

ORDINANCE 2018-03

LOGANSPORT & FRINGE ZONING ORDINANCE

Adopted:		March 5, 2018
Effective:		March 5, 2018
As Amended:	Gateway Standards; Table A; Procedures for LPC & LBZA	2021
	Signage and Structure Materials	2023

City of Logansport

Zoning Ordinance

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Article 1. Introductory Provisions

A. Title.

This Ordinance is known as the City of Logansport Zoning Ordinance and may be cited as the “ZO”.

B. Purpose.

This ZO is intended to encourage the growth and development of the City in accordance with the Logansport and Fringe Comprehensive Plan and for the following purposes:

1. to secure adequate light, air, and convenience of access; and safety from fire, flood, and other dangers;
2. to lessen or avoid congestion in the public ways;
3. to promote the public health, safety, comfort, morals, convenience, and general welfare;
4. to plan for the future development of the City to the end:
 - a. that highway systems be carefully planned;
 - b. that new communities grow only with adequate public way, utility, health, educational and recreational facilities;
 - c. that the needs of agriculture, industry, and business be recognized in future growth;
 - d. that residential areas provide healthful surroundings for family life; and
 - e. that the growth of the community is commensurate with and promotive of the efficient and economical use of public funds.

C. Jurisdictional Area.

This ZO shall apply to all land within the corporate limits of the City of Logansport and with the Area of Extended Jurisdiction of the City of Logansport (also known as the fringe) as established on April 9, 2001, and recorded in the Recorder’s Office, Instrument Number 0102222.

D. Compliance.

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, or enlarged; nor shall any structure or land be used, except in full compliance with all provisions of this ZO and after the lawful issuance of all permits and certificates required by this ZO.

E. Interpretation.

The provisions of this ZO shall be held to be the minimum requirements for the protection of the health, safety, comfort, morals, convenience, and general welfare of the people at large, and are designed to encourage the establishment and maintenance of reasonable community standards of physical environment.

F. Defined Words.

Words used in a special sense in this ZO are defined in *Article 8: Definitions*.

G. Administration.

The Administrator shall have the primary responsibility of administering the ZO within the jurisdiction.

H. Application.

It is not the intent of this ZO to interfere with, abrogate, or amend any existing easements, covenants, or other agreements between parties, nor is it intended by this ZO to repeal, abrogate, annul, or in any way interfere with any existing provisions of laws or ordinances, or any rules, regulations, or permits previously adopted or issued pursuant to law relating to the use of structures or premises provided, however, that where this ZO imposes a greater restriction upon the use of structures or premises than is imposed or required by such existing provisions of law or by such rules, regulations, agreements, covenants, or permits, the provisions of this ZO shall control; but where private covenants, permits, agreements, rules, or regulations impose a greater restriction than is imposed by this ZO, the greater restriction shall control.

I. Zone Map.

In accordance with *IC 36-7-4-606*, in the event that the Official Zone Map become damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Common Council may, by resolution, adopt new Official Zone Map which shall supersede the prior Official Zone Map. The new Official Zone Map may correct drafting or other errors or omissions in the prior Official Zone Map, but no such correction shall have the effect of amending the original Official Zone Map or any subsequent amendment thereof.

J. Effect of Annexation on Zoning and Commitments.

The zoning district classification of land in the Area of Extended Jurisdiction which is annexed to the City of Logansport before the effective date of this ZO shall remain in effect after annexation. Land which is annexed which is not in the Area of Extended Jurisdiction or land which is annexed for which a different zoning district classification is preferred shall be considered for a Zone Map amendment at the time of annexation. Commitments which existed prior to annexation shall remain in effect after annexation unless amended in accordance with *Article 7, Section E.1: Commitments*.

K. Severability.

If any provision of this ZO or the application of any provision to particular circumstances is held invalid, the remainder of the ZO or the application of such provision to other circumstances shall not be affected.

L. Statutory Changes.

If any Indiana Code cited in this ZO has been amended, this ZO shall be deemed amended in reference to the new or revised code.

M. Repealer.

This ZO repeals the Ordinance 82-32 (City of Logansport Zoning Ordinance) and all other ordinances in conflict herewith.

N. Effective Date.

This ZO shall be in full force and effect from and after its passage by the Common Council.

Article 2 Zoning Districts and Overlay Districts

A. General Provisions.

1. Zone Map. A Zone Map of the City of Logansport and a Zone Map of the Area of Extended Jurisdiction are hereby adopted as part of this ZO. The Zone Map shall be kept on file available for examination in the Office of the Administrator.
2. District Boundaries. District boundaries shall meet the following standards:
 - a. District boundaries shown within the lines of roads, streams, and transportation rights-of-way shall be deemed to follow the centerlines.
 - b. Boundaries indicated as following section lines or platted lot lines shall be construed as following such lot lines.
 - c. Boundaries indicated as parallel to or extensions of above features shall be so construed.
 - d. Boundaries indicated as following shore lines shall be construed as following such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines as established on the effective date of the ZO.
 - e. Where a district boundary line divides a lot in single or joint ownership of record at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than fifty feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district.
 - f. The vacation of streets and roads shall not affect the location of such district boundaries.
 - g. When the Administrator cannot definitely determine the location of a district boundary by such centerlines, by scale or dimensions stated on the Zone Map, or by the fact that it clearly does not coincide with a property line, he shall refuse action, and the BZA, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Zone Map and the purposes set forth in all relevant provisions of this ZO.
 - h. Where physical or cultural features existing on the ground are at variance with those shown on the Zone Map, or in other circumstances not covered by subsections a through g above, the BZA shall interpret the district boundaries.
3. Land Uses.
 - a. Land Uses Listed. The respective section for each zoning district and overlay district in this article identifies the land uses that are “permitted”, “prohibited”, or allowed by “Special Exception”.
 - b. Land Uses Not Listed. For land uses not listed, the Administrator shall attempt to determine if the desired land use is similar to a listed land use. If the desired land

use is determined to be similar to a listed land use, the respective process shall be followed. If the Administrator determines that the desired land use is not similar to a listed land use, then the desired land use shall be prohibited. In case of uncertainty, the Administrator may refer the request for land use clarification or classification to the BZA for consideration.

4. Development Standards. The following development standards are generally interpreted as follows:
 - a. Lot Width. Lot width is measured at the building line.
 - b. Minimum Front Yard Setback. The minimum front yard setback is measured from the right-of-way or the edge of pavement, whichever is greater. If there is more than one front yard, all other lot lines will be considered a side yard setback.
 - c. Minimum Side Yard Setback. The minimum side yard setback is as shown for the respective zoning district or the width of the applicable bufferyard, whichever is greater. A side yard adjoining a street which does not face the primary structure is considered a front yard setback and the respective standards apply.
 - d. Minimum Rear Yard Setback. Minimum rear yard setback is as shown or the width of the applicable bufferyard, whichever is greater. A rear yard adjoining a street which does not face the primary structure is considered a front yard setback and the respective standards apply.
 - e. Flag Lots The following development standards for flag lots applies as follows:
 - i. Lot Width. Lot width is measured at the building line for the primary structure.
 - ii. Minimum Front Yard Setback. The minimum front yard setback is measured from the building line for the primary structure to the nearest property line that the primary entrance to the structure faces.
 - iii. Minimum Side Yard and Rear Yard Setbacks. Side yard and rear yard setbacks are measured from the side and rear of the primary structure and are as shown for the respective zoning district or the width of the applicable bufferyard, whichever is greater.

B. Establishment of Zoning Districts.

The City of Logansport and the Area of Extended Jurisdiction is divided into the following zoning districts for purposes as stated. Only those land uses and development standards which are expressly permitted for each respective zoning district are allowed.

Zoning District	Symbology
Agricultural District	AG
Open Space District	OS
Fringe Residential District	FR
Low Density Residential District	R-2
Medium Density Residential District	R-3
High Density Residential District	R-4
Professional Residential District	PR
Neighborhood Business District	NB
Central Business District	B-2
Planned Business District	B-3
General Business District	B-4
Agribusiness District	AB
Light Industrial District	I-1
General Industrial District	I-2
Logansport Gateway Commercial District	LGC
Logansport Gateway Industrial District	LGI
Hoosier Heartland Commercial District	HHC
Hoosier Heartland Residential District	HHR
Planned Unit Development	PUD

Agricultural District (AG).

The purpose of the Agricultural District is to recognize agriculture as the predominant use of land in portions of the Area of Extended Jurisdiction and to ensure the continued viability of this resource. Adverse effects and incompatibilities between agricultural and non-farm uses will be discouraged and public sewage and water facilities will not be provided. Density should not exceed one (1) dwelling unit per acre, with a maximum of two (2) dwellings per lot. All residential and non-residential subdivisions for development require subdivision approval.

Land Uses – Agricultural (AG)	
Permitted Uses	Special Exception Uses
Agriculture <ul style="list-style-type: none"> • Commercial Fish, Worm, Fur, and Other Specialty Farms • Cropland and Orchards • *Land Application of Sludge and Wastewater • Livestock Research and Evaluation • Pasture and Grazing (does not include animals kept as pets or for hobby) • Processing of Goods Produced on Property Only Natural Resources <ul style="list-style-type: none"> • Public Owned Park or Recreational Area and Accessory Structures • Water Areas and Marshland • Wildlife and Nature Preserves Residential <ul style="list-style-type: none"> • Accessory Dwelling Units • Cabin or Cottage • *Home Occupation - Simple • *Manufactured Home • Residential Facility • Seasonal Farm Worker Housing • *Single-family Dwelling Trade <ul style="list-style-type: none"> • *Non-Commercial Vehicle Repair (not to include junk yards) Services <ul style="list-style-type: none"> • Churches • School - elementary and secondary Transportation, Communications, Utilities <ul style="list-style-type: none"> • Wireless Facility • Wireless Facility when Collocated • *Temporary Meteorological Tower • *WECS – Micro • *WECS - Small Miscellaneous <ul style="list-style-type: none"> • Temporary Use 	Agriculture <ul style="list-style-type: none"> • Agribusiness • Auction Barn (livestock) • Grain Elevators and Feed Dealers, Storage and Distribution Natural Resources <ul style="list-style-type: none"> • Artificial Lake or Reservoir (3 acres or greater) • *Mineral Extraction Residential <ul style="list-style-type: none"> • * Bed and Breakfast • *Cottage Industries • *Home Occupation - Major Trade <ul style="list-style-type: none"> • Lumber and Building Supplies, Lawn and Garden Supplies and Farm Supply Centers (including outdoor storage) Services <ul style="list-style-type: none"> • Kennel (public or private) • School - Trade, Vocational, Business, Art or Music • Veterinary Hospital and Clinic Recreational Facilities <ul style="list-style-type: none"> • Boat Rental and Storage • *Campground (public and private) • Fairgrounds • Golf and Country Clubs • Hunting Preserves and Gamelands • Riding Stables Transportation, Communications, Utilities <ul style="list-style-type: none"> • Airport, Landing Strip and Heliport • Radio or TV Transmitting Tower • *WECS - General Wholesale Trade, Warehousing, Storage <ul style="list-style-type: none"> • Compost Facility • Greenhouse (commercial) Miscellaneous <ul style="list-style-type: none"> • Manufactured Home - when used for commercial or industrial purposes
<p>See Appendix 1: Land Use Matrix for a complete list of uses.</p> <p>*Indicates the use is conditional and specific development standards may apply. See Article 4: Use Development Standards.</p>	

Development Standards – Agricultural (AG)			
Development Standard		Land Use	
		Single-family Residential	Non-residential
Structure Standards			
Maximum height of structures		35 feet	35 feet
Minimum structure separation primary to	Accessory	10 feet	10 feet
	Primary	40 feet	40 feet
Lot Standards			
Minimum lot area	With sewer	24,000 sqft	24,000 sqft
	Without sewer	43,560 sqft	43,560 sqft
Minimum lot width	With sewer	100 feet	100 feet
	Without sewer	150 feet	150 feet
Minimum road frontage		25 feet	25 feet
Minimum front yard setback		50 feet	50 feet
Minimum side yard setback	Primary	20 feet	20 feet
	Accessory	5 feet	5 feet
Minimum rear yard setback	Primary	25 feet	25 feet
	Accessory	5 feet	5 feet
Density Standards			
Minimum lot area per family	With sewer	24,000 sqft	n/a
	Without sewer	43,560 sqft	n/a
Maximum lot coverage		10% (30% for lots less than 21,780 sqft)	10%
Utility Standards			
Municipal water and sewer required		no	no

Open Space District (OS).

The purpose of the Open Space District is to provide for permanent open space, to be preserved as open land or developed for park and recreational use. All residential and non-residential subdivisions for development require subdivision approval.

Land Uses – Open Space (OS)	
Permitted Uses	Special Exception Uses
<p>Agriculture</p> <ul style="list-style-type: none"> • Cropland and Orchards <p>Natural Resources</p> <ul style="list-style-type: none"> • Public Landing Facilities • Public Owned Park or Recreational Area and Accessory Structures • Water Areas and Marshland • Water Management and Use Facilities such as Dams, Docks, Piers, Channel Improvements, Seawalls, and Floodwalls • Wildlife and Nature Preserves <p>Services</p> <ul style="list-style-type: none"> • Cemetery <p>Recreational Facilities</p> <ul style="list-style-type: none"> • Hunting Preserves and Gamelands <p>Transportation, Communications, Utilities</p> <ul style="list-style-type: none"> • Bridges • Essential Services • Railroad and Highway Right-of-way • Wireless Facility when Collocated • *Temporary Meteorological Tower • *WECS - Micro <p>Miscellaneous</p> <ul style="list-style-type: none"> • Accessory Uses and Structures (including fences) • Loading Area - in conjunction with a permitted use • Parking - in conjunction with a permitted use • Temporary Use 	<p>Agriculture</p> <ul style="list-style-type: none"> • Pasture and Grazing (does not include animals kept as pets or for hobby) • Plant Nursery and Sales (not to include office or retail business facility) <p>Natural Resources</p> <ul style="list-style-type: none"> • Artificial Lake or Reservoir (3 acres or greater) • Conservation and Environmental Study Clubs • Fill of Natural Wetland, Water Areas or Marshland • Fish Hatcheries <p>Residential</p> <ul style="list-style-type: none"> • Cabin or Cottage <p>Recreational Facilities</p> <ul style="list-style-type: none"> • Boat Rental and Storage • *Campground (public and private) • Fairgrounds • Golf and Country Clubs • Golf Courses and Accessory Structures • Golf Driving Ranges • Miniature Golf Courses • Motorcycle Riding Trails • Organizational Campground (scouts, churches, recreational clubs, and similar organizations) • *RV Park • Riding Stables • Shooting or Archery Range (outdoor) • Water Slide Park, Public Swimming Area • Zoos, Botanical Gardens <p>Transportation, Communications, Utilities</p> <ul style="list-style-type: none"> • *WECS - Small
<p>See Appendix 1: Land Use Matrix for a complete list of uses. <i>*Indicates the use is conditional and specific development standards may apply. See Article 4: Use Development Standards.</i></p>	

Development Standards – Open Space (OS)		
Development Standard	Land Use	
	Single-family Residential	Non-residential
Structure Standards		
Maximum height of structures	35 feet	35 feet
Minimum structure separation Primary structure to Accessory	10 feet	10 feet
Density Standards		
Maximum lot coverage	5%	5%
Utility Standards		
Municipal water and sewer required	no	no

Fringe Residential District (FR).

The purpose of the Fringe Residential District is to encompass those residential areas adjacent to Logansport in the Area of Extended Jurisdiction or annexed to Logansport subsequent to adoption of this ZO at a density sufficient enough where central sewage can be provided immediately or in the future. All residential and non-residential subdivisions for development require subdivision approval.

Land Uses – Fringe Residential (FR)	
Permitted Uses	Special Exception Uses
<p>Agriculture</p> <ul style="list-style-type: none"> • Agriculture - Accessory Storage Facilities • Cropland and Orchards • Forestry, Woodland <p>Natural Resources</p> <ul style="list-style-type: none"> • Public Owned Park or Recreational Area and Accessory Structures • Water Areas and Marshland <p>Residential</p> <ul style="list-style-type: none"> • Child Care Home when used as primary residence of caretaker operator • Earth Sheltered Home • *Home Occupation - Simple • Model Home • Residential Accessory Uses and Structures • Residential Facility • Residential Facility for the Mentally III when located more than 3,000 feet from another Residential Facility for the Mentally III • *Single-family Dwelling <p>Trade</p> <ul style="list-style-type: none"> • Non - Commercial Vehicle Repair (not to include junk yards) <p>Services</p> <ul style="list-style-type: none"> • Churches • School – elementary and secondary <p>Transportation, Communications, Utilities</p> <ul style="list-style-type: none"> • Bridges • Essential Services • Railroad and Highway Right-of-way • *Temporary Meteorological Tower • *Solar Energy System, Accessory • *WECS - Micro <p>Miscellaneous</p> <ul style="list-style-type: none"> • Accessory Uses and Structures (including fences) • Parking - in conjunction with a permitted use • Temporary Use 	<p>Agriculture</p> <ul style="list-style-type: none"> • Pasture and Grazing (does not include animals kept as pets or for hobby) <p>Natural Resources</p> <ul style="list-style-type: none"> • Artificial Lake or Reservoir (3 acres or greater) • Fill of Natural Wetland, Water Areas or Marshland <p>Residential</p> <ul style="list-style-type: none"> • Accessory Dwelling • Child Care Home • *Cottage Industries • Residential Facility for the Mentally III when located less than 3,000 feet from another Residential Facility for the Mentally III • Social Rehabilitation Center <p>Recreational Facilities</p> <ul style="list-style-type: none"> • Golf and Country Clubs • Golf Courses and Accessory Structures <p>Transportation, Communications, Utilities</p> <ul style="list-style-type: none"> • Wireless Facility when Collocated • Telephone Exchange • Utility Station - Main Installation • Utility Station - Substation • *WECS - Small
<p>See Appendix 1: Land Use Matrix for a complete list of uses. <i>*Indicates the use is conditional and specific development standards may apply. See Article 4: Use Development Standards.</i></p>	

Development Standards – Fringe Residential (FR)			
Development Standard		Land Use	
		Single-family Residential	Non-residential
Structure Standards			
Maximum height of structures		35 feet	35 feet
Minimum structure separation primary to	Accessory	10 feet	10 feet
	Primary	50 feet	50 feet
Lot Standards			
Minimum lot area	With sewer	14,000 sqft	14,000 sqft
	Without sewer	36,000 sqft	36,000 sqft
Minimum lot width	With sewer	100 feet	100 feet
	Without sewer	100 feet	100 feet
Minimum road frontage		25 feet	60 feet
Minimum front yard setback		45 feet	45 feet
Minimum side yard setback	Primary	25 feet	25 feet
	Accessory	5 feet	5 feet
Minimum rear yard setback	Primary	20 feet	20 feet
	Accessory	5 feet	5 feet
Density Standards			
Minimum lot area per family	With sewer	14,000 sqft	14,000 sqft
	Without sewer	36,000 sqft	36,000 sqft
Maximum lot coverage		30%	30%
Utility Standards			
Municipal water and sewer required		no	no

Low Density Residential District (R-2).

The purpose of the Low Density Residential District is to preserve those areas of the City which have been developed for low density single-family use, and encourage residential development on vacant parcels which is compatible with existing residential densities. All residential and non-residential subdivisions for development require subdivision approval.

Land Uses – Low Density Residential (R-2)	
Permitted Uses	Special Exception Uses
<p>Agriculture</p> <p>Natural Resources</p> <ul style="list-style-type: none"> • Public Owned Park or Recreational Area and Accessory Structures • Water Areas and Marshland • Water Management and Use Facilities such as Dams, Docks, Piers, Channel Improvements, Seawalls, and Floodwalls <p>Residential</p> <ul style="list-style-type: none"> • Child Care Home when used as primary residence of caretaker operator • Earth Sheltered Home • *Home Occupation - Simple • Residential Accessory Uses and Structures • Residential Facility • Residential Facility for the Mentally Ill when located more than 3,000 feet from another Residential Facility for the Mentally Ill • *Single-family Dwelling <p>Services</p> <ul style="list-style-type: none"> • Churches • School - elementary and secondary <p>Transportation, Communications, Utilities</p> <ul style="list-style-type: none"> • Bridges • Essential Services • Railroad and Highway Right-of-way <p>Miscellaneous</p> <ul style="list-style-type: none"> • Accessory Uses and Structures (including fences) • Parking - in conjunction with a permitted use • Temporary Use 	<p>Natural Resources</p> <ul style="list-style-type: none"> • Fill of Natural Wetland, Water Areas or Marshland <p>Residential</p> <ul style="list-style-type: none"> • Child Care Home • Residential Facility for the Mentally Ill when located less than 3,000 feet from another Residential Facility for the Mentally Ill • Social Rehabilitation Center <p>Recreational Facilities</p> <ul style="list-style-type: none"> • Golf Courses and Accessory Structures <p>Transportation, Communications, Utilities</p> <ul style="list-style-type: none"> • Wireless Facility when Collocated • Telephone Exchange • *Temporary Meteorological (Met) Tower • Utility Station - Main Installation • Utility Station – Substation
<p>See Appendix 1: Land Use Matrix for a complete list of uses.</p> <p><i>*Indicates the use is conditional and specific development standards may apply. See Article 4: Use Development Standards.</i></p>	

Development Standards – Low Density Residential (R-2)			
Development Standard		Land Use	
		Single-family Residential	Non-residential
Structure Standards			
Maximum height of structures		35 feet	35 feet
Minimum structure separation	Accessory	10 feet	10 feet
	Primary	14 feet	40 feet
Lot Standards			
Minimum lot area		8,700 sqft	8,700 sqft
Minimum lot width		70 feet	70 feet
Minimum road frontage		25 feet	60 feet
Minimum front yard setback		45 feet	45 feet
Minimum side yard setback	Primary	7 feet	20 feet
	Accessory	5 feet	5 feet
Minimum rear yard setback	Primary	20 feet	20 feet
	Accessory	5 feet	5 feet
Density Standards			
Minimum lot area per family		8,700 sqft	NA
Maximum lot coverage		30%	30%
Utility Standards			
Municipal water and sewer required		yes	yes

Medium Density Residential District (R-3).

The purpose of the Medium Density Residential District is to provide for the development of single-family and two-family dwellings in areas of the City historically developed at a higher density. All residential and non-residential subdivisions for development require subdivision approval.

Land Uses – Medium Density Residential (R-3)	
Permitted Uses	Special Exception Uses
<p>Agriculture</p> <p>Natural Resources</p> <ul style="list-style-type: none"> • Public Owned Park or Recreational Area and Accessory Structures • Water Areas and Marshland • Water Management and Use Facilities such as Dams, Docks, Piers, Channel Improvements, Seawalls, and Floodwalls <p>Residential</p> <ul style="list-style-type: none"> • Accessory Dwelling Units • Child Care Home when used as primary residence of caretaker operator • Earth Sheltered Home • *Home Occupation - Simple • Residential Accessory Uses and Structures • Residential Facility • Residential Facility for the Mentally Ill when located more than 3,000 feet from another Residential Facility for the Mentally Ill • Single-family Dwelling • Two-family Dwelling <p>Services</p> <ul style="list-style-type: none"> • Churches • School - elementary or secondary <p>Transportation, Communications, Utilities</p> <ul style="list-style-type: none"> • Bridges • Essential Services • Railroad and Highway Right-of-way • *WECS - Micro <p>Miscellaneous</p> <ul style="list-style-type: none"> • Accessory Uses and Structures (including fences) • Parking - in conjunction with a permitted use • Temporary Use 	<p>Natural Resources</p> <ul style="list-style-type: none"> • Fill of Natural Wetland, Water Areas or Marshland <p>Residential</p> <ul style="list-style-type: none"> • *Bed and Breakfast • Child Care Home • Senior Housing ages 55 and older (not to include nursing and retirement homes) • Social Rehabilitation Center <p>Recreational Facilities</p> <ul style="list-style-type: none"> • Golf Courses and Accessory Structures <p>Transportation, Communications, Utilities</p> <ul style="list-style-type: none"> • Wireless Facility when Collocated • Telephone Exchange • *Temporary Meteorological Tower • Utility Station - Main Installation • Utility Station - Substation
<p>See Appendix 1: Land Use Matrix <i>for a complete list of uses.</i></p> <p><i>*Indicates the use is conditional and specific development standards may apply. See Article 4: Use Development Standards.</i></p>	

Development Standards – Medium Density Residential (R-3)			
Development Standard		Land Use	
		Single-family and Two-family Residential	Non-residential
Structure Standards			
Maximum height of structures		35 feet	35 feet
Minimum structure separation primary to	Accessory	10 feet	10 feet
	Primary	10 feet	30 feet
Lot Standards			
Minimum lot area		7,200 sqft	7,200 sqft
Minimum lot width		60 feet	60 feet
Minimum road frontage		25 feet	60 feet
Minimum front yard setback		20 feet	20 feet
Minimum side yard setback	Primary	5 feet	15 feet
	Accessory	5 feet	5 feet
Minimum rear yard setback	Primary	15 feet	15 feet
	Accessory	5 feet	5 feet
Density Standards			
Minimum lot area per family		3,000 sqft	NA
Maximum lot coverage		40%	40%
Utility Standards			
Municipal water and sewer required		yes	yes

High Density Residential District (R-4).

The purpose of the High Density Residential District is to provide for a wide range of dwelling unit types so as to meet the diverse housing needs of present and future City residents. All residential and non-residential subdivisions for development require subdivision approval.

Land Uses – High Density Residential (R-4)	
Permitted Uses	Special Exception Uses
<p>Agriculture</p> <p>Natural Resources</p> <ul style="list-style-type: none"> • Public Owned Park or Recreational Area and Accessory Structures • Water Areas and Marshland • Water Management and Use Facilities such as Dams, Docks, Piers, Channel Improvements, Seawalls, and Floodwalls <p>Residential</p> <ul style="list-style-type: none"> • Accessory Dwelling • Child Care Home when used as primary residence of caretaker operator • Earth Sheltered Home • *Home Occupation - Simple • Multi-family Dwelling • Residential Accessory Uses and Structures • Residential Facility • Residential Facility for the Mentally Ill when located more than 3,000 feet from another Residential Facility for the Mentally Ill • Senior Housing ages 55 and older (not to include nursing and retirement homes) • Single-family Dwelling • Two-family Dwelling <p>Services</p> <ul style="list-style-type: none"> • Churches • School - elementary and secondary <p>Transportation, Communications, Utilities</p> <ul style="list-style-type: none"> • Bridges • Essential Services • Railroad and Highway Right-of-way • *WECS - Micro <p>Miscellaneous</p> <ul style="list-style-type: none"> • Temporary Use 	<p>Natural Resources</p> <ul style="list-style-type: none"> • Fill of Natural Wetland, Water Areas or Marshland <p>Residential</p> <ul style="list-style-type: none"> • *Bed and Breakfast • Child Care Home • *Manufactured Home Park • Nursing and Retirement Home • Residential Facility for the Mentally Ill when located less than 3,000 feet from another Residential Facility for the Mentally Ill • Social Rehabilitation Center <p>Services</p> <ul style="list-style-type: none"> • Day Care Center • Nursery School <p>Recreational Facilities</p> <ul style="list-style-type: none"> • Golf Courses and Accessory Structures <p>Transportation, Communications, Utilities</p> <ul style="list-style-type: none"> • Wireless Facility when Collocated • Telephone Exchange • *Temporary Meteorological Tower • Utility Station - Main Installation • Utility Station - Substation
<p>See Appendix 1: Land Use Matrix for a complete list of uses.</p> <p><i>*Indicates the use is conditional and specific development standards may apply. See Article 4: Use Development Standards.</i></p>	

Development Standards – High Density Residential (R-4)			
Development Standard		Land Use	
		Single-family and Two-family Residential	Non-residential
Structure Standards			
Maximum height of structures		35 feet	35 feet
Minimum structure separation primary to	Accessory	10 feet	10 feet
	Primary	10 feet	40 feet
Lot Standards			
Minimum lot area		6,000 sqft	6,000 sqft
Minimum lot width		50 feet	50 feet
Minimum road frontage		25 feet	60 feet
Minimum front yard setback		20 feet	20 feet
Minimum side yard setback	Primary	5 feet	20 feet
	Accessory	5 feet	5 feet
Minimum rear yard setback	Primary	20 feet	20 feet
	Accessory	5 feet	5 feet
Density Standards			
Minimum lot area per family		2,000 sqft	NA
Maximum lot coverage		50%	50%
Utility Standards			
Municipal water and sewer required		yes	yes

Professional Residential District (PR).

The purpose of the Professional Residential District is to allow certain professional and business uses having limited contact with the public in proximity to existing residential areas. This district is also intended to serve as a transitional zone between commercial and residential uses. All residential and non-residential subdivisions for development require subdivision approval.

Land Uses – Professional Residential (PR)	
Permitted Uses	Special Exception Uses
<p>Agriculture</p> <p>Natural Resources</p> <ul style="list-style-type: none"> • Public Owned Park or Recreational Area and Accessory Structures • Water Areas and Marshland <p>Residential</p> <ul style="list-style-type: none"> • Accessory Dwelling Units • Child Care Home when used as primary residence of caretaker operator • Commercial Apartments • *Home Occupation - Simple • Nursing and Retirement Home • Residential Facility • Single-family Dwelling • Two-family Dwelling <p>Services</p> <ul style="list-style-type: none"> • Churches • Hospitals • Medical and Dental Offices and Clinics • Mortuary • Photographic Studio • Professional Offices • School - elementary and secondary • Travel Bureau <p>Transportation, Communications, Utilities</p> <ul style="list-style-type: none"> • Bridges • Essential Services • Railroad and Highway Right-of-way • *WECS - Micro <p>Miscellaneous</p> <ul style="list-style-type: none"> • Accessory Uses and Structures (including fences) • Loading Area - in conjunction with a permitted use • Temporary Use 	<p>Natural Resources</p> <ul style="list-style-type: none"> • Fill of Natural Wetland, Water Areas or Marshland <p>Residential</p> <ul style="list-style-type: none"> • *Bed and Breakfast • Child Care Home • Multi-family Dwelling • Residential Facility for the Mentally Ill when located less than 3,000 feet from another Residential Facility for the Mentally Ill • Senior Housing ages 55 and older (not to include nursing and retirement homes) • Social Rehabilitation Center <p>Services</p> <ul style="list-style-type: none"> • Barber and Beauty Shops • Day Care Center • Civic and Charitable Organization Facilities • Financial Services (not including drive-up windows) • Fire and Police Stations • Government Offices and Auto License Bureaus • Nursery School • Repair Services • School - College and University • School - Trade, Vocational, Business, Art or Music <p>Recreational Facilities</p> <ul style="list-style-type: none"> • Golf Courses and Accessory Structures • Lodges, Fraternal Organizations, and Private Clubs <p>Transportation, Communications, Utilities</p> <ul style="list-style-type: none"> • Wireless Facility when Collocated • Telephone Exchange • *Temporary Meteorological Tower • Utility Station - Main Installation • Utility Station - Substation <p>Miscellaneous</p> <ul style="list-style-type: none"> • Drive-Through Services (in conjunction with a permitted use) • Drive-Through Services (with no inside public facilities)
<p>See Appendix 1: Land Use Matrix for a complete list of uses.</p> <p><i>*Indicates the use is conditional and specific development standards may apply. See Article 4: Use Development Standards.</i></p>	

Development Standards – Professional Residential (PR)			
Development Standard		Land Use	
		Single-family and Two-family Residential	Non-residential
Structure Standards			
Maximum height of structures		35 feet	35 feet
Minimum structure separation primary to	Accessory	10 feet	10 feet
	Primary	10 feet	30 feet
Lot Standards			
Minimum lot area		6,000 sqft	6,000 sqft
Minimum lot width		50 feet	50 feet
Minimum road frontage		25 feet	60 feet
Minimum front yard setback		25 feet	25 feet
Minimum side yard setback	Primary	5 feet	15 feet
	Accessory	5 feet	5 feet
Minimum rear yard setback	Primary	15 feet	15 feet
	Accessory	5 feet	5 feet
Density Standards			
Minimum lot area per family		2,000 sqft	NA
Maximum lot coverage		40%	40%
Utility Standards			
Municipal water and sewer required		yes	yes

Neighborhood Business District (NB).

The purpose of the Neighborhood Business District is to provide convenience business and service uses in neighborhood areas. It is the intent that this district not be encroached upon by other, more intensive commercial or industrial uses. The NB district lots along arterial streets typically range in size from three to seven (3-7) acres and are designed as compact, pedestrian friendly nodes. Limited, low impact, regional serving uses may be permissible within this district. All residential and non-residential subdivisions for development require subdivision approval.

Land Uses – Neighborhood Business (NB)	
Permitted Uses	Special Exception Uses
Agriculture Natural Resources <ul style="list-style-type: none"> Public Owned Park or Recreational Area and Accessory Structures Water Areas and Marshland Residential <ul style="list-style-type: none"> Accessory Dwelling Child Care Home when used as primary residence of caretaker operator Commercial Apartments *Home Occupation - Simple Senior Housing ages 55 and older (not to include nursing and retirement homes) Single Family dwelling Two-family Dwelling Trade <ul style="list-style-type: none"> Restaurant and Cafeterias (not including drive-ins or sidewalk cafes) Retail Trade of No More than 1,000 sqft per establishment Services <ul style="list-style-type: none"> Barber and Beauty Shops Churches Coin Operated Laundries and Dry Cleaning Data Processing Financial Services (not including drive-up windows) Medical and Dental Offices and Clinics Professional Offices School - Trade, Vocational, Business, Art or Music Transportation, Communications, Utilities <ul style="list-style-type: none"> *WECS - Micro Miscellaneous <ul style="list-style-type: none"> Accessory Uses and Structures (including fences) Temporary Use 	Residential <ul style="list-style-type: none"> *Bed and Breakfast *Home Occupation - Major Multi-family Dwelling Social Rehabilitation Center Trade <ul style="list-style-type: none"> Dinner Theater, Night Club, and Taverns Drive-in and Carry-out Restaurants Liquor Stores Monument Sales Retail Trade of More than 1,000 sqft/establishment *Sidewalk Cafes Services <ul style="list-style-type: none"> Day Care Center Hospitals Nursery School Veterinary Hospital and Clinic Recreational Facilities <ul style="list-style-type: none"> Billiard and Pool Establishment Boat Rental and Storage Community Recreational Facility Golf Courses and Accessory Structures Transportation, Communications, Utilities <ul style="list-style-type: none"> Wireless Facility when Co-located *Temporary Meteorological Tower Utility Station - Main Installation Miscellaneous <ul style="list-style-type: none"> Manufactured Home - when used for commercial or industrial purposes
<p>See Appendix 1: Land Use Matrix for a complete list of uses.</p> <p><i>*Indicates the use is conditional and specific development standards may apply. See Article 4: Use Development Standards.</i></p>	

Development Standards – Neighborhood Business (NB)			
Development Standard		Land Use	
		Single-family Residential	Non-residential
Structure Standards			
Maximum height of structures		35feet	35feet
Minimum structure separation Primary to	Accessory	10feet	10feet
	Primary	30 feet	30 feet
Lot Standards			
Minimum lot area	With sewer	6,000 sqft	6,000 sqft
	Without sewer	NA	NA
Minimum lot width	With sewer	50 feet	50 feet
	Without sewer	NA	NA
Minimum road frontage		25 feet	60 feet
Minimum front yard setback		25 feet	25 feet
Minimum side yard setback	Primary	15 feet	15 feet
	Accessory	5 feet	5 feet
Minimum rear yard setback	Primary	20 feet	20 feet
	Accessory	5 feet	5 feet
Density Standards			
Minimum lot area per family	With sewer	2,000 sqft	2,000 sqft
	Without sewer	NA	NA
Maximum lot coverage		50%	50%
Utility Standards			
Municipal water and sewer required		yes	yes

a. Supplemental District Regulations.

- i. Locational Criteria. The following uses shall be located (have primary frontage) along an arterial road as designated in the *Thoroughfare Plan*: Neighborhood Bar, Liquor Stores, Drive-through Uses, Retail Uses with an area of greater than one thousand square feet (1,000 sqft), Grocery Stores, Financial Services and Automobile Service Station not including repairs, car wash, towing, parking of any wrecked vehicles.
- ii. Additional Trade and Service Use Permission. All uses generating greater than fifty (50) peak hour trips and taking access from local streets will require Special Exception review from the BZA.
- iii. Additional Trade and Service Use Standards
 - (a) Adaptive Reuse: Adaptive reuse of structures exceeding the NB District Size and locational standards are permitted.
 - (b) Compatibility: The uses found within the NB shall be enclosed by a structures compatible with surrounding residential architecture and shall be of similar scale and height as determined by the Administrator.

- (c) New Construction: New construction along local roads shall be no more than three thousand square feet (3,000 sqft) in floor area, reconstruction buildings of same or smaller size is permitted. Museum, art gallery, child care center and lodging uses are exempt.

iv. Additional Trade and Service Development Standards.

- (a) Enclosure and Outdoor Uses: All uses shall be conducted wholly within a completely enclosed structure.
- (b) Height: Permitted uses shall not exceed two (2) stories in height.
- (c) Landscaped Buffer: A planting area landscaped with screening shrubs and trees is required and shall be permanently maintained adjacent to the fencing and property lines abutting a residential use to the rear or side property line. Each planting area shall be surrounded with a six-inch (6") raised concrete curbing or an equivalent approved by the Administrator. Minimum width of the planting area shall be five feet (5'). If the parking area abuts a street, an additional hedge row planting is required.

Central Business District (B-2).

The purpose of the Central Business District is to provide for the special needs of the downtown business area of Logansport, by providing flexibility for parking, building setbacks, and other development standards. All residential and non-residential subdivisions for development require subdivision approval.

Land Uses – Central Business (B-2)	
Permitted Uses	Special Exception Uses
<p>Residential</p> <ul style="list-style-type: none"> • Accessory Dwelling Units • Commercial Apartments • *Home Occupation - Major • Motel or Hotel • Senior Housing ages 55 and older (not to include nursing and retirement homes) <p>Trade</p> <ul style="list-style-type: none"> • Dinner Theater, Night Club, and Taverns • Liquor Stores • Restaurant and Cafeterias (not including drive-ins or sidewalk cafes) • Retail Trade of More than 1,000 sqft per establishment • *Sidewalk Cafes <p>Services</p> <ul style="list-style-type: none"> • Barber and Beauty Shops • Churches • Landscape Supplier (not to include nurseries) • Laundries (commercial) and Diaper Services • Medical and Dental Offices and Clinics • Professional Offices • Repair Services • School - College and University • School - elementary or secondary • School - Trade, Vocational, Business, Art or Music <p>Recreational Facilities</p> <ul style="list-style-type: none"> • Bowling Alley • Community Recreational Facility • Miniature Golf Courses • Reception Halls • Tennis and Racquet Clubs • Weight Reduction or Exercise Facility <p>Transportation, Communications, Utilities</p> <ul style="list-style-type: none"> • Radio or TV Station • *WECS - Micro <p>Miscellaneous</p> <ul style="list-style-type: none"> • Temporary Use 	<p>Natural Resources</p> <ul style="list-style-type: none"> • Fill of Natural Wetland, Water Areas or Marshland <p>Residential</p> <ul style="list-style-type: none"> • *Bed and Breakfast • Child Care Home • Multi-family Dwelling <p>Trade</p> <ul style="list-style-type: none"> • Automobile Sales and Rental - New and Used and Accessory Service and Repair • Boat and Other Marine Sales and Rental and Accessory Service and Repair • Drive-in and Carry-out Restaurants • Shopping Center <p>Services</p> <ul style="list-style-type: none"> • Day Care Center • Hospitals • Nursery School <p>Recreational Facilities</p> <ul style="list-style-type: none"> • Golf Courses and Accessory Structures <p>Transportation, Communications, Utilities</p> <ul style="list-style-type: none"> • Wireless Facility when Collocated • *Temporary Meteorological Tower <p>Wholesale Trade, Warehousing, Storage</p> <ul style="list-style-type: none"> • Greenhouse (commercial) • Warehousing – Inside (not involving explosives) <p>Manufacturing</p> <ul style="list-style-type: none"> • Blue Printing and Photocopying and Printing/Publishing >5,000 sqft per establishment (including newspapers, books, periodicals and commercial printing) <p>Miscellaneous</p> <ul style="list-style-type: none"> • Manufactured Home - when used for commercial or industrial purposes • Parking Structures or Lots (primary use)
<p>See Appendix 1: Land Use Matrix for a complete list of uses. <i>*Indicates the use is conditional and specific development standards may apply. See Article 4: Use Development Standards.</i></p>	

Development Standards – Central Business (B-2)		
Development Standard		Land Use
		Non-residential
Structure Standards		
Maximum height of structures	Primary structure max.	60 feet
	Primary structure min.	20 feet
Density Standards		
Maximum lot coverage		90%
Utility Standards		
Municipal water and sewer required		yes

Planned Business District (B-3).

The purpose of the Planned Business District is to provide for retail shopping facilities in planned shopping centers or clusters of structures, which are designed to share such things as parking and access. All residential and non-residential subdivisions for development require subdivision approval.

Land Uses – Planned Business (B-3)	
Permitted Uses	Special Exception Uses
Residential <ul style="list-style-type: none"> • *Home Occupation • Motel or Hotel Trade <ul style="list-style-type: none"> • Dinner Theater, Night Club, and Taverns • Drive-in and Carry-out Restaurants • Liquor Stores • Retail Trade • Shopping Center • *Sidewalk Cafes Services <ul style="list-style-type: none"> • Barber and Beauty Shops • Day Care Center • Churches • Financial Services (not including drive-up windows) • Landscape Supplier (not to include nurseries) • Professional Offices • Repair Services • Travel Bureau Recreational Facilities <ul style="list-style-type: none"> • Billiard and Pool Establishment • Bowling Alley • Golf Driving Ranges • Tennis and Racquet Clubs • Theater, Indoor Transportation, Communications, Utilities <ul style="list-style-type: none"> • Radio or TV Station • Wireless Facility when Collocated • *WECS - Micro Wholesale Trade, Warehousing, Storage <ul style="list-style-type: none"> • Greenhouse (commercial) • Wholesale Distributor Miscellaneous <ul style="list-style-type: none"> • Temporary Use 	Residential <ul style="list-style-type: none"> • Child Care Home Trade <ul style="list-style-type: none"> • Automobile Sales and Rental - New and Used and Accessory Service and Repair • *Automotive Service Stations, Tire /Battery Dealers, Accessory Service & Repairs (not including junk yards) • Car Wash • Lumber and Building Supplies, Lawn and Garden Supplies and Farm Supply Centers (including outdoor storage) • Truck and Trailer Rentals (as primary or accessory use) Services <ul style="list-style-type: none"> • Hospitals • Kennel (public or private) • Nursery School • Veterinary Hospital and Clinic Recreational Facilities <ul style="list-style-type: none"> • *Campground (public and private) • Community Recreational Facility • Golf and Country Clubs • Theater, Outdoor • Water Slide Park, Public Swimming Area Transportation, Communications, Utilities <ul style="list-style-type: none"> • Electric Generation • Pipeline Pumping Stations • Taxi Service • Telephone Exchange • *Temporary Meteorological Tower • Utility Station - Main Installation • Utility Station - Substation Wholesale Trade, Warehousing, Storage <ul style="list-style-type: none"> • Mini-warehouses • Warehousing – Inside (not involving explosives) Miscellaneous <ul style="list-style-type: none"> • Manufactured Home - when used for commercial or industrial purposes • Parking Structures or Lots (primary use)
<p>See Appendix 1: Land Use Matrix for a complete list of uses.</p> <p>*Indicates the use is conditional and specific development standards may apply. See Article 4: Use Development Standards.</p>	

Development Standards – Planned Business (B-3)			
Development Standard		Land Use	
		Single-family Residential	Non-residential
Structure Standards			
Maximum height of structures		35 feet	35 feet
Minimum structure separation primary to	Accessory	10 feet	10 feet
	Primary	30 feet	30 feet
Lot Standards			
Minimum lot area		8,700 sqft	8,700 sqft
Minimum lot width		70 feet	70 feet
Minimum road frontage		25 feet	25 feet
Minimum front yard setback		25 feet	25 feet
Minimum side yard setback	Primary	15 feet	15 feet
	Accessory	5 feet	5 feet
Minimum rear yard setback	Primary	20 feet	20 feet
	Accessory	5 feet	5 feet
Density Standards			
Minimum lot area per family		8,700 sqft	NA
Maximum lot coverage		80%	80%
Utility Standards			
Municipal water and sewer required		yes	yes

General Business District (B-4).

The purpose of the General Business District is to provide areas for general business uses to meet the needs of a regional market and the traveling public. General Business Districts should be located on collectors or arterials highways as specified by the Logansport and Fringe Comprehensive Plan. All residential and non-residential subdivisions for development require subdivision approval.

Land Uses – General Business (B-4)	
Permitted Uses	Special Exception Uses
Residential <ul style="list-style-type: none"> • *Home Occupation • Motel or Hotel Trade <ul style="list-style-type: none"> • Drive-in and Carry-out Restaurants • Liquor Stores • Restaurant and Cafeterias (not including drive-ins or sidewalk cafes) • Retail Trade • *Sidewalk Cafes Services <ul style="list-style-type: none"> • Barber and Beauty Shops • Day Care Center • Churches • Financial Services (not including drive-up windows) • Professional Offices • Repair Services • School - elementary and secondary • Veterinary Hospital and Clinic Recreational Facilities <ul style="list-style-type: none"> • Bowling Alley • Golf Driving Ranges • Miniature Golf Courses • Reception Halls Transportation, Communications, Utilities <ul style="list-style-type: none"> • Wireless Facility when Collocated • *WECS - Micro Wholesale Trade, Warehousing, Storage <ul style="list-style-type: none"> • Greenhouse (commercial) Miscellaneous <ul style="list-style-type: none"> • Temporary Use 	Residential <ul style="list-style-type: none"> • Child Care Home Trade <ul style="list-style-type: none"> • Automatic Car Wash • Automobile Sales and Rental- New and Used and Accessory Service and Repair • *Automobile Service Stations and Tire and Battery Dealers and Accessory and Service and Repair (not including junk yards) • Commercial Garage • Shopping Center • Truck Stops and Service Centers Services <ul style="list-style-type: none"> • Cemetery • Hospitals • Nursery School Recreational Facilities <ul style="list-style-type: none"> • Amusement Park • *Campground (public and private) • Community Recreational Facility • Golf and Country Clubs Transportation, Communications, Utilities <ul style="list-style-type: none"> • Radio or TV Transmitting Tower • Wireless Facility Wholesale Trade, Warehousing, Storage <ul style="list-style-type: none"> • Auction Sales Yard (not involving livestock) • Bottled Gas Storage and Distribution • Bulk Fuel Yard (local distribution) • Freight Distributors and Terminal (truck and railroad) • Frozen Food Lockers • Material Recovery Facility • Mini-warehouses • Moving Companies and Storage • Wholesale Distributor Miscellaneous <ul style="list-style-type: none"> • *Adult Business • Manufactured Home - when used for commercial or industrial purposes • Parking Structures or Lots (primary use)
<p>See Appendix 1: Land Use Matrix for a complete list of uses.</p> <p><i>*Indicates the use is conditional and specific development standards may apply. See Article 4: Use Development Standards.</i></p>	

Development Standards – General Business (B-4)			
Development Standard		Land Use	
		Single-family Residential	Non-residential
Structure Standards			
Maximum height of structures		35 feet	35 feet
Minimum structure separation	Accessory	10 feet	10 feet
	Primary	30 feet	30 feet
Lot Standards			
Minimum lot area	With sewer	10,000 sqft	10,000 sqft
	Without sewer	20,000 sqft	20,000 sqft
Minimum lot width	With sewer	70 feet	70 feet
	Without sewer	80 feet	80 feet
Minimum road frontage		25 feet	60 feet
Minimum front yard setback		25 feet	25 feet
Minimum side yard setback	Primary	15 feet	15 feet
	Accessory	5 feet	5 feet
Minimum rear yard setback	Primary	20 feet	20 feet
	Accessory	5 feet	5 feet
Density Standards			
Minimum lot area per family	With sewer	10,000 sqft	10,000 sqft
	Without sewer	20,000 sqft	20,000 sqft
Maximum lot coverage		80%	80%
Utility Standards			
Municipal water and sewer required		no	no

Agribusiness District (AB).

The purpose of the Agribusiness District is to encourage expansion of business and manufacturing support uses for the local agricultural community in proper locations. All residential and non-residential subdivisions for development require subdivision approval.

Land Uses – Agribusiness (AB)	
Permitted Uses	Special Exception Uses
<p>Agriculture</p> <ul style="list-style-type: none"> • Agribusiness • Auction Barn (livestock) • Cropland Research or Demonstration Test Plot (temporary or permanent) • Livestock Research and Evaluation <p>Natural Resources</p> <ul style="list-style-type: none"> • Agricultural and Environmental Research Centers • Wildlife and Nature Preserves <p>Trade</p> <ul style="list-style-type: none"> • Lumber and Building Supplies, Lawn and Garden Supplies and Farm Supply Centers (including outdoor storage) <p>Services</p> <ul style="list-style-type: none"> • Contractors, including Plumbing, Heating, Cooling, Electrical, Roofing, Water Softening, Well-drilling, Excavating, Building, and House Moving (including service yard and showroom) • Landscape Supplier (not to include nurseries) • Veterinary Hospital and Clinic <p>Wholesale Trade, Warehousing, Storage</p> <ul style="list-style-type: none"> • Bulk Fuel Yard (local distribution) • Freight Distributors and Terminal (truck and railroad) • Frozen Food Lockers • Greenhouse (commercial) • Wholesale Distributor <p>Manufacturing</p> <ul style="list-style-type: none"> • Accessory Use Retail or Wholesale Trade Associated with a Manufacturing Use • Sawmills and Planing Mills (as distinguished from a temporary sawmill on the property where lumbering is being done) <p>Miscellaneous</p> <ul style="list-style-type: none"> • Temporary Use 	<p>Natural Resources</p> <ul style="list-style-type: none"> • Artificial Lake or Reservoir (3 acres or greater) • Conservation and Environmental Study Clubs • *Mineral Extraction <p>Residential</p> <ul style="list-style-type: none"> • Seasonal Farm Worker Housing • *Temporary Housing <p>Trade</p> <ul style="list-style-type: none"> • Boat and Other Marine Sales and Rental and Accessory Service and Repair • Commercial Garage • Liquor Stores • Retail Trade • Shopping Center • Truck Stops and Service Centers <p>Services</p> <ul style="list-style-type: none"> • Engineering, Research and Development Laboratories (not involving fire or explosives) • Professional Offices • Sanitary Landfill <p>Recreational Facilities</p> <ul style="list-style-type: none"> • *Campground (public and private) • Community Recreational Facility • Fairgrounds • Golf and Country Clubs • Hunting Preserves and Gamelands • Lodges, Fraternal Organizations, and Private Clubs • Motorcycle Riding Trails • Race Track • Shooting or Archery Range (outdoor) <p>Wholesale Trade, Warehousing, Storage</p> <ul style="list-style-type: none"> • Compost Facility • Material Recovery Facility <p>Miscellaneous</p> <ul style="list-style-type: none"> • *Adult Business
<p>See Appendix 1: Land Use Matrix for a complete list of uses.</p> <p>*Indicates the use is conditional and specific development standards may apply. See Article 4: Use Development Standards.</p>	

Development Standards - Agribusiness (AB)			
Development Standard		Land Use	
		Residential	Non-residential
Structure Standards			
Maximum height of structures		35 feet	35 feet
Minimum structure separation	Accessory	10 feet	10 feet
	Primary	40 feet	40 feet
Lot Standards			
Minimum lot area	With sewer	10,000 sqft	10,000 sqft
	Without sewer	20,000 sqft	20,000 sqft
Minimum lot width	With sewer	70 feet	70 feet
	Without sewer	80 feet	80 feet
Minimum road frontage		25 feet	60 feet
Minimum front yard setback		40 feet	40 feet
Minimum side yard setback	Primary	20 feet	20 feet
	Accessory	5 feet	5 feet
Minimum rear yard setback	Primary	25 feet	25 feet
	Accessory	5 feet	5 feet
Density Standards			
Minimum lot area per family	With sewer	10,000 sqft	10,000 sqft
	Without sewer	20,000 sqft	20,000 sqft
Maximum lot coverage		50%	50%
Utility Standards			
Municipal water and sewer required		no	no

Light Industrial District (I-1).

The purpose of the Light Industrial District is to encourage the development and expansion of manufacturing and wholesale business establishments which are clean, quiet, and free of hazardous or objectionable elements, operate entirely within enclosed structures, and generate little industrial traffic. All residential and non-residential subdivisions for development require subdivision approval.

Land Uses – Light Industrial (I-1)	
Permitted Uses	Special Exception Uses
<p>Services</p> <ul style="list-style-type: none"> • Contractors, including Plumbing, Heating, Cooling, Electrical, Roofing, Water Softening, Well-drilling, Excavating, Building, and House Moving (including service yard and showroom) • Engineering, Research and Development Laboratories (not involving fire or explosives) <p>Wholesale Trade, Warehousing, Storage</p> <ul style="list-style-type: none"> • Air Cargo Services • Auction Sales Yard (not involving livestock) • Bottled Gas Storage and Distribution • Bulk Fuel Yard (local distribution) • Freight Distributors and Terminal (truck and railroad) • Frozen Food Lockers • Highway Maintenance Garage and Storage • Material Recovery Facility • Mini-warehouses • Moving Companies and Storage • Utility Company Office and Storage Yard • Warehousing – Inside (not involving explosives) • Wholesale Distributor <p>Manufacturing</p> <ul style="list-style-type: none"> • Accessory Use Retail or Wholesale Trade Associated with a Manufacturing Use • Accessory Use Storage of Supplies or Finished Products Associated with any Permitted Manufacturing Use • Blue Printing and Photocopying and Printing/Publishing >5,000 sqft per establishment (including newspapers, books, periodicals and commercial printing) • Bottling Company • General Offices Associated with a Manufacturing Use (including service facilities for employees and guests) • Light Manufacturing • Sawmills and Planing Mills (as distinguished from a temporary sawmill on the property where lumbering is being done) <p>Miscellaneous</p> <ul style="list-style-type: none"> • Temporary Use 	<p>Trade</p> <ul style="list-style-type: none"> • *Automobile Service Stations and Tire and Battery Dealers and Accessory and Service and Repair (not including junk yards) • Commercial Garage • Heavy Equipment Sales and Rental, New and Used and Accessory Service and Repair • Lumber and Building Supplies, Lawn and Garden Supplies and Farm Supply Centers (including outdoor storage) • Truck Stops and Service Centers <p>Services</p> <ul style="list-style-type: none"> • Churches • Landscape Supplier (not to include nurseries) • Laundries (commercial) and Diaper Services • Medical and Dental Offices and Clinics • Penal or Correctional Institutions • Professional Offices • Sanitary Landfill • Welding • Woodworking, Cabinet Shop (not to include heavy manufacturing) <p>Recreational Facilities</p> <ul style="list-style-type: none"> • Fairgrounds • Golf Courses and Accessory Structures • Motorcycle Riding Trails • Shooting or Archery Range (outdoor) • Weight Reduction or Exercise Facility <p>Wholesale Trade, Warehousing, Storage</p> <ul style="list-style-type: none"> • Minor Automobile Impound Area • Supply yard • Transfer Station <p>Manufacturing</p> <ul style="list-style-type: none"> • Heavy Manufacturing <p>Miscellaneous</p> <ul style="list-style-type: none"> • *Adult Business • Manufactured Home - when used for commercial or industrial purposes
<p>See Appendix 1: Land Use Matrix for a complete list of uses. <i>*Indicates the use is conditional and specific development standards may apply. See Article 4: Use Development Standards.</i></p>	

Development Standards – Light Industrial (I-1)		
Development Standard		Land Use
		Non-residential
Structure Standards		
Maximum height of structures		35 feet
Minimum structure separation Primary to	Accessory	10 feet
	Primary	50 feet
Lot Standards		
Minimum lot area	With sewer	10,000 sqft
	Without sewer	20,000 sqft
Minimum lot width	With sewer	70 feet
	Without sewer	80 feet
Minimum road frontage		60 feet
Minimum front yard setback		40 feet
Minimum side yard setback	Primary	20 feet
	Accessory	5 feet
Minimum rear yard setback	Primary	25 feet
	Accessory	5 feet
Density Standards		
Maximum lot coverage		50%
Utility Standards		
Municipal water and sewer required		no

General Industrial District (I-2).

The purpose of the General Industrial District is to encourage the development and expansion of major industrial operations which utilize both enclosed and unenclosed space for storage, fabricating, and manufacturing. All residential and non-residential subdivisions for development require subdivision approval.

Land Uses – General Industrial (I-2)	
Permitted Uses	Special Exception Uses
<p>Services</p> <ul style="list-style-type: none"> • Engineering, Research and Development Laboratories (not involving fire or explosives) • Fire and Police Stations • Kennel (public or private) • Sewage Treatment Plants • Veterinary Hospital and Clinic <p>Recreational Facilities</p> <ul style="list-style-type: none"> • Boat Rental and Storage <p>Transportation, Communications, Utilities</p> <ul style="list-style-type: none"> • Railroad and Highway Right-of-way • Wireless Facility • Temporary Meteorological (Met) Tower • Utility Station - Main Installation • *Wind Farm - Micro <p>Wholesale Trade, Warehousing, Storage</p> <ul style="list-style-type: none"> • Air Cargo Services • Auction Sales Yard (not involving livestock) • Bottled Gas Storage and Distribution • Bulk Fuel Yard (local distribution) • Freight Distributors and Terminal (truck and railroad) • Material Recovery Facility • Mini-warehouses • Supply yard • Warehousing – Inside (not involving explosives) • Wholesale Distributor <p>Manufacturing</p> <ul style="list-style-type: none"> • Blue Printing and Photocopying and Printing/Publishing >5,000 sqft per establishment (including newspapers, books, periodicals and commercial printing) • Bottling Company • Heavy Manufacturing • Light Manufacturing • Sawmills and Planing Mills (as distinguished from a temporary sawmill on the property where lumbering is being done) <p>Miscellaneous</p> <ul style="list-style-type: none"> • Temporary Use 	<p>Trade</p> <ul style="list-style-type: none"> • Heavy Equipment Sales and Rental, New and Used and Accessory Service and Repair • Truck Stops and Service Centers <p>Services</p> <ul style="list-style-type: none"> • Contractors, including Plumbing, Heating, Cooling, Electrical, Roofing, Water Softening, Well-drilling, Excavating, Building, and House Moving (including service yard and showroom) • Engineering, Research and Development Laboratories (involving fire or explosives) • Penal or Correctional Institutions • Sanitary Landfill <p>Recreational Facilities</p> <ul style="list-style-type: none"> • Golf Courses and Accessory Structures • Hunting Preserves and Gamelands <p>Transportation, Communications, Utilities</p> <ul style="list-style-type: none"> • Airport, Landing Strip and Heliport • *WECS - Small <p>Wholesale Trade, Warehousing, Storage</p> <ul style="list-style-type: none"> • Bulk Fuel Yard (regional distribution) • Compost Facility • *Junk Yard • Transfer Station • Warehousing – Inside (involving explosives) <p>Manufacturing</p> <ul style="list-style-type: none"> • Concrete Batching Plants and Mixing Plants for Portland Cement or Asphaltic Concrete • Explosives Manufacturing • Manufacturing of Cement, Concrete, or Clay Products • Petroleum Refining (including paving and roofing materials) <p>Miscellaneous</p> <ul style="list-style-type: none"> • *Adult Business • Processing, Storage, Recycling, Recovery and Disposal of Hazardous Waste (as primary or accessory use)
<p>See Appendix 1: Land Use Matrix for a complete list of uses.</p> <p>*Indicates the use is conditional and specific development standards may apply. See Article 4: Use Development Standards.</p>	

Development Standards – General Industrial (I-2)		
Development Standard		Land Use
		Non-residential
Structure Standards		
Maximum height of structures		35 feet
Minimum structure separation Primary structure to Accessory	Accessory	10 feet
	Primary	40 feet
Lot Standards		
Minimum lot area	With sewer	24,000 sqft
	Without sewer	40,000 sqft
Minimum lot width	With sewer	100 feet
	Without sewer	150 feet
Minimum road frontage		60 feet
Minimum front yard setback		40 feet
Minimum side yard setback	Primary	20 feet
	Accessory	5 feet
Minimum rear yard setback	Primary	25 feet
	Accessory	5 feet
Density Standards		
Maximum lot coverage		50%
Utility Standards		
Municipal water and sewer required		no

Logansport Gateway Commercial District (LGC).

The purpose of the Logansport Gateway Commercial District is to encourage commercial development that will be compatible with IVY Tech Community College, located along US Highway 24 or State Road 25, and provide commercial uses needed for traveling motorist. All residential and non-residential subdivisions for development require subdivision approval.

Land Uses – Logansport Gateway Commercial (LGC)	
Permitted Uses	Special Exception Uses
<p>Agriculture</p> <p>Natural Resources</p> <ul style="list-style-type: none"> • Public Owned Park or Recreational Area and Accessory Structures • Water Areas and Marshland • Water Management and Use Facilities such as Dams, Docks, Piers, Channel Improvements, Seawalls, and Floodwalls <p>Services</p> <ul style="list-style-type: none"> • Fire and Police Stations <p>Transportation, Communications, Utilities</p> <ul style="list-style-type: none"> • Bridges • Essential Services • Pipelines (interstate) • Railroad and Highway Right-of-way • *WECS - Micro <p>Miscellaneous</p> <ul style="list-style-type: none"> • Accessory Uses and Structures (including fences) • Loading Area - in conjunction with a permitted use • Parking - in conjunction with a permitted use • Temporary Use 	<p>Agriculture</p> <ul style="list-style-type: none"> • Cropland and Orchards • Cropland Research or Demonstration Test Plot (temporary or permanent) • *Land Application of Sludge and Wastewater • Pasture and Grazing (does not include animals kept as pets or for hobby) <p>Residential</p> <ul style="list-style-type: none"> • *Cottage Industries • *Home Occupation • Motel or Hotel • Senior Housing ages 55 and older (not to include nursing and retirement homes) • Social Rehabilitation Center <p>Trade</p> <ul style="list-style-type: none"> • *Automobile Service Stations and Tire and Battery Dealers and Accessory and Service and Repair (not including junk yards) • Drive-in and Carry-out Restaurants • Retail Trade of More than 1,000 sqft per establishment • Shopping Center <p>Services</p> <ul style="list-style-type: none"> • Day Care Center • Engineering, Research and Development Laboratories (not involving fire or explosives) • Financial Services (not including drive-up windows) • Professional Offices • School - College and University • School - Trade, Vocational, Business, Art or Music <p>Recreational Facilities</p> <ul style="list-style-type: none"> • Community Recreational Facility <p>Transportation, Communications, Utilities</p> <ul style="list-style-type: none"> • Airport, Landing Strip and Heliport • Pipeline Pumping Stations • WECS - Micro • Wireless Facility • Utility Station - Main Installation
<p>See Appendix 1: Land Use Matrix for a complete list of uses.</p> <p><i>*Indicates the use is conditional and specific development standards may apply. See Article 4: Use Development Standards.</i></p>	

Development Standards – Logansport Gateway Commercial (LGC)			
Development Standard		Land Use	
		Residential	Non-residential
Structure Standards			
Maximum height of structures		35 feet	60 feet and no more than 4 stories
Minimum structure separation	Accessory	10 feet	10 feet
	Primary	40 feet	50 feet
Minimum gross floor area		NA	3,000
Lot Standards			
Minimum lot area	With sewer	6,000 sqft	65,340 sqft
	Without sewer	NA	65,340 sqft
Minimum lot width (or 50% of the lot depth, whichever is greater)	With sewer	NA	150 feet
	Without sewer	NA	150 feet
Minimum road frontage		25 feet	60 feet
Front yard setback	Minimum along US Highway 24	50 feet	50 feet
	Maximum along US Highway 24	90 feet	90 feet
	Minimum along all other roads	30 feet	30 feet
Minimum side yard setback	Primary	20 feet	25 feet
	Accessory	5 feet	5 feet
Minimum rear yard setback	Primary	25 feet	25 feet
	Accessory	5 feet	5 feet
Density Standards			
Minimum lot area per family	With sewer	2,000 sqft	NA
	Without sewer	NA	NA
Maximum lot coverage		50%	80%
Minimum green space		NA	20%
Utility Standards			
Municipal water and sewer required		no	no

Logansport Gateway Industrial District (LGI).

The purpose of the Logansport Gateway Industrial District is to encourage industrial development that will be able to utilize access to the municipal airport, US Highway 24, State Road 25 and Railroad spurs in the area; thus expanding the industrial park for the City of Logansport. All residential and non-residential subdivisions for development require subdivision approval.

