Illuminated Signs:
  - 1. Lighting shall be uniformly distributed over the area of the sign.
  - 2. The lighting shall not reflect or be directed toward dwellings, or roadways, or create a hazard to traffic.
  - 3. The light reflectance as measured with a standard light meter held one (1) foot perpendicular from the surface of the sign shall not exceed 50 foot candles at its brightest area.

- H. Newspaper dispensing machines shall have no advertising posted other than the name of the newspaper and the price.

**Section 410. Exemptions.**

The provisions and regulations of this Article shall not apply to the following:

- A. Cornerstones or names of buildings inscribed in stone or bronze as part of the building or structure, provided they are not larger than six (6) square feet gross surface area for each display surface.
- B. Necessary traffic or directional signs erected or approved by governmental units.
- C. All non-illuminated signs or other displays on the interior portion of a window.
- D. Flags of the Town, the State of Indiana, the United States of America, or official historic plaques of any government jurisdiction or agency. In no case shall flag poles exceed 35 feet in height.
- E. Temporary signs hung across or above Calumet Road, Indian Boundary Road, Broadway, or Porter Avenue within a business or manufacturing district advertising a Town-wide or community event or drive. Such signs shall not be displayed for more than 21 days before an event and removed within five (5) days after the event. Approval of the Town Council is required.
- F. Small informational signs to inform the public, such as “No Trespassing,” “No Dumping,” “Beware of Dog,” are exempt as long as they do not exceed two (2) square feet in gross surface area each.
- G. Sidewalk-sale signs require notice to the Building Commissioner’s office in writing prior to said sales. All such signage shall be removed immediately at the close of the sale.

**Section 411. All legal nonconforming signs may remain until:**

- 1. Removed and replaced by a legal conforming sign;
- 2. The sign constitutes a danger or threat to public health or safety as determined by the Building Commissioner and remains in such condition for thirty (30) days after notice of such condition is provided to the owner by the Building Commissioner;
- 3. A permit, variance, condition or commitment, pursuant to which the sign was allowed, expires;
- 4. The height, gross surface area or location of the sign is changed; or
- 5. The business advertised by the sign has ceased to operate for six (6) months or more, in which case there is a rebuttable presumption that the legal nonconforming sign has been abandoned and must be removed or replaced with a conforming sign. The presumption may be rebutted by a showing by the owner of the real estate where the sign is located that notice has been placed on record with the Building Commissioner’s office regarding the cessation of the operation of the business advertised by the sign and the intention to resume the operation at a specific date. In no event shall a legal conforming sign remain for more than one (1) year after the business advertised by the sign has ceased operations.

**Section 412. Sign Permit – Requirements and Procedures.**

A permit is required prior to erection of any sign, unless exempted by this Article. No person, firm, or corporation shall erect, alter, or relocate any permanent sign (except for nameplate and occupant signs), any temporary signs, or any advertising structure as defined in this Article without first obtaining a sign permit from the Building Commissioner and paying the fee required by Section 5-44 of the Town Code.

**Section 413. Enforcement.**

If the Building Commissioner finds that any sign or other structure regulated herein is unsafe, or has been constructed, erected, or is being maintained in violation of the provisions of this Article, or has not advertised a bona fide business on the premises where the sign is located for 90 days, he then shall give a 10-day written notice to the permittee thereof to remove the sign or structure or bring the same into compliance with this Article. Failure to comply with said written notice shall constitute a violation of the Town Code. The Building Commissioner may cause any sign or other structure, which is in immediate peril to person or property, to be removed summarily and without notice at the expense of the permittee or owner.

**ARTICLE V.  
DISTRICT REGULATIONS**

**Section 501. Zoning map.**

A map entitled "Chesterton Zone Map" is hereby adopted as part of this Ordinance. The Zoning Map shall be kept on file and available for examination at the Office of the Clerk-Treasurer.

**Section 502. Zoning districts.**

The Town is divided into the districts dated in this Ordinance as shown by the district boundaries on the Zoning Map. The districts are:

- "R-1" Residential
- "R-2" Residential
- "R-3" Residential
- "R-B" Residential Business
- "B-1" Business
- "B-2" Business
- "B-3" Business
- "I-1" Industrial
- "I-2" Industrial

**Section 503. District boundaries.**

District boundaries shown within the lines of streets, streams, and transportation rights-of-way shall be deemed to follow their centerlines. The vacation of streets shall not affect the location of such district boundaries. When the Building Commissioner cannot definitely determine the location of a district boundary by such centerlines, by the scale or dimensions stated on the Zoning Map, or by the fact that it clearly coincides with a property line, he shall interplot the location of the district boundary with reference to the scale of the Zoning Map and the purposes set forth in all relevant provisions of the Ordinance. His decision shall be appealable to the BZA.

**Section 504. Districts.**

- A. Residential – Districts designated for residential use, R-1, R-2 and R-3, are limited to dwellings and public or semi-public uses which are normally associated with residential neighborhoods. The only uses permitted in the residential districts are those which would not detract from the residential character of the neighborhood. The purpose of these three (3) districts is to create an attractive, stable and orderly residential environment. However, the families per dwelling and the lot and yard requirements are different in the three (3) districts to provide for the various housing needs and desires of the community. The R-1 designation is a low density single-family residential area. The R-2 designation is a one- (1) or two- (2) family residential area, and R-3 designation is a multi-family residential area.
- B. Residential Business District (R-B). This district is composed of only those business and service establishments which supply 'convenience goods' or 'personal services', satisfying the daily needs of the abutting neighborhoods. It may also include office space which, by the nature of the business, will not adversely impact property values, local traffic or general welfare. While the district is intended for walk-in trade, adequate and screened off-street parking and loading areas shall be provided and no outside storage is allowed. Drive-through facilities shall be prohibited in the R-B district.
- C. Business – The districts designated for business, B-1, B-2 and B-3, are limited to business, public and certain residential uses. By establishing compact districts for such uses, more efficient traffic movement,

parking facilities, fire protection and police protection may be provided. Industrial uses are excluded in order to reduce the hazards caused by extensive truck and rail movements normally associated with such uses. The purpose of these districts is to provide unified shopping districts conveniently located. The B-1 designation comprises the high density, downtown area of the Town. The B-2 district is the medium density, business district and represents the major extensions of the downtown business area along the major arteries in the Town. The B-3 district is a lower density, open space type of use relating principally to automotive sales and service, business requiring outside storage facilities and quasi-business industrial facilities.

- D. Industrial – The districts designated for industry, I-1 and I-2, provide suitable space for existing industries and their expansion as well as for future industrial development. Performance standards, parking specifications, and yard regulations are set forth in this Ordinance in order to ensure safe industrial development that is compatible with adjacent uses. The locations of the districts are near railroads or highways in order to meet the transportation needs of industry. I-1, the light industrial district, provides space for industries, which do not cause conditions that would be objectionable to neighboring properties. I-2, the heavy industrial district, provides a space for certain intensive industrial operations, which may have some objectionable characteristics. Greater separation is required between the industries in the I-2 district and residential or business uses than is necessary in the I-1 district.

**Section 505. Permitted uses.**

Permitted uses - The permitted uses for each district are shown on Table A. The uses that are listed for the various districts shall be according to the common meaning of the term or according to definitions given in Article I. Uses not specifically listed or defined to be included in this category under this Article shall not be permitted unless a use variance is petitioned for and granted by the BZA.

(P = Permitted; S=Special Exception)

TABLE A  
(Uses not listed or without P or S are not permitted without obtaining a Use Variance)

LAND USAGE CATEGORY	PERMITTED USES BY DISTRICT								
	R-1	R-2	R-3	R-B	B-1	B-2	B-3	I-1	I-2
<b>Accessory</b>									
Accessory Structure	P	P	P	P	P	P	P	P	P
<b>Residential</b>									
Boarding or Lodging House			P	P					
Dwelling, Multi-Family, Apartment			P	P		S			
Dwelling, Single-Family	P	P	P	P					
Dwelling, Two-Family (Duplex)		P	P	P					
Home Occupation	P	P	P	P					







<b>Industrial Uses</b>									
Manufacturing, General Light									P
Manufacturing, Light								P	P

**Section 506. Lot, yard and habitable living area requirements.**

A. The minimum lot area, minimum lot area per family, minimum lot width, minimum depth of front yard, minimum distance from side street, minimum width of each side yard, minimum depth of rear yard and minimum habitable square feet per unit for each district shall be as shown on the following tables:

**TABLE B**

District	Minimum Lot Area	Minimum Lot Area per Family	Minimum Lot Width
R-1	9,500 sq.ft. <sup>2</sup>	9,500 sq.ft.	75 feet
R-2 <sup>4</sup>	7,200 sq.ft. <sup>2</sup>	4,000 sq.ft.	75 feet
R-3	6,000 sq.ft. <sup>2</sup>	2,000 sq.ft.	75 feet
R-B	6,000 sq.ft. <sup>2</sup>	2,000 sq.ft.	75 feet
B-1	3,000 sq.ft. <sup>2</sup>	3,500 sq.ft.	30 feet
B-2	7,200 sq.ft. <sup>2</sup>	3,500 sq.ft. <sup>7</sup>	70 feet
B-3	10,000 sq.ft.	5,000 sq.ft. <sup>7</sup>	75 feet
I-1	20,000 sq.ft.	N/A	100 feet
I-2	80,000 sq.ft.	N/A	200 feet

District	Minimum Depth	Minimum Distance From	Minimum Width	Minimum Depth	Minimum Sq. Feet	Habitable Per Unit
	Front Yard	Side Street	Side Yard <sup>1</sup>	Rear Yard <sup>1</sup>	(Single)	(Multiple)
R-1	25 feet	25 feet	10 feet	25 feet	950 sq. ft.	N/A
R-2 <sup>4</sup>	25 feet	15 feet	8 feet	25 feet	750 sq. ft.	650 sq. ft.
R-3	20 feet	15 feet	8 feet	10 feet	750 sq. ft.	600 sq. ft. <sup>6</sup>
R-B	20 feet	15 feet	8 feet <sup>5</sup>	10 feet	750 sq. ft.	600 sq. ft. <sup>6</sup>
B-1	0 feet	0 feet	0 feet <sup>3</sup>	0 feet	750 sq. ft.	600 sq. ft.
B-2	30 feet	20 feet	8 feet	10 feet	750 sq. ft.	600 sq. ft. <sup>6</sup>
B-3	30 feet	20 feet	10 feet	10 feet	750 sq. ft.	600 sq. ft. <sup>6</sup>
I-1	30 feet	20 feet	20 feet	20 feet	N/A	N/A
I-2	40 feet	40 feet	40 feet	40 feet	N/A	N/A

1 Principal structure.

2 If the lot is not served by a Town sanitary sewer system approved by the State Board of Health, the lot size shall be determined by rules and regulations of the Porter County Department of Public Health, but in no event shall be less than 15,000 square feet.

3 Where a “B-1” Business District lot is contiguous to a residential district, the lot shall conform to the residential district’s minimum side yard requirements.

- 4 Where land is presently subdivided into lots of record in R-2 Districts, which lots are 50 feet in width and contain at least 6,000 square feet, the requirements set forth above for R-2 Districts, with the exceptions of minimum habitable square feet per unit, the minimum depth front yard, side yard and rear yard, shall not apply.
  - 5 In new construction where a part or all of the building contains business use that abuts a residentially zoned or developed property, side yard setbacks shall be increased to 20 feet.
  - 6 The dwelling units in a retirement village shall be at the minimum of 440 square feet for an efficiency apartment with a kitchenette, 575 square feet for a one- (1) bedroom apartment, 720 square feet for a two- (2) bedroom apartment.
  - 7 The minimum square feet for a retirement village shall not be less than 2,000 square feet.
- B. No portion of a principal structure, whether upon or enclosed, including garages, carports, balconies, roofs or platforms, one (1) foot above normal grade level, shall project into any minimum front, side or rear yard. Detached accessory structures shall not be located closer than 10 feet from the nearest portion of the principal structure, nor closer than five (5) feet to the side and rear lot lines.
- C. Any lot of record existing at the effective date of this Ordinance, and then held in separate ownership different from the ownership of adjoining lots, may be used for the erection of a structure conforming to the use regulations of the district in which it is located, even though its area and width are less than the minimum requirements of this Ordinance, if said building conforms with other requirements of the Ordinance.
- D. Footing depth and yard grades - Footings for structures whether slab, lineal or pier type, shall be constructed at a depth of not less than three (3) feet below the finished grade. Finished grade shall be established as the final grade whether natural, cut or filled. Soil shall not be graded at a grade of more than 5 percent from the property line to one-half the distance of the required setback line, and no grade shall in any area exceed 35 percent. The low point of finished grade shall not be above the elevation of an existing finished grade along the side or rear lines of parcel or lot and shall not be above any walk or more than six (6) inches above the crown of the facing street or streets.
- E. Residence lot coverage - The lot coverage permitted for all structures upon lots in districts zoned residential shall not exceed 30 percent of the area of an interior lot or exceed 40 percent of the net area of a corner lot. Where residence property adjoins a part or other permanent open space the coverage may be increased to 40 percent and 50 percent respectively for interior and corner lots.

**Section 507. Height regulations.**

No principal structure shall exceed 35 feet in total height, above the average ground level, and no accessory structures shall exceed 16 feet in height, above the average ground level, unless approved by the BZA: provided that this section shall not apply to any building or structure owned by the Town, or its agencies and subdivisions

**Section 508. Number of structures or buildings.**

No lot may contain more than one (1) principal structure or building used for non-agricultural purposes. All other structures located on a lot must qualify as accessory buildings and uses to the principal structure and conform with all other regulations concerning same as set forth in this Appendix A.

**ARTICLE VI.**  
**USES, MISCELLANEOUS USES, PERFORMANCE STANDARDS**

**Section 601. Nonconforming Structures and Uses.**

- A. Purpose. The purpose of this Section is to effectuate the gradual elimination of nonconforming structures and uses of land and structures in combination.
- B. Burden of Proof. The party alleging the existence of a legally nonconforming structure or use bears the burden of demonstrating that the structure or use was legally existing at the time of a change in ordinance which rendered the structure or use nonconforming.
- C. Continuation of Nonconforming Uses. An illegal nonconforming use may not be permitted to continue and shall be enforced through existing Town ordinances. A legal nonconforming use may be continued but may not be extended, expanded or changed unless to a conforming use, except as permitted by the BZA.
- D. Enlarging, Altering or Repairing Legal Nonconforming Structures. A legal nonconforming structure may continue provided that it shall not be enlarged or altered in a manner that increases its nonconformity. A legal nonconforming structure or portion thereof may be altered in order to decrease or eliminate the nonconformity. Nothing in this ordinance shall be construed to prohibit the alteration of a legal nonconforming structure when such alteration is required to bring the structure into compliance with the Building Commissioner's order in the case of a structure determined to be unsafe.
- E. Repairing or Replacing Destroyed or Removed Structures. A legal nonconforming structure or portion of such structure which has been partly or completely destroyed or removed by accidental cause, including fire, flood, explosion, Acts of God, or any other casualty, may be repaired or replaced, provided:
1. The structure cannot be repaired or replaced in a manner which makes the structure legally conforming;
  2. The owner or agent makes application for a Building Permit within three (3) months from the date of the destruction or removal and all necessary construction is completed within six (6) months from the date of destruction;
  3. The replacement structure is placed on the same footprint of the old structure, is not higher than the old structure, retains the same or substantially similar architectural design, is constructed of similar or upgraded materials, all to the extent possible and to the extent permitted by the building code and all applicable regulations; and
  4. The elevation of the lowest floor, including the basement floor, is two (2) feet above the regulatory flood level and all necessary, applicable permits are obtained by the Indiana Department of Natural Resources.
- F. Abandonment of Legal Nonconforming Use. In the event that a legal nonconforming use has ceased for six (6) months or more, there is a rebuttable presumption that the use has been abandoned and may not be resumed without approval of the BZA. The presumption may be rebutted by a showing by the owner or proponent of the use that notice has been placed on file with the Building Commissioner's office regarding the

cessation of the use and the intention to resume the use at a later, definite date. In no event shall an owner resume a legal nonconforming use that has ceased for more than one (1) year.

G. No Application to Signs. This Section shall not be construed to apply to signs.

**Section 602. Accessory buildings and uses.**

Accessory uses, buildings and structures such as private garages, tool sheds, fences, retaining walls and landscaping are permitted in all districts in conjunction with a primary use, building or structure provided that they do not change the character of the district in which they are located and that they meet all other requirements of the Town Code. A private swimming pool may be permitted as an accessory use if it is surrounded by a wall or fence so as to prevent uncontrolled access by children. In addition, the following regulations concerning accessory buildings or uses shall be followed:

- A. An accessory building or use shall not be erected in any minimum side yard setback or in any front yard.
- B. All accessory buildings or uses on a lot shall not cumulatively occupy more than 30 percent of a required rear yard of said lot.
- C. No detached accessory building shall be located closer than 10 feet to any principal building nor shall it be located closer than five (5) feet to any side or rear lot line. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than five (5) feet to such rear lot line. In no instance shall an accessory building or use be located within a dedicated easement or right-of-way.
- D. No detached accessory building shall exceed one (1) story or 16 feet in height, except that in the industrial districts accessory buildings may equal the permitted maximum height of structures in said district provided that the building or use meets all setback and other requirements of the Town Code.
- E. Accessory buildings, structures or uses shall not be constructed prior to the construction of the principal building, structure and use. This means that the first building or structure placed upon a lot shall be considered a principal building or structure and all additional buildings shall be considered principal structures unless they qualify as accessory buildings as defined in this Ordinance and governed by all regulations concerning same.

**Section 603. Off street parking.**

There shall be provided in all districts, except the B-1 business district, at the time of erection or enlargement of any principal structure, off-street parking spaces for automobiles with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided, prior to the issuance of a Certificate of Occupancy as hereinafter prescribed. All spaces required under this Section must be located totally off of the street right-of-way. Any spaces located on the street right-of-way will not count towards parking spaces required under this Section.

A. RESIDENTIAL	Number of Minimum Parking Spaces Per Unit of Measure
Residential, in R-1	3 for each dwelling unit
Residential, in R-2 and R-3 Single Family and Duplexes	2 for each dwelling unit
Apartments	Parking Spaces per dwelling unit Efficiency units-1

	One-bedroom-1.25 Two or more bedrooms-2
Home Occupation	1 additional parking space over residential requirement
Housing for the elderly	1 for each 2 units and 1 for each employee. Should units revert to general occupancy, then the requirements for requirements for
Mobile home park	2 for each mobile home site and 1 for each employee of the mobile home park.
Boarding house	1 for each sleeping room
Tourist rooms in existing residential buildings	1 per sleeping room
Nursing Home	1 for 4 beds plus 1 per 2 employees
<b>B. INSTITUTIONAL</b>	
Places of Worship	a. With fixed seating. One (1) space per four (4) seats in main sanctuary or auditorium plus one (1) space per each three hundred (300) square feet of classroom and other meeting areas. b. Without fixed seating. One (1) space for each thirty (30) square feet of floor area in main sanctuary plus (1) space per each three hundred (300) square feet of classrooms and other meeting areas.
Hospitals	1.5 per bed
Residential Health Care Facilities	1 for each 4 beds
Elementary and Jr. High Schools	1 per teacher, employee and administrator and 1 per 3 seats in largest assembly
Senior High Schools, Dance Schools, Music Schools, Trade Schools and Vocational Schools.	1 per employee plus 1 per 3 students based on rated design capacity
Fraternity, Sorority, Dormitory	4 per 1000 square feet of habitable area

Nursery school, day nurseries and child care centers	1 for each 350 square feet of usable floor space and 1 per two employees
Private Club or Lodge Hall	1 per 3 persons allowed within as established by local or state fire or health codes.
Library	One (1) space per three hundred (300) square feet gross floor area.
<b>C. RECREATIONAL</b>	
Community or Recreation Building	One (1) parking space for each two hundred (200) square feet of floor area.
Parks, Public or Private	Three (3) parking spaces for each acre of park area.
Golf clubs and courses	One (1) parking space for each two hundred (200) square feet of floor area in any main building plus one (1) space for every two (2) practice tees in the driving range, plus (3) parking spaces for each green in the playing area plus spaces required for each accessory use, such as a restaurant or bar
Swimming Pool or Natatorium	One (1) space per one thousand (1000) square feet gross floor area.
Tennis Clubs	One (1) parking space per each two hundred (200) square feet of gross floor area, excluding court area, plus three (3) parking spaces per each court. The applicant shall be responsible for reserving space for parking that may be required in order to obtain permission for tournaments, shows, and other activities.
Health Clubs	One (1) for each 3 persons allowed within maximum occupancy.
Stadium, sports arena, or similar place of outdoor assembly	One (1) for each 3 seats or 6 feet of benches plus three-fourths (3/4) per each employee
Theaters, cinemas, gymnasiums, auditoriums, and similar places of public assembly.	One ( 1) space per 4 seats. The total requirement may be reduced by one (1) parking space for every four guest rooms contained in an attached hotel.
Bowling Alley	Four (4) per bowling lane and required spaces for any accessory use such as a bar or restaurant.
Dance Halls, Pool or Billiard Parlors, Roller	One (1) for each 3 persons allowed within the maximum

or Skating Rinks, Exhibition Halls, and Assembly Halls without fixed seats

occupancy load as established by local, county or state fire, building or health codes.

**D. BUSINESS**

When the words 'usable floor space' are used for the following uses and parking spaces required, usable floor space shall mean the total square footage of the building less the square footage of areas used solely for office space, restrooms, areas used exclusively for employees such as locker rooms and lunch room areas, and areas used for storage of files or inventory that is not accessible to public.

Planned business or shopping center:

In a regional center

One (1) space per two hundred fifty (250) square feet gross floor area

In a Convenience Center with arterial street frontage

One (1) space per two hundred fifty (250) square feet gross floor area

Auto Wash

One (1) space per employee plus 3 stacking spaces per bay.

Beauty Parlor – Barber Shop

1.5 for each service chair plus 1 per each employee

Funeral Homes, Mortuary Establishments, etc.

1 for each 3 persons allowed in establishment as established by local, county or state fire, building or health codes.

Hotel, Motel, Bed and Breakfast, or Retirement Village

1 per each living or sleeping unit and 1 for each 3 employees (full or part time) plus required spaces for any accessory use such as bar or restaurant

Establishments for sale and consumption on the premises of beverages, food or refreshments	1 for each 80 square feet of usable floor space or 1 for each 2 persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes whichever figure is higher
Laundromats and coin operated dry cleaners	1 for each 2 washing and/or dry-cleaning machines
Furniture and appliance, household Equipment, repair shops, showroom of a plumber, decorator, electrician or similar trade, shoe repair and other similar services	1 for each 800 square feet of usable floor space, (for that floor area used in processing, 1 additional space shall be provided for each 2 persons employed therein).
Gasoline service stations	2 spaces per service bay and one space per 200 square feet of accessory retail sales area
Motor Vehicle Sales, RV and Boat Sales	1 for each 200 square feet of show room and sales area and 2 for each service stall
Retail stores except as otherwise specified herein	One space per 250 square feet gross floor area
<b>E. OFFICES</b>	
Banks, Financial Civic Offices	1 for each 250 square feet of floor area
Business offices or professional offices except as indicated immediately below	1 for each 300 square feet gross floor area
Professional offices of doctors, dentists or similar professions, including personal Services	1 space per 250 square feet of gross floor area
<b>F. INDUSTRIAL</b>	
Industrial or research	5 plus 1 for every 1.5 employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction
Warehouses and wholesale establishments And related accessory offices	5 plus 1 for every employee in the largest working shift, or 1 for every 1700 square feet of usable floor space whichever is greater
Salvage, junk yard	1 per 2 employees
Warehouses, mini	1 space per 300 square feet of administrative office space plus 1 space per each 50 storage spaces
Sanitary, garbage and refuse	1 per 2 employees

Towers (cable TV, radio, microwave, utility, TV)	1 per employee per shift
Utility substation	1 per 2 employees

A. Off-street marking space requirements.

1. Off-street parking spaces may be located within required side and rear yard setbacks provided that in any business or industrial district that abuts a residential district directly or across the street there shall be maintained a minimum unobstructed and landscaped setback of 20 feet between the nearest point of the off-street parking area, exclusive of access driveways and the property line abutting a residential district. In any business or industrial district shall be maintained a minimum unobstructed and landscaped setback of 10 feet between the nearest point of the off-street parking area, exclusive of access driveways and any street right-of-way as indicated on the Thoroughfare Plan.
2. Off-street parking for other than residential use shall be either on the same lot or within 300 feet of the building in which it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown on all lots or parcels intended for use as parking by the applicant.
3. Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve.
4. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are approved elsewhere by the Building Commissioner.
5. Off-street parking existing at the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
6. Two (2) or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
7. The storage of merchandise is prohibited on off-street parking spaces.
8. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use similar in type as determined by the Building Commissioner.
9. When units or measurements determining the number of required parking spaces result in the requirements of a fractional space, any fraction up to and including one-half (1/2) shall require one (1) parking space.

B. Off-street parking space layout, standards, construction and maintenance - Whenever the off-street parking requirements require the building of an off-street parking facility, such off-street parking lot shall be laid out, constructed and maintained in accordance with the following standards and regulations:

1. No parking lot shall be constructed unless and until a permit is hereafter issued by the Building Commissioner. Applications for permit shall be submitted to the Building Department in such form as may be determined with two (2) sets of site plans for the development and construction of the parking lot showing that the provisions of this Ordinance will be fully complied with. Such permit may be combined with permits for principal structures.
2. Plan for layout of off-street parking facilities shall be in accord with following minimum requirements:

Parking Angle In Degrees	Maneuvering Lane Width	Parking Space Width	Plus		Total Width of One Tier of Spaces Plus	Total Width of Two Tier of Spaces
			Parking Space Length	Maneuvering Lanes	Maneuvering Lanes	
0 (parallel)	12 ft.	8 ft. 6 in.	23 ft.		20 ft. 6 in.	29 ft.
30 – 53	12 ft.	9 ft.	20 ft.	32 ft.		52 ft.
54 – 74	15 ft.	9 ft. 6 in.	20 ft.		36 ft. 6 in.	58 ft.
75 – 90	20 ft.	10 ft.	20 ft.		40 ft.	60 ft.

3. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited. This Section shall not apply to one- (1) or two- (2) family residential unit's off-street parking.
4. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.
5. All maneuvering lane widths shall permit one- (1) way traffic movements except that a 90 degree pattern may permit two (2)-way traffic.
6. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least 25 feet distant from adjacent property located in any single family residential district.
7. Where the off-street parking area borders on any residential (R-1, R-2, R-3) district, a screening wall shall be erected with a minimum height of six (6) feet so as to insure that the contents of the off-street parking area are screened from the view of the adjoining residentially zoned district. The screening wall required by this Section shall be by plantings that do not lose their foliage in winter months so that the screening provided is on a year-round basis. In the event plantings cannot be accomplished in the specific area, a combination of plantings, fencing or masonry screening walls or partitions will be acceptable so long as the intent of this section is fully complied with.
8. The entire parking area, including parking spaces and maneuvering lanes, required under this Ordinance, shall be provided with asphalt or concrete surfacing in accordance with specifications approved by the Street Commissioner. The parking area shall be surfaced within one (1) year from the date the occupancy permit is issued. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or towards buildings.
9. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.
10. In all cases where a wall extends to an alley, which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than 10 feet from access to the parking area.
11. No parking lot or part thereof shall cause interference with or obstruct the view of traffic, a traffic sign, or traffic signal.

