

Sec. 10-130 Schedule of Zoning Districts Adopted.

District regulations shall be as follows in the Schedule of Zoning Districts and in Section 10-131 of this ordinance, entitled "Supplementary District Regulations".

a. Zoning Districts. The following Zoning Districts are established:

1. Residential Districts:
 - a. RD Rural Development District.
 - b. R-1 Residential Single-Family (Low Density).
 - c. R-2 Residential Single-Family (Medium Density).
 - d. R-3 Residential Duplex.
 - e. R-4 Residential Multi-Family District.
 - f. R-5M Mobile Home District.
2. Commercial Districts:
 - a. B-1 Convenience Commercial District.
 - b. B-2 General Commercial District.
 - c. B-3 Highway Commercial District.
3. Light Industrial District (I).
4. Residential/Business (R/B).
5. Planned Unit Development (PUD).
6. Special Use District (SUD).

b. General Description of Zoning Districts.

1. Residential Districts.

a. **RD - Rural Development.** This district provides a holding zone for areas that may be required for future urban development. These areas will be rezoned in accordance with the use designation appearing on the master plan map where logical extension of utilities and facilities can be insured. This district will also provide for a continuation of the development of large-lot rural subdivisions served by on-site water supply and sewage disposal systems.

b. **R-1 Residential, Single-Family, Low-Density.** This district provides for existing and developing larger lot developments for families wishing a lower density, more open living environment.

c. **R-2 Residential, Single-Family, Medium Density.** This district accommodates single-family development on smaller lots to provide for a variety in single-family residential living conditions.

d. **R-3 Residential Duplex.** This district provides for modern medium density development.

e. **R-4 Residential, Multi-Family.** This district provides for areas for high-density, multi-family development, exclusive of areas developed as Planned Unit Developments.

f. **R-5M Residential, Mobile Home District.** This district provides for the development of mobile home districts.

2. Commercial Districts.

a. **B-1 Convenience Commercial.** This district provides for minor shopping areas at the edges of residential neighborhoods to provide for the day-to-day needs for goods and services. These uses should not be of the type or magnitude to compete directly with the uses found in the B-2 District or B-3 District. Appropriate areas should be zoned for B-1 uses only after the new residential neighborhoods proposed on the master plan becomes substantially developed.

b. **B-2 General Commercial.** This district provides for the development of a central commercial center to accommodate the principal business and shopping functions in the municipality.

c. **B-3 Highway Commercial.** This district provides appropriate areas for highway-oriented commercial uses and those requiring large lots for off-street parking and outdoor display or storage of merchandise.

3. **I Light Industrial.** This district reserves lands in appropriate locations for development of light industry.

4. **R/B Residential Business.** This district allows for the development of land as a combination of single family residential and commercial use on lots of one (1) acre or more.

5. **PUD - Planned Unit Development.** This district provides for flexibility in future community needs, in keeping abreast of new building methods, to provide for the planning of groups of dwellings, to secure the benefit of solar orientation, climate control, and additional privacy, and to provide for variety in dwelling types to meet changing needs of future residences; for

commercial buildings and groups thereof to secure greater convenience to the public through improved methods of merchandising, transportation, office management, and distribution of services necessary to the public welfare; for industrial buildings and groups thereof to secure greater efficiency in production through improved methods of manufacturing, transportation, office management, and distribution of products necessary to the public welfare. The PUD may necessitate the variation in the use and area requirements of this ordinance which are designed primarily to apply to the traditional pattern of lot development and building arrangement generally prevailing within the Town.

6. SUD Special Use District. A zoning district in which the development of lots shall be according to a plan, and in which development and/or improvements may not correspond in lot size, bulk, type of structure, density, lot coverage or required open space to the regulations otherwise required by the building, subdivision and zoning ordinances.

c. Schedule of District Regulations. It shall be unlawful to erect or alter any building unless the following minimum lot, yard areas and bulk controls are provided and maintained in connection with such building.