Land Uses – Logansport Gateway Industrial (LGI)	
Permitted Uses	Special Exception Uses
<p>Agriculture</p> <p>Natural Resources</p> <ul style="list-style-type: none"> • Public Owned Park or Recreational Area and Accessory Structures • Water Areas and Marshland • Water Management and Use Facilities such as Dams, Docks, Piers, Channel Improvements, Seawalls, and Floodwalls <p>Services</p> <ul style="list-style-type: none"> • Fire and Police Stations <p>Transportation, Communications, Utilities</p> <ul style="list-style-type: none"> • Bridges • Essential Services • Pipelines (interstate) • Railroad and Highway Right-of-way • *WECS - Micro <p>Miscellaneous</p> <ul style="list-style-type: none"> • Temporary Use 	<p>Agriculture</p> <ul style="list-style-type: none"> • Agribusiness • Cropland Research or Demonstration Test Plot (temporary or permanent) • Grain Elevators and Feed Dealers, Storage and Distribution • Liquid/Dry Fertilizer and Agricultural Chemicals - sales, mixing, storage, and distribution • Livestock Research and Evaluation • Slaughterhouse and Rendering Plant <p>Trade</p> <ul style="list-style-type: none"> • *Automobile Service Stations and Tire and Battery Dealers and Accessory and Service and Repair (not including junk yards) • Truck Stops and Service Centers <p>Services</p> <ul style="list-style-type: none"> • Blue Printing and Photocopying and Printing/Publishing of <5,000 sqft per establishment • Engineering, Research and Development Laboratories (not involving fire or explosives) • Landscape Supplier (not to include nurseries) • Nursery School • Welding <p>Transportation, Communications, Utilities</p> <ul style="list-style-type: none"> • Airport, Landing Strip and Heliport • Pipeline Pumping Stations • WECS - Micro • Wireless Facility <p>Wholesale Trade, Warehousing, Storage</p> <ul style="list-style-type: none"> • Bottled Gas Storage and Distribution • Freight Distributors and Terminal (truck and railroad) • Material Recovery Facility • Warehousing – Inside (not involving explosives) <p>Manufacturing</p> <ul style="list-style-type: none"> • Bottling Company • Heavy Manufacturing • Sawmills and Planing Mills (as distinguished from a temporary sawmill on the property where lumbering is being done)
<p>See Appendix 1: Land Use Matrix for a complete list of uses.</p> <p><i>*Indicates the use is conditional and specific development standards may apply. See Article 4: Use Development Standards.</i></p>	

Development Standards – Logansport Gateway Industrial (LGI)		
Development Standard		Land Use
		Non-residential
Structure Standards		
Maximum height of structures		60 feet and no more than 4 stories
Minimum gross floor area		5,000
Minimum structure separation Primary to	Accessory	10 feet
	Primary	40 feet
Lot Standards		
Minimum lot area		130,680 sqft
Minimum lot width (or 50% of the lot depth, whichever is greater)		300 feet
Minimum road frontage		60 feet
Front yard setbacks	Minimum along US Highway 24	90 feet
	Maximum along US Highway 24	130 feet
	Minimum along all other roads	50 feet
Minimum side yard setback	Primary	20 feet
	Accessory	5 feet
Minimum rear yard setback	Primary	20 feet
	Accessory	5 feet
Density Standards		
Maximum lot coverage		50%
Minimum green space		20%
Utility Standards		
Municipal water and sewer required		no

Hoosier Heartland Commercial District (HHC).

The purpose of the Hoosier Heartland Commercial District is to encourage retail, food, and beverage development easily accessible to travelers utilizing highway 24. All residential and non-residential subdivisions for development require subdivision approval.

<u>Land Uses – Hoosier Heartland Commercial District (HHC)</u>	
<u>Permitted Uses</u>	<u>Special Exception Uses</u>
<p><u>Natural Resource Uses</u></p> <ul style="list-style-type: none"> • <u>Public Owned Park or Recreational Area and Accessory Structures</u> <p><u>Trade</u></p> <ul style="list-style-type: none"> • <u>Drive-in and Carry-out Restaurants</u> • <u>Restaurant and Cafeterias (not including drive-ins or sidewalk cafes)</u> • <u>Retail Trade of more than 1,000 sqft per establishment</u> • <u>*Sidewalk Cafes</u> • <u>Shopping Center</u> <p><u>Services</u></p> <ul style="list-style-type: none"> • <u>Child Care Center</u> • <u>Financial Services (not including drive-up windows)</u> • <u>Drive throughs associated with permitted uses</u> • <u>Professional Offices</u> • <u>School – College and University</u> • <u>School – Trade, Vocational, Business, Art, or Music</u> <p><u>Recreational Facilities</u></p> <ul style="list-style-type: none"> • <u>Community Recreational Facility</u> <ul style="list-style-type: none"> ○ <u>Go-cart Facilities</u> ○ <u>Teen Centers</u> ○ <u>Event Spaces</u> • <u>Miniature Golf Courses</u> • <u>Reception Halls</u> • <u>Disc Golf Courses</u> • <u>Video Game Arcade</u> 	<p><u>Residential</u></p> <ul style="list-style-type: none"> • <u>Motel or Hotel</u> • <u>Multi-family Residential</u> • <u>Senior Housing ages 55 and older (not to include nursing and retirement homes)</u> • <u>Residential Accessory Uses and Structures</u> <p><u>Trade</u></p> <ul style="list-style-type: none"> • <u>Barber and Beauty Shops</u> • <u>Fire and Police Station</u> <p><u>Services</u></p> <ul style="list-style-type: none"> • <u>Medical and Dental Offices and Clinics</u>
<p><i><u>See Appendix 1: Land Use Matrix for a complete list of uses.</u></i></p> <p><i><u>*Indicates the use is conditional and specific development standards may apply. See Article 4: Use Development Standards.</u></i></p>	

Development Standards – Hoosier Heartland Commercial District (HHC)			
<u>Development Standard</u>		<u>Land Use</u>	
		<u>Residential</u>	<u>Non-residential</u>
<u>Structure Standards</u>			
<u>Maximum height of structures</u>		<u>60 feet</u>	<u>40 feet</u>
<u>Minimum structure separation Primary to</u>	<u>Accessory</u>	<u>20 feet</u>	<u>20 feet</u>
	<u>Primary</u>	<u>30 feet</u>	<u>30 feet</u>
<u>Minimum gross floor area</u>		<u>NA</u>	<u>1,000</u>
<u>Lot Standards*</u>			
<u>Minimum lot area</u>		<u>43,560 sqft</u>	<u>65,340 sqft</u>
<u>Minimum lot width (or 50% of the lot depth, whichever is greater)</u>		<u>NA</u>	<u>150 feet</u>
<u>Minimum road frontage</u>		<u>25 feet</u>	<u>200 feet</u>
<u>Front yard setback</u>	<u>Minimum along Major and Minor Collectors</u>	<u>20 feet</u>	<u>0 feet</u>
	<u>Maximum along Major and Minor Collectors</u>	<u>90 feet</u>	<u>90 feet</u>
	<u>Minimum along all other roads</u>	<u>30 feet</u>	<u>30 feet</u>
<u>Minimum side yard setback</u>	<u>Primary</u>	<u>20 feet</u>	<u>25 feet</u>
	<u>Accessory</u>	<u>5 feet</u>	<u>5 feet</u>
<u>Minimum rear yard setback</u>	<u>Primary</u>	<u>25 feet</u>	<u>25 feet</u>
	<u>Accessory</u>	<u>5 feet</u>	<u>5 feet</u>
<u>Density Standards</u>			
<u>Minimum lot area per family</u>		<u>2,000 sqft</u>	<u>NA</u>
<u>Maximum lot coverage</u>		<u>50%</u>	<u>80%</u>
<u>Minimum green space</u>		<u>NA</u>	<u>20%</u>
<u>Utility Standards</u>			
<u>Municipal water and sewer required</u>		<u>Yes</u>	<u>Yes</u>

*= No primary, secondary streets, or buildings shall be installed within 100' of U.S. 24 right-of-way.

Hoosier Heartland Residential District (HHR).

The purpose of the Hoosier Heartland Residential District is to encourage multi-family housing and hotel development that will provide a buffer or transition from the Hoosier Heartland Commercial District and the existing single-family residential neighborhoods west of Hamilton Street. All residential and non-residential subdivisions for development require subdivision approval.

Land Uses – Hoosier Heartland Residential District (HHR)	
Permitted Uses	Special Exception Uses
<u>Residential</u> <ul style="list-style-type: none">• <u>Motel or Hotel</u>• <u>Multi-family Residential</u>• <u>Senior Housing ages 55 and older (not to include nursing and retirement homes)</u>• <u>Residential Accessory Uses and Structures</u>	<u>Trade</u> <ul style="list-style-type: none">• <u>Barber and Beauty Shops</u>• <u>Fire and Police Station</u> <u>Services</u> <ul style="list-style-type: none">• <u>Medical and Dental Offices and Clinics</u>• <u>Professional Offices</u> <u>Natural Resource Uses</u> <ul style="list-style-type: none">• <u>Public Owned Park or Recreational Area and Accessory Structures</u> <u>Trade</u> <ul style="list-style-type: none">• <u>Restaurant and Cafeterias (not including drive-ins or sidewalk cafes)</u>• <u>Retail Trade</u>• <u>*Sidewalk Cafes</u> <u>Services</u> <ul style="list-style-type: none">• <u>Child Care Center</u>
<u>See Appendix 1: Land Use Matrix for a complete list of uses.</u>	
<u>*Indicates the use is conditional and specific development standards may apply. See Article 4: Use Development Standards.</u>	

Development Standards – Hoosier Heartland Residential District (HHR)			
<u>Development Standard</u>		<u>Land Use</u>	
		<u>Residential</u>	<u>Non-residential</u>
<u>Structure Standards</u>			
<u>Maximum height of structures</u>		<u>60 feet</u>	<u>40 feet</u>
<u>Minimum structure separation</u>	<u>Accessory</u>	<u>20 feet</u>	<u>20 feet</u>
	<u>Primary</u>	<u>30 feet</u>	<u>30 feet</u>
<u>Minimum gross floor area</u>		<u>NA</u>	<u>1,000</u>
<u>Lot Standards</u>			
<u>Minimum lot area</u>		<u>43,560 sqft</u>	<u>65,340 sqft</u>
<u>Minimum lot width (or 50% of the lot depth, whichever is greater)</u>		<u>NA</u>	<u>150 feet</u>
<u>Minimum road frontage</u>		<u>25 feet</u>	<u>60 feet</u>
<u>Front yard setback</u>	<u>Minimum along Major and Minor Collectors</u>	<u>30 feet</u>	<u>30 feet</u>
	<u>Maximum along Major and Minor Collectors</u>	<u>N/A</u>	<u>N/A</u>
	<u>Minimum along all other roads</u>	<u>30 feet</u>	<u>30 feet</u>
<u>Minimum side yard setback</u>	<u>Primary</u>	<u>20 feet</u>	<u>25 feet</u>
	<u>Accessory</u>	<u>5 feet</u>	<u>5 feet</u>
<u>Minimum rear yard setback</u>	<u>Primary</u>	<u>25 feet</u>	<u>25 feet</u>
	<u>Accessory</u>	<u>5 feet</u>	<u>5 feet</u>
<u>Density Standards</u>			
<u>Minimum lot area per family</u>		<u>2,000 sqft</u>	<u>NA</u>
<u>Maximum lot coverage</u>		<u>50%</u>	<u>80%</u>
<u>Minimum green space</u>		<u>NA</u>	<u>20%</u>
<u>Utility Standards</u>			
<u>Municipal water and sewer required</u>		<u>Yes</u>	<u>Yes</u>

Planned Unit Development District (PUD).

The purpose of the PUD District is to allow, where it is deemed appropriate and is consistent with the goals and policies of the Logansport and Fringe Comprehensive Plan, the land use requirements and development regulations of the ZO be replaced by a PUD District Ordinance which specifies the land use requirements, design plan, and performance criteria for the district. Each established PUD is independent and has its own specific development standards and regulations that are adopted as part of the Appendix. A PUD is permitted by adoption of a PUD District Ordinance.

C. Overlay Districts.

1. General Provisions.

- a. The following overlay districts are established within the City of Logansport and the Area of Extended Jurisdiction for the purposes identified. These areas are deemed to be unique in their location, development opportunities, historic significance, or sensitive natural environment. Only those land uses and development standards which are expressly permitted for each respective overlay district are allowed.

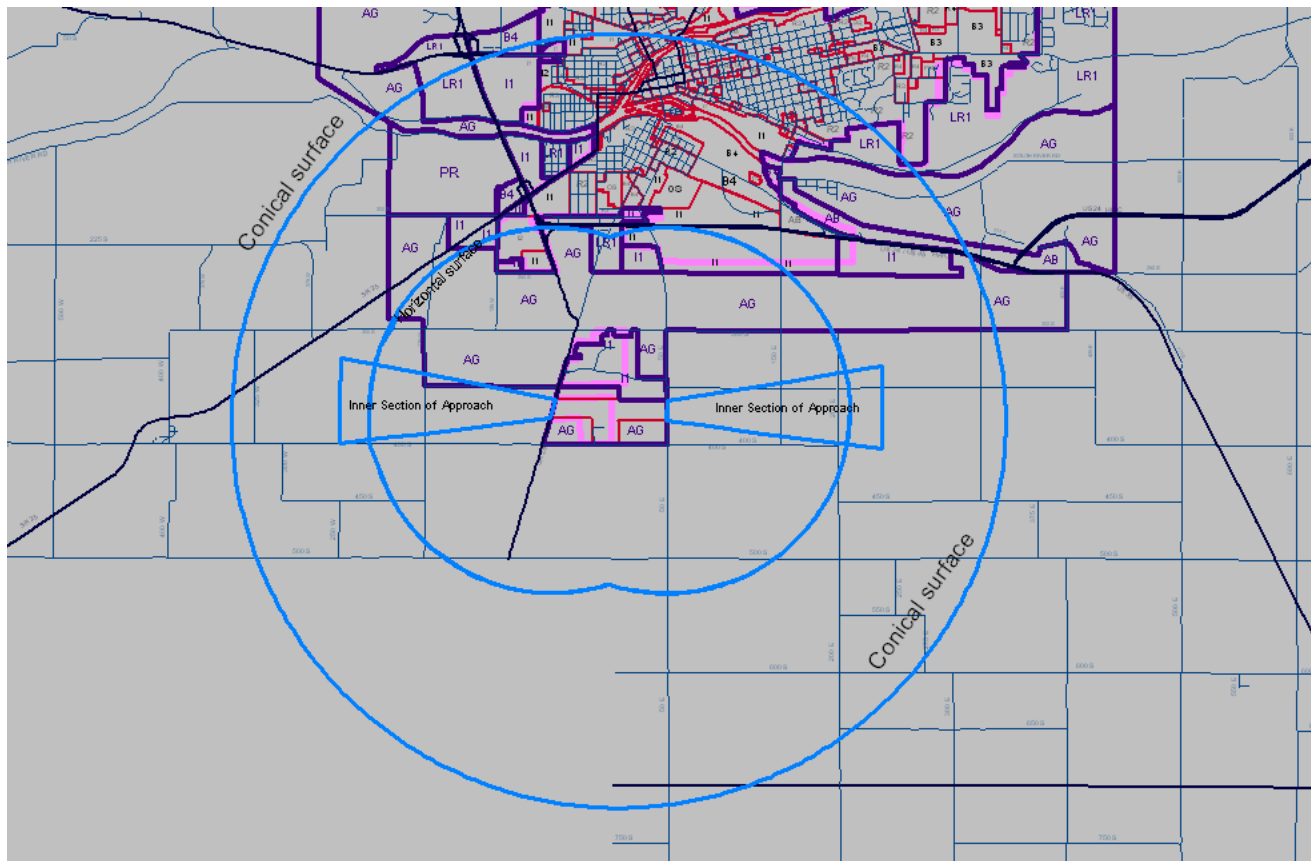
Overlay District	Symbology
Airport Overlay District	AO
Riverfront Protection Overlay District	RP
Logansport Gateway Overlay District	LG
Downtown Overlay District	DOD

- b. Relationship of Overlay Standards to Other Standards, Laws, and Regulations. Unless otherwise provided, development within an overlay districts must conform to both the development standards of the overlay district and the other standards of this ZO, including the zoning use standards. Whenever there is a conflict between the development standards of an overlay district and another standard in this ZO, only the requirements of the overlay district shall apply. Whenever there is conflict between the requirements of an overlay district and the requirements of any other local, state, or federal law or regulation, the more restrictive law shall apply. Whenever a property is affected by more than one (1) overlay district, the most restrictive standards must be applied.
- c. Emergency Work. No person shall commence activity in any district requiring a Development Plan Review until one is approved, unless it has been exempted under the terms of this ZO for emergency work by the Administrator. Emergency work may be commenced concurrent with an application for Development Plan approval when, without emergency work, there is imminent danger of personal injury or substantial damage to property, such work must be determined as an emergency by the Administrator. Any such emergency work is done solely at the risk of the person performing the work. An application for Development Plan shall

be filed for review as soon as possible and for a change required to be reviewed under this ZO unless the change has been approved by the Committee, the Administrator, or PC or is proceeding as emergency work under concurrent review. If the Committee, Administrator, or PC subsequently denies the Development Plan for any change made pursuant to the “emergency work” provisions of this subsection, the person shall, upon notification of such denial, immediately quit any such occupancy and use and shall restore the premises to its condition prior to commencement of the emergency work.

2. Airport Overlay District (AO).

- a. Purpose. The purpose of the Airport Overlay District is to guide development in certain areas which are adjacent to airports that could be particularly hazardous if development standards were not imposed. This will minimize the possibility of accidents causing hardship on individual property owners and the general public.
- b. Boundaries. The Airport Overlay District shall consist of the inner sections of airport approach areas and aircraft circling areas as defined and identified by the *Airport Master Plan*, prepared by the Board of Aviation Commissioners of the City of Logansport, and all its amendments and subsequent master plans.
- c. Permitted Uses. See underlying zoning district.
- d. Development Standards. See underlying zoning district.



e. Specific Development Standards.

- i. Structure Height. All uses and structures shall also comply with the Indiana Tall Structure Safety Act (*IC 8-21-10*, as amended) and all other applicable state and federal regulations. All structures and uses in underlying districts within the airport approach area and airport circling area shall comply with the following:

(a) Inner Section of Airport Approach Areas - The airport approach area comprises those areas below the flight path of aircraft approaching or taking off from the runways of the airport.

(1) For any designated instrument runway, the inner section of the approach area is as follows: The area, trapezoidal in shape, begins at a line drawn perpendicular to the end of the runway. Its width at this end is one thousand feet (1,000') bisected by the extended centerline of the runway. It extends away from the runway for a distance of ten thousand feet (10,000') bisected by the extended centerline of the runway. Its width increases symmetrically to a width of four thousand feet (4,000') at the outer edge.

(2) For any designated non-instrument runway, the inner section of the approach area is as follows: The area begins at a line drawn perpendicular to the end of the runway. Its width at this end is five hundred feet (500') bisected by the extended centerline of the runway. It extends away from the runway for a distance of five thousand feet (5,000') measured horizontally along the extended runway centerline. Its width increases symmetrically to a width of one thousand two hundred fifty feet (1,250') at the outer edge.

(3) No structure (any object constructed or installed by man, including, but not limited to structures, towers, smokestacks, earth formation, and overhead transmission lines) or any object of natural growth (trees, etc.) shall be erected, allowed to grow, or allowed to exist in the inner section of an airport approach area.

(b) Aircraft Circling Area - The aircraft circling area is the area of any airport which lies generally below the flight path of aircraft circling such airport.

(1) In as much as the use of properties close to an airport may incorporate operations or equipment that would interfere with the safe visual or instrument landing and taking off of aircraft, this ZO prohibits the use of lights which may cause glare, the emission or creation of smoke and particulate matter, and the construction of any structure which interferes with communication associated with air navigation.

(2) Height Limitation - The height of all structures and structures hereafter designed or erected and existing structures which may be reconstructed, altered, moved, or enlarged, shall not exceed the horizontal and conical surfaces of the airport such as defined below:

- i. Horizontal Surface - An oval shaped surface one hundred fifty feet (150') above the airport. The surface is determined by scribing an arc with a radius equal to twice the length of the longest runway and measured from the centerline at the end of each runway and interconnecting these arcs with tangents.
 - ii. Conical Surface - An oval donut shaped surface commencing at the periphery of the horizontal surface and sloping upward and outward twenty feet (20') horizontally for each foot (1') vertically and for a horizontal distance of seven thousand feet (7,000') and extending to a height of five hundred feet (500') above the airport elevation.
 - iii. The horizontal and conical surface do not include the approach areas.
 - f. Specific Procedures for Development.
 - i. Airport Authority Board Review: Nothing herein shall require any change in any lawfully constructed structure or use in existence at the time of adoption or amendment of this ZO for its current lawful use.
 - (a) Airport Authority Board Review is required for:
 - (1) An applicant seeking a Zone Map amendment, Use Variance, or a Special Exception involving any use, structure or structure regulated by the underlying zone or the Airport Overlay Zone shall be reviewed in accordance with the applicable procedure in this ZO. During this review process, the Logansport/Cass County Airport Authority Board shall be notified of the proposal and any public hearing and be given an opportunity to comment and be notified of the decisions.
 - (2) Except as specifically provided in this section, no material change shall be made in the use of land, no structure shall be erected or otherwise established, no tree shall be planted and no Variances to extend the height of a structure granted in the Airport Approach Areas or the horizontal surface created by this article unless a review thereof has been applied for and granted by the Logansport/Cass County Airport Authority Board. Each application requiring the airport authority review shall indicate the purpose for which review is desired, with sufficient particularity to provide for a determination whether the resulting use, structure or tree would conform to the purpose of this article. If such determination is in the affirmative, the Administrator may proceed with the ILP process. An ILP may not be issued prior to review by the Airport Authority.
 - (b) Airport Authority Board Review is not required for:
 - (1) Any tree located in the area lying within the limits of the horizontal surface and conical surface.

- (2) Any tree located in areas lying within the limits of the approach zones but at a horizontal distance of not less than four thousand two hundred feet (4,200') from each end of the runway.
- (3) Internal alterations or for residential uses meeting the conditions for the airport overlay district.

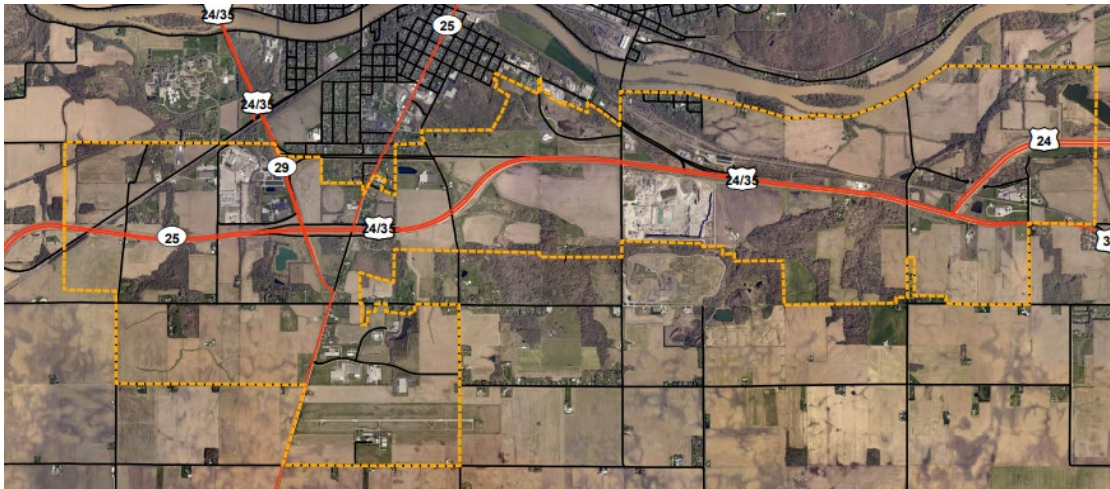
3. Riverfront Protection Overlay District (RP).

- a. Purpose. The River Protection Overlay District is of special and substantial public interest because it is a visual and environmental resource affecting substantial portions of City of Logansport and the Area of Extended Jurisdiction. It is the general purpose and intent of these regulations to provide for maximum public benefit from any future development of the Riverfront Protection District through a sharing of the district land by different types of uses which are developed with a river orientation and with emphasis on the opportunity for enjoyment of river vistas and access to the river banks, continuity of river trails and access to the rivers. It is further the intent of this ZO to provide for public access to the rivers, to eliminate or minimize adverse environmental impact, to improve scenic and aesthetic controls, to improve transportation coordination and capability, to better coordinate residential, recreation, commercial, and industrial land uses and to promote tourism and economic development in areas adjacent to the rivers.
- b. Application. The Riverfront Protection Overlay District shall apply to land abutting the Wabash River, Eel River, and other creeks and tributaries as may, from time to time, be designated by amendment of this ZO by the PC. The Riverfront Protection District regulations shall be in addition to all other applicable zoning district standards. The Riverfront Protection District may have the effect of modifying the requirements, regulations, and procedures applying in the underlying district providing there is no conflict of this ZO and other ordinances or state federal law. If there is such a conflict, whichever ordinance or law is the most restrictive shall take precedence.
- c. Boundaries. The boundaries of this overlay district shall be one hundred feet (100') from the riverbank, which shall be defined as the landward edge of the "floodway area" as determined by the IDNR and/or the FEMA, on both sides of the river or creek. In the absence of "Floodway Area" information, the One Hundred Year Flood boundary shall be used for measurement. For purposes of this section, reports entitled "Floodway - Flood Boundary and Floodway Maps" for Cass County and Logansport or the "FIRM - Flood Insurance Rate Map" for Cass County, which were prepared by the FEMA and effective September 3, 2014 for Cass County and September 3, 2014 for Logansport shall be used. If more than fifty percent (50%) of any portion of a lot or parcel is within that defined boundary, the entire lot or parcel shall therefore be included as if it were entirely contained within that boundary.
- d. Permitted Uses. See underlying zoning district.
- e. Development Standards. See underlying zoning district.

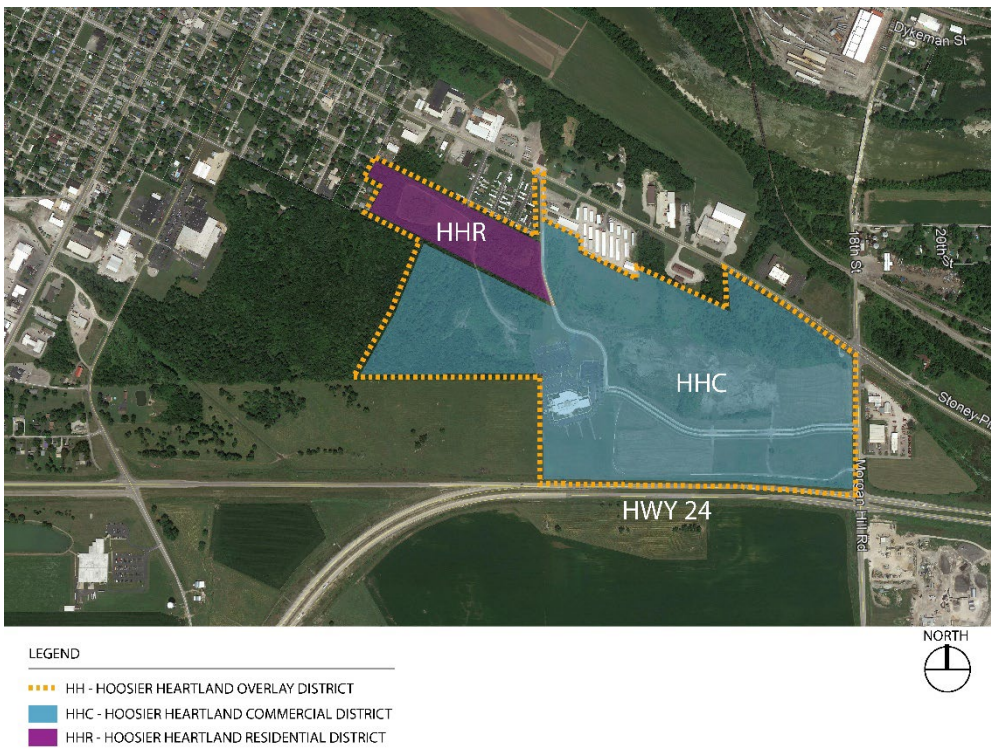
- f. Specific Development Standards.
 - g. Specific Procedures for Development.
 - i. Development Plan. All residential and non-residential subdivisions for development require subdivision approval.
 - ii. Change in the Riverfront District. Development plan approval is required prior to any change in the Riverfront Protection District. For the purpose of the Riverfront Protection District, change shall mean:
 - (a) Construction, enlargement, or alteration of a structure, sign, or parking area, but not replacement of industrial machinery or fixtures which do not involve a structural alteration.
 - (b) Commencement of a different land use or occupancy.
 - (c) Filling, grading, clearing, or excavating of land including the removal of trees or other vegetation.
 - (d) Emergency work specified in *Article 2, Section C.1.c: Emergency Work*. However, this does not include temporary flood or ice control measures when flooding or ice damage is imminent or present.
4. Logansport Gateway Overlay District (LG).
- a. Overall Purpose.
 - i. Hoosier Heartland Commercial (HHC) and Hoosier Heartland Residential (HHR) subdistrict purpose is to promote development around the existing Ivy Tech Community College campus that benefits both the college and the citizens of Logansport by promoting retail, food, beverage, hospitality, housing, civic, and recreation opportunities for residents that are complimentary to the college campus and its student body. This area is intended to promote the health, safety, comfort, convenience and general welfare of the public by guiding the orderly growth and development of areas adjacent to and adjoining the four-lane (4-lane), limited access federal highway known as U.S. Highway 24 and the neighborhood surround Ivy Tech Community College. It is further intended that the Overlay District foster a successful public/private relationship between the City and prospective developers, while promoting development opportunities, which encourage compatibility of land uses, provide safe and sufficient transportation systems and infrastructure, and protect the built and natural environment through fair, objective standards and regulations for all development proposals.
 - b. Boundaries.** The boundaries of the Logansport Gateway Overlay District are hereby established as that territory shown below which is within the City of Logansport and its Area of Extended Jurisdiction and lying on the North and South sides of the established right-of-way of U.S. Highway 24. This overlay district will be separated into four (4) different sub-districts focusing on commercial development and industrial development: the Logansport Gateway Commercial District (LGC) and the Logansport Gateway Industrial District (LGI),

the Hoosier Heartland Residential District (HHR) and the Hoosier Heartland Commercial District (HHC).

Overall Overlay



HHR & HHC Sub-district Areas



- c. Procedural Uses are shown in Appendix 1: Land Use Matrix. All permitted uses or uses approved by the Board of Zoning Appeals (BZA) shall receive a Development Plan Review (DPR) as specified in Procedures for PC and BZA Duties in this ordinance. Applications for uses allowed by Special Exception shall obtain BZA approval prior to submitting an application for DPR to the Plan Commission (PC), unless the Redevelopment Commission (RDC) at a public meeting approves or approves with conditions the use. Any use that is approved or approved with conditions by the RDC are exempt from Special Exception and shall be submitting to the PC for DPR. However, any use that is not approved by the RDC must first be submitted to the BZA for Special Exception approval to allow such a use, prior to being submitted to the PC for DPR. If there are major changes to the DPR after being approved by the PC the DPR must go back for approval of the major change. The Administrator will determine whether or not there has been a major change to the DPR. All areas within the LG Overlay District should be rezoned to Logansport Gateway Commercial(LGC), Logansport Gateway Industrial (LGI), Hoosier Heartland Commercial (HHC); Hoosier Heartland Residential (HHR). If not rezoned development must follow development standards of proposed mapped district.
- d. Additional Development Standards. See underlying zoning district.
- e. Specific Development Standards for Logansport Gateway Commercial (LGC) and Logansport Gateway Industrial (LGI). These standards are for commercial and industrial properties only with the exception of Multi-family Dwellings that are considered commercial in this case.
 - i. General Provisions. All development within the LG Overlay District (except single-family residential) must meet the following standards:
 - (a) No land, which is within public rights-of-way or public lands or public or private street or access easements, shall be used for computing the minimum lot area.
 - (b) No land, which is within a watercourse, drainage way, channel, stream, designated wetlands or floodway as specified by the ZO, shall be used for computing the minimum lot area.
 - (c) No land, which is under water, other than a temporary detention storage area or ornamental pond, shall be used for computing the minimum lot area.
 - (d) Lots which do not meet the minimum lot area which are within approved subdivisions and lots of record prior to the establishment of the Logansport Gateway Overlay District may obtain ILPs provided all other standards of the ZO can be met, including DPR, if applicable.
 - ii. Architectural Design. Architectural design shall reflect vertical and horizontal proportions and shall provide a defined base and top on all sides of the structure. Large blank walls shall be minimized along primary access roads and along U.S. Highway 24, whenever possible.

- (a) LGI: If the primary structure is visible from U.S. Highway 24, at least twenty-four percent (24%) of the primary structures visible facades must be masonry or an exterior finished wood material.
 - (b) LGC: Double 4 and 5 siding or any similar type of siding is not permitted as an exterior façade material. Materials such as metal, vinyl, and wood may be used as accents, but are not permitted as an exterior façade material. Accents are limited to thirty percent (30%) of each facade and must be evenly distributed and appropriately integrated.
- iii. Access Road Standards: All development within the LG Overlay District requiring DPR or Subdivision approval must have access from and only from an approved access road.
- (a) All access roads shall be considered a street either public or private and must meet the standards of the Subdivision Control Ordinance, Sections 510 and 511 and any other applicable standards and regulations of this ZO.
 - (b) Access roads shall be designated primary or secondary access roads. Roads connecting to or extending from existing local roads are considered primary access roads. Secondary roads are those roads extending from primary roads for the purpose of providing secondary access to development or potential development. Primary access roads must be dedicated to the public. Secondary access roads may be private if so noted on the plat and covered by a maintenance agreement recorded in the Recorder's Office.
 - (c) Access roads must be designed and constructed in such a manner as to coordinate with other development, potential development and existing roadways to form one (1) main access road system and (1) service road with the minimum number of access roads necessary to provide safe and convenient access. Access roads shall be to the rear of development occurring along U.S. Highway 24 so as to prevent access roads between development and the Highway, whenever possible.
 - (d) Access roads must meet the street requirements of the Subdivision Control Ordinance. Primary access roads are classified as collector streets and must meet collector street standards of the Subdivision Control Ordinance. Secondary access roads are classified as local streets and must meet local street standards of the Subdivision Control Ordinance.
 - (e) Primary access roads must be constructed to all drives, but may be performance bonded to the full extent of the property line until such time the property beyond requires the construction of the road for access. Where deemed necessary in order to adequately serve all lots and potential lots, secondary access easements must be provided through public or private access easement or dedicated right-of-way easement.

- (f) All access roads must provide curb and gutter. Curbs and gutters shall be designed and constructed in accordance with the Subdivision Control Ordinance. Parking lanes are not required as all development will have adequate off-street parking.
 - (g) All primary access roads must provide sidewalks. Sidewalks must be constructed in accordance with the Subdivision Control Ordinance.
 - (h) A fifteen-foot (15') utility easement must be provided in addition to the road right-of-way.
 - (i) Access points for access road easements must not be located closer than one hundred thirty feet (130') in the LGI and ninety feet (90') in the LGC from the road right-of-way of U.S. Highway 24.
- iv. Driveway Access Standards: Driveways must be located, constructed and marked in such a way to provide safe ingress and egress. Driveway standards shall be as designated in *Article 3, Section D: Driveway Standards*, except for the following:
- (a) Driveways shall not be located closer than fifty feet (50') from an interior property line or another driveway on the same property, unless a common driveway is provided between adjacent properties in order to provide safe ingress and egress for both properties.
- v. Landscaping and Bufferyard Standards: A landscaping and buffer yard plan shall be submitted with the DPR application. This plan shall be drawn to scale, including dimensions and distances. The landscaping plan shall adhere to all the standards and regulations of this ZO. A minimum of twenty percent (20%) of the total area of the property must be green space. All landscaping material selected shall be appropriate to local growing and climate conditions.
- (a) A planting strip, minimum width shall be ten (10) feet, shall be provided adjacent to any Collector, Arterial, Parking Lot, and Entry Drive.
 - (b) All side and rear yard setbacks shall meet buffering requirements as specified in *Article 3, Section B: Bufferyard Standards*. Fences are not permitted for meeting buffering requirements. Buffering requirements must be met exclusively with green space and/or plantings.
 - (c) All landscaping and buffer yards must follow *Article 3, Section B: Bufferyard Standards* unless otherwise specified.
 - (d) All required landscaping or buffering shall be installed prior to the issuance of a Certificate of Occupancy by the Building Commissioner. If it is not possible to install the required landscaping because of weather conditions, the property owner shall post a bond or letter of credit for an amount equal to the total cost of the required landscaping prior to the issuance of the Certificate of Occupancy.
 - (e) It shall be the responsibility of the owners and their agents to insure maintenance of all landscaping, in accordance with the approved

Development Plan; including but not limited to replacing dead, diseased, or overgrown plantings with identical varieties or a suitable substitute, and keeping the area free of refuse, debris, rank vegetation and weeds.

- (f) Mechanical equipment, whether structure-mounted or ground-mounted, shall be screened from primary access roads and U.S. Highway 24, whenever possible.
- vi. Lighting Standards: Site lighting plan shall be submitted with the Development Plan. The site lighting plan shall include the type, standards, layout, spread and intensity of all site lighting. Lighting shall follow the standards of *Article 3, Section I: Lighting Standards*.
- vii. Loading Areas and Dumpster Standards. Loading areas, refuse areas and dumpsters shall not be oriented towards U.S. Highway 24. Unless impracticable, such areas shall not be oriented towards a primary access road. In any location such areas shall be landscaped/screened using masonry walls, plant material, or a combination thereof. Fencing shall not be allowed.
- viii. Off-Street Parking Standards: An off-street parking plan shall be submitted with the DPR application. This plan shall be drawn to scale, including dimensions and distances. The off-street parking plan shall adhere to all the standards and regulations of this ZO. There shall be no off-street parking within the required planting strip or buffer yard.
 - (a) Off-street parking shall be provided so that there is only five (5) parking spaces between U.S. Highway 24 and the structure.
 - (b) Off-street parking areas for two (2) or more different uses may be provided collectively, if the total number of spaces provided is not less than the total of the minimum required spaces for each individual use. Combined parking shall be designed and constructed so as to create a desirable, efficient, and well-planned off-street parking area with functional and aesthetic values, attractiveness, and compatibility with adjacent land uses. Development must follow the standards set forth in *Article 3, Section N: Parking and Loading Standards*.
 - (c) Above grade, structured parking facilities shall have on all sides architectural standards that are compatible with the primary structure(s) with which they are associated.
 - (d) Landscape islands shall be located at the end of all parking aisles. A minimum of two (2) shade trees and four (4) shrubs shall be planted for every fifteen (15) spaces.
- ix. Outdoor Sales and Storage Standards: All outdoor sales and storage shall be in and only in an approved designated area. No outdoor sales or storage shall conflict with the Development Plan as approved, including parking areas. No sales or storage shall be conducted in any trailer, container, or temporary shelter unless it is a part of the approved Development Plan.

- x. Signage Standards: A signage plan shall be submitted with the DPR application. This plan shall be drawn to scale, including dimensions and distances. The signage plan shall adhere to all the standards and regulations of *Article 3, Section S: Sign Standards*, unless otherwise specified. Additionally, there shall be no banners, sandwich board, flags, pennants, or other temporary signs unless specifically designated in the Development Plan approval.
- (a) The following standards apply to Billboards along the HHIC:
- (1) Each sign face shall contain no more than three hundred square feet (300 sqft) and no sign structure shall contain more than two (2) such faces facing in the same direction and shall not be separated by more than twelve inches (12").
 - (2) Back-to-back freestanding signs may be separated in the shape of the letter "V" if the greatest point of separation between sign faces does not exceed fifteen feet (15').
 - (3) The distance between legally erected freestanding off-premise sign structures shall be a linear measure taken along right-of-way lines of that side of the street on which the sign is to be located. Freestanding signs shall be at least:
 - i. 2,000 feet or more from one (1) sign to another on either side of the street which need not be met where a physical obstruction exists which prevents viewing two (2) sign structures at the same time.
 - ii. Any off-premise sign(s) located along U.S. Highway 24 must follow the Outdoor Advertising Control Manual issued by the State of Indiana. Each sign will receive approval by the State and the local government.
 - iii. 200 feet to any residential use.
 - iv. 200 feet to a church, school or health care institution.
 - v. 1,500 feet to a college or public institution as measured on the same side of the street or road.
- (b) Signs may not be placed closer than fifty feet (50') to the right-of-way line of U.S. Highway 24.
- (c) Signs shall be continually maintained for both structural integrity and appearance. Appearance includes, but shall not be limited to, issues such as rusting structures, peeling paper or vinyl. Empty boards and faces without advertising covering the entire face shall be prohibited. The Administrator shall notify the owner of the off-premise sign by certified mail regarding any violation. Any sign that is not repaired accordingly within thirty (30) calendar days of notification shall be removed at the owner's expense.

(d) Tow-in signs are not permitted within the LG Overlay District.

(e) Maximum height of free-standing signs at the intersection of HHIC and the most eastern point of Monticello Rd. west along the HHIC as well as the intersection of US 24 and US 35 north along HHIC may be up to fifty feet (50') in height, all others shall meet thirty-five feet (35'). Wall signs shall not exceed the height of the roof line of the structure.

f. Specific Development Standards for Hoosier Heartland Commercial (HHC) or Hoosier Heartland Residential (HHR) Area.

i. Architectural Design. The Architectural Design intent is to promote modern or contemporary design that will contrast Logansport's historic downtown. Furthermore, the district is intended to have a cohesive campus aesthetic that is complementary to the existing Ivy Tech Community College building. All development within the Hoosier Heartland Residential District (HHR) and Hoosier Heartland Commercial District (HHC) shall meet the following standards:

(a) Material Standards: The intent of the material standards is to provide consistent architectural design treatment throughout the HH Overlay District. To promote consistency of architectural design treatment, a preferred material palette has been established below.



i. Masonry: Brick: Dark brown brick is preferred as the dominant or field color within the district with accent bricks in buff and black/iron spot. Red brick to match existing Ivy Tech building would also be allowed as accent bricks. The brick approved as a match to Ivy tech's red brick is Bowerston #1520 Blush Buff Sanded. Accent bricks shall not exceed 20% of masonry on the project.

ii. Stone Limestone and simulated limestone in smooth, coarse, and textured face finishes are preferred materials.

iii. Metals: Dark bronze, black, dark grey, metallic silver, anodized aluminum, and white are preferred metal colors. When metal is used as roofing or facade material beyond

trim or accessory pieces it should be as part of an Architectural grade panel system or roof system with concealed fasteners and appropriate trim and accessories to cover raw panel edges.

iv. Wood: Stained Wood Board Siding or printed wood grain metals and phenolic panels in gray, black, and brown tones complimentary to the district material palette are preferred.

v. Fiber Cement and other board type sidings are allowed as exterior façade material outside of the masonry and transparency requirements of for residential uses. Double 4 and 5 siding such as vinyl or residential grade aluminum siding or any similar type of siding is not permitted as an exterior façade material.

(b) Fenestrations and Transparency Standards: Fenestration and transparency as used in the development standards for this district are defined here as windows, storefront systems, and curtain wall systems. Glazing used in windows, storefront systems, and curtain wall systems should be neither nonreflective or non-mirrored with limited tinting. Low-e coatings are acceptable to meet energy code. Limited use of spandrel panels is acceptable as required to conceal plenum and unfinished spaces.

(c) Hoosier Heartland Commercial District (HHC)

(i) Primary street facing facades should have a minimum of 30% transparency on each floor comprised of windows, storefront, and / or curtain wall. The remaining 70% or non-transparent façade wall shall be opaque wall. Opaque walls shall be 70% masonry and 30% any material allowed in this district.

(ii) Primary street facing retail and shopping center facades should have 75% transparency on the ground floor of the structure and offer views of the indoor space between a height of 2 feet and 8 feet above adjacent grade. Building levels above the ground floor are required to meet the 30% transparency requirements. Opaque walls should meet typical material percentage requirements of this district.

(iii) Where building sides do not face primary streets but are visible from primary streets the district transparency requirements shall apply to 30% of the side façade. A waiver for up to 5% may be requested for this requirement.

(iv) Buildings should use materials harmonious to the front façade on all sides of the building. Use of lesser quality materials for side or back facades is not permitted.

(v) Primary street facing facades of one-story buildings containing multiple retail and/or restaurant tenants shall have the

appearance of multiple buildings. No more than two tenants shall share a plan projection or facade height. Both plan projection and facade height transitions shall be a minimum of 2 feet.

(vi) Faux Sloped Roofs and Mansard roofs are prohibited.

(vii) Buildings must have a primary entrance door facing a public sidewalk. Entrances at corners may be used to satisfy this requirement. A sidewalk connection shall be provided from main entrance to public sidewalk. A parking lot may interrupt the sidewalk connection if an ADA accessible route is maintained across the parking lot.

(viii) Appropriate window treatments may be used and may include blinds, louvers, and curtains for windows which are visible from a public street. Window treatment other than listed will be prohibited such as sheets, aluminum foil or opaque material.

(viv) Modular and manufactured structures are prohibited.

(d) Hoosier Heartland Residential District (HHR)

(i) Street facing facades should have a minimum of 20% transparency comprised of windows, storefront, and / or curtain wall. The remaining 80% or non-transparent facade wall shall be opaque wall. Opaque walls shall be 50% masonry and 50% any material allowed in this district for the first floor. Opaque walls above the first floor shall be any material allowed in this district.

(ii) If provided, street facing retail use facades should have 75% transparency on the ground floor of the structure and offer views of the indoor space between a height of 2 feet and 8 feet above adjacent grade. Building levels above the ground floor are still required to meet the 20% transparency requirements. Opaque walls should meet typical percentage requirements of this district.

(iii) Where building sides do not face streets but are visible from streets the district transparency requirements shall apply to 20% of the side facade. A waiver for up to 5% may be requested for this requirement.

(iv) Buildings should use materials harmonious to the front facade on all sides of the building. Use of lesser quality materials for side or back facades is not permitted.

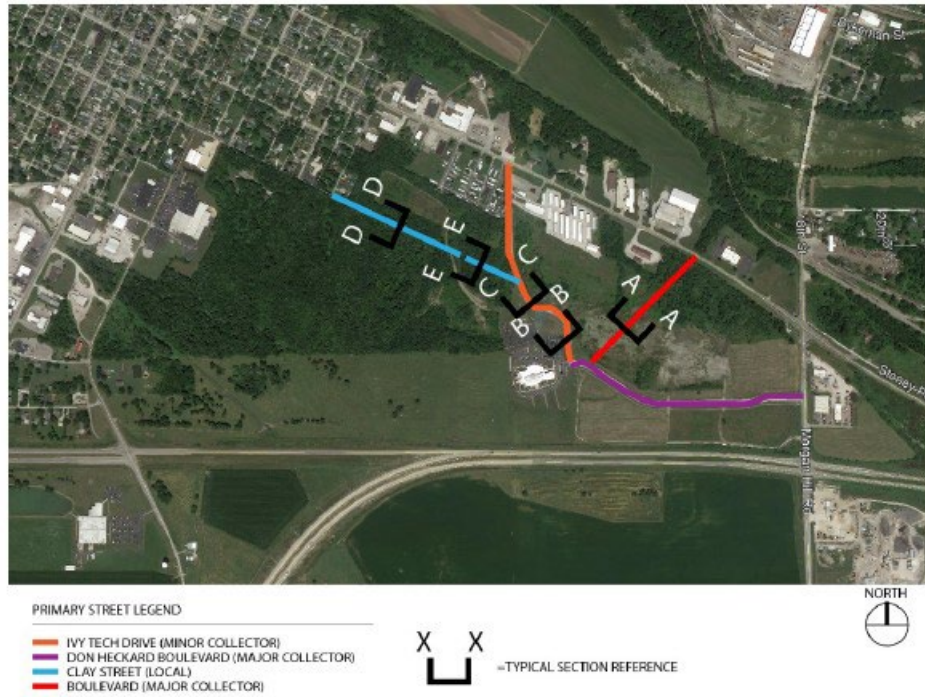
(v) Appropriate window treatments may be used and may include blinds, louvers, and curtains for windows which are visible from a public street. Window covers such as aluminum foil and bed sheets are not considered window treatments.

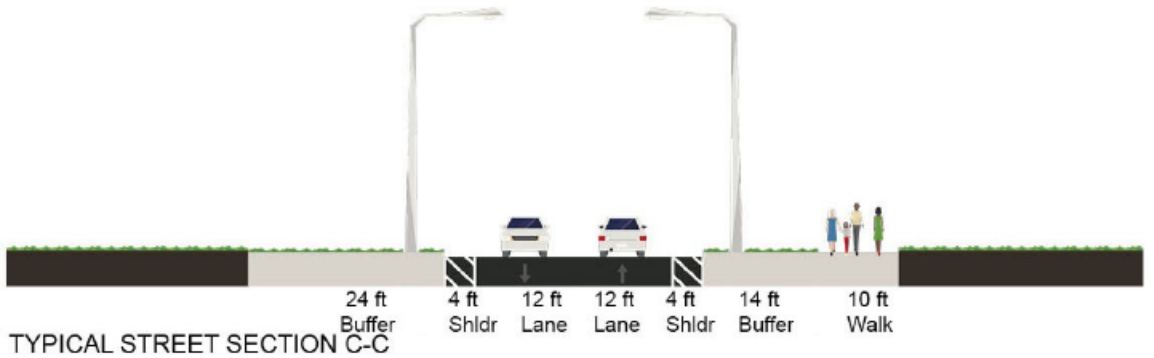
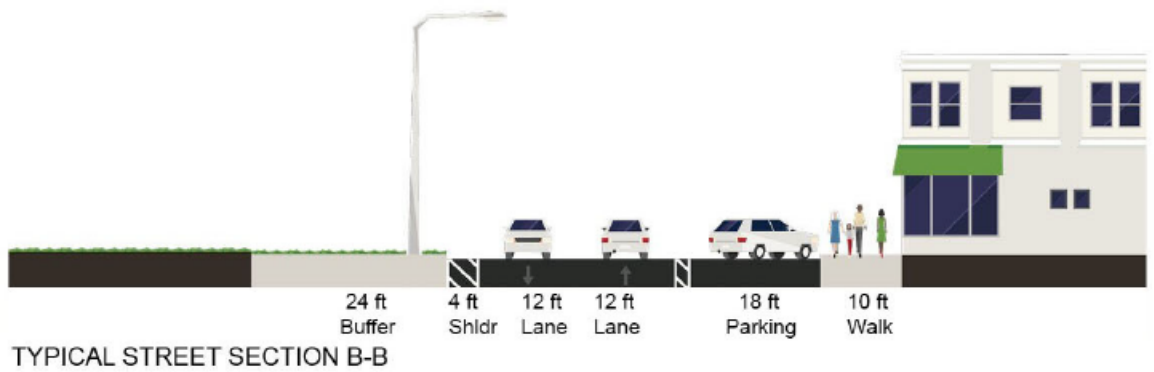
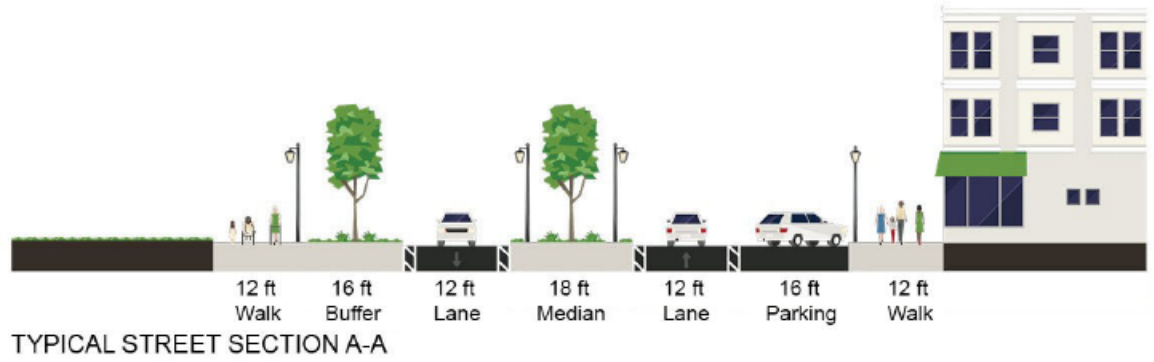
(vi) Modular and manufactured structures are prohibited.

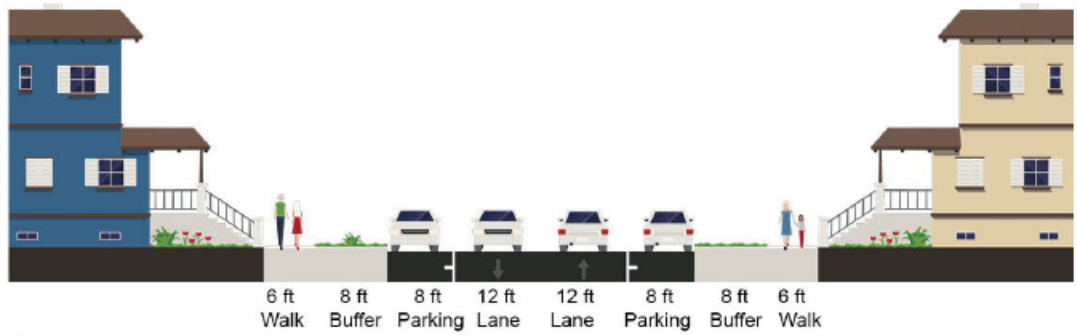
ii. Street Standards: All development within the HH Overlay District requiring DPR or Subdivision approval must have access from and only from an approved access road.

(a) All streets shall be considered either public or private and must meet the standards of the Subdivision Control Ordinance, Sections 510 and 511 and any other applicable standards and regulations of this ZO. Sidewalks must be constructed in accordance with the Subdivision Control Ordinance 512.

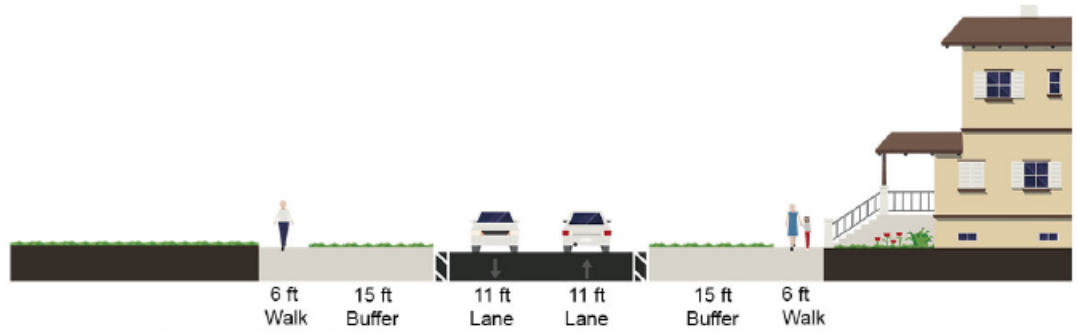
(b) Streets shall be designated primary or secondary. Roads connecting to or extending from existing local roads, 18th street, and Main street are considered primary roads. Secondary roads are those roads extending from primary roads for the purpose of providing secondary access to development or potential development. Primary roads must be dedicated to the public. Secondary access roads may be private if so noted on the plat and covered by a maintenance agreement submitted with DPR.







TYPICAL STREET SECTION D-D



TYPICAL STREET SECTION E-E

(c) Streets must be designed and constructed in such a manner as to coordinate with other development and existing roadways to form one (1) main street system with the minimum number of streets necessary to provide safe and convenient access.

(d) Primary streets must be constructed to all developments.

(e) No primary, secondary streets, or buildings shall be installed within 100' of U.S. 24 right-of-way.

(f) Where Hotels located in the HHR have frontage along Ivy Tech Drive they should utilize Ivy Tech Drive for their primary entrance in lieu of Clay Street.

(g) The development plan review committee will take into consideration walkability and safety issue and may approve or deny stub roads or similar connections between adjacent properties.

iii. Driveway Access Standards: Driveways must be located, constructed and marked in such a way to provide safe ingress and egress. Driveway standards shall be as designated in Article 3, Section D: Driveway Standards of this ZO, except for the following:

(a) Only one full access point will be approved for left turn movements along major collectors.

(b) Driveways shall not be located closer than 50 feet from an interior property line or another driveway on the same property, unless a common driveway is provided between adjacent properties in order to provide safe ingress and egress for both properties.

iv. Landscaping and Buffer yard Standards: A landscaping and buffer yard plan shall be submitted with the DPR application. This plan shall be drawn to scale, including dimensions and distances. The landscaping plan shall adhere to all the standards and regulations of this ZO. Should a conflict arise between the ZO and this Overlay District, the more stringent of requirements shall be met.

(a) A minimum of 20% of the total area of the property must be green space. All landscaping material selected shall be appropriate to local growing and climate conditions. Plants listed in the Indiana Native Plant Society's invasive plant list shall not be used as landscape material.

(b) Where a typical street section is provided in the Street Standards section of this Overlay District a planting strip shall be provided to a depth and location as described in that cross section. Where not specified by a typical street cross section, a planting strip, minimum width of 10 feet, shall be provided adjacent to any Primary, Secondary, Parking Lot, and Entry Drive.

(c) All side and rear yard setbacks shall meet buffering requirements as specified in Article 3, Section B: Buffer yard Standards. Fences are not permitted for meeting buffering requirements. Buffering requirements must be met exclusively with green space and/or plantings.

(d) All landscaping and buffer yards must follow Article 3, Section B: Buffer yard Standards unless otherwise specified.

(e) Perimeter landscaping shall be provided on all sides of parking lots that are not immediately adjacent to the building which the parking lot is serving. Where requirements of perimeter landscaping are more stringent than buffer yard standards or other standards of this ZO, the perimeter landscaping requirements supersede the less stringent requirements.

(1) The perimeter landscape area shall provide the following landscape improvements in combination or individually.

i. Shade Trees: One tree for every 50 lineal feet of length; however, shade trees may be clustered based on specific

site requirements.

ii. Shrubs: Shrubs measuring a minimum of 18 inches at planting and not to exceed 4 feet at maturity shall be provided for every 5 lineal feet of length. Shrubs may be clustered based on specific site requirements and as necessary to achieve pleasant aesthetic. Where a parking lot for a commercial use is adjacent to a residential use a shrub hedge with a linear spacing that forms a continuous hedge shall run the full length of the lot adjacent to the residential use.

iii. Ground Cover: Landscaped areas outside of tree and/or shrub masses shall be planted in turf or other ground cover.

(f) All required landscaping or buffering shall be installed prior to the issuance of a Certificate of Occupancy by the Building Commissioner. If it is not possible to install the required landscaping because of weather conditions, the property owner shall post a bond or letter of credit for an amount equal to the total cost of the required landscaping prior to the issuance of the Certificate of Occupancy.

(g) It shall be the responsibility of the owners and their agents to ensure maintenance of all landscaping, in accordance with the approved Development Plan; including but not limited to replacing dead, diseased, or overgrown plantings with identical varieties or a suitable substitute, and keeping the area free of refuse, debris, rank vegetation and weeds.

v. Lighting Standards: Site lighting plan shall be submitted with the Development Plan. The site lighting plan shall include the type, standards, layout, spread and intensity of all site lighting. Lighting shall follow the standards of Article 3, Section I: Lighting Standards.

(a) Non cut off fixtures are not allowed within the district.

(b) Fixtures along primary streets to the maximum extent feasible, shall match existing street lighting along the Ivy Tech Boulevard. Existing fixtures are shown below:



(c) Fixtures in parking lots and along secondary streets, sidewalks and all other site lighting shall be an architectural type of fixture. Fixtures similar to those already in use on Ivy Tech's campus are preferred. Example of preferred fixture types are shown below:



(d) All pole fixtures should have finish color to match existing street lighting along the Ivy Tech Boulevard.

vi. Loading Areas and Dumpster Standards. Loading areas, refuse areas and dumpsters shall not be oriented towards U.S. Highway 24. Unless impracticable, such areas shall not be oriented towards a primary access road. In any location such areas shall be screened using masonry walls or a combination of landscape and fencing that is opaque such as a shadow box wood fence or similar. Chain link or similar types of fencing that allow visibility of dumpsters are not acceptable even with fence inserts. Fencing alone without landscape surrounding it is not acceptable.

vii. Mechanical Equipment Standards: Mechanical equipment, whether structure-mounted or ground-mounted, shall be completely screened from primary streets and U.S. Highway 24. In any location such areas shall be landscaped/screened using masonry walls, parapet walls, premanufactured rooftop mechanical screens, plant material, or a combination thereof. Fencing shall not be allowed.

viii. Off-Street Parking Standards: An off-street parking plan shall be submitted with the DPR application. This plan shall be drawn to scale, including dimensions and distances. The off-street parking plan shall adhere to all the standards and regulations of this ZO. There shall be no off-street parking within the required planting strip or buffer yard.

(a) Retail and Shopping Center Uses shall be sited so that only sidewalks, landscape beds, and a single row of angled parking accessible directly off of primary streets can be located between the building and the primary streets within the district. Additional parking shall be located behind the building but be connected by sidewalk to the sidewalk system serving the building entrance.

(b) Off-street parking areas for two (2) or more different uses may be provided collectively, if the total number of spaces provided is not less than the total of the minimum required spaces for each individual use. Combined parking shall be designed and constructed so as to create a desirable, efficient, and well planned off-street parking area with functional and aesthetic values, attractiveness, and compatibility with adjacent land uses. Development must follow the standards set forth in Article 3, Section N: Parking and Loading Standards.

(c) A waiver for 25% of parking may be requested for non-residential uses.

(d) Above grade, structured parking facilities shall have on all sides architectural standards that are compatible with the primary structure(s) with which they are associated.

(e) Landscape islands shall be located at the end of all parking aisles. A minimum of two (2) shade trees and four (4) shrubs shall be planted for every fifteen (15) spaces. Trees and shrubs shall be within the parking field and shall be evenly distributed across the parking lot at regular intervals.

ix. Outdoor Sales and Storage Standards: All outdoor sales and storage shall be only in an approved designated area. No outdoor sales or storage shall conflict with the Development Plan as approved, including parking areas. No sales or storage shall be conducted in any trailer, container, or temporary shelter unless it is a part of the approved Development Plan.

x. Signage Standards: A signage plan shall be submitted with the DPR application. This plan shall be drawn to scale, including dimensions and

distances. The signage plan shall adhere to all the standards and regulations of Article 3, Section S: Sign Standards, unless otherwise specified. Additionally, there shall be no banners, sandwich board, flags, pennants, or other temporary signs unless specifically designated in the Development Plan approval.

(a) Billboards shall not be allowed in the HHC and HHR Districts.

(b) Signs may not be placed closer than 50 feet to the right-of-way line of U.S. Highway 24.

(c) Signs must be on property for business which is advertised.

(d) Signs shall be continually maintained for both structural integrity and appearance. Appearance includes, but shall not be limited to, issues such as rusting structures, peeling paper or vinyl. Empty boards and faces without advertising covering the entire face shall be prohibited. Any sign that is not repaired accordingly within thirty (30) calendar days of notification shall be removed at the owner's expense.

(e) Maximum height of free-standing signs within this district is twenty four feet (24'). Wall signs shall not exceed the height of the roof line of the structure and the width shall not be more than a third of the façade width. Where 5 or more stores are included on one sign the maximum height shall be extended to thirty five feet (35') so long as the sign is of architectural quality using the preferred materials of the district.

xi. Storm water Management: Storm water management shall be in accordance with all City of Logansport ordinances and standards. Detention and post-construction water quality facilities shall be designed and implemented in conformance with the Storm water Management Technical Standards Manual for the District.

g. Specific Procedures for Development.

i. Authority: The PC has authority over all DPRs. Delegation of authority in accordance with *IC 36-7-4-1402(c)* states that the PC may authorize the Development Plan Review Committee or the Administrator to act on the behalf of the entire PC to conduct DPR for the following situations:

(a) Following the approval by the RDC, the City shall be considered as the co-applicant for DPR. In such instance the PC authorizes the DPR Committee or Administrator to approve, approve with conditions, or disapprove the Development Plan and/or Zoning Waiver as provided in Article 7, Section H: Zoning Waivers. The City may override uses only.

5. Downtown Overlay District (DOD).

a. Purpose. The purpose of the DOD is to promote the desired framework and the goal of promoting quality development and improving the City's image. The vision

is an attractive, pedestrian-oriented urban downtown with a small town atmosphere where structures and sites convey a sense of permanence, attention to detail, quality and investment. Downtown Logansport is at a dynamic point in its history. The success of projects such as Market Street/Broadway streetscape, Little Turtle Waterway and the new downtown park has sparked new interest in downtown's revitalization and image. The momentum created by the success of these projects may be continued through appropriately designed infill and redevelopment projects. The City recognizes that Downtown's image plays an important role in residents and visitor's decision about where to shop, live and recreate and consequently is critical to successful revitalization.