12. Drainage and runoff calculations must be submitted for review before obtaining a building permit to construct a parking lot.

13. Additional parking lot requirements are delineated in Sections 803 and 804

C. Off-street Loading and Unloading - On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

1. Within an industrial district, all spaces shall be laid out in the dimension of at least 10-by-50 feet, or 500 square feet in area, with a clearance of at least 14 feet in height. Loading dock approaches shall be provided with a pavement having an asphalt or Portland cement binder so as to provide a permanent, durable and dustless surface. All spaces in I-1 and I-2 districts shall be provided in the following ratio of spaces to floor area:

Gross Floor Area (in Square Feet)	Loading and Unloading Space Required
1 – 1,400	None.
1,400 – 20,000	One (1) space.
20,000 – 100,000	One (1) space plus one (1) space for each 20,000 square feet in excess of 20,001 square feet.
100,001 and over	Five (5) spaces.

2. All loading and unloading in an industrial district shall be provided off-street in the rear yard or interior side yard, and shall in no instance be permitted in the front yard. In those instances where exterior side yards have a common relationship with an industrial district across a public thoroughfare, loading and unloading may take place on said exterior side when setback is equal to at least 50 feet.

**Section 604. Temporary structures.**

Temporary structures used in conjunction with construction work, seasonal sales, or emergencies may be permitted by the Building Commissioner, if the proposed site is acceptable and neighboring uses are not adversely affected. They shall be removed promptly when their function has been fulfilled. Permits for temporary structures may be issued for a period up to 24 months. Residing in basement or foundation structures shall not be permitted.

**Section 605. Home occupations.**

Home occupations as defined in Article II shall be subject to the following requirements.

- A. The principal use of the structure or dwelling unit shall remain residential, and the operator of the home occupation shall reside in the dwelling unit.
- B. No more traffic shall be generated by a home occupation than would be normally be expected in a residential neighborhood.
- C. No equipment or process shall be used in such home occupation which creates noise, vibrations, glare, fumes, odors, or electrical interference detectable to the normal senses which can be detected off the premises.
  - 1. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

**Section 606. Off-street loading.**

Every building which requires the receipt or distribution by vehicles of material or merchandise shall provide off-street loading berths of a size and arrangement appropriate for the types of vehicles utilizing this space. In no case will loading or unloading be permitted within public rights-of-way.

**Section 607. Performance Standards.**

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 the public health, safety and welfare, and lessen injury to property. No use in existence on the effective date of the Ordinance shall be so altered or modified to conflict with those standards.

- A. Fire Protection - Fire fighting equipment and prevention measures acceptable to the Town Fire Department shall be readily available and apparent when any activity involving the handling or storage of flammable or explosive materials is conducted.
- B. Electrical Disturbance - No use shall cause electrical disturbance adversely affecting radio, television or other equipment in the vicinity.
- C. Noise - No use shall produce noise in such a manner as to be objectionable because of volume, frequency, intermittence, beat, shrillness or vibration. Said noise shall be muffled or otherwise controlled so as not to become detrimental, provided, however, public safety sirens and related apparatus used solely for public purposes shall be exempt from this standard.
- D. Vibration - No use shall cause vibrations or concussions detectable beyond the lot lines without the aid of instruments.
- E. Odor - No use shall emit across the lot lines malodorous gas or matter in such quantity as to be readily detectable at any point along the lot lines.
- F. Air Pollution - No use shall discharge across the lot lines fly ash, dust, smoke, vapors, noxious, toxic or corrosive matters, or other air pollutants in such concentration as to be detrimental to health, animals, vegetation or property.
- G. Heat and Glare - No use shall produce heat or glare in such a manner as to create a nuisance perceptible from any point beyond the lot lines.
- H. Water Pollution - No use shall produce erosion or other pollutants in such quantity as to be detrimental to adjacent properties and conflict with water pollution standards established by public agencies.
- I. Waste Matter - No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of applicable public health, safety, and welfare standards and regulations.

**Section 608. Trailers and similar equipment.**

From and after the effective date of this Ordinance it shall be unlawful for any person, firm or corporation to keep any trailer or similar equipment parked or located within the Town for the purpose of human habitation without first obtaining a permit to do so from the Building Commissioner. The application for said permit shall state the lot or legal description of the land upon which such trailer or similar equipment is to be parked or located, the length of time for which it is proposed to keep said trailer or similar equipment within the Town, the number, age, and sex of the persons who are to occupy the same, and what arrangements will be made for utilities such as heat, light, water and sewage, and waste disposal. After receiving any such application and being duly advised in the premises the Building Commissioner may issue temporary permit for the parking and use of such trailer or similar equipment within the Town for a period to

be stated in such permit, but not for more than six (6) months at any one (1) time. The fee for such period shall be \$25.00 for each permit or renewal thereof, unless situated within an approved mobile home park.

**Section 609. Manufactured homes.**

- A. Permitted placement - The establishment, location, and use of manufactured homes as residences shall be permitted in any zone permitting installation of a dwelling unit subject to all the requirements and limitations applying generally to such residential use in the district and provided that such homes shall meet the following requirements and limitations:
1. The homes shall meet all requirements applicable to single-family dwellings and possess all necessary improvement, location, building and occupancy permits and other certifications as may be required by the Town of Chesterton, State or Federal law.
  2. The homes shall be attached and anchored to a permanent foundation in conformance with the regulations in the Indiana One- and Two-Family Dwelling Code and with manufacturer's installation specifications.
  3. The homes shall be covered with an exterior material customarily used on site-built residential dwellings, and such material shall extend over the top and such material shall meet the Town's site-built residential dwelling homes' standard.
  4. The home shall have a roof composed of a material customarily used on site-built residential dwellings, such as asbestos, fiberglass, shake, asphalt shingles, or tile materials, which shall be installed onto a surface appropriately pitched for the materials used.

**ARTICLE VII**  
**PLANNED UNIT DEVELOPMENT DISTRICTS.**

**Section 701. Planned Unit Development.**

A Planned Unit Development (PUD) is a privilege that will be granted in only those cases that it is determined by the adoption of a PUD ordinance that a PUD will promote proper development which is of benefit to the Chesterton community as a whole. A PUD is not a right which can be claimed solely by apparent compliance with standards established in this Article.

This Article encourages innovations in development so that the growing demands for housing may be met by greater variety of type, design, and siting of dwellings which promotes the conservation and more efficient use of land. This Article also encourages the conservation and more efficient use of land for non-residential development. This Article recognizes that a rigid set of space requirements along with building and use specifications would frustrate the application of these concepts. Accordingly, where a PUD District ordinance is deemed appropriate, the land may be designated and developed as a PUD District in strict accordance with the ordinance that must be adopted pursuant to Indiana Code 36-7-4-1500 et seq.

**Section 702. Objectives.**

In order to carry out the intent of this Article, a PUD should endeavor to provide:

- A. A choice in the types of environment, occupancy tenure, types of housing, types of ownership, and community facilities available to existing and potential residents;
- B. Usable open space and recreational areas;
- C. Convenience in the location of accessory, commercial, and service areas;
- D. Preservation of natural topographical and geological features with emphasis on:
  - 1. prevention of soil erosion;
  - 2. conservation of existing surface and sub-surface water; and
  - 3. preservation of tree cover, unique or sensitive natural areas and/or preservation of quality open space;
- E. A safe and efficient network of streets;
- F. An efficient network of utilities;
- G. The development of land consistent with the objectives of the Comprehensive Plan; and
- H. A more efficient utilization of the land than what might be obtained through other development procedures.

**Section 703. Delegation.**

No authority to conduct secondary review of a PUD District ordinance under I.C. 36-7-4-1509(c) is granted as the Town Council expects that any PUD District ordinance presented to it shall express in detailed terms the development requirements that apply, as opposed to development requirements being expressed in general terms. In situations where the PUD District ordinance includes detailed terms of development requirements that apply, secondary review of the PUD District ordinance is not required. However, all platting requirements of this Ordinance is hereby adopted as the procedure for platting all parcels of real property for which a PUD District ordinance is adopted.

**Section 704. Procedure for Planned Unit Development District Ordinance Consideration.**

- A. Petitioner, who must hold either legal or equitable title to the real estate in question, files a concept plan at the Office of the Chesterton Clerk-Treasurer at least 10 days in advance of the next scheduled Plan Commission meeting. The concept plan does not require a formal application, a fee or the filing of a proposed PUD District ordinance.
- B. The Plan Commission shall review the concept plan and its related documents. The Plan Commission may call upon other public and/or private consultants as necessary to provide a sound review of the concept plan. This review of the plan is only concerned with general conceptual merit and in no way shall commit to any future acceptance or rejection of the detailed PUD district ordinance.
- C. Once concept plan review has been deemed completed by the Plan Commission, the petitioner may submit its formal proposed PUD District ordinance to the Plan Commission. These documents must be filed at least 10 days in advance of the next regularly scheduled Plan Commission meeting to be considered at that meeting, unless the Plan Commission waives this requirement, and the petitioner must pay all applicable fees due at this time.
- D. The Plan Commission will then determine whether the proposed PUD District ordinance is in proper form and contain all of the information required by this Article and, in the event that these questions are answered in the affirmative, shall then set this matter for a public hearing in accordance with its Rules and Regulations for public hearings.
- E. Petitioner must meet with Chesterton Department of Parks and Recreation for purposes of obtaining the Park Board's recommendation to the Plan Commission concerning open space for this development.
- F. The Plan Commission holds a public hearing on the proposed PUD District ordinance.
- G. When official action is taken by the Plan Commission on the proposed PUD District ordinance, the Plan Commission must certify its official action to the Town Council with either a favorable recommendation, an unfavorable recommendation or no recommendation.
- H. The Town Council must consider the proposal for a PUD District ordinance in accordance with I.C. 36-7-4-606.
- I. In the event a PUD District ordinance is adopted, the petitioner may then proceed with Primary and Secondary Plat approval before the Plan Commission utilizing the same procedures and requirements as set forth in the subdivision regulations found in Article X of this Ordinance of the Town Code as if the same had been reprinted herein in its entirety. However, in order to assist petitioners in this process, petitioners shall be allowed to initiate the Primary Plat approval process during the PUD district ordinance process so that the same night the public hearing takes place for the PUD district ordinance, a properly prepared petitioner may request the Plan Commission to set a public hearing for Primary Plat approval for the development.

**Section 705. General Requirements.**

- A. No building or structure shall be closer than 25 feet to any lot line dividing land inside the PUD District from land zoned or used as residential outside the PUD District.
- B. All of the regulations of this Ordinance concerning both uses and development standards shall apply to the PUD District, unless the PUD District ordinance provides for and specifically delineates the variances requested from the use districts and development standards set forth in this Ordinance.

**Section 706. Site and Structure Regulations.**

- A. Site and Structure regulations for PUD Districts shall adhere to the following regulations:

1. Plot and lot sizes, dimensions, structure heights, and locations thereon may be freely disposed and arranged in conformity to the overall density standards recommended by the Plan Commission or stated in this Article. Minimum lot size, frontage, and maximum lot coverage are specified in this Ordinance, however, in order to vary this Ordinance regulations concerning same, a request must be made. The Plan Commission may be guided by common, good planning practice.
  2. District regulations governing side and rear yard sizes in residential areas may be varied. However, proper buffering and landscaping must be included in the proposed PUD District ordinance when conflicting or dissimilar land uses abut.
  3. A minimum of a 30 foot front yard setback shall be provided on any County road, State or Federal highway, or on any thoroughfare designated as arterial or collector in the Thoroughfare component of the Comprehensive Plan. This minimum may be altered in the sound discretion of the Plan Commission and Town Council in mixed use or non-residential portions of the PUD District Ordinance as specifically delineated in same.
  4. All open spaces between structures shall be protected by fully recorded covenants running with the land.
  5. Every residential dwelling unit, business or industrial complex or building shall have access to a public street, court, walkway or other area dedicated to public use or subject to an easement for access. The boundaries and extent of the lot or plot upon which any single unit detached or attached dwelling is located shall be clearly defined and monumented.
  6. Right-of-way and pavement widths for internal ways, streets, and alleys shall be determined from sound planning and engineering standards in conformity with the estimated needs of the full development proposed and the traffic to be generated not only from the development but from adjoining parcels of land and shall be adequate and sufficient in size, location, and design to accommodate the maximum traffic, parking, loading needs, and the access of firefighting equipment and other emergency vehicles.
- B. The developer of a PUD District shall furnish public water and sanitary sewage facilities based on agreement with the appropriate municipal officials and/or utility companies. The developer shall provide all necessary storm drainage, highway access, paved service streets, parking facilities, fire hydrants, off-street lighting, and other public improvements deemed necessary by the Town, and shall make reasonable provision for service to the connection with adjoining properties held in other ownership.

**Section 707. Usable Open Space.**

Usable open space is of paramount importance to any proposed PUD District ordinance. Usable open space is considered to be land easily adaptable for active recreational uses such as softball fields, soccer fields, and the like along with passive uses such as recreational trails, picnic areas, and the like. At a bare minimum, any PUD District ordinance proposal must contain provisions for lands for local park and recreational purposes in accordance with Sections 1000-101 through 103 of this Ordinance.

**Section 708. General Standards.**

The PUD District ordinance should substantially conform to the Comprehensive Plan with respect to type, character, and intensity of use and public facilities. Exceptions to Chesterton's Comprehensive Plan may be made in the adoption of a PUD District ordinance when there would be a direct and substantial benefit to the Town.

The PUD shall be located in an area in which transportation systems, police and fire protection, other public facilities and utilities, including sewage and water, are or will be available when the parcel is developed and are adequate for the uses

proposed. Provided, however, that the petitioner may make provisions for such facilities or utilities which are not presently available.

There is no minimum PUD size contained in this Ordinance.

In examining the proposed PUD District ordinance, the Town Council and its Plan Commission shall consider the following:

- A. Compatibility of the development with surrounding land uses;
- B. Availability and coordination of water, sanitary sewers, storm water drainage, and other utilities;
- C. Management of traffic in a manner that creates conditions favorable to health, safety, convenience, and the harmonious development of the community. In considering the criteria listed under this number, the proposed PUD District ordinance must provide for the following:
  - 1. that the design and location of the proposed street and highway access points minimize safety hazards and potential congestions;
  - 2. that the capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the new development; and
  - 3. that the entrances, streets, and internal traffic circulation facilities in the proposed PUD District ordinance and development plan are compatible and, wherever feasible, connectible with existing and planned streets and adjacent developments.
- D. Whether the major components of the PUD District are appropriately located and are able to continue to function as a sole and separate unit if all phases of the PUD are not completed, taking into consideration factors such as the Infrastructure Guarantee procedures and subdivision regulations all as found in this Ordinance.
- E. Building setback lines;
- F. Density of proposed development;
- G. Building coverage;
- H. Building separation;
- I. Vehicle and pedestrian circulation;
- J. Parking;
- K. Landscaping;
- L. Height, scale, materials, and style of improvements.
- M. Signage;
- N. Open space including park and recreational space.
- O. Outdoor lighting;
- P. Conformance to Town standards;

- Q. Whether or not the PUD is a genuine PUD or represents an attempt to circumvent the prescribed zoning and/or Subdivision Regulations without a resulting benefit to the Chesterton community as a whole;
- R. Effects on public health, safety, morals, and welfare;
- S. Preservation of natural topographical, geological features with emphasis upon:
  - 1. prevention of soil erosion;
  - 2. conservation of existing surface and subsurface water;
  - 3. preservation of sensitive or unique natural areas; and
  - 4. preservation of major trees or other environmental enhancing features.
- T. Other requirements considered appropriate by the Town Council and its Plan Commission.

**Section 709. Permitted Uses.**

Table "A" located in the Section 505 shall apply to uses for the proposed PUD District ordinance. However, the uses may be varied by complete compliance with this Article in the sound discretion of the Town Council upon receiving advice from its Plan Commission.

**Section 710. Concept Plan**

In order to allow the Plan Commission and the petitioner to reach an understanding of the basic design requirement prior to detailed design, the developer shall submit as its concept plan the following:

- A. An area map showing the property proposed to be developed as a PUD and also adjacent property owners and existing uses located within 300 feet of the parcel in question.
- B. A legal description of the parcel proposed as a PUD.
- C. A list of all requested variances from this Ordinance that the petitioner wishes to be a part of this PUD.
- D. A list including location of all proposed uses to be contained within the PUD.
- E. A sketch plan approximately to scale, though it need not be to the precision of a finished engineering or architectural drawing, that clearly shows the following:
  - 1. the existing features of the site including topography;
  - 2. the proposed location of the various uses and their areas in acres;
  - 3. the general outlines of the proposed interior roadway system and all existing rights-of-way and easements, whether public or private;

4. Delineation of the various residential areas indicating for each such area its general extent, size, and composition in terms of total number of dwelling units and approximate percentage allocation by dwelling type;
5. Delineation of the various nonresidential areas such as commercial or industrial areas, indicating for each such area its general extent, size, and composition in terms of total number of buildings and approximate percentage allocation by unit type;
6. a calculation of the residential density in dwelling units per gross acre including interior roadways;
7. the interior open space system including land to be utilized for park and recreational purposes;
8. where portions of the site are subject to flooding, the plan shall indicate extent and frequency;
9. where areas lie in aircraft approach and holding patterns such areas shall be indicated;
10. the proposed provision for disposition of storm water and sanitary sewage and source of water service;
11. the substance of any covenants, grants, easements, or any other restrictions to be imposed upon the land or buildings including easements for public utilities;
12. the proposed provisions for streets, walkways, and parking including locations and widths;
13. the general description of the availability of other community facilities such as schools, fire protection services, parks, and how these facilities will be affected by the proposal;
14. general statement as to how common open space is to be owned and maintained; and
15. if the development is to be phased, a general indication of how the phasing is to proceed.

The purpose of the concept plan is to obtain as much information about the proposed PUD as possible and to make advice and assistance available to the petitioner, and to allow the Plan Commission, the Chesterton Department Heads, and the petitioner to discuss the proposal and determine whether a PUD based, in general, upon the concept plan appears to be in general compliance with this Article.

**Section 711. PUD District Ordinance.**

Once the Plan Commission has concluded the concept plan process by giving its advice to the petitioner, the petitioner may then formally submit an application on the form prescribed by the Plan Commission for a PUD District ordinance. The proposed PUD District ordinance shall express, in detailed terms, all development requirements that apply to the proposed PUD District. It is understood and agreed to by the petitioner that all Town standards, use and development standards shall apply to the PUD District unless the variances to same are specifically delineated in the written text portion of the PUD District ordinance.

All PUD District ordinances will consist of two (2) components, the first being the written text of the ordinance and the second being the detailed plan for the development of this parcel in the form of a drawing as set forth in this Section.

- A. The written text portion of the PUD District ordinance shall contain at least the following:
  1. Name and address of petitioner;

2. Legal description of proposed PUD District;
  3. A copy of the recorded document showing petitioner's ownership interest in this parcel;
  4. All Town standards, use and development standards unless the variances to same are specifically delineated;
  5. Delineation of all uses and area in acres of each proposed use;
  6. Total number of residential units and percent of each type of each residential uses;
  7. Delineation of each business and/or industrial use, and total area in acres of each business and/or industrial use;
  8. Phasing schedule of development;
  9. Detailed description of location and proposed use for all proposed open and/or recreational spaces;
  10. General description of community services available to the proposed PUD District's residents including schools, fire protection, parks, and all public/private utilities;
  11. General statement on proposed ownership and maintenance of common open space;
  12. Proposed construction schedule;
  13. A general statement demonstrating how the proposed PUD District ordinance conforms to:
    - a. The Objectives of PUD Districts as set forth in Section 702 of this Article, which shall include a specific written submission addressing the items in Section 708. S., having to do with preservation of natural topographical and geological features of the land in a proposed PUD District;
    - b. A list of all proposed written commitments concerning the use and development of the land contained in the proposed PUD District ordinance.
- B. The drawing portion of the PUD District ordinance showing the plan of development for this parcel shall include 15 copies of the proposed plan of development with the following information:
1. An area map showing the property under consideration and all properties and easements within 300 feet of petitioner's property;
  2. A topographic map showing contour intervals of not more than two (2) feet of elevation shall be provided;
  3. The drawing shall include:
    - a. the name and address of the petitioner;
    - b. legal description of proposed PUD District;
    - c. north point, scale and date;
    - d. boundaries of the properties platted to scale;

- e. existing water courses;
  - f. a development plan showing location, proposed use and height of all buildings;
  - g. location and proposed development of all open spaces including parks, playgrounds, and open reservations;
  - h. all areas where natural vegetation will be preserved shall be noted;
  - i. location of outdoor storage, if any;
  - j. location of all existing and proposed infrastructure improvements, including roads, sidewalks, pedestrian ways, bike paths and the like, drains, culverts, retaining walls and fences, retention or detention ponds and the like, descriptions of the methods of sewages and solid waste disposal and water utility, and location of such facilities, location and size of all signs, location and design of all streets, parking and truck load areas with ingress and egress drives relating to same and including proposed lighting for parking or truck loading areas;
4. A transparent overlay or separate map showing all soils, areas, and their classifications, including those areas with moderate to high susceptibility to flooding and moderate to high susceptibility to erosion.

In its review, the Plan Commission and/or Town Council may wish to consult with the Town Engineer, the Town Attorney, its other departments, including, but not limited to, representatives of Federal and State agencies including the Soil Conservation Service, Department of Natural Resources, Army Corps of Engineers, and the Indiana Department of Environmental Management. Independent consultants or companies may be retained by the Town Council or its Plan Commission to seek assistance to properly review the proposed PUD District ordinance. All consultant and other fees required by this Ordinance to be paid by the petitioner shall be paid on an ongoing monthly basis throughout the entire PUD District and platting process with the last payment required within 30 days after the conclusion of the PUD District Ordinance process and then again within 30 days after the conclusion of the platting process. All fees required must be paid regardless of whether the proposed PUD District Ordinance of the applicant is approved, amended, rejected or withdrawn by the petitioner or dismissed for lack of prosecution of same by the petitioner. The Town Council or its Plan Commission may also require such additional information in any proposed PUD District ordinance that appears to said boards to be of assistance in its consideration of this matter.

**Section 712. Written Commitments and Infrastructure Guarantees.**

When adopting or amending a PUD District ordinance, the Town Council may do any or all of the following:

- A. Impose reasonable conditions on a proposed PUD;
- B. Allow or require the petitioner, as owner of the real property contained within the PUD District ordinance, to make a written commitment concerning the use and development of this parcel in a manner authorized by I.C. 36-7-4-615.

The circumstances under which a written commitment can be made, modified or terminated will be all circumstances in which the making, modification or termination of a written commitment is deemed to be in furtherance of the intent and the objectives contained in this Article as determined in the discretion of the Town Council, in the case of the adoption or amending of a PUD District ordinance. The Town Council may require or allow a written commitment, or may approve or disapprove modification or termination of a written commitment to any extent it deems appropriate in attempting to further the intent and objectives of this Article.

The Town Council may permit or require a written commitment by the petitioner which shall be in written form, and detailed on the written portion of the PUD District ordinance and also on the plat of development for the PUD District in recordable form acceptable to the Office of the Recorder of Porter County. The written commitment may be enforceable by the Town or its Plan Commission or any property owner within the PUD District or any property owner within 300 feet of the PUD District. Enforcement by the owners of property within the PUD District or property owners within 300 feet of the PUD District are determined to be classes of specially affected persons who may enforce a written commitment by the seeking of an injunction and/or damages in a court of competent jurisdiction. The Town Council and/or its Plan Commission is also considered a class of specially affected persons who may enforce a written commitment in the same manner in which private citizens may as set forth above. Additionally, the Town Council or its Plan Commission may, through the Town Attorney, file suit against the offending party in any court of competent jurisdiction seeking a restraining order, temporary or permanent injunction, and also a fine of up to \$2,500.00 per day for each violation of the existing written commitment. Additionally, no building or occupancy permit shall be issued for land within the PUD District while a violation of the written commitments exist.

The notice and hearing required for the granting, amending or termination of a written commitment shall be part of the process for consideration of the PUD District ordinance. No termination or modification of a written commitment may be had unless a public hearing is held by the Plan Commission, with due notice to all parties located within 300 feet of the PUD District and given at least 10 days before the date set for the hearing. All other rules of the Plan Commission shall apply in determining how notice is to be given to interested parties and who is required to give that notice.

**Section 713. Primary and Secondary Plat Approval.**

Once a PUD District ordinance is adopted by the Town Council, the petitioner then may make application upon such forms and upon the payment of all required fees with the Plan Commission, who shall have exclusive jurisdiction over the platting contained within a PUD District.

No building permits for the construction of any structures, other than public improvements required for the PUD District, shall be issued until the Secondary Plat of the PUD has been approved and recorded and also until the written guarantee for the infrastructure has been posted and accepted by the Plan Commission.

**Section 714. Amending a PUD District Ordinance.**

Any amendments to a PUD District ordinance will be processed in the same manner as a zone map change in accordance with this ordinance and the Code of Indiana. There shall be a public hearing and recommendation by the Plan Commission, with proper notice therefore. The Town Council shall act upon the recommendation at a properly noticed public meeting within 90 days of certification of the PUD amendment by the Plan Commission.

**Section 715. Fees.**

Any person, firm, corporation, partnership, limited liability company or any other entity that files a petition for a PUD District ordinance shall be charged a fee in accordance with the schedule of fees established by the Town Council, as noted in this Ordinance as is amended by the attached Fees for PUDs. Additionally, any person, firm, corporation, partnership, limited liability company or any other entity shall also be responsible for any costs incurred in the filing of the Secondary Plat or amendments thereto with the Porter County Recorder and the costs of any paid consultants to the Town Council or its Plan Commission including, but not limited to, that of the Town Attorney and the Town Engineer who shall be paid at their prevailing hourly rate for the time in which the work is performed. No building permits shall be issued for any construction in any PUD District for which the aforementioned fees and costs are unpaid.

**Section 716. General.**

In administering its responsibilities pursuant to this Ordinance, the Town Council and/or its Plan Commission may promulgate any rule, enter into negotiations or procedures consistent with this Ordinance and/or state law.

**ARTICLE VIII**  
**FENCE AND LANDSCAPE REGULATIONS AND REQUIREMENTS**

**Section 801. Intent and Purposes.**

The intent and purpose of the landscaping requirements of this Article is to promote public health and safety through the reduction of noise and pollution, air pollution, visual pollution, air temperature and artificial light glare; to improve the appearance of property and VUAs abutting public rights-of-way; to require buffering between certain non-compatible land uses to minimize the opportunities of nuisances; and to protect, preserve and to promote the aesthetic appeal, character and value of surrounding neighborhoods.