<i>District Yd.</i>	<i>Min. Area (sq. ft.)</i>	<i>Max. Bldg. Hgt. (ft.)</i>	<i>Min. Lot Depth</i>	<i>Min. Lot Width (ft.)</i>	<i>Min. Front. Yd. Setback (ft.)¹</i>	<i>Min. Rear Yd. Setback (ft.)</i>	<i>Min. Side Yd. Setback (per side)²</i>	
							<i>Interior (ft.)</i>	<i>Corner (ft.)</i>
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							<i>Interior (ft.)</i>	<i>Corner (ft.)</i>
RD	87,120	35	200	240	40 ^{1, 12}	35 ¹⁰	50	60
R-1	15,000 ³	35	150	100	40 ^{1, 12}	30 ^{4, 10}	15	40
R-2	12,000 ³	35	150	80	30 ^{1, 12}	30 ^{4, 10}	08	30
R-3	16,500 ^{3, 7}	35	150	110	30 ¹²	30 ¹⁰	08	30
R-4 ⁵	20,000 ^{3, 7}	40	150	120	30 ^{1, 12}	20 ^{4, 10}	10	30
R-5M	12,000	20	150	80	30 ¹²	30 ¹⁰	15	30
B-1	15,000	30	NA	90	30 ⁶	20 ⁶	20 ⁶	30 ⁶
B-2	15,000	40	NA	90	30 ⁶	20 ⁶	07 ⁶	30 ⁶
B-3	21,780	40	NA	90	45 ⁶	20 ⁶	20 ⁶	45 ⁶
I	21,780	40	NA	90	20 ⁸	20 ⁸	10	20 ⁸
RB	43,560	40	150	200	40	35	20	40
PUD ⁹	80%	12	80%	80%	80%	80%	11	11
SUD ¹³	Varies	Varies	NA	Varies	Varies	Varies	Varies	Varies

¹ Where adjacent structures have front yard setbacks different from those required, the minimum front yard setback shall be the average setback of such structures, but in no case shall the front yard setback be less than twenty (20) feet.

² Buildings over two (2) stories in height shall require five (5) feet of additional side yard on each side for each additional story in addition to the required minimum side yard.

³ A one-family dwelling may be erected on a lot having less than the minimum required area and width provided the lot existed by virtue of a recorded plat or deed at the time of passage of this ordinance; however, in no event shall a one-family dwelling be erected on a lot less than four thousand (4,000) square feet in area or less than forty (40) feet in width. Such a lot shall be in separate ownership from abutting lands. If abutting land and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the provisions of this ordinance.

⁴ See Section 10-120v.

⁵ Multi-family dwellings must also comply with the land use intensity standards as found in Section 10-131e.

⁶ May be used for parking development.

⁷ For single-family uses the lot and area requirements of the R-2 District shall apply.

⁸ Must be landscaped, no vehicle parking.

⁹ Five (5) acres single family; two (2) acres multi-family; five (5) acres non-residential; see Section 10-131m for further details.

¹⁰ A rear yard deck shall be permitted to extend into the required rear yard setback fifty percent (50%) of the required rear yard depth, provided

however that any portion of said deck that extends into the required rear yard setback shall not be allowed to be, or become, enclosed or roofed in any manner.

11 Maximum building height shall be the same as that of the most comparable district in terms of zoning and use.

12 A front yard deck shall be permitted to extend into the required front yard setback up to seven and one-half (7.5) feet or a distance not to exceed twenty-five percent (25%) of the required front yard setback, whichever is less, provided however that any portion of said deck that extends into the front yard setback area shall not be allowed to be or become enclosed or roofed in any manner. Further, any front yard decks constructed in accordance with this footnote shall not be used to determine the average front yard setback of adjacent structures referred to in Section 10-130(c) footnote 1. Front yard decks that contain access ramps for purposes of compliance with the Americans with Disabilities Act and/or other handicap access reasons are exempt from the provisions of this section.

13 Refer to Chapter 10, Article 4, Division II for development standards in designated Special Use Districts.

d. Miscellaneous Regulations.

1. **Visibility at Intersections in Residential District.** On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2½) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines thirty (30) feet from the point of intersection.

2. **Fences and Walls.** Notwithstanding other provisions of this ordinance, fences and walls shall not be permitted in any required front yard, or along the edge of any front yard, except by special permit issued by the Zoning Administrator. Prior to issuing any such front yard fence permit, the Zoning Administrator shall find that the proposed fence or wall is for decorative purposes only, will not obstruct clear vision, and will not be constructed and situated in such a way as to create a safety hazard. (Also see Section 10-175)

3. Accessory Buildings in Residential Zoning Districts.

a. This section applies only to residential zoning districts.

b. No accessory building shall be erected in any required front or side yard, and no separate accessory building shall be erected within five (5) feet of any other building or prior to erection of principal building. Further, storage sheds shall be limited to one hundred sixty-eight (168) square feet in area and twelve (12) feet in height. Additionally, there shall be no more than one (1) type of accessory building per lot; except, provided, however, where the lot is in excess of forty thousand (40,000) square feet, an additional accessory building of each type may be allowed. The additional storage shed shall also be limited to one hundred sixty-eight (168) square feet and twelve (12) feet in height except that storage sheds can be combined as one (1) building so long as the total square footage does not exceed three hundred thirty-six (336) square feet.