- b. Application. The DOD provides specialized design standards necessary to achieve physical development objectives in Downtown Logansport. Such objectives transcend single parcel ownership and zoning district boundaries and represent a need to establish, maintain or change the character or function of Downtown. The DOD design standards shall apply to all uses, development, redevelopment, and exterior changes to existing structures within the DOD boundaries. The design standards of the DOD supersede those of the underlying zoning district (base zoning) and in the event of conflicting standards with other sections of this code, the provisions and standards of the overlay shall prevail. The ZO continues to apply to all development, within the DOD, unless expressly exempted or otherwise provided for in this article.
 - i. The standards of this article shall apply to all non-residential and mixed-uses within the DOD.
 - ii. Residential uses except for single-family dwellings and two-family dwellings shall comply with the standards of the DOD. Sections not defined in this section shall be interpreted as guidelines for residential uses.
 - (a) I viii (a-g, j, k) Building Placement, Height and Mass
 - (b) I vi (a-b) Fenestration
 - (c) I iv (a-c) Local Historic Character
 - (d) I iii (a-j) Architectural Design
 - (e) I vii (a, c-f) Parking
 - iii. A structure that is being used for residential or mixed-use purposes along Market Street and Broadway Street shall provide first floor frontage along such streets with any permitted use within such district, except for any residential unit, with a minimum depth of fifty feet (50'). All uses within such structure are subject to the parking standards that are applicable to such use.
 - iv. The extension of an existing business to adjacent lots requires review and compliance of both sites with these standards. The authorities set forth in this section shall determine the compliance level for an existing use and how it may satisfy the intent of this article.

- v. The extension of an existing non-conformity to adjacent sites or consolidates lots is prohibited. Added lots shall comply with the requirements of this article.
- vi. Structures that are being constructed for a City project for the purpose of public enjoyment or amenities shall comply with the standards of the DOD. Sections not covered in this section shall be interpreted as guidelines.
 - (a) J ii Demolition
 - (b) I viii (g, j) Building Placement, Height and Mass
 - (c) I iv (a-c) Local Historic Character
 - (d) I iii (a-j) Architectural Design
 - (e) I vii (c-f) Parking
- c. Boundaries. The delineation of areas, which fall under the DOD designation, is outlined on the official map of The City of Logansport and the Area of Extended Jurisdiction. The DOD may overlay several zoning districts that shall be referred to as base zoning, as well as additional overlay districts.



- d. Specific Development Standards.
 - i. Purpose.
 - (a) The development of design standards for the DOD advances several goals of the Logansport and Fringe Comprehensive Plan and

Comprehensive Downtown Plan, primarily to “protect the compatibility, character and orderliness of all downtown development...” In addition, design standards will strengthen downtown’s image creating an inviting environment. Relevant policies of both plans include strategies to:

- (1) Develop a strong sense of identity for the CBD.
 - (2) Enhance the visual appearance and living environment through quality design, landscaping and control of visual clutter.
 - (3) Revitalize the CBD so it continues to be the heart of Logansport and Cass County.
 - (4) Support the continued efforts to revitalize Logansport’s central business district and enhance this focal point for community character identity.
 - (5) Encourage growth areas where the necessary infrastructure is available or can be economically provided.
- (b) The design standards are intended to provide direction for developers and designers as to how future construction in downtown Logansport should be designed. These standards are not intended to slow or restrict development, but rather to add consistency and predictability about the quality and function of the future Downtown Logansport.
- ii. General Provisions.
- (a) The Downtown Overlay District (DOD) design standards describe the principles of siting, parking, massing, height, signage, and treatment of façade and materials that will be allowed in the construction of new structures, additions to existing structures, and in the rehabilitation of existing structures.
 - (b) These standards establish requirements for development that are drawn from the commercial structure heritage of Downtown Logansport. These observable standards include a human-scale proportion of structure height to street width, the location of shop entries at the sidewalk, a mix of various enterprises within a single structure, including residential uses, the use of durable materials and the design principles that promote a balanced blend of functional plus decorative building components. They support the idea that compact scale, traditional building types, architectural detail, and the accommodation for pedestrians should be preserved, enhanced and expanded.
 - (c) Compliance with Design Standards: For each element below, a design objective, or end result, of what is intended to be achieved is stated. There are two (2) ways to achieve the design objective, through the use of standards and guidelines. Design standards are viewed as fundamental in achieving the stated design objective(s) are mandatory. Guidelines are an example or alternative to achieving the design

objectives. There is an obligation to comply with the guidelines unless the project demonstrates a better means for achieving the design objective. Exceptions to the guidelines will be considered if the design as proposed meets the intent of the standards and purposes of this article.

iii. Architectural Design Standards. To convey desirable architectural façade elements, and set a standard for future structure design and development.

(a) Modular structures are prohibited.

(b) Double four inch (4") and five inch (5") siding or any similar type of siding is not permitted as an exterior wall material. Materials such as metal, vinyl, and wood are also not permitted unless used as an accent. Accents are limited to thirty percent (30%) of each façade must be evenly distributed and appropriately integrated.



Siding Example



Accent Example

(c) All visible roofing must provide typical roofing styles and materials as to not look corrugated, rubber, or flat.

(d) Appropriate window treatments shall be used and may include blinds and curtains for windows which are visible from a public street. Window covers such as aluminum foil and bed sheets are not considered window treatments.

(e) All facades must have a recognizable "base" consisting of, but not limited to:

(1) thicker walls, ledges or sills;

(2) integrally textured materials such as stone or other masonry;

(3) integrally colored and patterned materials such as smooth-finished stone;

(4) lighter or darker colored materials, mullions or panels; or

(5) planters;

(f) All facades must have a recognizable "top" consisting of but not limited to:

(1) cornice treatments, other than colored "stripes" or "bands" alone, with integrally textured materials such as stone or other masonry or differently colored materials;

(2) sloping roof with overhangs and brackets;

- (3) stepped parapets.
- (g) Corner lots must include materials and design characteristics along all street fronting facades that are harmonious with those of the front facade. Use of inferior or lesser quality materials for side facades is not permitted.
- (h) If seen from a primary or secondary access road, the design of accessory structures shall reflect and coordinate with the general style of architecture inherent in the primary structure.
- (i) All mechanical equipment, whether roof-mounted or ground-mounted, shall be completely screened from the ground-level view of adjacent properties and public streets, or designed to be compatible with the architectural treatment of the primary structure.
- (j) Service elements (loading docks, trash collection, outdoor storage and similar facilities and function) that are in public view from a primary or secondary street shall be screened from view. Screening must be incorporated into the overall design of the structure and landscaping so that the visual impacts of these service elements are fully contained and out of view through proper screening measures. If fencing is used it must be privacy fencing - chain link and/or slats are prohibited.
- (k) All exterior trash enclosures shall be constructed with harmonious materials and colors to correspond with the primary structure.
- (l) Large areas of blank wall shall be avoided and shall be reserved for the side or rear of the facility. If they cannot be avoided, design accents such as pilasters, trellises, murals or other façade articulations can help to reduce the overall scale appearance. Wall graphics and murals are permitted with DPR approval.
- (m) General fenestration patterns should be regular and should reflect vertical and horizontal proportions
- (n) Special detailing ornaments and materials at significant locations are acceptable and encouraged, including decorative treatment around windows and doors.
- (o) Pedestrian weather protection should be provided such as an awning, marquee, or other element.
- (p) Public art integrated with the structure or with public street improvements are encouraged. The location along the sidewalk right-of-way should provide for public view but not hinder pedestrian traffic.
- (q) Rectangular windows facing the street should have vertical orientation. Windows and doors may use framing materials of wood, aluminum, copper, and vinyl clad wood.
- (r) Planters, window boxes, hanging plants and potted plants are strongly encouraged along front elevations of structures.

- (s) Service bay doors shall be oriented perpendicular to primary and secondary streets.
 - (t) A three-foot (3') wide landscaped foundation buffer is required between the side and rear elevations of the structure, driving areas, and interior sidewalks if viewed from primary and secondary streets. Foundation buffers are not required in loading areas and drive-through facility areas.
 - (u) The services and their screening shall be located outside of the public right-of-way.
- iv. Character Standards. To preserve and strengthen the unique, memorable, distinctive, and historic setting of downtown.
- (a) Additions to historic structures shall respect the architecture of the existing structure. Materials, massing, colors, and detailing of the existing structure shall guide the design of the additions. Additions shall also be compatible with the historic architectural features of adjacent historic structures, including compatibility with historic building materials, color, signage, storefront organization.
 - (b) Historic architectural features of existing structures shall be retained and re-paired, rather than removed. If these features are severely damaged, they shall be replaced with features identical in appearance to the original features.
 - (c) Structures shall be detailed with materials that vary between base wall material and trim. Trim and detailing should include some of the following: wood moldings and trim, decorative brick trim, glazed terra cotta trim, metal moldings, pressed metal, cast concrete or stone trim.
 - (d) Local character should be included in the design and the use of quality local materials is encouraged.
 - (e) Care should be taken to avoid nostalgic reproductions, but to use the materials in a meaningful manner.
- v. Fence standards. Fences shall be constructed of vinyl or wood. Fences shall not exceed four (4) feet in height if forward of the front building line. Fences shall not exceed six (6) feet in height on the rear and sides of the property.
- vi. Fenestration Standards. To create interest and pedestrian comfort by providing appropriate proportions of fenestration for street facing walls. Windows provide a visual connection between the inside of the structure and the sidewalk, generating a sense of security for the pedestrian and allowing merchants to observe activity on the street. Multiple windows along a façade can help maintain the pedestrian's interest. These requirements promote visibility between the street and structure interiors and reinforce established fenestration patterns.
- (a) Street fronting façades and walls shall provide the average percentage of transparent windows, doors, or fixed glass as calculated within three

hundred fifty feet (350') in either direction of the proposed structure lot for each story. But no façade may provide less than thirty percent (30%) of transparent windows, doors, or fixed glass for each story.

- (b) Street fronting windows shall be a minimum of twelve inches (12") and no more than thirty-six inches (36") above the sidewalk. Bay windows may project into the public right-of-way with Board of Works approval.
 - (c) Windows fronting streets or the riverfront shall use transparent, non-reflective and non-tinted materials.
- vii. Parking Standards. Surface parking design is a critical component for successful downtown revitalization. The pedestrian experience requires that attention be paid to the potential visual blight and functional conflicts on-site parking can create.
- (a) Off-street parking shall be located to the rear or side of the structure, with a landscape buffer between the street and the parking area.
 - (b) Parking shall not occupy more than twenty percent (20%) of the street frontage.
 - (c) Wherever a surface parking area faces a street, such frontage shall be screened with year-round landscape buffer, which can include decorative wall and/or railing, to a minimum planting height of two (2) feet at the build-to zone. Such landscape buffer shall be planted at a minimum width of four feet (4'). Plant screening shall be effective within four (4) years of planting at a minimum height of three feet (3'). This also applies to side and rear elevations of parking areas if they are viewed from primary or secondary streets.
 - (d) Parking lot lighting shall be of a pedestrian scale nominally fourteen feet (14') and must be shielded from intruding onto neighboring properties.
 - (e) Additional curb-cuts are prohibited from Broadway, Market, Third, Fourth and Sixth streets. Access points should be off of alleyways unless rear or alleyway access is unavailable then front driveways to rear parking areas are permitted.
 - (f) Curb cuts shall only be as wide as necessary to accommodate needed lanes.
 - (g) No more than twelve (12) consecutive parking spaces are permitted without a landscape island that must extend the entire length of the parking space.
 - (h) Where parking abuts the site perimeter, the landscape buffer shall provide at least one (1) understory tree per twenty feet (20') of site perimeter this width should be at least five feet (5'). The landscape buffer shall include a full complement of over story, ornamental and evergreen trees, shrubbery, and living ground covers which are hardy and which provide year-round color and interest.

- (i) Where surface parking fronts a public street the maximum parking lot width shall be sixty-five (65) feet measured at the lot frontage. Surface parking fronting on public streets is limited to groups of no more than twenty-four (24) spaces per area.
 - (j) A landscaping island should be located at the end of all parking isles.
 - (k) Murals are allowed on the Downtown Buildings but can't be used as advertisement. All murals must still go through the Development Plan Review.
- viii. Structure Placement, Height, and Mass Standards: To use structures, plazas, parks, and landscaping to define the street line and sets the tone of the pedestrian experience while creating a sense of enclosure along higher order streets. The build-to-zone is intended to bring structures closer to the street and create a more defined and interesting "street edge". This closeness to the street also creates a sense of enclosure that results in slower traffic and creates interest and activity at the street level of structures. The scale of activity should be compressed to something much smaller and more intimate than one appropriate for vehicles. The structure height standards aim to reinforce important streets, provide a sense of enclosure and establish desirable structure height scale for the downtown area. While structure height should not be uniform from structure to structure, they should provide a comfortable enclosure for the street.
- (a) Structure façade shall be located at the front property line within a "build-to-zone" of zero to five feet (0-5') from the road right-of-way. For a distance within three hundred fifty feet (350') in either direction of the proposed structure on the same side of the street are occupied by structures the average setbacks of such structures determine the front yard setbacks; however, if there is not any other structure within the three hundred fifty feet (350') in either direction, then the standard zero to five foot (0-5') shall apply. Additions to existing structures may align with the current building setbacks.
 - (b) The street edge shall be defined with building, landscaping or other pedestrian-oriented features.
 - (c) At least the first and second floor of the structure must meet the build-to-zone. Arcades, balconies, terraces, and awnings may overhang the right-of-way, but must be at least eight feet (8') from ground level. Projection awnings shall project no more than four feet (4') into the right-of-way. Marquees and awnings over entrances shall be no closer than three feet (3') to an improved roadway.
 - (d) On lots with more than one (1) street frontage, the build-to-zone shall apply on each side fronting a street.
 - (e) Setbacks along Broadway, Market, Third, Fourth, and Sixth Streets may be allowed up to a twenty-five foot (25') setback on lots if the area

between the sidewalk and the structure provided the area is utilized as pedestrian space such as a plaza, outdoor seating, or public art (fountain, etc.) and serves as a quasi-public space.

- (f) Structure façades and primary entries shall be oriented toward the primary street bordering the lot. The entry must be functional and accessible from the primary street bordering the lot.
- (g) Sidewalks shall be provided for the full width of the property with a direct link to the primary structure entry, unless a sidewalk is already provided in the right-of-way.
- (h) The front façade and corner lots must be parallel to the primary street. As much of the structure width as possible shall be placed at the front of the lot in order to maximize front façade exposure to the public.
 - (1) For lots with fifty feet (50') of frontage or less, structures shall define one hundred percent (100%) of the street line.
 - (2) For lots with more than fifty feet (50'), eighty percent (80%) of the street line shall be defined. Of that eighty percent (80%), structure shall define sixty-five percent (65%) and fifteen percent (15%) shall be defined with a plaza, courtyard, pedestrian corridor, or other pedestrian feature.
 - (3) No Parking is allowed between the structure and the street, but parking may be provided behind the fifteen percent (15%) as long as a minimum buffer of fifteen feet (15') is provided. Such frontage shall be screened with year-round landscape buffer, which may include a decorative wall and/or railing, to a minimum planting height of two (2) feet at the build-to zone. Plantings shall be effective within four (4) years of planting at a minimum height of three feet (3').
- (i) For purposes of calculating the percentage of defined area, vehicular access of up to twenty-four feet (24') may be subtracted from the length of the lot, if access cannot be provided from a side street or alley.
- (j) New developments must either construct to a minimum of two (2) stories or provide a faux façade that provides a visual height of twenty feet (20') minimum as though the construction was two (2) stories.
- (k) Structures may be built to a maximum height of sixty feet (60').
- (l) Structures located on corner lots should integrate design features that create focal points. Corner lots are especially important in defining the street. Special attention shall be paid to bringing the structure mass all the way out to meet the corner.
- (m) Arcades, balconies, terraces, and canopies are encouraged. Permanently fixed canopies made of wood, metal, canvas or other durable, weather resistance materials are acceptable. Canopies should be constructed across the entire street frontage of the structure facing the street, and for

corner structures, should be constructed continuously across all glazed openings of the street frontage facing a secondary street.

- (n) Buildings located on corner lots shall treat both façades as if they were both facing the primary street. However, façades facing the secondary street need not provide structure entries.
- (o) To reinforce the “street-edge”, new development shall align with neighboring structures which are within the build-to-zone. Landscaping can also be used to reinforce this zone.
 - (1) Structures should provide street-level, pedestrian-oriented uses on all street fronts.
 - i. A public plaza is considered a pedestrian oriented use.
 - ii. Pedestrian-oriented uses in the structure should face the plaza.
 - iii. Drive-through uses are highly discouraged.
 - iv. Structure design should encourage multi-tenant occupancy at the ground floor.
 - (2) Entrances.
 - i. Structures which front multiple streets should provide multiple entrances.
 - ii. Primary structure entrances should be accentuated. These entrances should be designed so that they are not easily confused with entrances into other ground level uses.

e. Specific Procedures for Development.

- i. Boundary Change. An application for a DOD boundary change shall follow the procedures for an application for a Zone Map amendment. In addition to the information usually required for such applications, the application shall include a written description of the intended plan of development, clearly indicating how approval of the boundary change and the proposed development will contribute to the goals of the DOD and further the purposes of this article.
- ii. Demolition.
 - (a) Purpose: The purpose of this section is to preserve structures within the DOD that are important to the education, culture, traditions, and economic values of the City of Logansport, and to afford the City, organizations, and other interested persons the opportunity to acquire or to arrange for the preservation of structures. The authorities set forth in *Section C.1.c: Emergency Work* will be the hearing body over demolition cases within the DOD unless the property is within a local historic district, in this case the hearing body will be the Historic Preservation Commission.

- (b) Appeals: Whenever the authorities set forth in *Section C.1.c: Emergency Work* fails to approve the demolition, such structure may be demolished, provided, however that before a demolition permit is issued; notice of proposed demolition shall be given.
- (c) Notification: Notice shall be published on the premises of the structure or structure proposed for demolition in a location clearly visible from the street. In addition, notice shall be published in a newspaper of general local circulation at least three (3) times prior to demolition. The initial notice shall be posted within thirty (30) calendar days of the authorities set forth in *Section C.1.c: Emergency Work*. Subsequent notices shall be posted at least sixty (60) calendar days apart and the final notice shall be posted fifteen (15) calendar days prior to the scheduled date of demolition. The authorities set forth in *Section C.1.c: Emergency Work* time during such stay; approve the demolition request without further delay and demolition may proceed.
- (d) Common Wall: Property owners sharing a common wall (party wall) shall agree upon the responsibility for the appearance of the remaining wall prior to the submitting a demolition permit application. Authorities for demolition permits are set forth in *Section C.1.c: Emergency Work* for review and approval of the post demolition refinishing and appearance of the wall.

Article 3. Site Development Standards

A. Bicycle Parking Standards.

1. When Required. Provisions for bicycle parking are required as part of any Development Plan submittal, building permit submittal for a new structure, or as determined by the Administrator for a permit submittal for a structural addition or remodel.
2. Required Spaces. All uses, except single-family and two-family residential, shall provide space for bicycle parking.
 - a. Multi-family Uses: one (1) space per every four (4) dwelling units.
 - b. Commercial Uses: one (1) space per every five thousand square feet (5,000sqft) of gross floor area.
 - c. Industrial Uses: one (1) space per every five thousand square feet (5,000sqft) of gross floor area.
3. Racks. Parking racks shall be required to support the bicycles. Rack elements shall support the bicycle frame at two (2) locations, prevent the bicycle from tipping over, and enable the frame and one or both wheels to be secured with a user-supplied locking device.
4. Location.
 - a. All required bicycle parking on the lot shall be located in an accessible location as determined by the Administrator.
 - b. All required bicycle parking spaces outside a building shall be located within a fifty (50) foot radius of the primary building entrance.

B. Bufferyard Standards.

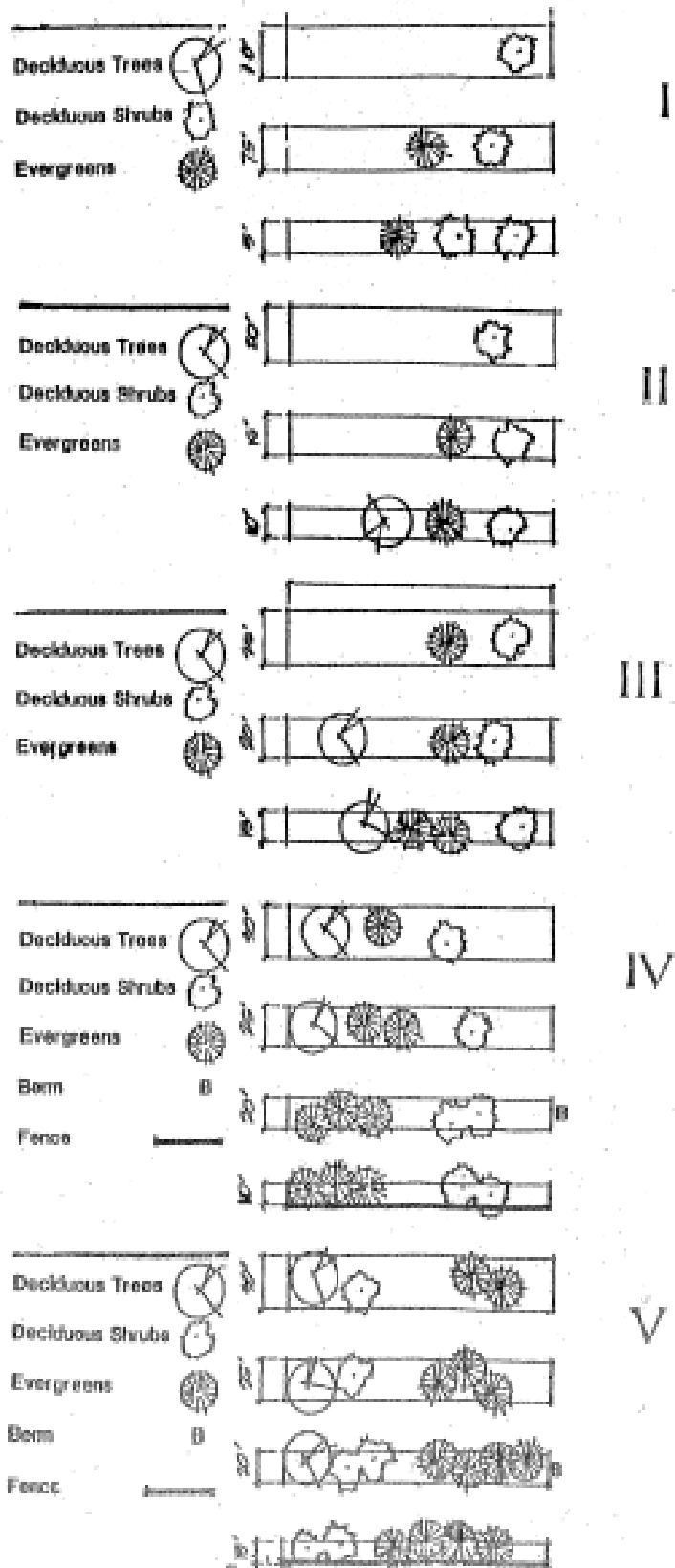
1. General Provisions. Bufferyards are the horizontal distance adjacent to side and rear property lines, measured perpendicularly between adjacent property lines and/or right-of-way lines, intended to provide attractive spaces to reduce the impacts of proposed uses on adjacent property or natural features. Bufferyards also help to maintain existing trees or natural vegetation, to block or reduce noise, glare, or other emissions and to maintain privacy. Bufferyards are required between most land uses on adjacent properties in order to reduce the impact of one use on another. Generally, more intensive uses require greater amounts of buffering than less intensive uses. This section applies only to changes of use, the construction of a primary structure on a lot, or the expansion of any existing primary structure by fifty percent (50%) or more.
2. Location. Bufferyards, where required, shall be located along side and rear property lines. In the B4, B-3, HHC, LGC, LGI, I-1, or I-2 districts, bufferyards shall also be required along the front property line when adjacent to or facing a residential district. On lots which abut a street along more than one (1) property line, the site plan shall designate which property line shall be considered the front, and bufferyards shall be provided along all other lines. Bufferyards shall have the necessary widths and planting and fencing material as required in this section.

3. Determination of Width and Materials. To determine the required widths and materials of bufferyards, the following procedure shall be used:
 - a. Identify the Bufferyard Classification (Buffer Class A, B, C, D, or E) of the proposed use and/or structure by referring to *Appendix 1: Land Use Matrix*.
 - b. Identify the Bufferyard Classification (Buffer Class A, B, C, D, or E) of an existing adjacent use by referring to *Table C: Required Bufferyards*. For vacant land and for existing, adjacent uses non-conforming to the zoning district in which it is located, refer to the Zone Map for the district classification of the land and/or use.
 - c. Determine the bufferyard requirements for the proposed use and/or structure by referring to *Table C: Required Bufferyards*. Go down the left hand column to the bufferyard classification of the proposed use and then go across the matrix either to the “Adjacent Existing Bufferyards Classification” or the “Adjacent Vacant Land (Zoning District)” and refer to the Roman Numeral (I, II, III, IV, or V) in the corresponding box which indicates the buffering type.
 - d. Refer to the bufferyard type in Illustrations I through V. Any one (1) of the alternative bufferyards may be selected.

Table C: Required Bufferyards									
Bufferyard Classification	Adjacent Existing Bufferyard Classification					Adjacent Vacant Land (Zoning District)			
	A	B	C	D	E	AG	OS, FR, R2, R3, R4, PR, HHR	NB, B2, B3, LGC, HHC	BR, AB, I1, I2, LGI
A	-	-	-	-	-	-	-	-	-
B	V	I	II	III	IV	II	III	V	V
C	V	IV	I	II	III	IV	III	IV	V
D	V	IV	III	I	II	V	IV	I	I
E	V	IV	III	II	I	V	V	I	II

ILLUSTRATION

REQUIRED PLANT
UNITS PER 100'



4. Planting and Maintenance.

- a. All plants shall be planted within one (1) year of the ILP issuance or within six (6) months of project completion, whichever is shorter, and all plants shall be properly maintained. Any plants which do not live or are destroyed shall be promptly replaced.
- b. Deciduous trees shall be a minimum of six feet (6') in height when planted. Deciduous shrubs shall be a minimum of three feet (3') in height when planted.
- c. Evergreens shall be a minimum of four feet (4') in height when planted.
- d. Berms shall be a minimum of four feet (4') in height.
- e. Fencing shall be at least six feet (6') in height and subject to all regulations of *Article 3, Section G: Fence Standards*.
- f. Flowering trees and shrubs shall be encouraged in bufferyards.
- g. Screening shall be required if the site cannot accommodate the bufferyard classification as shown in *Table C: Required Bufferyards, Class IV and/or V*.
- h. All bufferyards shall be maintained and kept free of debris, rubbish, weeds, and tall grass.
- i. There shall be no structures, outdoor storage, or parking and loading facilities in bufferyards, except for agricultural or residential uses.

5. Flexibility.

- a. Where setback area is limited, bufferyards may be considered with the required front, side, or rear setback areas, but in case of conflict, the larger yard area regulation shall apply.
- b. On any parcel of land where there is an existing use or structure, the Administrator may administratively reduce all or part of the required bufferyard if it is physically impossible to locate the required bufferyard due to non-conforming lot size, existing structure or parking lot location, or other similar reasons.

C. Drainage and Erosion Control Standards.

- 1. General. It shall be the responsibility of the owner of any lot or parcel of land developed for any use, other than those listed in *Article 7, Section E.4: Improvement Location Permit (ILP) Procedures*, to obtain an ILP. If the site has significant potential for drainage and erosion problems as determined by the MS4 Coordinator in the City, or in consultation with the SWCD representative in fringe, then the issuance of this permit shall include the review and approval of a drainage and/or erosion control plan as specified in this section unless provision for drainage and erosion control has been handled under the *Subdivision Control Ordinance* in the fringe areas or the *Logansport Development Manual* inside city limits.
- 2. If required, an erosion control plan must be submitted as a part of an ILP application. In addition to the information required in *Article 7, Section E.4: Improvement Location Permit (ILP) Procedures*, an erosion control plan must be submitted detailing measures to be implemented during and after construction on a form provided by the MS4 Coordinator in

- the City, or SWCD and approved by the Soil and Water Conservation District in the fringe.
3. All general development must comply with 327 IAC 15-5-2. In addition, a Notice of Intent must be submitted and a permit received from the IDEM prior to issuance of an ILP, if one (1) of the following applies:
 - a. If an individual home construction will disturb five (5) acres or more.
 - b. If commercial or industrial construction will disturb one (1) acre or more based upon a lot size of one (1) acre or more.
 - c. All strip development, unless the total combined disturbance on all individual lots is less than one (1) acre and is not part of a larger common plan of development and sale.
 4. Land to be developed shall be designed and improved as far as practical in conformity to existing topography in order to minimize storm water run-off, and conserve the natural cover and soil. Whenever possible, existing natural surface drainage may be utilized. To the maximum extent, there shall be no increased peak discharge or run-off rates as a result of the development unless downstream systems are sufficient to accept the discharge.
 5. Whenever the evidence available indicates that the natural surface drainage is inadequate, the owner shall provide the parcel with an adequate surface water system which shall be integrated into the drainage pattern of surrounding properties. When additional surface drainage is required, adequate easement for such drainage shall be provided.
 6. On-site detention storage of storm water shall be required where necessary as determined by the MS4 Coordinator in the City, or in conjunction with SWCD representative in the fringe in order to prevent damage to adjoining properties.
 7. As required, a drainage plan must be submitted as a part of an ILP. In addition to the information required in *Article 7, Section E.4: Improvement Location Permit (ILP) Procedures*, the drainage plan must include the following information:
 - a. Existing and proposed grading showing positive drainage by contouring or sufficient spot elevations;
 - b. Location of all existing or proposed swales, ditches, culverts, drainage channels, surface and subsurface drainage devices, and the direction of flow;
 - c. Illustration of the surface drainage pattern of the site away from structures;
 - d. Final distribution of surface water off-site, either preventing or planning for surface ponding;
 - e. Demonstration of capability of accommodating the ten-year (10-year) design rainfall intensity, or a rainfall of greater intensity, without endangering the public safety and health, or causing significant damage to property;
 - f. A Certificate of Sufficiency;

- g. Detention storage facilities, if required, shall submit the following additional information:
- i. Plans for storage of and a controlled release rate of excess storm water with adequate detention storage to ensure that the release rate of storm water following and during developments, redevelopments, and new construction shall not exceed the storm water run-off from the land in its present state of development. (Present state of development means state of development as of January 1, 1993.)
 - ii. Detailed calculations to show that peak rate following and during construction shall not exceed the storm water run-off rate in its present state of development. Said calculations must indicate that run-off will not be increased and must include calculations of run-off before and after development. The calculations must demonstrate that the peak run-off rate after development for the one hundred-year return storm of critical duration will not exceed the ten-year (10-year) period predevelopment peak run-off rate. The critical duration storm is that storm duration that requires the greatest detention storage.
8. Drainage swales (ditches) along dedicated roadways and within the right-of-way or on dedicated drainage easements are not to be altered, except for maintenance, as originally constructed and as approved by the County Highway Department or City Street Department. Driveways or other approved structures may be constructed over these as permitted by the County Highway Department or City Street Department, with adequate provision for the flow of surface drainage.
9. No permanent structures other than a fence may be erected, and if erected in violation of this section, no such structure may be used, if the location is within seventy-five feet (75') of the centerline of any legal tile ditch, or within seventy-five feet (75') of the existing top edge of any legal open ditch or tile as determined by the Surveyor.
10. No cut or fill grade shall exceed a slope of three-to-one (3:1), or thirty-three and one-third percent (33.33%). This provision shall apply to all cuts and fills exceeding one hundred square feet (100 sqft) exposed surface area, including cuts or fills on land naturally exceeding three-to-one (3:1) in slope.
11. All lands, regardless of their slope, from which structures or natural cover has been removed or otherwise destroyed, shall be appropriately graded or seeded within a reasonable time of such activity. The phrase "a reasonable time" shall be interpreted to be within two (2) weeks during the growing season and shall be rigidly applied to construction activities in order to accomplish the intent of keeping erosion to an absolute minimum. Temporary vegetation or mulching shall be used to protect exposed areas during development.
12. All drainage and erosion control systems must be safe to persons and maintained at all times.
13. All land disturbing activities on site should be conducted in a logical sequence so that the smallest practical area of land will be exposed for the shortest practical period of time.

D. Driveway Standards.

1. Clearly defined driveways shall be provided for ingress and egress from all off-street parking and loading areas. Driveways shall be located and constructed according to the standards as shown in *Table G: Driveway Access* or such standards as established by the Indiana State Highway Commission, if access is onto a state highway.
2. The number of driveways for a required parking area from any street shall not exceed two (2) per adjacent street. A common driveway may be provided between adjacent properties in order to meet this requirement.

Table G: Driveway Access				
Driveway Standard		Residential Property	Service Station & Truck Terminal	Other Non-residential
Minimum Width at Property Line		12 feet	20 feet	18 feet
Maximum Width at Property Line		25 feet	40 feet	35 feet
Minimum Distance from Interior Lot Line		5 feet	11.5 feet	12.5 feet
Minimum Distance from Street Intersection		30 feet	30 feet	30 feet
Space Between 2 Drives/ Same Property		25 feet	25 feet	25 feet
Space Between 2 Drives/ Different Properties		25 feet	25 feet	25 feet
Radius of Curb Return	Minimum	5 feet	5 feet	5 feet
	Maximum	15 feet	20 feet	20 feet

E. Dumpster and Collection Station Standards.

1. A refuse disposal container (dumpster) and/or refuse storage area or corral for a commercial or industrial use shall not be located within any required front yard, side yard, parking spot or bufferyard. Refuse disposal containers and areas shall be opaquely screened from public streets and adjacent properties. This screening may be achieved by walls, landscaping, the bufferyard, or by virtue of the location on the lot.
2. Collection stations for used merchandise or for recyclable items are only permitted in the B-3 district and are not subject to side or rear setback regulations provided they are not located in a way to create a traffic hazard and do not violate other sections of this ZO. The collection stations shall be routinely emptied and no outdoor storage of items is permitted. Collection stations shall not be located closer than one thousand feet (1,000') to one another. Materials must be approved by the Administrator.

F. Environmental Standards.

1. General Provisions. No land shall be used or structure erected where the land is unsuitable for such use or structure due to unfavorable topography, adverse soil or rock formation, erosion susceptibility, low percolation rate or bearing strength, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of the community. In addition, the following standards must be met:
2. Existing features which would add value to residential development or natural or man-made assets of the community such as trees, streams, vistas, lakes, historical landmarks,

and similar irreplaceable assets, shall be preserved through harmonious and careful design.

3. No alteration of the shore line or bed of a public lake or river shall be made until written approval is obtained from the IDNR, and the provisions of the Flood Hazard Ordinance and other applicable regulations of this ZO are complied with. Alterations include, among other things, filling of the lake, river, or wetlands, the construction of channels and seawalls, dredging of the lake or riverbed, and ditch excavation within one-half (1/2) mile of a lake.
4. All development must be in compliance with applicable sections of *Title 13. Environment, of the Indiana Code*, as amended, as it relates to Air Pollution Control and Water Pollution Control.
5. Debris and refuse shall not accumulate on any property, in any zoning district.\
6. Bricks, concrete, lumber, and other materials used for fill where permitted by this ZO and/or by the County Board of Health, DNR, or another governmental agency, shall be promptly covered and seeded.
7. No waste materials such as garbage, rubbish, gasoline, oil, flammables, soils, tars, chemicals, greases, industrial or agricultural waste, or any other material of such nature, quantity, obnoxiousness, toxicity, or temperature so as to contaminate, pollute, or harm the waters shall be deposited, located, stored, or discharged on any lot in a way that would be likely to run-off, seep, or wash into surface water or groundwater.
8. Any part or portion of the site which is not used for structures, loading or parking spaces, sidewalks, and designated storage areas, shall be landscaped or left in a natural state. If landscaped, they shall be planted with an all season ground cover and shall be landscaped with trees and shrubs in accordance with the Development Plan and/or ILP application and shall be in keeping with natural surroundings. Any areas left in a natural state shall be properly maintained in a slightly and well-kept condition.

G. Fence Standards.

Fences are permitted as accessory structures in any district and require an ILP within the incorporated boundary of the City of Logansport. Fences must meet the following standards:

1. Fences shall be reviewed and approved by the TRC in order to make sure the public health, safety, comfort, morals, convenience and general welfare of the community is upheld.
2. Fences shall be constructed so that the finished side is facing outward.
3. Fences must be located entirely upon the lot which it serves, though it may be located immediately adjacent to the lot line.
4. Fences in residential districts or abutting residential uses may not have a height greater than forty-eight inches (48") in the front yard setback and shall not be permitted within the right-of-way, with the exception of properties that abut East Market Street between W. Roselawn and Cass Plaza Drive as well as properties along Cass Plaza Drive from East Broadway to East Market Street (not including the northwest corner property due to visual

hindrance of an intersection). Fences required as part of commitments shall be properly maintained.

5. Fencing in any district, shall be constructed with typical fencing materials and styles, excluding barbed wire or electrically charged fences unless for an agricultural use.
 - a. Barbed wire may be used at the top portion of a permitted fence or wall in the AG district for animal containment and in the I-1 or I-2 districts as required by this ZO provided the fencing does not abut a residential district or residential dwelling.
 - b. Barbed wire, where permitted, shall not exceed eight feet (8') above the adjacent ground level. Such permitted barbed wire shall be considered part of the fence and subject to the fence height restrictions.
 - c. All fences shall meet the requirements of *IC 32-26* for partition fences.
6. All fences shall meet the standards of this section if more than seventy-five percent (75%) of the total linear length of the fence is being repaired.
7. No fence in any district may exceed eight feet (8') in height in any district. Fences abutting a residential lot or district may not exceed six feet (6') in height. All fences constructed abutting a residential lot or district must be designed so as not to prohibit light and/or ventilation to a residence.

H. Height Standards.

1. Maximum Height.
 - a. Residential Structures.
 - i. Primary Structures. No primary structure in any district may be constructed, reconstructed, altered, or enlarged which exceeds thirty-five feet (35') in height above average ground level.
 - ii. Accessory Structures. One-story primary structures may not have accessory structures that exceed sixteen feet (16') in height. Two (2) story or taller primary structures may not have accessory structures that exceed twenty-four feet (24') in height.
 - b. Non-residential Structures.
 - i. Primary Structures. Public and semi-public structures, hospitals and institutions, schools and churches (excluding the spire) may be erected to a height of sixty feet (60') provided their total height does not exceed their distance from the nearest lot line.
 - ii. Accessory Structures. Auxiliary structures attached to a structure such as radio and television antennae, chimneys, ventilation fans, and similar mechanical appurtenances or other structures necessary to maintain and operate a structure may exceed normal height requirements provided the structure is setback from all minimum yard distances at least one (1) foot for each additional foot of height above the maximum height limitations. If the auxiliary structure is erected at a later

time than the structure to which it is attached, the auxiliary structure, rather than the structure must be so located that the provisions of this subsection can be met.

2. Exceptions. The following structures may exceed normal height requirements provided their total height does not exceed their distance from the nearest lot line. However, these height exceptions shall not apply when the structure constitutes a hazard to an existing airport or landing strip and to electric power transmission lines.
 - a. Structures such as barns, silos, tanks, bins, and windmills located in the Agricultural District.
 - b. Communication structures such as telecommunication towers, radio and television and relay stations and receiving stations and aerials and observation towers.
 - i. If proper engineering data is provided that demonstrates the structure is engineered to be collapsible within an area of half its height, communication structures shall be, in addition to regular setback distances, setback a minimum distance from the property line or lease line of any adjoining property (which ever requires the greater setback) a distance that is equal to fifty percent (50%) of the height of the tower, but not less than fifty feet (50').
 - c. Industrial uses such as gas and liquid/dry fertilizer tanks, sanitary landfills, power generating plants, sub-stations, smokestacks, grain elevators, and other agricultural product processing and storage facilities, and industries requiring a vertical production procedure such as flour mills, steel mills, and refineries.
 - d. Architectural projections, such as spires, belfries, parapet walls, cupolas, and domes.
 - e. Special structures such as monuments, scenery lofts, fire towers, and flagpoles.
 - f. Wind Energy Conversion Systems (Wind Farms).
 - g. Essential services, utilities, water towers, electric power and communication transmission lines and vegetation are exempt from the height limitations of this ZO.

I. Lighting Standards.

1. Intent. The lighting standards contained in this section are intended to provide for the erection, design, or placement of outdoor light fixtures which: provide for illumination levels on individual lots which are adequate for the safe and efficient movement of individuals or vehicles to and from a lot and within a lot; designed to protect against the spillover of light onto abutting properties which may negatively impact occupants of abutting properties; and, are designed to protect against objectionable glare onto public rights-of-way which may impair the vision of motorists.
2. Applicability. All public and private outdoor lighting installed in the City of Logansport shall be in conformance with the requirements established by this section. Existing outdoor lighting shall be considered legal non-conforming lighting and considered grandfathered unless improvements are done, at this time the non-conforming light must be improved to the standards of this section.
3. Exemptions.

- a. Holiday Decoration.
 - b. Public Lighting: all outdoor light fixtures originating from public areas and ways, including but not limited to parks, schools, right-of-ways, public art or other public facilities, that are installed for the benefit of the public health, safety and welfare.
 - c. Construction/Emergency Lighting.
 - d. Internal Illumination of Signs.
4. General Requirements.
- a. The use of LED fixtures is encouraged for all light fixtures.
 - b. Minimum Setback: a freestanding outdoor light fixture may be located within a required front yard, side yard or rear yard, providing that the freestanding outdoor light fixture is located adjacent to the interior edge of such yard and adjacent to a permitted driveway, parking area, interior access drive, interior access driveway, or other outdoor use area requiring illumination.
 - c. Mounting of Fixtures (except in Industrial Districts): Full cutoff, cutoff and semi-cutoff outdoor light fixtures shall be mounted parallel to the ground and shall utilize a rigid mounting arm with no built-in up tilt and no adjustment feature.
 - d. Height of Fixture: all outdoor light fixtures used to illuminate a particular area on a lot (i.e., a parking area; a loading area; or, an entry way, sidewalk or walkway areas) shall, within those areas, be of uniform size, design and height.
 - e. Power Supply: outdoor light fixtures located on light poles shall be provided power by underground wiring.
 - f. Wall Pack Lights: wall pack outdoor light fixtures shall be subject to the following regulations:
 - i. Except in Industrial Districts, wall pack outdoor light fixtures located on a front or side elevations of a structure shall be full cut-off.
 - ii. In all Commercial/Business or Industrial Districts: wall pack outdoor light fixtures oriented toward a residential district or use shall be a full cutoff.
 - iii. Low intensity (i.e., 100 watts or less), architectural style wall pack outdoor light fixtures (which may be cutoff, semi cut-off or non-cut-off) may be used to accent architectural elements of the structure or to illuminate entrance areas.
 - g. Vehicular Canopy Light Fixtures: outdoor light fixtures located under a vehicular canopy of drive through structures (e.g., gasoline service station canopies, bank drive through canopies, etc.) shall be full cutoff fixtures with a maximum intensity of four hundred (400) watts.
 - h. Awning and canopy Lighting: awnings and canopies used for building accents over doors, windows, walkways, and may be internally illuminated or back-lit (i.e., lit from underneath or behind) provided, however, that the primary material is opaque and

that translucent material is limited to the actual text or logo of the sign, if any, incorporated into the awning or canopy.

- i. Glare on Public Right-of-Way: flag and statue lights, architectural lights, floodlights, or sign lighting shall be so directed and shielded that the lit element is not visible from any point along an adjacent right-of-way.
 - j. Floodlights: outdoor light fixtures equipped with floodlights may only be permitted on a lot as follows:
 - i. Floodlights shall be focused on the primary structure or the area of the lot located between the floodlight and the primary structure; or
 - ii. Floodlights shall be shielded to the extent that the main beam from the luminaries is not visible from or causes any glare onto adjacent properties or rights-of-way.
 - k. Lighting Plan: the following information, at a minimum, shall be provided for all lighting plans submitted in connection with an application for an ILP or any application to the BZA:
 - i. A site plan which includes the outline of structures and other improvements (e.g., parking areas, loading areas, interior access drives, etc.) on the lot and the location of all outdoor light fixtures.
 - ii. A description of the outdoor light fixtures, including but not limited to manufacturers or electric utility catalog specifications sheets, drawings or photometric report, which indicate:
 - (a) the outdoor light fixture classification (e.g., cutoff, semi-cutoff, full cutoff, or non-cut-off) review *Table I: Lighting Standards*;
 - (b) mounting height of freestanding outdoor light fixtures; and,
 - (c) wattage proposed for each outdoor light fixture.
5. Temporary Light Fixtures.
- a. Temporary Lights Permitted: the following types of outdoor light fixtures may be approved on a temporary basis by the Administrator prior to placement or use. Such temporary lights shall not be installed more than thirty (30) calendar days prior to the civic event or special event and shall be removed not more than fifteen (15) calendar days after the civic or special event.
 - i. Civic Events: temporary outdoor light fixtures used for civic events.
 - ii. Special Events: temporary outdoor lighting fixtures for such activities as circuses, fairs, carnivals, sporting events, and others like them.
 - b. Searchlights: notwithstanding anything contained in Section 6 below to the contrary, temporary outdoor light fixtures used in connection with a civic event or special event may include one (1) portable, rotating searchlight provided, however, that such temporary outdoor light fixture:
 - i. Shall not be permitted for more than three (3) occurrences during a calendar year;

- ii. Shall not be used for a period of more than two (2) consecutive calendar days during a civic event or special event;
- iii. Shall not be operated between the hours of 12:00 midnight and 8:00 a.m.; and,
- iv. Shall otherwise comply with all other applicable provisions of this section.

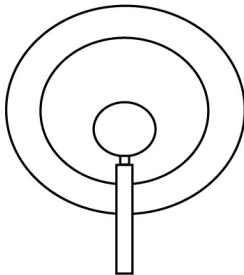
6. Prohibited Lights.

- a. Flashing Lights: any lights that flash, move, revolve, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsation.
- b. Floodlights: floodlights not in compliance with the regulations set forth above, or other form of outdoor light fixtures not specifically authorized by this section (including but not limited to stringer lights), that are ground mounted or attached to light poles, and used to illuminate the site or structure.
- c. Outdoor Strings of Lights: outdoor strings of lights, including but not limited to those used to outline lot lines or outdoor display areas, provided, however, outdoor strings of lights may be allowed.

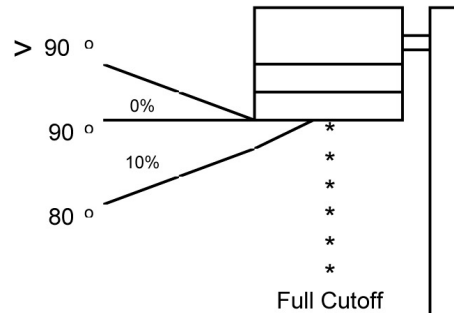
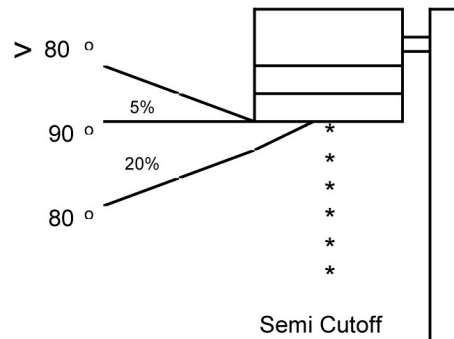
TABLE I: LIGHTING STANDARDS

<u>DISTRICTS</u>	<u>TYPE of FIXTURE</u>	<u>MAXIMUM HEIGHT of POLE AND BASE</u>	<u>MAXIMUM WATTAGE</u>
B2, LB1, LR1, PR, OS, R2, R3, R4 HHR	<u>Full-Cutoff</u>	<u>32'</u>	<u>400</u>
	<u>Non-Cutoff</u>	<u>20'</u>	<u>100</u>
AB, AG, B3, B4, LGC, LGI, I1, I2 HHC	<u>Full-Cutoff</u>	<u>37'</u>	<u>400</u>
	<u>Semi-Cutoff</u>	<u>27'</u>	<u>400</u>
	<u>Non-Cutoff</u>	<u>16'</u>	<u>100</u>

Unrestricted distribution
of light at any angle



Non-cutoff



J. Loading Area Standards.

1. Required Number of Loading Spaces. The number of required off-street loading spaces for commercial, industrial, and institutional uses is specified in *Table F: Required Loading*.

Table F: Required Loading		
Use Classification	Gross Floor Area (sqft)	Number of Loading Spaces
Office Structures, Banks, Hotels, Auditoriums, Retail Trade, Shopping Centers, Hospitals, Institutions, Services, Recreational Facilities, Multi-family Dwellings, and Similar Uses	8,000-60,000	1
	60,001-100,000	2
	for each additional 100,000 over 100,000	1
Manufacturing, Wholesale Trade, Warehousing and Storage, and Similar Uses	8,000-25,000	1
	25,001-60,000	2
	60,001-100,000	3
	for each additional 50,000 over 100,000	1

2. Design.

- a. All off-street loading areas shall not be less than fifteen feet (15') wide, twenty-five feet (25') long, and fifteen feet (15') high, except that where one such loading space has been provided, any additional loading space lying alongside, contiguous to, and not separated from such first loading space need not be wider than twelve feet (12').
- b. Where a given use or structure contains a combination of uses as set forth in *Table F: Required Loading*, loading facilities shall be provided on the basis of the sum of the required spaces for each use.
- c. All required off-street loading spaces shall be located at the same lot as the use served, except, where required spaces are provided cooperatively for two (2) or more uses, subject to arrangements that will assure the permanent availability of such spaces to the satisfaction of the Administrator.
- d. No required off-street loading area shall be used to satisfy the space requirement for any off-street parking and no loading area shall be so located as to interfere with the free circulation of vehicles in any off-street parking area.
- e. No motor vehicle repair work, except emergency service shall be permitted in association with any required off-street loading facility.
- f. All loading area drainage shall be designed and built in accordance with the drainage plan.
- g. All loading areas shall be surfaced so as to provide a durable and dustless surface.

- h. All loading areas and driveways shall be provided with a safe and adequate lighting system which shall be completely shielded from traffic on any public right-of-way and from any residential district.
 - i. Developments which have loading and driveways in excess of forty thousand square feet (40,000 sqft) shall contain snow storage areas.
 - j. All loading areas shall be maintained in good condition without holes and shall be kept free of all trash and other debris.
 - k. All parking and loading spaces except for residential and agricultural uses and any required screens shall not be located in a required front yard area.
3. Landscaping.
- a. In addition to bufferyards required by this ZO, a loading area shall be effectively screened by a fence or planted material on any side or rear property line which are adjacent to or face any existing residential property. Such fence shall be opaque and not less than four feet (4') nor more than six feet (6') in height. Such planted screen shall consist of densely planted evergreen hedge not less than four feet (4') nor more than six feet (6') in height. All screens shall be maintained in good condition.
4. Access.
- a. All off-street loading space shall be provided with safe and convenient access to a street and shall be provided only through driveway openings.
 - b. In addition to the required loading spaces, a driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers shall be located on the site of any school, church, or other facility which is designed to accommodate more than twenty-five (25) persons at a time.
5. Receiving Facilities.
- a. Uses and structures with a net floor area of less than eight thousand square feet (8,000 sqft) shall provide adequate receiving facilities so as not to obstruct the free movement of pedestrians and vehicles over a sidewalk, street, or alley.
6. Uses Not Classified.
- a. Where the required number of loading spaces is not set forth for a particular use in *Table F: Required Loading*, the Administrator shall determine the basis of the number of spaces to be provided, based upon the loading space requirements of similar uses.

K. Lot Standards.

- 1. Conformance with District. Except as hereafter provided, no structure shall be erected or located on a lot unless such lot conforms with the lot area regulations in the district in which it is located.
- 2. Lots of Record. Lots of record, or lots sold by verifiable land contract, prior to the passage of this ZO may be smaller in area than the figure prescribed provided all other regulations of the district can be met.

3. Flag Lots. To achieve more creative planning and preservation of natural property features, flag lots are permitted provided they have exclusive unobstructed private easement of access of at least twenty-five feet (25') width to a road. The area of a flag lot occupied solely by the "flag" driveway or easement shall not be deemed to be a part of the required minimum lot area.
4. Lot Width. On corner lots, lot width requirements need to be met along only one (1) street right-of-way.

L. Manufactured Home Standards.

1. No manufactured home shall be stored or parked, vacant or otherwise, in any zoning district, except in conformity with the provisions of the district in which it is located.
2. The homes shall meet all requirements applicable to single-family and subject to all necessary improvement location, building, and occupancy permits.
3. Be placed onto a permanent under floor foundation installed in conformance with the Indiana One and Two Family Dwelling Code or the *Indiana Uniform Building Code* in the case of multi-family dwelling units, and the manufacturer's installation specifications;
4. Be placed onto a permanent perimeter enclosure constructed in accordance with the Indiana One and Two Family Dwelling Code, or the *Indiana Uniform Building Code* in case of multi-family dwelling units;
5. Have wheels, axles and hitch mechanisms removed;
6. Have siding material of a type customarily used on site-constructed residences;
7. Have roofing material of a type customarily used on site-constructed residences. Roofing material shall be installed in accordance with the manufacturer's specifications.

M. Outdoor Storage Standards.

1. Outdoor display of merchandise, where permitted, and outdoor storage for any use, shall not extend into any street right-of-way, required parking area or bufferyard area and shall be maintained in a neat and orderly manner at all times.
2. Any article or material stored temporarily outside an enclosed structure as an incidental part of the primary commercial operation, shall be so screened by opaque ornamental fencing, walls, or evergreen planting, that it cannot be seen from adjoining public streets or adjacent lots, when viewed by a person standing on ground level during any season of the year. This section does not apply to any commercial or industrial use unless the storage area is located within one hundred feet (100') of a residence or residential district line.
3. No highly flammable or explosive liquids, solids, or gases shall be stored in bulk above ground, except tanks or drums of fuel connected directly with energy devises or heating appliances located and operated on the same lot as the tanks or drums of fuel and except for permitted agricultural uses and permitted uses in the Industrial District.
4. All outdoor storage of raw materials, waste products, and similar materials shall be enclosed by an approved safety fence and shall be shielded from view of public streets and adjacent lots.

5. All materials or wastes which might cause fumes or dust or which constitute a fire hazard, or which may be edible or otherwise attractive to rodents or insects, shall be stored outdoors only if enclosed in containers adequate to eliminate such hazards. This section does not apply to agriculture or agribusiness uses.
6. Vehicles for sale or storage shall not be located within the right-of-way.

N. Parking and Loading Standards.

1. Parking Standards.

- a. Off-street Parking Required. Off-street parking and loading shall be provided for all uses established or structures built after the effective date of this ZO in accordance with the specifications of this section. Vehicles shall not be parked in areas of a parcel that are not designated for off-street parking.
 - i. Whenever a land use that was started or a structure that was built after the effective date of this ZO is changed in use or is enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase in the number of existing parking or loading spaces, additional spaces shall be provided on the basis of the enlargement or change.
 - ii. Whenever a land use or structure existing prior to the effective date of this ZO is changed in use and/or is enlarged to the extent of twenty-five percent (25%) or more in floor area, number of employees, number of housing units, seating capacity, or otherwise, to create a need for an increase in the number of existing parking or loading spaces, said use or structure shall then and thereafter comply with all parking and loading standards set forth in this section.
- b. Number of Spaces Required. The number of parking spaces shall be as specified in *Table D: Required Parking* based upon the parking classification of the use listed in *Appendix 1: Land Use Matrix*. The required number of parking spaces must be available for vehicle parking at all times and may not be used for any other purpose, including travel lanes or sales and display areas.
 - i. For a use not specified in *Table D: Required Parking*, the parking space requirement shall be determined by the Administrator. When the number of parking spaces are to be determined by the Administrator, the Administrator shall base his decision on the parking needs of similar uses in *Table D: Required Parking*, on expected traffic volume, and on past parking experiences of existing similar uses.
 - ii. When parking spaces are based upon the number of employees in *Table D: Required Parking*, said number shall be the number of employees of the largest shift, except where noted.
 - iii. When the application of *Table D: Required Parking* results in a fraction of parking spaces, said number of spaces shall be rounded upward to the next highest number.
 - iv. In addition to all parking space requirements of *Table D: Required Parking*, there shall be a minimum number of parking spaces as specified by the Administrator for

all trucks, buses, and other company vehicles and special equipment to be parked and/or offered for sale on the site.

- v. For the purpose of encouraging the development, reuse, and infill of properties within the B-2 Central Business District, the following parking requirements shall apply:
 - (a) Adaptive reuse or mixed-use development of existing structures are exempt from the required number of parking spaces.
 - (b) New construction that complies with the development and design standards of the B-2 District is exempt from the required number of parking spaces.
 - (c) The maximum parking for residential, trade, recreational facilities and services uses on the Central Business District (B-2) is established at fifty percent (50%) of the parking requirements of *Table D: Required Parking*, and Additional parking in the B-2 District may be authorized through a Special Exception by the BZA.

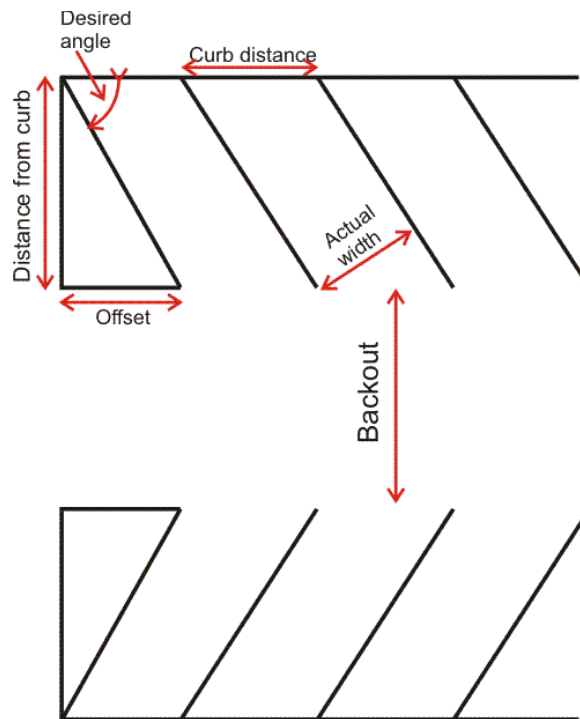
Table D: Required Parking	
Parking Class (see Appendix 1: Land Use Matrix)	Number of Parking Spaces Required
A	2 per dwelling unit or pad or campsite plus 1 per home occupation
B	2 per 3 employees of the 2 expected maximum shifts combined plus 1 per visitor/customer space for each 20 required employee spaces with a minimum of 4 spaces
C	No parking required provided there are no employees at the site. If there are employees, there must be 1 space per employee
D	3 per 1,000 square feet of gross floor area
E	4 per 1,000 square feet of gross floor area
F	6 per 1,000 square feet of gross floor area
G	1.5 off-street parking spaces per dwelling unit plus 1 per 4 units; 1 per efficiency dwelling unit
H	5.25 per 1,000 square feet of leasable floor area
I	5.5 per 1,000 square feet of leasable floor area
J	1 per 3 beds plus 1 per doctor plus 1 per employee on the largest shift, plus 1 per hospital vehicle
K	1 per 2 occupants plus 1 per employee
L	1 per 4 customer seats plus 1 per employee
M	2 per service stall or airplane parking space plus 1 per employee
N	1 per 500 square feet of enclosed floor space plus 1 per 2,000 square feet of outside display area plus 2 per service stall
O	1 per doctor, dentist, veterinarian, technician, and employee plus 1 per examination room
P	1 per 15 elementary students and 1 per 4 secondary students
Q	5 per 10 students expected to attend at any one time
R	1 per 3 seats in each auditorium, chapel room or grandstand
S	1 per guest room plus 1 per employee
T	1 per 10 children on the maximum shift plus 1 per employee on the maximum shift
U	2 per table, 3 per hole, 4 per court, 5 per alley
V	1 per 3 persons based upon maximum occupancy plus 1 per employee
W	1 per 500 square feet of use area plus 1 per 3 employees
X	1 per 3 members
Y	As specified by the Administrator at the time of permit issuance
Z	The cumulative parking total of all component recreational activities from this table or 1 space per member family and employee, whichever is more and/or applicable
A1	1 per employee plus stacking area for 3 vehicles for each window, stall, bay or station. The stacking area per vehicle shall measure not less than 20 feet
B1	Parking as required for the primary use of the property plus stacking area for 3 vehicles for each window, stall, bay, or station. The stacking area per vehicle shall measure not less than 20 feet
C1	1 space per unit, plus 2 spaces per 100 units for staff parking

- c. In addition to the required parking spaces, there shall be adequate service and utility lanes for service stations, truck stops, drive-in banks, car washes, fast food restaurants, telephones, film processing, and other businesses with drive-up windows and facilities.
- i. Two (2) or more nonresidential uses may collectively provide the required off-street parking in which case the required number of parking spaces shall be not less than the sum of the requirements for the several individual uses computed separately. Two (2) or more uses may also jointly share the same spaces provided their hours of operation do not normally overlap and a written agreement is filed with the Administrator and approved by the Plan Commission Attorney.
- ii. Parking spaces may be located on a lot other than that containing the principal use with the approval of the Administrator, provided the following standards can be met:
 - (a) The off-site parking shall be located so that it will adequately serve the use for which it is intended.
 - (1) The off-site parking may not be located farther than a walking distance of three hundred feet (300') from the intended use.
 - (2) There must be ease of access from the off-site parking to the principal use.
 - (b) A written agreement, approved by the Plan Commission Attorney, shall be filed with the application for an Improvement Location Permit, containing a guarantee that such parking spaces shall be available so long as the principal use is continued.
- iii. Parking requirements may be waived by the Administrator for uses in a block in which fifty percent (50%) or more of the area is occupied by business or industrial structures by no more than twenty-five percent (25%).
- iv. Motorcycle parking spaces may be substituted for the off-street parking requirement at the rate of two motorcycle spaces per off-street parking space. This applies to lots having two or more parking spaces and may be used to replace a maximum of two parking spaces.
- d. All parking areas and spaces shall be designed, constructed, and maintained in accordance with the following minimum standards:
 - i. No design shall be approved which is likely to create substantial traffic hazards endangering the public safety. Additional safety provisions may be required by the Administrator and/or the Indiana State Highway Commission. The developer shall be responsible for the construction of any such traffic control devices or safety provisions.
 - ii. No design shall allow the backing of any vehicle onto any street with the exception of driveways for residential use.
 - iii. In order to achieve better traffic control, eliminate run-off, and alter the impression created by a continuous parking area, landscape areas shall be provided within all

parking lots. At least 5% of the parking area shall be landscaped and such landscaping shall be in addition to all bufferyards required by this Ordinance.

- iv. All parking areas shall be maintained in good condition without holes and shall be kept free of all trash and other debris.
- v. All parking areas shall have parking spaces of no less than the minimum width, and minimum length, and access lanes of minimum width as indicated in Table E.

Table E: Parking Area Standards				
Angle of Parking	From Base Line	Along Curb	Offset	Backout
90°	18	9 feet	0	24 feet
75°	17	9 ft 4 in	4 ft 6 in	22 feet
60°	16	10 ft 4 in	9 feet	20 feet
45°	15	12 ft 7 in	15 feet	19 feet



- e. In addition to the above requirements, whenever twenty (20) or more off-street parking spaces are required, the parking area and spaces shall be designed, constructed, and maintained in accordance with the following minimum standards:
 - i. All parking spaces and access lanes shall be clearly marked, including directional arrows to guide internal movements. Such markings shall be maintained.

- ii. Bumper stops, curbing, or wheel chocks shall be provided to prevent any vehicle from damaging or encroaching upon any required sidewalk or upon any property adjacent to the parking area.
- iii. Handicapped parking spaces and facilities shall be provided as required in the American National Standards Institute publication ANSI 1171 - 1980, as amended or superseded.
- iv. Up to twenty percent (20%) of the required parking spaces may be designated compact spaces of at least eight feet (8') by sixteen feet (16').
- v. The interior circulation of traffic in parking areas shall be designed so that no driveway or access lane providing parking spaces, shall be used as a through-street.
- vi. Any establishment which furnishes carts or mobile baskets as an adjunct to shopping, shall provide defined areas within the required parking space areas for storage of said carts. Each designated storage area shall be clearly marked for storage of shopping carts.
- vii. In addition to the landscape requirements as specified in Section 308.03 C and the buffering requirements as specified in *Section 306* of this Ordinance, the following minimum standards shall apply:
 - (a) At least a portion of the landscape area shall be placed within the interior of the parking area. This may be in the form of a strip planted with trees, or shrubs and grass including a pedestrian walk between parking aisles, or it may be islands appropriately spaced, raised, curbed, and planted.
 - (b) Landscape islands shall be provided at the end of each row of twenty (20) or more parking spaces to clearly define lane and turning patterns.