**Section 802. Applicability.**

The regulations set forth in this Article shall apply to all zoning districts in the Town, except B-1, in the following cases:

- A. Whenever there is a new construction of a primary business structure or a platting of a PUD, a subdivision or subdivision phase, applicable requirements for all Sections of this Article shall be met.
- B. Whenever there is an addition or enlargement of 10,000 or more square feet to an existing business building, applicable requirements of all Sections of this Article shall be met.
- C. Whenever any addition, enlargement or remodeling of less than 10,000 square feet requires additional parking, the requirements of Section 803 A. shall apply for VUAs and the plan set forth in Section 805 shall apply and be submitted as part of the building permit application.

**Section 803. Landscaping Requirements.**

The Town recognizes that landscaping, greenspace, and greenbelts provide aesthetic and environmental benefits, and promote harmony between different land uses. All requirements of this Section shall apply to business or industrial development for which a building permit is applied for after the effective date of this Ordinance.

A. Parking Lots, VUAs.

1. Landscaping Perimeters of Vehicular Use Areas (VUA).

- a. Along Streets. To reduce headlights intrusion in areas where a business VUA adjoins a street, a minimum of one (1) tree per each 40 feet of street frontage shall be planted between the street and VUA. Additionally, a continuous screen of plant material, berms, architectural elements, or a combination thereof not to exceed 36 inches in height shall be incorporated. Trees, landscaping, and sidewalks shall be installed as to provide a safe barrier between vehicles and pedestrians and not to interfere with traffic line of sight.
- b. Adjacent to another VUA. The requirements of Section 803 A. 1. a. above shall apply, and be planted within a minimum greenspace boundary of 10 feet in width.
- c. Adjacent to Residential Properties. A continuous planting, hedge, fence, wall, and/or berm, having 75 percent winter opacity and a minimum height of six (6) feet within a three (3) year period from planting shall be installed.

2. Landscaping Parking Lot Interiors. In order to reduce the negative micro-climate impacts of paved areas, reduce the effects of dust, glare and noise, slow the accumulation of storm water and to beautify the Town, the following minimum landscape requirements shall apply to all parking lots of 15 spaces or more:

- a. All business parking spaces shall be located within 70 feet from the center point of a shade tree, established or installed.
- b. For each 100 square feet of VUA or fraction thereof, a minimum of five (5) square feet of interior landscape planting area shall be provided.
- c. All tree center points for parking lot trees must be located within a minimum nine (9) foot wide continuous pervious planting strip, no smaller than 200 square feet in area and bounded by curbs and wheel stops.
- d. A minimum 40 foot wide landscaped strip shall be required to divide a parking area exceeding 30,000 square feet. Pedestrian walkways may be included in this strip.
- e. Shade tree species planted must be chosen from the approved medium and large street tree lists in the Town of Chesterton Arboricultural Specifications Manual and shall have a minimum trunk size of two (2) inch caliper.
- f. Trees shall have a clear trunk of at least five (5) feet above the ground and the remaining area shall be landscaped with shrubs, living ground cover, or turf, not to exceed three (3) feet in height.
- g. Parking lot landscape islands shall be designed to facilitate the flow of traffic and to accommodate snow removal.
- h. It is encouraged that parking lots be designed to save groupings of existing trees by designing around them. Tree protection measures shall be required during construction.

B. Screening Special Needs. This Section describes the standards and minimum requirements that shall be met for higher impact uses such service structures, storage areas, and detention/retention basins and ponds.

- 1. Landscaping for Service Structures. Service structures shall be screened from all residentially zoned or developed areas, residentially designated PUDS, and from the street in all zoning districts.
  - a. Location of Screening. Where required, a continuous planting, hedge, fence, wall and/or berm, having a minimum 75 percent winter opacity within a three (3) year period from planting is required. Screening shall enclose any service structure on all sides unless it must be frequently moved or serviced, then screening on all but one (1) side is required. The average screening height shall be one (1) foot more than the height of the enclosed structure, but shall not be required to exceed 10 feet.
- 2. Landscape Requirements for Screening Storage Areas. All outside business or industrial storage including, but not limited to, display prefabricated metal or wood storage sheds, bulk materials, building supplies, retail merchandise (excluding plant material) and storage areas for boats and recreational vehicles, shall be screened from adjoining residentially developed or zoned property, residentially designed PUDs, and the public right-of-way. The use of evergreen vegetation such as arborvitae and spruces is encouraged. Solid fences or masonry walls may be used.
- 3. Detention/Retention Basins and Ponds. Detention/retention basins and ponds and conservation areas shall be landscaped to create a park-like amenity. Such landscaping should include shade

and ornamental trees, evergreens, shrubbery, hedges, and/or other planting materials approved by the Building Commissioner and Town Engineer.

4. Landscape Conflicts. There shall be no planting within five (5) of underground utility lines and no large or medium trees under utility wires. Cars shall not be allowed to overhang landscaped areas by more than two and one-half (2 ½) feet, and wheel stops or curbs shall be provided.

**Section 804. Selection, Installation and Maintenance of Plant Materials**

A. Landscape Materials

1. Plant material used shall conform to the standards of the American Nursery and Landscape Association.
2. Shrubs shall be a minimum height of 18 inches at planting time. Screening shrubs shall meet the minimum design height and opacity requirements within three (3) years from planting.
3. Trees shall have a minimum planting size of five (5) feet height for coniferous trees and two (2) inch caliper for deciduous trees.
4. Existing landscape materials in good health and form that have been protected by tree protection measures may be used to satisfy these requirements in whole or in part when, in the opinion of the reviewing Town authority, such material meets the requirements and achieves the objectives of this section.

B. Installation Standards

1. Plant material shall be healthy and installed in accordance to current planting procedures established by the American Association of Nurserymen to ensure long term survival. Planting beds shall be mulched.
2. Trees shall be installed in accordance with the Town of Chesterton Arboricultural Specifications Manual. Any tree pits shall be a minimum five (5) feet in diameter.
3. Landscaping at Parking Lot Driveway and Street Intersections. A sight triangle shall be observed in all intersections. Within this sight triangle, no landscape material shall be permitted, except for grass or ground cover. Trees shall be permitted as long as only the tree trunk is visible between the ground and eight (8) feet above the ground. The sight triangle requirements are set forth in Part B, Section B(2)(k) of the Chesterton Town Standards.
4. Ground cover shall be planted to present a finished appearance and 75 percent or complete coverage after three (3) years, with a maximum spacing of eight (8) inches on center.

- C. Maintenance Requirements. The current property owner of any property affected by this Article shall be responsible for the maintenance of all landscaping required herein. All landscaping required by this Article shall be maintained in good condition so as to present a healthy, neat, orderly appearance, and shall be kept free of refuse and debris. Any plant material that dies or is removed must be replaced within one (1) year by the current property owner.

**Section 805. Plan Submission.**

- A. Landscape plans in conformance with this Article shall be submitted at the time of the building permit application.
- B. Landscape Plan content. Landscape Plans required to be submitted pursuant to this Section for business or industrial developments, subdivisions, and PUDs shall show:
  - 1. Location, quantity, size and type, including botanical and commons name, of proposed landscaping material shown in relation to other site features such as utilities, easements, natural water features, and storm water containment areas as required in Section 803.
  - 2. General stands of natural woodland delineated by canopy cover, predominant species, density, and average DBH.
  - 3. Individual specimens of natural trees to be used to meet landscaping requirements shall be noted by tree center point, present canopy cover, species and DBH.
  - 4. Drawings of any solid screens proposed noting whether vegetation, fence, wall, or berm or combination of these and any berms proposed and their relationship to site drainage.
  - 5. Typical elevations and/or cross sections as may be required at a larger scale to adequately convey the aspects of the plan.
  - 6. Title block with the pertinent names and addresses, property owner name and signature, person drawing plan, scale, date, and north arrow.
- C. No building permit shall be issued until the required plans have been submitted and approved. No certificate of occupancy shall be issued until the landscaping is completed pursuant to Section 803 as determined by an on-site inspection by the Building Department, unless a performance bond in the form of cash or an irrevocable letter of credit that will cover 110 percent of the costs of all required materials and labor has been posted with the Building Department, and which shall then be placed on file in the Office of the Clerk-Treasurer. The amount of the performance bond shall be determined by the Town Engineer. Any letter of credit issued hereunder shall be and issued by a financially sound financial institution with its principle place of business in the State of Indiana and with the same terms that are utilized in the letters of credit for infrastructure in the Town of Chesterton, all of which must be approved by the Town Attorney.
- D. After the performance bond in form of cash or an irrevocable letter of credit has been posted, the landscaping material required in the approved plans shall be installed within six (6) months after the date of posting the bond or irrevocable letter of credit. The cash or letter of credit shall be drawn immediately in the event installation of the required landscaping is not done within the time frame set forth above.

**Section 806. Fences and Hedges.**

- A. Fences, hedges, or other similar structures or growths adjacent to public right-of-ways (excluding alleys) shall not exceed four and one-half (4 ½) feet in height.

- B. In residential, residential-business, or business zones, fences, hedges or other similar structures or growths may be six (6) feet in height. However, no six (6) foot fence shall be constructed in the front building plane of the owner's or the adjoining property, or within five (5) feet of alley right-of-ways in any residential zones.
- C. In I-1 and I-2 zones, fences, hedges or other similar structures or growth shall not exceed eight (8) feet in height. Fences in I-1 and I-2 six (6) feet or higher may be topped by barbed wire, notwithstanding paragraph (D).
- D. It shall be unlawful for any person to build, construct or maintain any fence or other similar structure composed in whole or part of barbed wire or electrified wire along any public street or alley within the Town.
- E. It shall be unlawful for any person to maintain any thorn hedge or other similar growth within five (5) feet of any public street or alley right-of-way within the Town.
- F. This section shall not be applicable to fences, hedges or similar structures within the Town owned, controlled by or within the custody of any municipal corporation, municipal body, or State and Federal government agencies.

**ARTICLE IX**  
**COMMERCIAL COMMUNICATION FACILITIES**

**Sec. 901 Purpose**

The purposes of this Article are:

- A. To regulate the construction, erection, placement, and modification of commercial communications facilities;
- B. To protect the Town from communications facilities which are incompatible with existing or future land use, or with health, safety, or welfare of its citizens;
- C. To facilitate installation of facilities in areas that will cause the least disruption, obtrusiveness, and visibility to residential, park, or greenspace areas;
- D. To facilitate long-range planning of necessary wireless communications facilities infrastructure and technology, and to provide the community with the benefits from new technological advances in communication; and
- E. To consistently and fairly permit the construction, placement, and modification of business communications facilities without unduly burdening wireless service providers.

**Sec. 902 Scope of Application.**

All construction, placement, and modification of business communications facilities within the Town shall conform to the requirements of this Article, all State and Federal regulations, and the Uniform Building Code.

**Sec. 903 General Requirements.**

- A. All communications facilities shall comply with the following regulations as shown by the submittal of necessary documentation and/or inclusion on a site plan or the making of written commitments. No building permit shall be issued until complete compliance is demonstrated.
  - 1. Lighting: Towers shall not be illuminated by artificial means and shall not display strobe lights unless such is specifically required by the Federal Aviation Administration or other Federal or State authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.
  - 2. Signs and Advertising: The use of any portion of a communications facility for signs other than warning or equipment information signs is prohibited.
  - 3. Abandoned or Unused Towers or Portions of Towers: Abandoned or unused communications facilities shall be removed within 180 days from the date of ceasing operations. A copy of the notice to the Federal Communications Commission of intent to cease operations of the lot or parcel of the facility is leased, a copy of the relevant portions of a signed lease which requires the removal of the communications facility upon cessation of operations at the site shall be submitted at the time of application for a building permit.
  - 4. Antenna Capacity/Wind Load: Communications facilities shall be certified by a qualified and licensed professional engineer in the State of Indiana to conform to the latest structural standards and wind loading requirements of the Uniform Building Code and the Electronic Industry Association.
  - 5. Radio-Frequency Emissions (RF): Documentation shall be provided to show the proposed communications facility will comply with the latest health and safety standards established by the Federal Communications Commission on RF emissions and exposures.

6. Tower Color: The color of the proposed tower will be of a light tone or color (except as required by the FAA) so as to minimize visual impact.
  7. Communications Facility Report: A report shall be submitted to the Town describing the type of proposed communications facility, its effective range, and technical reasons for its design and placement. If the proposed communications facility cannot be accommodated on an existing or approved facility within a one (1) mile search radius of the proposed site, the report shall specify the reasons and conditions along with supporting proof. And in an effort to promote long-range planning to minimize the number of towers and their impact on the community, providers of commercial wireless communications service shall include a plan delineating existing and any proposed and/or anticipated facilities with a five (5) mile radius of the corporate boundaries of the Town.
  8. Visual Impact Statement: A statement and visual material shall be provided (i.e. a plan, pictures, etc.) indicating where within a one mile radius any portion of the proposed facility can be seen from ground level.
- B. All communications facilities shall comply with the following regulations as shown by the submittal of necessary documentation and/or inclusion on a site plan. No building permit shall be issued until complete compliance is demonstrated.
1. Placement: Towers shall be sited within the rear yard unless located on a vacant lot or parcel.
  2. Setbacks: Minimum setback requirements for communications facilities shall be based on the following, provided setbacks are not less than the requirements of the underlay or overlay zone:
    - a. monopole-type towers shall provide a minimum setback of the tower designed fail area plus 10 percent of the tower height;
    - b. guyed- and lattice-type towers shall provide a minimum setback of the tower designed fail area plus 25 percent of the tower height;
    - c. towers sited on a lot or parcel which borders on a residential and/or business district shall provide a minimum setback of 150 percent of the tower height from said residential district and 75 percent of the tower height from said business district unless (a) or (b) above is greater; and
    - d. communications accessory or ancillary buildings shall comply with setback requirements as established under Section 506 of this Ordinance for accessory structures.
  3. Height: The maximum tower height allowed in the Town without a variance from the BZA is 40 feet.
  4. Screening: The lowest 10 feet of a communications ancillary building and tower shall be visually screened on a year-round basis with suitable vegetation and/or nearby buildings or structures.

**Sec. 904. Communications Facility Permit Required.**

No person shall (through his own action or those of persons he hires or directs) commence to erect, alter, construct, or relocate any communications facility without first obtaining a building permit from the Building Commissioner. No person shall engage in any work requiring a permit without having the permit in his possession at the job site.

**Sec. 905. Permit Application Procedures.**

Application for a building permit for any communications facilities may be made by the owner or agent of the facility or by a person acting on the agent's behalf. Applications shall be accompanied by the required fee and shall be made on a form provided by the Building Commissioner and shall contain or have attached thereto the following information:

- A. Name, address, and telephone number of the applicant;
- B. Name, address, and telephone number of the owner of the property, if not the applicant;
- C. Name, address, and telephone number of the contractor who will erect, alter, construct, or relocate the communications facility (if not applicant);
- D. Name, address, and telephone number of the person or firm for whom the communications facility is installed (if not the applicant);
- E. A detailed site plan of the parcel or lot showing the position of the communications facilities in relation to building(s) or structure(s), easements, rights-of-way, and applicable setback lines;
- F. A detailed site plan identifying any structure(s), height, use(s) within the tower designed fail area as certified by a structural engineer;
- G. Two (2) blue prints or ink drawings to scale of the plans and specifications and method of construction, attachment to building or other structure or placement in the ground;
- H. A copy of the stress sheets and calculations owing the structure's dead load and wind pressure capacities as certified by a structural engineer, including foundation requirements;
- I. A description of any right-of-way cuts and/or utility service to be installed;
- J. Written consent or other proof of authorization of the owner of the building, structure, or land to which or on which the communications facility is to be erected;
- K. Copies of any necessary easements;
- L. Such other information as the Building Commission may require to demonstrate full compliance with this Article, or any applicable requirement of State or Federal law and;
- M. It shall be the duty of the applicant to inform the Town of any changes in ownership of the facility or ownership of the property in question.

**ARTICLE X  
SUBDIVISION REGULATIONS**

**Chapter 1. GENERAL**

**Sec. 1000-1. Short title.**

Article X shall be known as the "Subdivision Regulations of Chesterton."

**Sec. 1000-2. Purposes.**

This Chapter is adopted in accordance with the Comprehensive Plan for the following purposes:

- A. To assist the orderly and efficient development of the town.
- B. To provide for the coordination of new streets with existing and planned streets or highways.
- C. To promote the health, safety and general welfare of the residents of the Town.
- D. To ensure the coordination with and extension of community facilities and utilities.
- E. To secure equitable handling of all subdivision plans by providing uniform procedures and standards.

**Sec. 1000-3. Applicability; compliance.**

This Article shall apply to all subdivisions of land within the Town and shall require compliance as follows:

- A. No person proposing a subdivision shall proceed with any grading or improvements for streets or the installation of public utilities until the Primary Plat of the proposed subdivision has been approved by the Plan Commission.
- B. No person proposing a subdivision shall construct or commence the construction of any building in a subdivision, until the Secondary Plat of the subdivision has been approved by the Plan Commission and recorded in accordance with the provisions hereof and a copy of the recorded plat is filed with the Building Commissioner.
- C. No permit to erect, alter, repair or replace any building upon land in a subdivision shall be issued until a plat of the subdivision has been approved by the Plan Commission and recorded, and improvements required by the Plan Commission have been constructed or the construction thereof guaranteed as provided in this Chapter.

**Sec. 1000-4. Effect of conflict with other laws.**

Whenever there is a difference between minimum standards or dimensions specified in this Chapter and those contained in other regulations, resolutions or ordinances of the Town, County or State, the highest standards shall govern.

**Sec. 1000-5. Jurisdictional area.**

This Chapter shall apply to all incorporated land within the Town.

**Sec. 1000-6 – 1000-21. Reserved.**

**Chapter 2. PLAT SUBMISSION PROCEDURE**

**Sec. 1000-22. Advisory meeting.**

A person desiring approval of a plat of a subdivision may appear before the Plan Commission to discuss his proposal before filing an application for Primary Plat approval. No fee or formal application is required for this meeting. Its purpose is to save the subdivider time and money. The subdivider should be prepared to discuss the details of his proposed subdivision, including such items as the proposed use, existing features of the area, existing covenants, land characteristics, availability of community facilities and utilities, size of development, play areas, or public areas, proposed protective covenants, proposed utilities and street improvements. The subdivider may submit a sketch plan as outlined in section 1000-36.

**Sec. 1000-23. Primary plat.**

- A. Application for approval. A subdivider desiring approval of a subdivision plat shall submit an application for approval of a Primary Plat to the Plan Commission office at least 10 days prior to the meeting at which the Plan Commission is expected to consider such application and plat.
- B. Application contents. The application shall be accompanied by the following.
  - 1. Seventeen (17) copies of all drawings and data as set forth in section 1000-37 with the exception of “C. Engineering Plans,” which shall require four (4) copies, that are to be filed by 12:00 noon seventeen (17) days prior to the public hearing on Primary Plat approval.
  - 2. A check or cash in the aggregate amount of \$75.00 for each lot in the subdivision to cover the Town's costs of plan review, inspection of public improvements, legal fees and administrative costs which are incurred as a result of the subdivision application.
- C. Review and tentative approval or rejection of application; hearing and notice thereof. The Plan Commission shall review the application and give it tentative approval or return the application to the subdivider with reasons for disapproval. If tentatively approved, the Plan Commission shall set a date for a public hearing and inform the subdivider in writing of the date thereof. Further, the subdivider shall, by publication in a newspaper of general circulation within the Town give the general public notice of the time, date, place and subject matter of the public hearing. At least 10 days prior to the date set for such hearing. At least seven (7) days prior to the date set for the public hearing the subdivider shall notify all owners of property lying within 300 feet of the property proposed to be subdivided of the time, date, place and subject matter of the public hearing. Such notice shall be in writing and shall be delivered by registered or certified mail, return receipt requested, addressed to the owner of the property at such address as is found on file in the Office of the Auditor of Porter County. The subdivider shall present evidence of the certified or registered mailing to such owners to the Plan Commission prior to the commencement of the public hearing. The subdivider shall present evidence of proof of publication and that the publication fees have been paid prior to the commencement of the public hearing.
- D. Action on application after hearing. After the hearing, the Plan Commission shall approve the plat proposed in the application subject to receipt of an acceptable Secondary Plat as set forth in Section 1000-38 of this Chapter, or shall conditionally approve or disapprove the plat, setting forth its reasons and providing the subdivider with a copy. If the plat is disapproved, the subdivider may submit a new Primary Plat.
- E. Wetlands. No subdivision shall be approved in the Town that includes land shown as wetlands on the National Wetland Inventory Maps or the maps attached to Ordinance 91-12 since adopting this Subsection E., and marked as Exhibit “A,” unless the subdivider has obtained all required State and Federal permits including, but not limited to, permits from the Army Corps of Engineers and the Indiana Department of Natural Resources.

**Sec. 1000-24. Secondary Plat.**

- A. Submission. After Primary Plat approval is obtained, the subdivider shall submit a Secondary Plat to the Plan Commission as set forth in section 1000-38 of this Chapter. Secondary Plats may be submitted to the Plan Commission in phases so long as each phase conforms to all requirements for subdivisions and Primary Plat approval found in this Chesterton Zoning and Subdivision Ordinance. The first Secondary Plat shall be filed not later than two (2) years after Primary Plat approval with each successive Secondary Plat to be filed no later than two (2) years from the approval of the last filed Secondary Plat. If two (2) years have elapsed following the approval of the Primary Plat without Secondary Plat approval in the case of a subdivision with only one phase, the Plan Commission may require the subdivider to submit a new Primary Plat for approval. In the case of a phased subdivision, if two (2) years have elapsed following the approval of the last filed Secondary Plat without a Secondary Plat approval being filed for the next phase, the Plan Commission may require the subdivider to submit a new Primary Plat for approval.
- B. Accompanying material. The Secondary Plat shall be accompanied by:
  - 1. Seventeen (17) black or blue-line prints and three (3) mylar sepias of the plat. Additional mylars may be submitted for the developer's use. Once the mylars are signed, 12 black or blue-line prints of the signed and approved Secondary Plat shall be submitted to the Building Commissioner for recording purposes.
  - 2. A certificate from the appropriate Town Department that all improvements required by this Chapter and all other applicable Town ordinances have been installed in strict accordance with the Town standards, or a guarantee that the improvements will subsequently be installed by the Owner in the form of a surety bond, an irrevocable letter of credit, or any other guarantee that is first approved by

the Plan Commission that will cover 110 percent of the costs of all required improvements as estimated by the Town Engineer and approved by the Plan Commission. The aforementioned guarantees for the costs of the required improvements shall be posted at the time of Secondary Plat approval and shall provide for the following:

- a. That the Guarantee binds the undersigned, their heirs, executors, administrators, successors and assigns firmly for a period of 30 months from and after \_\_\_\_\_, which date is necessarily the same date of Secondary Plat approval by the Plan Commission.
  - b. The improvements required by the Town shall be completed by \_\_\_\_\_, hereinafter referred to as "Owner," in accordance with all requirements of the Town Code and the plans have been approved by the Plan Commission for this \_\_\_\_\_ (insert Subdivision or Plan Unit Development) no later than \_\_\_\_\_, which date is necessarily two (2) years from the date of Secondary Plat approval by the Plan Commission. Accordingly, the expiration date for this Guarantee is \_\_\_\_\_.
  - c. That the failure of the owner to complete the public improvements secured by the Guarantee on or before two (2) years from the date of Secondary Plat approval shall be considered a default by the owner and the issuing institution.
  - d. That the failure of the owner to submit the Maintenance Guarantee as required by Subsection (f) below shall be considered a default by the owner and the issuing institution. This default shall cause an immediate stop work order placed upon all construction in the subdivision or PUD until the default is cured.
  - e. That the issuing institution shall pay all attorney's fees and all other out-of-pocket costs, including costs of paid staff of the Town, incurred in enforcing collection of the Guarantee in the event the issuing institution fails to honor the Town's demand for payment under the terms of the Guarantee.
  - f. The Guarantee submitted in accordance with this Section may be reduced or partially discharged only by the Plan Commission upon receipt of a sworn statement by the owner's engineer of the costs of work performed and estimating the amount of the improvements remaining to be performed. Such a reduction or partial discharge may only take place one (1) time and only at such time as the conforming work performed is equal to at least 50 percent of the total amount of the Guarantee. Furthermore, at such time that the Guarantee required by this Section is discharged completely by the Plan Commission, the owner must submit a Maintenance Guarantee guaranteeing said improvements against defects in materials or workmanship in the amount of 10 percent of the original infrastructure guarantee to be effective for a period of two (2) years from and after final acceptance of all improvements required for the subdivision or PUD. Additionally, at the time the infrastructure Guarantee is discharged completely by the Plan Commission, the owner or subdivider must also submit as-built drawings for all required infrastructure in the subdivision. No reduction of the Guarantee shall be allowed on a Guarantee issued solely for sidewalks.
  - g. The owner of the subdivision or PUD shall have the option of submitting two (2) Guarantees for the Infrastructure and also two (2) Maintenance Guarantees. One (1) Guarantee shall be solely for sidewalks, which will be required to complete within four (4) years of the date of Secondary Plat approval. In this case, paragraph (a) above shall be changed to require the Irrevocable Letter of Credit to be in effect for a period of 54 months from the date of Secondary Plat approval. The second Guarantee shall be for the remainder of all public improvements required for said subdivision or PUD. In the event the owner elects to proceed with two (2) Guarantees for the construction of the improvements, two (2) Maintenance Guarantees will be required at the completion of all improvements excepting sidewalks and one (1) solely for sidewalks. The two (2) year Maintenance Guarantee will be required from the date of final acceptance when all sidewalks have been constructed in the subdivision or PUD.
3. That all letters of credit shall be in strict accordance with the forms that are made a part of the Plan Commission Rules and Regulations and issued by a financially sound financial institution with its principal place of business in the State of Indiana.

4. The mylar sepias of the Secondary Plat shall be submitted to the Plan Commission within 90 days after receiving tentative approval from the Plan Commission of the Secondary Plat.
- C. Approval or disapproval. If the Plan Commission finds that the Secondary Plat is in accordance with the requirements of this Chapter, they shall affix the Plan Commission's seal upon the plat and the president and secretary, or other authorized members, shall endorse the plat and return it to the subdivider. If disapproved, the president shall attach to the original tracing of the Secondary Plat a statement of the reasons for such action and return it to the subdivider.
- D. Recording. Once a Secondary Plat is approved by the Plan Commission, the Building Commissioner shall present the appropriate number of copies of the approved Secondary Plat to the Porter County Recorder within 120 days from the date of the Secondary Plat approval. A copy of the recorded plat shall be filed and retained in the office of the Building Commissioner.

**Sections 1000-25 – 1000-35. Reserved.**

### **Chapter 3. PLAT SPECIFICATIONS**

#### **Sec. 1000-36. Sketch plan.**

The subdivider may prepare a sketch plan to present to the Plan Commission at the advisory meeting. This plan may be drawn as a pencil sketch and does not require precise dimensions or any special sheet size. This sketch plan may be used to show the Plan Commission the location, proposed street and lot layout and any other significant features of the proposed subdivision.