4. **Exceptions to Height Regulations.** The height limitations contained in the Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

5. **Structures to Have Access.** Every building hereafter erected or moved shall be on a lot adjacent to a public or private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

6. Parking, Storage, or Use of Major Recreational Equipment and, Commercial Equipment and Vehicles Used for Commercial Purposes.

a. Definitions.

1. **Commercial Equipment.** Any motor vehicle or accessory equipment which meets any of the following conditions:

a. Any trailer that is not specifically designed to tow or haul a recreational vehicle such as a boat, snowmobile, or jet ski.

b. Any vehicle having more than six (6) wheels.

c. Any vehicle having a declared weight of nine thousand (9,000) pounds or more.

d. Any vehicle equipped with a hoisting device, or dump body;

2. **Commercial Purposes.** Operation for professional or business purposes.

3. **Front Yard.** That portion of a yard between the front property line of a parcel of real estate or a lot and a front of a building located on said parcel of real estate or lot as measured from side lot line to side lot line.

4. **Major Recreational Equipment.** Boats, boat trailers, travel trailers, or pick-up campers designed to be mounted on automotive vehicles, and tent trailers, including motor homes that are self-propelled.

5. **Minimum Side Yard.** That area identified in the various districts in Section 10-130c., Schedule of District Regulations which lies between the side lot line and a building located on a parcel of real estate or lot as measured from the front of the building to the rear of the building.

6. **Rear Yard.** That portion of a yard between the rear property line of a parcel of real estate or a lot and the rear of a building located on said parcel of real estate or lot as measured from side lot line to side lot line.

b. No major recreational equipment shall be parked or stored in any minimum side yard. Major recreational equipment may be parked only in a rear yard or a front yard or in a side yard that is other than a minimum side yard, on an asphalt or concrete surface or masonry surface comprised of paving bricks. If the major recreational equipment is parked to the rear of the building on a parcel of real estate or lot, it must comply with the side yard setback restriction in its zoning district insofar as the setback from side and rear property lines are concerned. Major recreational equipment shall not be allowed to extend over any sidewalk or to be parked on any street or right-of-way except that such equipment shall be allowed to be parked on any street or right-of-way for up to forty-eight (48) hours during loading or unloading of such equipment subject to any general parking restrictions on streets or rights-of-way for up to forty-eight (48) hours during loading or unloading of such equipment subject to any general parking restrictions on streets or rights-of-way in the community.

c. Major recreational equipment shall not be used for living, sleeping or housekeeping purposes when parked or stored on any residential lot or in any location not approved for such use.

d. It shall be unlawful to park, use or store commercial equipment in any residential zone other than during the course of a construction, repair or maintenance project unless the equipment is parked within an enclosed structure or is parked temporarily for a period of not more than forty-eight (48) hours for incidental purposes. When such equipment is parked temporarily for incidental purposes, it shall be parked on an asphalt, or concrete surface or masonry surface comprised of paving bricks. This regulation (Section 10-130d.6.d.) shall not apply to residential lots in excess of forty thousand (40,000) square feet.

e. There shall be a maximum of three (3) vehicles not meeting the definition of commercial equipment used for commercial purposes per household.

7. **Parking and Storage of Certain Vehicles.** Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

8. **Metal and Post Building Construction.** All commercial, industrial and other non-single or duplex family home principal use buildings within 350 feet of U.S. 30 (Joliet St.), Sheffield Avenue (Hart St.), 81st Avenue, and Calumet Avenue shall be constructed as follows:

A. Primary Building Materials:

1. A **primary building material** shall be defined as the material used on a facade of a building. The **facade of a building** shall be defined as the portion of any exterior elevation that begins at grade, the top of a foundation wall or at the base of the facade and extends to the top of the parapet, wall, or eaves and for the entire width of the building elevation. More than one (1) primary building material may be used on any one (1) facade. A parapet shall be declared to be part of the building facade and shall be defined as that portion of a wall that extends above the roof line of the building.

2. Primary exterior materials shall be sustainable materials, including brick, wood clapboard, fiber cement board, stone, cultured stone, glass and/or other materials similar in appearance and durability with the approval of the Dyer Plan Commission during the site plan review and approval process. Brick, stone, cultured stone or decorative masonry units shall not be painted unless approved.