2. Loading Standards.

- a. Quantity. The number of off-street loading spaces for commercial, industrial, and institutional uses is specified below:

Table F: Required Loading		
Use Classification	Gross Floor Area	Number of Spaces
<ul style="list-style-type: none"> • office buildings • bank • hotel • auditorium • retail trade • shopping center • hospital • institution • services • recreational facility • multi-family dwelling • other similar uses 	8,000-60,000 sqft	1
	60,001-100,000 sqft	2
	For each additional 100,000 sqft over 100,000 sqft	1
<ul style="list-style-type: none"> • manufacturing • wholesale trade • warehousing and storage • other similar uses 	8,000-25,000 sqft	1
	25,001-60,000 sqft	2
	60,001-100,000 sqft	3
	For each additional 100,000 sqft over 100,000 sqft	1

- b. Uses and structures with a net floor area of less than eight thousand square feet (8,000 sqft) shall provide adequate receiving facilities so as not to obstruct the free movement of pedestrians and vehicles over a sidewalk, street, or alley.
- c. Where the required number of loading spaces is not set forth for a particular use in Table F, the Administrator shall determine the basis of the number of spaces to be provided, based upon the loading space requirements of similar uses.
- d. All off-street loading areas shall not be less than fifteen feet (15') wide, twenty-five feet (25') long, and fifteen feet (15') high, except that where one such loading space has been provided, any additional loading space lying alongside, contiguous to, and not separated from such first loading space need not be wider than twelve feet (12').
- e. Where a given use or structure contains a combination of uses as set forth in section a above, loading facilities shall be provided on the basis of the sum of the required spaces for each use.
- f. All required off-street loading spaces shall be located at the same lot as the use served, except, where required spaces are provided cooperatively for two or more uses, subject to arrangements that will assure the permanent availability of such spaces to the satisfaction of the Administrator.
- g. No required off-street loading area shall be used to satisfy the space requirement for any off-street parking and no loading area shall be so located as to interfere with the free circulation of vehicles in any off-street parking area.

- h. All off-street loading space shall be provided with safe and convenient access to a street and shall be provided only through driveway openings.
- i. No motor vehicle repair work, except emergency service shall be permitted in association with any required off-street loading facility.
- j. In addition to the required loading spaces, a driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers shall be located on the site of any school, church, or other facility which is designed to accommodate more than twenty-five (25) persons at a time.
- k. The following additional standards apply to off-street parking with twenty (20) or more spaces and all off-street loading areas:
 - i. All parking and loading area drainage shall be designed and built in accordance with the drainage plan.
 - ii. All parking and loading areas shall be surfaced so as to provide a durable and dustless surface.
 - iii. All parking and loading areas and driveways shall be provided with a safe and adequate lighting system which shall be completely shielded from traffic on any public right-of-way and from any residential district.
 - iv. Developments which have parking and loading and driveways in excess of forty thousand square feet (40,000 sqft) shall contain snow storage areas.
 - v. All parking and loading areas shall be maintained in good condition without holes and shall be kept free of all trash and other debris.
 - vi. In addition to bufferyards required by this Ordinance, a parking or loading area shall be effectively screened by a fence or planted material on any side or rear property line which are adjacent to or face any existing residential property. Such fence shall be opaque and not less than four feet (4') nor more than six feet (6') in height. Such planted screen shall consist of densely planted evergreen hedge not less than four feet (4') nor more than six feet (6') in height. All screens shall be maintained in good condition.
 - vii. All parking and loading spaces except for residential and agricultural uses and any required screens shall not be located in a required front yard area.

O. Road Frontage Standards.

1. Minimum Frontage Required. Except as provided by *Article 3, Section K.3: Flag Lots*, no ILP may be issued for a structure or use on any lot created after the adoption of this provision which does not have twenty-five feet (25') of frontage on an open public accepted and maintained street or a private street which meets the private street standards of the *Subdivision Control Ordinance*. Except as provided by *Article 3, Section K.3: Flag Lots*, no ILP may be issued for a structure or use on any lot created prior to the adoption of this provision which does not have frontage on an opened, public accepted and maintained street, easement, or a private street which meets the private street standards of the *Subdivision Control Ordinance*.

P. Satellite Dish Standards.

In all zoning districts satellite dish antennae (satellite earth stations) of up to twelve feet (12') in diameter are permitted as accessory structures. A satellite dish antenna may be either roof-mounted or ground-mounted and must meet the following standards:

1. A roof-mounted antenna shall not extend above the maximum height of the zoning district in which it is located and shall not overhang within two feet (2') of any side or rear lot line.
2. A ground-mounted antenna may be located in a side or rear yard, or in the front yard if it is at least one hundred feet (100') back from the front property line. The closest edge of any antenna may not be less than two feet (2') to any side or rear lot line. Ground-mounted antenna may not extend above the accessory use height requirement.
3. If any antenna cannot receive a usable satellite signal by complying with the above standards without substantial removal of mature trees or vegetation, a Special Exception may be requested from the BZA to locate the antenna in a front yard. A usable satellite signal is defined as a signal from a satellite which when viewed on a conventional television set, is at least equal in picture quality to that received from local commercial television stations or by way of cable television.
4. All antennae shall meet manufacturer specifications, shall meet all applicable building code and electrical code requirements, shall be of non-combustible and corrosive-resistant material, shall be erected in a secure, wind-resistant manner and shall be adequately grounded for protection against a direct strike of lightning.

Q. Setback Standards.

1. General Provisions.
 - a. No yard, open space, or lot area required for a structure shall, during its life, be occupied by, or counted as open space for, any other structure.
2. Front Yards.
 - a. Multiple Frontage Lots. Primary and accessory structures on lots which abut more than one (1) street shall provide the required front yards along every street. Lots which abut a driveway or other easement of access which serves as a primary means of access for one (1) or more lots must also meet front yard setbacks along said easement.
 - b. Infill Lots. Where twenty-five percent (25%) or more of the lots within a block or for a distance within three hundred fifty feet (350') of the proposed structure on the same side of the street if not within a block are occupied by structures, the average setbacks of such structures determines the front yard setbacks; however, if there is not any other structure within the block or within three hundred fifty feet (350') in either direction, then the standard setback for the district shall apply.
 - c. Subdivisions. Front yard or building setback lines established in recorded subdivisions establish the dimension of front yards in such subdivisions, except when such building setback lines may be less restrictive as provided in the applicable district.
3. Encroachment. No portion of a primary or accessory structure or use, including garages, porches, steps, carports, and decks, shall project into any minimum front, side, or rear

yard as shown in the development standards table for the respective zoning district except as provided below:

- a. An architectural or structural feature such as an eave, chimney, bay window, roof overhang, cornice, sill, awning, canopy, or similar feature may extend or project into any required yard not more than two feet (2').
 - b. An uncovered porch, landing, deck, or steps (except for safety railings) which do not extend above the level of the first floor of the structure, a fire escape, or uncovered stairs may extend or project into any required yard no more than four feet (4'). Structures approved by this subsection may not be later enclosed or extended above first floor level except by BZA approval.
 - c. Canopies for an automobile service station, drive-in bank, drive-in restaurant, or similar use where outside pedestrian activity is necessary, may be constructed to the property line provided that the canopy is at least twelve feet (12') in height and no more than twenty-five percent (25%) of the required front and side yard area is covered by the canopy.
4. Bufferyards. In addition to regular setback (yard) requirements for structures, a bufferyard shall be provided and maintained by the owner or lessee of a property in accordance with this section.

R. Sidewalk and Trail Standards.

1. Sidewalks. Sidewalks shall be required along any street upon which development occurs. Sidewalks shall be constructed in accordance with the *Standard Specifications and Standard Details* required by the City.
2. Trails. The Administrator, PC, or Plat Committee may require trails within the development that complement the sidewalk system. Trails shall be constructed in accordance with the *Standard Specifications and Standard Details* required by the City.

S. Sign Standards.

1. General Provisions.

These sign standards apply to uses that are permitted in each respective zoning district by right, Special Exception, or Use Variance. The intent of these sign standards is to regulate the time, place, manner, and characteristics of signs; to avoid the proliferation and clutter of signs; to provide businesses with appropriate identification; to create a consistent streetscape; to maintain and enhance the aesthetic environment of the town; to eliminate potential hazards to motorists and pedestrians resulting from sign clutter; and to promote the health, safety, and welfare of the residents of the community.

- a. Purpose. The purpose of this section is to regulate all signs placed for exterior observance so as to protect property values, to protect the character of the various neighborhoods in the City to facilitate the creation of a convenient, attractive, and harmonious community, to protect against danger in travel and transportation, to improve and protect the public health, safety, convenience, and general welfare, and to further the stated purposes and intent of this ZO.

- i. Any sign erected on a lot or structure for the purpose of identification or for advertising a use conducted therein or thereon shall be accessory to the primary use.
 - ii. It is further intended that all signs within a given development be coordinated with the architecture of the primary use in such a manner that the overall appearance is harmonious in color, form, and proportion and that the signs shall be structurally sound so as to ensure the safety of the general public.
 - iii. No sign shall be permitted in any district except as herein provided. No sign shall be permitted which creates a safety hazard. No sign shall be permitted between the street and the sidewalk. No sign, except as specified herein, shall hereafter be erected unless a sign permit has been issued by the Administrator. Applications for sign permits shall include detailed drawings of the construction and design of the sign, and shall be accompanied by such fee as may be established by the Common Council.
- b. Sign Types. The different types of signs addressed in this ZO are defined in *Article 8: Definitions*.
- i. Permitted Signs. The types of signs specifically permitted in each zoning district and their respective regulations are listed in this section.
 - (a) Changeable message centers are allowed only when mentioned within each district and sign type.
 - ii. Prohibited Signs. The types of signs specifically prohibited in each zoning district are listed in this article. In addition, the following types of signs are prohibited in all districts;
 - (a) Animated Signs: Signs that gain attention through animation including:
 - (1) Signs that utilize any motion picture, laser, or visual projection of images or copy.
 - (2) Signs that emit audible sound, odor, or visible matter.
 - (3) Signs that have blinking, flashing, or fluttering lights or which have a changing light intensity, brightness or color, or give such illusion.
 - (b) Misleading Signs:
 - (1) Signs that appear to be or are in imitation of, or resemble and official traffic sign or signal or which bear the words, “stop”, “slow”, “caution”, “danger”, “warning”, or similar words.
 - (2) Signs that may be interpreted as or have on them a light of an emergency or road equipment vehicle.
 - (c) Roof Signs: Signs placed on the roof of structures and signs that extend above the roof line or parapet of a structure.

- (d) Vehicle Signs: Vehicle signs are prohibited when the vehicle is parked on public or private property for the primary purpose of displaying the sign. Prohibited vehicle signs are not to be interpreted as vehicles with signs on them that:
 - (1) Are lawfully parked overnight or during non-business hours for that operation, on public or private property;
 - (2) Are making deliveries, sales calls, or customary practices relating to doing business;
 - (3) Are making trips to transport persons or property; or
 - (4) Are in conjunction with customary construction operations on a construction site.
- (e) Billboard signs are prohibited except for in the Logansport Gateway District. Billboards wanting to be placed in another district will be considered a use and as such must receive a use variance.
- (f) Other Prohibited Signs:
 - (1) Trailblazer or point of destination signs.
 - (2) Search lights.
 - (3) Pennants, streamers, and/or spinners.
 - (4) Bench signs.
 - (5) Signs with moving or movable parts.

c. Sign Permits.

- i. Signs Requiring Permits. A sign permit is required for all signs located, erected, constructed, reconstructed, moved, and altered unless otherwise stated in this section.
- ii. Sign permit is not required for Temporary signs but applicant shall provide start date to department.
 - (a) As adopted in SEA 348 political signs can stay out sixty (60) days before an election and six (6) days after shall not exceeding 32sqft as long as no safety issues arise.
- iii. Window signs do not require a permit but must be professionally done and meet all other requirements of said district.
- iv. Exceptions. The following operations shall not be considered as creating a sign and therefore shall not require a sign permit:
 - (a) The changing of the advertised copy or message on an approved painted or printed sign or billboard or a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.

- (b) Painting, repainting, cleaning, and/or other normal maintenance and repair of an approved sign or sign structure, unless a structural alteration is made.
 - (c) House numbers shall not exceed two square feet (2 sqft).
 - (d) Signs placed by the municipality for public information purposes.
- d. Illumination. All illuminated signs shall comply with the following standards:
 - i. No sign shall have blinking, flashing, or fluttering lights, nor shall any device be utilized which has a changing light intensity, brightness of color, or give such illusion.
 - ii. All illuminating elements shall be kept in satisfactory working condition and repaired or replaced if damaged or inoperable within fourteen (14) calendar days or as soon as possible if circumstances (e.g. weather or product availability) do not allow.
 - iii. The direct or reflected light from a primary light source shall not create a traffic hazard to operators of motor vehicles on public and/or private roadways and parking lots.
 - iv. The light from any illuminated sign shall be so shaded, shielded, or directed such that the light intensity or brightness does not interfere with safety or visibility and does not project onto any adjacent property. No exposed light source is permitted.
 - v. Neon light elements may be used for internal illumination and/or when permitted otherwise in this ZO.
 - vi. Electronic illumination
 - (a) Static signs are permitted in B3, B4, AB, I1, I2, LGC, and LGI and shall have black backgrounds and shall not exceed 5000 Nits during the day and 800 nits from dusk to dawn and be equipped with automatic dimmer controls. This includes changeable message center signs as well as gas pump islands
 - (b) Electronic Message Center signs are permitted in the B3, LGC, and LGI zoning Districts and shall comply with the following:
 - (1) The leading edge of the sign must be perpendicular to the road and have a minimum distance of 100 ft. from an abutting residential district or use. The Administrator may increase the buffer requirements by no more than twenty percent (20%) if sign is adjacent to a residential district or use.
 - (2) All backgrounds shall be black
 - (3) Display duration no less than four (4) seconds; transition duration no more than one (1) second;
 - (4) A sign must not exceed a maximum illumination of five thousand (5,000) nits during daylight hours and a maximum illumination of eight hundred (800) nits between dusk to dawn. The use of an automatic dimmer control is required for all electronic message center sigs.

(5) Only one message center sign, whether changeable or electronic, shall be permitted on each individual business site; however, in such instances where an individual business, commercial, or industrial center has access on more than one thoroughfare, the Administrator may authorize an additional sign if warranted.

(6) Videos and audio speakers are prohibited

(7) In addition, freestanding EMC signs must comply with the following:

- i. Each sign face shall contain no more than thirty-two square feet (32sqft) and no sign structure shall contain more than two faces.
- ii. The maximum height of an EMC sign about the road grade from which it is to be viewed shall not exceed twenty feet (20').
- iii. The leading edge of the sign must be a minimum distance of four hundred feet (400') from one sign to another on either side of the street.

(8) In addition, monument EMC signs must comply with the following:

- i. Each sign face shall contain no more than thirty-two square feet (32sqft) and no sign structure shall contain more than two (2) such faces.
- ii. The leading edge of the sign must be a minimum distance of two hundred feet (200') from one sign to another on either side of the street.

e. Installation.

- i. The ground shall not be raised or lowered to artificially change the point at which a sign's height is measured.

f. Location and Placement.

- i. Signs may not be installed at any of the following locations:
 - (a) In any public right-of-way, unless specifically authorized by the appropriate body or their designee.
 - (b) In any utility easement unless authorized by the appropriate body or their designee.
 - (c) In any no-build or no-disturb zone.
 - (d) In any public park or other public property, with the exception of sponsorship signs and those signs specifically permitted.
 - (e) On any traffic control signs, highway construction signs, fences, utility poles, street signs, trees, or other natural objects.

- (f) Obstructing any door, fire escape, stairway, or any opening intended to provide entrance or exit for any structure.
- (g) In a manner that obstructs or interferes with safe movement of vehicular or pedestrian traffic.
- (h) Signs may be double faced or angles and landscaped so that the vacate side is not visible.

g. Limitations

i. Permanent Signs

- (a) All signs in multi-tenant structures must be consistent in type/material and be mounted consistently on the façade of the building in order to create a uniform appearance.
- (b) Only one freestanding pole, Unified development or monument sign shall be permitted on each individual site; however, where an individual business site or commercial or industrial center has access on more than one thoroughfare, the Administrator may authorize one additional signs if warranted.
- (c) Sign design must be integrated with the architecture of the structure and shall not cover significant architectural features.

ii. Temporary Signs

- (a) Signs cannot be located on any public sidewalk unless approved by Board of Works or County Commissioners.
- (b) Signs shall not be permanently affixed to the ground and all support structures must be removed with in the same timeframe of the sign.
- (c) No more than two (2) temporary signs are allowed on one (1) site at one (1) time

h. Materials.

- i. No signs other than temporary signs or sign that are considered interchangeable (such as a billboard) shall be made out of banner material.
- ii. Pole signs shall not have poles or support structures that are wooden in any commercial or industrial district except for signs no more than 12 feet in height within the NB, neighborhood business or PR, Professional residential districts.
- iii. Tow-in signs shall not be attached to a structure or be on a foundation and be considered permanent.

i. Calculations.

- i. Calculation of Area of Individual Sign. The area of a sign face (which is also the sign area of a wall sign or other sign with only one (1) face) shall be computed by means of the smallest rectangle that will encompass the extreme limits of the sign, but not including any supporting framework, bracing, or decorative fence or wall

when such fence or wall otherwise meets the regulations and is clearly incidental to the display itself.

- ii. Calculation of Height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign or structure supporting the sign. Normal grade shall be interpreted as the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the primary entrance to the primary structure on the lot, whichever is lower.
- iii. Calculation of Maximum Total Permitted Sign Area for a Lot. The permitted sum of the area of all individual signs on a lot shall be computed by applying the regulations for the road frontage, building frontage, or wall area for each respective sign and zoning district in which the lot is located. Lots fronting on two (2) or more streets are allowed the permitted sign area for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the portion of the lot's total sign area allocation that is derived from the lot, structure, or wall area frontage on that street.
- iv. Calculation of Setback. The sign setback shall be measured from the property line or the right-of-way (or edge of pavement if right-of-way does not exist) to the nearest edge of the sign.
- j. Maintenance. All signs and components thereof shall be kept in good repair and in safe, neat, clean, and working condition. A sign that is not properly maintained shall be classified as an "abandoned sign" and shall be regulated accordingly.
- k. Abandoned Signs.
 - i. Removal of Abandoned Signs. A sign, including the sign structure, equipment, and lighting fixtures, shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises for at least six (6) months. Unless, however, it is possible to 1) cover the sign with a durable and attractive material, or 2) remove only the sign copy (such as in the case of a box sign) and replace with a blank translucent panel shall be considered removal under this section.
 - ii. Failure to Remove. If the owner or lessee fails to remove the sign, the Administrator shall give the owner ten (10) days written notice to remove it. Upon failure to comply with the notice, the Administrator may order the removal of the sign at cost to the property owner. Where a successor to a defunct business agrees to maintain the sign as provided in this code, this removal requirement shall not apply. A new sign permit is not required, unless the sign is altered or relocated.
- l. Non-conforming Signs. Signs existing prior to the adoption of these sign regulations shall be classified below. Signs are considered "structures" and are further regulated

in *Article 6, Section B: Non-conforming Structures* with regard to non-conforming structures.

- i. Conforming – the sign meets the new regulations;
- ii. Legally non-conforming – the sign met the old regulations and is now grandfathered; or
- iii. Illegal – the sign didn't meet the old regulations and doesn't meet the new regulations.

Regulations for Permanent Signs in the AG District			
Standard	Monument Sign	Wall Sign	Pole Sign
Prerequisites	For agricultural and institutional uses only	For agricultural and institutional uses only	For agricultural and institutional uses only
Maximum Quantity	1 sign	1 sign	1 sign
Maximum Area	<ul style="list-style-type: none"> • 30 sqft • No more than 50% of the sign may be changeable copy 	25 sqft	<ul style="list-style-type: none"> • 50 sqft • No more than 50% of the sign may be changeable copy
Maximum Height	6 feet	NA	15 feet
Setback	10 feet	NA	10 feet
Landscaping	<ul style="list-style-type: none"> • The base of the sign shall be effectively landscaped with living plant material or hardscape material (i.e. decorative brick or rock) and maintained in good condition at all times. The minimum landscaped area shall be 3 feet around the base of the sign. • Exposed foundations must be covered with a finish material such as brick, stone, or wood, or be screened with vegetation 	NA	<ul style="list-style-type: none"> • The base of the sign shall be effectively landscaped with living plant material or hardscape material (i.e. decorative brick or rock) and maintained in good condition at all times. The minimum landscaped area shall be 3 feet around the base of the sign. • Exposed foundations must be covered with a finish material such as brick, stone, or wood, or be screened with vegetation
Protrusion and Material Limitations	Sign must consist entirely of brick, stone, or other aesthetically appealing materials. The reverse sides of such signs shall use the same materials and be finished to match the front.	No part of a wall sign may protrude more than 6 inches from the wall it is attached to	NA

Regulations for Temporary Signs in the AG District				
Standard	Portable	Banner Sign	Yard Sign	Marker Sign
Prerequisites	For agricultural or institutional uses only	For agricultural or institutional uses only	None	<ul style="list-style-type: none"> • for agricultural uses only • lot must have at least 300 feet of road frontage
Duration	45 calendar days, no more than 3 times per year	45 calendar days, no more than 3 times per year	45 calendar days, no more than 3 times per year	6 months
Maximum Quantity	1 sign	2 signs	1 sign	20 per 300 feet of road frontage
Maximum Area	32 sqft per side	32 sqft per side	12 sqft per side	4 sqft per side
Maximum Height	15 feet	15 feet	6 feet	12 feet
Setback	10 feet	10 feet	10 feet	10 feet

Regulations for Permanent Signs in the FR, R-2, R-3, R-4 and HHR Districts		
Standard	Monument Sign	Wall Sign
Prerequisites	for subdivision or neighborhood entryways uses and for institutional uses	for institutional uses only
Maximum Quantity	1 sign	1 sign
Maximum Area	<ul style="list-style-type: none"> • 30 sqft • No more than 50% of the sign may be changeable copy 	25 sqft
Maximum Height	6 feet	NA
Setback	10 feet	NA
Landscaping	<ul style="list-style-type: none"> • The base of the sign shall be effectively landscaped with living plant material or hardscape material (i.e. decorative brick or rock) and maintained in good condition at all times. The minimum landscaped area shall be 3 feet around the base of the sign. • Exposed foundations must be covered with a finish material such as brick, stone, or wood, or be screened with vegetation 	NA
Protrusion and Materials Limitations	Sign must consist entirely of brick, stone, or other aesthetically appealing materials. The reverse sides of such signs shall use the same materials and be finished to match the front.	No part of the sign may protrude more than 6 inches from the wall it is attached

Regulations for Temporary Signs in the FR, R-2, R-3, R-4, and HHR Districts				
Standard	Banner	Portable Sign	Marker Sign	Yard Sign
Prerequisites	for institutional uses only	for institutional uses only	<ul style="list-style-type: none"> • for agricultural uses only • lot must have at least 300 feet of road frontage 	NA
Duration	45 calendar days, no more than 3 times per year	45 calendar days, no more than 2 times per year	6 months	45 calendar days, no more than 3 times per year
Maximum Quantity	1 sign	1 sign	20 per 300 feet of road frontage	1 sign
Maximum Area	32 sqft	32 sqft per side	4 sqft per side	12 sqft
Maximum Height	15 feet	15 feet	12 feet	6 feet
Setback	10 feet	10 feet	10 feet	10 feet

Regulations for Permanent Structure-mounted Signs in the B-3, B-4, AB, I1, I2, LGC, LGI, and HHC Districts					
Standard	Awning	Hanging	Wall Sign	Window Sign	Snap Frame Panels
Maximum Quantity	1 sign	1 sign	No requirement but may not exceed total sqft allowed	<ul style="list-style-type: none"> Single-tenant structure: 2 signs Multi-tenant structure: 1 sign per tenant 	<ul style="list-style-type: none"> Total 6 signs Max 3 per side
Maximum Area	<ul style="list-style-type: none"> 30 sqft The sign may not compose more than 60% of the awning 	16 Sqft	<ul style="list-style-type: none"> 2 sqft per linear foot of tenant's building frontage Maximum of 100 sqft 	<ul style="list-style-type: none"> 25 sqft May not cover more than 40% of the window area 	10 sqft per sign
Maximum Height	3 feet	<ul style="list-style-type: none"> 4 feet Top of sign may not be located more than 15 feet above ground level with a minimum of 7' above ground level 	NA	4 feet	NA
Lighting and Protrusion Limitations	Sign shall not be illuminated by back-lighting unless lit like channel lettering	If illuminated, sign may only be indirectly illuminated	No part of the sign may protrude more than 6 inches from the wall it is attached	NA	6 inch protrusion; if illuminated, sign may only be indirectly downward illuminated

Regulations for Permanent, Free-standing Signs in the B-3, B-4, AB, I1, I2, LGC, LGI and HHC Districts						
Standard	Unified Development	Monument Sign	Pole Sign	Wayfinding	Menu Board	Presale
Prerequisites	<ul style="list-style-type: none"> For multi-tenant developments with at least 6 separate tenants Minimum of 12,000 sqft of occupied building space 	NA	NA	NA	Only for Drive Thru Restaurant services	Only used with menu boards for drive thru restaurant services
Maximum Quantity	1 sign	1 sign	• 1 sign	2 per curb cut from a public street into the development	2 signs	1 per menu board
Maximum Area	150 sqft per side with a maximum area of 40 sqft for a single-tenant	<ul style="list-style-type: none"> Single-tenant structure: 60 sqft Multi-tenant structure: 20 sqft per tenant, with an overall maximum of 100 sqft No more than 50% of the sign may be changeable copy Some signs may be electronic (see Article 3 S1(d)(vi)) 	<ul style="list-style-type: none"> 50 sqft per acre lot Single-tenant structure: maximum area of 90 sqft Multi-tenant structure: 40 sqft per tenant, with a maximum of 100 sqft No more than 50% of the sign may be changeable copy Some signs may be electronic (see Article 3 S1(d)(vi)) 	4 sqft	50 sqft per sign	12 sqft per sign
Maximum Height	35 feet	8 feet	35 feet	3 feet	8 feet	6 feet
Setback	10 feet	10 feet	10 feet	10 feet zoning administrator can waive up to 50% where property is setback farther from a thoroughfare	10 feet	10 feet
Material limitation	NA	Sign must consist entirely of brick, stone,	NA	NA	NA	NA

		or other aesthetically appealing materials. The reverse sides of such signs shall use the same materials and be finished to match the front.				
Landscaping	<ul style="list-style-type: none"> • The base of the sign shall be effectively landscaped with living plant material or hardscape material (i.e. decorative brick or rock) and maintained in good condition at all times. The minimum landscaped area shall be 3 feet around the base of the sign. • Exposed foundations must be covered with a finish material such as brick, stone, or wood, or be screened with vegetation 			NA	<ul style="list-style-type: none"> • <u>The base of the sign shall be effectively landscaped with living plant material or hardscape material (i.e. decorative brick or rock) and maintained in good condition at all times. The minimum landscaped area shall be 3 feet around the base of the sign. Exposed foundations must be covered with a finish material such as brick, stone, or wood, or be screened with vegetation</u> 	

Regulations for Temporary Signs in the B-3, B-4, AB, I1, I2, LGC and LGI Districts				
Standard	Banner	Yard Sign	Marker Sign	Portable
Prerequisites	NA	NA	<ul style="list-style-type: none"> • for agricultural uses only • lot must have at least 300 feet of road frontage 	NA
Duration	45 calendar days, up to 3 times per year	45 calendar days, up to 3 times per year	6 months	45 calendar days, up to 2 times per year
Maximum Quantity	2 signs per tenant	1 sign	20 per 300 linear feet of road frontage	1 sign
Maximum Area	32 sqft	32 sqft	4 sqft per side	32 sqft
Maximum Height	15 feet	6 feet	12 feet	15 feet
Setback	10 feet	10 feet	10 feet	10 feet

Regulations for Permanent Structure-mounted Signs in the NB District				
Standard	Awning	Hanging	Wall Sign	Window Sign
Maximum Quantity	1 sign	1 sign	1 sign	1 sign
Maximum Area	25 sqft The sign may not compose more than 60% of the awning	16 sqft	2 sqft per linear foot of tenant's building frontage Maximum of 90 sqft	25 sqft May not cover more than 40% of the window area
Maximum Height	3 feet	<ul style="list-style-type: none"> • 4 feet • Top of sign may not be located more than 15 feet above ground level with a minimum of 7' above ground level 	NA	4 feet
Lighting and Protrusion Limitations	Sign shall not be illuminated by back- lighting unless lit like channel lettering	If illuminated, sign may only be indirectly illuminated	No part of the sign may protrude more than 6 inches from the wall it is attached	NA

Regulations for Permanent, Free-standing Signs in the NB District				
Standard	Unified Development	Monument Sign	Pole Sign	Wayfinding
Prerequisites	<ul style="list-style-type: none"> For multi-tenant developments with at least 6 separate tenants Minimum of 12,000 sqft of occupied building space 	NA	NA	NA
Maximum Quantity	1 sign	1 sign	<ul style="list-style-type: none"> 1 sign Drive-thru uses are allowed 1 additional sign 	1 sign per curb cut from a public street into the development
Maximum Area	50 sqft per side with a maximum area of 20 sqft for a single-tenant	<ul style="list-style-type: none"> Single-tenant structure: 40 sqft Multi-tenant structure: 25 sqft per tenant, with an overall maximum of 100 sqft No more than 50% of the sign may be changeable copy, 	<ul style="list-style-type: none"> 50 sqft per acre of lot Single-tenant structure: maximum area of 50 sqft overall Multi-tenant structure: 25 sqft per tenant, with a maximum of 50 sqft overall No more than 50% of the sign may be changeable copy 	4 sqft
Maximum Height	20 feet	8 feet	20 feet	3 feet
Material Limitations	NA	Sign must consist entirely of brick, stone, or other aesthetically appealing materials. The reverse sides of such signs shall use the same materials and be finished to match the front.	NA	NA
Setback	10 feet	10 feet	10 feet	10 feet
Landscaping	<ul style="list-style-type: none"> The base of the sign shall be effectively landscaped with living plant material or hardscape material (i.e. decorative brick or rock) and maintained in good condition at all times. The minimum landscaped area shall be 3 feet around the base of the sign. Exposed foundations must be covered with a finish material such as brick, stone, or wood, or be screened with vegetation. 		NA	NA

Regulations for Temporary Signs in the NB District			
Standard	Banner	Portable	Yard
Duration	45 calendar days, up to 3 times per year	45 calendar days, up to 2 times per year	45 calendar days, up to 3 times per year
Maximum Quantity	2 signs per tenant	1 sign	1 sign
Maximum Area	32 sqft	32 sqft	12 sqft
Maximum Height	15 feet	15 feet	6 feet
Setback	10 feet	10 feet	10 feet

Regulations for Permanent Structure-mounted Signs in the PR District				
Standard	Awning	Hanging	Wall Sign	Window Sign
Maximum Quantity	1 sign	1 sign	1 sign	1 sign
Maximum Area	<ul style="list-style-type: none"> • 25 sqft per tenant • The sign may not compose more than 60% of the awning 	16 sqft	<ul style="list-style-type: none"> • 2 sqft per linear foot of structure • Maximum of 25 sqft per free-standing structure 	<ul style="list-style-type: none"> • 20 sqft • May not cover more than 40% of the window area
Maximum Height	3 feet	<ul style="list-style-type: none"> • 4 feet • Top of sign may not be located more than 15 feet above ground level with a minimum of 7' above ground level 	NA	4 feet
Lighting and Protrusion Limitations	Sign shall not be illuminated by back-lighting unless lit like channel lettering	If illuminated, sign may only be indirectly illuminated	No part of the sign may protrude more than 6 inches from the wall it is attached	NA

Regulations for Permanent, Free-standing Signs in the PR District			
Standard	Monument Sign	Pole Sign	Wayfinding
Maximum Quantity	1 sign	1 sign	1 per curb cut from a public street into the development
Maximum Area	30 sqft	30 sqft	4 sqft
Maximum Height	6 feet	12 feet	3 feet
Setback	10 feet	10 feet	10 feet
Landscaping	<ul style="list-style-type: none"> The base of the sign shall be effectively landscaped with living plant material or hardscape material (i.e. decorative brick or rock) and maintained in good condition at all times. The minimum landscaped area shall be 3 feet around the base of the sign. Exposed foundations must be covered with a finish material such as brick, stone, or wood, or be screened with vegetation 		
Material Limitations	Sign must consist entirely of brick, stone, or other aesthetically appealing materials. The reverse sides of such signs shall use the same materials and be finished to match the front	NA	NA

Regulations for Temporary Signs in the PR District		
Standard	Banner	Yard Sign
Duration	45 calendar days, up to 3 times per year	45 calendar days, up to 3 times per year
Maximum Quantity	2 signs	1 sign
Maximum Area	25 sqft	12 sqft
Maximum Height	15 feet	6 feet
Setback	10 feet	10 feet

Regulations for Permanent Structure-mounted Signs in the B2 District					
Standard	Awning	Hanging	Wall Sign	Window Sign	Wall Directory
Maximum Quantity	1 sign	1 sign	No requirement but may not exceed total sqft allowed	1 sign	NA
Maximum Area	<ul style="list-style-type: none"> • 25 sqft • The sign may not compose more than 60% of the awning 	16 sq ft	<ul style="list-style-type: none"> • 2 sqft per linear foot of storefront • Maximum of 25 sqft 	<ul style="list-style-type: none"> • 25 sqft • May not cover more than 40% of the window area 	<ul style="list-style-type: none"> • 32sqft total • Title 10sqft max • 4sqft per tenant
Maximum Height	3 feet	<ul style="list-style-type: none"> • 4 feet • Top of sign may not be located more than 15 feet above ground level with a minimum of 7' above ground level 	Top of sign may not be located more than 20 feet above ground level	4 feet	Top of sign may not be located above the 1 st floor or more than 12 feet above ground level
Lighting and Protrusion Limitations	Sign shall not be illuminated by back-lighting unless lit like channel lettering	If illuminated, sign may only be indirectly illuminated	No part of the sign may protrude more than 6 inches from the wall it is attached	NA	If illuminated sign may only be indirectly illuminated

Regulations for Permanent, Free-standing Signs in the B2 District		
Standard	Monument Sign	Sidewalk Sign
Maximum Quantity	1 sign	1 sign
Maximum Area	<ul style="list-style-type: none"> • 25 sqft • Multi-tenant structure: 10 sqft per tenant, with an overall maximum of 50 sqft 	8 sqft
Maximum Height	6 feet	4 feet
Setback	3 feet	<ul style="list-style-type: none"> • Must be located on the sidewalk • Must provide clearance to meet ADA requirements
Landscaping	<ul style="list-style-type: none"> • The base of the sign shall be effectively landscaped with living plant material or hardscape material (i.e. decorative brick or rock) and maintained in good condition at all times. The minimum landscaped area shall be 3 feet around the base of the sign. • Exposed foundations must be covered with a finish material such as brick, stone, or wood, or be screened with vegetation 	NA
Material Limitations	Sign must consist entirely of brick, stone, or other aesthetically appealing materials. The reverse sides of such signs shall use the same materials and be finished to match the front	NA
Other Limitations	Box Style Signs are prohibited	Box Style Signs are prohibited

Regulations for Temporary Signs in the B2 District		
Standard	Banner	Yard Sign
Duration	45 calendar days, up to 3 times per year	45 calendar days, up to 3 times per year
Maximum Quantity	1 sign	1 sign
Maximum Area	32 sqft	12 sqft
Maximum Height	15 feet	6 feet
Setback	10 feet	10 feet

T. Stacking Lane Standards.

1. Stacking. In addition to the required parking spaces, there shall be adequate service and utility lanes for service stations, truck stops, drive-in banks, car washes, fast food restaurants, telephones, film processing, and other businesses with drive-up windows and facilities. Regardless, at least three (3) stacking spaces shall be provided.

U. Structure Standards.

- a. Primary Structures.
 - i. Quantity. There may be up to two (2) primary structures on a lot provided all regulations of the district can be met. The minimum lot area and the minimum lot width must be met per structure. In addition, the distance between structures must be a minimum of twice the rear yard setback distance for the district in which the structure is built.
 - ii. Orientation and Accessibility. Residential structures must be orientated in such a manner that the front door of the residence faces the front yard. Where the property is required to be served by sidewalks, front doors must be accessed from the street right-of-way by sidewalks that are a minimum of three feet (3') wide. When a structure is on a corner lot the higher class road is considered the front yard for front door placement.
 - iii. Primary Structure Materials. Primary structures shall not be constructed of as pole buildings unless in an Ag, Agricultural District. Primary Structures shall also follow the following Table when using metal and vinyl siding.

Material Standards																
	AG	FR	R2	R3	R4	PR	NB	B2	B3	B4	AB	I1	I2	LGI	LGC	OS
No Material Requirement (unless specified elsewhere)	x										x	x	x	x		
Concealed Fasteners required for Metal		x	x	x	x	x	x	x	x	x					x	x
Required 60% metal/40% other*		x	x	x	x	x	x	x	x	x					x	x

Applies to all sides of structure except if unseen from a thoroughfare						X1	X1	X	X	X					X	X
Applies to all front facades (corner lots)		X	X	X	X	X2	X2									
Vinyl Siding allowed with two color maximum**	X2	X2	X2	X2	X2	X2	X2									

X: Commercial and residential; X1: Commercial only; X2: Residential only

*40% can be EIFs, wood, cement board, glass, stone, brick, or a different style, texture or tone of metal than the other 60%. Note a minimum of 10% of the 40% shall be windows and doors along all fronts (corner lots).

**This standard is only for siding not details such as trim, if there is existing siding new must match as close as possible. Vinyl siding cannot be used with metal siding.

iv. Separation.

(a) Primary structures on the same lot shall be separated by at least fifty feet (50').

(b) Minimum structure separation shall be at least ten feet (10') unless there are fire walls provided.

b. Accessory Structures. Accessory uses and structures shall meet the following requirements:

i. Location.

(a) An accessory structure shall not be located in the front yard setback nor located closer than five feet (5') to the side or rear lot line.

(b) Accessory structures for commercial or industrial uses must be located to the rear of the primary structure.

(c) Air conditioners rated at twenty-four thousand (24,000) BTU or less shall not be so placed hereafter so as to discharge air within five feet (5') of lot lines, and those rated over twenty-four thousand (24,000) BTU so as to discharge air within twelve feet (12') of lot lines, except where said air conditioners are separated from lot lines either by projections of structures or by streets, alleys, or permanent open space at least twenty feet (20') in minimum dimensions.

- (d) Newspaper, soft drink vending machines, ice vending machines, and other similar devices are permitted in areas zoned commercial or industrial and are not subject to setback regulations provided they do not violate other sections of this ZO.
- ii. Contiguity. When an accessory structure is attached to a primary structure by a breezeway or roofed passageway, said accessory structure shall be deemed to be part of the primary structure and shall maintain primary structure yard requirements. This section does not apply to accessory structures which exist on the effective date of this ZO and any subsequent attachment to the primary structure or the existing accessory structure.
- iii. An accessory structure shall not be erected, or an accessory use located, prior to the establishment or construction of the primary structure or use to which it is accessory or to which it is intended to be accessory, except for agricultural structures/districts, unless is separated by an alley.
- iv. The square footage of the footprint and the height of an accessory structure located in a residential district may not exceed the square footage of the footprint or the height of the primary structure.
- v. Storage Containers. Storage containers (such as PODS) shall not be permitted inside the city limits. These structures may be permitted within the area of extended jurisdiction, but only within agricultural districts and industrial districts.

V. Swimming Pool Standards.

- 1. An in-ground swimming pool shall be entirely enclosed by structures, fences, or walls which shall be at least four feet (4') in height. Said fences or walls must be equipped with self-latching gates or doors, with the latching device located not less than four feet (4') above the ground. All fencing must be in place and approved by the Administrator before the water is put into the pool.
- 2. In addition to the above regulations, commercial swimming pools are subject to the standards as set forth by the Indiana State Board of Health Rule 410 IAC 6-2.

W. Topographic and Hydrologic Standards.

- 1. Flood Protection. Structures shall be permitted only if they comply with all Federal and State requirements and with the Flood Hazard Management Ordinance, the provisions of which are hereby incorporated by reference into this ZO.

X. Vehicle Storage Standards.

- 1. Recreational Vehicles (RV). No RV shall be parked or stored on any lot in the R2, R3, PR, or LR-1 district except in a carport or enclosed structure or behind the nearest portion of a structure to the street. This provision, however, does not restrict the parking of an RV on a residential lot for a period not to exceed forty-eight (48) hours during loading or unloading. No more than one (1) RV per lot may be parked/stored where visible from the street. No such vehicle shall be used for living or housekeeping purposes when parked or stored on a residential lot, or on any location not approved for such use.

2. Trucks or tractor-trailer combination vehicles in excess of one (1) ton capacity must be parked or stored in an enclosed structure, except for vehicles used for agricultural purposes in the AG district.
3. Operating refrigeration units are permitted only in the B-3, I-1, and I-2 districts.

Y. Visibility Standards.

1. Corner Lots. On a corner lot, nothing shall be erected, placed, planted, parked, or allowed to grow in such a manner as to materially impede vision between a height of two and one-half feet (2.5') and ten feet (10') above the centerline grades of the intersecting streets in the area bounded by the street right-of-way of such corner lots and a line joining points along said street lines fifteen feet (15') from the point of intersection. This requirement shall also apply at the entrance to access drives which lead to commercial or industrial developments.

Article 4. Use Development Standards

A. General Provisions.

The following specified uses must meet the development standards as listed in this article in addition to the requirements of all other articles of this ZO. In a district which the specified use is permitted, the Administrator shall ascertain that the specifications of the article are met. In a district in which the specified use is allowed by Special Exception, the BZA shall ascertain that the specifications of this article are met prior to approval of the Special Exception.

B. General Performance Standards.

With the exception of agricultural and forestry uses, all uses shall comply with the requirements of this section. In order to determine whether a proposed use will conform to the requirements of this ZO, the Common Council may obtain a qualified consultant to testify, whose cost for service shall be borne by the applicant.

1. Fire Protection: Fire prevention and fighting equipment acceptable to the State Fire Marshall shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.
2. Noise: Noise which is determined to be objectionable because of volume, frequency, or beat shall be muffled or otherwise controlled, except fire sirens and related apparatus used solely for public purposes shall be exempt from this requirement.
3. Electrical Disturbances: No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.
4. Vibrations: Vibrations detectable without instrument on neighboring property in any district shall be prohibited.
5. Odors: No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.
6. Air Pollution: No pollution of air by fly ash, dust, smoke, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation, or other property.
7. Erosion: No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.
8. Water Pollution: Water pollution shall be subject to the standards established by applicable State and Federal agencies.

C. Mixed Land Uses.

1. Mixed land uses are generally permitted for large-scale developments and are encouraged in the downtown areas. Mixed land uses are for the purpose of integrating a variety of land uses to provide diversity of housing, preserving of farmland and woodland, connecting residential neighborhoods to employment and commercial centers, encouraging a pedestrian friendly environment, lessening traffic congestion, and providing accessibility to municipal services and utilities.
2. There are areas designated on the Logansport Planning Area, Future Land Use Map as Commercial/Residential and Commercial/Industrial that are recognized as having

potential for multiple use developments. The Commercial/Residential and Commercial/Industrial areas depicted on the Future Land Use Map were identified by virtue of proximity to arterial highways or collector streets, existing or potential municipal services and as having relatively large amounts of developable land. These areas shall be depicted on the Zone Map as conventional single district designation.

D. Accessory Dwelling Units.

Accessory dwelling units are allowed in designated zoning districts in order to increase the supply of affordable housing, to extend the economic life of a large, older structure, to encourage development in areas already served by infrastructure, to integrate affordable housing through the community, to produce extra income for home owners and foster better property maintenance. Accessory apartments are subject to the following requirements:

1. There shall be no visible change in the exterior appearance of the structure containing the accessory dwelling unit; an exterior design plan shall be approved by the Administrator prior to the issuance of an ILP.
2. All improvements associated with construction of the accessory dwelling unit shall meet all applicable building code and health codes.
3. Conversion of properties to accommodate accessory dwelling units shall be permitted only in structures built prior to November 3, 1986, the adoption date of this ZO.
4. Each accessory dwelling unit shall have safe and proper means of entrance and exit. Exterior stairways shall not be visible from public rights-of-way.
5. There may be no more than one (1) accessory dwelling unit per lot.
6. Accessory dwellings shall not exceed twenty-five percent (25%) of the gross square footage of the primary structure.

E. Accessory Uses.

1. Location. Accessory uses and the following yard improvements are not subject to setback regulations and are permitted in any required front, side, or rear yard provided they do not violate other sections of this ZO: fences; gazebos; flagpoles; arbors and trellis; outdoor barbecues; walks; driveways; parking spaces; decorative driveway entrance features; curbs; retaining walls; utility installations for local service such as pole, lines, hydrants, and telephone booths; lattice work screens; trees; shrubs; flowers and plants; gardens; mail boxes; nameplates; ponds; lamp posts; recreational equipment; bird baths and houses; dog houses; children's play houses; bushes; hedges and landscaping of a similar nature. This section does not include accessory structures except for those listed above.

F. Adult Businesses.

In the development and adoption of these regulations, it is recognized that there are some adult business uses which due to their very nature have serious objectionable operational characteristics particularly when located in close proximity to residential neighborhoods, thereby having a deleterious impact upon property values and the

quality of life in such surrounding areas. It has been acknowledged by communities across the nation that state and local governmental entities have a special concern in regulating the operation of such businesses under their jurisdiction to ensure that these adverse secondary effects will not contribute to the blighting or downgrading of adjacent neighborhoods nor endanger the well-being of the youth in their communities. The special regulations deemed necessary to control the undesirable externalities arising from these enterprises are set forth below, and, as such, serve a substantial government interest. The primary purpose of these controls and regulations is to preserve the integrity and character of residential neighborhoods, to deter the spread of urban blight and to protect minors from the objectionable operational characteristics of these adult uses by restricting their close proximity to churches, parks, county courthouse, libraries, schools (both public and parochial) and residential areas, while, at the same time, allow for reasonable alternative avenues of communication. This section is based upon findings of a study entitled "Adult Entertainment Businesses in Indianapolis, An Analysis, 1984" which documents the blighting influences of adult businesses on surrounding neighborhoods. The findings of this study are valid for Logansport and Cass County because of the close proximity of Indianapolis and because of general social-economic similarities of the communities. A copy of this study is on file with the Administrator. All adult businesses shall comply with the following provisions:

1. Minimum Lot Area. Shall be per the subject zoning district or as determined by the BZA.
2. Setbacks. Shall be per the subject zoning district or as determined by the BZA.
3. Separation from Other Uses.
 - a. The establishment of any adult business shall be prohibited if such business is within 500 feet of any other such adult businesses or within 500 feet of the property line of any church, public or parochial school, library, public park, or county courthouse or the boundary line of any residential zoning district or agricultural zoning district.
 - b. The distance between one adult business and another adult business shall be measured in a straight line, without regard to intervening structures or objects from the closest structure or property line of each such business, whichever is closest.
 - c. The distance between an adult business and any church, public or parochial school, library, public park, county courthouse, residential zoning district or agricultural zoning district shall be measured in a straight line, without regard to intervening structures or objects from the closest property line of the adult business to the nearest property line of the church, public or parochial school, library, public park or county courthouse; or the nearest boundary line of the residential zoning district or agricultural zoning district.
 - d. If any adult business is part of or included within a shopping center, only the portion of said center or leased space occupied by such adult business shall be included in determining the closest property line of said adult business.

4. Landscaping, Bufferyards, and Screening. Shall be per the subject zoning district or as determined by the BZA.
5. Access to Primary or Secondary Streets. Shall be per the subject zoning district or as determined by the BZA.
6. Expansion. Shall be per the subject zoning district or as determined by the BZA.
7. Other Regulations.
 - a. No adult business shall be conducted in any manner that permits the observation of any material depicting, describing or relating to matters or performances as defined by *IC 35-49-2*, as amended by display, decorations, sign, show window or other opening from any public right-of-way.
 - b. All adult businesses shall comply with *IC 35-49-2*.

G. Automobile Service Stations and Commercial Garages.

All automobile service stations and commercial garages established after the effective date of this ZO shall meet the following standards:

1. Minimum Lot Area. The minimum lot size shall be fifteen thousand square feet (15,000 sqft) and, in addition:
 - a. Gasoline service stations shall have five hundred square feet (500 sqft) of lot area for each additional pump over four (4); and one thousand square feet (1,000 sqft) of lot area for each additional service bay over two (2).
 - b. Commercial garages shall have one thousand square feet (1,000 sqft) of lot area for each additional service bay over two (2). There shall also be three hundred square feet (300 sqft) of additional land area for each space intended for storage of disabled vehicles.
2. Setbacks. Fuel pumps shall be at least fifteen feet (15') from any street right-of-way. Canopies shall meet the regulations contained in the development standards table of the respective zoning district. All other structures must be the development standards of the respective zoning district.
3. Landscaping, Bufferyards, and Screening. Shall be per the subject zoning district.
 - a. In addition, vehicles used for or repair or awaiting repair shall be screened from view by an opaque privacy fence at least six feet (6') tall and is allowed in the front yard setback if it don't create any safety issues.
4. Other Regulations.
 - a. The minimum lot width shall be one hundred fifty feet (150').
 - b. All activities except those to be performed at the fuel pumps shall be performed within a completely enclosed structure.
 - c. There shall be no outdoor storage of merchandise such as tires or lubricants and there shall be no outdoor storage of discarded auto parts.

- d. Vehicles shall not be stored outside while awaiting repairs for more than seven (7) consecutive calendar days. No vehicles may be parked or stored on any public right-of-way.
- e. Disabled vehicles may not be stored in the open at any time.
- f. Parking areas, bufferyards, and signs shall meet applicable sections of this ZO.

H. Bed and Breakfast.

Bed and breakfast establishments shall meet the following standards:

- 1. A bed and breakfast establishment shall have no more than six (6) guest rooms or lodging units. These rooms or lodging units may be located within the primary structure or in an accessory structure. Accessory uses which are clearly incidental to the guest accommodations may be provided.
- 2. The owner and operator of the bed and breakfast establishment shall live on the property.
- 3. At a bed and breakfast establishment food service is to be limited to a continental breakfast.
- 4. No alterations shall be made to the external appearance of any primary or accessory structures or of the property which changes the residential character of the bed and breakfast establishment.
- 5. One non-illuminated sign no greater than four square feet (4 sqft) in size shall be permitted.
- 6. There shall be one (1) additional off-street parking space provided for each guest room at the bed and breakfast establishment.

I. Campgrounds and RV Parks.

All campgrounds and RV parks must meet the following requirements:

- 1. Minimum Lot Area. The minimum area of a recreational park or campground shall be three (3) acres.
- 2. Setbacks.
 - a. RVs and camping spaces shall be separated from each other and from other park structures by at least ten feet (10').
 - b. In addition to complying with any required side or rear yard requirements of the district in which the park is located:
 - i. No RV or camping space shall be nearer than fifty feet (50') to the right-of-way line of a highway or street.
 - ii. Where the boundary line of a RV park is adjacent to a residential district, a perimeter bufferyard of at least twenty-five feet (25') shall be provided for.
- 3. Access to Primary or Secondary Streets. RV parks and campgrounds shall have direct access to a public street with sufficient frontage thereon for the proper

construction of entrances and exits. Such entrances and exits shall be designed for the safe movement of all vehicles into and out of the park.

4. Other Regulations.

- a. AG District. In the Agricultural District, food stores, restaurants, sporting goods stores, Laundromats, and similar convenience and service shops shall be permitted in RV parks and campgrounds which contain fifty (50) or more spaces provided:
 - i. Such shops and the parking areas required by their use shall not occupy more than ten percent (10%) of the total area of the park.
 - ii. The use of such shops shall be designed for use by the occupants of the park, and
 - iii. Such shops shall be so located or designed within the park to present no visible evidence of their commercial nature to persons outside the park.
- b. Density. The density of a park shall not exceed seventeen (17) RVs or camping spaces per acre of gross site area.
- c. Environment. Conditions of soil, ground water level, drainage, geologic structure, and topography shall not create hazards to the park site or to the health and safety of occupants, nor shall the site be subject to the hazards of objectionable smoke, odor, or noise, or the possibility of subsidence, sudden flooding, or severe erosion.
- d. Affiliated Uses. Management offices and storage, playground and picnic equipment, sanitation and laundry facilities, informational signs, and other structures customarily incidental to a RV park or campground shall be permitted as accessory uses.
- e. RV and camping spaces shall be rented by the day or week only and each RV occupying a space shall remain in the same park no longer than one hundred eighty (180) consecutive calendar days per year. Permanent placement of RVs is prohibited.
- f. An RV park or campground shall have water service and sewer service.
- g. All applicable regulations of the State and County Board of Health shall be met.

J. Cottage Industries.

Cottage Industries provide for small-scale economic development activities on residential parcels, subordinate to the primary residential use, if the BZA or Administrator finds that such activities can be conducted without substantial adverse impact on the residential environment and rural character and that the scale and intensity of the cottage industry is greater than could be accommodated as a Major Home Business, but less than would require a land use district designation of commercial or industrial.

- 1. Minimum Lot Area. Three (3) acres.
- 2. The owner and operator of the business must live on the property.

3. Landscaping, Bufferyards, and Screening. All activity related to the conduct of the business except for the display of agricultural produce and goods shall be conducted within an enclosed structure or be sufficiently screened from view of adjacent residential dwellings and public rights-of-way. Activities shall be screened using landscaping, fencing, the retention of native vegetation, or combination thereof necessary to meet Type V bufferyard screening requirements of *Article 3, Section B: Bufferyard Standards*.
4. Other Regulations.
 - a. Uses.
 - i. Permitted Uses. The following permitted uses are allowable as Cottage Industries, including, but not limited to: sales of antiques and collectibles; art or photography studios; computer software development; handicrafts; ironwork; construction office; furniture repair or refinishing; personal services; pottery shop; professional offices; small equipment repair; small engine and farm equipment repair; woodworking shop; or light manufacturing uses.
 - ii. Prohibited Uses. The following are prohibited uses as cottage industries: auto, truck, or heavy equipment repair shop; auto body work; or paint shop.
 - b. Cottage industries developed on parcels of less than three (3) acres gross site area require Special Exception approval from the BZA.
 - c. The cottage industry is an accessory use to a residential function that will be maintained.
 - d. The cottage industry shall be operated by at least one (1) full-time, bona fide resident in a single-family residential dwelling of the parcel on which the proposed use is being requested. The cottage industry may employ a total of six (6) persons who resides off the subject property but may not have more than three (3) persons who resides off the subject property working on the site at any one (1) time.
 - e. Not more than one (1) cottage industry shall be allowed in or on the same premise.
 - f. Any new structure constructed to accommodate the cottage industry shall be limited in scale so that it is in character with neighboring properties. In no case shall more than 5,000 square feet of total building area on the property be devoted to the cottage industry. Only those structures or areas as specifically approved by the Administrator may be utilized in the conduct of business.
 - g. There shall be minimal exterior indication of the cottage industry or variation from the residential character of the premises.
 - h. Retail sales are limited to the following: products produced or repaired on-site; items collected, traded and occasionally sold but hobbyists, such as coins, stamps, and antiques, and their accessories; incidental retail sales directly associated with the cottage industry; and internet sales.

- i. The cottage industry shall not increase vehicular traffic flow and parking by any more than four (4) additional vehicles at a time, other than those of the permitted employees.
- j. Any business requiring customers to visit the site shall provide adequate on-site parking spaces, in addition to one (1) for each full-time equivalent employee who reside off the subject property, and two (2) for the owners of the property. Any parking generated by the use shall be provided off-street and not in any required from yard.
- k. Cottage industries shall be limited in their hours of operation. No on-site customer service or business shall be conducted before 8:00 a.m. or after 8:00 p.m., Monday through Friday, and before 9:00 a.m. or after 6:00 p.m., Saturday and Sunday.
- l. No more than three (3) commercial vehicles shall be operated from the site or stored there overnight.
- m. No use shall be made of equipment of material which produces unreasonable vibration, noise, dust, smoke, odor, or electrical interference to the detriment of the quiet use and enjoyment of adjoining and surrounding property.
- n. No more than one (1) non-illuminated sign no greater than twelve square feet (12 sqft) is allowed.
- o. A permit for a cottage industry is not transferable and new occupancy permit must be applied for whenever there is a change in the occupation, ownership of the property, or tenants in the dwelling unit. The Administrator may attach additional conditions or requirements, or may make modifications to the site plan where necessary to protect the health, safety and welfare of the public.

K. Country Inns.

Country inns shall meet the following standards:

- 1. A country inn shall have no more than twenty (20) guest rooms or lodging units. These rooms or lodging units may be located within the primary structure or in an accessory structure. Accessory uses which are clearly incidental to the guest accommodations may be provided.
- 2. The owner and operator of the country inn shall live on the property.
- 3. At a country inn full meal service may be provided for guests and the general public. In addition, a country inn may provide banquet facilities, gift shops, and/or other small retail sales.
- 4. No alterations shall be made to the external appearance of any primary or accessory structures or of the property which changes the residential character of the country inn.
- 5. One non-illuminated sign no greater than four square feet (4 sqft) in size shall be permitted.

6. There shall be one (1) additional off-street parking space provided for each guest room at the country inn.

L. Hazardous Waste/Nuclear Waste.

In addition to review by the BZA, all processing, storage, recycling, recovery, and disposal of hazardous waste shall be in accordance with the provisions of *IC 13-7-8.5 and 8.6*, as amended, and all processing, storage, recycling, recovery, and disposal of nuclear waste shall be in accordance with the regulations of the Nuclear Regulatory Commission.

M. Home Occupations.

1. Home Occupation – Major.

- a. Landscaping, Bufferyards, and Screening. Any outdoor storage of materials, equipment, or goods produced shall be effectively screened from adjoining properties and roads.
- b. Other Regulations.
 - i. The home occupation is incidental and subordinate to the residential use of the premises.
 - ii. The home occupation shall be carried on by a resident of the premises with no more than three (3) employees not residing on the premises.
 - iii. There shall be no more than one (1) separate home occupation per premises.
 - iv. The home occupation may be conducted in the dwelling unit or in an accessory structure. The home occupation shall not exceed fifty percent (50%) of the floor area of the primary structure.
 - v. There shall be minimal exterior indication of the home occupation or variation from the residential character of the premises.
 - vi. Any sales or displays of articles produced on or off the premises shall be effectively screened from adjoining properties and road.
 - vii. No more than five (5) vehicles and/or pieces of equipment shall be operated from the site or stored there overnight.
 - viii. The home occupation shall not increase vehicular traffic flow and parking by any more than two (2) additional vehicles at a time, other than those of the permitted employees. Any parking generated by the home occupation shall be off-street and not in any required front yard.
 - ix. No use shall create noise, vibration, smoke, dust, electrical interference, smell, heat, glare, fire hazard, or any other hazard or nuisance to a greater or more frequent extent beyond what normally occurs from a residential dwelling.
 - x. No more than one (1) sign shall be allowed. Such sign shall be no greater than four square feet (4 sqft) in size.

- xi. A permit for a home occupation is not transferable and a new occupancy permit must be applied for whenever there is a change in the occupation, ownership of the property, or tenants in the dwelling unit.
- 2. Home Occupations - Simple. Simple Home Occupations may be permitted where allowed subject to the provisions of this section. Simple Home Occupations may be approved by the Administrator when it is determined the following standards are met:
 - a. Other Regulations.
 - i. The home occupation is considered customary, traditional, incidental, and subordinate to the residential use of the premises and not construed as a business.
 - ii. The home occupation shall be carried on by a resident of the premises with no more than one (1) employee who does not reside on the premises.
 - iii. There shall be no more than one (1) separate home occupation per premises.
 - iv. The home occupation shall not be conducted in any accessory structure and shall not occupy more than twenty-five percent (25%) of the floor area of the primary dwelling unit, except in the Agricultural District, where an accessory structure may be used provided that the home occupation not exceed fifty percent (50%) of the gross floor area of the primary residential structure, and that the accessory structure, if new, complies with primary structure setbacks. In no case shall both the primary structure and an accessory structure be used for the home occupation.
 - v. There shall be no exterior indication of the home occupation or variation from the residential character of the premises.
 - vi. There shall be no direct sales or displays of articles other than those items produced or repaired on the premises of the home occupation.
 - vii. There shall be no outdoor storage of materials or goods produced and no display of goods visible from any adjoining property line or road.
 - viii. The home occupation shall not increase vehicular traffic flow and parking by any more than one (1) additional vehicle at a time, other than that of the one (1) permitted employee.
 - ix. Delivery of materials to or from the premises by commercial vehicles shall not exceed once per week and for a period any longer than one (1) hour.
 - x. There shall be no use which creates noise, vibration, smoke, dust, electrical interference, smell, heat, glare, fire hazard, or any other hazard or nuisance to a greater or more frequent extent beyond what normally occurs from a residential dwelling.
 - xi. No more than one (1) sign shall be allowed. Such sign shall be no greater than four square feet (4 sqft) in size.

- xii. A permit for a home occupation is not transferable and a new occupancy permit must be applied for whenever there is a change in the occupation, ownership of the property, or tenants in the dwelling unit.

N. Junk Yards.

All junk yards and scrap metal yards must meet the following requirements and all other conditions deemed necessary by the BZA:

1. Minimum Lot Area. The minimum lot area shall be ten (10) acres.
2. Separation from Other Uses. No processing shall be permitted closer than three hundred feet (300') from a residential or professional residential district line, or a residential use in the Agricultural District.
3. Landscaping, Bufferyards, and Screening. An opaque privacy fence, at least six feet (6') tall shall be installed around the perimeter of the use.
4. Other Regulations.
 - a. All salvage processing shall be entirely within an enclosed structure and no processing shall be permitted closer than three hundred feet (300') to properties not zoned industrial.
 - b. All operations shall be conducted entirely within an enclosed structure or opaque fence not less than eight feet (8') in height which bears no advertising. Such structure or fence shall be constructed on or inside the front, side, and rear yard setback lines required within the district in which located and shall be constructed in such a manner that no outdoor storage or salvage operations shall be visible from an adjacent property or highway. Storage, either temporary or permanent, between such fence and any property line is expressly prohibited.
 - c. All applicable standards of *IC 8-23-20-17, 18, 19, and 20* shall also be met.

O. Land Application.

Land application of sludge and wastewater shall be in accordance with the procedure, standards, and definitions of *IC Title 13* and *Article 330 IAC 3.3* of the Regulations of the State of Indiana, as amended.

P. Manufactured Homes.

1. Manufactured Home - Primary Structure. Manufactured homes shall meet the following requirements:
 - a. Construction Regulations.
 - i. The exterior walls and roof shall be structurally sound and tight and free from defects, which might admit rain or dampness;
 - ii. All exterior surface materials, including wood, composition, or metal siding, shall be uniform in color, maintained weatherproof, and shall be properly surface coated when required to prevent deterioration.
 - iii. Every window, door, and frame shall be constructed and maintained in such relation to the adjacent wall construction so as to be weather-tight. Every

window sash shall be fully supplied with approved glazing materials which are without open cracks and holes.

- iv. Each manufactured home shall have suitable stairs and a porch or deck permitting access into the manufactured home; the porch or deck providing primary access into the manufactured home shall be prefabricated or site-built porch or deck and shall not be less than thirty-two inches (32") by thirty-two inches (32"). Every stair, porch, deck, or other apparatus attached to the manufactured home shall be so constructed as to be safe to use and capable of supporting the anticipated loads and shall be maintained in sound condition and good repair and constructed in accordance with all applicable state and local codes. Every stair, porch, deck, or other apparatus shall have rails if more than thirty inches (30") above the ground surface. Concrete blocks, lumber, or other materials shall not be stacked and used as stairs or a porch.
 - v. Standard manufactured home skirting shall be installed around the perimeter of each manufactured home within thirty (30) calendar days of placement of the manufactured home. The required skirting must be securely attached and maintained against deterioration. The skirting must be uniform in color and appearance.
 - vi. All manufactured homes shall be securely anchored in accordance with *410 IAC 6-6-11*.
 - vii. All Utilities shall be permanently connected in accordance with City Code.
 - viii. No manufactured home can be moved and placed on a site if older than 20 years.
2. **Manufactured Home – Secondary Structure.** In the AG district, a manufactured home may be used as a second primary structure provided:
- a. **Minimum Lot Area.** There is a minimum of two (2) acres of land.
 - b. **Setbacks.** Primary structure setbacks shall be adhered to.
 - c. **Separation of Structures.** The manufactured home shall be located at least fifty feet (50') from the primary structure.
 - d. **Other Regulations.**
 - i. Board of Health approval has been granted.