#### **Sec. 1000-37. Primary plat.**

Unless specifically waived by the Plan Commission, the following drawings and data shall be submitted with the application for Primary Plat approval. These drawings and data may be on separate sheets or combined in one sheet, depending on the size and complexity of the proposed subdivision.

- A. Site Drawing. A site drawing of the proposed subdivision and all lands within at least 100 feet of its boundaries showing:
- 1 Vicinity map indicating location within the town,
  - 2 Zoning of the tract and adjacent properties;
  - 3 Contours of the site at vertical intervals of two (2) feet if the general slope is less than 10 percent, and at intervals of five (5) feet if the general slope is greater than 10 percent;
  - 4 Character and location of natural or artificial features existing on the land which would affect the design of the subdivision, such as wooded areas, streams, direction and gradient of ground slope, embankments, retaining walls, buildings or non-residential usage of land:
  - 5 Names of owners of properties contiguous to the subdivision:
  - 6 Existing and proposed streets and rights-of-way, including dedicated widths, roadway widths, approximate gradients; types and widths of pavements, curbs and sidewalks;
  - 7 Existing and proposed easements, including widths and purposes;
  - 8 Utilities, including the size, capacity and location of sanitary sewers, storm sewers, drainage facilities, and water lines;
  - 9 Areas subject to periodic overflow of flood or storm waters;
  - 10 Subsurface conditions, including information about ground water levels and stability of subsoils;
  - 11 Tract boundary lines by calculated distances and bearings;

- 12 Title, graphic scale, north point and date.
- B. Subdivision plat. A subdivision plat of the proposed subdivision drawn at a scale no small than 100 feet to one (1) inch showing:
- 1 Subdivision name;
  - 2 Names and addresses of owner, subdivider and person who prepared the plan;
  - 3 Street pattern, including the names (which shall not duplicate existing streets in the Town unless it is an extension of an existing street), widths of rights-of-way of streets, widths of easements for alleys, and approximate grades of streets:
  - 4 Layout of lots, including dimensions, numbers, and building setback lines or front yard lines:
  - 5 Parcels of land to be dedicated or reserved for schools, parks, playgrounds or other public or community use:
  - 6 Key plan, legend, notes, graphic scale, north point and date; and
  - 7 In the event the subdivider desires to phase the subdivision through the filing of multiple Secondary Plats, the phase boundaries shall be clearly set forth on the subdivision plat.
- C. Engineering plans. Engineering plans for the proposed subdivision showing:
1. Profiles, cross-sections and specifications for proposed street improvements;
  2. A grading plan showing elevations of proposed improvements on each lot, and swales, ditches and storm sewers affecting drainage of each parcel and of the subdivision generally;
  3. Profiles and other explanatory data concerning installation of storm sewers, sanitary sewers, and utility crossings;
  4. A report on the feasibility of connection to an existing sewerage system, including distances to the nearest public sewer, and service load of the subdivision;
  5. If connection to a public sewerage system is not feasible, a report on the feasibility of a separate sewerage system and treatment works for the subdivision, including the design, population, type and location of the treatment plant and the receiving steam;
  6. If connection to a public or private sewerage system is not feasible, a report on the feasibility of on-lot sewage disposal, including a detailed drawing of the physical conditions of the site, contours, finished grades, watercourses, ground water table elevations, and the results of soil percolation tests for each individual lot conducted in accordance with the recommended practices of the State Board of Health.
  7. A Tree Allocation Plan pursuant to Section 1000-78.
  8. The subdivider's engineer must certify on the engineering plans that all infrastructure in the subdivision will comply with the existing requirements of the ADA.
- E. Restrictions. A draft of the protective covenants or private restrictions to be adopted in the secondary subdivision plat.
- F. Certificate of approval. A certificate for completion by the Plan Commission shall be shown on the Primary Plat as follows:

CERTIFICATE OF APPROVAL

In accordance with the Chesterton Zoning and Subdivision Ordinance, this plat was given conditional approval as a Primary Plat by the Plan Commission at a \_\_\_\_\_ meeting held on the \_\_\_\_ day of \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

**Sec. 1000-38. Secondary Plat.**

The Secondary Plat shall conform to the approved Primary Plat and shall be drawn at a scale no smaller than 100 feet to one (1) inch. The Secondary Plat shall show:

- A. Subdivision names, names and addresses of owner, and subdivider, source of title of land as shown by the books of the County Recorder, graphic scale, north point, and date.
- B. Survey data with certification by a registered land surveyor, showing:
  - 1. Acreage or part thereof of each lot, and calculated distances and bearings of the subdivision boundaries, lots, utility easements, streets, alleys, building setback lines; and parcels of reserved or dedicated land for community purposes;
  - 2. Location and distances to the nearest established street corners of official monuments, and of the streets intersecting the boundaries of the subdivision;
  - 3. Location, type, material and size of monuments;
  - 4. Complete curve data; and
  - 5. Lot numbers, street names and addresses.
- C. Notations as to whether improvements are dedicated or not.
- D. The following certificates:
  - 1. Certificate of dedication

CERTIFICATE OF DEDICATION

We, the undersigned owner of the said real estate shown and described hereon, do hereby, as shown, plat and subdivide said real estate and designate the same as \_\_\_\_\_ (name) \_\_\_\_\_. All streets within the plat are hereby conveyed and dedicated to the public. An easement is hereby granted to the Town of Chesterton, Indiana, and all other utilities in Indiana, severally and their respective successors and assigns to install, lay, erect, construct, renew, operate, repair, replace and maintain sewers, water mains, gas mains, conduits, cables, poles, wires either overhead or underground with all necessary braces, guys, anchors and other appliances in, upon, along and over the strip of land designated by dotted line on the plat and marked "easements" or public utilities for the purpose of service to the public in general with sewer, water, gas, electric and telephone service, including the right to use the streets where necessary and to overhang lots with aerial service to serve adjacent lots, together with the right to enter upon the easement for public utilities at all times for any purpose aforesaid, and to trim and keep trimmed any trees, shrubs or saplings that interfere with such service. No permanent building shall be placed on said easement, but same may be used for any purposes that do not interfere with the use of said easement for such public utilities.

WITNESS our hands this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
(SEAL)

\_\_\_\_\_  
\_\_\_\_\_

2 Certificate of acknowledgment.

CERTIFICATE OF ACKNOWLEDGMENT

State of Indiana  
Chesterton, Indiana

Before me, the undersigned, a notary public in and for said Town and State aforesaid, personally appeared said \_\_\_\_\_ (individual, partnership or corporation) \_\_\_\_\_ by \_\_\_\_\_ for the said individual, partnership or corporation who acknowledges the execution of the foregoing plat of \_\_\_\_\_ (name) \_\_\_\_\_ with the dedications and restrictions thereon expressed to be their (his)(her) voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

(SEAL) \_\_\_\_\_ Notary Public  
My commission expires \_\_\_\_\_, 19\_\_\_\_\_.  
The County of my residence is \_\_\_\_\_.

3 Land surveyor's certificate.

LAND SURVEYOR'S CERTIFICATE

I, \_\_\_\_\_, hereby certify that I am a Land Surveyor licensed in compliance with the laws of the State of Indiana, and certify that this plat correctly represents a survey completed by me on \_\_\_\_\_, 20\_\_\_\_\_, and that all monuments shown actually exist and that their location, type and material are accurately shown.

\_\_\_\_\_  
Land Surveyor  
\_\_\_\_\_  
Ind. Reg. No.

4 Certificate of approval.

CERTIFICATE OF APPROVAL

Under the authority provided by Chapter 174, Acts of 1947, enacted by the General Assembly of the State of Indiana, and all Acts amendatory thereto, this plat was given secondary approval by a majority of the members of the Plan Commission at a \_\_\_\_\_ meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.  
\_\_\_\_\_.

\_\_\_\_\_  
President  
\_\_\_\_\_  
Secretary

E. In the event there is a conflict between any items shown on the approved mylar and the standards contained in the Town Code as it exists at the time of Secondary Plat approval, the approved mylar will be governed and interpreted by the standards contained in the Town Code.

**Section 1000-39 – 1000-50 Reserved.**

**Chapter 4. DESIGN STANDARDS**

**Sec. 1000-51. Generally.**

The Plan Commission shall not approve any plat unless the land whereon buildings are to be constructed shall be of such character that it can be used for building purposes without danger health or peril from fire, flood or other hazard.

**Sec. 1000-52. Natural features.**

Existing natural features which would add value to the subdivision and the Town, such as trees, valleys,

watercourses, historic spots and similar irreplaceable assets, shall be preserved, insofar as possible, through harmonious design of the subdivision.

**Sec. 1000-53. Streets.**

- A. The Plan Commission shall not approve any plat unless all streets shown thereon shall be of sufficient width and proper grade, and shall be so located as to accommodate the probable volumes of traffic thereon, afford adequate light and air, facilitate fire protection, provide access of fire fighting equipment to buildings, and provide a coordinated system of streets conforming to the Town's Major Thoroughfares plan.
- B. Local street shall be so planned as to discourage through traffic.
- C. Wherever there exists a dedicated or platted portion of a street or alley along a boundary of the tract being subdivided, the remainder of such street or alley, to the prescribed width, shall be platted within the proposed subdivision and improved by the subdivision petitioner so that the street meets the Town Standards for street construction.
- D. Half streets shall not be provided, except where it is essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, or where it becomes necessary to acquire the remaining half by condemnation so it may be approved in the public interest.
- E. Cul-de-sac streets not exceeding 600 feet in length shall include a completely paved turnaround which shall be provided at the closed end with an outside curb radius of at least 50 feet and a right-of-way radius of at 60 feet. Cul-de-sac streets longer than 600 feet shall not be approved unless a variance is obtained prior to platting from the BZA, and if so approved shall include a completely paved turnaround which shall be provided at the closed end with an outside curb radius of at least 65 feet and a right-of-way radius of at least 75 feet. The maximum grade of the turnaround portion of the cul-de-sac shall be 5 per cent.
- F. Alleys shall not be provided in residential districts, but shall be included in business and industrial areas where needed for access purposes.
- G. The minimum distance between the centerlines of parallel or approximately parallel streets intersecting a cross-street from opposite direction shall be 125 feet.
- H. Intersection of more than two (2) streets at one point shall be avoided.
- I. Dead-end streets shall be prohibited unless provided with a turnaround or cul-de-sac arrangement. Temporary dead-end streets will be permitted where the approved plat shows that the street will be extended to conform to the provisions of this Chapter. A circular right-of-way at the termination of a temporary dead-end street must be shown on the approved plat. The excess right-of-way and paved turnaround shall be relinquished only at that time in which the dead-end street is extended.
- J. Right-of-way requirements may be increased where anticipated traffic flow warrants it, or if drainage easements should reasonably parallel such thoroughfares. Such increased width will be established by the Plan Commission with the advice of the Engineer.
- K. Minimum right-of-way widths, paving widths, angle of intersection, curb radius, distance along sides of sight triangles, horizontal alignments, vertical alignments, as well as maximum grades shall be in accordance with the following table:

	<i>Arterial Streets</i>	<i>Collector Streets</i>	<i>Local Streets</i>	<i>Cul-De-Sac Streets</i>	<i>Cross Walks</i>	<i>Alley</i>	
Right-of-way width in feet	100	70	60	50	12	33	
Paving width streets in feet	40	36	30	30	6	20	
Maximum grade in percent		7.5	10	12	12	--	12
Minimum angle for intersection							
In degrees	90	80	70	70	--	70	
Minimum curb radius in feet	35	25	15	15	--	5	
Grades for 25 feet before intersection							
In percent	3	3	3	3	--	3	
Site triangles -- distance along							

sides of through street/stop street in feet		500/30	500/30	250/25	250/25	--	50/20
Horizontal alignment – minimum radii of centerline in feet	600	400	200	100		--	100
Vertical curves – minimum sight distance in feet		500	350	200	100	--	100

1. The latest editions of the Recommended Standards for Wastewater Facilities and the Recommended Standards for Water Works, copies of which are on file in the Office of the Town Clerk-Treasurer for public inspection, shall be used for the design lay-out of sewer lines and water lines within the subdivision and such standards shall govern any connection and extension of any such system to the subdivision.
2. The Chesterton Town's Standards, copies of which are on file in the Office of the Clerk-Treasurer for public inspection, shall be used for the design, layout and construction of streets, curbs, sidewalks, storm sewers, water facilities, sewer lines and other public facilities as described therein. In addition, these standards shall apply to all construction in the Town not simply those for subdivisions and PUDs.

**Sec. 1000-54. Blocks.**

Blocks shall not exceed 1,320 feet in length. Pedestrian ways and/or easements may be required near the center of the block.

**Sec. 1000-55. Lots.**

The lot and yard sizes shall conform with the requirements of this Ordinance and the lots shall be designed in accord with the following design standards:

- A. Every lot shall be provided with access adequate for the use of public safety vehicles and other public or private street system, improved in accordance with this Chapter and connected to the general street system.
- B. Side lines of lots shall be approximately at right angles to straight streets and on radial lines on curved streets wherever feasible. Pointed or very irregular lots shall be avoided unless such variations shall improve the overall neighborhood design.
- C. Double-frontage lots shall be avoided.
- D. When a tract is subdivided into larger than required building lots and there is no covenant preventing resubdivision of the lots, such lots or parcels shall be so arranged as to permit a logical location and openings of future streets and resubdividing with provision for adequate utility connections for each subdivision.

**Sec. 1000-56. Easements.**

- A. Easements for utilities and drainage shall have a minimum width of 12 feet with access available to all portions of said easement. Six (6) feet of one lot adjoining six (6) feet of another lot shall constitute a 12-foot easement. Where a subdivision is traversed by a watercourse, there shall be provided a stormwater easement or drainage right-of-way of width sufficient for the purpose. Water and sanitary sewer lines shall be located within a street right-of-way but to the extent possible, not under paved areas.
- B. Easements at the rear of lots or between the areas of two (2) or more adjoining lots shall be 20 feet in width, 10 feet of one lot and 10 feet of another lot shall constitute a 20 foot easement.

**Sec. 1000-57. Water and sewer systems.**

The water supply, storm sewer and sewage disposal systems for the subdivision shall meet the design standards and requirements of the State Board of Health and the Town.

**Sections 1000-58 – 1000-70 Reserved.**

**Chapter 5. IMPROVEMENTS**

**Sec. 1000-71. Generally.**

All of the required improvements specified in this article shall be constructed in accordance with the Town standards for construction and all other applicable Town, County and State regulations.

**Sec. 1000-72. Monuments and markers.**

Concrete monuments shall be set at the intersection of all lines forming angles in the boundary of the subdivision. Iron or steel markers shall be set at the beginning and ending of all curves along street property lines.

**Sec. 1000-73. Streets.**

All streets shall be built in accordance with the Town standards and shown on the plans and profiles for the subdivision. It is noted that the Town standards apply to street construction, which also includes curbs and gutters, sidewalks, and parkways.

**Sec. 1000-74. Storm drainage.**

The construction of storm sewers and a storm drainage system shall be in accordance with the Town standards.

**Sec. 1000-75. Water supply.**

- A. Where public water supply is available, as determined by the Chesterton Utilities Service Board (Utility Board), the subdivider shall connect to such public water supply and construct a system of water mains with a connection for each lot.
- B. Where public water is not available, the subdivider shall supply acceptable evidence of the availability of water. The subdivider may be required to make one (1) or more test wells in the area to be platted if such evidence is deemed not acceptable. Copies of well logs from such test wells which are obtained shall include the name and address of the well driller and shall be submitted with the plan to the Plan Commission.
- C. If a private water supply is permitted, individual private wells shall be located at least 25 feet from property lines; 50 feet from all septic tanks; approximately 100 feet from all tile disposal fields and other sewage disposal facilities; 10 feet from all cast iron sewer lines; 30 feet from any vitrified sewer tile lines; and shall not be located within any floor plan.

**Sec. 1000-76. Sewers.**

The subdivider shall provide the subdivision with a complete sanitary sewer system which has been approved by all necessary state and local agencies prior to any construction. The Plan Commission after receiving the advice of the Utility Board may require the subdivider to connect such system to the municipal sanitary sewer system. Where the municipal sewer system is not reasonably accessible to the subdivision, and in the judgment of the Plan Commission, after the advice of the Utility Board, extension of the municipal sewer system to the subdivision will not take place in the reasonably foreseeable future, an approvable package sewage treatment plant serving the entire subdivision may be permitted. The plan commission may require the package sewage treatment facility to be dedicated to the Town be operated as an interim facility by the Utility Board. Additionally, sanitary sewage facilities shall be built in accordance with the Town standards.

**Sec. 1000-77. Utilities.**

Every lot in a subdivision shall be capable of being served by utilities, and the necessary easements shall be provided. Electric, gas and other utility distribution lines shall be installed within public rights-of-way or within properly designated easements. To the fullest extent possible, all utility lines shall be placed underground. Underground utility lines located in street rights-of-way shall not be installed beneath existing or proposed paved areas except when crossing streets or otherwise where absolutely necessary. Paved streets shall not be cut to accommodate utility lines. These areas shall be bored.

**Sec. 1000-78 Landscape Tree Requirements.**

- A. In order to partially mitigate the negative environmental effects of impervious surface in street construction, loss of greenspace, and vehicles associated with land development, the following tree plantings shall be required in all new subdivisions and phases thereof:

- 1. Minimum one (1) tree per 40 feet of roadway measured from the centerline of the roadway, and
- 2. Minimum one (1) tree per platted lot.

All trees required pursuant to this Section shall be considered required infrastructure and included in the infrastructure guarantee.

- B. Placement of trees by the developer shall be on site as follows:

1. On individual lots within the front yard plane for residential and anywhere on the lot for other properties, or
  2. On community property such as the street right-of-way or designated park land. Public land tree plantings must comply with the Chesterton Tree Ordinance found at the Office of the Clerk-Treasurer, as the same may be amended from time to time.
- C. In the event the Plan Commission determines it is not feasible to locate all required trees within the subdivision in question, it will assign to the developer one of the following alternatives:
1. Plant the required trees off-site at locations within the Town and approved by the Plan Commission as set forth above, and show proof of same; or
  2. Pay to the Town what the Plan Commission determines to be the equivalent dollar value for all required trees, their planting and the cost of maintenance of same for a period of two (2) years. Any funds received pursuant to the above shall be placed in a Town fund designated for public tree planting and maintenance activities.
- D. There shall be no planting within five (5) feet of underground utility lines and no large or medium trees under utility wires. Cars shall not be allowed to overhang landscaped tree areas by more than two and one-half (2½) feet, and wheel stops or curbs shall be provided.
- E. Tree species planted pursuant to this Ordinance must be chosen from the approved tree list in the Town of Chesterton Arboricultural Specifications Manual and have a minimum of two (2) inch caliper for deciduous trees and minimum planting height of five (5) feet for coniferous trees. Trees shall be installed in accordance with the Town of Chesterton Arboricultural Specifications Manual. Any tree pits shall be a minimum of five (5) feet in diameter.
- F. The current property owner of any property affected by this Ordinance shall be responsible for the maintenance of all landscaping trees required herein. The only exception to this requirement shall be for those trees planted within the Town's right-of-way. In such cases, the Town shall be responsible for maintenance of landscaping trees placed in this right-of-way.
- G. A landscape tree plan shall be submitted as part of the Primary Plat submission for all subdivisions and shall show the number, location, and species shown for any trees proposed to be planted in the street right-of-way or designated park land. Individual trees on lots and not located in public right-of-way need only to be identified by number of the trees per lot.

**Sec. 1000-79. Street signs.**

Street name signs of a type adopted or approved by the Plan Commission shall be installed at each street intersection by the subdivider, on a location specified by the Plan Commission.

**Sec. 1000-80. Sidewalks.**

In all subdivisions, a four (4) foot wide concrete sidewalk shall be constructed within the right-of-way along both sides of all streets within or abutting such subdivision.

**Sec. 1000-81. Street light and fire hydrants.**

Every and all petitioners for a subdivision or a PUD in the Town shall enter into and be bound by the Street Light and Fire Hydrant Agreement found as Exhibit "H" of the Plan Commission Rules and Regulations, as the same may be amended from time to time.

**Sec. 1000-82. Sump drainage.**

In all cases where any proposed building foundations in a subdivision will be at or below the water table, the subdivider shall provide, for the purpose of sump drainage, nonperforated polyethylene or PVC pipe with a minimum diameter of six (6) inches. This pipe shall be connected to the storm drainage system and shall be placed in the grass area one (1) foot behind the curb at the depth of three (3) feet minimum. A capped, multiple-reducing tee shall be provided at each lot in a location convenient for connection of a sump pump discharge by the builder. Standards for the sump drainage as

required by this section shall be set forth in the drawing that is attached to the ordinance adopting this Section and made a part of the Town Standards.

**Section 1000-83 – 1000-100. Reserved**

**Chapter 6. DEDICATION OF PARK AND RECREATIONAL LANDS\***

**Sec. 1000-101. Park lands required in subdivisions and PUDs.**

As a condition of approval of a Primary and Secondary Plat of subdivision for residential real estate or for residential PUDs, each subdivider or developer will be required to have land set aside and used for park and recreational purposes to serve the immediate and future needs of the residents of the development in accordance with standards, criteria and formula set forth in this article. Prior to the public hearing on any Primary plat or residential subdivisions or PUDs, the subdivider or developer will be required to submit his plan and meet with the Park Board.

**Sec. 1000-102. General standard.**

It is hereby found and determined that the public interest, convenience, health, welfare and safety require that a minimum of seven (7) acres of property for each 1,000 persons residing within this Town be devoted to local park and recreational purposes.

These standards are based upon present available studies and shall be reviewed periodically and amended when necessary.

**Sec. 1000-103. Formula for park and recreational land.**

A. Criteria for requiring park and recreational land.

1. Requirement and population ratio: The ultimate density of a proposed development shall bear directly upon the amount of land required for park and recreational use. Until changed or modified by the Town Council in the manner provided below, the total requirement shall be seven (7) acres of land per 1,000 of ultimate population in accordance with the following classifications:

Typical Unit Category	Acreage Requirement per Development Unit
Single-Family	.0102
Duplex	.0102
Apartment/Other Multi-Family Dwellings	.0087

Determination as to PUD-residential shall be made by reference to the site and development plan submitted

The determination of “average persons per dwelling unit” shall be re-determined from time to time by the Plan Commission, which determination shall be based upon an estimate of present and reasonably foreseeable future number of persons, and shall in no event exceed the average number of persons determined by reference to the current or best available figures for Porter County, Indiana, as published by the United States Department of Census, Northwest Indiana Regional Plan Commission, or a bureau or a department of similar responsibility.

2. Master Plan and/or national standards as adopted by the Park Board shall be used as a guideline in locating sites. A central location which will serve equally the entire development is most desirable. In large developments, sites should be located throughout the development according to established standards for park area distances.
3. Standards for private recreation improvements. The Chesterton Parks and Recreation Board shall give its report and recommendation to the advisory plan commission for land to be set aside and designated as park and recreational land which shall be in accordance with the following standards:
  - a. That yards, court areas, setbacks, and other open areas required to be maintained pursuant to this Ordinance shall not be included in the computation of such private open space;
  - b. That the private ownership and maintenance of the open space is adequately provided for by recorded written agreement, conveyance, or restrictions;

- c. That the use of the private open space is restricted for park and recreational purposes by recorded covenant, which runs with the land in favor of the future owners of property and which cannot be defeated or eliminated without the consent of the Plan Commission;
  - d. That the proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access, and location;
  - e. That facilities proposed for the open space are in substantial accordance with the provisions of the recreational element of the Comprehensive Plan.
- B. Alternatives to development and maintenance of private recreation improvements. In the event the developer does not wish to comply with the standards above, upon agreement with the Park Board, the developer or subdivider may dedicate land to the Town for the aforementioned purposes and in conformance with the aforementioned standards, or make a cash contribution in lieu of dedication of land to be held and used by the Park Board, or a combination of both, dedication and cash contribution. In the event this Section is utilized by the developer or subdivider and agreed to by the Park Board, the developer or subdivider shall dedicate the land and/or make the cash contribution prior to the time of the signing of the Secondary Plat of subdivision or PUD. Open space covenants or private park or recreational facilities shall be submitted to the Plan Commission prior to approval of a Secondary Plat of subdivision and shall be recorded contemporaneously with the Secondary Plat of subdivision or PUD plat, whichever is applicable.
- C. Procedure. The developer or subdivider is required to meet with the Park Board prior to the public hearing for preliminary approval of his petition. All items required by this article shall be set forth on the Primary Plat of subdivision or PUD and at the public hearing for primary approval the Park Board shall make its recommendations to the Plan Commission and in doing so is guided by the terms of this article. These recommendations shall be forwarded to the Plan Commission for final determination. In making its final determination, the Plan Commission shall be guided by the standards contained in this Article.
- D. Improved sites. All sites shall be developed in a condition ready for full service of electrical, water, sewers, sidewalks and streets (including enclosed drainage and curb and gutter) as applicable to the location of the site, or acceptable provision made therefore.
- E. Applicable only to residential zoned subdivisions.

**Sections 1000-104 – 1000-110. Reserved.**

## **Chapter 7. PLAT COMMITTEE**

### **Sec. 1000-111. Established.**

A Plat Committee is established in accordance with IC 36-7-4-701 effective February 1, 1992.

### **Sec. 1000-112. Appointments and terms.**

The Plat Committee shall consist of three (3) persons, with at least one (1) of the members being a member of the Plan Commission. Each appointment of a member of the Plat Committee is for a term of one (1) year beginning February 1, 1992, but the Plan Commission may remove a member from the Plat Committee. The Plat Committee must mail notice of the removal, along with written reasons, if any, for the removal, to the member at his/her residence address. The appointments to the Plat Committee shall be made by the Plan Commission at its first meeting in 1992 and its first meeting in each year thereafter.

### **Sec. 1000-113. Jurisdiction.**

The Plat Committee established under this article shall have jurisdiction over all subdivisions of land that do not involve the opening of a new public way, is less than five (5) acres in total size, contains five (5) lots or less, and comply in all other respects with this Ordinance. The Plat Committee may grant Primary and Secondary approval without public notice and hearing, subject to appeal to the Plan Commission. Within 10 days after Primary Plat approval under this Subsection, the Plat Committee shall provide for due notice to interested parties of their right to appeal its decision to the

Plan Commission under IC 36-7-4-708. Interested parties shall mean the petitioner and all owners of real estate located within 300 feet of the subdivision. The notice required under this sub-section shall be given in accordance with IC 36-7-4-706. The Plat Committee may take action only by a majority vote of the entire committee. In taking action, the Plat Committee shall be guided by the same criteria that the Plan Commission operates under in determining whether to grant Primary and Secondary Plat approvals. The Plat Committee shall make written findings of its decisions which shall be signed by its chairman.

**Sec. 1000-114. Adoption of rules.**

The Plat Committee may adopt rules governing its duties as set forth hereunder which must be approved by official action of the Plan Commission.

**ARTICLE XI**  
**BUILDING OCCUPANCY AND TEMPORARY OCCUPANCY PERMITS**

**Section 1100-1. Permits**

No permit shall be issued unless the proposed structure or use of structure or land is in complete conformity with the provisions of this Ordinance and all other ordinances, or unless a written order is received from the BZA, the Plan Commission, or a court in accordance with this Ordinance and State legislation.