3. EIFS shall not be permitted as a primary exterior building material nor shall it be considered as a masonry product.

B. Secondary and Accent Materials:

1. In addition to approved primary wall materials, tinted, textured or glazed decorative concrete masonry units, shingles, EIFS, stucco, parging and other materials may be used on facades as an accent or secondary material only, with the approval of the Dyer Plan Commission during the site plan review and approval process. Further, such accent material shall not comprise more than twenty percent (20%) of any building facade.

C. Prohibited Materials: Unfinished concrete block is prohibited in all applications.

1. Glass block except as a specific and definable architectural element is prohibited on any facade abutting a street. Glass block may not be used in lieu of windows or to replace windows.

2. Aluminum and vinyl siding products are prohibited on any facade.

3. Aluminum or vinyl soffits, fascias or trim are prohibited.

D. Material Configuration:

1. Where two (2) or more approved wall materials are used on any facade, they shall be combined horizontally on that facade. The heavier material shall be located along the base.

E. Roof Materials:

1. Pitched roofs should be clad in wood shingles, standing seam metal, slate, dimensional asphalt shingles or similar material.

2. Flat roofs shall be any material approved for a flat roof application.

F. Foundation Construction and Materials:

1. All foundations shall be constructed with a continuous footing and foundation wall to a depth as required by state and local code.

2. Concrete pads and concrete grade beams may be used where soils prohibit the use of a continuous footing.

3. Exposed foundation walls (except those under porches) shall be finished with brick, stone, or cultured stone. The crawlspace of porches shall be enclosed with brick, stone, cultured stone, or wood lattice, or any combination thereof.

Additionally all exposed roof on such principal use buildings shall be asphalt shingles or a metal roof which metal roof shall be architecturally approved by the Plan Commission during the site plan review and approval process.

When a building is a secondary use and is located within three hundred fifty (350) feet of above- named streets, said building shall be faced with brick or other products as defined above on the elevations which are facing said streets, and the exposed roof shall be asphalt shingles or a metal roof approved by the Plan Commission in the manner described above.

9. Site plan review shall be required in all commercial zoning and Special Use Districts in accordance with H.C., 36-7-4-1400 - 1406, inclusive, as outlined hereafter:

a. At any time a property owner seeks to apply for approval to begin new construction or to modify an existing structure such that it results in either an increase or decrease of total square footage of the structure of twenty-five percent (25%) or more in a geographic area zoned or to be zoned as B-1, B-2, B-3, I, SUD, or R/B, the property owner/petitioner shall prepare a preliminary development plan for submission to the Plan Commission.

b. To initiate the procedure for review and approval of a preliminary development plan, the property owner/petitioner shall submit the proposed plan to the Zoning Administrator. The initial submission shall:

1. Be made on forms available at the office of the Zoning Administrator and be submitted with the fee as set forth in Section 10-119.

2. Be accompanied by ten (10) copies of the proposed preliminary development plan.

3. Be accompanied by documentation indicating proof of an ownership interest in the subject property, such as but not limited to, a deed, purchase contract, or a power of attorney, for review by the Commission's attorney.

c. The procedure for review and approval of the preliminary development plan shall be as follows:

1. Petitioner shall attend a staff meeting as scheduled by the Zoning Administrator. Such staff meeting shall be at least ten (10) days prior to the regularly scheduled Plan Commission Study Session at which the project is to be discussed. Petitioner shall submit a proposed preliminary development plan (10 copies) to the Zoning Administrator at least ten (10) days prior to the staff meeting. Subsequent to the staff meeting, petitioner shall attend a Plan Commission Study Session, as scheduled by the Zoning Administrator. At that study session, the petitioner shall provide sufficient individual copies of their proposed plan for all members of the Plan Commission, and a copy in a compatible electronic format for viewing. The petitioner will briefly describe their plan and receive feedback from the Commission and staff.

2. Petitioner shall appear before the Plan Commission at a public meeting to describe and present the preliminary concepts, uses and intent of the proposed preliminary development plan. After confirming that all items of the initial submission are in order, the Plan Commission shall place the proposal on the agenda of their next public meeting and refer the petitioner to the Site Plan Review Committee. The Site Plan Review Committee shall be a committee of the Plan Commission and shall be composed of a member of the Plan Commission, the Town Engineer, the Zoning Administrator and a Site Plan Review Consultant appointed by the Plan Commission. In addition, the Plan Commission may utilize and hire any additional engineers or consultants, as needed, in order to assist the Site Plan Review Committee in the performance of their duties. After review, the Site Plan Committee shall take one (1) of the following actions:

- (a) Recommendation to Plan Commission for approval;
- (b) Recommendation to Plan Commission for denial;
- (c) Recommendation to submit additional information for review; or
- (d) Recommendation to Plan Commission for approval with modifications.