Q. Manufactured Home Parks.

Manufactured home parks shall meet the following requirements:

- 1. **Minimum Lot Area.**
 - a. No manufactured home park shall have an area of less than five (5) acres.
 - b. Each home site within the park shall have an area of at least four thousand square feet (4,000 sqft).
- 2. **Setbacks.**

- a. There shall be at least twenty-five feet (25') between homes.
 - b. No manufactured home shall be closer than forty feet (40') to an adjacent property.
- 3. Separation from Other Uses.
- 4. Landscaping, Bufferyards, and Screening.
 - a. The park shall be appropriately landscaped and screened from adjacent properties in accordance with an approved site plan.
 - b. Not less than ten percent (10%) of the gross area of the park must be improved for recreational activity of the residents of the park.
- 5. Access to Primary or Secondary Streets.
- 6. Expansion.
- 7. Other Regulations.
 - a. All streets, sidewalks, and driveways shall be privately maintained and shall be constructed in accordance with the applicable standards contained in the Subdivision Control Ordinance, Article V.
 - b. Applicable requirements of *IC 13-1-7* shall be met.
 - c. Manufactured home parks with five (5) or more homes shall also meet Indiana State Board of Health Rule *410 IAC* as amended.

R. Meteorological Tower, Temporary (Met Tower).

- 1. The minimum separation distance between a Met Tower and all surrounding property lines, overhead utility or transmission lines, other electrical substations, neighboring meteorological towers, public right-of-ways and primary communications towers shall be no less than the total height of the Met Tower. This is measured from the base of each Met Tower.
- 2. All temporary met towers must be removed twelve (12) months after the issuance of a permit. If tower(s) are not removed, removal would fall under the decommissioning plan for Small and Micro Wind Energy Conversion Systems.

S. Mineral Extraction.

Nothing in this ZO shall prevent the use and alienation of mineral resources by the owner or alienee. However, any such use shall be subject to the following standards:

- 1. No production shall be started nor shall any permit be issued until the BZA shall have made a written determination with respect to the conditions under which such operation shall be conducted. The BZA shall investigate the area to be developed, as well as the surrounding area, in order to determine the conditions to be prescribed so as to protect surrounding property.
- 2. In their review, the BZA shall determine that the following standards are met, but may, where deemed necessary, make reasonable exceptions:

- a. That the site will be used for mineral extraction activities. Concrete batching plants and mixing plants for Portland cement or asphaltic concrete, and the manufacture of concrete, clay or cement products are only permitted if zoned industrial.
 - b. No production from an open pit shall be permitted which creates a finished slope steeper than two feet (2') to one foot (1') vertical for the excavation of sand and gravel, or which creates a finished slope steeper than one foot (1') horizontal to one foot (1') vertical for the excavation of products other than sand and gravel, except that in locations where the soil or rock content is such that vertical cuts are proven to be safe, a vertical cut thereafter of any depth shall be allowed.
 - c. Property to be used for production shall be enclosed by a chain link fence topped with barbed wire along the exterior boundaries for the promotion of safety and general welfare of the community.
 - d. Where required, suitable plant material shall be placed and maintained to screen cut slopes from public view. There shall be no open storage of discarded machinery, trash, or junk which would present an unsightly appearance.
 - e. Access roads to any site shall be limited to two (2), or at most three (3) points and shall be constructed on a level with the pavement of any public street or highway for a distance of not less than eighty feet (80) there from, and said eighty feet (80') of road shall be improved with a dustless, all weather surface. Adequate sight distance shall be maintained for traffic safety in compliance with the standards and requirements of the County Highway Department.
 - f. Upon the completion of operations, the land shall be left in a safe condition as shown on the Plan of Rehabilitation so that sufficient drainage is provided so as to prevent water pockets or undue erosion, with all grading and drainage such that natural storm water leaves the entire property at the original, natural drainage points, and that the area drainage to any one (1) such point is not increased.
 - g. Vehicles carrying materials from the site shall be loaded in such a manner as to prevent spilling rock, gravel, or sand or other materials of a similar nature while in transit upon roads and highways.
 - h. Mining shall be done so as to keep noise and dust to a minimum. Explosives shall be used only between sun-up and sun-down except in the case of emergency.
3. All applications for mineral extraction shall be accompanied by a map or plan showing the existing conditions of the area proposed for mining (including existing contours and drainage); a plan of the operational and excavation areas; the time estimate for removal of the materials; and a plan of development showing the rehabilitation and reuse of the entire site following extraction (including proposed contours and drainage).
 4. Mineral extraction must comply with all applicable sections of *IC 14-34 thru IC 14-36*.

T. Sidewalk Cafes.

All sidewalk cafes shall meet the following requirements:

1. The cafe may be unenclosed, partially enclosed, or covered but must be clearly incidental to the operation of a restaurant on the same or adjacent private property.
2. The cafe shall not obstruct any entrances to adjoining structures, any pedestrian traffic, or any access to the cafe from the sidewalk.
3. The cafe must meet ADA accessibility standards, Titles 2 and 3.
4. All tables, awnings, canopies, partitions and accessory items shall be removed during the period of the year when the cafe is not in use.
5. The cafe must be approved by the appropriate governing body having jurisdiction and/or ownership of the sidewalk. Liability insurance must be provided to the satisfaction of the governing body.
6. The cafe shall meet all applicable County Health Department, state alcoholic beverage, and state/local building code regulations.
7. The cafe shall be designed to complement the character of the area and/or structures and shall be attractively landscaped and/or decorated.
8. The cafe and adjacent sidewalk areas shall be kept well maintained and free of debris.

U. Single-family Dwelling.

A Right-to-Farm Agreement shall be executed and recorded for new single-family dwellings in the AG district prior to the issuance of a building permit.

V. Solar Energy System.

1. Solar Energy System (PSES).\
 - a. The PSES layout, design, installation, and ongoing maintenance shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society of Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar rating and Certification Corporation (SRCC), and National Electric Code (NEC) including all other applicable local and state standards. The manufacturer's specifications for the key components of the system shall be submitted as part of the application.
 - b. Upon completion of installation, the PSES shall be maintained in good working order. Failure of the owner and/or operator to maintain the PSES in good working order is grounds for appropriate enforcement actions.
 - c. When possible, all on-site utility, transmission lines, and conductors should be underground. If not, conduit for conductors is to be used with approved hangers. Conduit will be suspended from the solar array.

- d. The owner of a PSES shall provide in writing confirmation that the utility company to which the PSES will be connected has been informed of the customer's intent to install a cogeneration system and approved such connection.
- e. No portion of the PSES shall contain or be used to display advertisement. The manufacture's name and equipment information or indication of ownership shall be allowed on any equipment of the PSES provided they comply with the prevailing sign regulations for that zoning district.
- f. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent structures or roadways either through siting or mitigation.
- g. A noise study shall be performed and included in the application Noise form a PSES shall not exceed 55dBA, as measured at the property line.
- h. The PSES owner and/or operator shall maintain a phone number and identify a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number and name to the Planning Department for their file. The PSES owner and/or operator shall make reasonable efforts to respond to the public's inquires and complaints.
- i. Decommissioning.
 - i. The PSES owner is required to notify the Planning Department immediately upon cessation or abandonment of the operation. The PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months.
 - ii. The PSES owner shall then have twelve (12) months in which to dismantle and remove the PSES including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations, and other associated facilities from the property. If the owner fails to dismantle and/or remove the PSES within the established timeframes, the municipality may complete the decommissioning at the owners' expense.
 - iii. If a ground mounted PSES is removed, any earth disturbance resulting from the removal must be graded and reseeded.
- j. By submitting a permit, applicants acknowledge that approval of such permit shall not the right of the property owner or their successor to remain free of shadows and/or obstructions to solar energy caused by development of other properties or the development or growth of any vegetation on such properties.
- k. Where a subdivision or land development involved the use of solar energy systems, solar easements may be provided. Said easement shall have a description with the dimensions of the easement in writing and shall be subject to the same conveyance and instrument recording requirements as other easements.
- l. Ground Mounted Principal Solar Energy System:

- i. PSES shall comply with the accessory structure setbacks.
 - ii. Ground mounted PSES shall comply with the accessory building height restrictions for the underlying zoning district.
 - iii. The foundation and mechanical components of a ground mounted PSES shall be considered in lot coverage calculations. The minimum yard setbacks from side and rear property lines shall be equivalent to the accessory structure setback and must be adhered to for this installation. After setbacks and buffer yard standards lot coverage is at one hundred percent (100%) for the PSES.
 - iv. Ground mounted PSES shall be screened from adjoining residential uses or zones according to the appropriate class IV buffer yard standard.
 - v. All ground-mounted PSES shall be completely enclosed by an eight (8) foot high fence with a self-locking gate.
 - vi. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence on the surrounding the PSES informing individuals of potential voltage hazards.
 - vii. The ground mounted PSES shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local authority.
2. Solar Energy System – Accessory (ASES).
- a. Electrical Energy.
 - i. The ASES layout, design, installation, and ongoing maintenance shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society of Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar rating and Certification Corporation (SRCC), and National Electric Code (NEC) including all other applicable local and state standards.
 - ii. Upon completion of installation, the ASES shall be maintained in good working order. Failure of the property owner to maintain the ASES in good working order is grounds for appropriate enforcement actions.
 - iii. When possible, all on-site utility, transmission lines, and conductors should be underground. If not, conduit for conductors is to be used with approved hangers. Conduit will be suspended from the solar array.
 - iv. The owner of an ASES shall provide written confirmation that the Utility Company to which the ASES will be connected has been informed of the customer's intent to install a net metering system and approved of such connection. Off-grid systems shall be exempt from this requirement.
 - v. The display of advertisement is prohibited except for reasonable identification of the manufacturer of the system.

- vi. All ASES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways causing safety and health concerns.
- vii. Where a subdivision or land development involved the use of solar energy systems, solar easements may be provided. Said easement shall have a description with the dimensions of the easement in writing and shall be subject to the same conveyance and instrument recording requirements as other easements.
- viii. By submitting a permit, applicants acknowledge that approval of such permit shall not give the property owner or their successor the right to remain free of shadows and/or obstructions to solar energy caused by development of other properties or the development or growth of any vegetation on such properties.
- ix. Decommissioning must occur for each ASES and all solar related equipment if no electricity has been generated by such solar collection within twelve (12) months. At such time the use will be considered discontinued or abandoned by system owner and/or operator. Decommissioning may also be determined for systems that are not maintained in a good working order. If a ground mounted PSES is removed, any earth disturbance resulting from the removal must be graded and reseeded.
- x. Roof Mounted and Wall Mounted Accessory Solar Energy Systems:
 - (a) A roof mounted or wall mounted ASES may be located on a principal or accessory structure.
 - (b) ASES mounted on roofs or walls of any building shall not exceed the structures height by more than three feet (3'). No roof mounted system can project over the edge of the roof.
 - (c) Wall mounted ASES shall comply with the setbacks for principal and/or accessory structures depending which it is attached to.
 - (d) For roof and wall mounted systems, the applicant shall provide evidence that the roof and/or wall is capable of holding the load based off of the City's Building Code.
- xi. Ground Mounted Accessory Solar Energy System:
 - (a) Ground mounted ASES are prohibited in the front yard between the principal structure and public road, unless the applicant demonstrated that, due to solar access limitation, no location exists on the property other than the front yard where the solar panel can perform effectively.
 - (b) The minimum yard setbacks from side and rear property lines shall be equivalent to the accessory structure setback.
 - (c) Freestanding ground mounted ASES shall not exceed the maximum accessory structure height.

- (d) The foundation and mechanical components of a ground mounted ASES shall be considered in lot coverage calculations.
 - (e) Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment and structures. All electrical control devices associated with the ASES shall be locked to prevent unauthorized access entry.
- b. Thermal Energy.
 - i. The ASES layout, design, installation, and ongoing maintenance shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society of Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar rating and Certification Corporation (SRCC), and National Electric Code (NEC), International Building Code and including all other applicable local and state standards.
 - ii. Upon completion of installation, the ASES shall be maintained in good working order. Failure of the property owner to maintain the ASES in good working order is grounds for appropriate enforcement actions.
 - iii. All on-site electric lines and plumbing shall be placed underground.
 - iv. Net metering and off-grid systems shall not apply to thermal energy systems.
 - v. The display of advertisement is prohibited except for reasonable identification of the manufacturer of the system.
 - vi. All ASES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways causing safety and health concerns.
 - vii. Where a subdivision or land development involved the use of solar energy systems, solar easements may be provided. Said easement shall have a description with the dimensions of the easement in writing and shall be subject to the same conveyance and instrument recording requirements as other easements.
 - viii. By submitting a permit, applicants acknowledge that approval of such permit shall not give the property owner or their successor the right to remain free of shadows and/or obstructions to solar energy caused by development of other properties or the development or growth of any vegetation on such properties.
 - ix. Decommissioning must occur for each ASES and all solar related equipment if no electricity has been generated by such solar collection within twelve (12) months. At such time the use will be considered discontinued or abandoned by system owner and/or operator. Decommission maybe also be determined for systems that are not maintained in a good working order. If a ground mounted PSES is removed, any earth disturbance resulting from the removal must be graded and reseeded.

- x. Roof Mounted and Wall Mounted Accessory Solar Energy Systems:
 - (a) A roof mounted or wall mounted ASES may be located on a principal or accessory structure.
 - (b) ASES mounted on roofs or walls of any building shall not exceed the structures height by more than three feet (3'). No roof mounted system can project over the edge of the roof.
 - (c) Wall mounted ASES shall comply with the setbacks for principal and/or accessory structures depending which it is attached to.
 - (d) For roof and wall mounted systems, the applicate shall provide evidence that the roof and/or wall is capable of holding the load based off of the City's Building Code.
 - (e) All electric lines and plumbing for roof and wall mounted systems must be inside the residence.
- xi. Ground Mounted Accessory Solar Energy System.
 - (a) Ground mounted ASES are prohibited in the front yard between the principal structure and public road, unless the applicant demonstrated that, due to solar access limitation, no location exists on the property other than the front yard where the solar panel can perform effectively.
 - (b) The minimum yard setbacks from side and rear property lines shall be equivalent to the accessory structure setback.
 - (c) Freestanding ground mounted ASES shall not exceed the maximum accessory structure height.
 - (d) The foundation and mechanical components of a ground mounted ASES shall be considered in lot coverage calculations.
 - (e) Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment and structures. All electrical control devices associated with the ASES shall be locked to prevent unauthorized access entry.

W. Temporary Housing.

The intent is to provide temporary housing for field-related workers. Such use may be issued a temporary permit for two (2) years. After which the Administrator may approve an extension of the temporary permit each year, for two (2) years after the initial approval. After four (4) years the PC may approve one (1) additional year for the temporary use. A temporary housing permit shall not exceed a five-year (5-year) period, unless it receives a Use Variance from the BZA.

1. Must provide documents for TRC review regarding method for sewage disposal and water supply, fire protection, and building code.

2. Shall provide a written plan and agreement together with a performance bond or letter of credit, setting forth how the temporary housing will be dismantled, and the area restored to an unoccupied condition.
3. Prohibited Activities: Sites are to be maintained free of garbage and junk and subject to compliance with applicable city codes and ordinances.
4. Motels and Hotels constructed prior to January 1, 2013 may be converted to temporary housing in any district provided *Article 4, Section W: Temporary Housing* is followed. After a period of no more than five (5) years the temporary housing must be converted back to a motel or hotel.

X. Temporary Uses.

1. An ILP for a temporary use may be issued by the Administrator subject to the standards in *Table H: Temporary Uses* and after receipt of Board of Health approval, if applicable. Access and parking for all temporary uses shall be provided to the Administrator's satisfaction. All temporary use sites shall be adequately cleaned up at the conclusion of the event. Signs for temporary uses shall comply with *Article 3, Section S: Sign Standards*. Any temporary use exceeding the standards of *Table H: Temporary Uses* shall be considered a Special Exception in the district in which it is located. Events which are reasonably expected to exceed an attendance level of 5,000 over an eighteen-hour (18-hour) period are required to obtain approval from the Indiana State Department Health. A city business license must also be obtained for applicable businesses.
2. Amusement and charitable activities, sponsored by public agencies, churches, civic and charity groups, schools and other non-profit organizations on a temporary basis, are permitted in any zoning district, provided it is on the site of said sponsor or on public property with the approval of the appropriate governmental body. No permit is necessary. If an amusement or charitable activity does not meet the standards, it shall be considered under the appropriate use as listed in *Table H: Temporary Uses*.
3. The sale or offering for sale of goods or services from any vehicle, including trailers, buses, or vans, shall be deemed to be a commercial use and shall be subject to all the regulations prescribed for the zoning district in which the same is conducted, except for mobile food vendors, temporary food establishments, or roadside stands which don't have setback requirements, provided that there is written approval from the Board of Works, if located on any municipal property.

Table H: Temporary Uses

Use	District	Maximum Length of Time	Permit Required	Conditions
Carnival, Circus, Fair, Festival, or Concert	B-2, B-3, and by Special Exception in B-4, AB, AG, I-1, I-2, LGC, HHC	15 calendar days per year per site	Yes	Lights, noise and traffic plans to be approved
Outdoor Promotional Attraction, Tent Sale, Auto Show, Farm Products Promotions, Farm Equipment Show	B-2, B-3, B-4, AB, AG, I-1, I-2 and by Special Exception in LGC, LGI, HHC	30 calendar days per year per site	Yes	Lights, noise, and traffic plans to be approved
Farm Tours, Hayrides (commercial), Pick-Your-Own Produce	B-2, B-3, B-4, AB, AG, I-1, I-2	4 months per year	No	None
Farm Fair	AG, I-1, I-2	30 calendar days per year per site	No	None
Farmers Market	B-2	9 months	No	None
Mobile Food Vendor	NB, B-2, B-3, B-4, I-1, I-2	9 months	Yes	Must have written approval from property owner and must receive a Health Dept. Permit prior to operation
Temporary Food Establishment	NB, PR, OS, B-2, B-3, B-4, I-1, I-2, AG, AB	14 calendar days per year per event	No	Must be in conjunction with a single event or celebration with the approval of the organizers of the event or celebration and must receive Health Dept. Permit prior to operation
Roadside Stand	NB, B-2, B-3, B-4, AB, AG	7 months	Required for off-site sales; Not Required for on-site sales	Agricultural Produce Only
Sawmills on Property Where Timber is Cut	AB, AG, I-1, I-2	6 month per year	Yes	Must meet the required parking standards if within 100' of off-property residence

Table H: Temporary Uses continued...

Use	District	Maximum Length of Time	Permit Required	Conditions
Contractor Office and Equipment Storage or Real Estate Sales Office	All Districts if incidental to construction or development	Must be removed upon completion of construction or development	No	Includes manufactured homes but no cooking or sleeping facilities
Christmas Tree Sales	NB, B-2, B-3, B-4, AB, AG, I-1, I-2	45 calendar days per year	Yes	Unsold merchandise must be removed by Jan. 1 st
Fireworks, Sales and Display	NB, B-2, B-3, B-4, AB	45 calendar days per year	Yes	All applicable State and Federal laws must be met. Unsold merchandise removed by July 10 th
Religious Tent Meeting	NB, B-2, B-3, B-4, AB, AG, I-1, I-2	30 calendar days per 6 months	Yes	Off-street parking as required by churches
Basement Home	AG, FR, R-2, R-3, R-4, PR	Not to exceed 2 years from permit issuance	Yes	Does not include permanent Earth-sheltered home
Yard, Garage or Porch Sale	Any District	2 calendar days twice per year per site	Yes – inside City No – in Fringe	Only normal household items. Multiple participants allowed
Sale of Personal Property at Place of Residence	Any District	3 months per year per item per site	No	Items allowed such as automobiles, motorcycles, RVs, etc. May not be disabled vehicles. Must be titled to resident. Limit 2 items at a time.
Auction/Pre-priced Sale	Any District	3 calendar days per year	No	Parking to be controlled
Sidewalk Sales	B-2	1 week, 4 times per year	No	Approved by Board of Works

Y. Vehicle Repair – Personal (Fringe only).

This section applies to outdoor storage of inoperable, motorized vehicles and related materials within the Logansport Area of Extended Jurisdiction. If such storage does not comply with this section it shall constitute a junk yard.

1. Landscaping, Bufferyards, and Screening. When more than three (3) motorized vehicles are kept outside they shall be screened from the view of the public roads and/or adjoining lots by a structure, fence or plant material that is not less than six (6) feet in height and visually opaque.
2. Other Regulations.
 - a. The storage, repair, maintenance and restoration of motorized vehicles in residential districts shall involve any motorized vehicles. No repair, maintenance or restoration shall be performed on motorized vehicles for compensation or otherwise as a business.
 - b. The number of operable motorized vehicles allowed shall be limited based on the size of the lot, as shown below.

- i. Lot Area less than one (1) acre: no more than three (3) vehicles allowed
- ii. Lot Area one (1) acre or more: no more than five (5) vehicles allowed.
- c. No more than two (2) motorized vehicles may be actively repaired outdoors at any one (1) time. All other repairs shall occur within a garage or other fully enclosed area.

Z. Wind Energy Conversion Systems (WECS).

1. Designation and Installation.

a. Design Safety Certification.

- i. Wind Energy Conversion System (WECSs) shall conform to applicable industry standards. Applicant shall submit certificate(s) of design compliance that wind turbine manufacturers have obtained from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energie, or an equivalent third party.
- ii. Following the granting of siting approval under this Ordinance, a Professional Engineer shall certify, as part of the building permit application that the foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.
- iii. All WECS must be installed in compliance to the manufacture's installation manual or by a professional.

b. Controls and Brakes. All WECS shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over speed protection.

c. Electrical Components.

- i. All electrical components of the WECS shall conform to applicable local, state, and national codes, and relevant national and international standards.
- ii. Electrical Collection Cables: All WECS electrical collection cables between each WECS shall be located underground unless they are located on public or utility rights-of-way or with prior City approval. All transmission lines that are buried should be at a depth consistent with or greater than local utility and telecommunication underground lines standards or as negotiated with the land owner or the land owners designate until the same reach the property line or a substation adjacent to the property line.

d. Color.

- i. Towers and blades shall be painted white or gray or another non-reflective, unobtrusive color.
- ii. The Applicant for the WECS shall comply with all applicable FAA requirements.

- e. Warnings.
 - i. A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
 - ii. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of not less than fifteen feet (15') from the ground.
- f. Climb Prevention. All WECS Tower designs must include features to deter climbing or be protected by anti-climbing devices such as:
 - i. Anti-climbing devices fifteen feet (15') vertically from the base of the WECS Tower
 - ii. If climbing apparatus is located on the exterior of tower a 6' fence or other anti-climbing devices must be erected unless climbing apparatus is located at least twelve feet (12') above the ground level.
- g. Utility Interconnection. No WECS shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected generator. The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operate as set forth in the electrical utility's then-current service regulations applicable to WECS.
- h. Waste Management. All solid waste whether generated from supplies, equipment, parts, packaging, or operation or maintenance of the facility, including old parts and equipment, shall be removed from the site in a timely manner consistent with industry standards. All hazardous waste generated by the operation and maintenance of the facility, including but not limited to lubricating materials, shall be handled in a manner consistent with all local, state and federal rules and regulations.
- i. Lighting.
 - i. Except with respect to lighting required by the FAA all lighting shall be shielded so that no glare extends substantially beyond the boundaries of the Wind Farm Facilities.
 - ii. Any WECS thereof declared to be unsafe by the Administrator by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in the City Ordinances governing the removal of nuisances.
- j. Compliance with Additional Regulations: Nothing in this ZO is intended to preempt other applicable state and federal laws and regulations.
- k. Interference. If after construction of the WECS, the owner or operator receives a written complaint related to interference with local broadcast residential television, telecommunication, communication or microwave transmissions, the

owner or operator shall take reasonable steps to respond to minimize the complaint.

- I. Signs. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a WECS shall be prohibited.
2. Small (SWS) or Micro (MWS) Wind System. The following standards apply for both the Small and Micro Wind Systems.
 - a. Noise and Vibration. SWS and MWS shall not exceed 60 dBA, as measured at the closest neighboring dwelling.
 - b. Blade Clearance. The minimum distance between the ground and any protruding blade(s) utilized on a SWS shall be fifteen (15) feet, as measured at the lowest point of the arc of the blades. The minimum distance shall be increased as necessary to provide for vehicle clearance in locations where over-sized vehicles might travel.
 - c. Tower Height.
 - i. Tower heights sixty-five feet (65') to one hundred forty feet (140') in the AG and AB districts must a height variance.
 - ii. No more than one (1) SWS is permitted in the AG and AB zoning districts.
 - iii. For properties one half (1/2) acre to one (1) acre in area, the SMW height shall be limited to eighty feet (80'). For properties one (1) acre or or larger in area, towers should be one hundred forty feet (140') or less, except as imposed by FAA regulations.
 - d. Setbacks. The minimum separation distance between a SMS and all surrounding property lines, overhead utility or transmission lines, other electrical substations, neighboring WECS or neighboring meteorological towers, public rights-of-way, and primary communications towers shall be no less than the total height of the SWS. This is measured from the base of each SWS.
 - e. System Condition. The applicant shall maintain the SWS or MWS in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and security measures.
 - f. Decommissioning Plan. Any SWS or MWS which has reached the end of its useful life or has been abandoned shall be removed. A SWS or MWS shall be considered abandoned when it fails to operate for one (1) year. Upon a notice of abandonment issued by the Administrator, the SWS or MWS owner will have thirty (30) days to provide sufficient evidence that the system has not been abandoned. If the SWS or MWS is considered abandoned or in disrepair the petitioner must remove the SWS or MWS within twelve (12) months or the City shall have the authority to enter the owner's property and remove the system at the owner's expense.

AA. Wireless Facilities.

All standards of this section apply to wireless facilities that are covered by the Telecommunications Act of 1996. It does not apply to personal television antennas, ham radio, or short wave radio antennas, or other communications equipment accessory to residential uses.

1. Development Standards.

- a. Prior to an ILP, the applicant shall provide information demonstrating compliance with all FCC, FAA and ANSI standards and all other state or local standards.
- b. All telecommunication towers must meet the standards of *Article 3, Section Q.3: Encroachment* which states communication structures, such as telecommunication towers may exceed normal height requirements provided their total height does not exceed their distance from the nearest lot line.
 - i. If proper engineering data is provided that demonstrates the structure is engineered to be collapsible within an area of half its height, communications structures shall be, in addition to regular setback distances, setback a minimum distance from the property line or lease line of any adjoining property (which ever requires the greater setback) a distance that is equal to fifty percent (50%) of the height of the tower, but not less than fifty feet (50').
- c. All new wireless facilities shall be designed and constructed to accommodate a minimum of three (3) service providers.
- d. Ingress and egress to the site shall only be from approved access points. Surfacing of all roadways, driveways, and off-street parking areas shall comply with the standards of this ZO and the *Subdivision Control Ordinance*.
- e. Wireless facilities shall be entirely enclosed by a woven wire or chain link fence. Such fence may be located in the front, side or rear yard.
- f. Wireless facilities shall meet the standards of *Article 3, Section B: Bufferyard Standards* for screening and buffering except for those sites that are adjoining property in which agriculture is the primary use of the land.
- g. Wireless facilities shall not be illuminated, except in accord with other state or federal regulations.
- h. No signs shall be permitted, except those displaying emergency information, owner contact information, warning or safety instructions, or signs which are required by a federal, state or local agency. Such signs shall not exceed five square feet (5 sqft).

2. Process for Wireless Facilities.

- a. Purpose: In accordance with *IC 8-1-32.3*, the following provisions shall apply to the application and approval for construction of a new wireless support structure; substantial modification of a wireless support structure, or collocation of wireless facilities on an existing structure.

- b. Application: To be considered complete, the following information must be submitted with an application for a new wireless support structure, a substantially modified wireless support structure, or collocation of a wireless facility:
 - i. Applicant Information:
 - (a) A statement that the applicant is a person that either provides wireless communications service or owns or otherwise makes available infrastructure required for such service; and
 - (b) The name, business address, and point of contact for the applicant.
 - ii. Location:
 - (a) The location of the proposed or affected wireless support structure or wireless facility; and
 - (b) Evidence supporting the choice of the location for the proposed wireless support structure, including a sworn statement from the individual responsible for the choice of location demonstrating that collocation of wireless facilities on an existing wireless support structure was not a viable option because collocation:
 - (1) Would not result in the same wireless service functionality, coverage, and capacity;
 - (2) Is technically infeasible; or
 - (3) Is an economic burden to the applicant.
 - iii. Construction Plan: A construction plan that describes the proposed wireless support structure and all equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment.
 - iv. Findings of Fact: For an application that requires a Special Exception or a Use Variance, evidence showing that the application complies with the applicable criteria shall be submitted.
 - (a) The criteria for a Special Exception under *IC 36-7-4-918.2* shall comply with *Article 7, Section D.4: Special Exception Procedures*.
 - (b) The criteria for a Use Variance under *IC 36-7-4-918.4* shall comply with *Article 7, Section D.6: Variance of Development Standards Procedures*.
- c. Review of Application: Upon receipt of an application for a new or significantly modified wireless support structure, the Administrator shall promptly review it for completeness. Within ten (10) business days of receiving the application, the Administrator shall notify the applicant of whether the application is complete and whether a public hearing will be required.
 - i. Failure to Notify: If the Administrator fails to notify the applicant within ten (10) business days whether their application is complete shall be considered a

non-final zoning decision in accordance with *IC 36-7-4-1602(c)*, with the applicant consequently entitled to expedited judicial review of the non-final zoning decision.

d. Public Hearing:

- i. Public Hearing Required: When a public hearing is required for a Special Exception or a Use Variance, the BZA shall conduct the hearing and take final action within a reasonable period of time.
- ii. Public Hearing Not Required: When a public hearing is not required, the Administrator shall take final action on the request within a reasonable period of time after the application is filed.

e. Deadlines for Final Action: For purposes of subsection c above, a “reasonable period of time” shall be determined as follows:

- i. Collocation Only: If the request involves an application for collocation only, a reasonable period of time is not more than forty-five (45) calendar days from the date that the applicant is notified by the Administrator that the application is complete. An application for collocation only is not subject to a public hearing before the BZA, but the Administrator may review the application for compliance with applicable building code requirements before issuing ILP.
- ii. New Wireless Support Structure: If the request involves an application for an ILP to construct a new wireless support structure, a reasonable period of time is not more than ninety (90) calendar days from the date that the applicant is notified that the application is complete, or not more than one hundred twenty (120) calendar days in any case in which the approval of a use variance is necessary. The BZA shall conduct a public hearing on the request and shall make a decision on the request at the meeting at which it is first presented. Decisions made by the BZA after a public hearing conducted in accordance with this section are considered zoning decisions for purposes of *IC 36-7-4* and are subject to judicial review under the *IC 36-7-4-1600 series*.
- iii. Substantial Modification of a Wireless Support Structure: If the request involves an application for an ILP for substantial modification of a wireless support structure, a reasonable period of time is not more than ninety (90) calendar days from the date that the applicant is notified that the application is complete, or not more than 120 calendar days in any case in which the approval of a use variance is necessary. The BZA shall conduct a public hearing on the request and shall make a decision on the request at the meeting at which it is first presented. Decisions made by the BZA after a public hearing conducted in accordance with this section considered zoning decisions for purposes of *IC 36-7-4* and are subject to judicial review under the *IC 36-7-4-1600 series*.
- iv. Additional Time for Applicant Amendment: If an applicant has requested additional time to amend its application or requested or agreed to a continuance during the review or hearing process, then the period of time

prescribed by parts 1, 2, or 3 above shall be extended for a corresponding amount of time.

- v. Failure to Take Action: Failure by the Administrator or the BZA to take final action on a request within a reasonable period of time shall be considered a non-final zoning decision in accordance with *IC 36-7-4-1602(c)*, with the applicant consequently entitled to expedited judicial review of the non-final zoning decision.
- f. Additional Rules: In accordance with *IC 8-1-32.3* and notwithstanding *IC 36-7-4* or any rules adopted by the BZA, the following provisions apply to all applications submitted under this section:
 - i. Fees.
 - (a) The Administrator may not require an applicant to pay a fee associated with the submission, review, processing, or approval of an application unless the payment of the same or a similar fee for applications for permits for similar types of commercial or within the City.
 - (b) If a fee associated with the submission, review, processing, or hearing of an application, including a fee imposed by a third party that provides review, technical, or consulting assistance to the Administrator, the fee must be based on actual, direct, and reasonable costs incurred for the review, processing, and hearing of the application.
 - (c) A fee described in this section may not include:
 - (1) Travel expenses incurred by a third party in its review of an application; or
 - (2) Direct payment or reimbursement of third party fees charged on a contingency basis.
 - ii. Non-discrimination: The Administrator or BZA may not discriminate among communications service providers or public utilities with respect to the following:
 - (a) Approving applications, issuing permits, or otherwise establishing terms and conditions for construction of wireless or wireline communications facilities.
 - (b) Authorizing or approving tax incentives for wireless or wireline communications facilities.
 - (c) Providing access to rights-of-way, infrastructure, utility poles, river and bridge crossings, and other physical assets owned or controlled by the City.
 - iii. Fall Zone Limitation: The Administrator or BZA may not impose a fall zone requirement for a wireless support structure that is larger than the area within which the structure is designed to collapse, as set forth in the applicant's

engineering certification for the structure. However, a fall zone requirement that is larger than the area described above may be imposed if the Administrator or BZA provides evidence that the applicant's engineering certification is flawed. This evidence must include a study performed by a professional engineer.

- iv. All Other Land Use and Development Standards Apply: These additional rules do not affect the ability of the City to exercise other zoning, land use, planning or other development standards with respect to the siting of new wireless support structures; or exempt the applicant from complying with applicable laws and ordinances concerning land use.
- v. Federal Standards Apply: In reviewing applications and conducting hearings, the Administrator and the BZA shall comply with all applicable provisions of *Section 332(c)(7)(B) of the Federal Telecommunications Act of 1996* as in effect on July 1, 2015, and *Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012* as in effect on July 1, 2015.
- vi. Information Not Required: Neither the Administrator nor the BZA may require an applicant to submit information about or evaluate an applicant's business decisions with respect to the applicant's designed service, customer demand, service quality, or desired signal strength to a particular location.
- vii. Confidential Materials: All meetings of the BZA are subject to the Open Door Law in accordance with *IC 5-14-1.5*. However, neither the Administrator nor the BZA may release to the public any records that are required to be kept confidential under Federal or State law, including the trade secrets of applicants, as provided in the Access to Public Records Act (*IC 5-14-3*) and other applicable laws.
- viii. Consolidation of Multiple Applications: The Administrator shall allow an applicant to submit a single consolidated application to collocate multiple wireless service facilities, or for multiple small cell facilities that are located within the City and that comprise a single small cell network. Whenever a consolidated application is approved, the Administrator shall issue the applicant a single ILP for the multiple facilities, or for the small cell network, in lieu of issuing multiple permits for each respective facility.
- ix. Conditions for Use of Utility Poles or Towers: Neither the Administrator nor the BZA may require or impose conditions on an applicant regarding the installation, location, or use of wireless service facilities on utility poles or electrical transmission towers.

Article 5. Planned Unit Developments (PUDs)

A. Purpose.

PUD Districts are for the purpose of allowing greater flexibility in the development of real property with innovative and diverse design plans which foster a harmonious variety of land uses, and/or provide for an economy of shared services and facilities and public works, and/or promote the protection of the natural environment and establishment of permanent open spaces, and/or create efficient and compatible neighborhoods. PUD Districts are not subject to other provisions of this ZO. PUD Districts may adopt regulations approving smaller lot sizes, lesser setbacks and with variation to other standards contained in this ZO, than would normally be allowed, provided adequate open space and/or other special amenities are provided, and the PUD Districts are consistent with the goals and policies of the Logansport and Fringe Comprehensive Plan.

B. Establishment and Amendment.

The adoption and amendment of a PUD District Ordinance is established through a legislative act pursuant to *IC 36-7-4-600 series* and as provided for in *Article 7, Section D.3: Planned Unit Development Procedures*. The establishment of a PUD District includes a legally recorded textual ordinance amendment delineating development requirements and a Zone Map amendment which specifically establishes the uses, restrictions, and regulations of the PUD District as authorized in *IC 36-7-4-1508* and *IC 36-7-4-601(d)(2)*.

1. PUD Districts may be established in any district, excepting the Open Space district, as listed in *Appendix 1: Land Use Matrix*. PUD Districts are subject to the standards and purposes of this article and the intent of this ZO, and must be consistent with the goals of the Logansport and Fringe Comprehensive Plan and the regulations of the Subdivision Control Ordinance where applicable.
2. PUD Districts may be applied to the development of presently developed lands, or open or vacant lands, and may apply to parcels of relatively small size as well as large-scale developments and their relationship with other surrounding uses and the overall characteristics of the area in which located.
3. As part of approval of a PUD District Ordinance, a primary plan and a secondary plan of the PUD shall be filed and approved as specified in this article. All development within the PUD District shall comply with the land use requirements, development requirements, and limitations and specifications of the adopted primary and secondary plans of the PUD District.
4. Subdivision plat approval, as may be required by the Subdivision Control Ordinance, may be obtained simultaneously as the PUD District Ordinance, if so requested by the petitioner.

C. PUD District Ordinance Formatting.

For the purpose of administration and continuity, the proposed PUD District Ordinance shall follow a uniform format and contain the following sections:

1. Introductory Provisions.
2. Districts.
3. Site Development Standards.
4. Use Development Standards.
5. Other Development Standards.
6. Non-conforming.
7. Administration and Procedures.
8. Definitions.

D. Design Standards.

The following design standards apply to PUD Districts:

1. All applicable design and construction standards of the Subdivision Control Ordinance shall be met for PUDs requiring subdivision approval.
2. Drainage systems shall be provided that meet the standards of the Subdivision Control Ordinance, if applicable. PUDs which include retention ponds as part of a drainage system may use the retention pond area when calculating for open space.
3. Primary vehicular access to the development shall be from roads capable of supporting existing traffic and the traffic that will be generated by the development. Access points shall be designed to provide smooth traffic flow, controlled turning movements, and minimum hazard to vehicular or pedestrian traffic. No streets or roads within the development shall connect to exterior streets in any such way as to encourage use of local streets as through-streets.
4. Walkways shall be provided to form a logical, safe, and convenient system. All walkways shall be located to minimize contacts with normal automotive traffic and shall have street crossings held to a minimum.
5. Private street rights-of-way and pavements shall be constructed in conformity with the minimum street specifications prescribed by the Subdivision Control Ordinance.
6. If topographical or other barriers are not sufficient to assure the privacy of the adjacent or facing properties from the development, the following requirements shall be imposed:
 - a. Structures on the perimeter must be setback sufficiently to protect the privacy and amenity of the adjacent or facing properties and the development.
 - b. Screening the perimeter beyond normal bufferyards required by this ZO shall also be required.
7. The requirements determining the spacing of structures shall be as flexible as possible so as to encourage imaginative site design. The spaces between structures shall guarantee adequate light, air, and emergency access.

8. Utility easements and rights-of-way shall be adequate and shall be in conformity with the minimum standards prescribed by the respective utilities.

E. Development Standards.

Each PUD District shall determine the specific development requirements that must be met in the PUD District.

1. Specific development requirements must be set out in the PUD District Ordinance pursuant to *IC 36-7-4-1508* and *IC 36-7-4-601(d)(2)*. These specific development requirements must determine the following:
 - a. Requirements for the area of front, rear, and side yards, courts, other open spaces and total lot area;
 - b. Requirements for site conditions, signs, and non-structural improvements, such as parking lots, ponds, fills, landscaping, and utilities;
 - c. Provisions for the treatment of uses, structures, or conditions that are in existence when the ZO takes effect;
 - d. Restrictions on development in areas prone to flooding;
 - e. Requirements to protect the historic and architectural heritage of the community;
 - f. Requirements for structures, such as location, height, area, bulk, and floor space;
 - g. Restrictions on the kind and intensities of uses;
 - h. Performance standards for the emission of noises, gases, heat, vibration, or particulate matter into the air or ground or across lot lines;
 - i. Standards for population density and traffic circulation;
 - j. Any other provisions that are necessary to implement the purposes of the ZO.

F. Procedures.

1. General. The adoption of a PUD District Ordinance requires primary plan review by the PC and approval by the Common Council and secondary plan approval by the PC.
 - a. Primary Plan Approval Primary Plan Approval may proceed simultaneously with primary plat approval required by the Subdivision Control Ordinance, where applicable.
 - i. Application.
 - ii. Approval of Primary Plan and PUD District. If approved or approved with conditions, the primary plan constitutes the establishment of a PUD District. Primary plan approval of a PUD District does not constitute primary approval of a subdivision plat. Primary approval of a subdivision plat granted by the PC cannot be effective until the PUD District is granted primary plan approval by the Common Council.

- iii. Expiration. Primary plan approval of a PUD District shall be valid for one (1) year from the date of approval of the Common Council unless an extension is granted by the Common Council.
- b. Secondary Plan Approval. Secondary plan approval for all or any phase of a PUD District may be filed after the PUD District Ordinance is in effect. The PUD procedure for secondary plan approval shall be as follows:
 - i. Prerequisites. Performance guarantees shall be posted before site work begins. The performance guarantee shall be in the amount of one hundred twenty-five percent (125%) of the estimated cost of completion of all required improvements in form of a performance guarantee as prescribed by the Subdivision Control Ordinance.
 - ii. Application.
 - (a) Compliance with PUD District. All secondary plans and subdivision plats shall be in substantial compliance with the adopted corresponding PUD District Ordinance and the primary plan;
 - iii. Approval. After approval, the PC shall then pass a resolution approving the secondary plan upon an affirmative finding that the plan is complete and consistent with the primary plan as approved by the Common Council.
 - (a) Record PUD District Ordinance. In the Recorder's Office, the petitioner shall record the PUD District Ordinance and all written text, drawings and documents of the secondary plan approval before applying for any ILP, performing any development or construction or filing any required horizontal property documents. One (1) copy of the recorded secondary plan approval shall be submitted to the Auditor. Any construction which does not fully comply with the recorded secondary plan approval is subject to appropriate enforcement action and shall be subject to fines as provided in *Article 7, Section F: Complaints, Violations, and Remedies*.
 - (b) Appeal. The decision of the PC may be appealed to the Common Council if filed in writing within thirty (30) calendar days of the date of the decision.
 - iv. Expiration.
 - (a) Secondary plan approval shall expire after a period of one (1) year unless the secondary plan approval has been recorded as specified and is not more than fifty percent (50%) completed in terms of public improvements and infrastructure. Determination of completion shall be made by the PUD Administrator. If secondary plan approval expires, the petitioner must reapply for secondary plan approval in accordance with the above procedure. No ILP may be applied for if the secondary plan approval has expired.
 - (b) In the event that no secondary plan approval is obtained after one (1) year following primary approval for all, or a phase of, a PUD District, the PC or the Common Council may initiate a Zone Map amendment

following the procedure in *Article 7, Section D.3: Planned Unit Development Procedures* to remove the PUD District designation and designate the property an appropriate zoning district.

c. ILPs.

- i. Prerequisites. No ILP may be applied for nor may any development begin until secondary plan approval has been granted by the PC.

G. Amendments.

PUDs must be constructed and developed according to the approved PUD District Ordinance and the approved secondary plan as recorded. All recorded documents and amendments shall be binding on the petitioners, their successors, grantees, and assigns. Amendments to PUDs as adopted and recorded shall be in accordance with *Article 7, Section D.3: Planned Unit Development Procedures* and *IC 36-7-4-600 series*.

1. Amendments to the PUD District Ordinance or secondary plan which constitute a minor modification may be granted by the PC after public hearing in accordance with *IC 5-3-1* and the *PC Rules and Procedures*.
 - a. Minor modifications are any changes that do not alter the concept or intent of the PUD, change any land use, increase the density, reduce the open space, reduce the landscaping or buffering, change any lot line, change any structure location, alter or redesign any street, or change any protective covenants, horizontal property ownership or owners' association documents or maintenance agreements. Determination if the request constitutes a minor modification shall be made by the PUD Administrator.
 - b. Minor modification requests must be submitted in writing with appropriate documentation as determined by the PUD Administrator.
 - c. Minor modification requests, if determined by the PUD Administrator to be complete, will be docketed for hearing within thirty (30) calendar days of the submission.

Article 6. Non-conforming

A. Non-conforming Lots of Record.

In any zoning district, notwithstanding limitations imposed by other provisions of this ZO, a lot of record may be sold, or used, or structures and customary accessory structures may be erected on any single lot of record as of the effective date of this ZO provided that there is no encroachment of use or structure over a lot line. If adjoining lots of record are under single ownership, a lot of record may be sold, or used, or structures and customary accessory structures may be erected providing all setback requirements, excepting area and width, as established by the zoning district in which the lots under single ownership are located can be met. Variance from any requirement other than area or width shall be obtained through the BZA.

B. Non-conforming Structures.

Where a structure exists that could not be built under the terms of this ZO by reason of restrictions on area, lot coverage, height, yards, and other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such structure may be enlarged or altered in a way which increases its non-conformity.
 - a. Any structure which is non-conforming only with respect to the regulations specified in the Flood Hazard Ordinance may be expanded or enlarged, provided such modification is on a one-time basis and further provided that such modification does not increase the value of the structure by more than forty percent (40%) of its pre-improvement market value (excluding the value of land). Prior to the issuance of any local permits, such modification must be reviewed and approved by the IDNR.
 - b. An open porch or carport non-conforming only to setbacks may be enclosed provided the original foundation or roof and supports are not removed, but in no event shall such improvement be less than fifty percent (50%) of that distance required.
 - c. A structure non-conforming only to the setback regulations may be added to or enlarged if said additions or enlargements do not encroach into any portion of any required yard to a greater extent than the existing non-conforming structure, but in no event shall any such additions or enlargements be less than fifty percent (50%) of that distance required by the yard requirements of the district in which the lot is located.
2. If any non-conforming structure is damaged by fire, flood, explosion, or other casualty to an extent more than seventy-five percent (75%) of its pre-damaged value, such structure shall not be restored except in conformity with the regulations of the district within which it is located. Any non-conforming structure damaged to a lesser extent shall be subject to approval of required Variances by the BZA prior to reconstruction or restoration.

- a. Non-conforming structures located in any Floodway Overlay or Floodway Fringe Overlay District may not be reconstructed if the amount of damage exceeds forty percent (40%) of the pre-damaged value of the structure.
- b. Manufactured homes. Except in the Flood Fringe Overlay District, an existing manufactured home which does not meet setback requirements may be replaced provided the replacement manufactured home does not encroach into the required setback area to any extent greater than the existing home.

C. Non-conforming Uses of Land.

The following provisions shall apply to all non-conforming uses:

1. A non-conforming use of land or structure or both in combination may be continued but may not be extended, expanded, or changed unless to a conforming use, except as specified herein or as permitted by the BZA in accordance with the provisions of this ZO.
 - a. Any use existing in any Floodway Overlay or Floodway Fringe Overlay District at the time of adoption of this ZO which is not in accordance with the standards and regulations specified in the Flood Hazard Ordinance may be expanded or enlarged, provided such modification does not increase the value of the use by more than forty percent (40%) of its pre-improvement market value (excluding the value of the land). Prior to the issuance of any local permits, such modification must be reviewed and approved by the IDNR.
 - b. A non-conforming residential use may be expanded, subject to the approval of a Special Exception by the BZA. In reviewing petitions, the BZA shall, in addition to other criteria, consider the following:
 - i. The number of times a home may be expanded shall be limited to once, unless special circumstances warrant.
 - ii. Expansions which would significantly increase the market value of the home shall be discouraged unless special circumstances warrant. As a general guide, the BZA shall consider an increase of fifty percent (50%) over the pre-improvement market value as being a significant increase.
2. An existing non-conforming use which occupies only a portion of an existing structure may be extended throughout such structure, provided such change or extension does not eliminate, displace, prevent, or restrict the continuance of any, then existing use being concurrently carried on in said structure which conforms with the requirements of this ZO.
3. If no structural alterations are made, any non-conforming use of a structure, or structure and land, may be changed to another similar or less-intense non-conforming use provided that the Administrator approves of such change. In addition, the Administrator may require appropriate conditions and safeguards in accord with the provisions of this ZO. All other changes to a non-conforming use to another non-conforming use must receive Special Exception approval from the BZA.

4. If any non-conforming use of land or structure or both in combination ceases for any reason for a period of more than twelve (12) consecutive months, the land, structure, or structure and land in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located, unless (after this time period has elapsed) a use is approved as a Special Exception by the BZA.
5. Whenever a non-conforming use has been changed to a conforming use, it shall not thereafter be changed again to a non-conforming use unless permitted by the BZA in accordance with the Use Variance procedure.
6. There shall be no expansion whatsoever of a non-conforming junk yard to cover a greater land area than what was covered on the effective date of this ZO.
7. An existing use which is listed herein as a Special Exception, and which is located in a district in which such Special Exception may be permitted, is a conforming use. Any expansion of such Special Exception involving the enlargement of structures and land area devoted to such use, shall be subject to Special Exception approval by the BZA.

Article 7. Administration and Procedures

A. ZO Administration.

1. Administrator. The Administrator shall be appointed by the PC and shall have the following duties:
 - a. Administer and enforce the provisions of this ZO in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to this ZO;
 - b. Issue ILPs and Certificates of Occupancy;
 - c. Maintain a permanent file of all permits and applications as public records; and
 - d. Ensure that during his review of ILP applications, all National Flood Insurance Program regulations, pertaining to State and Federal permits, subdivision review, utility construction, record keeping (including lowest floor elevation), and water course alteration and maintenance have been met.
2. Administrative Decisions.
 - a. Whenever, in the course of administration and enforcement of this ZO, it is necessary to make an administrative decision which is not clearly governed by standards contained herein, such decision shall be made so that the result will not be contrary to the spirit and purpose of this ZO or injurious to the area affected.

B. Plan Commission (PC).

1. Establishment. The PC is established in accordance with *IC 36-7-4-200 series* and shall have the duties and powers prescribed in *IC 36-7-4-400 series* and all other procedures necessary for the proper administration and enforcement of this ZO. The PC shall adopt rules for the purpose of its supervision and administration and investigations and hearings which may not conflict with the ZO nor the Indiana Code.
2. Jurisdiction. The PC shall have jurisdiction over all land covered by the jurisdiction of this ZO.
3. Organization. The PC shall be organized in accordance with *IC 36-7-4-300 series*.
 - a. Quorum. In accordance with *IC 36-7-4-301*, a quorum of the PC consists of a majority of the entire membership of the PC.
 - b. Official Action. In accordance with *IC 36-7-4-302*, action of the PC is not official unless it occurs at a regular or special meeting, by a majority of the entire membership of the PC.
 - c. Leadership. In accordance with *IC 36-7-4-303*, the PC shall elect a president and vice president from its membership at its first regular meeting each year.
 - d. Secretary. In accordance with *IC 36-7-4-304*, the PC may appoint and fix the duties of a secretary, who is not required to be a member of the PC.
 - e. Meetings and Minutes.

- i. Regular Meetings. In accordance with *IC 36-7-4-306*, the PC shall fix the time for holding regular meetings each month or as necessary, keep minutes of its proceedings, keep records of its examinations and other official acts, and shall record and vote on all actions taken. All minutes and records shall be filed in the Office of the Administrator and shall be a public record.
 - ii. Special Meetings. In accordance with *IC 36-7-4-307*, a special meeting of the PC may be called by the president or by two (2) members of the PC upon written request to the secretary.
 - f. Employees. In accordance with *IC 36-7-4-311*, the PC may appoint, prescribe the duties, and fix the compensation of employees necessary for the discharge of the duties of the commission. The PC may contract for special or temporary services and any professional counsel.
4. Duties
- a. Rules and Procedures. The PC shall adopt rules for its administration.
 - b. Comprehensive Plan. The PC shall make recommendations to the legislative body concerning the adoption of and amendments to the Comprehensive Plan in accordance with *IC 36-7-4-500 series*.
 - c. Development Plans. The PC shall make decisions regarding development plans in accordance with *Article 7, Section D.2: Development Plan Procedures* and *IC 36-7-4-1400 series*.
 - d. Planned Unit Developments (PUD). The PC shall make recommendations to the legislative body concerning the adoption of and amendments to a PUD in accordance with *Article 7, Section D.3: Planned Unit Development Procedures* and *IC 36-7-4-1500 series*.
 - e. Streets and Addresses. The president of the legislative body shall name or rename streets and assign addresses, however this responsibility may be delegated to the PC by ordinance.
 - f. Subdivisions. The PC shall make decisions regarding plats, replats, and amendments to plats in accordance with the Subdivision Control Ordinance, the PC Rules and Procedures, and *IC 36-7-4-700 series*, including:
 - i. Primary Plat as described in *IC 36-7-4-702*;
 - ii. Secondary Plat as described in *IC 36-7-4-709*;
 - iii. Plat Vacation as described in *IC 36-7-4-711*; and
 - iv. Vacation of Covenants as described in *IC 36-7-4-714*.
 - g. Zone Map Changes. The PC shall make recommendations to the legislative body concerning changes to the zone map in accordance with *Article 7, Section D.8: Zone Map Change Procedures* and *IC 36-7-4-600 series*.

- h. Zoning Ordinance. The PC shall make recommendations to the legislative body concerning the adoption of and amendments to the ZO in accordance with *IC 36-7-4-600 series*.
- 5. Powers and Duties. The PC shall have the powers as authorized in *IC 36-7-4-400 series*, including the following:
 - a. Executive Committee. Per *IC 36-7-4-408*, the PC may establish an executive committee of three to nine (3-9) persons appointed by the PC from its membership. The establishment of the executive committee, the naming of its members, and the adoption of rules governing its operation requires a two-thirds (2/3) majority vote of the entire membership of the PC. A majority of the executive committee may act on behalf of the commission, but a dissenting voter may appeal the decision to the full PC.
 - b. Fees. Per *IC 36-7-4-411*, the PC may establish a fee schedule to defray the administrative costs associated with PC and BZA petitions, issuing permits, and other permitted actions.

C. Board of Zoning Appeals (BZA).

- 1. Establishment. The BZA shall be established in accordance with *IC 36-7-4-900 series*. The BZA shall have membership in accordance with *IC 36-7-4-900 series*.
- 2. Jurisdiction. The BZA shall have jurisdiction over all land covered by the jurisdiction of this ZO.
- 3. Organization.
 - a. Quorum. In accordance with *IC 36-7-4-910*, a quorum of the BZA consists of a majority of the entire membership of the BZA.
 - b. Official Action. In accordance with *IC 36-7-4-911*, action of the BZA is not official unless it is authorized by a majority of the entire membership of the BZA.
 - c. Leadership. In accordance with *IC 36-7-4-912*, the BZA shall elect a chairman and vice chairman from its membership at its first regular meeting each year.
 - d. Secretary. In accordance with *IC 36-7-4-913*, the BZA may appoint and fix the duties of a secretary.
 - e. Meetings and Minutes. In accordance with *IC 36-7-4-915*, the BZA shall keep minutes of its proceedings, keep records of its examinations and other official acts, and shall record and vote on all actions taken by making findings of fact. All minutes and records shall be filed in the Office of the Administrator and shall be a public record.
 - i. Regular Meetings. The BZA shall fix the time for holding regular meetings each month or as necessary, keep minutes of its proceedings, keep records of its examinations and other official acts, and shall record and vote on all actions taken. All minutes and records shall be filed in the Office of the Administrator and shall be a public record.

- ii. Special Meetings. A special meeting of the BZA may be called by the chairman or by two (2) members of the BZA upon written request to the secretary.
- 4. Duties. The BZA shall have the following duties as authorized in *IC 36-7-4-900 series*:
 - a. Rules and Procedures. The BZA shall adopt rules for its administration in accordance with *IC 36-7-4-916*.
 - b. Appeals. The BZA shall make decisions regarding appeals in accordance with *Article 7, Section D.1: Appeals Procedures* and *IC 36-7-4-918.1*.
 - c. Special Exception. The BZA shall make decision regarding special exceptions in accordance with *Article 7, Section D.4: Special Exception Procedures* and *IC 36-7-4-918.2*.
 - d. Variance from Development Standards. The BZA shall make decisions regarding variances in accordance with *Article 7, Section D.6: Variance from Development Standards Procedures* and *IC 36-7-4-918.5*.

D. Procedures for PC & BZA Duties.

1. Appeals Procedures.

In accordance with *IC 36-7-4-918.1* and the *BZA Rules and Procedures*, the BZA shall hear and determine appeals from and review the decisions below. In addition, all appeals shall be made pursuant to *IC 36-7-4-1000 thru 1020* and all amendments thereto.

- a. Applicability. The BZA shall hear appeals to any of the following:
 - i. Any order, requirement, decision, or determination made by an administrative official, hearing officer, or staff member under the ZO;
 - ii. Any order, requirement, decision, or determination made by an administrative board or other body except the PC in relation to the enforcement of the ZO; or
 - iii. Any order, requirement, decision, or determination made by an administrative board or other body except the PC in relation to the enforcement of an ordinance adopted under this ZO requiring an ILP or Certificate of Occupancy.
- b. Application. The applicant shall submit an application for appeal in accordance with the application packet adopted as part of their *BZA Rules and Procedures* and be prepared in accordance with the format described therein. The application shall be submitted within thirty (30) days of the decision/interpretation that is the subject of the appeal.
 - i. Public File. Once the Administrator determines that an application is complete and in proper form, they shall assign a file number, create a public file, and assign a date for public hearing.

- ii. Public Notice. Notice of public hearing shall be in accordance with the BZA Rules and Procedures.
- c. Public Hearing. The BZA shall consider the appeal at a public hearing. The applicant shall be in attendance to present their appeal and address any questions or concerns of the BZA.
 - i. Final Decision. The BZA may affirm, reverse, or modify the decision, interpretation, order, or action that is the subject of the appeal. The BZA may also add conditions to their decision.
- (a) Appeal. The decision of the BZA may be appealed to the Circuit or Superior Court of the applicable County.
- 2. Development Plan Procedures.
 - a. Application. This section applies to the Logansport Gateway Overlay District (LG), the Riverfront Protection Overlay District (RP), the Downtown Overlay District (DOD), and the uses listed in 2ai. Of this section when in Ag, Agricultural; AB, Agribusiness; B4, General Business; I1, Light Industrial; and I2, General Industrial zoning districts shall require a Development Plan Review is meeting section 2ci and 2cii of this section. All other overlay district processes are detailed within their appropriate sections. When a project within a district requires an ILP, the permit shall not be issued until DPR is completed and the project complies with all standards, regulations, and procedures of this section and *IC 36-7-4-1400, et seq.*
 - i. Uses that require Development Plan Reviews in some zoning districts: Agribusiness; Liquid Fertilizer and Agricultural Chemicals; Slaughterhouse and Rendering Plant; Oil and Gas Production; Engineering, Research and Development Laboratories; Electric Generation; Bottled Gas Storage and Distribution; Frozen Food Lockers; Bottling Company; Explosive Manufacturing; Heavy Manufacturing; Light Manufacturing; Petroleum Refining; and Processing, Storage, Recycling, Recovery and Disposal of Hazardous or Nuclear Waste.
 - b. Purpose. DPR is intended to promote the orderly growth and development within areas of the City of Logansport and the Area of Extended Jurisdiction. DPR shall promote development opportunities, which encourage compatibility of land uses, provide safe and sufficient transportation systems and infrastructure, and protect the natural environment through fair, objective standards and regulations.
 - c. When Required. DPR is required in the following situations, unless otherwise specified:
 - i. Any construction, reconstruction, or structural alterations and additions of any structure or structures;
 - ii. Establishment or change of any land use on any property within an affected district;
 - iii. Demolition within the DOD.

- iv. Any vehicle and pedestrian circulation, parking, landscaping, signage, lighting, and any facade alterations and additions relating to the historical and/or architectural importance of a structure.
- d. Exceptions. The following are specifically exempted from DPR:
 - i. New construction, improvements, or additions of residential structures on lots of record as of the adoption date of this amendment to the ZO provided the applicable overlay district and the underlying zoning district permits the proposed use of the property.
 - ii. New construction, improvements, or additions of residential structures on lots within minor or major subdivisions approved by the PC after the adoption date of this amendment to the ZO provided the applicable overlay district and the underlying zoning district permits the proposed use of the property.
 - iii. Agricultural land used as cropland, orchards, pasture and grazing, and accessory structures for such agricultural purposes provided the applicable overlay district and the underlying zoning district permits the proposed use of the property.
 - iv. Additions to existing structures as long as the following are met, except for uses specified in 2ai of this section or within the Logansport Gateway Overlay District:
 - (a) Are attached to the existing structure;
 - (b) Continue the architectural design of the existing structure, including exterior color and materials, doors and windows, and other details;
 - (c) Meet the requirements of the overlay district it is constructed within;
 - (d) Do not exceed twenty-five percent (25%) of the original gross floor area of the existing structure, applicable from the effective date of this section; and
 - (e) Have received prior Development Plan approval for the site.
 - v. Detached Accessory Structures as long as the following are met, except for uses specified in 2ai of this section or within the Logansport Overlay District:
 - (a) Shall have the same structure proportions, architectural features, construction materials, and in general be architecturally compatible on all sides with the primary structure(s) with which it is associated;
 - (b) Meet the requirements of the respective overlay district;
 - (c) Do not exceed five percent (5%) of the entire developed area that received prior Development Plan approval.
- e. Procedures.
 - i. Authority of the PC: The PC has authority over all DPR.

- ii. Application. The applicant shall complete and submit a Development Plan application for review and consideration by the PC in accordance with the appropriate application packet adopted as part of the PC Rules and Procedures.
- iii. Delegation of Authority: In accordance with *IC 36-7-4-1402(c)* the Commission may, unless otherwise stated within the respective overlay district and/or zoning districts, authorize the Plan Review Committee or the Administrator to act on its behalf and conduct DPR in all situations. The Administrator and the Plan Review Committee must report their decisions to the Commission at the next regularly scheduled meeting. The Plan Review Committee and the Administrator may defer ruling on a plan and send the matter to the Commission, if they deem it in the best interest of the public or the proposal has effects that may warrant the consideration of the entire Commission.
- iv. Decision Criteria. The appropriate decision making body ((PC, Development Plan Review Committee, or Administrator) shall consider the following when reviewing Development Plan applications:
 - (a) Compatibility of the development with surrounding land uses and the Plan.
 - (b) Availability and coordination of all utilities, including water, sewer, or on-site septic systems, surface and subsurface storm water drainage, and all other utilities.
 - (c) Development of the property to allow for green space and appropriate sight lines, including building setback lines, maximum lot coverage, structure separation, and other specific development requirements within this ZO.
 - (d) Management of traffic in a manner that creates conditions favorable to the health, safety, convenience, and the harmonious development of the community, such as properly designed interior traffic lanes, pedestrian sidewalks and bicycle pathways, parking and loading facilities, and driveway curb cuts.
 - (e) Mitigation of safety hazards and congestion by proper design and location of all streets and easements and highway or roadway access, including the determination that the capacity of such highways or roadways are sufficient to safely and efficiently accept the projected increase in traffic and new streets or easements are compatible with existing and planned streets and developments.
 - (f) Arrangement of uses on site in relation to functional, efficient, and compatible arrangements with the site and also to adjacent uses.
 - (g) Reduction of the impact of more intense development by aesthetically pleasing design of the property, such as buffering and landscaping, appropriate height, scale, building materials, and style of improvements, signage and outdoor lighting.

- v. Determination of Approval. A final determination of approval or disapproval shall be made at the hearing by a majority decision of the entire membership of the hearing body, whether it is the PC, the Development Plan Review Committee, or Administrator. The hearing may be continued for just cause.
 - vi. Conditions of Approval. Approval of a Development Plan may be predicated on conditions of approval that are reasonably necessary to satisfy the development requirements specified in the respective overlay district;
 - vii. Written Findings. The hearing body, whether it is the PC, the Development Plan Review Committee or Administrator, shall complete written findings of fact concerning its decision to approve or disapprove a Development Plan. These findings shall be based on the development requirements and the overlay district in which the project is located. The findings shall be made a part of the permanent record and noted within the minutes of the meeting. All minutes shall be signed by an officer of the PC.
 - viii. Written Commitments. Written commitments, in accordance with the PC Rules and Procedures, written commitments shall be signed by the Development Plan applicant and all owner(s) of real property. These written commitments shall be recorded in the Recorder's Office.
 - ix. Appeal of the PC's Decision. The applicant or interested party may appeal the decision of the Development Plan Review Committee or Administrator within five (5) business days of the date of the hearing under *IC 36-7-4-402(d)*. An appeal shall be heard by the PC in accordance with this section of the ZO. Upon appeal, the applicant may not proceed with the development plan, during the procedure process. A decision of the PC approving or disapproving a development is final and may only be appealed by Judicial Review in accordance with *IC 36-7-4-1016(b)* filed within thirty (30) calendar days of the PC's decision. No application may be refiled after an adverse decision, except as allowed in the PC Rules and Procedures.
 - x. Expiration. An approved Development Plan shall be valid for a period of two (2) years from the date of approval. If an ILP has not been issued within the two-year (2-year) period, the Development Plan approval is rescinded. If an appeal is filed, the approval may be extended up to two (2) years from the date of an approval of the appeal. The Development Plan may be resubmitted in accordance with the procedures specified in this section.
 - xi. Amendment. An amendment to a Development Plan may be submitted for approval in accordance with the procedures for a DPR as specified in this section.
- f. Riverfront Protection District. No person shall commence activity in the Riverfront Protection District described above before a Development Plan is approved by the PC, unless it has been exempted under the terms of this ZO for emergency work by the Administrator.