- A. A building permit shall be obtained before any structure may be constructed, reconstructed, moved, enlarged, or structurally altered. If a building permit is issued, the applicant shall apply for an occupancy permit, which permit shall not be issued until the structure is complete and compliance with all ordinances is in evidence.
  
- B. An occupancy permit shall be obtained before any person may:
  - 1. Occupy or use any vacant land;
  - 2. Occupy or use any structure hereafter constructed, reconstructed, moved, enlarged, structurally altered, or placed on property;
  - 3. Change the use of a nonconforming use;
  - 4. Occupancy permit may be obtained upon completion of heating, electrical, plumbing, and enclosure of structure and filing with the Town Engineer and Building Commissioner as-built drawings showing actual location, size, design, and material of all sewer lines; water lines, including shut-off valves, meters, buffalo boxes; storm sewers; lift stations; and any other facility to which the Town or any agency thereof may require access or which, upon completion, will become public property; and location survey showing actual location of improvements on lot or parcel.

A temporary occupancy permit may be issued for a period not exceeding six (6) months during alterations or partial occupancy of land or structures, provided that such temporary permit may include such conditions and safeguards as necessary to protect the safety of the occupants and the public.

- 5. The building commissioner may issue temporary occupancy permit only under the following circumstances:
  - a. The building commissioner has inspected the premises and finds the same to substantially comply with the ordinances of the Town of Chesterton, the rules and regulations of the Administrative Building Council of the State of Indiana when applicable, and that the premises are safe and habitable.
  - b. That the reason for the inability of the Building Commissioner to issue an occupancy permit shall be reduced to writing, delivered to any person over the age of 18 years who is going to occupy the premises.
  - c. The Building Commissioner received from all proposed occupants of the premises over 18 years of age a written indemnity holding the Town of Chesterton harmless from any and all causes of action for damage or injury which may result by reason of issuing said temporary occupancy permit and a statement which may be part of the indemnity acknowledging the cause for which no occupancy permit is issued and further acknowledging that if the cause is not cured within the time prescribed by the Building

Commissioner those who occupy the premises agree to vacate unless otherwise so ordered by the Building Commissioner.

6. No occupancy permit shall be issued by the Building Commissioner unless he is satisfied that all corners of the lot or parcel to be occupied have been staked with a 5/8 – inch diameter by 36-inch steel rod or a 1-inch by 36-inch steel pipe by a registered land surveyor in the State of Indiana.
- C. No building permit or occupancy permit shall be required for:
1. Lot and yard improvements such as play equipment and landscaping;
  2. Signs with a value of less than \$25.00;
  3. Routine maintenance
- D. Any (For any) repair or remodeling of existing structures or buildings where structural changes or electrical or plumbing changes are involved, a building permit shall be required. However, if electrical or plumbing work is done in a private single-family home by the owner of the home, a building permit will not be required for this specific work.
- E. Applications for permits shall be accompanied by a plat which is drawn to scale and shows clearly and completely:
1. The location, dimensions and nature of the property;
  2. The location and dimension of any existing or proposed structures;
  3. All adjoining thoroughfares and any existing or proposed access to these thoroughfares;
  4. The existing and proposed use of all structures and land;
  5. Such other information as may be necessary to determine conformance with this Ordinance.
- F. If the work described in any permit has not begun within 180 days from the date of issuance thereof, same permit shall expire.
- G. If the work described in any permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire.

**Section 1100-2. Fees.**

The following filing fees shall be charged for applications for permits or for petitions. No part of any filing fee paid pursuant to this Section shall be returnable to the applicant or petitioner.

- A. Building permit as set forth in Section 5-44 of the Town Code, and electrical permits as set forth in Section 5-87 of the Town Code.
- B. Occupancy permit -- \$20.00 in addition to the fees in Section 5-44 of the Town Code.

**ARTICLE XII**  
**VIOLATIONS AND PENALTIES**

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any structure or land in violation of any of the provisions of this Ordinance. In addition to the penalties provided herein, the Plan Commission, BZA, of the Town Council may institute a suit for injunction directing removal of a structure erected in violation of this Ordinance or for the remedying of any other violation of this Ordinance. Any person, firm, or other legal entity who violates any provision of this Ordinance may be cited into a court of law and subject to the General Penalty provisions of the Town Code, which are found at Section 1-9, and provides for a fine not to exceed \$2,500.00 per day for each day that the violation exists. Each day the violation continues shall constitute a separate offense.

**APPENDIX I**

**Schedule of Fees, Charges, and Expenses**

**Schedule of Fees, Charges, and Expenses**

<b>A. Plan Commission:</b>	
Zoning Change-----	\$150.00
Zoning Ordinance Change-----	\$150.00
Subdivision Ordinance change-----	\$150.00
Subdivision Primary Plat-----	\$75.00 for each lot in the subdivision
Each Secondary Plat Filed-----	\$1,000.00
Special Meeting-----	\$1,000.00
Request for Reduction in Letter of Credit-----	\$400.00
<b>B. BZA:</b>	
Development Standard Variance	
Residential Zone-----	\$50.00
Business Zone-----	\$175.00
Industrial Zone-----	\$300.00
Use Variance-----	\$300.00
Administrative Decision Appeal-----	\$50.00
Special Exception-----	\$300.00
Special Meeting-----	\$900.00
<b>C. Planned Unit Development District Ordinances:</b>	
Application Fee:-----	\$500.00 plus \$50.00 for each one- (1) or two- (2) family residential dwelling unit proposed for the development and \$100.00 per each multi-family dwelling unit or business or industrial building proposed to be located in the PUD District. Attorney fees shall be determined in accordance with the attorney's prevailing hourly rate which is on file in the Office of the Clerk-Treasurer. Consultant fees shall be determined by written proposal by the consultant and acceptance by either the Plan Commission or Town Council.

\* The fees set forth above may be amended by the Plan Commission or BZA, whichever is applicable, by official action taken by the applicable board at a public meeting.

## Appendix II

### Rules of the Advisory Plan Commission

#### ARTICLE I - MEETINGS

- A. The regular meetings of the Plan Commission shall be the third Thursday of each month at 6:30 p.m., unless otherwise announced by the President at the last preceding regular meeting. Public hearings shall be set for 6:30 p.m., or as soon thereafter as it may be heard on the agenda that evening. The Plan Commission will attempt to handle preliminary matters such as setting public hearings or special inquiries prior to any public hearing set at that particular meeting.
- B. Special Meetings.
1. Special meetings of the Plan Commission may be called by the President or by two (2) members upon written request to the Secretary. The Secretary shall send a written notice fixing the time and place of the meeting to all members and press entitled to notice at least 48 hours in advance of any special meeting. The Secretary shall also post a copy of the said notice in the Town Hall at least 48 hours before any specially called meeting.
  2. A special meeting may be requested by petitioner, and if the Plan Commission grants such special meeting, the petitioner will be required to pay a fee of \$1000.00 to the Clerk-Treasurer within two (2) business days following the granting of the request in order to defray the Town's cost for the special meeting.
  3. Written notice of a special meeting is not required if the time of the special meeting has been fixed in a regular meeting.
- C. Emergency meetings may be called by the President or Secretary giving notice as provided in I.C. 5-14-1.5-5(d).
- D. A majority of the members shall constitute a quorum. No action of the Plan Commission is official, however, unless authorized by a majority of the full Plan Commission at a regular or properly called special emergency meeting.
- E. All meetings shall be governed by an agenda which shall be posted prior to the meeting at the entrance to the location of the meeting.
- F. Decisions of the Plan Commission shall be by roll call vote of the members. Upon request of any member of the Plan Commission any vote shall be taken by written ballot, signed by the member voting and then read aloud by the Secretary.
- G. The Secretary of the Plan Commission or in his/her absence a Secretary pro tem appointed by the President or presiding officer shall keep the official minutes of all proceedings which shall include:
1. Date, time and place of meeting,
  2. The members present and absent,
  3. The general substance of all matters proposed, discussed or decided; and

4. a record of all votes taken, by individual members, if there is a roll call. The Secretary shall submit the minutes of the previous meetings to the next regular meeting of the Plan Commission for approval. When approved the record shall be signed by the President and attested by the Secretary. Once approved the minutes shall be filed with the Office of the Clerk-Treasurer and shall be open to the public for inspection and copying.

#### **ARTICLE II - Officers and Employees**

- A. At its first regular meeting in January, the Plan Commission shall elect, from its members, a President and Vice President. Officers may be elected at the final December meeting if all members will remain on the Plan Commission for the following year.
- B. The Vice President shall have the authority to act as President of the Plan Commission during the absence of the President. In the event of resignation or removal of the President, a new President shall be elected from the members at its next meeting.
- C. The Plan Commission shall fill the office of Secretary at its first regular meeting in January. The person so appointed need not be a member of the Plan Commission. It shall be the duty of the Secretary to prepare minutes of all its meetings, and to administer all official records of the Plan Commission. The official records of the Plan Commission shall be located at the Chesterton Town Hall.
- D. The Plan Commission may appoint employees necessary to the discharge of the duties and responsibilities of the Plan Commission and shall recommend the compensation for such employees to the Town Council.
- E. The Plan Commission shall appoint one (1) of its citizen members to the BZA for a term of four (4) years or whenever that member's term on the Plan Commission expires, whichever is sooner. That appointment shall be made at its first regular meeting in January the year the appointment is to be made.
- F. The Plan Commission shall appoint a Plat Committee and a secretary for the committee at its meeting in January every year. The Plat Committee consists of three (3) persons, with at least one member being a member of the Plan Commission. The appointments take effect beginning February 1 and shall be for a term of one (1) year.
- G. Conflict of Interest. A member of the Plan Commission may not participate in a hearing or decision of the Plan Commission concerning a matter in which he has a direct or indirect financial interest or for other reasons brought to the attention of the Plan Commission and which disqualification is approved by the Plan Commission. The Plan Commission shall enter in its records the fact that a regular member has such a disqualification and the name of the alternate member, if any, who participates in the hearing or decision. Said alternate member, if any, shall be appointed by the authority of the appointing body or the regular member who has been disqualified.

**ARTICLE III - Petition and Public Hearings**

A. A petitioner seeking official action of the Plan Commission shall file the appropriate petition in the Office of the Clerk-Treasurer on forms prescribed. The Clerk-Treasurer shall forward all petitions received to the Secretary of the Plan Commission.

Petitions include:

1. An amendment to the Unified Comprehensive Zoning and Subdivision Control Ordinance.
2. Rezoning of a parcel of land.
3. Subdivision of land.
4. Seeking a PUD district ordinance.

B. All petitions must be filed with the Clerk-Treasurer by 12:00 noon, at least 10 days prior to the next regular meeting of the Plan Commission. Untimely filed petitions shall not be heard until the next month's regular Plan Commission meeting, unless a special meeting is requested and granted pursuant to these Rules. However, the Plan Commission may waive the requirements of this section upon a showing of good cause by the unanimous vote of all members present. The purpose of the time requirements of this section is to allow Plan Commission members the opportunity to examine and study any petition and to conduct any investigation deemed advisable.

C. All such petitions not initiated by the Plan Commission itself shall be accompanied by a filing fee in the form of a certified check or money order of:

Zoning Change -----	\$150.00
Zoning Ordinance Change -----	\$150.00
Subdivision Ordinance change -----	\$150.00
Subdivision Primary Plat -----	\$75.00 for each lot in the subdivision
Planned Unit Development District Ordinances	
Application Fee:-----	\$500.00 plus \$50.00 for each
	one- or two-family residential dwelling unit proposed for
	for the development and \$100.00 per each multi-family dwelling unit or
	business or industrial building proposed to be located in the PUD District.
	Attorney fees shall be determined in accordance with the attorney's
	Prevailing hourly rate which is on file in the Office of the
	Clerk-Treasurer. Engineer fees shall be determined in accordance with
	the Engineer's prevailing hourly rate which is on file in the Office of
	the Clerk-Treasurer. Consultant fees shall be determined
	by written proposal by the consultant and acceptance
	by either the Plan Commission or the Town Council.

D. If the Plan Commission finds that a petition is in good order and all items contained within the applicable checklist have been provided, the Plan Commission will set a time and place for a public hearing on the matter. Notice of the time and place of the public hearing shall be given to the petitioner by the Plan Commission.

E. The petitioner shall include with every petition requiring a public hearing a scale map showing the location and ownership of property within 300 feet of the perimeter of the property, which is the subject matter of the petition, as those owners are shown of record in the Office of the Auditor of Porter County, Indiana. At least 10 days prior to the date set for public hearing, the petitioner shall notify the owners of property within the aforesaid 300 feet of the date, time, place, and subject matter of the public hearing. Such notice shall be accomplished by either:

1. Certified mail, return receipt requested, the form of which notice is set forth in Exhibit "C" of these Rules and Regulations.

2. By actual delivery to such owner, written notice which will be evidenced by the owner's written signature acknowledging the receipt of such notice.

Notice is waived by any person entitled to notice but who did not receive the same if that person attends the public hearing.

- F. Proof of notification shall be turned into the Clerk-Treasurer's office by Monday of the week of the hearing, for forwarding to the Plan Commission Secretary.
- G. At least 10 days prior to the date of the public hearing, the Petitioner shall cause notice of the public hearing to be published in a newspaper of general circulation within the Town. The only newspaper that qualifies at this time is the Chesterton Tribune. The form for the notice of public hearing shall be Exhibit "E" (Notice of Public Hearing before the Chesterton Advisory Plan Commission). The petitioner shall pay all costs of the notice of public hearing and provide proof of publication to the Plan Commission and proof of payment of the costs of the public hearing.

#### **ARTICLE IV - Agenda**

- A. Each petition filed before the Plan Commission shall be in proper form using the attached Exhibits, shall be numbered serially beginning with the year of the petition, and placed on the Plan Commission's agenda. (e.g. - the first petition of 2001 will be numbered 01-1, the second petition will be 01-2, etc.)
- B. The agenda for all regular meetings shall be as follows:

- Call meeting to order
- Pledge of Allegiance to the Flag
- Approval of minutes of previous meeting
- Comments from the Public
- Preliminary Hearings
- Concept Review
- Public hearings
- Old Business
- New business
- Miscellaneous matters
- Adjournment

#### **ARTICLE V - Conduct of Hearing**

- A. Every person appearing before the Plan Commission shall abide by the order and directions of the President. Discourteous, disorderly or contemptuous conduct shall not be tolerated and will be dealt with as the Plan Commission directs.
- B. The order for all public hearings will be as follows:
  1. Petitioner presents all facts and arguments in support of the petition.
  2. All person wishing to speak in support of the petition shall be heard.
  3. All person wishing to speak in opposition to the petition shall be heard.
  4. Petitioner has right of rebuttal.
  5. Public comment portion of the public hearing will be closed by President.
  6. Plan Commission asks for comments from staff.
  7. Plan Commission may ask questions of any person concerning the petition.
  8. Plan Commission may discuss the matter.

9. Public hearing shall be closed upon motion and affirmative vote of the majority of the entire Plan Commission.
10. Plan Commission makes dispositive motion on the petition.

At any point during the proceedings, the Plan Commission may, in its sole discretion, continue the public hearing upon an affirmative vote of a majority of the members of the entire Plan Commission. Once a public hearing is closed, it shall remain closed unless the Plan Commission, by a majority vote of the members of the entire Plan Commission, decides to reopen same.

- C. In presenting a petition, the burden shall be upon the petitioner to convince the Plan Commission of the petition's merits. The petitioner should supply all information necessary for a clear understanding of the proposal including, but not limited to, charts, plats, diagrams, elevation of soil and roads, distances and lengths thereof, and any other exhibits deemed desirable by the Plan Commission. One reason for a continuance of any hearing shall be the Plan Commission's judgment that the petitioner has not provided sufficient information for a decision at that time.
- D. In considering changes to the Chesterton Zoning Map, the Plan Commission shall, in accordance with I.C. 36-7-4-603, pay reasonable regard to:
  1. The Comprehensive Plan;
  2. Current conditions and the character of current 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; and
  5. Responsible development and growth.

All petitioners for changes to the Chesterton Zoning Map shall present to the Plan Commission written and/or oral material which addresses the five (5) factors set forth above along with any other facts or circumstances the petitioners deem appropriate. The petitioners shall also utilize Exhibit "F" in submitting proposed findings to the Plan Commission for its consideration. The Plan Commission shall utilize Exhibit "F" as a form in arriving at any recommendation on a petition to change the Chesterton Zoning Map.

#### **ARTICLE VI. - Disposition of Cases through Public Hearings**

- A. Persons wishing to submit petitions before the Plan Commission should contact the Building Department's office of the Town to receive a copy of these Rules and Regulations with checklists which are provided to help the petitioner better understand the practice and procedure before the Plan Commission. The cost is \$10.00.
- B. Petitions accompanied by necessary plans and specifications shall be filed in the Office of the Clerk-Treasurer in 17 copies. The petitioner shall pay the required filing fee to the Clerk-Treasurer who shall give petitioner a receipt for the same. The Clerk-Treasurer shall note the date the petition is filed and shall promptly notify the Secretary of the Plan Commission who shall have the responsibility to distribute the petitions to the various members of the Plan Commission.
- C. All petitions must be filed by 12:00 noon 10 days prior to the next regular meeting of the Plan Commission in accordance with Article III B. of these Rules and Regulations.

- D. All public hearings are set by the Plan Commission at its regular or special meetings. Since it is the desire of the Plan Commission not to burden any one particular meeting with too many public hearings the petitioner must appear before the Plan Commission to obtain a date and time for any public hearing requested.
- E. The 17 petitions required to be submitted in accordance with paragraph B above shall be submitted by the Plan Commission's Secretary as follows: seven (7) to Plan Commission members, one (1) for Town's file, one (1) for the Building Commissioner, one (1) for the Town Engineer, one (1) for the Street Department, one (1) for the Utilities Department, one (1) for the Park Department, one (1) for the Fire Department, one (1) for the Police Department, one (1) for the Clerk-Treasurer, and one (1) for the Town Attorney. The Plan Commission urges the petitioner to take the initiative in utilizing the advice of the various Town Department Heads concerning petitioner's plans. This initiative can be taken by contacting the Building Commissioner to schedule an appearance at a Department Head meeting. The Department Head meeting shall address matters such as streets, utilities, drainage, and all other matters deemed advisable by the Department Heads.
- F. It shall be the petitioner's responsibility to comply with the notice requirements set out in these Rules and Regulations in ARTICLE III. A scaled plat showing ownership within 300 feet is required to be attached to the petition and evidence of actual notice or notice by registered or certified mail is required to be presented prior to any public hearing for any rezoning, plat of subdivision, PUD district ordinance.
- G. The Commission may dismiss a case for want of prosecution or lack of jurisdiction. When a petitioner has failed to appear at two (2) consecutive meetings, the case shall be dismissed for want of prosecution.
- H. A petitioner may not withdraw a case after a roll call vote has been ordered by the President.
- I. All cases dismissed for want of prosecution or decided adversely to the petitioner shall not be allowed to be refiled until one (1) year from the date of the applicable action taken. All cases withdrawn by the petitioner shall not be again placed on the docket within a period of six (6) months after the date of withdrawal.
- J. Attached to these Rules are the forms to be used by the petitioner in complying with these Rules and Regulations. They are:
1. Petition to the Chesterton Advisory Plan Commission for a Change to the Chesterton Zoning Map (Exhibit "A")
  2. Petition to the Chesterton Advisory Plan Commission for Plottage of Property (Exhibit "B")
  3. Form of Notice to Property Owners Within 300 Feet (Exhibit "C")
  4. Form of Acknowledged Delivered Notice on Owners Within 300 Feet (Exhibit "D")
  5. Form of Notice of Public Hearing Before the Advisory Plan Commission (Exhibit "E")
  6. Recommendation on a Petition for a Change in the Chesterton Zoning Map Before the Chesterton Advisory Plan Commission (Exhibit "F")
  7. Findings and Action Taken on Petitioner's Request for Primary Plat Approval for a Subdivision before the Chesterton Advisory Plan Commission (Exhibit "G")
  8. Street Light and Fire Hydrant Agreement (Exhibit "H")

9. Irrevocable Letter of Credit Infrastructure Guarantee (Exhibit “I”)
10. Irrevocable Letter of Credit Sidewalk Guarantee (Exhibit “J”)
- 11.. Surety Bond Infrastructure Guarantee (Exhibit “K”)
12. Surety Bond Sidewalk Guarantee (Exhibit “L”)
13. Irrevocable Letter of Credit Infrastructure Maintenance Guarantee (Exhibit “M”)
- 14.. Irrevocable Letter of Credit Sidewalk Maintenance Guarantee (Exhibit “N”)
15. Surety Bond Infrastructure Maintenance Guarantee (Exhibit “O”)
16. Surety Bond Sidewalk Maintenance Guarantee (Exhibit “P”)
17. Petition for a Planned Unit Development District Ordinance (Exhibit “Q”)
18. An Ordinance of the Town of Chesterton, Porter County, Indiana, Establishing a Planned Unit Development District (Exhibit “R”)

**ARTICLE VII - Final Disposition of Cases**

- A. The Plan Commission has exclusive control over approval of plats and replats. The Plan Commission is an advisory body concerning changes to this Ordinance (including Zoning Map), changes to the subdivision control ordinance, and proposals for PUD District ordinances. Advisory decisions of the Plan Commission calling for recommendations to the Chesterton Town Council shall be certified by the Plan Commission’s Secretary to the Town Council by delivering the certification to the Chesterton Clerk-Treasurer promptly and in the manner prescribed by law.
- B. Prior to receiving Secondary Plat approval for a subdivision, including Secondary Plat approval for subdivisions that involve PUD district ordinances, the petitioner must provide the appropriate Guarantees for the installation of infrastructure improvements, sidewalks, and/or maintenance guarantees as required in Section 1000-24 B. 2. of the Town Code. All Guarantees pursuant to this Section and the above-described Section of the Town Code shall be submitted to the Chesterton attorney for compliance with legal requirements and then returned to the Plan Commission Secretary who shall distribute copies to the Plan Commission and file the original in the Office of the Clerk-Treasurer. Secondary Plat approval may occur at any time within two (2) years after Primary Plat approval. The only exception to this rule is that no Secondary Plat approval shall take place for any plats approved by the Plat Committee until the 10 day appeal time has run from the Plat Committee’s initial approval in accordance with I.C. 36-7-4-710.
- C. No building permits shall be issued for any subdivision including PUDs until a copy of the recorded plat is on file in the Chesterton Building Commissioner’s office.
- D. All petitioners for Secondary Plat approval for subdivisions, including PUDs, shall present 17 black or blue lined prints and three (3) mylar sepias of the plat which provides for the signatures of the President of the Plan Commission and Secretary of the Plan Commission showing the plans have been approved. Additional mylars may be submitted for the developer’s use. Once the mylars are signed, 12 black or blue line prints of the signed and approved Secondary Plat shall be submitted to the Building Commissioner for recording purposes. All subdivisions, including PUDs, shall have the following statement on them:

“In the event there is a conflict between any items shown on the approve Mylar and the standards contained in the Town Code as it exists at the time of Secondary Plat approval, the approved mylar will be governed and interpreted by the standards contained in the Town Code.”

- E. The Chesterton Department Heads inspect the infrastructure in subdivisions and PUDs for which improvement guarantees, sidewalk guarantees, and/or maintenance guarantees exist. The Plan Commission requests that the Department Heads submit a written report concerning the required infrastructure installation or infrastructure maintenance to the Plan Commission at least 30 days prior to the expiration of all guarantees.

**ARTICLE VIII - Amendments to  
or Suspension of Rules of Practice and Procedure**

Amendments to these Rules of Practice and Procedure may be made by the Plan Commission at any public meeting upon the affirmative vote of a majority of the members of the entire Plan Commission. The suspension of any rule of practice and procedure in a particular case may be ordered at any public meeting upon the affirmative vote of a majority of the members of the entire Plan Commission.

These Rules of Practice and Procedure of the Chesterton Advisory Plan Commission were approved by the affirmative vote of \_\_\_\_ out of seven members of said Plan Commission at its regular public meeting held on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
President  
Chesterton Advisory Plan Commission

ATTEST:

\_\_\_\_\_  
Secretary  
Chesterton Advisory Plan Commission

**CHECKLIST A  
FOR ALL PUBLIC HEARINGS**

- \_\_\_\_\_ Petition on form prescribed by Plan Commission.
- \_\_\_\_\_ Seventeen (17) copies of Petition, along with all accompanying documents, filed by 12:00 noon 10 days prior to regular meeting day of Plan Commission. (If in doubt as to 10-day deadline, call Plan Commission Secretary to confirm).
- \_\_\_\_\_ Petition complete with necessary exhibits.
- \_\_\_\_\_ Public hearing set at regular meeting of Plan Commission.
- \_\_\_\_\_ Notice of public hearing published in *Chesterton Tribune* at least 10 days before regular meeting by Petitioner. Proof of publication and publication fees paid. (Exhibit "E" cannot be used for PUD publication. Must conform to IC 36-7-4-604 - Proposed zoning ordinances - Hearings - Notice)
- \_\_\_\_\_ Written notice mailed or delivered to owners of property within 300 feet of the proposed site. Such notice being mailed or delivered at least 10 days before date set for hearing.
- \_\_\_\_\_ Plan Commission Secretary to submit petition and necessary plans and specifications attached thereto to the Town Engineer, Utilities Department, Building Department, Attorney, Park, Police, Fire, and Street Departments for their comments to the petition and Commission.
- \_\_\_\_\_ Petitioner to submit 17 copies of scaled plat showing ownership within 300 feet.
- \_\_\_\_\_ Hold public hearing.
- \_\_\_\_\_ Review comments from various Town officials.
- \_\_\_\_\_ Gather such additional information as Plan Commission may require to make proper determination.
- \_\_\_\_\_ Make written recommendations to Town Council where required by law.
- \_\_\_\_\_ Ordinance passed by Town, if applicable.

**CHECKLIST B  
SUBDIVISIONS**

- \_\_\_\_\_ An advisory meeting with the Plan Commission as set out in Section 1000-22 of the Town Code of Chesterton is advisable.
- \_\_\_\_\_ Meet with Park Board and Utility Board pursuant to Town Code.
- \_\_\_\_\_ The developer shall follow all the requirements for a public hearing as set forth on "Checklist A - For All Public Hearings".
- \_\_\_\_\_ The Primary Plat shall contain all the information required in Section 1000-37 of the Town Code unless any of those requirements are waived by the Plan Commission. These are:

- A. Location map showing
  - 1. Location within the town;
  - 2. Zoning of tract and adjacent properties; and
  - 3. Existing related streets including the distances therefrom.
- B. Site map of subdivision and land within 100 feet of its boundaries showing:
  - 1. Contours of the site at vertical intervals of two (2) feet if the general slope is less than 10 percent, and at intervals of five (5) feet if the general slope is greater than 10 percent;
  - 2. Character and location of natural or artificial features existing on the land which would affect the design of the subdivision, such as wooded areas, streams, direction and gradient of ground slope, embankments, retaining walls, buildings or non-residential usage of land;
  - 3. Names of owners of properties contiguous to the subdivision;
  - 4. Existing and proposed streets and rights-of-way, including dedicated widths, roadway widths, approximate gradients; types and widths of pavements, curbs and sidewalks;
  - 5. Existing and proposed easements, including widths and purposes;
  - 6. Utilities, including the size, capacity and location of sanitary sewers, storm sewers, drainage facilities, water lines, gas lines, gas mains, power lines and telephone lines;
  - 7. Areas subject to periodic overflow of flood or storm waters;
  - 8. Subsurface conditions, including information about ground water levels and stability of subsoils;
  - 9. Tract boundary lines by calculated distances and bearings; and
  - 10. Title, graphic scale, north point, and date.