The petitioner may appeal a decision of the Site Plan Review Committee to the Plan Commission.

3. Following review by the Site Plan Review Committee, petitioner shall appear at a regular or special Plan Commission meeting to describe and present the final concepts, uses and intent of the proposed plan for consideration. After review, the Plan Commission shall take one (1) of the following actions:

- (a) Approval;
- (b) Denial;
- (c) Carry over for further consideration at the next regularly scheduled meeting;
- (d) Request the petitioner to submit additional information for review either by the Plan Commission or the Site Plan Review Committee; or
- (e) Approval with modifications.

d. All remedies available to the Plan Commission shall be the same as those contained in Section 10-102 of the Dyer Subdivision Control Ordinance. The review fee shall be that as set forth in Section 10-119 for Site Plan Review.

e. The preliminary development plan shall include both a map and written text and drawings in an electronic form containing the following information. The drawing format must be in either the current or previous version of the AutoDesk AutoCAD software. The submittal shall be provided to the Town in a standard form of magnetic or optical media that is readable by the Town information systems. Alternate drawing formats or means of submittal may be accepted upon prior approval from the Town.

1. Elevation and perspective drawing or model of proposed structures.
2. A development schedule indicating:
 - (a) The approximate date for beginning construction.
 - (b) If staged, the approximate date for beginning construction of each stage.
 - (c) Agreements, provisions or covenants which govern the use, maintenance and continued protection of the development and common space.
 - (d) Plans and diagrams as required to fully explain the development proposal.
3. Petitioner shall designate each lot's intensity of use on the plan.
4. A detailed, written review of the following factors relevant to the development:
 - (a) Availability and coordination of water, sanitary sewers, storm water drainage, and other utilities.
 - (b) Management of vehicular and pedestrian traffic in a manner that creates conditions favorable to health, safety, convenience, and the harmonious development of the community.
 - (c) Building setback lines.
 - (d) Building coverage.
 - (e) Building separation.
 - (f) Parking.
 - (g) Landscaping.
 - (h) Height, scale, materials and style of improvements.
 - (i) Signage.
 - (j) Outdoor lighting.
 - (k) Noise.
5. The development factors specified in number 4(a) above, concerning the availability and coordination of water, sanitary sewers, storm water drainage and other utilities shall be in full compliance with the Subdivision Control Ordinance and the Dyer Book of Standards, as may be amended from time to time.
6. The development factors specified in number 4(b) above, concerning the management of vehicular and pedestrian traffic shall ensure the following:
 - (a) That the design and location of proposed street and highway access points minimize safety hazards and congestion.
 - (b) That the capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the new development.
 - (c) That the entrances, streets, and internal traffic circulation facilities in the development plan are compatible with existing and planned streets and adjacent developments.
7. Except in a Special Use District, the development factors specified in number 4(c), (d), (e), (f), (g), (h), and (i) concerning building setback lines, building coverage, building separation, parking, landscaping, height and materials, and signage shall be in full compliance with the requirements set forth in the Zoning Ordinance, as may be amended from time to time. Additionally, with regard to 4(h), Knox boxes shall be required to be installed on businesses that are not occupied twenty-four (24) hours a day.
8. Except in a Special Use District, the development factors specified in number 4(j) above concerning outdoor lighting shall ensure that lighting shall be reflected inward and shall be shielded to the extent that no light ascertainable to a standard light meter held one (1) foot above the ground at the property line shall exceed five (5) foot candles.
9. The development factors specified in number 4(k) concerning noise shall ensure that the development complies with Section 6-59(e).
10. When reviewing a site plan located in any Special Use District, the developmental factors in number 4(c)

through (j) shall be governed by developmental standards established by ordinance for that specific Special Use District.

11. The plan documentation and supporting information that must be supplied shall include the following:

(a) The location and character of the following:

- i. Existing and proposed primary structures and accessory structures.
- ii. Utilities.
- iii. Signage.
- iv. Landscaping.

(b) The nature and intensity of uses in the development.

(c) The condition and size of public thoroughfares and parking, vehicle, and pedestrian facilities.

(d) The location and capacity of drainage facilities and sewer systems serving the development.

(Ord. No. 2007-33, 12-27-07)