- i. Decision Criteria. The PC shall review the Development Plan submitted within the Riverfront Protection District according to the procedure set forth in *Section 401.02*. In addition, the PC shall review the Development Plan in relationship to any and all plans having a bearing on the Overlay District including, but not limited to, the *Logansport and Fringe Comprehensive Plan* and the *Park Master Plan*, as well as any flood control measures, bank conservation treatment, and water quality controls or improvements which might be needed to support the proposal. If the PC determines that the proposal is not compatible with the *Logansport and Fringe Comprehensive Plan*, or creates unreasonable hazard of flooding or is not compatible with the aesthetic design of the District, it shall deny the application. If the PC denies the application, it shall notify the petitioner stating the reasons for the denial.
 - ii. Emergency Work. Emergency work may be commenced concurrent with an application for Development Plan approval when, without emergency work, there is imminent danger of personal injury or substantial damage to property. Any such emergency work is done solely at the risk of the person performing the work. An application for Development Plan shall be filed for review as soon as possible and not later than the first working day after repairs have commenced. No permit shall be issued for a change required to be reviewed under this ZO unless the change has been approved by the PC or is proceeding as emergency work under concurrent review. If the PC subsequently denies the Development Plan for any change made pursuant to the “emergency work” provisions of this subsection, the person shall, upon notification of such denial, immediately quit any such occupancy and use and shall restore the premises to its condition prior to commencement of the emergency work.
3. Planned Unit Development Procedures.
 - a. In preparing and considering the adoption or amendment of a PUD District Ordinance, the PC must prepare the amendment in accordance with *IC 36-7-4-600 series* and the following procedures:
 - i. Pursuant to *IC 36-7-4-602(c)(1)(B)*, the adoption of a PUD District Ordinance may be initiated by a petition signed by property owners who own at least fifty percent (50%) of the land involved. The amendment of an established PUD District Ordinance may be initiated by the single owner, or in the case of multiple owners, all owners acting jointly and united in interest, or a legally established owners’ association acting on behalf of a majority of property owners in the PUD District as constituted in the recorded by-laws of the association.
 - ii. Where a proposal is initiated by a party other than the PC or the Common Council, the party shall pay a fee as prescribed in the duly adopted Fee Schedule.
 - iii. The PC shall cause notice of public hearing to be published and notice to interested parties be given and hold public hearing in accordance with *IC 5-3-1* and the *PC Rules and Procedures*.

- iv. The PC shall pay reasonable regard to the following matters:
 - (a) The Logansport and Fringe Comprehensive Plan and IC 36-7-4-600 series;
 - (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) Responsible development and growth.
- v. Within ten (10) business days after the PC determination, the PC shall certify the amendment to the Common Council with a favorable, unfavorable, or no recommendation. Written commitments may be permitted or required for a PUD District Ordinance as specified in IC 36-7-4-1015 and Article 5: *Planned Unit Developments (PUDs)*.
 - (a) Upon receipt of said certification the Common Council shall vote on the amendment within ninety (90) calendar days. Final action by the Common Council shall be in accordance IC 36-7-4-608 and IC 36-7-4-1512.
 - (b) If the proposal is adopted, the PC shall update the ZO and the Zone Map to reflect the designation and requirements of the parcel as a PUD District.
- b. PUD Administrator. A PUD Administrator shall be appointed by the PC. The PUD Administrator shall have the following duties per Article 5: *Planned Unit Developments (PUDs)*:
 - i. To administer the procedures in accordance with their provisions;
 - ii. To hold advisory meetings;
 - iii. To conduct and grant approvals for secondary reviews;
 - iv. To make determinations of and administer minor modifications.

4. Special Exception Procedures.

The BZA shall approve or deny all Special Exceptions from the terms of the ZO, but only in the classes of cases or in the particular situations specified in the ZO. The BZA may impose reasonable conditions as a part of its approval.

- a. A Special Exception shall be approved if, and only if, it is found to meet the following criteria:
 - i. The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the performance standards herein;

- ii. The proposed use shall be sited, oriented, and landscaped so that the relationship of its structures and grounds to adjacent structures and properties does not impair health, safety, or comfort, and does not adversely affect values of adjacent properties;
- iii. The proposed use shall produce a total environment effect which is harmonious with, and not harmful to, the environment of the neighborhood;
- iv. The proposed use shall organize vehicular access and parking to minimize conflicting traffic movement on adjacent streets;
- v. In the case of a change in non-conforming use, the proposed use shall be equally appropriate or more appropriate to the district than the existing or former non-conforming use; and
- vi. The proposed use shall promote the objectives of this ZO and the Logansport and Fringe Comprehensive Plan.

5. Subdivision Procedures.

In accordance with *IC 36-7-4-701*, subdivision of land may occur in any zoning district provided that all applicable standards of this ZO and the Subdivision Control Ordinance are met.

6. Variance from Development Standards Procedures.

The BZA shall approve or deny Variances from the developmental standards (such as height, bulk, or area) of the ZO. A Variance may be approved under this section 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; and
- c. The strict application of the terms of the ZO will result in practical difficulties in the use of the property. However, the ZO may establish a stricter standard than the “practical difficulties” standard prescribed by this section.

7. Variance of Use.

The BZA shall approve or deny Variances of use from the terms of the ZO. The BZA may impose reasonable conditions as a part of its approval.

- a. A Variance may be approved under this section only upon a determination in writing that:
 - i. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
 - ii. The use and value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner;

- iii. The need for the Variance arises from some condition peculiar to the property involved;
- iv. The strict application of the terms of the ZO will constitute an unnecessary hardship if applied to the property for which the Variance is sought; and
- v. The approval does not interfere substantially with the Logansport and Fringe Comprehensive Plan.

8. Zone Map Change Procedures.

- a. Pursuant to *IC 36-7-4-602(c)(1)*, Zone Map amendments may be initiated by the PC, by the Common Council, or by owners of fifty percent (50%) or more of the area involved in the petition.
- b. Where a proposal is initiated by a party other than the PC or the Common Council, the party shall pay a fee as prescribed in the duly adopted Fee Schedule.
- c. The PC shall cause notice of public hearing to be published and notice to interested parties be given and hold public hearing in accordance with *IC 5-3-1* and the PC Rules and Procedures.
- d. The PC shall pay reasonable regard to the following matters:
 - i. The Logansport and Fringe Comprehensive Plan and *IC 36-7-4-600 series*;
 - ii. Current conditions and the character of current structures and uses in each district;
 - iii. The most desirable use for which the land in each district is adapted;
 - iv. The conservation of property values throughout the jurisdiction; and
 - v. Responsible development and growth.
- e. Within ten (10) business days after the PC determination, the PC shall certify the amendment to the Common Council with a favorable, unfavorable, or no recommendation. Written commitments may be permitted or required for a Zone Map as specified in *IC 36-7-4-1015* and *Article 7, Section E.1: Commitments*.
- f. Upon receipt of said certification the Common Council shall vote on the amendment within ninety (90) calendar days. Final action by the Common Council shall be in accordance with *IC 36-7-4-600 series*.
- g. If the proposal is adopted, the PC shall update the Zone Map accordingly.

E. Additional Procedures.

1. Commitments.

- a. Commitments shall be recorded in the Recorder's Office and take effect upon the approval of the Zone Map amendment or PUD District Ordinance. Unless modified or terminated in accordance with *IC 36-7-4-1015*, a commitment is binding on the owner of the property, each subsequent owner, and each other

person acquiring interest in the parcel. A commitment is binding on the owner of the parcel even if it is unrecorded; however, an unrecorded commitment is binding on a subsequent owner or other person acquiring an interest in the parcel only if that subsequent owner or other person has actual notice of the commitment.

- b. By permitting or requiring a written commitment, the PC does not obligate itself to make a favorable or unfavorable recommendation.
 - c. A new commitment may be made or a commitment may be modified or terminated only in accordance with *IC 36-7-4-1015*.
 - d. A commitment must be in substantially the form set forth in the *PC Rules and Procedures*.
 - e. The owner of the property shall be required to notify the Administrator of his timely compliance with such commitments by filing an affidavit to such effect. This affidavit must be submitted before any development or construction begins.
 - f. Written commitments shall be enforced in accordance with *IC 36-7-4-1015* and *Article 7, Section E.1: Commitments*.
2. Density Transfer Option.

The density transfer option is available in FR, R2, and R3 Zoning Districts to establish a mechanism for cooperation between the City and land developers in providing open space and recreational lands in developing areas of Logansport.

- a. Criteria for use: This option shall only be permitted if one (1) of the following two (2) conditions are met:
 - i. The Logansport Park Board must determine that there is a need for public recreational land in the area proposed for development, and must agree to maintain the property if it is dedicated to the City; or
 - ii. Private maintenance provisions must be incorporated into the land development proposal.
- b. Minimum lot size: The minimum lot size permitted when utilizing the density transfer option shall be as stipulated in the development standards table for the respective zoning district with the following criteria being utilized to govern the reduction of lot sizes from that which is normally permitted.
 - i. Land with zero to twenty-five percent (0-25%) slope receives full credit toward the reduction of lot sizes;
 - ii. Land with a slope of twenty-five percent (25%) or greater receives half credit toward the reduction of lot sizes; and
 - iii. Land in flood zone areas receives half credit toward the reduction of lot sizes.
- c. Sketch Plan: Upon submittal of a sketch plan, as required by the *Subdivision Control Ordinance*, an advisory meeting shall be scheduled with the

Administrator to review the plan and discuss the possibility of utilizing the density transfer option. If the option is utilized, the primary plat and secondary plat(s) of the subdivision shall accurately delineate slopes exceeding twenty-five percent (25%), flood prone areas, and any other natural land feature that may influence structure locations. Finally, that portion of the site which would be dedicated to the City or otherwise protected shall be clearly delineated.

- d. Health Department Approval: Any plan for development of property not served by sewer service shall be required to have State and County Health Department approval for suitability and adequacy of lots for septic systems.

3. Guarantees.

a. Performance Guarantees.

- i. Development Plans. A performance bond, written assurance, or letter of credit, that guarantees the timely completion of any proposed public improvements or infrastructure within the Development Plan, equaling one hundred twenty-five percent (125%) of the estimated cost of improvements before site construction begins; however:
 - (a) This shall be done before any ILP or building permit is issued for the development; and
 - (b) As improvements finish the City may release no more than twenty-five percent (25%) of the funds as long as all work for that portion has been completed and subsequently inspected and approved by the City or its agents.

4. Improvement Location Permit (ILP) Procedures.

The Administrator shall issue ILPs in accordance with this section.

a. Applicability.

- i. Permit Required. Except as provided below, an ILP shall be obtained before any person may:
 - (a) Occupy or use any land; or
 - (b) Construct, reconstruct, move, alter, or enlarge any structure; or
 - (c) Change the use of a structure or land to a different use; or
 - (d) Change a non-conforming use.
- ii. Exceptions. ILPs are not required for the following:
 - (a) Water management and use facilities;
 - (b) Land preparation activities, as listed below:
 - (1) Normal plowing and working of the land for gardens and yards;

- (2) Normal trimming and/or removal of trees and shrubs for maintenance or agricultural purposes;
 - (3) Earth movements related to farming and other agricultural activity, including sod farming;
 - (4) Public and private road construction;
 - (5) Installation of utilities;
 - (6) Drain tile laying and ditch cleaning;
 - (7) Top soil removal, other than mineral excavation;
 - (8) Forest management activities such as timber harvesting and timber stand improvement, including sawmills on property where the lumbering is being done;
- (c) Soft side above ground swimming pools, hot tubs, spas, and saunas;
- (d) Storage of RVs and trucks;
- (e) Fences, unless within the incorporated boundary of the City of Logansport; and
- (f) Vending machines.
- b. Permit Application.
 - i. Applications for an ILP will be defined within the Developer's Guidebook.
 - ii. Within thirty (30) calendar days after the receipt of an application, the Administrator shall either approve or disapprove the application in conformance with the provisions of this ZO.
 - (a) If the ILP application is approved, the applicant may proceed to secure any other applicable permits.
 - (b) If the application is disapproved, the Administrator shall state the reasons for disapproval in writing and shall deliver such notice or refusal to the applicant.
- c. Certificate of Occupancy. Prior to occupancy of land or structure for which an ILP was issued, a Certificate of Occupancy must be obtained to insure full compliance with the terms of the ILP.
- d. Construction Design Release. If an application for an ILP relates to a commercial or industrial use, it must be accompanied by a Construction Design Release (CDR), subscribed by a registered professional engineer of the State of Indiana, stating that in his professional judgment, the use should meet the performance standards specified herein. After a ten (10) day period has elapsed during which the Administrator has not required additional information or received objections in writing, he shall issue the permit.

- e. Expiration and Extension. ILPs shall become null and void two (2) years from the date of issue. If the work described in the ILP has not been substantially completed by the expiration of this time, no further work may proceed unless and until a new ILP has been obtained. Standards that were in place for the initial ILP application may be applied to the new ILP for up to ten (10) years, after which an ILP application must meet all new standards to receive approval. An expired permit may not be renewed.

F. Complaints, Violations, and Remedies.

1. Complaints.

2. Violations.

- a. ILP Violations.
- b. ZO Violations.
- c. Subdivision Control Ordinance Violations.

3. Remedies.

- a. In case any structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this ZO, is hereby declared to be a common nuisance. Failure by any person, to abide by any provision of this ZO shall be deemed a violation of this ZO and shall be guilty of a Class C Infraction. Upon conviction, a violator shall be responsible for reasonable attorney fees and fines of not less than \$100 and not more than \$300 per violation, and for each day that the violation continues unabated, a separate offense shall be deemed to have been committed.
- b. For and on behalf of the PC, the BZA, the Planning Department, or the City as their interests may appear, the PC Attorney may institute, in a court of appropriate jurisdiction, causes of action against any person who violates any of the terms of this ZO. Said causes of action shall include, but not be limited to, the filing of a charge of a Class C Infraction; filing suit for temporary or permanent restraining order; or filing suit against the maintenance of a common nuisance. In addition, the Planning Department may pursue any other action, or remedy, authorized by the laws of Indiana. All of the foregoing actions shall be cumulative.
- c. In addition, per Ordinance #2014-35, zoning violations may be cited with a monetary fine.
- d. The PC may, as deemed prudent or necessary under the circumstances, enter into any compromise or settlement involving a violation of this ZO, providing such compromise or settlement is in the best interest of the enforcement of this ZO.

- e. Applications for ILPs or petitions to the BZA or PC will not be accepted by the Administrator from any person or entity that has been notified that they are in violation of the ZO, except if it is required to effect remedial action pursuant to such violation. The ban on accepting applications from persons or entities in violation of this ZO extends beyond the specific property in violation of the ZO and includes applications or petitions upon any property within the jurisdiction of the ZO.

G. Fee Schedule.

Applications and petitions filed pursuant to the provisions of this ZO shall be accompanied by a filing fee. Such fees and deposits shall be set by the Common Council, and a schedule shall be kept on file in the Office of the Administrator.

1. Collection of Fees.
2. Annual Review of Fees Assessed.
3. Calculation of Fees.
4. Fines and Re-inspection Fees.

H. Zoning Waivers.

1. Overlay District.
 - a. Limitations. An applicant may apply for a Zoning Waiver to the PC or the Development Plan Review Committee, unless otherwise stated within the respective overlay district, for any dimensional or quantitative standard applicable to the respective overlay district by no greater than twenty-five percent (25%).
 - b. Criteria for Approval. The requested Zoning Waiver shall be consistent with all of the requirements set forth below:
 - i. The proposal must be in harmony with the purposes and the land use standards contained in the respective overlay district.
 - ii. The proposal must enhance the overall Development Plan, the adjoining streetscapes and neighborhoods, and the overall intent and purpose of the respective overlay district.
 - iii. The proposal must not produce a site plan or street/circulation system that would be impractical or detract from the appearance of the Development Plan and the respective overlay district, and must not adversely affect emergency vehicle access or deprive adjoining properties of adequate light and air.
 - iv. The proposal must exhibit extraordinary site design characteristics, including but not limited to, any or all of the following: increased landscaping treatment, tree preservation, public art, provisions for bicycles, and/or mass transit, and reduced surface parking coupled with provisions for above or below ground parking facilities.

- c. Conditions. In granting a Zoning Waiver, the PC may impose such conditions that will, in its judgment, secure the purpose of the respective overlay district. This subsection does not affect the right of an applicant under Indiana Law to petition the BZA for a Variance from development standards, as provided in *IC 36-7-4-918.5*.

Article 8. Definitions

- A. General Provisions. Certain words used in this ZO are defined below. Words used in the present tense shall include the future. The singular number shall include the plural, and the plural the singular. The word "shall" is mandatory and not permissive.

ABANDONED	The relinquishment of property, or a cessation of the use of the property for a period of six (6) consecutive months, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.
ABANDONED VEHICLE	An abandoned vehicle as defined by <i>IC 9-13-2-1</i> , or any vehicle that is partially disassembled, inoperable, or unlicensed, on any property in location visible from public property or adjoining private property for more than twenty (20) calendar days or on public property without being moved for three (3) calendar days. This shall not include tractors, combines, pickers, disks, plows, or other similar farm machinery that is owned by a farm operator, that is parked in areas zoned AG, and is used for parts replacement for machinery currently being used in the farming operation.
ACCESSORY APARTMENT	SEE APARTMENT, ACCESSORY.
ACCESSORY DWELLING	See DWELLING UNIT, ACCESSORY.
ACCESSORY STRUCTURE	See STRUCTURE, ACCESSORY.
ACCESSORY USE	A subordinate use which is clearly incidental and related to that of a main structure or main use of land and may include, but is not limited to the following: basketball and tennis courts, off-street parking, and outdoor storage.
ADMINISTRATOR	The PC or a person designated by the PC to provide staff support to the PC and BZA and to enforce the ZO under the supervision of the PC.
ADULT BUSINESS	An establishment which provides as a substantial or significant portion of its business matters or performances which are deemed to be harmful to minors under <i>IC 35-49-2-2</i> .
AGRIBUSINESS	A commercial or manufacturing establishment which provides needed services or supplies to the agricultural community. Uses include: contract sorting, grading, and packaging services for fruits and vegetables; corn shelling, hay baling, and threshing services; spring water bottling; grist

mill services; horticultural services; poultry hatchery services; production of animal fat and oil; canning of fruits, vegetables, preserves, jams, and jellies; canning of specialty foods; preparation of cereals; production of natural and processed cheese; production of condensed and evaporated milk; wet milling of corn; production of creamery butter; drying and dehydrating fruits and vegetables; preparation of feeds for animals and fowl; production of flour and other grain mill products; blending and preparation of flour; fluid milk processing; production of frozen fruits, fruit juices, vegetables, and other specialties; meat packing (not including rendering); fruit and vegetable pickling, vegetable sauces and seasoning, and salad dressing preparation; poultry and small game dressing and packing, providing that all operations be conducted within an enclosed structure; production of shortening, table oils, margarine, and other edible fats and oils; milling of soybean oil; milling of vegetable oil; sugar processing and production; production of wine, brandy and brandy spirits; and other agricultural related businesses not elsewhere defined or specified in this ZO.

**AGRICULTURAL
STRUCTURE**

A structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products grown or raised on the premises, but not including dwellings used for human occupancy.

AGRICULTURE

Any land for: cropland and orchards, pasture and grazing, livestock and poultry production, sod farming, confined feeding, and commercial fur production. Agriculture includes all accessory storage facilities, irrigation facilities, and other structures used for the conduct of the above except for dwellings. Agriculture also includes the processing and on-site sale of goods produced on the property. In residential districts, some of the above agricultural activities may not be permitted.

AIRPORT

Any area which is used or intended to be used for the taking off and landing of aircraft and any appurtenance areas which are used or intended to be used for airport structures or facilities, including open spaces, taxiways, and tie-down areas.

ALLEY

A public service right-of-way which affords only secondary access to the back or side of property otherwise abutting on a street.

ALTERATION

Any change or rearrangement in the supporting members of an existing structure, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a structure, whether horizontally or vertically, or the moving of a structure from one location to another.

**ALTERATION,
INCIDENTAL**

Modifications to an existing structure that are of a cosmetic nature, replacement of utilities, or rearrangement of non-load-bearing partitions.

ANSI

The American National Standards Institute who oversees the development of voluntary consensus standards for products, services, processes, systems, and personnel in the United States.

ANTENNA

Any communications equipment that transmits or receives electromagnetic radio signals used in the provision of wireless communications service.

APARTMENT

One (1) or more rooms with private bath and kitchen facilities constituting an independent, self-contained dwelling unit in a structure containing three (3) or more dwelling units.

**APARTMENT,
ACCESSORY**

An independent dwelling unit that has been added onto, or created within a single-family dwelling.

APPEAL

The questioning of an order, requirement, decision, or determination made by the Administrator in the enforcement of this ZO that, upon application, the BZA may reverse or affirm, wholly or partially.

APPLICANT

A person submitting an application to the PC or BZA for action or permits that would affect the subject real estate.

**ARCHITECTURAL
STANDARDS**

The written architectural standards prepared for a development.

**ARCHITECTURAL
REVIEW COMMITTEE**

A committee appointed by the PC to review the architectural standards for a development.

**AREA OF EXTENDED
JURISDICTION**

An area designated under *IC 36-7-4-205* that includes any part of the contiguous unincorporated area within two (2) miles from the corporate boundaries of a municipality. Also referred to as “Fringe” or “Fringe Area.”

AUDITOR

The Cass County Auditor.

AUTOMOBILE

A self-propelled, free-moving vehicle, with four (4) wheels, usually used to transport not more than six (6) passengers and licensed by the appropriate state agency as a passenger vehicle.

**AUTOMOBILE IMPOUND
AREA, MAJOR**

A facility that provides temporary outdoor storage for vehicles that are to be claimed by titleholders or their agents. No vehicle shall be stored at said facility for longer than one hundred twenty (120) calendar days. An automobile impound area does not include salvaging of vehicles. Any impound area must be screened on all sides visible from public right-of-way or adjoining privately owned property.

**AUTOMOBILE IMPOUND
AREA, MINOR**

A facility that provides temporary outdoor storage for vehicles that are to be claimed by titleholders or their agents. The designated impound area must be no more than one-half an acre and may store no more than fifty (50) vehicles at the facility at one time. No vehicle shall be stored at said facility for longer than one hundred twenty (120) calendar days. An automobile impound area does not include salvaging of vehicles. Any impound area must be screened on all sides so that it is not visible from public right-of-way or adjoining privately owned property.

**AUTOMOBILE SERVICE
STATION**

An establishment which offers the retail sale of gasoline, oil, and similar products; and one or more of the following: automobile washing; automobile maintenance, including mechanical repairs; automobile towing, including the parking of a wrecker and operative vehicles waiting for immediate repair; or tire and battery dealers. This does not include convenience store/gas station.

AUXILIARY STRUCTURE

See STRUCTURE, ACCESSORY.

AWNINGS

A sloped projection made of canvas or other non-rigid material stretched over a metal tubular frame and extended over a doorway or window. An awning is supported entirely from the exterior wall of the structure and provides protection from the weather.

BASE STATION

A station located at a specific site that is authorized to communicate with mobile stations. The term includes all radio transceivers, antennas, coaxial cables, power supplies, and other electronics associated with a station.

BASE ZONING

See ZONING, BASE.

BASEMENT

A portion of a structure which is wholly or partly underground, and having more than one-half of its height, measured from floor to ceiling, below the average grade of the adjoining ground and with a floor-to-ceiling height of not less than six and one half feet (6.5').

BED AND BREAKFAST

A single-family dwelling, or portion thereof (other than a hotel or apartment) which contains sleeping accommodations in the primary

structure or accessory structure for which a fee is charged. This definition includes tourist homes which meet the above standards. A bed and breakfast establishment that exceeds the above standards may be classified as a hotel.

BERM

A manmade, formed, earth mound of definite height and width used for obscuring purposes; the intent of which is to provide a transition between uses of differing intensity.

BLOCK

A unit of land bounded by streets, or a combination of streets, and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

**BOARD OF ZONING
APPEALS**

The Board of Zoning Appeals for the jurisdiction. An officially constituted body whose principal duties are to hear appeals and, where appropriate, grant Variances from the strict application of the ZO.

BREW PUB

A restaurant that prepares handcrafted natural beer intended for consumption on the premises as an accessory use.

BUFFERYARD

Any trees, shrubs, walls, fences, berms, or related landscaping features required under this ZO or the *Subdivision Control Ordinance* to be placed on private property and privately maintained or in public rights-of-way for the purpose of buffering lots from adjacent properties, for aesthetic purposes, and/or for creating sound barriers and/or visual privacy.

BUILDABLE AREA

The area of a parcel remaining after the minimum setbacks and open space requirements of the ZO have been met.

BUILDING

See STRUCTURE.

BUILDING COVERAGE

The ratio of the horizontal area, measured from the exterior surface of the exterior walls of the ground floor, of all primary structures and accessory structures on a lot to the total lot area.

BUILDING HEIGHT

The vertical distance measured from ground level to the highest point of the roof for a flat roof; to the deck line of a mansard roof; and to the mean height between eaves and ridges for gable, hip, and gambrel roofs. Also, the maximum occupied height measured from front exterior grade level to nine feet (9') above the highest occupied floor.

BUILDING INSPECTOR	The Administrator or their designee who is empowered to review, approve, and inspect ILPs concerning the enforcement of the applicable building codes and the regulations established by this ZO.
BUILDING LINE	The line that establishes the minimum permitted distance on a lot between the front line of a structure and the street right-of-way line.
BUILDING, LINER	A retail or business structure built to camouflage an unsightly façade/use, such as a substation, service bay, or parking structure. Liner buildings are generally narrow in depth and placed along the street and consistent with approved uses in mixed-use areas.
BUILD-TO ZONE	An area of a lot designated for placement of a structure façade along a street, located parallel to a front property line. The Build-to Zone defines an area in which the locations of structure fronts can vary within a specified range.
BUSINESS	The exchange of goods and/or services for money or for other goods and/or services.
BYLAWS	See RULES AND PROCEDURES.
BZA	See BOARD OF ZONING APPEALS.
CABIN	See COTTAGE.
CAMPGROUND	A parcel on which two (2) or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes.
CAMPING UNIT	Any tent, trailer, cabin, lean-to, RV, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education, or vacation purposes. No camping unit can be used for recreational use or living quarters on any other property unless zoned for a campground. All units must be stored away properly with 48 hours of loading or unloading.
CAR WASH	A structure, or portion thereof, where automobiles, trucks, or other self-powered vehicles are washed by mechanical devices of any type.
CBD	See CENTRAL BUSINESS DISTRICT.

CEMETERY

A parcel used for the burial of the dead (human or animal) and dedicated for cemetery purposes, including columbarium, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

CERTIFICATE OF OCCUPANCY

A document issued by the Administrator allowing the occupancy or use of a structure and certifying that the structure or use has been constructed and will be used in compliance with all applicable codes and ordinances.

CERTIFICATE OF SUFFICIENCY

Certification by a surveyor, engineer, and/or architect that the design and drainage plans submitted to the Administrator are in compliance with all applicable ordinances.

CHILD CARE CENTER

With regard to *IC 12-17.2*, a non-residential structure where at least one child receives child care from a provider:

- 1) While unattended by a parent, legal guardian, or custodian;
- 2) For regular compensation; and
- 3) For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive calendar days per year, excluding intervening Saturdays, Sundays, and holidays.

CHILD CARE HOME

With regard to *IC 12-17.2*, a residential structure in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative) at any time receive child care from a provider:

- 1) while unattended by a parent, legal guardian, or custodian;
- 2) for regular compensation; and
- 3) for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive calendar days per year, excluding intervening Saturdays, Sundays, and holidays.

This definition includes Class I Child Care Homes that serve any combination of full-time and part-time children under the age of seven (7) but not to exceed twelve (12) children at any one time; and Class II Child Care Homes that serve more than twelve (12) children but not more than any combination of sixteen (16) full-time and part-time children under the age of seven (7) at any one time.

CHURCH

A structure, together with its accessory structures and uses, where persons regularly assemble for religious purposes and related social events and which structures, together with accessory structures and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

CITY	The City of Logansport, Indiana.
CLINIC	A structure where patients are admitted for examination and treatment on an outpatient basis by physicians, dentists, other medical personnel, psychologists, or social workers and where such examination and treatment require a stay of less than twenty-four (24) hours.
CLUB	An establishment operated for social, recreational, or educational purposes but open only to members and not the general public.
COLLECTION STATION	A small, detached structure placed on private property and used for the deposit of donated household goods, such as clothing, shoes, small appliances, toys, etc. intended for collection by the charity or other nonprofit organization with ownership of the box.
COLLOCATION	The placement or installation of wireless facilities on existing structures that include a wireless facility or wireless support structure, including water towers, and other structures. The term includes the placement, replacement, or modification of wireless facilities within an approved equipment compound.
COMMERCIAL GARAGE	An establishment which includes all uses permitted for automobile service station except for the retail sale of gasoline and oil. A commercial garage also includes automobile body repairs and painting. Also included in this definition is the repairing of vehicles or the fixing up of old cars at a residence or any location for which money or other goods or services are received for the work.
COMMERCIAL MESSAGE	Any wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.
COMMITMENT	A covenant concerning the use or development of a parcel of real property which is made in writing by the owner of that parcel, either voluntarily or in accordance with an order or request of the PC, BZA, or the appropriate legislative body.
COMMON AREA	Land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents of the development and their guests and that may include such complementary structures and improvements as are necessary and appropriate.

COMMON COUNCIL	The Common Council or City Council of the City of Logansport, Indiana.
COMMUNITY ASSOCIATION	A homeowner's association organized to own, maintain, and operate common facilities and to enhance and protect their common interests.
COMMUNITY RECREATIONAL FACILITY	A private establishment which includes one or more of the following facilities: gymnasium, indoor swimming pool, weight reduction or exercise equipment, tennis or racquetball courts, and accessory recreational programs.
COMPOSTING	A controlled process of degrading organic matter by microorganisms.
COMPOSTING FACILITY	A solid waste processing facility specifically designed and operated for the express purpose of composting.
COMPREHENSIVE CARE FACILITY	A health facility that provides nursing care, room, food, laundry, administration of medications, special diets, and treatments that may provide rehabilitative and restorative therapies under the order of an attending physician and regulated under <i>410 IAC 16</i> .
COMPREHENSIVE PLAN	The Logansport and Fringe Comprehensive Plan for the jurisdiction as approved by the legislative body under <i>IC 36-7-4-500 series</i> and as amended from time to time.
CONDITIONAL USE	See SPECIAL EXCEPTION.
CONDOMINIUM	A structure, or group of structures, in which dwelling units, offices, or floor area are owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis. Also, real estate lawfully subjected to <i>IC 32-1-6</i> by the recordation of condominium instruments, in which undivided interests in the common areas and facilities are vested in the condominium unit owners.
CONFINED FEEDING OPERATION	As defined under <i>IC 13-11-2-40</i> , 1) any confined feeding of three hundred (300) or more cattle, six hundred (600) or more swine or sheep, and thirty thousand (30,000) or more fowl; 2) any animal feeding operation where the operator elects to come under the Act;

- 3) any animal feeding operation that violates *Chapter 214 of the Act of 1943* as determined by the Water Pollution Control Board of the state; or
- 4) as defined by IDEM latest revisions or amendments.

CONSTRUCTION CAMPS See TEMPORARY HOUSING.

CONSTRUCTION PLANS Any maps and/or drawings and/or accompanying text showing the specific location and design of improvements to be installed.

CONVENIENCE STORE A small retail grocery store and/or convenience store which sells gasoline and oil as an accessory and incidental use to the principal business activity. This definition does not include automobile service station.

COTTAGE A small, detached dwelling unit of simple design and construction equipped only for temporary or seasonal occupancy. A cottage may not be rented, leased, or otherwise made available for compensation of any kind. A cottage is not a residence.

COUNTRY INN See BED AND BREAKFAST.

COUNTY Cass County, Indiana.

COVENANT A restriction on the use of a parcel, usually set forth in the deed. Covenants are binding on subsequent owners and may run for specific periods of time.

CRAFT/HOBBY SHOP A small retail store which provides one or more of the following:

- 1) the sale of handmade items;
- 2) the sale of craft and hobby supplies;
- 3) instruction in a craft or hobby; and/or
- 4) sale of related items.

DAY, BUSINESS A day other than a Saturday, Sunday, or a legal holiday (as defined in *IC 1-1-9-1*).

DAY, CALENDAR Any day of the week, including weekends.

DAY CARE CENTER See CHILD CARE CENTER.

DBH	Diameter at breast height.
DEED	A legal document conveying ownership of real property.
DEED RESTRICTION	See COVENANT.
DENSITY	The number of dwelling units per unit of land.
DEVELOPABLE LAND	Parcels or sites free of constraints to development such as, but not limited to, wetlands, steep slopes, water bodies, unstable soils, easements, and legal impediments and that have frontage on or access to an improved street and can be served by public utilities or private utilities and facilities such as sewer, water, electricity, and gas.
DEVELOPER	Any person engaged in developing a lot, group of lots, structures, or group of structures thereon for use or occupancy.
DEVELOPMENT	Any man-made change to improved or unimproved real estate, including, but not limited to, structures, subdivision, mining, dredging, grading, paving, excavating, or drilling operations.
DEVELOPMENT PLAN	Approval granted by the PC in accordance with <i>IC 36-7-4-1400 series</i> for a specific plan for the development of a parcel that: <ul style="list-style-type: none"> 1) requires approval by the PC or Staff; 2) includes a site plan; 3) satisfies the development requirements specified in the ZO regulating the development; and 4) contains the plan documentation and supporting information required by the ZO regulating development.
DEVELOPMENT PLAN REVIEW	The formal process for reviewing a Development Plan.
DEVELOPMENT PLAN REVIEW COMMITTEE	The committee appointed by the PC to review Development Plans.
DEVELOPMENT PLAN, PUD	A plan for the development of a particular property within A PUD, which is submitted to the PUD Administrator and Master Developer to determine if the application is complete. At which time it is then sent onto the PUD

Architectural Review Committee (PUD-ARC) for review and approval in lieu of an application for secondary approval.

**DEVELOPMENT
REQUIREMENT**

Development standards plus any additional requirements which must be satisfied in connection with the approval of the development for a parcel. As it relates to a development plan

1) for development of real property in a zoning district for which a development plan is required; and

2) that conforms to *IC 36-74-1403*.

As it relates to PUD a requirement:

1) for development of real property in a PUD District that must be met; and

2) that conforms to *IC 36-7-4-1508*.

DISABLED VEHICLE

See ABANDONED VEHICLE.

DISTRICT

See ZONING DISTRICT.

DPR

See DEVELOPMENT PLAN REVIEW.

DRAINAGE

The act, process, or mode of the outflow, removal, or carrying away of water.

DRAINAGE PLAN

The proposed drainage system designed to manage the amount and rate of the stormwater runoff from a site as well as the quality of the runoff discharged from the site.

DRIVEWAY

A private roadway providing access to a street or highway.

DRIVEWAY, SHARED

A single driveway that serves two to four (2-4) adjacent lots pursuant to access easements.

DUPLEX

See DWELLING, TWO-FAMILY.

DUSTLESS SURFACE

A surface adequately covered in accordance with good construction practice; with a minimum of either two (2) applications of bituminous surface treatment concrete, or concrete and which must be maintained in good condition at all times.

DWELLING	A structure, or part of a structure, that is used exclusively for human habitation, but not including a hotel, motel, lodging house, boarding house, or bed and breakfast. No camping unit can be considered a dwelling (see camping unit)
DWELLING UNIT	A room or group of rooms designed and equipped exclusively for use as living quarters for only one family and its household employees, including provisions for living, eating, sleeping and cooking. The term shall include manufactured homes but shall not include RVs.
DWELLING UNIT, ACCESSORY	A dwelling unit that is a separate, complete housekeeping unit that is substantially contained within the structure of an owner-occupied single-family dwelling or an accessory structure but can be isolated from it and is incidental to the primary use of the structure. An accessory dwelling unit may be either attached to a single-family dwelling or located on the same parcel.
DWELLING UNIT, EFFICIENCY	A separate, complete housekeeping unit that consists of only one combined living and sleeping room; however, it may have a separate room containing only kitchen facilities and a separate room containing only sanitary facilities. An efficiency dwelling unit may not have less than one hundred fifty square feet (150 sqft) or more than four hundred fifty square feet (450 sqft). An efficiency dwelling unit must meet the standards of the <i>Logansport Property Maintenance Ordinance</i> .
DWELLING UNIT, SEASONAL	A dwelling unit that lacks one or more of the basic amenities or utilities required for all-year or all-weather occupancy.
DWELLING, ATTACHED	A group of two (2) or more single-family dwelling units which are joined to one another by a common party wall, a common floor-ceiling, whether or not such a group is located on a single parcel of ground or on adjoining individual lots. Each unit shall have its own outside entrance and architectural facade or treatment of materials shall be varied from one group of units to another. No more than three (3) abutting units in a row shall have the same front and rear setbacks, with a minimum setback offset being one foot (1').
DWELLING, COMMERCIAL APARTMENT	A dwelling unit located above the first floor of a commercial or non-residential structure.
DWELLING, MULTI-FAMILY	A residential structure containing three (3) or more separate dwelling units located on a single lot or parcel of ground. A multi-family dwelling, commonly known as an apartment, generally has a common outside

entrance(s) for all the dwelling units, and the units are generally designed to occupy a single floor one above another. A multi-family dwelling may include cooperative apartment houses but shall not be construed to mean a single-family attached dwelling.

DWELLING, SINGLE-FAMILY

A dwelling containing one (1) dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space or yards.

DWELLING, TOWN HOUSE

A single-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

DWELLING, TWO-FAMILY

A residential structure located on a single lot containing two (2) dwelling units, arranged one above the other or side by side, and occupied by no more than two (2) families.

EARTH SHELTERED HOME

A residential structure which is partially or entirely below grade and is designed and intended to be used as a single-family dwelling.

EASEMENT

A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

EASEMENT, UTILITY

The right-of-way acquired by a utility or governmental agency to locate utilities, including all types of pipelines, telephone and electric cables, and towers.

ELECTRICAL TRANSMISSION TOWER

A structure that physically supports high voltage overhead power lines. The term does not include a utility pole.

ENGINEERING, RESEARCH AND DEVELOPMENT LABORATORIES

Engineering, research, and development activities related to such fields as chemical, pharmaceutical, medical, electrical, and transportation. All engineering, research, and development shall be carried on within entirely enclosed structures, and no noise, smoke, glare, vibration, or odor shall be detected outside of said structure nor shall there be any health hazard created by said use.

EPA

The United States Environmental Protection Agency created for the purpose of protecting human health and the environment by writing and enforcing regulations based on laws passed by Congress.

**EQUIPMENT
COMPOUND**

The area that surrounds or is near the base of a wireless support structure; and encloses wireless facilities.

EROSION

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

**EROSION CONTROL
MEASURE**

The practice or a combination of practices to control erosion and resulting sedimentation.

**EROSION CONTROL
PLAN**

The written description of pertinent information concerning erosion control measures designed to meet the requirements of this ZO as submitted by the applicant for review and approval as needed for an ILP or Development Plan.

ESSENTIAL SERVICES

The erection, construction, alteration, or maintenance by public utilities, rural electric membership cooperatives, or municipal or other governmental agencies of underground or overhead gas, telephone, CTV, electrical, steam, or water transmission or distribution systems including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate essential services by these agencies. This does not include telephone exchanges, utility substations, or main installations, electric generation facilities, underground gas storage, pipelines, pipeline pumping stations, public water wells, filtration plants, lift stations, storage tanks, sewer treatment plants, and similar structures.

EXISTING STRUCTURE

See STRUCTURE, EXISTING.

FAMILY

One or more persons occupying a premises and living as a single housekeeping unit as distinguished from a group housing quarters. A family also includes foster homes as defined by *IC 12-3-2-3.6* or emergency or short term placement for 5 or fewer children. A family does not include any society, club, fraternity, sorority, association, lodge, federation, or like organizations; or any group of individuals who are in a group living arrangement as a result of criminal offenses.

FARM

A parcel used for agricultural activities.

FARMER'S MARKET

The seasonal selling or offering for sale at retail of vegetables or produce, flowers, orchard products, and similar non-animal agricultural products, occurring in a predesignated area, where the vendors are individuals who

have raised the vegetables or produce or have taken the same on consignment for retail sale.

FEMA

The United States Federal Emergency Management Agency that is responsible for coordinating the federal government's response to natural and manmade disasters.

FENCE

An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

FENESTRATION

The arrangement, proportioning, and design of windows and doors of a structure.

FILLING STATION

See AUTOMOBILE SERVICE STATION.

FINANCIAL SERVICES

A business such as agricultural credit institutions, banks and branch banks, bond companies, insurance, savings and loan associations, stock and securities brokers and analysts, and similar establishments.

FIXTURE

The assembly that holds the lamp (bulb) in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

FLOOD LIGHT

Any light fixture or lamp that incorporates a reflector (mirror) or a refractor (lens) to concentrate the light output into a directed beam in a particular direction.

FLAG LOT

See LOT, FLAG.

FLOOR AREA, GROSS

The sum of the gross horizontal areas of all enclosed floors of a structure, including cellars, basements, mezzanines, penthouses, corridors, and lobbies from the exterior walls, or from the centerline of a common wall separating two (2) structures, but excluding any space with a floor-to-ceiling height of less than six and one half feet (6.5').

FLOOR AREA, NET

The gross floor area excluding permanent storage and warehouse areas, show windows, utility rooms, dressing or fitting rooms, vents, elevator shafts, stairwells, parking and loading facilities, unenclosed porches and courts. The attic and basement areas not used for living space shall also be excluded.

FOOD TRUCK	See RETAIL FOOD ESTABLISHMENT, MOBILE.
FRINGE AREA	See AREA OF EXTENDED JURISDICTION.
FULL CUT-OFF FIXTURE	A light fixture which cuts off all upward transmission of light.
GARAGE SALE	The sale or offering for sale to the general public of items of personal property by the owner or tenant of an improved residential lot or in a residential district, whether within or outside any structure, occurring for no more than three (3) consecutive calendar days and a maximum of four (4) times in a calendar year.
GLARE	<p>Light emitting from luminaries with intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.</p> <p>With regard to a solar energy system, glare is the effect produced by light with intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.</p>
GROUP HOME	A non-profit or for-profit group home regulated under <i>IC 31-27</i> for the sheltered care of persons with special needs, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation.
GUARANTEE	Cash, letters of credit, bonds, or similar financial instruments deposited with the municipality to ensure that required improvements will be constructed or installed.
GUEST ROOM	See LODGING UNIT.
HARDSHIP	A perceived difficulty with regard to one's ability to improve land stemming from the application of the development standards of this ZO, which may or may not be subject to relief by means of a Variance granted by the BZA. Self-imposed situations and claims based on a perceived reduction of or restriction on economic gain shall not be considered hardships.
HAZARDOUS WASTE	Any waste which has been or will be assigned a Hazardous Waste Number by the EPA shall be considered to be classified as a hazardous waste.

HELIPORT

An area either at ground level or elevated on a structure, that is licensed by the federal government or an appropriate state agency and approved for the loading, landing, and takeoff of helicopters and including auxiliary facilities, such as parking, waiting room, fueling, and maintenance equipment.

**HISTORIC
PRESERVATION
COMMISSION**

The Historic Preservation Commission, formerly named the Historic District Board of Review, is established to preserve the character and fabric of historically significant areas and structures within Logansport by providing technical assistance on the restoration and rehabilitation of historic structures and/or areas.

HOME CHILD CARE

A child care center located within the operator's own residence which provides care for compensation to no more than 5 children at a time. Home child care may or may not be subject to Public Welfare licensing.

HOME OCCUPATION

A business or activity for financial gain carried on by an occupant at his or her place of residence, which shall be accessory and incidental to the residential use of said residence. A home occupation is classified as either a simple home occupation or a major home occupation.

**HOMEOWNERS
ASSOCIATION**

A community association, other than a condominium association, that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common area or facilities.

HOSPITAL

An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including as an integral part of the institution related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

HOTEL

A structure or portion thereof or a group of structures which provide sleeping accommodations in separate units or rooms for transients on a daily, weekly, or similar short-term basis. Such an establishment may be designated as a hotel, resort, inn, court, motor inn, motor lodge, tourist cabin, tourist court, apartment hotel, or otherwise. The hotel may include separate cooking facilities for each unit. There may be additional services such as restaurants, meeting rooms, and recreational facilities; however, it shall not include business from rooms or sales from rooms. A hotel does not include group housing quarters, bed and breakfast establishments, or country inns.

HOUSEHOLD	A family living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.
HOUSEHOLD PET	An animal not exceeding one hundred (100) pounds, residing within a dwelling unit and not raised for the production of products or for sale.
HOUSING, SENIOR	Housing for citizens fifty-five (55) years and old including tax credit housing, assisted living, and non-assisted living.
HOUSING, TEMPORARY	A facility designed and intended to be used for a temporary period of time to house a variety of field-related workers, including construction and oil field workers. Such housing may not include RVs and/or campers.
IC	The Indiana Code of laws for the U.S. state of Indiana that are currently in effect. First codified in 1824, the code has been updated almost every year and is maintained and updated by the Office of Code Revision.
IDEM	The Indiana Department of Environmental Management who implements federal and state regulations to protect human health and the environment.
IDNR	The Indiana Department of Natural Resources is the agency of the state of Indiana charged with maintaining natural areas such as state parks, state forests, recreation areas, etc. In addition, IDNR manages Indiana's fish and wildlife, reclaims coal mine ground, manages forested areas, aids in the management of wildlife on private lands, enforces Indiana's conservation laws, etc.
ILP	See IMPROVEMENT LOCATION PERMIT.
IMPERVIOUS SURFACE	Any material that substantially reduces or prevents the infiltration of storm water into previously undeveloped land. Impervious surface shall also mean any surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. Impervious surface shall include compacted sand, lime stone and clay as well as conventional surfaces such as gravel driveways, parking areas, surfaced streets, roofs, sidewalks, structures and other similar surfaces.
IMPROVEMENT LOCATION PERMIT	A permit or certificate of zoning compliance which is written permission issued by the Administrator indicating that the proposed use, erection, construction, reconstruction, alteration, or moving of a structure or use of land, referred to therein, complies with the provisions of this ZO.

INFRASTRUCTURE	Facilities and services needed to sustain all land use activities.
INOPERATIVE VEHICLE	Any vehicle at present inoperable, but capable of being repaired to place it in operating condition without exceeding its present estimated value and repair cost.
INSTITUTIONAL USE	A non-profit, religious, or public use, such as a religious structure, library, public or private school, hospital, or government-owned or government-operated structure, or parcel used for public purpose.
INTENSITY	The degree of impact which a land use may have on adjacent land uses. The higher the intensity, the more likely there will be a negative impact of one land use on another.
JUNK	Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed of, or for other use or disposition. Examples of junk include: unregistered and inoperative vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, machinery, brush, wood, and lumber.
JUNK YARD	Any lot, land, parcel, structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk.
JURISDICTION	The City of Logansport, Indiana.
JURISDICTIONAL AREA	The incorporated area within the municipal boundaries of the jurisdiction as well as the area of extended jurisdiction as amended from time to time by the legislative body.
KENNEL, PRIVATE	The keeping, breeding, raising, showing, or training of four (4) or more dogs over six (6) months of age for personal enjoyment of the owner or occupant of the property.
KENNEL, PUBLIC	An establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.
LAND DISTURBING ACTIVITY	Any man-made change of the land surface, including removing vegetative cover, excavating, filling, transporting, and grading. It includes only non-agricultural land disturbing activities on sites which also require an ILP or an approved subdivision plat.

LANDFILL	A disposal site in which refuse and earth, or other suitable cover material, are deposited and compacted in alternating layers of specified depth in accordance with an approved plan and regulated by the applicable sections of <i>40 CFR</i> .
LANDSCAPE SUPPLIER	The sale or storage of bulk items such as mulch, rock, soil, etc. Does not include nurseries.
LEGISLATIVE BODY	The Logansport City Council.
LETTER OF CREDIT	A letter issued by a bank permitting the person or agency named in it to draw a certain amount of money from another specified bank, usually accepted in the same manner a cash or bonds to ensure the installation or construction of required improvements.
LIFE CARE FACILITY	A facility for the housing and care of elderly residents that may or may not contain on-site health care facilities.
LIGHT, DIRECT	Light emitted directly from a lamp, off of the reflector (mirror) or reflector diffuser, or through the refractor of diffuser lens, or luminaries.
LIGHT, INDIRECT	Direct light that has been reflected or scattered off of other surfaces.
LIGHTING PLAN	A plan showing the location, height above grade, type of illumination, type of fixture, the source lumens, and the luminous area for each source of light proposed.
LINEAR BUILDING	See BUILDING, LINEAR.
LOADING AREA	The portion of any lot which is required to be reserved for the parking, loading, or unloading of vehicles at any non-residential establishment according to the standards of this ZO. A loading area may not use the same area as a parking area.
LOGANSPORT AND FRINGE COMPREHENSIVE PLAN	See COMPREHENSIVE PLAN.
LOT	A parcel of land of at least sufficient size to meet minimum requirements as established by the zoning district in which the lot is located. A lot may be a single parcel of land separately described in a deed or plat which is

recorded in the Recorder's Office or a combination of such parcels when adjoining one another and under single ownership and used as one. Such lots shall have frontage and access on an improved public street or an approved private street.

LOT AREA	The total area within the lot lines of a parcel, excluding any rights-of-way.
LOT AREA, MINIMUM	The minimum amount of lot area allowable for development.
LOT COVERAGE	That part of the parcel that is covered by structures.
LOT DEPTH	The mean horizontal distance between the front and rear lot lines.
LOT LINE	A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.
LOT LINE, FRONT	Any property line separating the lot from a street, or on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.
LOT LINE, REAR	The lot line opposite and most distant from the front lot line. A lot bounded by only three (3) lot lines will not have a rear lot line.
LOT LINE, SIDE	Any lot boundary-line other than a front lot line or rear lot line.
LOT OF RECORD	A lot that is part of a subdivision or described by metes and bounds whose existence, location, and dimensions have been legally recorded in the Recorder's Office pursuant to the regulations contained in the <i>Subdivision Control Ordinance</i> or recorded prior to the effective date of the ZO or the <i>Subdivision Control Ordinance</i> , December 25, 1987.
LOT WIDTH	The horizontal distance between the side lot lines as measured at the front setback line or building line, whichever is less.
LOT, CORNER	A lot located at the intersection of two (2) or more street rights-of-way Corner lots have two (2) front yard setbacks and two (2) side yard setbacks.
LOT, DEVELOPABLE	See DEVELOPABLE LAND.

LOT, DEVELOPED	See LOT, IMPROVED.
LOT, FLAG	A lot not fronting or abutting the street right-of-way and where access to the street right-of-way is limited to a narrow access road.
LOT, IMPROVED	A parcel with structures.
LOT, NON-CONFORMING	A parcel, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the ZO, but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.
MAINTENANCE GUARANTEE	Any security that may be required and accepted by a governmental agency to ensure that necessary improvements will function as required for a specific period of time.
MANUFACTURED HOME	Formerly known as a mobile home, a manufactured home is built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable section. A manufactured home was constructed after June 15, 1976, and is defined in <i>IC 16-41-27-3.5</i> , as a structure, transportable in one or more sections, which, in traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and compiles with the standards established under the cited Federal chapter; and except that such term shall not include any self-propelled RV.
MANUFACTURED HOME PARK	<p>As defined in <i>IC 16-41-27-5</i>: (a) a manufactured home community on one or more parcels of land that:</p> <ol style="list-style-type: none"> 1) contain individual lots that are leased or otherwise contracted; 2) are owned, operated, or under the control of one (1) or more persons; and 3) on which a total of at least five (5) manufactured homes are located for the purposed of being occupied as primary residences. <p>The term includes the following:</p>

- 1) all real and personal property used in the operation of the manufactured home community;
- 2) a single parcel of land;
- 3) contiguous but separately owned parcels of land that are jointly operated;
- 4) parcels of land jointly operated and connected by a private street;
- 5) one (1) or more parcels of land, if at least two (2) of the manufactured homes or manufactured homes located on the land are accessible from a private street or interconnected private streets, served by a common water distribution system, or served by a common sewer system or septic system.

**MANUFACTURED
HOME, TEMPORARY**

The temporary placement of a manufactured home permitted with an ILP for one of the following purposes:

- 1) temporary residence for persons intending to build a permanent residence on the same property;
- 2) temporary residence of a manufactured home adjacent to the permanent residence of someone who is able to provide care or in need of care;
- 3) temporary use of a manufactured home, trailer, or van as a contractor's office, watchman's shelter, or tool and equipment storage on the project site and only during the period of construction.

**MANUFACTURED
HOUSING
CONSTRUCTION AND
SAFETY STANDARDS
CODES**

Title VI of the 1974 Housing and Community Development Act (*42 USC 5401 et seq.*), as amended (previously known as the Federal manufactured home Construction and Safety act), rules and regulations adopted there under (including information supplied by the home manufacturer, which has been stamped and approved by a Design Approval Primary Inspection Agency, an agent of the U.S. Department of Housing and Urban Development pursuant to HUD rules), and regulations and interpretations of said code by the Indiana Department of Fire and Safety, all of which became effective for manufactured home construction on June 15, 1976.

**MANUFACTURING,
HEAVY**

The processing and fabrication of all articles, substances, or commodities such as paper and allied products, chemicals and allied products, stone and glass products, iron and steel products, non-ferrous fabricated products, automotive assembly and heavy and industrial machinery assembly, except for manufacturing which can be classified as light manufacturing.

**MANUFACTURING,
LIGHT**

The processing and fabrication of certain materials and products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties. Light manufacturing includes the production of the following goods: Home appliances; electrical instruments; office machines; precision instruments; electronic devices; timepieces; jewelry; optical goods; musical instruments; novelties; wood products; printed materials; lithographic plates; type composition; machine tools; dies and gauges; ceramics; apparel; light-weight non-ferrous metal castings; film processing; electrical machinery and components; light sheet metal products; plastic goods; pharmaceutical goods; and food and dairy products, but not animal slaughtering, curing, or rendering of fats. If any of the above production activity exceeds the light manufacturing standards contained above, they shall be considered to meet the heavy manufacturing standards contained in this ZO.

**MARKET RATE
HOUSING**

Properties that are rented or owned by people who pay market rent to lease the property or pay market rate when buying the property. There are no subsidies for the housing and can be considered single family or multi-family dwellings.

MASTER DEVELOPER

The petitioner who submits an application to the PUD Administrator.

**MESSAGE CENTER
DISPLAY**

An electronic screen that shows graphics or text for informational purposes.

**MESSAGE CENTER
TRANSITION DURATION**

The length of time in which a message center display changes.

METES AND BOUNDS

A method of describing the boundaries of land by distances (metes) and directions (bounds) from a known point of reference.

MICROBREWERY

See BREW PUB.

MINERAL EXTRACTION

Mining or quarrying and removal of earth materials. Mineral extraction also includes the storage, stockpiling, distribution, and sale of rock, sand, gravel, earth, clay and similar materials and rock crushing, screening, blending, washing, loading, and conveyor facilities.

MIXED-USE

An area or structure that contains a mixture of commercial, office, and/or residential uses.

MOBILE HOME

Now known as a MANUFACTURED HOME, a mobile home was constructed prior to June 15, 1976 and even with modifications, does not meet the HUD standards and cannot be accepted as compliant with the HUD Code. A mobile home is defined in *IC 16-41-27-4* as a dwelling, including the equipment sold that is a dwelling, that is:

- 1) factory assembled;
- 2) transportable;
- 3) intended for year-round occupancy;
- 4) designed for transportation on its own chassis; and
- 5) was manufactured before the effective date of the federal Manufactured Housing Construction and Safety Standards Law of 1974 (*42 U.S.C. 5401 et seq.*). SEE MANUFACTURED HOME.

MOBILE HOME PARK

See MANUFACTURED HOME PARK.

MODEL HOME

A residential structure that is not occupied and has never been occupied as a traditional and typical residence. Occupancy only concerns the direct display and sales of similar residential structures to potential buyers in conjunction with and situated on the grounds of a multiple lot subdivision. Only one (1) model home per subdivision may be used for the office tasks as described above. Up to thirty percent (30%) of the lots in a subdivision can house a model home.

MODULAR HOME

Modular home is considered a stick built home and can be used in any district that allows residential uses.

MOTEL

See HOTEL.

**MULTI-FAMILY
DWELLING**

See DWELLING, MULTI-FAMILY.

MURAL

A painting or other work of art executed directly on a wall that does not contain a commercial advertisement.

NON CUT-OFF FIXTURE

A light fixture which does not cut off all upward transmission of light.

**PERSONAL VEHICLE
REPAIR**

Any activity in a single-family dwelling that repairs, stores, maintains or restores motorized vehicles, including but not limited to cars, trucks, RV's, motorcycles, ATV's, lawnmowers and boats, outside as an accessory and/or incidental use to the primary use of the property. Such use would

include any motorized vehicles that are inoperable and/or have outdated plates or registration except for agricultural machinery. This definition does not include junk yard.

NON-CONFORMING LOT	A parcel, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the ZO, but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.
NON-CONFORMING STRUCTURE	A structure, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the ZO but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the ZO.
NON-CONFORMING USE	A use or activity that was lawful prior to the adoption, revision, or amendment of the ZO but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the district.
NRC	The United States Nuclear Regulatory Commission is an independent agency of the United States Government whose role is to protect public health and safety related to nuclear energy.
NUCLEAR WASTE	Radioactive byproduct materials generated by laboratory, hospital, and industrial research and commercial production; and radioactive fuel elements, assemblies, etc. generated by utility companies; military, industrial, and commercial production as defined by the <i>Atomic Energy Act of 1954</i> as amended and administered by the NRC. Any radioactive material whether gaseous, liquid, or solid and associated carrier materials whether gaseous, liquid, or solid which has been declared "diminimus" and no longer under control of the NCR. Such material may or may not be designated hazardous by the EPA.
NUISANCE	A condition or situation that results in an interference with the enjoyment and use of property.
NURSERY SCHOOL	An establishment operated for the purpose of providing, usually part-time, instruction of children less than six (6) years of age.
OFF-SITE OR OFF-PREMISES	Located outside the parcel lines of the parcel in question.

**ON-SITE OR ON-
PREMISES**

Located inside the parcel lines of the parcel in question.

OPEN SPACE

Common area that provides light and air and is designed for environmental, scenic, or recreational purposes. Cropland, forested areas, or pastureland qualifies as open space. Open space may include turf areas, decorative plantings, walkways, active and passive recreation areas, playgrounds, and wooded areas. Open space shall not include areas devoted to public or private streets or rights-of-way. In addition, open space shall mean any hardscaped; landscaped; grass or appropriate vegetation area but shall not include any interior landscaping or landscaped areas within parking areas.

OUTDOOR SALES AREA

An open area other than a street or public right-of-way, used for the display, sale, or rental of new or used motor vehicles, manufactured homes, travel trailers, farm implements and construction machinery.

OUTDOOR STORAGE

The keeping, in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

OVERLAY DISTRICT

A zoning district that encompasses one or more underlying zones and that imposes additional requirements and/or processes above that required by the underlying zone.

OWNER

The record Owner, whether one or more persons or entities, of the fee simple title to any lot, but shall not mean or refer to any mortgagee or subsequent holder of a mortgage, unless and until such mortgagee or holder has acquired title pursuant to foreclosure or any proceedings in lieu of foreclosure.

PARCEL

Any area of land formally described and recorded with block and lot numbers, by metes and bounds, by ownership, or in any other such a manner as to specifically identify the dimensions and/or boundaries.

PARCEL, PARENT

The parcel of land for which approval is sought to subdivide it into at least two (2) parcels, or other divisions of land for sale, development or lease.

PARCEL, PUD

Any parcel or lots designated hereafter on a plat, replat, or subdivision thereof, recorded within a PUD, or portion thereof, improved or unimproved, on which a structure may be located.

PARKING AREA	The portion of any lot which is required to be reserved for the parking of vehicles using that lot according to the standards of this ZO. A parking area may not use the same area as loading area.
PARKING LOT	An off-street, ground-level open area that provides temporary storage for motor vehicles.
PARKING SPACE	A space other than on a street or alley designed for use or used for the temporary parking of a motor vehicle.
PARKING STRUCTURE	A structure consisting of more than one level and used to store motor vehicles.
PARKING, SHARED	Joint utilization of a parking area for more than one use.
PC	See PLAN COMMISSION.
PEAK FLOW	The maximum rate of flow of water at a given point in a channel or conduit resulting from a particular storm or flood.
PERFORMANCE GUARANTEE	A financial guarantee to ensure that all improvements, facilities, or work required by this ZO and/or the <i>Subdivision Control Ordinance</i> will be completed in compliance with the requirements and specifications of an approved secondary plat, a Development Plan, or a PUD.
PERMANENT FOUNDATION	A structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil. A permanent foundation must meet the applicable specifications of the <i>Indiana One and Two Family Dwelling Code</i> .
PERMANENT PERIMETER ENCLOSURE	A permanent perimeter structural system completely enclosing the space between the floor joists of a manufactured home and the ground. A permanent perimeter enclosure must meet the applicable specifications of <i>Indiana One and Two Family Dwelling Code</i> .
PIPESTEM LOT	See LOT, FLAG.
PLACE OF WORSHIP	1) A church, synagogue, temple, mosque, or other facility that is used for prayer by persons of similar beliefs; 2) A special-purpose structure that is

architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis.

PLAN COMMISSION

The Logansport Advisory Plan Commission.

PLANNED UNIT DEVELOPMENT

A Planned Unit Development (PUD), as specified in *IC 36-7-1500 series*, is the development of real property under single ownership or under multi-ownership but unified control and is planned and developed as a whole in a single development operation or a definitely programmed series or phases of development operations. A PUD includes primary and accessory structures and uses substantially related to the character and purposes of the planned development.

PLAT

A map or chart indicating the subdivision or re-plat of land intended to be filed for record.

PLAT COMMITTEE

In accordance with *IC 36-7-4-701(e)*, a subcommittee created by the PC to hold hearings on minor residential subdivisions and re-plats on behalf of the PC in accordance with the *PC Rules and Procedures*.

PORTABLE STRUCTURE

Any structure not permanently attached to the ground or other permanent structure that is designed to be moved or transported by means of wheels or other mechanisms that are attached to the structure or the structure is mounted/placed upon.

PRESCHOOL

See NURSERY SCHOOL.

PRIMARY STRUCTURE

A structure in which the primary use of the lot or premises on which it is located is conducted, including a structure that is attached to such a structure in a substantial way, such as by a roof. With respect to residential uses, the primary structure shall be the main dwelling.

PRIMARY USE

The predominant use of any lot or parcel or as determined by the primary structure.

PRINCIPAL STRUCTURE

See PRIMARY STRUCTURE.

PRINCIPAL USE

See PRIMARY USE.

PROFESSIONAL OFFICE

Any structure or portion thereof used or intended to be used as an office for abstractors, advertising consultants, collection agencies, detective and

protective service agencies, employment agencies, interior designers, realtors, attorneys, engineers, architects, surveyors, accountants, bookkeepers, tax consultants, insurance agents, labor and business organizations, political organizations, professional societies, and similar professional offices.

PUBLIC HEARING

A meeting announced and advertised in advance and open to the public, with public given an opportunity to talk and participate.

PUBLIC MEETING

A meeting announced and advertised in advance and open to the public, where the public is not required to be given an opportunity to talk and participate.

PUBLIC SEWER AND WATER SYSTEM

Any system other than an individual septic tank, tile field, or individual well, that is operated by a municipality, governmental agency, or a public utility for the collection, treatment, and disposal of wastes and the furnishing of potable water.

PUBLIC UTILITY

A closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety, and welfare.

PUD

See Planned Unit Development.

PUD ADMINISTRATOR

THE ADMINISTRATOR OR THE PERSON APPOINTED BY THE PC PURSUANT TO TO ADMINISTER PUDs.

PUD DISTRICT

A zoning district for which a PUD District Ordinance is adopted according to the *IC 36-7-4-1500 series* and *Article 6: Planned Unit Developments (PUDs)*.

PUD DISTRICT ORDINANCE

A zoning ordinance that meets the requirements of *IC 36-7-4-1500 series* and does the following:

- 1) designates one or more parcels of real property as a PUD District;
- 2) specifies uses or range of uses permitted in the PUD District;
- 3) expresses in detailed terms the development requirements that apply in the PUD District;
- 4) specifies the plan documentation and supporting information that must be supplied before an ILP may be issued for development of real property in the PUD District;
- 5) specifies any limitation applicable to a PUD District; and

6) meets the requirements of *IC 36-7-4-1503* and *Article 6: Planned Unit Developments (PUDs)*.