- C. A Subdivision Plat of the proposed subdivision drawn at a scale no smaller than 100 feet to one (1) inch showing:
1. Subdivision name;
  2. Names and addresses of owner, subdivider and person who prepared the plan;
  3. Street pattern, including the names (which shall not duplicate existing streets in the town unless it is an extension of an existing street), widths of rights-of-way of streets, widths of easements for alleys, and approximate grades of streets;
  4. Layout of lots, including dimensions, numbers, building setback lines or front yard lines, and street addresses;
  5. Parcels of land to be dedicated or reserved for schools, parks, playgrounds or other public or community use;
  6. Key plan, legend, notes, graphic scale, north point and date.
- D. Engineering plans showing:
1. Profiles, cross sections and specifications for proposed street improvements;
  2. Grading plan showing elevation of proposed improvement on each lot, swales, ditches and storm sewers affecting drainage of each parcel and of the subdivision generally;
  3. Profiles and other explanatory data concerning installation of water distribution systems, storm sewers and sanitary sewers;
  4. A report on the feasibility of connection to an existing sewerage system, including distances to the nearest public sewer, and service load of the subdivision;
  5. If connection to a public sewerage system is not feasible, a report on the feasibility of a separate sewerage system and treatment works for the subdivision, including the design, population, type and location of the treatment plant and the receiving stream;
  6. If connection to a public or private sewerage system is not feasible, a report on the feasibility of on-lot sewage disposal, including a detailed map of the physical conditions of the site, contours, finished grades, water courses, ground water table elevations, and the results of soil percolation tests for each individual lot conducted in accordance with the recommended practices of the state board of health.
  7. A Tree Allocation Plan pursuant to Section 1000-78.
  8. All infrastructure in any subdivision in the Town must comply with the existing requirements of the ADA and be compliance certified by the engineer for the subdivider
- E. Restrictions - A draft of the protective covenants or private restrictions to be adopted in the secondary subdivision plat.

F. Certificates of approval - A certificate for completion by the Plan Commission shall be shown on the Primary Plat as follows:

In accordance with the Subdivision Control Ordinance of the Town of Chesterton, this plat was given conditional approval as a Primary Plat by the Plan Commission at a \_\_\_\_\_ meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
President  
\_\_\_\_\_  
Secretary

\_\_\_\_\_ Secondary Plat shall conform to the approved Primary Plat and shall be drawn at a scale no smaller than 100 feet to one (1) inch. The Secondary Plat shall show:

- A. Subdivision names, names and addresses of owner and subdivider, source of title or land as shown by the books of the county recorder, graphic scale, north point, and date.
- B. Survey date with certification by a registered land surveyor, showing:
  - 1. Acreage or part thereof of each lot, and calculated distances and bearings of the subdivision boundaries, lots, utility easements, streets, alleys, building setback lines, and parcels reserved or dedicated land for community purposes;
  - 2. Location and distances to the nearest established street corners or official monuments, and of the streets intersecting the boundaries of the subdivision;
  - 3. Location, type, material and size of monuments;
  - 4. Complete curve data; and
  - 5. Lot numbers, street names and addresses.
- C. Notations as to whether improvements are dedicated or not.
- D. The following certificates:
  - 1. Certificate of Dedication.

We, the undersigned owner of the said real estate shown and described hereon, do hereby, as shown, plat and subdivide said real estate and designate the same as \_\_\_\_\_ name \_\_\_\_\_. All streets within the plat are hereby conveyed and dedicated to the public. An easement is hereby granted to the Town of Chesterton, Indiana, General Telephone Co., Northwest Indiana Water Company, and Northern Indiana Public Service Co., severally and their respective successors and assigns to install, lay, erect, construct, renew, operate, repair, replace and maintain sewers, water mains, gas mains, conduits, cables, poles, wires either overhead or underground with all necessary braces, guys, anchors and other

appliances in, upon, along and over the strip of land designated by dotted line on the plat and marked "easements" or public utilities for the purpose of service to the public in general with sewer, water, gas, electric and telephone service, including the right to use the streets where necessary and to overhang lots with aerial service to serve adjacent lots, together with the right to enter upon the easement for public utilities at all times for any purpose aforesaid, and to trim and to keep trimmed any trees, shrubs or saplings that interfere with such service. No permanent building shall be placed on said easement, but same may be used for any purposes that do not interfere with the use of said easement for such public utilities.

WITNESS our hands this \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(SEAL)

\_\_\_\_\_  
\_\_\_\_\_

2. Certificate of Acknowledgment -

State of Indiana  
Chesterton, Indiana

Before me, the undersigned, a notary public in and for said Town and State aforesaid, personally appeared said (individual, partnership or corporation), by \_\_\_\_\_ for the said individual, partnership or corporation who acknowledges the execution of the foregoing plat of name with the dedications and restrictions thereon expressed to be their (his)(her) voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and notarial seal this \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(SEAL)

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_, \_\_\_\_\_.

The county of my residence is \_\_\_\_\_.

3. Land Surveyor's Certificate

I, \_\_\_\_\_, hereby certify that I am a Land Surveyor licensed in compliance with the laws of the State of Indiana, and certify that this plat correctly represents a survey completed by me on \_\_\_\_\_, \_\_\_\_\_, and that all monuments shown actually exist and that their location, type and material are accurately shown.

\_\_\_\_\_  
Land Surveyor

\_\_\_\_\_  
Ind. Reg. No.

4. Certificate of Approval

Under the authority provided by Chapter 174, Acts of 1947, enacted by the General Assembly of the State of Indiana, and all Acts amendatory thereto, this plat was given Secondary Plat approval by a majority of the members of the Plan Commission at a \_\_\_\_\_ meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

5. The mylar must carry the following statement: "In the event there is a conflict between any items shown on the approved mylar and the standards contained in the Town Code as it exists at the time of Secondary Plat approval, the approved mylar will be governed and interpreted by the standards contained in the Town Code."

\_\_\_\_\_  
Procedure required for Secondary Plat are as follows:

- A. Submission. After Primary Plat approval is obtained, the subdivider shall submit a Secondary Plat to the Plan Commission as set forth in Section 1000-38 of this Chapter. The Secondary Plat shall be filed not later than two (2) years after the Primary Plat approval. If two (2) years have elapsed following the approval of the Primary Plat without the Secondary Plat approval, the Plan Commission may require the subdivider to submit a new Primary Plat for approval.
- B. Accompanying Material. The Secondary Plat shall be accompanied by:
1. Seventeen (17) black or blue line prints and three (3) mylar sepias of the plat. Additional mylars may be submitted for the developer's use. Once the mylars are signed, 12 black or blue line prints of the signed and approved Secondary Plat shall be submitted to the Building Commissioner for recording purposes.
  2. A certificate from the appropriate Town department that all improvements required by this Chapter and all other applicable Town Ordinances have been installed in strict accordance with the standards of construction of the Town, or guaranteed that the improvements will subsequently be installed by the owner in the form of a surety bond, an irrevocable letter of credit, or any other Guarantee that is first approved by the Plan Commission that will cover 110 percent of the costs of all required improvements as estimated by the Town Engineer and approved by the Plan Commission. The aforementioned Guarantee for the costs of requirement improvements shall be posted at the time of Secondary Plat approval consistent with Section 1000-24. B. 2. and using the appropriate forms as labeled Exhibit I through Exhibit P.
  3. The mylar sepias of the Secondary Plat shall be submitted to the Plan Commission within 90 days after receiving tentative approval from the Plan Commission of the Secondary Plat.
  4. Street Light and Fire Hydrant Agreement entered into pursuant to Town Code Section 1000-81, and proof of payment shown. (Exhibit "H")
- C. Approval or Disapproval - If the Plan Commission finds that the Secondary Plat is in accordance with the requirements of this Chapter, they shall affix the Plan Commission's seal upon the plat and the President and

Secretary, or other authorized members, shall endorse the plat and return it to the subdivider. If disapproved, the president shall attach to the original tracing of the Secondary Plat a statement of the reasons for such action and return it to the subdivider.

- D. Recording - At the time of Secondary Plat approval, developers will be required to submit three (3) mylars, 12 blueprints, and a check made out to the Porter County Recorder in an amount sufficient to pay all recording fees. Additional mylars may be submitted for the developer's use. The Building Commissioner will record all subdivision approved mylars with the Porter County Recorder.
- E. Copy to be filed with Building Commissioner - A copy of the recorded plat shall be filed with the Building Commissioner within 30 days after the same has been recorded with the Porter County Recorder. The Building Commissioner shall note any deviation in the approved Secondary Plat and the recorded plat and report the same to the Plan Commission for appropriate action.

**CHECKLIST C-A**  
**PLANNED UNIT DEVELOPMENT - CONCEPT PLAN REQUIREMENTS**

- A. An area map showing the property proposed to be developed as a PUD and also adjacent property owners and existing uses located within 300 feet of the parcel in question.
- B. A legal description of the parcel proposed as a PUD.
- C. A list of all requested variances from the Unified Comprehensive Zoning and Subdivision Control Ordinance that the petitioner wishes to be a part of this PUD.
- D. A list including location of all proposed uses to be contained within the PUD.
- E. A sketch plan approximately to scale, though it need not be to the precision of a finished engineering or architectural drawing, that clearly shows the following:
  - 1. The existing features of the site including topography;
  - 2. The proposed location of the various uses and their areas in acres;
  - 3. The general outlines of the proposed interior roadway system and all existing rights-of-way and easements, whether public or private;
  - 4. Delineation of the various residential areas indicating for each such area its general extent, size, and composition in terms of total number of dwelling units and approximate percentage allocation by dwelling type;
  - 5. Delineation of the various nonresidential areas such as business or industrial areas, indicating for each such area its general extent, size, and composition in terms of total number of buildings and approximate percentage allocation by unit type;
  - 6. A calculation of the residential density in dwelling units per gross acre including interior roadways
  - 7. The interior open space system including land to be utilized for park and recreational purposes
  - 8. Where portions of the site are subject to flooding, the plan shall indicate extent and frequency;
  - 9. Where areas lie in aircraft approach and holding patterns such areas shall be indicated;
  - 10. The proposed provision for disposition of storm water and sanitary sewage and source of water service;
  - 11. The substance of any covenants, grants, easements, or any other restrictions to be imposed upon the land or buildings including easements for public utilities;
  - 12. The proposed provisions for streets, walkways, and parking including locations and widths;
  - 13. The general description of the availability of other community facilities such as schools, fire protection services, parks, and how these facilities will be affected by the proposal;

14. General statement as to how common open space is to be owned and maintained; and
15. If the development is to be phased, a general indication of how the phasing is to proceed.

**CHECKLIST C-B**  
**PUD DISTRICT ORDINANCE - WRITTEN TEXT PORTION**

- A. Name and address of petitioner;
- B. Legal description of proposed PUD District;
- C. A copy of the recorded document showing petitioner's ownership interest in this parcel;
- D. All Chesterton Town standards, use and development standards unless the variances to same are specifically delineated;
- E. Delineation of all uses and area in acres of each proposed use;
- F. Total number of residential units and percent of each type of each residential uses;
- G. Delineation of each business and/or industrial use, and total area in acres of each business and/or industrial use;
- H. Phasing schedule of development;
- I. Detailed description of location and proposed use for all proposed open and/or recreational spaces;
- J. General description of community services available to the proposed PUD District's residents including schools, fire protection, parks, and all public/private utilities;
- K. General statement on proposed ownership and maintenance of common open space;
- L. Proposed construction schedule;
- M. A general statement demonstrating how the proposed PUD District ordinance conforms to:
  - 1. The Objectives of PUD Districts as set forth in Section 702 of this Ordinance, which shall include a specific written submission concerning Section 708. S., having to do with preservation of natural topographical and geological features of the land in a proposed PUD District;
  - 2. A list of all proposed written commitments concerning the use and development of the land contained in the proposed PUD District ordinance.

**CHECKLIST C-C**  
**PUD DISTRICT ORDINANCE - DRAWING (PLAT) PORTION**

- A. An area map showing the property under consideration and all properties and easements within 300 feet of petitioner's property;
- B. A topographic map showing contour intervals of not more than two (2) feet of elevation shall be provided;
- C. The drawing shall include:
  - 1. The name and address of the petitioner;
  - 2. Legal description of proposed PUD District;
  - 3. North point, scale and date;
  - 4. Boundaries of the properties platted to scale;
  - 5. Existing water courses;
  - 6. A development plan showing location, proposed use and height of all buildings;
  - 7. Location and proposed development of all open spaces including parks, playgrounds, and open reservations;
  - 8. All areas where natural vegetation will be preserved shall be noted;
  - 9. Location of outdoor storage, if any;
  - 10. Location of all existing and proposed infrastructure improvements, including roads, sidewalks, pedestrian ways, bike paths and the like, drains, culverts, retaining walls and fences, retention or detention ponds and the like, descriptions of the methods of sewages and solid waste disposal and water utility, and location of such facilities, location and size of all signs, location and design of all streets, parking and truck load areas with ingress and egress drives relating to same and including proposed lighting for parking or truck loading areas;
- D. A transparent overlay or separate map showing all soils, areas, and their classifications, including those areas with moderate to high susceptibility to flooding and moderate to high susceptibility to erosion.

**CHECKLIST D**  
**FOR ISSUANCE OF FINAL OCCUPANCY PERMIT**

\_\_\_\_\_ The right to occupy or use any new structure on any land within the Town is conditional upon the issuance by the Building Commissioner for the Town of an occupancy permit. Said permit shall not be issued until:

- A. After completion of heating, electrical, plumbing, and enclosure of structure
- B. Filing with Town Engineer and Building Commissioner as-built drawings showing material, size, and location of water and sewer lines, shut-off valves, meters and other miscellaneous data
- C. Location survey showing location of improvements on parcel
- D. All corners of the lot have been staked by registered land surveyor.

\_\_\_\_\_ Temporary occupancy permits may be issued by the Building Commissioner only under certain circumstances set forth in the Unified Comprehensive Zoning and Subdivision Control Ordinance, Article XI, Section 1100-1. B. 5.:

- A. The Building Commissioner has inspected the premises and finds the same to substantially comply with the ordinances of the Town of Chesterton, the rules and regulations of the administrative building council of the State of Indiana when applicable, and that the premises are safe and habitable.
- B. That the reason for the inability of the Building Commissioner to issue an occupancy permit shall be reduced to writing, delivered to any person over the age of 18 years who is going to occupy the premises.
- C. The Building Commissioner received from all proposed occupants of the premises over 18 years of age a written indemnity holding the Town of Chesterton harmless from any and all causes of action for damage or injury which may result by reason of issuing said temporary occupancy permit and a statement which may be part of the indemnity acknowledging that if the cause is not cured within the time prescribed by the Building Commissioner those who occupy the premises agree to vacate unless otherwise so ordered by the Building Commissioner.

**EXHIBIT "A"**  
**BEFORE THE CHESTERTON ADVISORY PLAN COMMISSION**

IN RE:        PETITION TO THE CHESTERTON ADVISORY PLAN COMMISSION  
                 FOR A CHANGE TO THE CHESTERTON ZONING MAP NO. \_\_\_\_\_

PETITION

We, the undersigned, petition the Plan Commission for a change in the Chesterton Zoning Map for the parcel of property described herein and show to the Plan Commission the following:

1. That we have received a copy of the Rules of Practice and Procedure of the Plan Commission on file in the Offices of the Clerk-Treasurer. We have also received a copy of the checklist also on file as aforesaid.
2. That we have paid to the Clerk-Treasurer the appropriate filing fee for this Petition.
3. That we own at least 50 percent of the following described real estate that is the subject matter of this Petition, which is located in Chesterton, Indiana, to-wit:  
(insert legal description)

\_\_\_\_\_

which property is commonly known as \_\_\_\_\_

\_\_\_\_\_

(Address or general location of property.)

4. That we attach a copy of the deed or other instrument vesting at least 50 percent of the legal ownership of the property described in paragraph 3 above to the undersigned.
5. That the Zoning Map currently shows this property as being zoned \_\_\_\_\_.
6. That your petitioner(s) believe that the aforesaid property should be rezoned to \_\_\_\_\_,  
(State zoning classification desired.)
7. That the requested zoning pays reasonable regard to:
  - a. The Comprehensive Plan for the reasons set forth as follows:  
\_\_\_\_\_  
\_\_\_\_\_
  - b. Current conditions and the character of current structures and uses in the land and surrounding area for the reasons set forth as follows:  
\_\_\_\_\_  
\_\_\_\_\_
  - c. The most desirable use for the land for which we request a change in the Zoning Map as adapted for the following reasons:  
\_\_\_\_\_  
\_\_\_\_\_
  - d. The conservation of property values throughout the Town for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_

e. Responsible development and growth for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_

8. That your petitioner(s) will take the necessary steps 10 days prior to any public hearing set on this Petition to notify all owners of property within 300 feet of the land for which the change in the Zoning Map is sought of the date, time, and place of any public hearing to be held on this Petition.

WHEREFORE, your petitioner(s) request that this Plan Commission do the following:

1. Review this Petition to determine whether it is in proper order and form and, upon determining so, set this matter for public hearing.
2. The Secretary of this Plan Commission publish notice in the Chesterton Tribune at least 10 days prior to said public hearing informing the public of the date, time, and place of the public hearing.
3. That the Plan Commission recommend to the Town Council that an ordinance be passed changing the Zoning Map for the aforesaid property from its present zoning classification of \_\_\_\_\_ to the requested zoning classification of \_\_\_\_\_.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Petitioner

Address of Petitioner(s):

\_\_\_\_\_

Telephone No. \_\_\_\_\_

Date: \_\_\_\_\_

PLAN COMMISSION'S ACTION:

Public hearing set for \_\_\_\_\_.

Results of public hearing: \_\_\_\_\_

Ordinance No. \_\_\_\_\_ (passed) (rejected) by the Town Council on \_\_\_\_\_.



2. The Secretary of the Plan Commission publish notice in the Chesterton Tribune at least 10 days prior to said public hearing informing the public of the date, time, and place of the public hearing.

That the Plan Commission approve the plat at both the Primary and Secondary Plat approval stages of these proceedings in accordance with the Chesterton Unified Comprehensive Zoning and Subdivision Control Ordinance.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Petitioner

Address of Petitioner(s):

\_\_\_\_\_

\_\_\_\_\_  
Telephone No. \_\_\_\_\_

Date: \_\_\_\_\_

PLAN COMMISSION'S ACTION:

Public hearing on Primary Plat approval for \_\_\_\_\_.

Results of public hearing: \_\_\_\_\_

\_\_\_\_\_  
Matter considered for Secondary Plat approval on \_\_\_\_\_.

Action on request for Secondary Plat approval and date of same: \_\_\_\_\_.

**EXHIBIT "C"**

**FORM OF NOTICE TO PROPERTY OWNERS WITHIN 300 FEET**

DATE \_\_\_\_\_

Mr. And Mrs. \_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Street)

\_\_\_\_\_  
(Town, State, Zip)

Dear Mr. and Mrs. \_\_\_\_\_:

We are the owners of the following described real estate in Chesterton, Indiana, to-wit:  
(insert legal description)

Commonly known as \_\_\_\_\_ (insert address or general location of property).

We have submitted a Petition to the Plan Commission for \_\_\_\_\_  
(insert the type of petition filed and the  
\_\_\_\_\_ action requested to be taken by the Plan Commission) for the above-described property.

The Plan Commission has set out Petition for public hearing on \_\_\_\_\_, 20 \_\_\_\_, at  
\_\_\_\_\_ o'clock p.m. at the Chesterton Town Hall, 726 Broadway, Chesterton, Indiana.

You are invited to be present for said hearing and to direct your comments to the Plan Commission concerning this application or to submit your comments to the Plan Commission in writing prior to the hearing.

Very truly yours,

\_\_\_\_\_  
(Petitioner's signature)

**EXHIBIT "D"**

**FORM OF ACKNOWLEDGED DELIVERED NOTICE ON OWNERS OF PROPERTY WITHIN 300 FEET**

We, the undersigned owners of property within 300 feet of the property owned by \_\_\_\_\_  
\_\_\_\_\_, hereby acknowledge the receipt of the written notice of a public hearing before the Plan Commission  
of the Town of Chesterton to be held at \_\_\_\_\_ o'clock p.m. on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, for  
the purpose of \_\_\_\_\_ (insert the type of petition filed and the action  
requested to be taken by the Plan Commission) for the property of the petitioner(s) \_\_\_\_\_  
\_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_.

SIGNATURE

ADDRESS

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I, \_\_\_\_\_, certify that I delivered the notice referred to above to  
those who signatures appear above and that I witnessed those individuals affix their signatures to this document.

\_\_\_\_\_

Note: If the property is vested in more than one person, i.e. husband and wife, both should sign.

**EXHIBIT "E"**

**NOTICE OF PUBLIC HEARING BEFORE THE CHESTERTON ADVISORY PLAN COMMISSION**

Notice is hereby given that the Plan Commission will hold a public hearing at the Chesterton Town Hall, 726 Broadway, Chesterton, Indiana 46304, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and will hear the Petition of \_\_\_\_\_ (insert name of petitioner(s)) requesting \_\_\_\_\_ (insert the type of Petition being filed and the action requested to be taken by the Plan Commission) for the following described real estate in Chesterton, Indiana, to-wit: (insert legal description of property)

which property is commonly known as \_\_\_\_\_  
\_\_\_\_\_ (insert address or location of property).

A copy of the Petition is on file at the Office of the Chesterton Clerk-Treasurer, 726 Broadway, Chesterton, Indiana, for examination by the public before the public hearing. Written objections to the Petition that are filed with the Plan Commission's Secretary prior to the hearing will be considered. Oral comments concerning the Petition will be heard at the public hearing. The hearing may be continued from time to time as may be found necessary. The hearing will begin at 6:30 p.m. or as soon thereafter as the agenda for the Plan Commission will permit.

**CHESTERTON ADVISORY PLAN COMMISSION**

**PUBLICATION DATE:** (At least 10 days prior to meeting date and the paper must have the notice 2 days prior to publication.) Publication is required one time only.

Proof of publication can be sent to \_\_\_\_\_  
\_\_\_\_\_ (petitioner's home address)

Note to Petitioner: The Notice must be placed in a newspaper of general circulation within the Tonw and, at this point in time, the Chesterton Tribune is the only paper that qualifies as such a newspaper.

**EXHIBIT "F"**

**RECOMMENDATION ON A PETITION FOR A CHANGE IN THE CHESTERTON ZONING MAP BEFORE  
THE CHESTERTON ADVISORY PLAN COMMISSION**

Petition No. \_\_\_\_\_

The application of (Name) : \_\_\_\_\_

Present zoning of property: \_\_\_\_\_

Zoning requested by the Petition: \_\_\_\_\_

\_\_\_\_\_

Address: \_\_\_\_\_

Date public hearing held: \_\_\_\_\_

Date public hearing closed: \_\_\_\_\_

That the Cheseterton Advisory Plan Commission has paid reasonable regard to the criteria set forth in Indiana Code 36-7-4-603 and all other pertinent facts surrounding this Petition and recommends that the Chesterton Town Council GRANT \_\_\_\_\_ REJECT \_\_\_\_\_ the above Petition for a change to te Chesterton Zoning Map. A copy of a proposed Ordinance for a change in the Chesterton Zoning Map is attached to this Recommendation.

Dated: \_\_\_\_\_

CHESTERTON ADVISORY PLAN COMMISSION

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Secretary

**EXHIBIT "G"**

**FINDINGS AND ACTION TAKEN ON PETITIONER'S REQUEST FOR PRIMARY PLAT APPROVAL FOR A SUBDIVISION BEFORE THE CHESTERTON ADVISORY PLAN COMMISSION**

Petition No. \_\_\_\_\_

The application of (Name): \_\_\_\_\_

Legal description of subdivision: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Address: \_\_\_\_\_

Date of public hearing held: \_\_\_\_\_

Date public hearing closed: \_\_\_\_\_

The Plan Commission now FINDS:

- 1. That the application for primary plat approval DOES \_\_\_\_\_ DOES NOT \_\_\_\_\_ conform to all requirements of the Chesterton Comprehensive Zoning Ordinance, Subdivision Control Ordinance, and the Rules of Practice and Procedure of the Plan Commission.

In the event "DOES NOT" was checked above, the reasons shall be set forth in the following space:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The Plan Commission does now GRANT \_\_\_\_\_ REJECT \_\_\_\_\_ the primary plat approval of the petitioner(s).

And further decides the following condition be imposed:

Receipt of a final plat and guarantees as required by Section 1000-24 and 1000-38 of Appendix A-Zoning; and

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Dated: \_\_\_\_\_

CHESTERTON ADVISORY PLAN COMMISSION

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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ATTEST:

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Secretary

**EXHIBIT "H"**

**STREET LIGHT AND FIRE HYDRANT AGREEMENT**

THIS AGREEMENT is made and entered into by and between the Town of Chesterton, hereinafter called "CHESTERTON," and \_\_\_\_\_, hereinafter called "DEVELOPER."

WHEREAS, Developer is developing a subdivision/PUD within the corporate boundaries of the Town of Chesterton known as \_\_\_\_\_; and

WHEREAS, Chesterton will be supplying various municipal services to this development; and

WHEREAS, it is necessary that fire hydrants and street lights be installed; and

WHEREAS, those fire hydrants that are located within the public right-of-way of the proposed development will eventually become the responsibility of Chesterton to pay a hydrant rental expense to the Indiana-American Water Company; and

WHEREAS, street lights that are located within the public right-of-way will eventually become the responsibility of Chesterton to pay a street light rental expense to the Northern Indiana Public Service Company.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties agree as follows:

1. That Chesterton shall designate the location of an appropriate number of fire hydrants for the development which the Developer will install. The location and number of fire hydrants shall be determined by the Plan Commission with advice from its Engineer and the Chesterton Fire Chief. Further, the Town shall, through its Plan Commission with advice from its staff, designate the style, quantity and location of an appropriate number of street lights and the Developer shall order the installation of same. All of the aforementioned shall be done within the applicable time frames.
2. Developer shall pay all expenses and charges for installation of all fire hydrants and street lights and shall then pay to the Chesterton Clerk-Treasurer a sufficient sum of money to cover the fire hydrant rental and street light utility costs for those hydrants and lights placed in the public right-of-way for the first three (3) year period under the rate schedule presently in existence for same. The Developer understands and acknowledges that all hydrant rental and street light utility costs located on privately owned property shall be the responsibility of the Developer and his successors in interest.
3. As previously stated, this contract shall apply only to fire hydrants and street lights inasmuch as the same are located within Chesterton's public right-of-way. This Agreement does not apply to fire hydrants or street lights that are on privately owned property such as hydrants and/or lights that the Plan Commission may require each home in a development to have.

