

EXHIBIT "A"

TOWN OF LOWELL, LAKE COUNTY, INDIANA  
TOWN COUNCIL  
ORDINANCE NO. 2015-11

AN ORDINANCE AMENDING SECTION 155.090 OF  
THE TOWN OF LOWELL, INDIANA CODE OF ORDINANCES

**Whereas,** The Town Council of the Town of Lowell is the municipal legislative body of the unit; and

**Whereas,** With the passage of time various ordinances, codes, procedures, of the Town of Lowell must be amended; and

**Whereas,** With the passage of time various practices, policies, and procedures must be updated; and

**Whereas,** The Town Council desires to amend the land use and development code/subdivision control; and

**Whereas,** The Plan Ordinance Commission of the Town of Lowell, Lake County, Indiana by a vote of six in favor, zero against, and one absent, adopted Findings Of Fact For A Favorable Recommendation for Text Amendment to Text Of Zoning Ordinance of the Town of Lowell on August 13, 2015, as more specifically set forth in Exhibit "A".

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOWELL, AS FOLLOWS:**

That Section 155.090 shall be amended by deleting the word "without" and replacing it with the word "with" in subpart (A)(1). Section 155.090 shall read, in part, as follows:

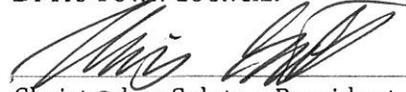
FENCE AND WALL STANDARDS

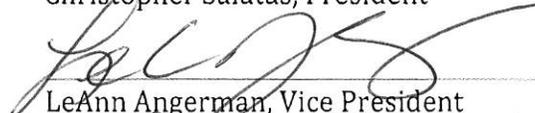
(A) These fence and wall standards apply to the following districts: AG, R1, R2, R3, R4, MN, PB, B1, B2, TC, L1, and HI.

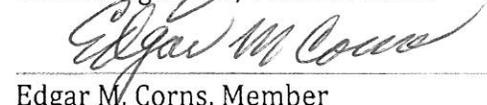
(1) Fences and walls shall be permitted in all zoning districts with a permit subject to conformance with the following requirements:

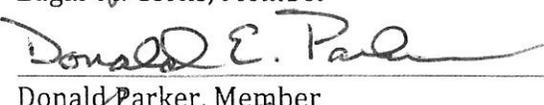
**DULY ORDAINED and ADOPTED** this 24<sup>th</sup> day of August 2015 by the Town Council of the Town of Lowell, Indiana, having passed by a vote of 5 in favor and 0 opposed.

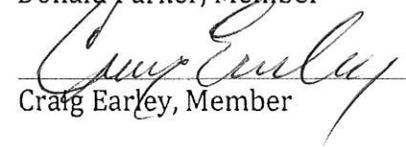
TOWN OF LOWELL, LAKE COUNTY, INDIANA  
BY ITS TOWN COUNCIL:

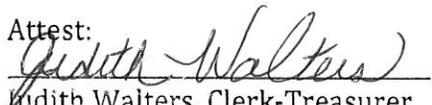
  
Christopher Salatas, President

  
LeAnn Angerman, Vice President

  
Edgar M. Corns, Member

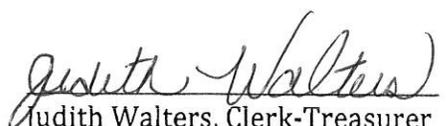
  
Donald Parker, Member

  
Craig Earley, Member

Attest:  
  
Judith Walters, Clerk-Treasurer

Approved by the Executive this 24<sup>th</sup> day of August, 2015.

  
Christopher Salatas, President

Attest:  
  
Judith Walters, Clerk-Treasurer

**TOWN OF LOWELL PLAN COMMISSION**

Petitioner:  
Town of Lowell Planning Consultant  
501 East Main Street  
Lowell, IN 46356

Town of Lowell Plan Commission  
Docket No. 15-011

**FINDINGS OF FACT FOR A FAVORABLE RECOMMENDATION  
FOR TEXT AMENDMENT TO TEXT OF ZONING ORDINANCE  
OF THE TOWN OF LOWELL**

1. Petitioner, the Town of Lowell Planning Consultant, requests a text amendment to the Town of Lowell Zoning Ordinance section 155.090 FENCE AND WALL STANDARDS. Specifically, Petitioner requests that a correction be made to remove the word "without" and replace it with the word "with" (as herein identified by brackets) from section 155.090, which is stated in part as follows:

**FENCE AND WALL STANDARDS**

(A) These fence and wall standards apply to the following districts:  
AG, R1, R2, R3, R4, MN, PB, B1, B2, TC, L1, and HI.

(1) Fences and walls shall be permitted in all zoning districts with[out] a permit subject to conformance with the following requirements:

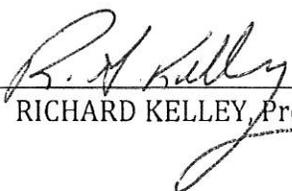
2. This matter came before the Town of Lowell Plan Commission for public hearing on July 9, 2015. Petitioner presented proof of notification as required by Indiana law. The public hearing was opened. There were no remonstrances. The public hearing was closed.
3. Based upon the testimony and evidence presented by the Petitioner, the Town of Lowell Plan Commission, having given due consideration and having paid reasonable regard to the requirements of Indiana law, now by a vote of six (6) in favor, zero (0) opposed, and one (1) absent, upon motion duly made, seconded, and amended as set forth herein, makes a favorable recommendation to the Town Council that the Town Council adopt the Town of Lowell Zoning Ordinance draft, attached to these Findings of Fact as Exhibit "A," and instruct the Town of Lowell Building Commissioner to incorporate the amendment.
4. In making such recommendation, the Town of Lowell Plan Commission now makes the following Findings of Fact:
  - A. The proposed text amendment to the Town of Lowell Zoning Ordinance is in the best interest of the Town of Lowell and will serve to:

- i. secure adequate light, air, convenience of access, safety from fire, flood or other damage;
  - ii. lessen or avoid congestion in public ways;
  - iii. promote the public health, safety, comfort, morals, convenience, and general welfare; and
  - iv. accomplish the purposes of the Indiana statute regarding zoning.
- B. The proposed text amendment to the Town of Lowell Zoning Ordinance is consistent with Indiana Code 36-7-4-601, *et seq.*
- C. The proposed text amendment to the Town of Lowell Zoning Ordinance is consistent with the general purposes and goals of the Town of Lowell Plan Commission and will promote the orderly development of the Town of Lowell and be beneficial to the general welfare of the community.

**WHEREFORE**, based upon the above evidence and Findings, the Town of Lowell Plan Commission voted six (6) in favor, zero (0) opposed, and one (1) absent to grant a favorable recommendation to the proposed text amendment as stated above to the Town of Lowell Zoning Ordinance.

Action taken on July 9, 2015. Findings of Fact approved the 13<sup>th</sup> day of August, 2015.

**TOWN OF LOWELL PLAN COMMISSION**

By:   
RICHARD KELLEY, President

By: \_\_\_\_\_  
ELIAS CARRAS, Secretary