QUALITY OF LIFE

The attributes or amenities that combine to make an area a desirable place to live.

RDC

See REDEVELOPMENT COMMISSION.

RECORDER

The Cass County Recorder.

**RECREATIONAL
VEHICLE**

A vehicle which is built on a single chassis; designed to be self-propelled or permanently towable by a light duty truck; designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use; and does not meet the specifications required for a manufactured home.

**RECREATIONAL
VEHICLE PARK**

Any parcel upon which two (2) or more sites are located, established, or maintained for occupancy by recreational vehicles for a fee as temporary living quarters for recreation or vacation purposes.

**REDEVELOPMENT
COMMISSION**

The Logansport Redevelopment Commission who is responsible for developing plans and managing tools used to address conditions of blight and underutilized land of economic significance.

REGULARLY

The consistent and repeated doing of the act so described.

RELEASE RATE

The amount of storm water release from a storm water control facility per unit of time.

RELIGIOUS USE

A structure or place in which worship, ceremonies, rituals, and education pertaining to a particular system of beliefs are held.

REPAIR SERVICES

A business which includes the repair of electrical appliances, musical instruments, watches, clocks, jewelry, shoes, small gasoline-powered items such as lawn mowers, and similar small items and also the reupholstering and repair of furniture. This may include the accessory resale of items repaired at the establishment.

**RETAIL FOOD
ESTABLISHMENT,
MOBILE**

A vehicle, usually a van, truck, towed trailer, or push-cart, from which food and beverages are sold.

**RETAIL FOOD
ESTABLISHMENT,
TEMPORARY MOBILE**

A mobile retail food establishment that operates for fourteen (14) calendar days or less in a given year.

RETAIL TRADE

Structures for the display and sale or rental of merchandise such as the following: antiques, apparel, arts and crafts supplies, automotive parts, bakeries, bicycle sales and accessory repair, books and magazines, camera shops, carpet, convenience stores, department stores, drapery, drug stores, fabrics, florists (not to include greenhouses), furniture, gift shops, groceries, hardware, craft/hobby shops, household appliances, office and business machine supplies, paint stores, pet shops (not to include kennels), records and music stores, shoes, specialty food stores, sporting goods, toy stores, variety stores, video tape sales and rentals, and other similar type uses not elsewhere defined or specified in this ZO.

REZONE

Approval granted through the PC and the legislative body in accordance with *IC 36-7-4-608* to change the zoning classification of a particular parcel.

RIGHT-OF-WAY

A general term denoting land, property, or interest therein acquired for or devoted to the public welfare, most often intended for access, transportation, or utility transmission.

RIGHT-TO-FARM

As established in *IC 32-30-6*, public policy designed to protect farmers against private nuisance suits and unnecessary constraints on essential agricultural management practices, if these practices are consistent with federal and state law and are not a threat to the public health and safety.

**ROADSIDE PRODUCE
STAND**

A temporary structure not permanently affixed to the ground and is readily moveable in its entirety, which is used solely for the display or sale of agricultural produce.

**RULES AND
PROCEDURES**

The principles and regulations governing the conduct, action, procedures, arrangements, etc. of the PC and BZA.

RUMMAGE SALE

The sale by a school, religious institution, trust association, fund or foundation, organized and operated for religious, charitable, scientific, community, or educational purposes, of tangible personal property to obtain money for some charitable purpose.

RV	See RECREATIONAL VEHICLE.
RV PARK	See RECREATIONAL VEHICLE PARK.
SALVAGE YARD	A facility or land area for the storing, keeping, selling or dismantling, shredding, compressing, or salvaging scrap or discarded material or equipment. This definition includes material recovery facilities and automobile graveyards.
SANITARY LANDFILL	A solid waste land disposal facility designed to accommodate general types of solid waste as elsewhere defined in this ZO, excluding waste regulated by 329 IAC 3, and operated by spreading the waste in thin layers, compacting it to the smallest practical volume, and covering it with cover material at the end of each working day. This definition does not include a clean fill site, or a construction/demolition site, which are defined elsewhere in the ZO.
SATELLITE DISH ANTENNA	An apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.
SCHOOL	Any structure or part thereof that is designed, constructed, or used for education or instruction in any branch of knowledge.
SCHOOL, ELEMENTARY	Any school that is licensed by the state and meets the state requirements for elementary education.
SCHOOL, PAROCHIAL	A school supported, controlled, and operated by a religious organization.
SCHOOL, PRIVATE	Any structure or group of structures, the use of which meets state requirements for elementary, secondary, or higher education and which does not secure the major part of its funding from any governmental agency.
SCHOOL, SECONDARY	Any school that is licensed by the state and authorized to award diplomas for secondary education.
SCRAP METAL YARD	See SALVAGE YARD.
SCREENING	A fence, evergreen hedge, or wall at least six feet (6') in height, provided in such a way that it will block a line of sight. The screening may consist either of one or several rows of bushes or trees, or of a constructed wall

or fence. Evergreen plantings, if utilized shall be selected so as to mature to a height of at least six feet (6').

SEPTIC SYSTEM

An underground system with a septic tank used for the decomposition of domestic wastes.

**SEPTIC SYSTEM,
PRIVATE**

A septic tank, filtration field and subsurface drainage if required, which are located on an individual lot. Installations of such a system shall be based on the requirements of the County Sewage Disposal and Drainage Ordinance as administered by the County Health Department.

SEPTIC TANK

A watertight receptacle that receives the discharge of sewage from a structure, sewer, or part thereof and is designed and constructed so as to permit settling of solids from this liquid, digestion of the organic matter, and discharge of the liquid portion into a disposal area.

SERVICE STATION

See AUTOMOBILE SERVICE STATION.

SETBACK

The distance between the structure and any lot line.

SETBACK LINE

The line that is the required minimum distance from any lot line and that establishes the area within which a primary structure or accessory structure may be erected or placed.

SEWER

Any pipe or conduit used to collect and carry away sewage or stormwater runoff from the generating source to treatment plants or receiving water bodies.

SEWER, SANITARY

A system of pipes that carry domestic or commercial sanitary sewage and into which storm, surface, and ground waters are not intentionally admitted.

SHARED DRIVEWAY

See DRIVEWAY, SHARED.

SHOPPING CENTER

Any group of two (2) or more trade or service uses which are: designed as a single commercial group, whether located on the same lot; under common ownership or management; connected by party walls, partitions, canopies or other structural members to form one continuous structure or, if located in separate structures, are interconnected by walk-ways and access-ways designed to facilitate customer interchange between the uses; share a common parking area; and otherwise present the appearance of one continuous commercial area. This definition includes

enclosed shopping centers or malls, strip shopping centers and/or specialized centers such as outlet malls or auto malls.

SIDEWALK

A paved, surfaced, or leveled area, paralleling and usually separated from the traveled way, used as a pedestrian walkway.

SIDEWALK CAFE

A restaurant which has as an incidental or accessory use, a group of tables, chairs, benches or decorative devices maintained upon a public sidewalk adjacent to the restaurant for the sale to the public of food or beverages as otherwise permitted by law. This definition does not include tables or benches for eating purposes provided by a restaurant as an accessory use on the restaurant property

SIGHT TRIANGLE

A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

SIGN

Any name, number, symbol, identification, description, display, graphic, or illustration which is affixed to, painted on, or is represented directly or indirectly upon a structure or parcel, visible from any public right-of-way which directs attention to an object, product, place, activity, person, institution, organization, or business. Religious symbols on places of worship or structures owned and operated by religious organizations shall not be considered a sign unless accompanied with text. This definition includes backlighted plastic panels or strip lighting affixed to any wall or roof where any such panels or lighting serve to identify a business and attract attention rather than to illuminate space for human activity. For purposes of this ZO, the following signs are defined:

- **Animated Sign:** Any sign that uses movement or change of artificial and natural lighting or noise to depict action or create a special effect or scene. This includes any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever. Different from an "electronic sign", an animated sign produces the illusion of movement by means of electronic, electrical, or electro-mechanical input and/or illumination capable of simulating movement through using the characteristics of one or both of the following classifications: 1) flashing, animated, or animated portions of a sign where the cyclical period between on-off phases of illumination is less than four (4) seconds; 2) patterned illusionary movement in which animated signs or portions of signs whose illumination is characterized by simulated movement.
- **Awning Sign:** A sign that is attached to an awning, canopy, or other fabric that serves as a structural protective cover over a door, entrance, window, or outdoor service area.

- Banner: A non-rigid cloth, plastic, paper, flag, or canvas sign. Banners also include streamers or ribbon-shaped or cord-like rope which may have pennants and/or banners attached and which is stretched or hung between two (2) or more points of support intended to attract attention.
- Bench Sign: Any sign painted on, located on, or attached to any part of the surface of a bench, seat, or chair placed on or adjacent to a public street.
- Billboard: A freestanding structure in excess of five hundred square feet (500 sqft) along the roadside with a large flat surface (panel, wall, or fence) on which signs are posted.
- Changeable Copy: All or a portion thereof of a monument sign or a wall sign with characters, letters, or illustrations that can be changed or rearranged by mechanical, electronic or manual means without altering the face or surface of the sign.
- Electronic Sign: Any sign or portion of a wall sign or monument sign that uses changing lights to form a sign message or messages in text or picture form, wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. Daylight illumination shall not exceed 5,000 nits and dusk-to-dawn illumination shall not exceed 800 nits. All signs must have auto dimmer control.
- Flag: A piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope.
- Flashing Sign: Illumination which is intermittently on and off so as to flash or blink or the intensity varies so as to appear to flash or blink.
- Freestanding Sign: A sign not connected to a structure or structure, other than a structure used exclusively for sign support.
- Marker: A sign that either 1) indicates the name of a structure, date, or other incidental information about its construction that is cut into a masonry surface, cast in bronze, or made of other material; or 2) identifies a product in agricultural areas, typically used to identify seed types used in agricultural fields.
- Pole Sign: A freestanding sign mounted atop a single steel pole or column that is permanently anchored in the ground.
- Portable Sign: A freestanding advertising device which is designed to be moved from one location to another and is not permanently affixed to the ground or to a structure, or is only affixed by means of tie down straps or stakes.
- Projecting Sign: A sign that is wholly or partly dependent upon a structure for support or suspended from a pole attached to a

structure. Such signs must be perpendicular to the structure face upon which they are attached.

- Roof Sign: Any sign partially or fully erected on or above the roof line of a structure.
- Scoreboard: An electronically-controlled changeable copy sign used to display scoring information for sporting events. Such signs are located on or along sports fields.
- Sidewalk Sign: A temporary, A-frame, freestanding sign used outside of businesses for advertisement during business hours on the sidewalk.
- Trailblazer Sign: A series of signs directing the motoring public to a specific location on private property.
- Unified Development Sign: A sign for a shopping center, office park, industrial park, or other development that contains three (3) or more uses within a single development. A unified development sign is allowed in addition to the permitted signs of the individual tenants.
- Vehicle Sign: A sign that is permanently affixed to the body of, an integral part of, or a fixture of a motor vehicle that is parked or left standing so that it is visible from a public street for a period of more than seventy-two (72) continuous hours for the intent of being used as advertisement. For the purpose of this definition, "permanently affixed" shall mean any of the following: 1) painted directly on the body of a vehicle; applied as a decal on the body of a vehicle; and/or placed in a location on the body of the vehicle that was specifically designed by a vehicle manufacturer.
- Wall Sign: A sign attached to a structure or structure other than a structure used exclusively for sign support.
- Wayfinding Sign: A municipal sign that is part of a City-sponsored and coordinated program for the purpose of facilitating vehicular and pedestrian tourist routes to local tourist destinations as designated.
- Window Sign: A sign displayed in a window, or graphics applied directly to the window that are considered temporary. Such signs must be professionally painted or constructed of vinyl with adhesive backing.
- Yard Sign: A small, temporary, freestanding sign that is placed on a street-facing lawn.

SIGN AREA

The entire face of a sign, including the advertising surface and any framing, trim, or molding, but not including the supporting structure.

SIGN FACE

The surface intended for the display of information on the sign.

SIGN STRUCTURE	The supporting unit of a sign face, including but not limited to frames, braces cabinets, and poles.
SIGN, ABANDONED	<p>A sign that is:</p> <ol style="list-style-type: none"> 1) associated with an abandoned use; 2) remains after the termination of the business; and/or <p>on its immediate premises but not adequately maintained or repaired.</p>
SIGN, HEIGHT ABOVE GROUND	<ol style="list-style-type: none"> 3) The vertical measurement from the ground to the top of the sign. The height of all signs shall be measured from the established grade line to the highest point of the sign or its frame/support.
SIGN, ILLUMINATED	Any sign lighted by or exposed to artificial lighting either by light on or in the sign or directed toward the sign.
SIGN, LEGAL NON-CONFORMING	A pre-existing, legally permitted sign, or portion thereof, which was designed, erected, or structurally altered such that it does not conform to the regulations of the zoning district in which it is located.
SIGN, PERMANENT	A sign attached to structure or the ground in a manner that enables the sign to resist environmental loads, such as wind, and precludes ready removal or movement of the sign. The use of anchor bolts, ropes, stakes, chains, glue, or similar anchoring are not methods recognized by this ZO as a permanent foundation. A permanent sign cannot be considered a temporary sign or banner and must be attached to a structure or the ground, which is made of durable materials intended for long term use. Such sign faces can be made up of plywood, plastic, vinyl, metal, stone, brick, or other durable materials
SIGN, TEMPORARY	A sign or advertising display constructed of cloth, canvas, fabric, plywood, plastic or other light material and designed or intended to be displayed for a short period of time. Temporary signs that are not permanently attached to a structure, or ground unless otherwise specified or a sign designed to be transported such as a portable sign (see definition). Such signs are restricted as to duration of time allowed for display. All signs not specified as temporary will be considered a permanent sign (see definition).
SITE PLAN	A plan for one or more parcel on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, floodplains, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utility services; structures; signs and lighting; berms; bufferyards, and screening devices; surrounding development; and any other information that

reasonably may be required in order for an informed decision to be made by the approving authority.

SMALL CELL FACILITY

Either a:

- 1) personal wireless service facility (as defined by the Federal Telecommunications Act of 1996 as in effect on July 1, 2015); or
- 2) wireless service facility that satisfies the following requirements:
 - a. Each antenna, including exposed elements, has a volume of three (3) cubic feet or less;
 - b. All antennas, including exposed elements, have a total volume of six (6) cubic feet or less;

The primary equipment enclosure located with the facility has a volume of seventeen (17) cubic feet or less. For purposes of this clause (c), the volume of the primary equipment enclosure does not include the following equipment that is located outside the primary equipment enclosure: electric meters; concealment equipment; telecommunications demarcation boxes; ground-based enclosures; back-up power systems; grounding equipment; power transfer switches; cut-off switches.

SMALL CELL NETWORK

- c. A collection of interrelated small cell facilities designed to deliver wireless service.

**SOCIAL
REHABILITATION
CENTER**

A secure or non-secure facility licensed by a department of state or local government in which persons reside while receiving, either within the facility or elsewhere, services which are designed to equip them for independent living within the community. Such services may include therapy, treatment, training, and/or counseling which is directed at one or more of the following groups: assisting persons to recover from the effects of drugs or alcohol or the dependence thereon; assisting persons with family, school, or social adjustment problems to return to normal family or communal life; or assisting persons to be housed under supervision while under the constraints of alternatives to imprisonment, including, but not limited to work-release, pre-release, and probationary programs. This definition does not include state or federally owned and operated facilities.

SOLAR ARRAY

A grouping of multiple solar modules with purpose of harvesting solar energy.

SOLAR CELL

The smallest basic solar electric device which generates electricity when exposed to light.

SOLAR EASEMENT

A right, expressed as an easement, restriction, covenant or condition contained in any deed, contract, or other written instrument executed by

or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems.

SOLAR ENERGY

Radiant energy (direct, diffuse, and/or reflective) received from the sun.

SOLAR ENERGY SYSTEM

An area of land or other area used for solar collection system principally used to capture solar energy, convert it to electrical energy primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, heat exchangers, substations, electrical infrastructure, transmission lines and other structures.

SOLAR ENERGY SYSTEM - ACCESSORY

An area of land or other area used for solar collection system used to capture solar energy, convert it to either electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. An accessory solar energy system consists of one (1) or more free-standing ground, or roof mounted solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels.

SOLAR MODULE

A grouping of solar cells with the purpose of harvesting solar energy.

SOLAR PANEL

That part or portion of the solar energy system containing one (1) or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/ or generation of electricity.

SOLAR RELATED EQUIPMENT

Items including a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy.

SPECIAL EXCEPTION

Permission granted by the BZA in accordance with *IC 36-7-4-918.2* to allow a use, designated as being permitted by Special Exception in the zoning district, when it is shown that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the ZO.

SPOT LIGHT

See FLOOD LIGHT.

STAFF

All employees of the Logansport/Cass County Planning Department including, but not limited to, the Administrator, the PC Attorney, and any

clerical assistants or other employees. This also includes any consultants or other individuals performing duties on behalf of or at the request of the Administrator.

STATE

The State of Indiana

STORY

That portion of a structure between the surface of a floor and the ceiling immediately above; or if there is a floor above, the portion of a structure between the surface of any floor and the surface of the next floor above. A basement shall not be counted as a story.

STREET

Any vehicular way that is:

- 1) an existing state, county, or municipal roadway;
- 2) shown upon a plat approved pursuant to law;
- 3) approved by other official action;
- 4) shown on a plat duly filed and recorded in the Records Office;
- or
- 5) shown on the official map or adopted master plan.

It includes the land between the street lines, whether improved or unimproved.

**STRUCTURAL
ALTERATION**

Any change in either the supporting members of a structure, such as bearing walls, columns, beams, and girders, or in the dimensions or configurations of the roof or exterior walls.

STRUCTURE

Anything constructed or erected or applied, the use of which requires a fixed location on the ground or an attachment to something having a fixed location on the ground, which includes, in addition to structures, billboards, carports, porches, and other building features, but not including sidewalks, fences, and patios.

**STRUCTURE,
ACCESSORY**

A detached subordinate structure, the use of which is clearly incidental to the main use of the land, and may include, but is not limited to the following: garages, barns, storage structures, private swimming pools, and private satellite dish.

**STRUCTURE,
DETACHED**

A structure having no structural connection with another structure.

STRUCTURE, EXISTING

A structure which is present, available, or in operation. An existing structure does not include a utility pole or an electrical transmission tower.

**STRUCTURE,
TEMPORARY**

A structure that is erected without any foundation or footings and is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased. A temporary use usually does not involve the construction or alteration of any permanent structure, although the authorization of the temporary use does not necessarily preclude such construction.

SUBDIVIDER

Any person having an interest in land that is the subject of an application for subdivision. Also, a person submitting an application for subdivision.

SUBDIVISION

The division of a lot or parcel of land into two (2) or more lots, parcels, or other divisions of land for sale, development, or lease. Subdivisions are further classified as commercial or industrial subdivision, minor residential subdivision, or major residential subdivision.

**SUBDIVISION CONTROL
ORDINANCE**

The *Logansport Subdivision Control Ordinance* as adopted under IC 36-7-4-700 series.

**SUBSTANTIAL
IMPROVEMENT**

Any extension, repair, reconstruction, or other improvements of a property, the cost of which equals or exceeds thirty-five percent (35%) of the fair market value of a property either before the improvement is started or, if the property has been damaged and is being restored, before the damage occurred.

**SUBSTANTIAL
MODIFICATION OF A
WIRELESS SUPPORT
STRUCTURE**

The mounting of a wireless facility on a wireless support structure in a manner that either:

- 1) Increases the height of the wireless support structure by ten percent (10%) of the original height of the wireless support structure, or twenty feet (20'), whichever is greater;
- 2) Adds an appurtenance to the wireless support structure that protrudes horizontally from the wireless support structure more than twenty feet (20'), or the width of the wireless support structure at the location of the appurtenance, whichever is greater; or
- 3) Increases the square footage of the equipment compound in which the wireless facility is located by more than two thousand five hundred square feet (2,500 sqft).

However, notwithstanding subdivisions (1), (2), and (3) above, the term does not include any of the following:

- a) Increasing the height of a wireless support structure to avoid interfering with an existing antenna.
- b) Increasing the diameter or area of a wireless support structure to shelter an antenna from inclement weather, or to

connect an antenna to the wireless support structure by cable.

Any modification of a wireless support structure or base station that involves only collocation, removal of transmission equipment, or replacement of transmission equipment.

SUPPLY YARD

A commercial establishment storing or offering for sale goods which require large storage areas primarily outside such as steel, pipe, concrete, or metal supplies. Supply yards do not include the wrecking, salvaging, dismantling, or storage of automobiles and similar vehicles.

SURVEYOR

The Cass County Surveyor.

SWCD

The Cass County Soil and Water Conservation District who assists landowners in the planned management of land and water.

SWIMMING POOL

A self-contained body of water at least eighteen inches (18”) in depth used for recreational purposes. Such body of water may exist in a metal tank, plastic lined, or masonry structure located either above-ground or below-ground level. Swimming pools may be either public or private in use. A private pool is considered an accessory structure.

**TECHNICAL REVIEW
COMMITTEE**

A committee consisting of one or more persons to review applications for development.

TEMPLE

See CHURCH.

TEMPORARY HOUSING

See HOUSING, TEMPORARY.

**TEMPORARY
STRUCTURE**

See STRUCTURE, TEMPORARY.

TEMPORARY USE

See USE, TEMPORARY.

TOWN HOUSE

See DWELLING, TOWN HOUSE.

TRC

See TECHNICAL REVIEW COMMITTEE.

TRUCK STOP	A large, roadside service station designed for the maneuvering and servicing (such as fuel pumps, garage, etc.) of semi-trucks, as well as containing facilities for truck drivers (such as a restaurant, shower, rest areas, etc.).
USE	The specific purposes for which land and/or a structure is designated, arranged, intended, or for which it is or may be occupied or maintained.
USE VARIANCE	Permission granted by the BZA in accordance with <i>IC 36-7-4-918.4</i> to allow a specific use that is not otherwise permitted in a zoning district.
USE, TEMPORARY	A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.
UTILITY	<p>Either:</p> <ol style="list-style-type: none"> 1) Any agency that, under public franchise or ownership, or under certificate of convenience and necessity, or by grant of authority by a governmental agency, provides the public with electricity, gas, heat, steam, communication, transportation, water, sewage collection, or other similar service; or <p>A closely regulated enterprise with a franchise for providing a needed service.</p>
UTILITY EASEMENT	<ol style="list-style-type: none"> 2) See EASEMENT, UTILITY.
UTILITY POLE	<p>A structure (other than a wireless support structure or electrical transmission tower) that is:</p> <ol style="list-style-type: none"> 1) Owned or owned or operated by a public utility, a communications service provider, a political subdivision, an electric membership corporation, or a rural electric cooperative; and <p>Designed and used to carry lines, cables, or wires for telephony, cable television, or electricity, or to provide lighting.</p>
UTILITY, PUBLIC	<p>As regulated by <i>IC 8-1-2</i>, every corporation, company, partnership, limited liability company, individual, association of individuals, their lessees, trustees, or receivers appointed by a court, that may own, operate, manage, or control any plant or equipment within the state for the</p> <ol style="list-style-type: none"> 1) the conveyance of telegraph and telephone messages;

2) the production, transmission, delivery, or furnishing of heat, light, water, or power; or

3) collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste.

The term does not include a municipality that may acquire, own, or operate any of the foregoing facilities.

VARIANCE

Permission granted by the BZA in accordance with *IC 36-7-4-918.5* to depart from specific development standards for a zoning district within this ZO.

VARIANCE OF USE

See USE VARIANCE.

VILLAGE CENTER

A mixed-use development that incorporates retail, residential, office, commercial, public, institutional, and other related uses.

WAIVER

See ZONING WAIVER.

WIND FARM (WECS)

A wind energy conversion system where the equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, wind tower, transformer, turbine, vane, wind farm collection system, wire, or other component used in the system.

**WIND FARM (WECS) –
MICRO (MWS)**

A structure-mounted WECS that has a nameplate capacity (manufacturer's rating) of ten (10) kilowatts or less, and projects no more than fifteen feet (15') above the highest point of the roof.

**WIND FARM (WECS) –
SMALL (SWS)**

A WECS that has a nameplate capacity (manufacturer's rating) less than or equal to one hundred kilowatts (100 kw) per wind tower, and a total height of one hundred forty feet (140') or less, and a swept area of forty feet (40') or less.

**WIND FARM (WECS),
SWEPT AREA**

The diameter of the least circle encompassing all blades for a WECS.

**WIND FARM (WECS),
TOTAL HEIGHT**

Means the distance from the rotor blade at its highest point to the top surface of the WECS foundation.

WELLHEAD

A drainage area that supplies water to a public well.

**WELLHEAD
PROTECTION**

A way to prevent drinking water from becoming polluted by managing potential sources of contamination in an area which supplies water to a public well.

**WHOLESALE
DISTRIBUTION**

An establishment which buys products from manufacturers for resale to retail establishments. Wholesale establishments may include motor vehicles and automotive equipment, drugs, chemicals, dry goods and apparel, groceries, electrical goods, hardware, plumbing and heating supplies, machinery, furniture, home furnishings, lumber products, and paper products, but does not include scrap and waste materials.

**WIND ENERGY
CONVERSION SYSTEM**

See WIND FARM (WECS).

WINDOW

An opening especially in the wall of a structure for admission of light and air that contains a transparent material (such as glass) and may or may not be capable of being opened and shut.

WIRELESS FACILITY

The set of equipment and network components necessary to provide wireless communications service. The term does not include a wireless support structure.

**WIRELESS SUPPORT
STRUCTURE**

A freestanding structure designed to support wireless facilities. The term does not include a utility pole or electrical transmission tower.

YARD

A space on the same lot with the primary structure, open, unoccupied and unobstructed by structures, except as otherwise provided in this ZO.

YARD SALE

See GARAGE SALE.

YARD, FRONT

A yard extending across the full width of the lot, unoccupied other than by steps, walks, terraces, driveways, lamp posts, and similar uses the depth of which is the least distance between the street right-of-way line and the building line. On corner lots, the front yard shall be all yards between street rights-of-way and the building lines. Flag lots shall follow side yard setbacks where the access road meets the maximum width of the lot. The front yard may also be called the front setback or setback area.

YARD, REAR

A yard extending across the full width of the lot between the rear of the primary structure and the rear lot line unoccupied other than by accessory structures and uses, the depth of which is the least distance between the rear lot line and the rear of such primary structure. On corner lots, there is no rear yard. On lots which abut a street right-of-way on both the front

and back (double frontage lot) or on lots which abut a street right-of-way and a lake or river shore, there shall be front yard provided on both streets and/or river or lake shore property lines, except as provided by this ZO. The rear yard may also be called the rear setback or setback area.

YARD, SIDE

A yard between the primary structure and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard is measured horizontally, at ninety degrees (90°) with the side lot line, from the nearest part of the primary structure. On corner lots, all yards that are not front yards shall be side yards. The side yard may also be called the side setback or setback area.

ZERO-LOT LINE

The location of a structure on a lot in such a manner that one (1) or more of the structure's sides rests directly on a lot line in order to create more usable space on the lot.

ZONE MAP

The map or maps that are a part of the ZO and delineate the boundaries of zoning districts and any amendments thereto of the jurisdictional area of the PC.

**ZONING
ADMINISTRATOR**

See ADMINISTRATOR.

ZONING DISTRICT

A specified zoning district within the jurisdictional area or extended jurisdiction for which uniform regulations governing the use, height, size, and intensity of use of structures and land, and open spaces around structures, are herein established.

ZONING WAIVER

Permission granted by the PC to depart from specific development standards and as specifically identified in this ZO.

Appendix 1. Land Use Matrix

Agricultural Uses		AG OS LR1 R2 R3 R4 PR LB1 B2 B3 B4 AB I1 I2 LGC LGI																				
Accessory Storage Facilities	P		P												P	P	P	P	P	P	S	S
Agribusiness	S															S	P	P	S	S		S
Auction Barn (livestock)	S																P	S	S	S		
Commercial Fish, Worm, Fur, and Other Specialty Farms	P															P	P	P	P	P		S
Cropland and Orchards	P	P	P													P	P	P	P	P	S	S
Cropland Research or Demonstration Test Plot (temporary or permanent)	P															P	P	P	P	P	S	S
Farm Equipment Sales and Rental New and Used and Accessory Service and Repair	S															S	P	S	S			
Grain Elevators and Feed Dealers, Storage and Distribution	S																P	S	S			S
Irrigation Facilities	P															P	P	P	P	P	S	S
*Land Application of Sludge and Wastewater	P																P	P	P	P	S	S
Liquid Fertilizer and Agricultural Chemicals - Sales, Mixing, Storage, and Distribution	S																P	S	S			S
Livestock Research and Evaluation	P															P	P	P	P	P		S
Pasture and Grazing (does not include animals kept as pets or for hobby)	P	S	S													P	P	P	P	P	S	S
Plant Nursery (not to include office or retail business facility)	P	S														P	P	P	P	P	S	
Processing of Goods Produced on Property Only	P															P	P	P	P	P	S	S
Slaughterhouse and Rendering Plant																				P		S
Natural Resource Uses		AG OS LR1 R2 R3 R4 PR LB1 B2 B3 B4 AB I1 I2 LGC LGI																				
Agricultural and Environmental Research Centers	S															P	P	P	P	P		S
Artificial Lake or Reservoir of Three Acres or More	S	S	S	S												S	S	S	S	S		
Conservation and Environmental Study Clubs	S	S	S													S	S	S	S	S		
Fill of Natural Wetland, Water Areas or Marshland	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Fish Hatcheries	P	S														P	P	P	P	P		
*Mineral Extraction	S															S	S	S	S	S		
Oil and Gas Production (not to include refining)	S															S	S	S	S	S		S
Public Landing Facilities	P	P									S					P	P	P	P	P		S
Public Owned Park or Recreational Area and Accessory Structures	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Water Areas and Marshland	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Buffer Class		Parking Class																				
A	C																					
E	B																					
E	G																					
A	C																					
A	C																					
A	C																					
E	N																					
E	B																					
A	C																					
A	C																					
E	B																					
B	C																					
A	C																					
A	C																					
E	B																					
A	C																					
A	C																					
A	C																					

Senior Housing ages 55 and older (not to include nursing and retirement homes)	S					S		P	P	P	P						S	
Social Rehabilitation Center	S			S		S		S	S	S	S	S	S	S	S	S	S	S
*Temporary Housing	S												S	S	S	S		S

Trade Uses	AG	OS	LR1	R2	R3	R4	PR	LB1	B2	B3	B4	AB	I1	I2	LGC	LGI
Aircraft Sales, Storage and Rentals and Accessory Service and Repair (including crop dusting services)	S											S	S			
Automobile Car Washing and Waxing										S	S	S	S		S	
Automobile Sales and Rental - New and Used and Accessory Service and Repair									S	S	S	S	S			
*Automobile Service Stations and Tire and Battery Dealers and Accessory and Service and Repair (not including junk yards)								S	S	S	S	S	S		S	S
Boat and Other Marine Sales and Rental and Accessory Service and Repair	S								S	S	P	S	S			
Commercial Garages and Motorcycle Service and Repair	S										S	S	S			
Dinner Theater, Night Club, and Taverns								S	P	P	P	S	S		S	
Drive-in and Carry-out Restaurants								S	S	P	P	S	S			S
Heavy Equipment Sales and Rental, New and Used and Accessory Service and Repair											P	P	S	S		
Liquor Stores								S	P	P	P	S				
Lumber and Building Supplies, Lawn and Garden Supplies and Farm Supply Centers (including outdoor storage)	S									S	P	P	S			
Manufactured Homes and Recreational Vehicle Sales and Rental and Accessory Service and Repair											P	S	S			
Monument Sales								S	P	P	P	S	S			
Semi-Truck Sales and Accessory Service and Repair	S										S	S	S			
Non-commercial Vehicle Repair (not to include Junkyards)	P		P													
Restaurant and Cafeterias (not including drive-ins or sidewalk cafes								P	P	P	P	S	S		S	
Retail Trade of More than 1,000 Square Feet Per Establishment								S	P	P	P	S			S	
Retail Trade of No More than 1,000 Square Feet Per Establishment								P	P	P	P	S				
Shopping Center of Over 200,000 Square Feet									S	P	S	S			S	
Shopping Center of Up to 200,000 Square Feet									S	P	S	S				
*Sidewalk Cafes								S	P	P	P	S	S			
Truck and Trailer Rentals (as principal or accessory use)									S	S	P	S	S			

B	C1
B	J
A	C1

Buffer Class	Parking Class
E	N
E	M
E	N
E	M
E	N
E	M
D	L
D	L
E	N
D	E
E	E
E	D
A	A
D	L
D	E
C	D
D	H
D	I
D	L
E	N

School - Elementary and Secondary	P			P	P	P	P	P	P	P	S	S	S	S	S		
School - Trade, Vocational, Business, Art or Music	S						S	P	P	P		P	S	S	P	S	S
Sewage Treatment Plants	S								P								
Sign Painting								P	P	P	P	P	S	S	S	P	S
Tailoring and Dressmaking								P	P	P	P	P	S	S	S		
Taxidermist								S	P	P	P	P	S	S	S		
Travel Bureau							P	P	P	P	P	P	S	S	S		
Veterinary Hospital and Clinic	S							S			S	P	P	P	P	P	
Welding	S								P	P	P	P	P	P	S	S	S
Woodworking, Cabinet Shop (not to include heavy manufacturing)	S							S	P	P	P	P	S	S	S		S

Recreational Uses	AG	OS	LR1	R2	R3	R4	PR	LB1	B2	B3	B4	AB	I1	I2	LGC	LGI
Amusement Park											S	S	S			
Auditorium, Coliseum, Stadiums										S	S	S	S			
Billiard and Pool Establishment								S	P	P	P	S	S			
Boat Rental and Storage	S	S						S	P	P	P	P	P	P		
Bowling Alley									P	P	P	P	S	S		
*Campground (public and private)	S	S							S	S	S	S	S			
Community Recreational Facility								S	P	S	S	S			S	
Dance Hall and Schools of Dance									P	P	P	S	S			
Fairgrounds	S	S								S	S	S	S			
Golf and Country Clubs	S	S	S							S	S	S	S			
Golf Courses and Accessory Structures	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Golf Driving Ranges	S	S								P	P	S	S			
Hunting Preserves and Gamelands	S	P								S	S	S	S	S		
Ice or Roller Skating Arena									P	P	P	P	S			
Lodges, Fraternal Organizations, and Private Clubs							S	S	P	P	P	P	S	S		
Miniature Golf Courses		S						P	P	P	P	S	S			
Motorcycle Riding Trails	S	S							S	S	S	S	S			
Museum and Art Gallery							S	S	P	P	P	P	S			
Organizational Campground (scouts, churches, recreational clubs, and similar organizations)	S	S							S	S	S	S	S			
Race Track										S	S	S	S			
Reception Halls									P	P	P	P	S			
Riding Stables	S	S									P	P	S			
*RV Park	S	S							S	S	S	S	S			
Shooting or Archery Range (indoor)									P	P	P	P	S			

B	P
B	Q
E	B
C	D
C	D
C	D
C	D
C	D
D	O
C	D
C	D

Buffer Class	Parking Class
--------------	---------------

D	W
D	R
D	U
D	W
D	U
D	A
D	Z
D	V
A	W
A	X
A	U
A	W
A	W
D	V
D	X
D	W
D	W
D	D
D	W
D	R
D	V
D	W
D	A
D	V

Shooting or Archery Range (outdoor)		S																	
Ski and Toboggan Runs	S																		
Tennis and Racquet Clubs																			
Theater, Indoor																			
Theater, Outdoor																			
Videogame Arcade																			
Water Slide Park, Public Swimming Area	S	S																	
Weight Reduction or Exercise Facility																			
Zoos, Botanical Gardens	S	S																	

D	W
A	W
D	W
D	R
D	W
D	E
D	W
D	V
A	W

Transportation, Communications, Utilities Uses		AG	OS	LR1	R2	R3	R4	PR	LB1	B2	B3	B4	AB	I1	I2	LGC	LGI
Airport, Landing Strip and Heliport	S												S	S	S	S	S
Bridges	P	P							P	P	P	P	S	P	P	P	P
Bus Station/Service									S	P	P						
Electric Generation	S								S	S	S	S	S	S	S	S	S
Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Pipeline Pumping Stations	S									S	S	P	P	P	P	S	S
Pipelines (Interstate)	P								P	P	P	P	P	P	P	P	P
Radio or TV Station									P	P	P	P	S	S	S		
Radio or TV Transmitting Tower	S								S	P	P	S	S	S	S		
Railroad and Highway Right-of-way	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Taxi Service									P	P	S	S					
Telecommunications Facility	P											S	S	P	P	S	S
Telecommunications Facility when Co-located	P	P		S	S	S	S	S	S	S	P	P	P	P	P	S	S
Telephone Exchange	S		S	S	S	S	S	S	S	S	S	P	P	P	P	S	S
Temporary Meteorological (Met) Tower	P	P	P	S	S	S	S	S	S	S	S	S	P	P	P	S	S
Utility Station - Main Installation	S		S	S	S	S	S	S	S	S	S	P	P	P	P	S	S
Utility Station - Substation	S		S	S	S	S	S	S	S	S	S	P	P	P	P	S	S
WECS - Micro	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	S	S
WECS - Small	P	S	S	S	P	P	P	P	P	P	P	P	P	S	S	S	S
*Wind Farm (WECS)	S																
Solar Energy System	S													S	S		
Solar Energy System, Accessory	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		

Buffer Class	Parking Class
A	M
A	C
E	Y
E	C
A	C
A	C
A	C
A	C
A	B
A	C
E	C
E	C
E	C
A	B
A	C
E	B
A	C
A	C
A	C
A	C
B	C

Wholesale Trade and Storage Uses		AG	OS	LR1	R2	R3	R4	PR	LB1	B2	B3	B4	AB	I1	I2	LGC	LGI
Air Cargo Services	S											S	P	P	P		S
Auction Sales Yard (not involving livestock)												S	P	P	P		
Bottled Gas Storage and Distribution	S											S	P	P	P		S

Buffer Class	Parking Class
E	B
E	N
E	B

Appendix 2. Lexington Village Planned Unit Development

A. PURPOSE AND APPLICABILITY: The purpose of this Section is to provide for flexibility in zoning to redevelopment and development the East End through establishing a Lexington Village Planned Unit Development by creating a compact Village with the following emphases:

1. A. An architectural character that allow for creative interpretation of traditional design, motifs, and building materials that create a visually cohesive, integrated Village environment;
2. Neighborhoods, activity areas, and Open Space around a well-designed transportation/ circulation network where pedestrian activity is strongly supported and integrated with vehicular streetscapes, service or parking areas;
3. Retail, cafes, restaurants and personal or business services that generate high pedestrian activity along ground floor locations and potential office space or residential units on upper floors of the Village Center or peripheral Mixed Use or residential developments;
4. A design where commercial, office, retail, institutional and public single lot uses can be incorporated into the overall Village fabric.
5. Residential areas that are intermixed within close/walk able proximity of new commercial uses, places of work or dedicated Public Open Spaces and/ or amenities;
6. An emphasis on developing neighborhoods where new and existing residents and visitors can live, work and play.
7. A design where Open Space, streetscapes with dedicated sidewalks, pathways, public and/ or institutional uses, and recreational uses are interwoven to create an overall Village Center.

B. DEFINITIONS: The following words when used in this Planned Unit Development shall have the meaning as stated below. Words and phrases not defined in this subsection but defined in Article Two of this Ordinance shall be interpreted in accordance with the Article Two definition. If there are conflicting definitions this section takes precedence.

ACCESSORY STRUCTURES: A detached subordinate structure, the use of which is clearly incidental to the main use of the land are permitted and may contain parking, accessory dwelling units, home occupation uses, storage space, and trash receptacles. Prefabricated shed structures are not permitted as accessory structures.

ARCHITECTURAL STANDARDS: shall mean the written architectural standards prepared for development within the LV Property, as the same shall be amended from time to time.

ARCHITECTURAL REVIEW COMMITTEE (ARC): A committee appointed by the Plan Commission under this Section.

IMPERVIOUS SURFACE: shall mean any material that substantially reduces or prevents the infiltration of storm water into previously undeveloped land. Impervious surface shall also mean any surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. Impervious surface shall include compacted sand, lime stone and clay as well as conventional surfaces such as gravel driveways, parking areas, surfaced streets, roofs, sidewalks, structures and other similar surfaces.

LEXINGTON VILLIAGE PROPERTY: shall be all the land ("Real Estate") described in the Lexington Village Master Plan "Exhibit A".

Exhibit "A" Real Estate Lexington
Village Property (LV)

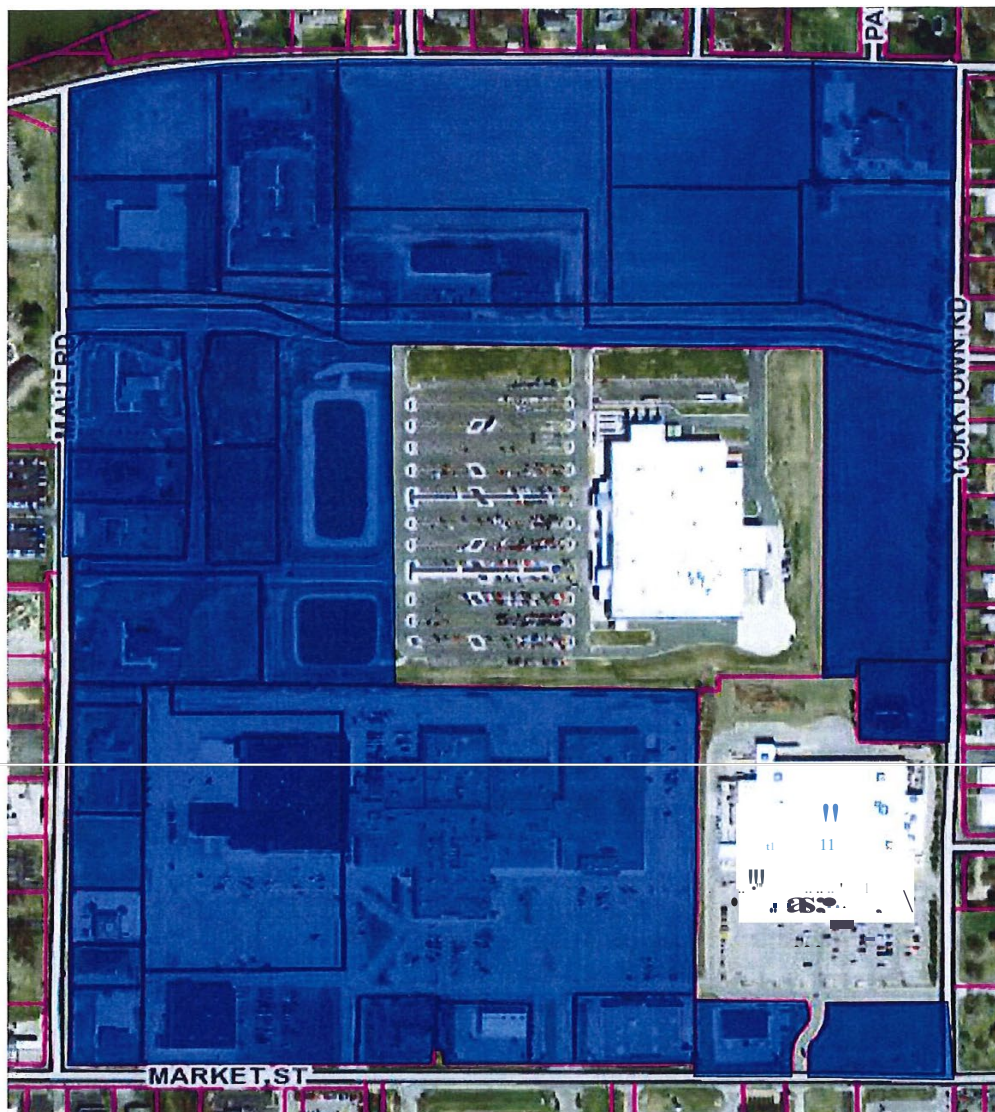


Exhibit "A"

Lexington Village Property (LV)

09-17-28-100-004.000-010
09-17-28-200-001.000-010
09-17-28-200-003.000-010
09-17-28-200-003.001-010 (a portion of)
09-17-28-200-003.002-010
09-17-28-200-003.003-010
09-17-28-200-003.005-010
09-17-28-200-003.006-010
09-17-28-200-003.007-010
09-17-28-200-003.008-010
09-17-28-200-003.009-010
09-17-28-200-008.000-010
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09-17-28-200-021.000-010
09-17-28-200-023.000-010
09-17-28-200-024.000-010
09-17-28-200-024.001-010
09-17-28-200-025.000-010
09-17-28-200-026.000-010
09-17-28-200-028.000-010
09-17-28-200-030.000-010
09-17-28-200-032.001-010
09-17-28-200-034.000-010
09-17-28-203-012.000-010
09-17-28-203-021.000-010

09-17-28-204-001.000-010

09-17-28-204-019.000-010

09-17-28-204-025.000-010

09-17-28-240-002.000-010

09-17-28-240-003.000-010

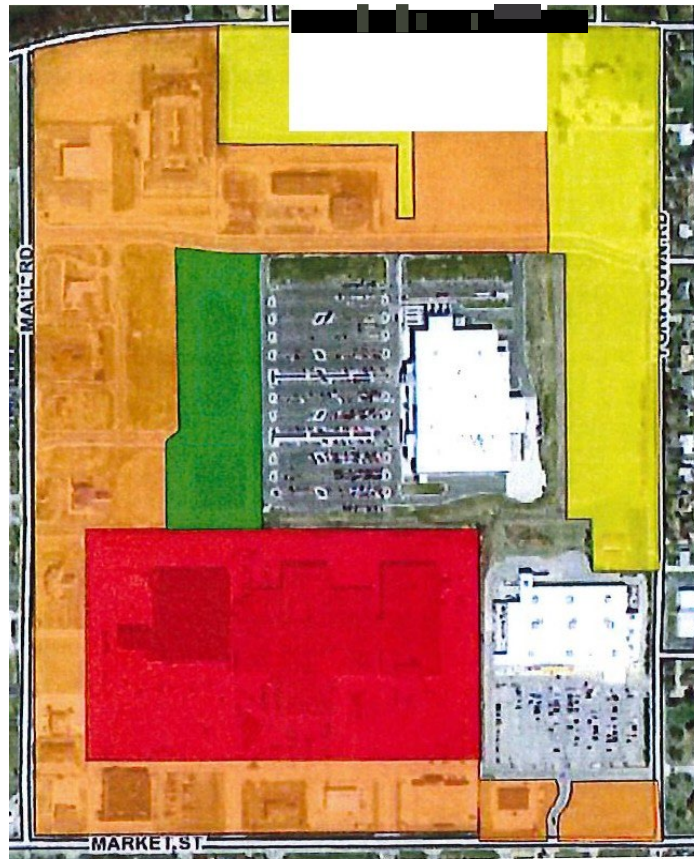
09-17-28-241-001.000-010

LEXINGTON VILLAGE DISTRICT (LV): shall be the district for all the land "Real Estate" described in the Lexington Village District Plan "Exhibit B"

Exhibit "B"

Lexington Village Property
(LV)

District Use Map



Village Center (red): Primary uses include retail, specialty retail, apparel and/or accessories, home goods, gifts, medium or larger format general merchandise retailers including department stores, medium/large format footprint 'anchors', restaurants/ bar, specialty foods, entertainment facilities, public and institutional services, business and personal services, personal care businesses, professional offices and financial services, educational services, hospitality/hotels and attached meeting facilities, essential services, medical and dental clinics, and social activities in a village setting showcasing a streetscape atmosphere, requiring structures to be built to a close and/ or immediate proximity to encourage pedestrian flow and walkability.

Secondary use may include commercial apartments not located on the first floor.

Retail/ Commercial Services (orange): (in areas beyond the defined Village Center) These uses shall include; non-specialty retail, medium/large format footprint 'anchors', commercial businesses, personal/ personal care services, business services, financial services, restaurants/bars, cafes or specialty foods, educational services, hospitality/ hotels including attached meeting facilities, child daycare centers, public and institutional services, professional offices and services, medical offices and/ or laboratories, walk-in medical and/or pet care, and essential services. Secondary uses may include senior housing, including assisted and/ or non-assisted living per the discretion of the ARC.

Residential (yellow): home occupation, market rate housing, senior housing assisted and/or non--assisted living, professional offices and services, medical offices and/ or laboratories, and public and institutional services.

Recreational/Water Retention(green): Walmart's current retention ponds be re-crafted and re-shaped to take a more natural look, while allowing for the introduction of a dedicated pedestrian and/or bike path along, or elevated above its new shoreline, weaving around perimeter, closer or encompassing the water's edge, along a shallower shore slope/ lawn area.

This is a comprehensive site plan for a large-scale urban development project. The plan is bounded by High Street to the north, East Market Street to the south, Mall Road to the west, and Yorktown Road to the east. The central portion of the plan is dominated by a large rectangular area labeled "EXISTING WAL-MART SUPERCENTER". To the northwest of this center is a residential area labeled "MARKET PLACE RESIDENTIAL ENTER FOR MAINT PARK". Further west, near the intersection with Mall Road, are several smaller commercial buildings, some labeled "NEW ANCHOR" and others "ANCHOR". A prominent feature is a large pond or lake situated between the residential area and the Walmart supercenter. Other labels include "RIVER RETAIL", "NEW RETAIL", "EXISTING RETAIL", "EXISTING SHOPPING", and "EXISTING HOME DEPOT". The plan also shows numerous parking lots, streets, and landscaped areas with trees. A north arrow is positioned in the upper right corner.

LINER BUILDING: shall mean a retail or business structure built to camouflage an unsightly façade/use such as a substation, service bay or parking structure. Liner Buildings are generally narrow in depth and placed along the street and consistent with approved uses in Mixed Use areas.

MARKET RATE HOUSING: shall mean properties that are rented or owned by people who pay market rent to lease the property or pay market rate when buying the property. There are no subsidies for the housing and can be considered single family or multi-family dwellings.

MASTER DEVELOPER: The petitioner who submits an application to the PUD Administrator which requests the establishment of the LV District, or his or her successor in office as chosen pursuant to Appendix 2 F

MIXED USE: shall mean an area or structure that contains a mixture of commercial, office and/or residential uses.

OPEN SPACE: shall mean any hardscaped; landscaped; grass or appropriate vegetation area but shall not include any interior landscaping or landscaped areas within parking areas.

OWNER: shall mean and refer to the record Owner, whether one or more persons or entities, of the fee simple title to any Lot which is a part of the LV Property, also including the Master Developer, but shall not mean or refer to any mortgagee or subsequent holder of a mortgage, unless and until such mortgagee or holder has acquired title pursuant to foreclosure or any proceedings in lieu of foreclosure.

PUD DEVELOPMENT PLAN (DP): A plan for the development of a particular property within the LV District, which is submitted to the PUD Administrator and Master Developer to determine if application is complete. At which time it is then sent onto the ARC for review and approval in lieu of an application for secondary approval under Section 606.02. The provisions of Section 602.02.H and 602.02.I do not apply to a PUD Development Plan Approval.

PUD PARCEL: shall mean and refer to any parcel or lots designated hereafter on a plat or replat, or subdivision thereof, recorded within the LV Property, or portion thereof, improved or unimproved, on which a structure may be located.

PUBLIC AND INSTITUTIONAL USES: shall mean buildings and uses such as libraries, schools, government buildings, churches or other uses approved by the ARC.

SENIOR HOUSING: shall mean housing for citizens 55 years and old including tax credit housing, assisted living, and non-assisted living.

SETBACKS: shall also be defined as “build to zones” such setbacks are in relation to public pedestrian circulation not specific property lines.

STRUCTURAL HEIGHT: Maximum Occupied Height measured from front exterior grade level to 9 feet above the highest occupied floor.

VILLAGE CENTER: shall mean a Mixed Use development that incorporates retail/residential/office/commercial/public/institutional and other related uses allowed within this Section.

C. ZONE MAP CHANGE: The District Zone Map of the City of Logansport is hereby changed to designate the land described in Exhibit A, attached hereto, as the Lexington Village (LV) District. Development in the LV District shall be governed by the provisions of this Section and its exhibits. Amendments to the provisions of Section 608 must comply with Section 905 as well as the I.C. 36-7-4-1500 series.

D. OTHER PROVISIONS SUPERSEDED: This Section shall supersede all other provisions and representations of the City of Logansport and Fringe Zoning Ordinance or the City of Logansport and Fringe Subdivision Control Ordinance which conflict with the provisions of this Section. Previous commitments or covenants as applied to the Real Estate of the property are hereby rescinded and shall be superseded by the terms of this Section.

E DELEGATION OF PLAN REVIEW AUTHORITY: Pursuant to I.C. 346-7-4-402(d), I.C. 36-7-4-403.5, I.C. 36-7-4-701(e), I.C. 36-7-4-1511, and I.C. 36-7-4-1513 authority is hereby delegated to the ARC to review and approve each DP, each DP modification, each variance, and each subdivision under this Section:

1. Each DP, each DP modification, each variance, and each subdivision must be submitted in writing with the appropriate documentation, as stated in the developer guidebook, to the PUD Administrator and Master Developer for determination of a complete application and appropriate process
 - a. All DPs must initially receive approval from the ARC at a public hearing. If there are major changes to the DP after being approved by the ARC the DP must go back to the ARC for approval. The PUD Administrator and the Master Developer will determine whether or not there has been a major change to the DP. The PUD Administrator and Master Developer may send any minor changes to the ARC if deemed appropriate.
 - b. Major subdivisions, when determined by the PUD Administrator and Master Developer to be major with regard to the density and intensity of the use as well as infrastructure shall be docketed for hearing by the ARC within 30 days of the submission. The PUD Administrator and Master Developer may send any minor subdivisions to the ARC if deemed appropriate.

- c. Variance requests, when determined by the PUD Administrator and Master Developer to be complete, shall be docketed for hearing by the ARC within 30 days of the submission.

F. COMMITTEE COMPOSITION: The ARC shall be composed of five (5) members, including one (1) representative of the Plan Commission for two (2) year term , one (1) representative from the Logansport Municipal Utilities for one (1) year term, two (2) representatives of the Owners and Developers of the Real Estate included in the LV District one Owner for one (1) year term and the Master Developer for two (2) year term, and the PUD Administrator ex officio. The one (1) representative of the Plan Commission shall be member of the Commission appointed by the Commission; one (1) representative of the Logansport Municipal Utilities nominated by the City of Logansport and appointed by the Commission; one (1) Owner shall be nominated by the City of Logansport and appointed by the Commission; one (1) Developer shall be the Master Developer or anyone that he appoints in his absents and appointed by the Commission. Each member appointment of the ARC is for a term of three (3) years after the initial setup as stated above, subject to I.C. 36-7-4-701(e).

G BYLAWS AND APPEALS: The ARC shall adopt bylaws to provide for the requirements of membership, duties and powers, meetings, and voting procedures. Pursuant to I.C. 36-7-4-1511(e), any decision of the ARC may be appealed to the Common Council. An appeal must be filed in writing with the Council within 30 days after the date of the ARC's decision.

H MAINTENANCE AND IMPROVEMENTS: After the construction of structures in accordance with a DP, any new construction or reconstruction of a structure is subject to review and approval by the ARC for an additional DP, unless the work involves no major changes in the exterior materials, design, texture, color, or original appearance of the structure. However, the Owner or Developer may make interior alterations and repairs and conduct ordinary maintenance to any property, without any formal review or approval by the ARC.

I EMERGENCY ACTION: If a structural condition exists on any property which may impair public safety, the Owner or developer may promptly repair the deficiency without any formal review or approval by the ARC. However, the Owner or Developer shall promptly advise the PUD Administrator and Master Developer of the purpose of any repair work and submit necessary plans for the permanent repair to the ARC for DP.

J DEVELOPMENT REQUIREMENTS. Subject to any commitments duly imposed by the ARC pursuant to I.C. 36-7-4-1015, the standards contained in the Primary Plan and in this Section shall be deemed to establish only the minimum requirements for a DP. Should any submission, either in total or part, not adhere to the standards, zoning, site plan or overall design intent of the LV district, the ARC retains the authority to request, in writing, that the submitting entity alter and/or change the aspects of the submitted design prior to approval or go through the process established in Appendix 2 E1c. Depending on the nature and/or scope of these requested changes, the ARC may also request that the submitting entity re-submit altered plans for a subsequent review and approval of a DP.

K PERMITTED USES: Uses allowed within the LV district will be defined within Exhibit “B”, which will help define the appropriate areas for such uses.

L WAIVERS: An applicant may apply for a Waiver to the ARC for any dimensional or quantitative standard applicable to the respective standard by no greater than 25%, if consistent with all of the requirements set forth below:

- 1.. The proposal must be in harmony with the purposes and the land use standards contained in this Section.
2. The proposal must enhance the overall DP, the adjoining streetscapes and neighborhoods, and the overall intent and purpose of the respective standards of this Section.
3. The proposal must not produce a site plan or street/circulation system that would be impractical or detract from the appearance of the DP and the respective overlay district, and must not adversely affect emergency vehicle access or deprive adjoining properties of adequate light and air.
4. The proposal must exhibit extraordinary site design characteristics, including but not limited to, any or all of the following: increased landscaping treatment, tree preservation, public art, provisions for bicycles, and/or mass transit, and reduced surface parking coupled with provisions for above or below ground parking facilities.

In granting a waiver, the ARC may impose such conditions that will, in its judgment, secure the purpose of the respective standards in this Section. This subsection does not affect the right of an applicant under Indiana Law to petition the ARC for a variance from development standards, as provided in IC 36-7-4-918.5.

M Lot Requirements are defined in the following table based upon the usage classification (i.e. Retail, Village Center, Single Family Residential, Multi-Family Residential, Office). If there is a question as to the appropriate usage classification for a user, the ARC will determine the most appropriate classification at its discretion.

Usage	Minimum Lot Width Or Area	Minimum Open Space	Front Yard Setback (feet)	Maximum Occupied Height
Village Center	NONE	NONE	70% at 0/ 30% max 12	3 stories/55 feet
Retail	75 feet	5%	20 max	3 stories/55 feet
Office	75 feet	5%	20 max	3 stories/ 55 feet
Hospitality	75 feet	5%	10 max	7 stories/ 75
Public and Institutional	75 feet	5%	20 max	3 stories/ 55 feet
Single Family Attached	8-14units per acre	15%	50% at 0 to10/ 50% max 20	4 stories/45 feet
Single Family Detached	5-8 units per acre	15%	20 max	4 stories/45 feet
Multi-Family Attached	15-35 units per acre	15%	50% at 0-10/ 50% max 20	4 stories/45 feet
Apartments and Condominiums	2 units per acre	15%	20 max	4 stories/45 feet
Accessory structures	660 square feet	NONE	Not allowed in front of primary structure	2 stories, may not to exceed primary structure

1. Structure Setback/Build-to-Zone:

The ARC encourages creative interpretation of Traditional Village Streetscapes, frontages, building massing, architectural elements and design features that will create an integrated pedestrian-oriented, Village environment and where appropriate will consider an individual LV Development Site in relation to its adjacent property Setback/build-to-zones. Some setbacks may create 'inset' locations for entrances, passages, courtyards and Open Spaces

a. Side or Rear Setbacks: All side or rear Setbacks are to be reviewed by the ARC, and are to be minimal where possible as a default for site planning purposes. Where applicable and viable, such setbacks will be used to establish the edge of/ buffer from existing or planned adjacent, non-residential uses.

i. Such Setbacks should be encouraged to showcase pedestrian pathways, bike lanes, play areas, mounded landscape berms and substantial tree and landscape screening that will grow dense within 3 growing seasons. All Setbacks areas to be landscaped per Appendix 2 M1 and maintained. Plans should be designed and submitted for approval, along with a proposed maintenance schedule by a landscape architect to the ARC.

b. Exceptions: from Setbacks may be granted by the ARC in order to avoid existing, proposed, and recently installed utility right-of-way's (ROWs), in areas adjacent that feature healthy, existing old growth 8 inches caliper (min) trees, where necessary to create a pedestrian oriented Village environment, and/or a need to better relate to adjacent and adjoin properties as long as it does not encroach upon the Clear Zone. Additions to existing buildings built prior to the establishment of this PUD may align with the current building Setbacks.

c. Multiple Frontage Roads and/or Pedestrian Circulation: Buildings in specific areas, located along multiple frontage roads and/or public pedestrian circulation may establish one to be the primary access. All other roads or pedestrian paths may comply with Appendix 2 M1a provided it does not encroach on the clear zone and provides minimal visual interest as an access road.

d. Maximum Block Size: The maximum perimeter of any block shall be no more than 1600 feet. Pedestrian passages in the middle of a block shall be provided at intervals no greater than 275 feet, or between any 8 attached townhomes in any 1 row, or at the discretion of the ARC.

N Structural Height Maximum Occupied Height measured from front exterior grade level to 9 feet above the highest occupied floor.



The height of enclosed unoccupied building elements, such as decorative roofs may exceed the Maximum Occupied Height by no more 50 percent. Purely decorative unoccupied elements such as 'towers', flagpoles, spires and/or steeples may be located either atop enclosed, occupied space or freestanding, to

a total building height of no more than 90 feet above grade at that location, excluding decorative metal spires or finials.

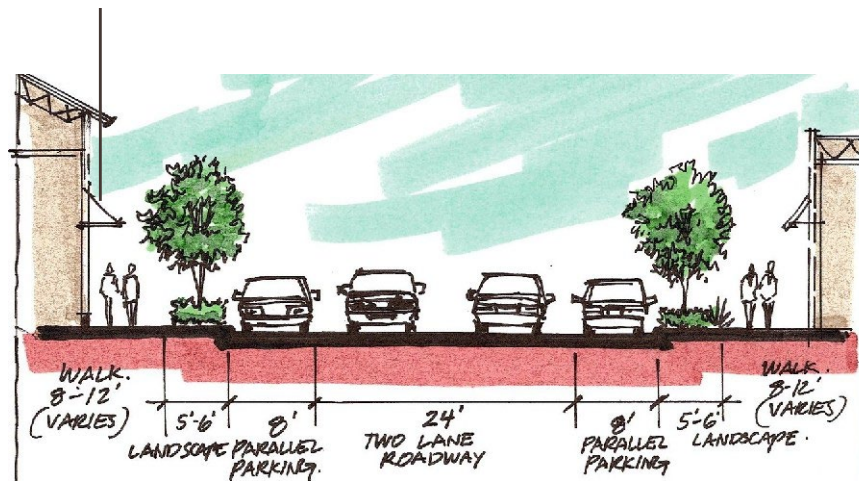


O Site Development. In keeping with the LV design intent to create an integrated Mixed Use, Village environment, the criteria in this Section for public roads may vary from current the City of Logansport and Fringe Subdivision standards and shall be submitted for review and approval to the ARC. The ARC may review and approve minor thoroughfares within the PUD but major thoroughfares must follow the Lexington Village Master Plan see Exhibit “C” any deviation must go back through the PUD process to make an amendment to the layout of the major thoroughfares. The PUD Administrator and the Master Developer will determine whether or not the thoroughfare is major.

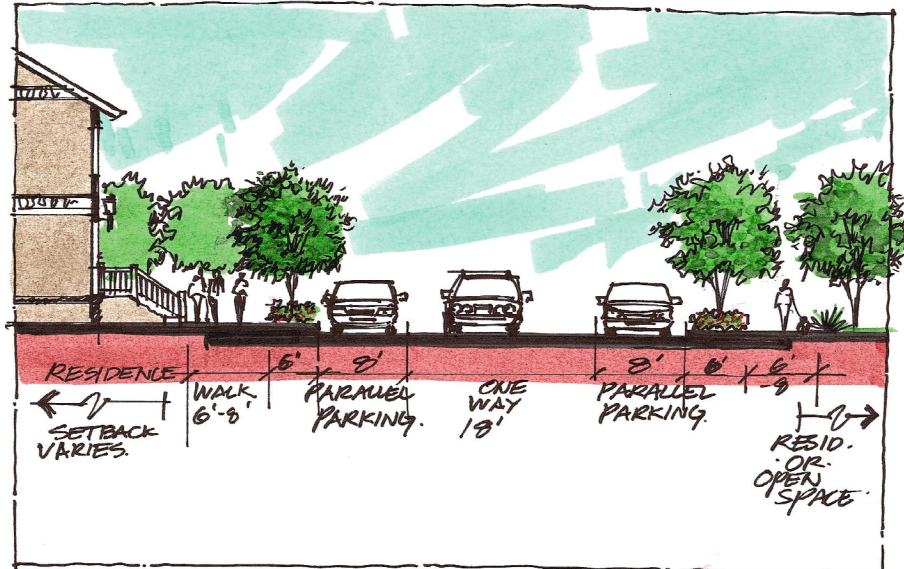
P. Street Design and Materials: Beyond the likely predominant use of either conventional standard asphalt or concrete, the LV standards strongly encourages incorporating differing specialty paving materials such as brick, cobblestone, pavers, colored or infused concrete, stamped and colored asphalt pavement and/ or other pavement products, to define special pedestrian walk and/or activity zones, duel pedestrian/vehicle crossing areas, feature street surfaces, crosswalks, pathways, unique ‘arrival’ zones and entries. Where viable, such areas should be made ‘zero curb’ elevation zones to facilitate ease of pedestrian use, and as a visual cue for traffic calming in these specific areas. Such zones or feature streets can have vehicular and pedestrian zones segregated by use of either fixed or removable bollards that can be changed for programmed public events. For specific LV Site Development areas with public ways, pavement design must be based on calculations that anticipate future traffic conditions and must be submitted to and approved by the ARC. The ARC may determine that a traffic analysis is warranted for any proposed development. Creation of public ways featuring landscaped islands, boulevards, arrival courts and roundabouts are also encouraged where feasible.