4. This Agreement shall be binding upon the respective parties hereto, their heirs, executors, administrators, successors, and assigns.

CHESTERTON TOWN COUNCIL

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ATTEST:

\_\_\_\_\_  
Clerk-Treasurer

DEVELOPER

BY:

\_\_\_\_\_  
Title: \_\_\_\_\_

(NOTE: THIS IS A FORM OF IRREVOCABLE LETTER OF CREDIT THAT MUST BE UTILIZED IN THE EVENT THE PETITIONER WISHES TO USE SUCH A LETTER OF CREDIT FOR A FINANCIAL INSTITUTION AS ITS INFRASTRUCTURE GUARANTEE FOR INFRASTRUCTURE REQUIRED TO BE INSTALLED IN PETITIONER'S SUBDIVISION.)

**EXHIBIT "I"**

**IRREVOCABLE LETTER OF CREDIT INFRASTRUCTURE GUARANTEE**

Date: \_\_\_\_\_

Chesterton Advisory Plan Commission  
Town of Chesterton  
726 Broadway  
Chesterton, Indiana 46304

RE: IRREVOCABLE LETTER OF CREDIT FOR \_\_\_\_\_

Members of the Chesterton Advisory Plan Commission:

\_\_\_\_\_ hereby establishes and issues in favor of the Town of Chesterton, Indiana, its Irrevocable Letter of Credit ("Credit") pursuant to Section 1000-24. B. 2. of Appendix A-Zoning of Chesterton Town Code in the amount of \_\_\_\_\_ subject to the following conditions:

1. That this Credit binds the undersigned, their heirs, executors, administrators, successors and assigns firmly for a period of thirty (30) months from and after \_\_\_\_\_, which date is necessarily the same date of secondary plat approval by the Plan Commission. Accordingly, the expiration date for this letter of Credit is \_\_\_\_\_.

2. That all improvements required by the Town of Chesterton shall be completed by \_\_\_\_\_, hereinafter referred to as "Owner," in accordance with all requirements of the Town Code and the plans that have been approved by the Plan Commission for this \_\_\_\_\_ (insert Subdivision or PUD) no later than \_\_\_\_\_, which date is necessarily two (2) years from the date of secondary plat approval.

3. That the failure of owner to complete the public improvements secured by this Credit on or before two (2) years from secondary plat approval shall be considered a default by the Owner and the issuing institution of this Credit.

4. That the failure of Owner to submit the maintenance guarantee in accordance with Section 1000-24. B. 2. f. upon the expiration of this Credit shall be considered a default by the Owner and the issuing institution of the Credit. This default shall cause an immediate stop work order place upon all construction in the Subdivision or PUD and no work shall continue in said Subdivision or PUD until the default is cured.

5. That the issuing institution of this Credit will pay all attorney's fees and other out-of-pocket costs, including costs of paid staff of the Town, incurred in enforcing collection of this Credit in the event the issuing institution fails to honor the Town's demand for payment under the terms of this Credit.

6. That this Credit may be reduced or partially discharged only by the Plan Commission upon receipt of a sworn statement by the Owner's engineer of the costs of work performed and estimating the amount of improvement remaining to be performed. Such a reduction of partial discharge may only take place one time and only at such time as the conforming work is performed is equal to at least 50 percent of the total amount of the guarantee. Upon receipt of the sworn statement of the Owner's engineer, the Town of Chesterton's engineer shall review said sworn statement and determine after inspection if the improvements conform with the approved plat and the Town of Chesterton's standards

concerning their construction. The Town of Chesterton's engineer shall further determine whether the Owner's engineer's sworn statement is accurate and then report his findings to the Plan Commission as to the costs of the conforming work performed. This Credit may then be reduced and partially discharged by the Plan Commission in the amount of the costs of the conforming work performed as determined by the Town of Chesterton's engineer. However, in no event shall this Credit be reduced to an amount less than 110 percent of the estimated costs of the balance of the improvements to be constructed. Furthermore, at such time that the guarantee required is discharged completely by the Plan Commission, the Owner must submit a maintenance guarantee guaranteeing said improvements against defects in materials or workmanship in the amount of 10 percent of the total estimated costs of the improvements to be effective for a period of two (2) years from and after final acceptance of all improvements required for the Subdivision or PUD.

7. That in the event the Town of Chesterton, by its Plan Commission, wishes to draw upon this Credit, it shall give a signed statement by its designated representative that the aforementioned improvements have not been completed within the time limit set in paragraph 2 of this Credit. \_\_\_\_\_ shall then issue a check payable to the Town of Chesterton within 10 days of receipt of the signed statement. No additional action is required by the Town of Chesterton other than giving its signed statement and indicating the amount of money required to be paid by the issuing institution pursuant to this Credit.

8. That to the extent they do not conflict in any way whatsoever with this Credit, this Credit is subject to the Uniform Customs and Practice for Documentary Credits (1993 revision), International Chamber of Commerce publication #500, enforced as of January 1, 1994.

Issued this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by \_\_\_\_\_, (issuing institution).

(Issuing Institution)

By:

\_\_\_\_\_  
Its: \_\_\_\_\_  
(Print Title)

\_\_\_\_\_  
(Printed Signature)

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the Plan Commission.

CHESTERTON ADVISORY PLAN COMMISSION

By:

\_\_\_\_\_  
Its: \_\_\_\_\_  
(Printed Title)

\_\_\_\_\_  
(Printed Signature)

(NOTE: THIS IS A FORM OF IRREVOCABLE LETTER OF CREDIT THAT MUST BE UTILIZED IN THE EVENT THE PETITIONER WISHES TO USE SUCH A LETTER OF CREDIT FOR A FINANCIAL INSTITUTION AS ITS INFRASTRUCTURE GUARANTEE FOR SIDEWALKS REQUIRED TO BE INSTALLED IN PETITIONER'S SUBDIVISION.)

**EXHIBIT "J"**

**IRREVOCABLE LETTER OF CREDIT SIDEWALK GUARANTEE**

Date: \_\_\_\_\_

Chesterton Advisory Plan Commission  
Town of Chesterton  
726 Broadway  
Chesterton, Indiana 46304

RE: IRREVOCABLE LETTER OF CREDIT FOR \_\_\_\_\_

Members of the Chesterton Advisory Plan Commission:

\_\_\_\_\_ hereby establishes and issues in favor of the Town of Chesterton, Indiana, its Irrevocable Letter of Credit ("Credit") pursuant to Section 1000-24. B. 2. of Appendix A-Zoning of Chesterton Town Code in the amount of \_\_\_\_\_ subject to the following conditions:

1. That this Credit binds the undersigned, their heirs, executors, administrators, successors and assigns firmly for a period of four (4) and six (6) months from and after \_\_\_\_\_, which date is necessarily the same date of secondary plat approval by the Plan Commission. Accordingly, the expiration date for this letter of Credit is \_\_\_\_\_.
2. That the sidewalks required by the Town of Chesterton shall be completed by \_\_\_\_\_, hereinafter referred to as "Owner," in accordance with all requirements of the Town Code and the plans that have been approved by the Plan Commission for this \_\_\_\_\_ (insert Subdivision or PUD) no later than \_\_\_\_\_, which date is necessarily four (4) years from the date of secondary plat approval.
3. That the failure of owner to complete the public improvements secured by this Credit on or before four (4) years from secondary plat approval shall be considered a default by the Owner and the issuing institution of this Credit.
4. That the failure of Owner to submit the maintenance guarantee in accordance with Section 1000-24. B. 2. f. upon the expiration of this Credit shall be considered a default by the Owner and the issuing institution of the Credit. This default shall cause an immediate stop work order place upon all construction in the Subdivision or PUD and no work shall continue in said Subdivision or PUD until the default is cured.
5. That the issuing institution of this Credit will pay all attorney's fees and other out-of-pocket costs, including costs of paid staff of the Town, incurred in enforcing collection of this Credit in the event the issuing institution fails to honor the Town's demand for payment under the terms of this Credit.

6. At such time that this guarantee is discharged completely by the Plan Commission, the Owner must submit a maintenance guarantee guaranteeing said improvements against defects in materials or workmanship in the amount of 10 percent of the total estimated costs of the improvements to be effective for a period of two (2) years from and after final acceptance of all improvements required for the Subdivision or PUD.

7. That in the event the Town of Chesterton, by its Plan Commission, wishes to draw upon this Credit, it shall give a signed statement by its designated representative that the aforementioned improvements have not been completed within the time limit set in paragraph 2 of this Credit. \_\_\_\_\_ shall then issue a check payable to the Town of Chesterton within 10 days of receipt of the signed statement. No additional action is required by the Town of Chesterton other than giving its signed statement and indicating the amount of money required to be paid by the issuing institution pursuant to this Credit.

8. That to the extent they do not conflict in any way whatsoever with this Credit, this Credit is subject to the Uniform Customs and Practice for Documentary Credits (1993 revision), International Chamber of Commerce publication #500, enforced as of January 1, 1994.

Issued this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by \_\_\_\_\_, (issuing institution).

(Issuing Institution)

By:

\_\_\_\_\_

Its: \_\_\_\_\_

(Print Title)

\_\_\_\_\_

(Printed Signature)

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the Plan Commission.

CHESTERTON ADVISORY PLAN COMMISSION

By:

\_\_\_\_\_

Its: \_\_\_\_\_

(Printed Title)

\_\_\_\_\_

(Printed Signature)

(NOTE: THIS IS A FORM OF SURETY BOND THAT MUST BE UTILIZED IN THE EVENT THE PETITIONER WISHES TO USE A SURETY BOND AS AN INFRASTRUCTURE GUARANTEE FOR INFRASTRUCTURE REQUIRED TO BE INSTALLED IN PETITIONER'S SUBDIVISION.)

**EXHIBIT "K"**

**SURETY BOND INFRASTRUCTURE GUARANTEE**

Date: \_\_\_\_\_

Chesterton Advisory Plan Commission  
Town of Chesterton  
726 Broadway  
Chesterton, Indiana 46304

RE: SURETY BOND OF CREDIT FOR \_\_\_\_\_

Members of the Chesterton Advisory Plan Commission:

\_\_\_\_\_ hereby establishes and issues in favor of the Town of Chesterton, Indiana, its Surety Bond ("Surety") pursuant to Section 1000-24. B. 2. of Appendix A-Zoning of Chesterton Town Code in the amount of \_\_\_\_\_ subject to the following conditions:

1. That this Surety binds the undersigned, their heirs, executors, administrators, successors and assigns firmly for a period of thirty (30) months from and after \_\_\_\_\_, which date is necessarily the same date of secondary plat approval by the Plan Commission. Accordingly, the expiration date for this Surety is \_\_\_\_\_.
2. That all improvements required by the Town of Chesterton shall be completed by \_\_\_\_\_, hereinafter referred to as "Owner," in accordance with all requirements of the Town Code and the plans that have been approved by the Plan Commission for this \_\_\_\_\_ (insert Subdivision or PUD) no later than \_\_\_\_\_, which date is necessarily two (2) years from the date of secondary plat approval.
3. That the failure of owner to complete the public improvements secured by this Surety on or before two (2) years from secondary plat approval shall be considered a default by the Owner and the issuing institution of this Surety.
4. That the failure of Owner to submit the maintenance guarantee in accordance with Section 1000-24. B. 2. f. upon the expiration of this Surety shall be considered a default by the Owner and the issuing institution of the Surety. This default shall cause an immediate stop work order place upon all construction in the Subdivision or PUD and no work shall continue in said Subdivision or PUD until the default is cured.
5. That the issuing institution of this Surety will pay all attorney's fees and other out-of-pocket costs, including costs of paid staff of the Town, incurred in enforcing collection of this Surety in the event the issuing institution fails to honor the Town's demand for payment under the terms of this Surety.
6. That this Surety may be reduced or partially discharged only by the Plan Commission upon receipt of a sworn statement by the Owner's engineer of the costs of work performed and estimating the amount of improvement remaining to be performed. Such a reduction of partial discharge may only take place one time and only at such time as the conforming work is performed is equal to at least 50 percent of the total amount of the guarantee. Upon receipt of the sworn statement of the Owner's engineer, the Town of Chesterton's engineer shall review said sworn statement and determine after inspection if the improvements

conform with the approved plat and the Town of Chesterton's standards concerning their construction. The Town of Chesterton's engineer shall further determine whether the Owner's engineer's sworn statement is accurate and then report his findings to the Plan Commission as to the costs of the conforming work performed. This Surety may then be reduced and partially discharged by the Plan Commission in the amount of the costs of the conforming work performed as determined by the Town of Chesterton's engineer. However, in no event shall this Surety be reduced to an amount less than 110 percent of the estimated costs of the balance of the improvements to be constructed. Furthermore, at such time that the guarantee required is discharged completely by the Plan Commission, the Owner must submit a maintenance guarantee guaranteeing said improvements against defects in materials or workmanship in the amount of 10 percent of the total estimated costs of the improvements to be effective for a period of two (2) years from and after final acceptance of all improvements required for the Subdivision or PUD.

7. That in the event the Town of Chesterton, by its Plan Commission, wishes to draw upon this Surety, it shall give a signed statement by its designated representative that the aforementioned improvements have not been completed within the time limit set in paragraph 2 of this Surety. \_\_\_\_\_ shall then issue a check payable to the Town of Chesterton within 10 days of receipt of the signed statement. No additional action is required by the Town of Chesterton other than giving its signed statement and indicating the amount of money required to be paid by the issuing institution pursuant to this Surety.

Issued this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by \_\_\_\_\_, (issuing institution).

(Issuing Institution)

By:

\_\_\_\_\_  
Its: \_\_\_\_\_

(Print Title)

\_\_\_\_\_  
(Printed Signature)

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the Plan Commission.

CHESTERTON ADVISORY PLAN COMMISSION

By:

\_\_\_\_\_  
Its: \_\_\_\_\_

(Printed Title)

\_\_\_\_\_  
(Printed Signature)

(NOTE: THIS IS A FORM OF IRREVOCABLE LETTER OF CREDIT THAT MUST BE UTILIZED IN THE EVENT THE PETITIONER WISHES TO USE SUCH A LETTER OF CREDIT FOR A FINANCIAL INSTITUTION AS ITS INFRASTRUCTURE GUARANTEE FOR INFRASTRUCTURE REQUIRED TO BE INSTALLED IN PETITIONER'S SUBDIVISION.)

**EXHIBIT "L"**

**SURETY BOND SIDEWALK GUARANTEE**

Date: \_\_\_\_\_

Chesterton Advisory Plan Commission  
Town of Chesterton  
726 Broadway  
Chesterton, Indiana 46304

RE: SURETY BOND FOR \_\_\_\_\_

Members of the Chesterton Advisory Plan Commission:

\_\_\_\_\_ hereby establishes and issues in favor of the Town of Chesterton, Indiana, its Surety Bond ("Surety") pursuant to Section 1000-24. B. 2. of Appendix A-Zoning of Chesterton Town Code in the amount of \_\_\_\_\_ subject to the following conditions:

1. That this Surety binds the undersigned, their heirs, executors, administrators, successors and assigns firmly for a period of four (4) years six (6) months from and after \_\_\_\_\_, which date is necessarily the same date of secondary plat approval by the Plan Commission. Accordingly, the expiration date for this Surety is \_\_\_\_\_.

2. That the sidewalks required by the Town of Chesterton shall be completed by \_\_\_\_\_, hereinafter referred to as "Owner," in accordance with all requirements of the Town Code and the plans that have been approved by the Plan Commission for this \_\_\_\_\_ (insert Subdivision or PUD) no later than \_\_\_\_\_, which date is necessarily four (4) years from the date of secondary plat approval.

3. That the failure of Owner to complete 100 percent of sidewalk installation secured by this Surety on or before four (4) years from secondary plat approval shall be considered a default by the Owner and the issuing institution of this Surety.

4. That the failure of Owner to submit the maintenance guarantee in accordance with Section 1000-24. B. 2. f. upon the expiration of this Surety shall be considered a default by the Owner and the issuing institution of the Surety. This default shall cause an immediate stop work order place upon all construction in the Subdivision or PUD and no work shall continue in said Subdivision or PUD until the default is cured.

5. That the issuing institution of this Surety will pay all attorney's fees and other out-of-pocket costs, including costs of paid staff of the Town, incurred in enforcing collection of this Surety in the event the issuing institution fails to honor the Town's demand for payment under the terms of this Surety.

6. At such time that this guarantee is discharged completely by the Chesterton Advisory Plan Commission, the Owner must submit a maintenance guarantee guaranteeing said improvements against defects in materials or workmanship in the amount of 10 percent of the total estimated costs of the improvements to be effective for a period of two (2) years from and after final acceptance of all improvements required for the Subdivision or PUD.

7. That in the event the Town of Chesterton, by its Advisory Plan Commission, wishes to draw upon this Surety, it shall give a signed statement by its designated representative that the aforementioned improvements have not been completed within the time limit set in paragraph 2 of this Surety. \_\_\_\_\_ shall then issue a check payable to the Town of Chesterton within 10 days of receipt of the signed statement. No additional action is required by the Town of Chesterton other than giving its signed statement and indicating the amount of money required to be paid by the issuing institution pursuant to this Surety.

Issued this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by \_\_\_\_\_, (issuing institution).

(Issuing Institution)

By:

\_\_\_\_\_  
Its: \_\_\_\_\_

(Print Title)

\_\_\_\_\_  
(Printed Signature)

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the Plan Commission.

CHESTERTON ADVISORY PLAN COMMISSION

By:

\_\_\_\_\_  
Its: \_\_\_\_\_

(Printed Title)

\_\_\_\_\_  
(Printed Signature)

(NOTE: THIS IS A FORM OF IRREVOCABLE LETTER OF CREDIT THAT MUST BE UTILIZED IN THE EVENT THE PETITIONER WISHES TO USE SUCH A LETTER OF CREDIT FOR A FINANCIAL INSTITUTION AS ITS INFRASTRUCTURE GUARANTEE FOR INFRASTRUCTURE REQUIRED TO BE INSTALLED IN PETITIONER'S SUBDIVISION.)

**EXHIBIT "M"**

**IRREVOCABLE LETTER OF CREDIT INFRASTRUCTURE MAINTENANCE GUARANTEE**

Date: \_\_\_\_\_

Chesterton Advisory Plan Commission  
Town of Chesterton  
726 Broadway  
Chesterton, Indiana 46304

RE: IRREVOCABLE LETTER OF CREDIT TO BE USED AS MAINTENANCE GUARANTEE  
PURSUANT TO SECTION 1000-24. B. 2. f. OF APPENDIX A-ZONING OF CHESTERTON TOWN CODE  
FOR \_\_\_\_\_ SUBDIVISION OF THE TOWN OF  
CHESTERON.

Members of the Chesterton Advisory Plan Commission:

\_\_\_\_\_ hereby establishes and issues in favor of the Town of Chesterton,  
Indiana, its Irrevocable Letter of Credit ("Credit") to be used as a maintenance guarantee pursuant to Section  
1000-24. B. 2. f. of Appendix A-Zoning of Chesterton Town Code in the amount of \_\_\_\_\_  
\_\_\_\_\_ subject to the following conditions:

1. That this Credit binds the undersigned, their heirs, executors, administrators, successors and  
assigns firmly for a period of two (2) years from and after \_\_\_\_\_, which date is necessarily the  
same date of the acceptance of the hereinafter mentioned improvements by the Plan Commission.

2. That the improvements that are subject of this Credit to be used as a maintenance guarantee  
are all of the infrastructure improvements that are required by the Town of Chesterton for \_\_\_\_\_  
\_\_\_\_\_, (insert name of subdivision). The improvements that this Credit applies to include,  
but are not limited to, the streets, curbs, sidewalks, sewer and water lines, detention pond(s), lift stations, storm  
sewers, street signs, street lights and hydrants. This Credit guarantees the aforementioned improvements against  
failure or deterioration for any reason for a period of two (2) years from and after \_\_\_\_\_,  
(date of acceptance of the improvements by the Chesterton Advisory Plan Commission).

3. That this institution will pay all attorney's fee and other out-of-pocket costs, including costs  
of paid staff of the Town, incurred in enforcing collection of this Credit in the event the issuing institution fails  
to honor the Town's demand for payment under terms of this Credit.

4. That in the event the Town of Chesterton, through its Advisory Plan Commission, wishes to  
draw upon this Credit, it shall give a signed statement by its designated representative that the aforementioned  
improvements need repair and include the amount of money necessary to repair same. The undersigned issuing  
institution shall the issue its check payable to the Town of Chesterton within 10 days of receipt of the signed  
statement. No additional action is required by the Town of Chesterton other than giving its signed statement  
and indicating the amount of money required to be paid by the issuing institution pursuant to this Credit.

5. That to the extent they do not conflict in any way whatsoever with this Credit, this Credit is subject to the Uniform Customs and Practice for Documentary Credits (1993 revision), International Chamber of Commerce publication #500, enforced as of January 1, 1994.

Issued this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by \_\_\_\_\_, (issuing institution).

(Issuing Institution)

By:

\_\_\_\_\_  
Its: \_\_\_\_\_

(Print Title)

\_\_\_\_\_  
(Printed Signature)

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the Plan Commission.

CHESTERTON ADVISORY PLAN COMMISSION

By:

\_\_\_\_\_  
Its: \_\_\_\_\_

(Printed Title)

\_\_\_\_\_  
(Printed Signature)

(NOTE: THIS IS A FORM OF IRREVOCABLE LETTER OF CREDIT THAT MUST BE UTILIZED IN THE EVENT THE PETITIONER WISHES TO USE SUCH A LETTER OF CREDIT FOR A FINANCIAL INSTITUTION FOR THE PURPOSE OF A MAINTENANCE GUARANTEE FOR SIDEWALKS REQUIRED TO BE INSTALLED IN PETITIONER'S SUBDIVISION.)

**EXHIBIT "N"**

**IRREVOCABLE LETTER OF CREDIT SIDEWALK MAINTENANCE GUARANTEE**

Date: \_\_\_\_\_

Chesterton Advisory Plan Commission  
Town of Chesterton  
726 Broadway  
Chesterton, Indiana 46304

RE: IRREVOCABLE LETTER OF CREDIT TO BE USED AS MAINTENANCE GUARANTEE FOR SIDEWALKS PURSUANT TO SECTION 1000-24. B. 2. f. OF APPENDIX A-ZONING OF CHESTERTON TOWN CODE FOR \_\_\_\_\_ SUBDIVISION TO THE TOWN OF CHESTERTON.

Members of the Chesterton Advisory Plan Commission:

\_\_\_\_\_ hereby establishes and issues in favor of the Town of Chesterton, Indiana, its Irrevocable Letter of Credit ("Credit") to be used as a maintenance guarantee pursuant to Section 1000-24. B. 2. of Appendix A-Zoning of Chesterton Town Code in the amount of \_\_\_\_\_ subject to the following conditions:

1. That this Credit binds the undersigned, their heirs, executors, administrators, successors and assigns firmly for a period of two (2) years from and after \_\_\_\_\_, which date is and must necessarily be the same date of the acceptance of the hereinafter mentioned improvements by the Plan Commission.

2. The improvements that are the subject of this Credit to be used as a maintenance guarantee are all sidewalks that are required by the Town of Chesterton for \_\_\_\_\_, (insert name of subdivision). This Credit guarantees the aforementioned sidewalks against failure or deterioration for any reason for a period of two (2) years from and after \_\_\_\_\_ (insert date of acceptance of sidewalks by Plan Commission).

3. That this institution will pay all attorney's fees and other out-of-pocket costs, including costs of paid staff of the Town, incurred in enforcing collection of this Credit in the event the issuing institution fails to honor the Town's demand for payment under the terms of this Credit.

4. That in the event the Town of Chesterton, by its Plan Commission, wishes to draw upon this Credit, it shall give a signed statement by its designated representative that the aforementioned improvements need repair and include the amount of money necessary to repair same. The undersigned issuing institution shall then issue its check payable to the Town of Chesterton within 10 days of receipt of the signed statement. No additional action is required by the Town of Chesterton other than giving its signed statement and indicating the amount of money required to be paid by the issuing institution pursuant to this Credit.

5. That to the extent they do not conflict in any way whatsoever with this Credit, this Credit is subject to the Uniform Customs and Practice for Documentary Credits (1993 revision), International Chamber of Commerce publication #500, enforced as of January 1, 1994.

Issued this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by \_\_\_\_\_, (issuing institution).

(Issuing Institution)

By:

\_\_\_\_\_  
Its: \_\_\_\_\_  
(Print Title)

\_\_\_\_\_  
(Printed Signature)

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the Plan Commission.

CHESTERTON ADVISORY PLAN COMMISSION

By:

\_\_\_\_\_  
Its: \_\_\_\_\_  
(Printed Title)

\_\_\_\_\_  
(Printed Signature)

(NOTE: THIS IS A FORM OF SURETY BOND THAT MUST BE UTILIZED IN THE EVENT THE PETITIONER WISHES TO USE A SURETY BOND AS A MAINTENANCE GUARANTEE FOR INFRASTRUCTURE REQUIRED TO BE INSTALLED IN PETITIONER'S SUBDIVISION.)

**EXHIBIT "O"**

**SURETY BOND INFRASTRUCTURE MAINTENANCE GUARANTEE**

Date: \_\_\_\_\_

Chesterton Advisory Plan Commission  
Town of Chesterton  
726 Broadway  
Chesterton, Indiana 46304

RE: SURETY BOND TO BE USED AS MAINTENANCE GUARANTEE PURSUANT TO SECTION 1000-24. B. 2. f. OF APPENDIX A-ZONING OF CHESTERTON TOWN CODE FOR \_\_\_\_\_ SUBDIVISION OF THE TOWN OF CHESTERON.

Members of the Chesterton Advisory Plan Commission:

\_\_\_\_\_ hereby establishes and issues in favor of the Town of Chesterton, Indiana, its Surety Bond ("Surety") to be used as a maintenance guarantee pursuant to Section 1000-24. B. 2. f. of Appendix A-Zoning of Chesterton Town Code in the amount of \_\_\_\_\_ subject to the following conditions:

1. That this Surety binds the undersigned, their heirs, executors, administrators, successors and assigns firmly for a period of two (2) years from and after \_\_\_\_\_, which date is necessarily the same date of the acceptance of the hereinafter mentioned improvements by the Chesterton Advisory Plan Commission.
2. That improvements that are subject of this Surety to be used as a maintenance guarantee are all of the infrastructure improvements that are required by the Town of Chesterton for \_\_\_\_\_, (insert name of subdivision). The improvements that this Surety applies to include, but are not limited to, the streets, curbs, sidewalks, sewer and water lines, detention pond(s), lift stations, storm sewers, street signs, street lights and hydrants. This Surety guarantees the aforementioned improvements against failure or deterioration for any reason for a period of two (2) years from and after \_\_\_\_\_, (date of acceptance of the improvements by the Chesterton Advisory Plan Commission).
3. That this institution will pay all attorney's fee and other out-of-pocket costs, including costs of paid staff of the Town, incurred in enforcing collection of this Surety in the event the issuing institution fails to honor the Town's demand for payment under terms of this Surety.
4. That in the event the Town of Chesterton, through its Advisory Plan Commission, wishes to draw upon this Surety, it shall give a signed statement by its designated representative that the aforementioned improvements need repair and include the amount of money necessary to repair same. The undersigned issuing institution shall the issue its check payable to the Town of Chesterton within 10 days of receipt of the signed statement. No additional action is required by the Town of Chesterton other than giving its signed statement and indicating the amount of money required to be paid by the issuing institution pursuant to this Surety.

Issued this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by \_\_\_\_\_, (issuing institution).

(Issuing Institution)

By:

\_\_\_\_\_  
Its: \_\_\_\_\_

(Print Title)

\_\_\_\_\_  
(Printed Signature)

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the Plan Commission.

CHESTERTON ADVISORY PLAN COMMISSION

By:

\_\_\_\_\_  
Its: \_\_\_\_\_

(Printed Title)

\_\_\_\_\_  
(Printed Signature)

(NOTE: THIS IS A FORM OF SURETY BOND THAT MUST BE UTILIZED IN THE EVENT THE PETITIONER WISHES TO USE SUCH A SURETY BOND AS A MAINTENANCE GUARANTEE FOR SIDEWALKS REQUIRED TO BE INSTALLED IN PETITIONER'S SUBDIVISION.)

**EXHIBIT "P"**

**SURETY BOND SIDEWALK MAINTENANCE GUARANTEE**

Date: \_\_\_\_\_

Chesterton Advisory Plan Commission  
Town of Chesterton  
726 Broadway  
Chesterton, Indiana 46304

RE: SURETY BOND TO BE USED AS MAINTENANCE GUARANTEE FOR SIDEWALKS  
PURSUANT TO SECTION 1000-24. B. 2. f. OF APPENDIX A-ZONING OF CHESTERTON TOWN CODE  
FOR \_\_\_\_\_ SUBDIVISION TO THE TOWN OF  
CHESTERTON.

Members of the Chesterton Advisory Plan Commission:

\_\_\_\_\_ hereby establishes and issues in favor of the Town of Chesterton,  
Indiana, its Surety Bond ("Surety") to be used as a maintenance guarantee pursuant to Section 1000-24. B. 2. f.  
of Appendix A-Zoning of Chesterton Town Code in the amount of \_\_\_\_\_  
\_\_\_\_\_ subject to the following conditions:

1. That this Surety binds the undersigned, their heirs, executors, administrators, successors and  
assigns, firmly by these presents, for a period of two (2) years from and after \_\_\_\_\_,  
which date is and must necessarily be the same date of the acceptance of the hereinafter mentioned  
improvements by the Plan Commission.

2. The improvements that are the subject of this Surety to be used as a maintenance guarantee  
are all sidewalks that are required by the Town of Chesterton for \_\_\_\_\_,  
(insert name of subdivision). This Surety guarantees the aforementioned sidewalks against failure or  
deterioration for any reason for a period of two (2) years from and after \_\_\_\_\_  
\_\_\_\_\_ (insert date of acceptance of sidewalks by Chesterton Advisory Plan Commission).

3. That this institution will pay all attorney's fees and other out-of-pocket costs, including costs  
of paid staff of the Town, incurred in enforcing collection of this Surety in the event the issuing institution fails  
to honor the Town's demand for payment under the terms of this Surety.

4. That in the event the Town of Chesterton, by its Advisory Plan Commission, wishes to draw  
upon this Surety, it shall give a signed statement by its designated representative that the aforementioned  
improvements need repair and include the amount of money necessary to repair same. The undersigned issuing  
institution shall then issue its check payable to the Town of Chesterton within 10 days of receipt of the signed  
statement. No additional action is required by the Town of Chesterton other than giving its signed statement  
and indicating the amount of money required to be paid by the issuing institution pursuant to this Surety.

Issued this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by \_\_\_\_\_, (issuing institution).

(Issuing Institution)

By:

\_\_\_\_\_

Its: \_\_\_\_\_  
(Print Title)

\_\_\_\_\_  
(Printed Signature)

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the Plan Commission.

CHESTERTON ADVISORY PLAN COMMISSION

By:

\_\_\_\_\_

Its: \_\_\_\_\_  
(Printed Title)

\_\_\_\_\_  
(Printed Signature)

**EXHIBIT "Q"**

**BEFORE THE CHESTERTON TOWN COUNCIL AND CHESTERTON ADVISORY PLAN COMMISSION**

IN RE: THE PETITION OF

\_\_\_\_\_  
TO THE CHESTERTON TOWN COUNCIL AND CHESTERTON ADVISORY PLAN COMMISSION FOR A  
PLANNED UNIT DEVELOPMENT DISTRICT ORDINANCE NO. \_\_\_\_\_

**PETITION FOR A PLANNED UNIT DEVELOPMENT DISTRICT ORDINANCE**

\_\_\_\_\_ (petitioner) applies for and requests that the Chesterton Town Council, after receiving the advice of its Plan Commission, approve a PUD District Ordinance for real estate located in the Town of Chesterton, Indiana. In support of this Petition, the undersigned would state the following:

1. That the undersigned has received and reviewed a copy of:
  - a. Ordinance 2001-03, which is Appendix A – Zoning to the Town Code, which provides for, among other things, Planned Unit Development District Ordinances;
  - b. The Chesterton Town Standards (latest edition); and
  - c. The Rules and Regulations of the Chesterton Advisory Plan Commission.

All the aforementioned documents are on file in the office of the Chesterton Building Commissioner located at the Chesterton Town Hall, 726 Broadway, Chesterton, Indiana. Additionally, a copy of the checklist for these proceedings has also been reviewed by the undersigned.

2. That the undersigned has paid to the Chesterton Clerk-Treasurer a filing fee in the amount of \$ \_\_\_\_\_ which has been computed as follows:

\$ \_\_\_\_\_ \$500 application fee; plus  
 \$ \_\_\_\_\_ \$50 for each 1 or 2 family residential dwelling unit proposed for the development; plus  
 \$ \_\_\_\_\_ \$100 for each multi-family dwelling unit or business or industrial building proposed to be located in the \_\_\_\_\_ PUD District.

\$ \_\_\_\_\_ Total

Additionally, the undersigned has read Article VII of Appendix A-Zoning of Chesterton Town Code and agrees to pay all consultant fees, engineering fees, and attorney’s fees as same are specifically delineated in Article VII.

3. That the undersigned is the owner of the legal or equitable title of the following described real estate in Chesterton, Porter County, Indiana to-wit:

See attached Exhibit "A"

generally located at \_\_\_\_\_  
\_\_\_\_\_ (address or general location of property).

The document showing the undersigned to be the owner of this property is a \_\_\_\_\_  
\_\_\_\_\_ and is attached to this Petition as Exhibit "B."

4. That the undersigned represents that the concept plan process as required pursuant to Section 710 of Article VII of Appendix A-Zoning of Chesterton Town Code has been concluded by the Plan Commission.
5. That the undersigned agrees to comply with all notice requirements set forth in Article VII of Appendix A-Zoning of Chesterton Town Code and the Plan Commission's Rules and Regulations.
6. Attached to this Petition is 17 copies of the written text portion of the proposed PUD Ordinance and 17 copies of the drawing portion of the proposed PUD Ordinance with all information that is required pursuant to Section 711 of Appendix A-Zoning of Chesterton Town Code.

\_\_\_\_\_  
Petitioner

Petitioner's Address:  
\_\_\_\_\_  
\_\_\_\_\_

Telephone No. \_\_\_\_\_

Date: \_\_\_\_\_

**EXHIBIT "R"**

**(PROPOSED ORDINANCE)**

ORDINANCE NO. \_\_\_\_\_ - \_\_\_\_\_.

**AN ORDINANCE OF THE TOWN OF CHESTERTON, PORTER COUNTY, INDIANA ESTABLISHING A  
PLANNED UNIT DEVELOPMENT DISTRICT**

WHEREAS, a public hearing has been held as required by law and the Plan Commission has recommended the adoption of a PUD District Ordinance for certain land located within the corporate boundaries of the Town of Chesterton; and

WHEREAS, the Chesterton Town Council concurs in the recommendation of its Plan Commission.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the Chesterton Town Council as follows:

SECTION 1. That a PUD District is approved for the following described real estate, to-wit:  
(See attached Exhibit "A")  
which real estate is generally located at \_\_\_\_\_.

SECTION 2. That the name and address of the petitioner for this PUD District Ordinance is: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

SECTION 3. That the attached as Exhibit "B" is the recorded document showing the petitioner's ownership interest in this parcel, which document is in the form of a \_\_\_\_\_.

SECTION 4. That Appendix A-Zoning of Chesterton Town Code, along with the Chesterton Town Standards, latest edition, shall apply to the development of this property, except for the following variances to same:

- a. Appendix A-Zoning (development standard variances):
  - i. \_\_\_\_\_
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_
  - iv. \_\_\_\_\_
  - v. \_\_\_\_\_

- b. Appendix A-Zoning (use variances):
  - i. \_\_\_\_\_
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_

- iv. \_\_\_\_\_
- v. \_\_\_\_\_

c. Appendix A-Zoning (subdivision regulations):

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_
- v. \_\_\_\_\_

d. Variances to Chesterton Town Standards:

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_
- v. \_\_\_\_\_

**SECTION 5.** That all uses and the area in acres of each use in this PUD District are as follows:

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_
- d. \_\_\_\_\_
- e. \_\_\_\_\_
- f. \_\_\_\_\_

SECTION 6. That the total number of residential units in this District is \_\_\_\_\_ and the percent of each type of each residential use is:

- a. \_\_\_\_\_ % for \_\_\_\_\_ use;
- b. \_\_\_\_\_ % for \_\_\_\_\_ use; and
- c. \_\_\_\_\_ % for \_\_\_\_\_ use.

SECTION 7. That the delineation of each business and/or industrial use and total area in acres of each business and/or industrial use is as follows:

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_
- d. \_\_\_\_\_
- e. \_\_\_\_\_
- f. \_\_\_\_\_
- g. \_\_\_\_\_
- h. \_\_\_\_\_

SECTION 8. That the following phasing schedule of development shall apply in this District:

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_
- d. \_\_\_\_\_
- e. \_\_\_\_\_

SECTION 9. That the detailed description of location and proposed use for all proposed an open and/or recreational space is as follows:

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_
- d. \_\_\_\_\_
- e. \_\_\_\_\_

f.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SECTION 10. That the general description of community services available to this PUD District’s residents, including schools, fire protection, parks, and all public/private utilities, is as follows:

a.

\_\_\_\_\_  
\_\_\_\_\_

b.

\_\_\_\_\_  
\_\_\_\_\_

c.

\_\_\_\_\_  
\_\_\_\_\_

d.

\_\_\_\_\_  
\_\_\_\_\_

e.

\_\_\_\_\_  
\_\_\_\_\_

f.

\_\_\_\_\_  
\_\_\_\_\_

SECTION 11. That a general statement on proposed ownership and maintenance of common open space is as follows:

\_\_\_\_\_  
\_\_\_\_\_

SECTION 12. That the proposed construction schedule for this PUD District shall be as follows:

\_\_\_\_\_  
\_\_\_\_\_

SECTION 13. That the objectives of PUD Districts as set forth in Section 702 of Appendix A-Zoning, including a specific written submission concerning Section 708. S. of Appendix A-Zoning of Chesterton Town Code, is as follows:

\_\_\_\_\_  
\_\_\_\_\_

SECTION 14. That the reasonable conditions or written commitments concerning the use and development of the land contained in this PUD District are as follows:

Reasonable Conditions:

a.

\_\_\_\_\_  
\_\_\_\_\_

b.

\_\_\_\_\_  
\_\_\_\_\_

c.

\_\_\_\_\_  
\_\_\_\_\_

d.

\_\_\_\_\_  
\_\_\_\_\_

e.

\_\_\_\_\_  
\_\_\_\_\_

Written Commitments:

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_
- d. \_\_\_\_\_
- e. \_\_\_\_\_

SECTION 15. That the drawing portion of the PUD District Ordinance showing the plan of development for this parcel, as required by Section 711 of Appendix A-Zoning of Chesterton Town Code, is attached hereto, incorporated herein, and marked as Exhibit "C."

SECTION 16. That any violation of this PUD District Ordinance shall constitute a violation of the Town Code punishable by a fine from \$1.00 to \$2,500 per violation for each day said violation exists in accordance with the general penalty provisions found in Section 1-9 of the Town Code.

SECTION 17. That this Ordinance shall be in full force and effect from and after its adoption and publication as required by law.

ALL OF WHICH IS PASSED AND ADOPTED by the Chesterton Town Council this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

CHESTERTON TOWN COUNCIL

By: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Clerk-Treasurer  
Town of Chesterton

## APPENDIX III

### Rules of Practice & Procedure CHESTERTON ADVISORY BOARD OF ZONING APPEALS

#### ARTICLE I (Meetings)

1. The regular meeting of the Chesterton Advisory Board of Zoning Appeals (hereinafter referred to as BZA) shall be the second Thursday of each month at 6:30 p.m., where there is business pending before the BZA, unless otherwise announced by the Chairman at the last preceding regular meeting. If it appears that the public hearings will be lengthy, the BZA can have an extra meeting that month to accommodate the heavy agenda, which will be held on a date set by the BZA during the extra meeting as well, and the paperwork must be submitted at the same time as the deadline for the regular Thursday meeting.
2. Special meetings of the BZA may be called by the Chairman or by two (2) members upon written request to the Secretary. The Secretary shall send to all the members and press entitled to notice, at least two (2) days in advance of a special meeting, a written notice fixing the time and place of the meeting.

Petitioner may request a special meeting of the BZA. If granted, the Petitioner is required to bear the cost of the special meeting, which is \$900.00.

Written notice of a special meeting is not required if the time of the special meeting has been fixed in a regular meeting, or if all members are present at the regular meeting.

3. Emergency meetings may be called by the Chairman or Secretary giving notice as provided in I.C. 5-14-1.5-5.
4. A majority of the members shall constitute a quorum. No action of the BZA is official, however, unless authorized by a majority of the BZA at a regular or properly called special meeting.
5. Decisions of the BZA shall be by voice vote of the members. Upon request of any member of the BZA, any vote shall be taken by written ballot, signed by the member voting, and then read aloud by the Secretary. All members present shall vote on every question unless they disqualify themselves or are excused from voting by a majority of the members present.
6. The Secretary of the BZA shall record and keep the official minutes of all proceedings showing the vote of each member, on each question presented, or indicating that the member is absent or not voting.
7. The Secretary of the BZA or in his(her) absence a Secretary pro tem appointed by the Chairman or presiding officer shall keep the official minutes of all proceedings which shall include:
  - i. Date, time and place of meeting;
  - ii. The members present and absent;
  - iii. The general substance of all matters proposed, discussed or decided; and
  - iv. A record of all votes taken, by individual members if there is a roll call. The Secretary shall submit the minutes of the previous meetings to the next regular meeting of the BZA for approval. When approved the record shall be signed by the Chairman and attested by the Secretary. Once approved the minutes shall be filed with the Office of the Clerk-Treasurer of the Town of Chesterton and shall be open to the public for inspection and copying.

8. A member of the BZA may not participate in a hearing or decision of the BZA concerning a matter in which he has a direct or indirect financial interest or for other reasons brought to the attention of the BZA and which disqualification is approved by the BZA. The BZA shall enter in its records the fact that a regular member has such a disqualification and the name of the alternate member, if any, who participates in the hearing or decision. Said alternate member, if any shall be appointed by the authority of the appointing body of the regular member who has been disqualified. Communication with BZA members by any person with intent to influence action prior to a hearing or decision regarding matters pending before the BZA is prohibited. However, the Staff may file with the BZA a written statement setting forth any facts or opinions relating to the matter.

## ARTICLE II (Officers and Employees)

1. At its first regular meeting following the first day of January, the BZA shall elect from its members a Chairman and Vice Chairman.
2. The Vice Chairman shall have the authority to act as Chairman of the BZA during the absence, disability or resignation of the Chairman. In the case of resignation, the new Chairman shall be elected from the membership and shall fill the unexpired term of such departing Chairman.
3. The BZA may appoint and fix the compensation of a Secretary and such employees necessary to the discharge of duties and responsibilities of the BZA. Such compensation shall conform to and comply with the compensation and salaries theretofore fixed by the Chesterton Town Council.

## ARTICLE III (Hearings)

1. The BZA shall hear and determine appeals from and review any order, requirement, decision or determination made by an Administrative Official or Staff member made in relation to the enforcement of the Chesterton Zoning and Subdivision Ordinance and the enforcement of building and occupancy permits as adopted under IC 36-7 and all Sections therein applicable. A preliminary hearing in accordance with these Rules is required for petitions pursuant to this paragraph. No public hearing is required.
2. In exercising its powers, the BZA may reverse or affirm, wholly or partly, or may modify any order, requirement, decision or determination appealed from as in its opinion ought to be done in the premises and to that end shall have all the powers from whom the appeal is taken.
3. A petitioner seeking relief outlined in Section I above must file a petition with the Office of the Clerk-Treasurer no later than 12:00 noon on the Monday, 10 days prior to the next regular meeting date, such petition to be forthwith forwarded by said Clerk-Treasurer to the Secretary of the BZA.
4. A separate petition shall be required for each lot in which a petitioner is seeking a variance. When we use the term "lot," we are utilizing the definition of lot as found in Article II – Definitions of the Chesterton Zoning and Subdivision Ordinance, which is "a parcel of land occupied or to be occupied by one (1) principal structure and its accessory buildings with such open spaces and off-street parking spaces as are required by the provisions of this Ordinance and having frontage on a public street."
5. The BZA also shall approve or deny all variances, development standard variances, and special exceptions. A petitioner seeking the relief outlined in this paragraph must file petition BZA 1 for variances and BZA 2 for

special exceptions with the Office of the Clerk-Treasurer no later than 12:00 noon on the Monday, 10 days prior to the next regular meeting of the Board, such petition to be immediately forwarded by said Clerk-Treasurer to the Secretary of the BZA.

6. Such petitions must be filed with the Office of the Clerk-Treasurer and the Secretary no later than 12:00 noon on Monday, 10 days prior to the next regular meeting of the BZA. Petitions filed too late to comply with the Section shall be heard at the next succeeding regular meeting of the BZA. However, the BZA may waive the requirements of this section by a unanimous vote of the members present, upon showing that an emergency exists. The purpose of this Section is to enable the members to examine and study the pending appeals and to conduct any investigation deemed advisable.

7. A non-refundable filing fee shall accompany all such petitions, as follows:

Development Standard Variance

Residential Zone.....	\$50.00
Business Zone.....	\$175.00
Industrial Zone.....	\$300.00

Use Variance.....	\$300.00
Administrative Decision Appeal.....	\$50.00
Special Exception.....	\$300.00
Special Meeting.....	\$900.00

To help defray the administrative and investigative expenses of the BZA, petitioner shall bear all costs of publication and notification that is required by the BZA.

8. When the Petition is filed with the Office of the Clerk-Treasurer, the Petitioner also shall file with the Clerk-Treasurer proposed Findings and Decision for the immediate forwarding to the Secretary of the BZA. Samples of the Findings and Decision forms are attached to these Rules and are marked "BZA 8, BZA 9, and BZA 10".

9. At least 10 days prior to the date set for public hearing, the BZA Secretary shall publish in a newspaper of general circulation in the Town, a notice of the time and place of the hearing. Petitioner is required to pay for such publication, and provide proof of payment of publication prior to having a public hearing.

10. At least 14 days prior to the date set for public hearing, the petitioner shall notify the owner(s) of all real estate within a radius of 300 feet of the affected property of the date of hearing and substance of the appeal by certified mail with return receipt requested (See BZA 4 or BZA 5) or by hand-carried forms with the same information and a place for signature or property owner(s) (See BZA 6 or BZA 7) to acknowledge receipt. These receipts and/or forms are to be turned in to the Clerk-Treasurer by Monday of the week of the Public Hearing, for forwarding to the BZA Secretary.

11. If the BZA finds that a petition is in good order with sufficient information, it will set a time and place for holding a public hearing and announce same publicly.

ARTICLE IV  
(Agenda)

1. Each case to be presented before the BZA shall be filed in proper form with the required date, shall be numbered serially, and placed on the docket of the BZA. The docket numbers shall include the year and begin anew on January 1<sup>st</sup> of each year.
2. As soon as the case receives a docket number, it shall be placed upon the Agenda of the BZA and a date set for preliminary hearing.
3. Cases shall come before the BZA in the regular order of their consecutive numbers unless otherwise ordered by the BZA, or hereinafter otherwise provided.

ARTICLE V  
(Conduct of Hearing)

1. At a public hearing before the BZA, the presentation of a case by the Petitioner should, in most situations, take no more than five (5) minutes to address all pertinent facts necessary for the BZA to decide this matter. Those who oppose the petitioner shall follow, after which Petitioner shall have five (5) minutes for rebuttal. To maintain orderly procedure, each side shall proceed without interruption by the other. Each speaker shall have three (3) minutes to speak, and shall speak only once. Each speaker shall address the Chair and be recognized before speaking. If a person has submitted comments in writing to the BZA in support of or in opposition to the Petition, the Chairman will read them into the record.
2. In the presentation of a case, the burden shall be upon the Petitioner to supply all information, including charts, scaled plans, accurate diagrams, and other exhibits necessary for a clear understanding of the problem. The BZA may continue the hearing when in its judgment the Petitioner has not provided sufficient evidence and information on which to make a determination.
3. A Use Variance from the terms of the Chesterton Zoning and Subdivision Ordinance may be approved by the BZA only upon a determination in writing that:
  - a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and
  - b) 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
  - c) The need for the variance arises from some condition peculiar to the property involved; and
  - d) The strict application of the terms of this Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
  - e) The approval does not interfere substantially with the Comprehensive Plan adopted under the 500 series of I.C. 36-7-4.
4. A Development Standards Variance from the terms of the Chesterton Zoning and Subdivision Ordinance may be approved by the BZA only upon determination in writing that:
  - a) The approval will not be injurious to the public health, safety, morals and general welfare of the community; and

- b) Use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
  - c) The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property.
5. A Special Exception from the Chesterton Zoning and Subdivision Ordinance may be approved only where specifically allowed in Table A of Section 505 of this Ordinance. There shall be no cases or application therefore nor any particular situation in which this Ordinance authorizes special exceptions without the approval of the BZA. Further, no previous application shall set a precedent for any other application before the BZA. The BZA may grant a special exception for a use in a zoning district if, after a public hearing, it makes findings of facts in writing, that:
- a) the requirements and development standards for the requested use as prescribed in this Ordinance will be met; and
  - b) the special exception shall be designed so that it can be constructed, operated, and maintained in a manner harmonious with the character of adjacent property in the surrounding area; and
  - c) the special exception shall not inappropriately change the essential character of the surrounding area; and
  - d) the special exception shall not interfere with the general enjoyment of adjacent property; and
  - e) the special exception shall represent an improvement to the use or character of the property under consideration and the surrounding area in general, it shall also be in keeping with the natural environment of the site; and
  - f) the special exception shall not be hazardous to adjacent properties, or involve uses, activities, materials or equipment which be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare.
6. In the presentation of the case, the burden of proof as to the items in Section 3, 4 and 5 above, (whichever is applicable), shall be upon the petitioner. The facts supporting said petitioner's burden shall be stated by him in the proposed Findings and Decision on the applicable form.
7. Every person appearing before the BZA shall abide by the order and directions of the Chairman. Discourteous, disorderly or contemptuous conduct shall be regarded as a breach of privileges of the BZA and shall be dealt with as the BZA directs.
8. The BZA, at its discretion, may continue or postpone the hearings of any case upon an affirmative vote of a majority of the members present.

ARTICLE VI  
(Final Disposition of Cases)

- 1. The final disposition of any case shall be in the form of an order setting forth the findings and determination of the BZA together with any modification, specification, or approval. In addition to reasonable conditions as aforementioned, the BZA may require the owner of a parcel of property to make a written commitment concerning the use or development of that parcel as set forth in Article VII.
- 2. The BZA may dismiss a case for want of prosecution or lack of jurisdiction. When a petitioner has failed to appear at two (2) consecutive meetings, the case shall be dismissed for want of prosecution.
- 3. A petitioner may not withdraw a case after a roll call vote has been ordered by the Chairman.

4. A case which has been withdrawn by the petitioner shall not be again placed on the docket within a period of six (6) months after the date of withdrawal.
5. A case which has been decided adversely to the petitioner shall not again be placed upon the docket for a period of one (1) year from the date of the decision.

ARTICLE VII  
(Written Commitments)

1. The BZA, in its discretion, may impose reasonable conditions as a part of its approval of any petition. In the event of a violation of the reasonable conditions imposed by the BZA, the BZA may take any action it deems necessary including, but not limited to, revoking any variance granted that contained reasonable conditions that were violated by the petitioner. Prior to revoking any variance for violation of reasonable conditions imposed by the BZA, the BZA shall give written notice to the petitioner at his/her last known address advising the petitioner of the allegation concerning the reasonable conditions and giving the petitioner notice of the time and place of a meeting at which the BZA will consider this matter.
2. In the case of any approval by the BZA, it may permit or require the owner of a parcel of property to make a written commitment(s) concerning the use or development of that parcel.
3. The written commitments shall be in typewritten form and subject to the approval of the BZA's attorney.
4. The written commitments shall take effect upon the approval of the special exception, development standard or use variance.
5. Unless modified or terminated by the BZA, a commitment is binding upon:
  - a. The owner of the parcel;
  - b. A subsequent owner of the parcel; and
  - c. A person who acquires an interest in the parcel.
6. A written commitment may be modified or terminated only by a decision of the BZA made at a public hearing after 10 days notice has been given by the BZA to the petitioner of said public hearing. No other notice is required with the exception of the legal publication that is required pursuant to Indiana law for public hearing.

ARTICLE VIII  
(Termination or Revocation of Variance or Special Exception)

1. A variance or special exception granted by the BZA may be terminated by the BZA on its on motion or upon the filing of an application theretofore by an interested person, or a member of the staff or Plan Commission and, upon a finding made at a public hearing with 10 days notice given to the property owner for which the variance or special exception was given, that the terms of this Ordinance or conditions of approval or written commitments have not been complied with.

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NOTE:

- An informational packet for the Chesterton Advisory Board of Zoning Appeals has been adopted as part of the general overview and appropriate forms that must be used for petitions before the BZA. A complete informational packet, as may be amended from time to time, is available in the Office of the Clerk-Treasurer. The BZA informational packet includes the Rules of Practice and Procedures, information designed to assist petitioners before the BZA, and forms and checklists.

ALL OF WHICH IS PASSED AND ADOPTED by the Chesterton Town Council, Porter County, Indiana, this 26<sup>th</sup> day of March, 2001.

CHESTERTON TOWN COUNCIL

By: \_\_\_\_\_

RICHARD WHITLOW

FRANK SESSA

SHARON DARNELL

ROBERT E. CRONE

Attest:

GAYLE S. POLAKOWSKI

Gayle S. Polakowski  
Clerk-Treasurer  
Town of Chesterton