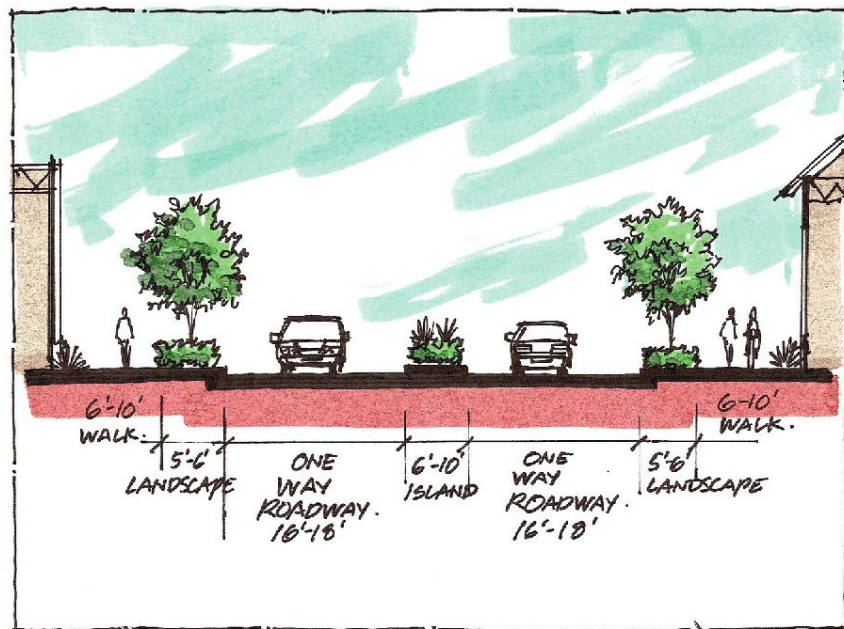
Q. Public Ways: The standard public way for all roads within the LV district varies depending on service level for that particular street or public way, service drive or entry. In general, the following public way sections illustrate how the public ways should be developed.



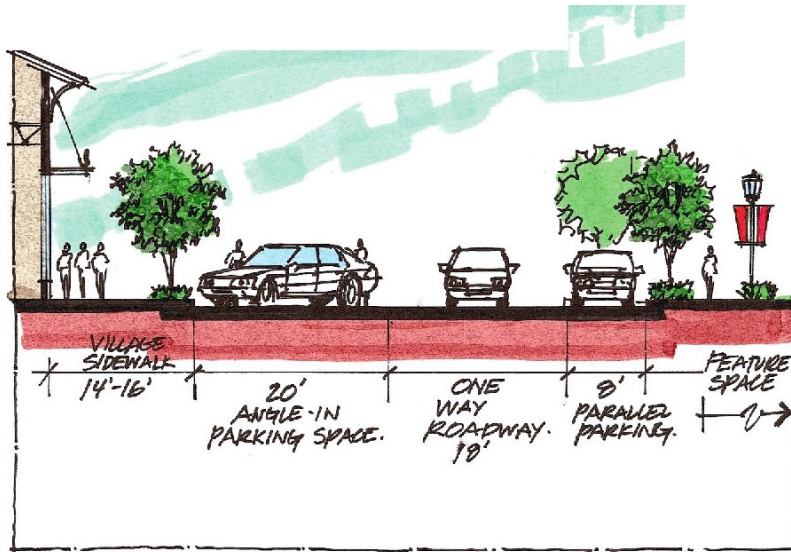
2-Lane Roadway



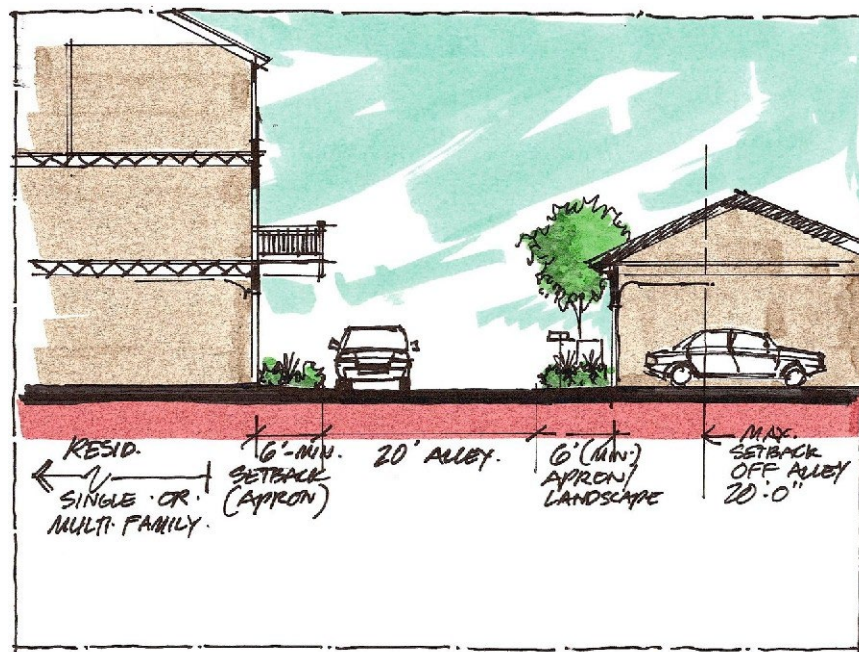
Residential One Way



*Divided Two-Lane
Access Roadway*

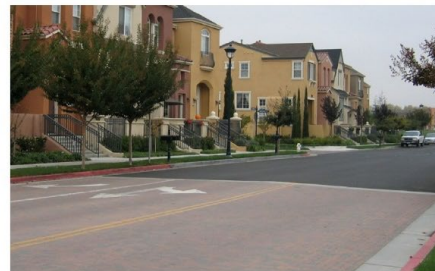


*Village Center Roadway
One-Way*



Residential Alley

These dimensions ensure that streets developed within the Village have fairly narrow drive lanes to shorten pedestrian crossings and inhibit drivers from traveling at high speeds within and through these neighborhoods. For specific LV Site Development enhancements that do not fall within these basic public way standards may allow for deviation from these public way requirements, with the approval of the ARC. This will be assessed in context with a specific development's design intent, in context with any existing adjacent development. And especially if any such development dramatically adds to the pedestrian experience of the LV district. Shall be designed to accommodate intended end users and to facilitate the Village Streetscape pedestrian environment. All ROWs and public ways that are being dedicated to the City of Logansport must be submitted to the Board of Public Works for approval.

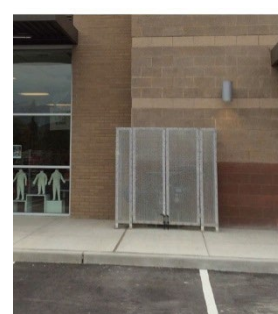


R Utility Easements along Streets. All public street utility easements shall fit within planned street ROWs or in dedicated service lanes where possible, and are to be located under pavement, landscape and sidewalk areas as necessary. Deviation from this requirement is not encouraged, and will only be considered by the ARC for specific LV Site Development areas that prove a variation is necessary.

S Street Radii Corner Radii & Clear Zones. The ARC recommends that corner curb radii be between 8 feet and 25 feet as determined by the intended use (residential areas up to 15 feet, and Mixed Use areas up to 25 feet). These fairly tight turning radii are intended to shorten pedestrian crossings and inhibit drivers from turning corners at high speeds. To allow emergency vehicles (e.g. fire trucks) to turn corners, a 25 foot radius Clear Zone may need to be established free of all vertical obstructions including but not limited to street lighting poles, decorative bollards, way finding signage, sign poles, fire hydrants, utility boxes, or dense vegetation landscaping or street trees. Curve and radius data and intersection details for public roads shall be submitted for review and approval to the ARC. Where viable, the curve should also be used to create 'bump-out' landscape and walk areas that cap rows of either parallel or angle-in parking spaces.

T Utility and equipment locations: All utility, telecommunication and landscaping irrigation distribution lines shall be located underground preferably within street right-of-ways, with all visible, in-ground utility access boxes placed as to not interfere with building pads, sidewalks, pathways and other pedestrian zones, light poles, way finding, directional or other street signage, parking areas, landscaping other than trees. This would also include the thought out placement of all required transformers, traffic control equipment, telecommunication pedestals, electrical cabinets, metering, exposed pipes and/or valves, and any other mechanical equipment that require above-ground placement, in areas away from the primary pedestrian and vehicular zones, preferably in parking area landscape beds, and/or landscape buffers areas.

U Utility and equipment screening. All exposed structures requiring open-air locations, particularly rooftop mechanical/HVAC equipment, utility and/or other functional hardware, whether located atop, attached, or separated building it services, shall be adequately screened from public view. If atop a structure, these features shall be screened behind parapets or screen enclosure walls for a distance of 150 feet beyond any one building elevation that can be viewed by the general public. Screen devices shall be fabricated to match materials and colors harmonious with the primary building where applicable. All such devices are approved at the discretion of the ARC. Where possible, such elements as generators, electrical and telecommunication cabinets can be set into lower grade areas. Such features shall also be adequately screened by either screen walls or dense landscaping.



V Service/ Loading Area Screening. All building and/or tenant back-of-house functions, such as dumpsters, grease traps, recycling bins, compactors, or any other functional need, located outside of any interior lease area, shall be grouped in landlord/developer common area service zones, within individual blocks located in the Village Center, and placed or screened as is practical from public view, preferably in rear, or side yard or interior service rooms. Where exposed to public view, such service zones shall be adequately screened with architecturally complementary access doors and screen walls, and/or berms or dense landscaping. Recessed and/or raised service docks that face any public streetscape or parking area, or visible at the rear of any building, shall be screened, as is practical from any public right-of-way, with screen walls of a height and scale that will adequately hide any service vehicles that may use such zones. Screen walls and/or enclosures are to be constructed of materials, colors and patterns to mimic the primary architectural character of that particular building. Service entrances located at rear of buildings shall be screened, unless such areas are comprised only of service access doors. In the Village Center areas, loading may be accomplished at curbside locations. Curbside loading spaces shall not be screened, but should be made dual-purpose where practical and functionally viable for daytime, public use. Hours of loading/servicing shall be coordinated with developer management to limit service hours to non-operational times of the day.

1. Exceptions are fully screened service zones, located between or surrounded by (or reasonably expected to be surrounded in the future by) other buildings, and can provide service bay access that is not directly visible to public view.

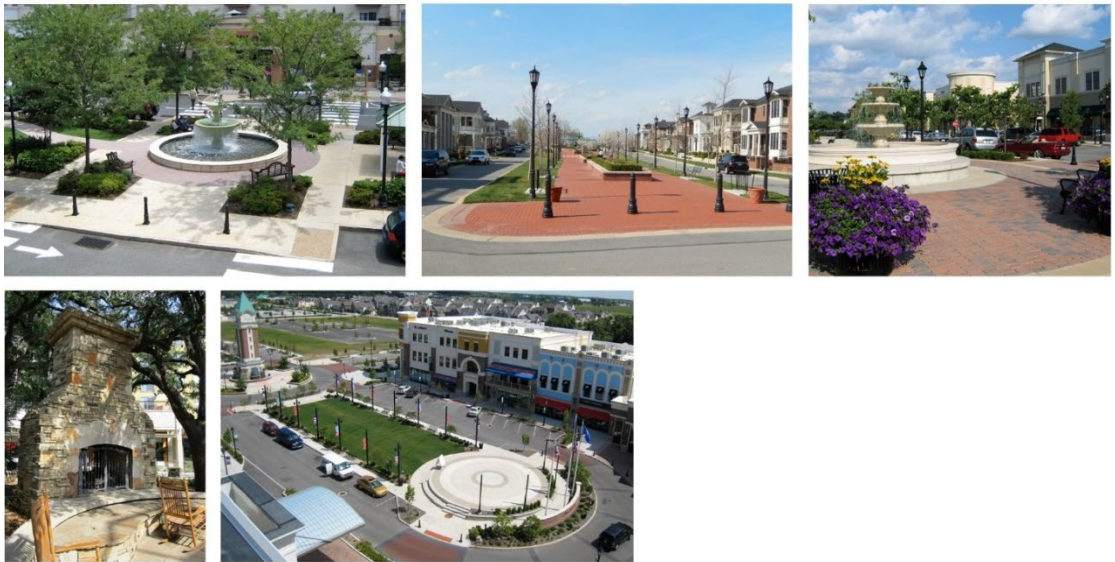


W Loading in required yards. Loading spaces in other than Village Center areas, shall not occupy any part of a required yard Setback, except locations at rear yards, per the discretion of the ARC.

X Screen wall construction and materials. The building materials and colors of walls and fences, visible from any public right-of-way or parking shall be uniform and compatible with the base-building architectural style, color and building materials of the principal building and its surroundings.

Y Fencing. Chain link fences are permitted only when they are not visible from any public right-of-way or pedestrian circulation routes, preferably only in service areas.

Z Open Space area requirements. Usable and functional Open Spaces and programmable event spaces are required as part of the Mixed Use area, Village Center areas, and adjacent neighborhoods. This definition may also include/ allow for landscaped traffic islands, pedestrian plazas, arrival courts, landscaped sidewalk/ pathway areas, game areas, public amenity features such as water features, fireplaces and seating areas, general green space, playgrounds, tot lots, pocket parks and other recreational uses. Open Spaces between buildings that create landscaped courtyards or walkways to connect rear parking areas, or to adjacent neighborhoods, or other nearby anchors are strongly encouraged.



AA Parking Requirements.

- 1 Off Street Parking Requirements (see parking landscape requirements)
 - a. Size of Parking Spaces and Aisles: shall be in compliance with the City of Logansport Planning and Fringe Zoning Ordinance Table E, unless specifically allowed otherwise by overriding standards established within the Mixed Use, Village Center/ LV District and residential neighborhoods;
 - b. The number of parking spaces, which are required in each usage classification, are as follows: (If there is a question as to the appropriate classification for parking, the ARC will determine the most appropriate classification at its discretion)
 - i. Village Center (Including all uses allowed except freestanding restaurants/ bars) – 1 for each 250 square feet of lease able floor space, except 1.25 spaces per dwelling unit; (4 / 1,000).
 - ii. Freestanding Restaurants/ Bars; 8 spaces per each 1000 square feet of gross leasable floor area.

iii. Retail/Entertainment – A minimum of 3 spaces for each 1000 square feet of gross leasable floor area; (3/ 1,000) is permitted, up to a maximum of no more than 4.5 spaces per 1000 square feet of gross leasable floor area.

iv. Office/Financial Services - a minimum of 1 space for every 250 square feet of gross leasable floor space per BOMA standard lease calculations. However, for medical office uses, the ratio of parking spaces shall be 1 space for every 200 square feet of gross leasable floor area on single use lots.

v Residential – Multi-family, Condos, and Apartments 1.25 spaces per dwelling unit, except Single Family dwellings 2 spaces per dwelling unit.

vi Public and Institutional - Shall not utilize shared parking, and all off-street parking shall be located in rear yard areas. The "Parking Area" for Institutional Uses shall be a minimum of 1 space for every 250 square feet of internally occupied floor space. However, the ratio of parking spaces actually constructed can be reduced to 3 spaces for every 1000 square feet of occupied floor space, provided the balance of the "Parking Area" is set aside as green space or permeable pavers (lawn or landscaping) and designs are approved by the ARC.

vii. Hospitality: 1 per room and one per employee

c. Shared Parking: Where permissible, a shared-parking arrangement may be allowed for certain developments/ uses. Shared parking arrangements are meant to encourage a more “round the clock” usage of any parking facility, therefore generating a lower total parking space count for any one particular development site.

The ARC may consider the acceptance of a formula that can demonstrate certain combinations of Mixed Uses and adjacent developments that will yield increased overall parking area utilization, especially throughout any given 24 hour period. Such formulas shall be consistent with the recommendations and current standards established by the Urban Land Institute and/ or the Congress for New Urbanism.

d. Alternative Parking Materials: Permeable paver blocks are also encouraged as a substitute for impervious surface, especially in areas that are likely to be lightly used for parking and/ or landscape zones where a more solid surface is occasionally required, but most of the time it will be a passive space. Similar types of creative alternatives are encouraged, and are subject to review and approval of the ARC.

e. Off-Street Surface Parking Lot Placement: Any off-street, surface parking areas along arterials within the LV district shall be Setback a minimum of 20 feet or a maximum of 35 feet from any existing or proposed arterials, including Market Street, Mall Road, Yorktown Road, and Lexington Rd, between Mall and Yorktown Road. The ARC shall have discretion to make this requirement applicable elsewhere on any subsequent prominent frontages, such as along key pedestrian connections, within significant vistas and within important public spaces. Surface parking lots may be built up to adjacent property lines within the LV District and as established in subsequent approved site plan areas that anticipate connecting adjacent parking development at a future date. Placement of surface parking areas should be related to both the building type served and the adjacent buildings, connecting streetscapes and uses, which may require the lot to be screened by building or landscaping from surrounding streets and/ or pedestrian pathways.

f. Structured Parking Lot Placement Although a remote potential, any parking structure(s) shall be set back a minimum of 50 feet from the property lines of all adjacent streets to reserve room for 'liner' buildings between parking structures and the lot frontage, unless the site is at the edge of a dedicated Open Space, service road or bay. The liner building shall be no less than two stories in height. Liner buildings may be detached from or attached to parking structures and can be either commercial Mixed Use or residential.

2. Additional Residential Parking Requirements: The intent of these parking regulations is to encourage a balance between compact pedestrian oriented development and necessary car storage. The goal is to construct neither more nor less parking than is needed.

a. Minimum parking space dimensions The ARC recommends that head-in or diagonal parking shall be 9 feet x 18 feet with minimum of 10 foot drive lanes (20 feet for 2 way traffic) and parallel parking spaces shall be 8 feet x 22 feet with minimum 10 foot drive lanes (20 feet for 2 way traffic). The selection of diagonal or parallel parking along any section of road shall be determined in consultation with the ARC.

b. On-Street Parking: On-street parking is permitted and encouraged in the design of all site plans for any residential neighborhood within the LV district. Parking need not be contiguous with the building(s) or the use it serves.

c. The ARC encourages shared parking solutions. The applicant shall provide a parking analysis justifying any proposed shared parking solution

d. Alleys shall be the primary source of access to off-street or individual unit garage parking. (Parking along alleys, if permissible

per the site plan, may be head-in, diagonal or parallel and may be made of a permeable block surface material, in-filled with pebbles or gravel)

e. Alleys may be incorporated into parking lots as standard drive aisles. Access to all properties adjacent to the alley shall be maintained. Access between parking lots across property lines is also encouraged.

f. Alleys: Alleys shall be incorporated in the LV residential neighborhood standards to provide access to parking and service areas behind rows of town house-style units and to access single family-style lots that would primarily have front doors facing High Street. Alley locations and dimensions are not fixed but shall be designed to accommodate the alley's purpose, preferably no less than 20 feet from building edge to building edge across any one alley way to facilitate proper backing out of any one garage space. Any required additional curb cuts shall be added only with the permission of the ARC. Alleys may also be incorporated into parking lots as drive aisles and fire lanes.



g. Corner lots that have both rear and side access shall access parking through the rear.

h. Garage door(s): Where space permits, all garage doors shall face the side or the rear, not the front or along any primary street address. If positioned to streets, squares or parks, they shall be no closer than 20 feet behind the principal plane of the building frontage and shall not exceed 10 feet in width.

BB Vehicular and Pedestrian Circulation.

1. Safety. The safe and functional movement of both vehicles and pedestrians, on and off-site, shall be provided as the first consideration in designing transportation networks within the LV district, and all site plans shall be crafted to minimize such conflicts wherever possible.

2. Outdoor events. All outdoor events, seasonal events and displays, public space programming, sales, and conditions for holding outdoor events and/or sales may be permitted or denied at the discretion of the ARC.

3. Pedestrian circulation. Pedestrian circulation is highly encouraged, and can be accomplished via sidewalks, crosswalks, cross-surface lot walkways, community gathering spaces, plazas, terraces, seating and amenity zones, hard-surface paths, bike paths, and permeable pathway surfaces. These varying pathways should be crafted to connect between all buildings, and within and outboard of specific development. Early site planning should make this a primary consideration within and along the edges of the LV district.

4. Sidewalks. Where appropriate, sidewalks shall be provided on each side of every street and shall be creatively developed to interconnect different land use areas and Open Spaces. Sidewalk must be provided on all development sites within the LV district and be oriented on the site to provide for future and current connections.

5. Sidewalks and Buildings. Pedestrian connections, including crosswalks, sidewalks and pathways shall be provided along any surrounding streets/driveways/drive isles, along the front, side or back of any building or group of structures, on all specified and dedicated streetscapes, both public or private.



6. Sidewalk width. Sidewalks along the front facades of buildings in the Village Center shall be an average of no less than 12 feet, incorporating a dedicated landscape/ tree well area at the curb line of no less than 5 feet x 5 feet square, and at intervals of no less than 25 feet each. Sidewalks at sides and rear of buildings may be of lesser width, but in no case less than 5 feet wide all other sidewalks can be no less than 6 feet. Sidewalk and pathway widths within other LV district are to be determined by ARC review for each application as submitted.



7. Pedestrian Access. A network of multi-use pathways and/or sidewalks and potential bike paths shall link all Open Spaces, residential, Mixed Use and commercial areas within the LV district. All site plans developed for parcels within the LV district, or subsequent additions and alterations of existing uses, should make this a primary feature of their specific overall site development, and look to connect adjacent sites/ uses, and/ or to tie-into cross-site public pathways/ walkways/ sidewalks or bike paths.

CC. Additional Regulations

1. The following shall be located in rear yards or side yards not facing side streets:

- a. Window and/or Wall Air Conditioners/HVAC units;
- b. All Utility Metering devices
- c. Air Conditioning Compressors;
- d. Any Irrigation sheds
- e. Pool maintenance facilities and pumps.

2. The following shall be located in the rear yards only: Permanent fixed barbecues; antennas, satellite dish antennas greater than 18 inches in diameter. In residential units over commercial in the Village Center, a satellite dish needs to be concealed either on roof surfaces, well away from public streetscape vistas, public parking areas and/or walkways. Satellite dishes must meet these standards unless proven in writing by the satellite dish installer/company that there is no other alternatives.

3. The following are prohibited:

- a. Undersized decorative shutters (all shutter(s) must be sized so as to equal the width that would be required to cover the window opening.)
- b. Plastic or inoperable shutters; Clotheslines;
- c. Clothes Drying Yards;
- d. Reflective and/or bronze-tint glass; Plastic or PVC roof files;
- e. Backlit awnings;
- f. Glossy-finish awnings; and
- g. Fences made of chain link, barbed wire, or plain wire mesh, or rough- textured /timber or 'fortress style' wood fences.
- h. Unpainted wood fences.

DD. Building Design and Function:

1. Architectural Character and Four-Sided Consistency/ Achieving Value Through Design Standards: the following architectural design standards are meant to achieve two goals;

- a. The establishment of a consistent high-quality design and construction that works with the site and streetscape standards to establish and reinforce the Village environment, neighborhood design, and planning goals; and

b. To protect initial and future investments in the LV District against future environment variables that could encourage poor design and/or poor building site orientation, and cheap construction for the sake of development itself, that in-turn threatens the economic viability and longevity of the whole district as it grows and changes with time.

In the LV District, the exterior architectural design character for all new or renovated structures, shall take inspiration from traditional massing, materials, character and vernacular of the local historic region, in both commercial and residential applications. Although today's end users, particularly large-format retail and free-standing, auto-oriented 'pad'-style structures were not around during this prior era, over the last two decades, numerous retail and Mixed Use projects have successfully applied such traditional design principles and motifs, clever site planning, and judicious use of materials in traditional proportions and massing to help these buildings and end users blend-into their host communities and developments. Often these structures are no more expensive to create so long as these standards, and the resulting massing, materials and fabrication are understood and adopted early-on as part of the development process. In most instances, the front facade shall be the primary architectural emphasis, but all sides of the building shall relate to the style of the front facade. Complexity and level of ornamentation may be reduced progressively on the sides and rear of buildings.

2. Orientation to Street: Buildings shall be architecturally oriented to, and the main entrance itself, shall be located on: the street, public right-of-way or courtyard, pedestrian circulation and in a few specific instances, for larger-format users over 12,000 sf, facing a relevant-sized surface parking area, unless deviation is appropriate, per the discretion of the ARC. In cases where there is an anti-access easement or access is not permitted from a particular road, public right-of-way or pedestrian circulation, the building shall not be required to face the subject road or right-of-way. If there are multiple access points the most dominate access with be considered primary and must provide sidewalks if not currently provided.



3. Orientation of Windows and Doors: All windows and doors, openings or frame fenestrations located within an opening shall be 'vertical' in orientation, meaning the primary frame character is more top to bottom, as with traditional storefronts and window design. Traditional window layouts featuring

transoms, divided lights, and sidelights are encouraged, along with storefronts, doors and framing components, which follow vertical enhancing design elements. Sliding commercial-grade glass doors, folding glass windows and butt-jointed glazing may be allowed, but only if window and/or door orientations are also vertical in nature. Any sliding doors must pocket out of view, and all folding windows should not encroach into an exterior walk or

public area beyond a tenant storefront closure line. Linear strip windows, horizontally dominant window frames, and rectangular “picture windows” are discouraged, since they are not part of the traditional architectural vocabulary that is part of the PUD. The ARC may consider specific exceptions, primarily related to functional use, provided that the overall building design is in keeping with the goals of the LV District.



4. Glass Materials: Clear or colored glass, translucent, sandblasted and/or decorative pattern glass that can emit light through is encouraged. Retail, and/ or commercial storefronts should be predominantly clear glass at any street level opening. Where a clear window opening is desired, but for functional reasons is not viable, an internally backlit, translucent, patterned or colored glass panel is most encouraged. Other options, including back painted, fritted, sandblasted or non-illuminated translucent glass may be acceptable where structural elements or back-of-house functions or unoccupied space would be visible behind. Black, opaque, spandrel and reflective glass materials are discouraged.

5. Building Materials: Building materials should be commercial grade, and applied in variety of stylish, creative and clever applications across the expanse of all visible public-facing elevations. Acceptable materials include; pre-cast masonry, brick, decorative block, cement siding, wood (both new and reclaimed in specific applications), stone, exposed metal structure and/ or architectural details where viable, stucco, EIFS or materials of equal appearance consistent with the acceptable architectural character outlined in this section. Plywood, corrugated siding, vinyl siding and plastic panels are prohibited from use in publicly visible locations.



6. Rooflines: Flat rooflines are permitted, however, parapets or the underside of roof eaves should showcase cornices, masonry and/or brick trim and/or patterning, decorative blocks/brackets, moldings or some form of architectural emphasis along the roofline. Where adjacent buildings have a similar roofline, a variation of the height of the rooflines is required.



7. Roofing materials: Slate style shingles, fiberglass shingles and either copper or painted/ powder coated standing seam metal are permitted materials for sloped roofs per the discretion of the ARC. Where possible, patterning of shingles, colors for more vertical roof surfaces is highly encouraged.



Building Massing. Individual buildings and any attached structures should strive for complementary building massing, reminiscent of traditional townscape/streetscape patterns. “Monoplanar” or monolithic appearance and surfaces, with little variation in Setbacks, wall fenestration, or rooflines are highly

8. **Building Massing** Individual buildings and any attached structures should strive for complementary building massing, reminiscent of traditional townscape/streetscape patterns. “Monoplanar” or monolithic appearance and surfaces, with little variation in Setbacks, wall fenestration, or rooflines are highly discouraged. Building massing should take into account adjacent buildings, property uses, sightlines, identity, and relationship to its site to accomplish building a contextual variety in its overall massing. As noted above, such elements as rooflines, massing Setbacks, decorative architectural elements, visual openings and wall fenestration elements such as ‘pop-outs’, window openings, trellises, pergolas, verandas, entrances, piers, pilasters decorative panels, or grilles, and eaves or cornice lines will break down a structure’s overall massing and create a pedestrian scale to its overall context.



9. **Additional**s for **Mixed Use Area:**

a. **Orientation.** Village Center area building entrances shall be oriented toward the major or primary streets or primary public event/Open Space(s), unless deviation is appropriate, per the discretion of the ARC. Buildings located on an intersection shall have the main entrance oriented toward the major street and any facade facing other streets shall have facades that ‘turn the corner’ with similar/complementary architectural features and character. Retail, office, and institutional buildings and main entrances shall be oriented toward a street, right of way or courtyard.

b. **Transparency:** The ground floor of the building should be designed to be at least 65% transparent along any front facade, through the use of show windows, entrance doors or other glass surfaces, including sliding, folding and roll-up glass doors that open seasonally. This allows pedestrians to view the goods and services offered in ground floor business and in the case of retailers or restaurants that showcase such spaces, allow for the internal activity of that venue to ‘spill-out’ into the streetscape environment. Corner tenants or spaces that are primarily retail should turn the corner with at least one ‘bay’ of transparent,

or translucent storefront glass area, no less than 30 feet back from the structural corner. In the case of professional services, offices space or non-retail commercial area, the ARC will review all site and floor plans to help determine if transparency can be enhanced beyond the 30 foot minimum. Large format retailers should look to plan outer exposed side walls with either liner uses, or be able to turn elements, massing and details of the base building architectural character down the side for its full distance. Upper level transparency is recommended for buildings that face parks, squares or other significant vistas, per the discretion of the ARC.

c. Ground floor use. The ground floor of Village Center buildings shall be restricted to retail business, restaurants/ bars, cafes, personal care services, professional services, and other uses that tend to encourage street level pedestrian-oriented activity. Other adjacent LV Development Sites, whether future or existing to the Village Center site itself shall be evaluated by the ARC in relation to its adjacency to see where complementary connectivity/ uses might facilitate better pedestrian and vehicular traffic flow. The ARC encourages designs that will create an integrated, pedestrian oriented, Village environment.

d. Upper level floor use. Offices and/or residential uses in Village Center buildings should be encouraged on the upper floors of the building where and/ or if feasible. There are no upper floor level use restrictions of other commercial Mixed Use areas.

e. Public and Institutional Uses may include a mix of community and city buildings, meeting halls, libraries, post offices, schools, public recreational facilities, museums, performing arts centers or other uses permitted by the ARC and City Council; located within or adjacent to Open Spaces, parks. Where possible, they should be sited as visual features terminating the vista down a street or centered on an Open Space or plaza.

10 Additional for Residential Development

a. Orientation. Residential area buildings entrances shall be oriented toward the street, primary right of way, open areas or courtyard unless deviation is appropriate, per the discretion of the ARC. Buildings located on an intersection shall have the main entrance oriented toward the major street and any facade facing other streets shall have similar architectural styles.

b. Building Fronts and Side: The front or side of every building must face the street, right of way or courtyard. Rear facing buildings, overhead doors and service entries are prohibited on street facades.

EE Colors.

1. Color Variation. The use of sharply contrasting, garish or 'clashing' colors on buildings facades is discouraged for large surface areas. If used either as an accent or as some form of tenant identity, they should be limited to specific architectural elements, details or small surface areas. Their use in tenant design areas however is encouraged, but subject to tenant design standards of their particular building or development. Color schemes should be kept simple with no more than 1 or 2 field colors on any given building, unless deviation from this is appropriate. All exterior colors and finished material surface colors are subject to ARC approval.



2. Color consistency. The chosen color scheme should help tie all of the parts of the building together. Monolithic color schemes and appearances are discouraged. Typically, the color that is used in the storefront area may be repeated in the upper story windows or cornice area. Colors used at the front façade should be utilized on the sides and rear of buildings.



FF Landscaping.

1. Plant Material Selection: Plant materials shall be chosen which are indigenous, moderately fast growing and require low maintenance. All planted surfaces, whether in ground or in raised landscape beds shall be fully irrigated and maintained in good working order. The landscape design shall incorporate the total development site, and in context with adjacent users, and consist of a palette of plants with year round appeal which might include annuals, perennials, shrubs and trees.

2. Surface Parking Area Landscaping: Parking areas and driveways shall be landscaped with low-profile bushes, groundcover, shrubs, trees or tree groupings to a minimum height of 18 inches above finished parking surface where there are no trees. Taller bushes, shrubs and low-profile decorative trees are permitted in areas where screening of outboard utility or service areas is required.

3. Surface Parking Area Landscape Area Requirements. A minimum of 8% of any interior surface parking area, and any parking area that abuts an enclosed or up to any dividing street, landscape zone, building, Setback or Open Space, shall be landscaped with planted islands and/or a landscape island bed for every linear run of no more than twelve parking spaces. A minimum of 2 trees and 6 low bushes or shrubs shall be planted on all interior islands within any row of surface parking area.

a. Exceptions to this rule are if the entire run is no more than 13/14 spaces or if an irregularly shaped island creates a naturally larger landscape bed area where the edges may be more low plantings, and the interior may be more lawn in season.

4. Parking Lot Landscaping Requirements for Residential Development: Landscape strips of at least 6 feet in width shall be provided between parking aisles of either head-in or diagonal parking. The objective is to create a continuous shade canopy. A diversity of tree species throughout the LV District is encouraged. To minimize water consumption, the use of low-water vegetative ground cover other than lawn is encouraged. Plant material and trees should be of native species that are climate and drought tolerant.

5. Exemptions. Parking area landscape requirements shall be negated if the surface parking area is not, nor will ever conceivably be, visible from a public right-of-way.

6. Planting island requirements. Planted islands shall be at least 175 square feet in size with a pervious surface area adequate for proper root aeration and expansion. Creative alternatives are subject to review and approval of the ARC.

7. Screening Materials. Where landscaping is used as screening it shall be opaque year round. Landscape screening shall be of a height and density so as to provide the full desired effect within 3 growing seasons.



8. Street Trees. All streets shall be planted with regularly spaced shade trees. Trees shall be selected in consultation with the ARC and the City of Logansport.

9. Street Furniture: 'Street furniture/furnishings' are key features of public spaces that can greatly facilitate in creating vibrant pedestrian use of all streetscapes, Open Spaces and connecting outdoor areas. These features include such basic items as benches, trash receptacles, bollards, drinking fountains, way finding and street signs. Other elements include game areas and surfaces, moveable tables, chairs and lounges, picnic benches, market umbrellas, outdoor fireplaces, water features, children's play areas, sculpture and other public art. Street furniture shall be chosen and placed in consultation with ARC, and shall be located so as to maintain a clear pedestrian path.

10. Street furniture shall be made of materials consistent with extended public use. These materials include painted or powder-coated metal with a matte finish, wood; either painted with a matte color or natural finish, outdoor grade fabrics and canvas, and in certain instances; high-impact, composite or resin-based materials that mimic natural finishes that are weather resistant. All street furniture and public features shall be maintained in good working order and appearance by their respective Owner(s), and replaced as necessary. Street furniture shall be consistent in material, color and style along both sides of any street. All street furniture elements, either new or replacements that vary in color, material, number, placement or size from prior approved plan(s) are subject to ARC review and approval.



11. Landscape Architect Required: A landscape architect shall work with the developer and City of Logansport on all landscape design all landscape plans and/ or alterations.

12 Maintenance: The landscape plan shall include an ongoing maintenance schedule, including a beginning of growing season/ spring replacement of any and all damaged or destroyed plantings, trees, landscape surfaces, and repair of any irrigation apparatus from the prior year/ winter. Severe damage from a weather event or infestation may, at the ARC's request, require the re-engaging of a landscape architect for proper restoration or replacement of plant materials.

GG Outdoor Lighting.

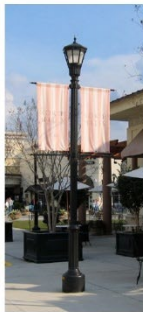
1. Outdoor lighting. All outdoor lighting of buildings, surface parking areas, service zones, or any non-illuminated, surface mounted project signage or tenant identity signage, shall be directed so as not to directly shine on adjacent properties. All fixtures shall be LED, and their placement, along with all support posts/ poles and brackets, shall be consistent in fabrication quality, and selected to enhance the overall design character of the Village theme.

2. Street Lighting. Consistent, and professional grade, LED fixtures for street and pedestrian lighting shall be provided on all streets, sidewalks and pedestrian pathways, including public gathering/ event spaces, both public and private within the LV district. Street and pedestrian poles shall be located at all intersections and along sidewalks at intervals consistent with the Village design character that promotes pedestrian activity. Street lighting shall be scaled to the pedestrian; with pedestrian street poles no less than 14 feet

high, which shall be the recommended minimum height, including 30 inches minimum bases and tapered support posts of no less than 6 inches diameter at the base. Pedestrian poles are to be featured on all Village Center walk and community gathering space areas, and shall feature exterior outlets for seasonal and functional needs. Street light fixtures shall be painted or powder-coated metal, with a matte finish, consistent in color and style on both sides of any street and chosen in consultation with the ARC. An alternative for public spaces, gathering areas, and pedestrian pathways are low-profile LED, internally lit bollards, placed at intervals to fully illuminate all pedestrian surfaces.



3. Street/Pedestrian Lighting Plan: showcasing a fixture schedule, light levels, and placement on any site within the district, shall be submitted to the ARC for approval.
4. All Decorative Accent/ Architectural Lighting, meant to illuminate a building feature, surface (s), or surface mounted, non-illuminate and is a permanent feature of the overall building or site design, shall also be submitted to the ARC for review and approval.



HH Outdoor Storage.

1. Screening. Outside storage of merchandise, raw material, finished products and/or equipment must be visually screened from all sides visible from any public right-of-way. All tenant service areas, including service docks, back-of-house areas, dumpsters, compactors, recycling bins, grease traps and general service locations must be fully screened with non-lockable closure gates on 1 side for access and removal. Large format uses requiring major service bays shall screen all areas with walls that fully hide all service vehicles, both lengthwise and in height, and are to be consistent materials/ colors that complement their base building. . Initial site planning should work to negate or minimize views from any public areas or such large bays wherever possible. Masonry, brick, stone, decorative block, composite materials, pressure treated wood and/ or painted or powder-coated metal are all acceptable materials to screen attached or free-standing service areas and bays.



2. Exemptions to Screening. If the service bay is fully screened from any public view, then these requirements may be waived. Alternative is to utilize tall-growth landscaping, screen walls or decorative, opaque fencing to screen all storage facilities. For uses that require more than occasional access, and are outboard or freestanding from the main building area, three sides shall be screened, but screened areas must not be visible from the public right-of-way or pedestrian circulation, and shall have unlocked, decorative and opaque doors to 1 side for clear access. Chain-link fencing with inserted slats, or plastic-coated walls and/ or support posts are not permitted.

3. Storage Building Design. Any required outdoor storage building(s) or structures shall be constructed in the same style/ materials and colors as their surrounding buildings or primary project character. Overall concept is that they should not look 'temporary'.

4. Visibility from Public Right-of-Way. Where possible, locate a n y outdoor storage structure away from the public right-of-way or pedestrian view, preferably behind the main building(s).

5 Accessory Structures. May contain auto and accessory vehicle parking, developer/ landlord/ tenant or resident storage, building or amenity functions/ uses, general maintenance storage, or trash/ recycling bin enclosures.

II Signage

1. Tenant Identity/ Signage in Mixed Use Area: Street level tenant signs, including wall signs, awning signs, projecting blade, decorative signs, and in rare instances, freestanding or monument-style signs are permitted to identify ground-level businesses as authorized in the Comprehensive Sign Plan standards addendum within the LV District. ARC will subsequently review and approve, on an as-needed basis, individual 'Tenant Design Criteria', for each specific commercial development within the LV, and will be an addendum to all signed lease agreements for that particular development. Signage for upper level businesses shall be crafted to identify the tenant, separately or in tandem with other such businesses, but will be part of an overall tenant and building identity package, again as an addendum to a signed lease agreement. The placement of all signage and its proportion, fabrication and illumination may be reviewed on an as-needed basis for specific end users, at the discretion of the ARC.

2. Signage for Residential: All Residential project signage may be placed, either bracketing the entry into, or in the middle of the public way, into any new entrance into a development, but only along High Street, Yorktown Rd, Mall Road and Lexington Rd. No one development can have more than two such entrances, as authorized by the Comprehensive Sign Plan. Signs may also be placed in landscaped islands, on each side of an entry, along existing boulevards per the discretion of the ARC. Other signage shall be considered, per the discretion of the ARC.





Appendix 3. Flood Hazard Ordinance

3.01 STATUTORY AUTHORIZATION:

The Indiana Legislature has in IC 36-7-4 granted the power to local government units to control land use within their jurisdictions. Therefore, the Common Council of the City of Logansport does hereby adopt the following floodplain management regulations into the City of Logansport and Jurisdictional Fringe Area Zoning Ordinance.

3.02 FINDINGS OF FACT:

1. The flood hazard areas of the City of Logansport and Jurisdictional Fringe Area are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, inadequately flood-proofed, or otherwise unprotected from flood damages.

3.03 STATEMENT OF PURPOSE:

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities.
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.
4. Control filling, grading, dredging, and other development which may increase erosion or flood damage.
5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
6. Make federally subsidized flood insurance available for structures and their contents in the City of Logansport and Jurisdictional Fringe Area by fulfilling the requirements of the National Flood Insurance Program.

3.04 OBJECTIVES:

The objectives of this ordinance are:

1. To protect human life and health.
2. To minimize expenditure of public money for costly flood control projects.
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
4. To minimize prolonged business interruptions.
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains.
6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas.

3.05 DEFINITIONS:

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

A zone means portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR and Zone A99 on a FIRM. The definitions are presented below:

Zone A: Areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown.

Zone AE and A1-A30: Areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. (Zone AE is on new and revised maps in place of Zones A1-A30.)

Zone AO: Areas subject to inundation by one-percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.

Zone AH: Areas subject to inundation by one-percent annual chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.

Zone AR: Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection.

Zone A99: Areas subject to inundation by the one-percent annual chance flood event, but which will ultimately be protected upon completion of an under-construction Federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown.

Accessory structure (appurtenant structure) means a structure with a floor area 400 square feet or less that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds

Addition (to an existing structure) means any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

Appeal means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

Area of shallow flooding means a designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base Flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) means the elevation of the one-percent annual chance flood.

Basement means that portion of a structure having its floor sub-grade (below ground level) on all sides.

Boundary River means the part of the Ohio River that forms the boundary between the Kentucky and Indiana.

Boundary River Floodway means the floodway of a boundary river.

Building - see "Structure."

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

Community Rating System (CRS) means a program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

Critical facility means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

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

- (1) construction, reconstruction, or placement of a structure or any addition to a structure;
- (2) installing a manufactured home on a site, preparing a site for a manufactured home or installing a recreational vehicle on a site for more than 180 days;
- (3) installing utilities, erection of walls and fences, construction of roads, or similar projects;
- (4) construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
- (5) mining, dredging, filling, grading, excavation, or drilling operations;
- (6) construction and/or reconstruction of bridges or culverts;
- (7) storage of materials; or
- (8) any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing structures and facilities such as painting, re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

Elevated structure means a non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, filled stem wall foundations (also called chain walls), pilings, or columns (posts and piers).

Elevation Certificate is a certified statement that verifies a structure's elevation information.

Emergency Program means the first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the community's first floodplain ordinance.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA means the Federal Emergency Management Agency.

Flood means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Flood Boundary and Floodway Map (FBFM) means an official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) is the official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.

Flood Prone Area means any land area acknowledged by a community as being susceptible to inundation by water from any source. (See "Flood")

Flood Protection Grade (FPG) is the elevation of the regulatory flood plus two feet at any given location in the SFHA. (see "Freeboard")

Floodplain means the channel proper and the areas adjoining any wetland, lake, or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the fringe districts.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain management regulations means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. Floodplain management regulations are also referred to as floodplain regulations, floodplain ordinance, flood damage prevention ordinance, and floodplain management requirements.

Floodproofing (dry floodproofing) is a method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

Floodproofing certificate is a form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a Registered Professional Engineer or Architect.

Floodway is the channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

Freeboard means a factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

Fringe is those portions of the floodplain lying outside the floodway.

Hardship (as related to variances of this ordinance) means the exceptional hardship that would result from a failure to grant the requested variance. The Common Council for the City of Logansport requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

Historic structures means any structures individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

Increased Cost of Compliance (ICC) means the cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business flood insurance policies with effective dates on or after June 1, 1997, will include ICC coverage.

Letter of Final Determination (LFD) means a letter issued by FEMA during the mapping update process which establishes final elevations and provides the new flood map and flood study to the community. The LFD initiates the six-month adoption period. The community must adopt or amend its floodplain management regulations during this six-month period unless the community has previously incorporated an automatic adoption clause.

Letter of Map Change (LOMC) is a general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They include Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), and Letter of Map Revision based on Fill (LOMR-F). The definitions are presented below:

Letter of Map Amendment (LOMA) means an amendment by letter to the currently effective FEMA map that establishes that a property is not located in a SFHA through the submittal of property specific elevation data. A LOMA is only issued by FEMA.

Letter of Map Revision (LOMR) means an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

Letter of Map Revision Based on Fill (LOMR-F) means an official revision by letter to an effective NFIP map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

Lowest adjacent grade means the lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

Lowest floor means the lowest elevation described among the following:

- (1) The top of the lowest level of the structure.
- (2) The top of the basement floor.
- (3) The top of the garage floor, if the garage is the lowest level of the structure.
- (4) The top of the first floor of a structure elevated on pilings or pillars.

- (5) The top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of flood waters unless:
- a) the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters by providing a minimum of two openings (in addition to doorways and windows) in a minimum of two exterior walls; if a structure has more than one enclosed area, each shall have openings on exterior walls;
 - b) the total net area of all openings shall be at least one (1) square inch for every one square foot of enclosed area; the bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and,
 - c) such enclosed space shall be usable solely for the parking of vehicles and building access.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value means the building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

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

National Flood Insurance Program (NFIP) is the federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

National Geodetic Vertical Datum (NGVD) of 1929 as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction means any structure for which the "start of construction" commenced after the effective date of the community's first floodplain ordinance.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community's first floodplain ordinance.

Non-boundary river floodway means the floodway of any river or stream other than a boundary river.

North American Vertical Datum of 1988 (NAVD 88) as adopted in 1993 is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

Obstruction includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-percent annual chance flood is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See "Regulatory Flood".

Permeable Material consists of a variety of types of pavement, pavers, and other devices that provide stormwater infiltration while serving as a structural surface.

Physical Map Revision (PMR) is an official republication of a community's FEMA map to effect changes to base (1-percent annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

Public safety and nuisance means anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Recreational vehicle means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

Regular program means the phase of the community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

Regulatory flood means the flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in 402.06 B of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".

Repetitive loss means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equaled or exceeds 25% of the market value of the structure before the damage occurred.

Section 1316 is that section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

Special Flood Hazard Area (SFHA) means those lands within the jurisdiction of the City of Logansport and Jurisdictional Fringe Area subject to inundation by the regulatory flood. The SFHAs of the City of Logansport and Jurisdictional Fringe Area are generally identified as such on the Cass County, Indiana and Incorporated Areas Flood Insurance Rate Map dated September 3, 2014 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. (These areas are shown on a FIRM as Zone A, AE, A1- A30, AH, AR, A99, or AO).

Start of construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "repetitive loss" or "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".

Suspension means the removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

Variance is a grant of relief from the requirements of this ordinance, which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

Violation means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Watercourse means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

X zone means the area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2 percent chance of being equaled or exceeded (the 500-year flood). Unshaded X zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.

Zone means a geographical area shown on a FIRM that reflects the severity or type of flooding in the area.

Zone A (see definition for A zone)

Zone B, C, and X means areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of Zones B and C.)

3.06 GENERAL PROVISIONS:

1. Lands to Which This Ordinance Applies.

This ordinance shall apply to all SFHAs and known flood prone areas within the jurisdiction of the City of Logansport and Jurisdictional Fringe Area.

2. Basis for Establishing Regulatory Flood Data.

This ordinance's protection standard is the regulatory flood. The best available regulatory flood data is listed below.

- a. The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs within the jurisdiction of the City of Logansport and Jurisdictional Fringe Area shall be as delineated on the one-percent annual chance flood profiles in the Flood Insurance Study of Cass County, Indiana and Incorporated Areas dated September 3, 2014 and the corresponding Flood Insurance Rate Map dated September 3, 2014 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date.
- b. The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the jurisdiction of the City of Logansport and Jurisdictional Fringe Area, delineated as an "A Zone" on the Cass County, Indiana and Incorporated Areas Flood Insurance Rate Map dated September 3, 2014 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the best available data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review, subsequently approved.
- c. In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community's known flood prone areas shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile.
- d. Upon issuance of a Letter of Final Determination (LFD), any more restrictive data in the new (not yet effective) mapping/study shall be utilized for permitting and construction (development) purposes, replacing all previously effective less restrictive flood hazard data provided by FEMA.

3. Establishment of Floodplain Development Permit.

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities in areas of special flood hazard.

4. Compliance.

No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this ordinance and other applicable

regulations. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this ordinance and other applicable regulations.

5. Abrogation and Greater Restrictions.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

6. Discrepancy between Mapped Floodplain and Actual Ground Elevations.

- a. In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles shall govern.
- b. If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.
- c. If the elevation (natural grade) of the site in question is above the base flood elevation and not located within the floodway, that site shall be considered outside the SFHA and the floodplain regulations will not be applied. The property owner shall be advised to apply for a LOMA.

7. Interpretation.

In the interpretation and application of this ordinance all provisions shall be:

- a. Considered as minimum requirements.
- b. Liberally construed in favor of the governing body.
- c. Deemed neither to limit nor repeal any other powers granted under state statutes.

8. Warning and Disclaimer of Liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions.

Therefore, this ordinance does not create any liability on the part of the City of Logansport, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this ordinance or any administrative decision made lawfully thereunder.

9. Penalties for Violation.

Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance shall be deemed to be a violation of this ordinance. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for the City of Logansport and Jurisdictional Fringe Area. All violations shall be punishable by a fine not exceeding \$300.00 per day.

- a. A separate offense shall be deemed to occur for each day the violation continues to exist.
- b. The City of Logansport Plan Commission shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

- c. Nothing herein shall prevent the City of Logansport from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

3.07 ADMINISTRATION:

1. Designation of Administrator.

The Common council of the City of Logansport hereby appoints the Administrator to administer and implement the provisions of this ordinance and is herein referred to as the Floodplain Administrator.

2. Permit Procedures.

Application for a Floodplain Development Permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically the following information is required:

a. Application Stage.

- i. A description of the proposed development.
- ii. Location of the proposed development sufficient to accurately locate property and structure(s) in relation to existing roads and streams.
- iii. A legal description of the property site.
- iv. A site development plan showing existing and proposed development locations and existing and proposed land grades.
- v. Elevation of the top of the planned lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD.
- vi. Elevation (in NAVD 88 or NGVD) to which any non-residential structure will be floodproofed.
- vii. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. A hydrologic and hydraulic engineering study is required and any watercourse changes submitted to DNR for approval and then to FEMA as a Letter of Map Revision. (See Section 402.07 C(6) for additional information.)

b. Construction Stage.

Upon establishment/placement of the lowest floor, before framing continues, to include any approved floodproofing, it shall be the duty of the applicant to submit to

the Floodplain Administrator a certification of the NAVD 88 or NGVD elevation of the lowest floor or floodproofed elevation, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. When floodproofing is utilized for a particular structure said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the floodproofing certification shall be at the applicant's risk. (The Floodplain Administrator shall review the lowest floor and floodproofing elevation survey data submitted.) The applicant shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

Any work undertaken prior to submission of the elevation certification shall be at the applicant's risk. The Floodplain Administrator shall review the lowest floor or floodproofed elevation survey data submitted. The applicant shall correct any deficiencies detected by such review. Failure to submit the elevation certification or failure to make correction required shall be cause to issue a stop-work order for the project.

c. Finished Construction.

Upon completion of construction, an elevation certification which depicts the "as-built" lowest floor elevation is required to be submitted to the Floodplain Administrator. If the project includes a floodproofing measure, floodproofing certification is required to be submitted by the applicant to the Floodplain Administrator.

Upon completion of construction, a FEMA elevation certificate, Form 81-31, which depicts all finished construction, is required to be submitted to the Floodplain Administrator. If the project includes a floodproofing measure, a FEMA floodproofing certificate, Form 81-65, is required to be submitted by the applicant to the Floodplain Administrator.

3. Duties and Responsibilities of the Floodplain Administrator.

The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this ordinance. The Floodplain Administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose.

Duties and Responsibilities of the Floodplain Administrator shall include, but are not limited to:

- a. Review all floodplain development permits to assure that the permit requirements of this ordinance have been satisfied.
- b. Inspect and inventory damaged structures in the SFHA and complete substantial damage determinations.
- c. Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to Section 3.08 E & G(1), of this ordinance, and maintain a record of such authorization (either copy of actual permit/authorization or floodplain analysis/regulatory assessment).

- d. Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit. Copies of such permits/authorizations are to be maintained on file with the Floodplain Development Permit.
- e. Maintain and track permit records involving additions and improvements to residences located in the floodway.
- f. Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.
- g. Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Change (LOMC), copies of DNR permits, letters of authorization, and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and “as-built” elevation and floodproofing data for all buildings constructed subject to this ordinance.
- h. Utilize and enforce all Letters of Map Change (LOMC) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.
- i. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- j. Review certified plans and specifications for compliance.
- k. Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Section 3.07 B.
- l. Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed in accordance with Section 3.07 B.
- m. Perform a minimum of three inspections to ensure that all applicable ordinance and floodplain development requirements have been satisfied. The first upon the establishment of the Flood Protection Grade reference mark at the development site; the second upon the establishment of the structure’s footprint/establishment of the lowest floor; and the final inspection upon completion and submission of the required finished construction elevation certificate. Authorized officials for the City of Logansport shall have the right to enter and inspect properties located in the SFHA.
- n. Stop Work Orders
 - i. Upon notice from the Floodplain Administrator, work on any building, structure or premises that is being done contrary to the provisions of this ordinance shall immediately cease.

- ii. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.
- o. Revocation of Permits
 - i. The Floodplain Administrator may revoke a permit or approval, issued under the provisions of the ordinance, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
 - ii. The Floodplain Administrator may revoke a permit upon determination by the Floodplain Administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.

3.08 PROVISIONS FOR FLOOD HAZARD REDUCTION:

1. General Standards.

In all SFHAs and known flood prone areas the following provisions are required:

- a. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- b. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- c. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG.
- d. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
- e. Electrical, heating, ventilation, plumbing, air conditioning equipment, utility meters, and other service facilities shall be located at/above the FPG or designed so as to prevent water from entering or accumulating within the components below the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.
- f. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- g. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- h. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

- i. Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of this ordinance shall meet the requirements of “new construction” as contained in this ordinance.
- j. Parking lots, driveways, and sidewalks within the SFHA shall be constructed with permeable materials (as defined).
- k. Whenever any portion of the SFHA is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the BFE shall be compensated for and balanced by an equivalent volume of excavation taken below the BFE. The excavation volume shall be at least equal to the volume of storage lost (replacement ratio of 1 to 1) due to the fill or structure.
 - i. The excavation shall take place in the floodplain and in the same property in which the authorized fill or structure is located.
 - ii. Under certain circumstances, the excavation may be allowed to take place outside of but adjacent to the floodplain provided that the excavated volume will be below the regulatory flood elevation, will be in the same property in which the authorized fill or structure is located, will be accessible to the regulatory flood water, will not be subject to ponding when not inundated by flood water, and that it shall not be refilled.
 - iii. The excavation shall provide for true storage of floodwater but shall not be subject to ponding when not inundated by flood water.
 - iv. The fill or structure shall not obstruct a drainage way leading to the floodplain.
 - v. The grading around the excavation shall be such that the excavated area is accessible to the regulatory flood water.
 - vi. The fill or structure shall be of a material deemed stable enough to remain firm and in place during periods of flooding and shall include provisions to protect adjacent property owners against any increased runoff or drainage resulting from its placement.
 - vii. Plans depicting the areas to be excavated and filled shall be submitted prior to the actual start of construction or any site work; once site work is complete, but before the actual start of construction, the applicant shall provide to the Floodplain Administrator a certified survey of the excavation and fill sites demonstrating the fill and excavation comply with this article.

2. Specific Standards.

In all SFHAs, the following provisions are required:

- a. In addition to the requirements of Section 3.08 A, all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:

- i. Construction or placement of any structure having a floor area greater than 400 square feet.
 - ii. Addition or improvement made to any existing structure where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land).
 - iii. Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to its before damaged condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before damage occurred.
 - iv. Installing a travel trailer or recreational vehicle on a site for more than 180 days.
 - v. Installing a manufactured home on a new site or a new manufactured home on an existing site. This ordinance does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage.
 - vi. Reconstruction or repairs made to a repetitive loss structure.
 - vii. Addition or improvement made to any existing structure with a previous addition or improvement constructed since the community's first floodplain ordinance.
- b. Residential Structures. New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor, including basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 3.08 B(4).
- c. Non-Residential Structures. New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured home) shall either have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation) or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 3.08 B(4). Structures located in all "A Zones" may be floodproofed in lieu of being elevated if done in accordance with the following:
- i. A Registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the official as set forth in Section 3.07 C(12).
 - ii. Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

- d. Elevated Structures. New construction or substantial improvements of elevated structures shall have the lowest floor at or above the FPG.

Elevated structures with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs must meet the following minimum criteria:

- i. Provide a minimum of two openings located in a minimum of two exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area).
- ii. The bottom of all openings shall be no more than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher.
- iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- iv. Access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
- v. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- vi. The interior grade of such enclosed area shall be at an elevation at or higher than the exterior grade.
- vii. Openings are to be not less than 3 inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device.
- viii. Property owners shall be required to execute a flood openings/venting affidavit acknowledging that all openings will be maintained as flood vents, and that the elimination or alteration of the openings in any way will violate the requirements of 3.08 B(4) Periodic inspections will be conducted by the Floodplain Administrator to ensure compliance. The affidavit shall be recorded in the office of the Cass County Recorder.
- ix. Property owners shall be required to execute and record with the structure's deed a non-conversion agreement declaring that the area below the lowest floor (where the interior height of the enclosure exceeds 6 feet) or the detached accessory building shall not be improved, finished or otherwise converted; the community will have the right to inspect the enclosed area. The non-conversion agreement shall be recorded in the office of the Cass County Recorder.

- e. Structures Constructed on Fill. A residential or nonresidential structure may be constructed on a permanent land fill in accordance with the following:
 - i. The fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method, which shall be retained in permit file.
 - ii. The fill shall extend 5 feet beyond the foundation of the structure before sloping below the BFE.
 - iii. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical.
 - iv. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
 - v. The top of the lowest floor including basements shall be at or above the FPG.
 - vi. Fill shall be composed of clean granular or earthen material.
- f. Standards for Manufactured Homes and Recreational Vehicles. Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:
 - i. These requirements apply to all manufactured homes to be placed on a site outside a manufactured home park or subdivision; in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or in an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as a result of a flood:
 - a) The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - b) Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Section 3.08 B(4).
 - c) Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.
 - ii. These requirements apply to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood:
 - a) The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are no less than 36 inches in height above grade

and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- b) Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Section 3.08 B(4).
 - c) Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.
- iii. Recreational vehicles placed on a site shall either:
- a) be on site for less than 180 days; or,
 - b) be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or
 - c) meet the requirements for “manufactured homes” as stated earlier in this section.
- g. Accessory Structures. Relief to the elevation or dry floodproofing standards may be granted for accessory structures. Such structures must meet the following standards:
- i. Shall not be used for human habitation.
 - ii. Shall be constructed of flood resistant materials.
 - iii. Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters.
 - iv. Shall be firmly anchored to prevent flotation.
 - v. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the FPG.
 - vi. Shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in 3.08 B(4).
- h. Above Ground Gas or Liquid Storage Tanks. All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement.
1. Standards for Subdivision Proposals.
- a. All subdivision proposals shall be consistent with the need to minimize flood damage.

- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty (50) lots or five (5) acres.
- e. All subdivision proposals shall minimize development in the SFHA and/or limit density of development permitted in the SFHA.
- f. All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).

2. Critical Facility.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site.

Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.

3. Standards for Identified Floodways.

Located within SFHAs, established in Section 3.06 B, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. If the site is in an identified floodway, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway. Under the provisions of IC 14-28-1 a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual start of construction of the structure. However, it does exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river floodway. (IC 14-28-1-26 allows construction of a non-substantial addition/ improvement to a residence in a non-boundary river floodway without obtaining a permit for construction in the floodway from the Indiana Department of Natural Resources. Please note that if fill is needed to elevate an addition above the existing grade, prior approval for the fill is required from the Indiana Department of Natural Resources.)

No action shall be taken by the Floodplain Administrator until a permit or letter of authorization (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in the floodway. Once a permit for construction in a floodway or letter of authorization has been issued by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Section 3.08 of this

ordinance have been met. The Floodplain Development Permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources. However, a community's more restrictive regulations (if any) shall take precedence.

No development shall be allowed, which acting alone or in combination with existing or future development, that will adversely affect the efficiency of, or unduly restrict the capacity of the floodway. This adverse affect is defined as an increase in the elevation of the regulatory flood of at least fifteen-hundredths (0.15) of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses.

For all projects involving channel modifications or fill (including levees) the City of Logansport shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data per mapping standard regulations found at 44 CFR § 65.12.

4. Standards for Identified Fringe.

If the site is located in an identified fringe, then the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in Section 3.08 of this ordinance have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the FPG.

5. Standards for SFHAs without Established Base Flood Elevation and/or Floodways/Fringes.

a. Drainage area upstream of the site is greater than one square mile:

1. If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.
2. No action shall be taken by the Floodplain Administrator until either a permit for construction in a floodway permit (including letters of authorization) or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.
3. Once the Floodplain Administrator has received the proper permit for construction in a floodway permit (including letters of authorization) or floodplain analysis/regulatory assessment approving the proposed development, a Floodplain Development Permit may be issued provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in Section 402.08 of this ordinance have been met.

- b. Drainage area upstream of the site is less than one square mile:
 - 1. If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodplain and one-percent annual chance flood elevation for the site.
 - 2. Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in 402.08 of this ordinance have been met.
- c. The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood more than 0.14 of one foot and will not increase flood damages or potential flood damages.

H. Standards for Flood Prone Areas.

All development in known flood prone areas not identified on FEMA maps, or where no FEMA published map is available, shall meet applicable standards as required per Section 3.08.

3.09 VARIANCE PROCEDURES:

A. Designation of Variance and Appeals Board.

The Board of Zoning Appeals shall hear and decide appeals and requests for variances from requirements of this ordinance.

B. Duties of Variance and Appeals Board.

The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this ordinance. Any person aggrieved by the decision of the board may appeal such decision to the Cass County Circuit Court.

C. Variance Procedures.

In passing upon such applications, the board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and;

- (1) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (2) The importance of the services provided by the proposed facility to the community.
- (3) The necessity to the facility of a waterfront location, where applicable.
- (4) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
- (5) The compatibility of the proposed use with existing and anticipated development,
- (6) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.

- (7) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (8) The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site.
- (9) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

D. Conditions for Variances.

- (1) Variances shall only be issued when there is:
 - a) A showing of good and sufficient cause.
 - b) A determination that failure to grant the variance would result in exceptional hardship.
 - c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
- (2) No variance for a residential use within a floodway subject to 3.08 E or G(1) of this ordinance may be granted.
- (3) Any variance granted in a floodway subject to 3.08 E or G(1) of this ordinance will require a permit from the Indiana Department of Natural Resources.
- (4) Variances to the Provisions for Flood Hazard Reduction of 3.08 B may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.
- (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (6) Variances may be granted for the reconstruction or restoration of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.
- (7) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Flood Protection Grade and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation (See 3.09 E).

- (8) The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request (See 3.09 E).

E. Variance Notification.

Any applicant to whom a variance is granted that allows the lowest floor of a structure to be built below the flood protection grade shall be given written notice over the signature of a community official that:

- (1) The issuance of a variance to construct a structure below the flood protection grade will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and;
- (2) Such construction below the flood protection grade increases risks to life and property. A copy of the notice shall be recorded by the Applicant in the Office of the Cass County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance.

F. Historic Structure.

Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.

G. Special Conditions.

Upon the consideration of the factors listed in Section 3.09, and the purposes of this ordinance, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Ordinance.

3.10 SEVERABILITY:

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.