

An aerial photograph of a residential neighborhood in Greendale, Indiana, showing a grid of streets, houses, and trees. A semi-transparent green rectangular box is overlaid on the right side of the image, containing white text.

**City of
Greendale, IN**

**Unified
Development
Ordinance
(UDO)**

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Chapter 1 – Introductory Provisions

- A. Title.** This ordinance shall be formally known as the “Unified Development Ordinance,” or the “UDO” for the jurisdiction of the City of Greendale.
- B. Authority.** This UDO is enacted by Greendale according to the authority granted in IC 36-7-4 and other applicable state and federal statutes as amended from time to time.
- C. Purpose.** The purposes of this UDO are to:
 - 1. Combine, where it is feasible to do so, the City’s land development ordinances into a single document to reduce redundancy and improve efficiency in the application of the City’s land development regulations;
 - 2. Promote the public health, safety, morals, and general welfare of the jurisdiction;
 - 3. Guide future growth and development according to the City’s most recently adopted comprehensive plan;
 - 4. Provide adequate air, light, and privacy and to prevent undue congestion and overcrowding of the land;
 - 5. Protect and conserve the value of land, buildings, and other improvements, and minimize the conflicts among the uses of lands and buildings;
 - 6. Guide public and private policy and action to ensure adequate and efficient transportation, water, sewer, schools, parks, drainage, and other public requirements and facilities;
 - 7. Avoid scattered and uncontrolled subdivisions of land that would result in an excessive expenditure of public funds for the supply of community services;
 - 8. Establish reasonable standards of design and minimum requirements for the creation, installation, and improvement of physical facilities that are, or will be, maintained for the benefit of the general public;
 - 9. Establish reasonable standards and procedures for subdivisions, to further the orderly layout and use of land; and to ensure proper legal descriptions and marking of subdivided land;
 - 10. Prevent the pollution of air and water including the safeguarding of the water table and drainage facilities; and the encouragement of wise use and management of natural resources to preserve the integrity, stability, natural beauty and topography, and the value of land; and
 - 11. Administer these regulations by defining the powers and duties of approval authorities, and the manner and form of making, filing, and processing of any plat.
- D. Jurisdiction.** This UDO shall apply to land within the jurisdiction as shown on the Jurisdictional Area Map, which is on file in the offices of the City of Greendale.
- E. Repeal of Previous City Codes.** All previously adopted city ordinances and resolutions in conflict with this UDO are hereby repealed and replaced with the adoption of this UDO and official zoning map, including, but not limited to the following codified portions of the City’s Code of Ordinances (numbers referenced are those applicable as of the effective date of this UDO):

1. Chapter 152, *Mobile Homes*;
2. Section 153.01, *Plan Commission Created*;
3. Section 153.02, *Membership*;
4. Section 153.25, *Numbering of Buildings and Lots*;
5. Chapter 154, *Subdivision Control*;
6. Chapter 155, *Zoning*; and
7. Chapter 156, *Signs*.

F. Transitional Provisions. The following policies apply for applications and approvals that are in progress at the time of adoption of this UDO:

1. *Pending Applications.* Applications that are received and completed before the adoption of this UDO shall continue their respective process according to the rules and provisions that were in place at the time of filing. This includes applications before City Council, Planning Commission, Board of Zoning Appeals (BZA), as well as applications for Improvement Location Permits (ILP).
2. *Permits Issued.* Any ILP permit and/or building permit that were issued before the adoption of this UDO shall remain valid for the timeframe and provisions established by the regulations that were in effect at the time of filing. Permits that have expired per the provisions established by the regulations that were in effect at the time of filing and need to be resubmitted shall now be subject to the regulations established by this UDO.
3. *Subdivisions.* Because subdivisions are subject to two (2) phases of approval (primary plat and secondary plat), the following policies for transition apply:
 - a. *Primary Plat.* Any primary plat that was approved by regulations that were in place before the adoption of this UDO, which has not expired, and is otherwise still valid under said previous regulations, shall continue its respective process according to the rules and provisions that were in place at the time of filing. If the previous provisions did not identify an expiration date for primary plat approval and an application for secondary plat (all or in part) has not been received and completed within two (2) years of the adoption of this UDO, then said primary plat shall automatically expire two (2) years after the date of the adoption of this UDO.
 - b. *Secondary Plat.* As long as the approved primary plat for a subdivision remains valid and has not expired, the lot standards, structure standards, and utility standards that were in place at the time the primary plat was approved shall apply to the secondary plat (all or in part) included in the primary plat approval.
4. *Commitments or Conditions.* Commitments or conditions (whether recorded or not) that were made a part of an approval before the City Council, PC, BZA, or part of an application for an ILP and/or building permit before the adoption of this UDO, shall remain in full effect regardless of any resulting changes in regulations that are established by this UDO. Commitments or conditions may be modified pursuant to the applicable processes as outlined in Sec. 8.C.10.d, *Modification or Termination*.

Chapter 2 – Zoning Districts

A. General Provisions.

1. Purpose and Applicability.

- a. *Purpose.* The purpose of this chapter is to establish zoning districts which will provide for quality development and that will correspond to the specific purpose statements for each zoning district as set out in Sec. 2-B, *Base Zoning Districts*.
- b. *Applicability.*
 - 1) *Effect.* The districts set out in this chapter apply to all land, buildings, structures, and appurtenances within the corporate boundaries of the City.
 - 2) *Zoning Districts.* As of the effective date of this UDO, land zoned with a district classification from the previous zoning regulations will be either consolidated into or renamed with a new district designation. The specifics of this process are displayed in Appendix A, *Zoning District Adjustment Table*.

2. Base Zoning Districts. The City is classified into the following base zoning districts.

Name of District	Abbreviation
Parks and Open Space	PS
Suburban Residential	SR
Urban Residential	UR
Trail-Oriented Residential	TR
Multi-Family Residential	MFR
Traditional Mixed-Use	TMU
Highway Mixed-Use	HMU
Neighborhood Commercial	NC
General Commercial	GC
Industrial – Flex Space	IF
Industrial	IN

3. Overlay and Special Zoning Districts.

Name of District	Abbreviation
Planned Unit Development District	PUD
Well Field Protection Overlay	WFP

4. Official Zoning Map.

- a. *Generally.* The Official Zoning Map is a geographic coverage layer that is maintained under the direction of the Administrator. Specific boundaries which show precise

locations for each zoning district are officially maintained through the GIS electronic file format.

- b. *Zoning Map Production.* The Administrator may authorize printed copies of the Official Zoning Map to be produced and shall maintain digital or printed copies of superseded versions of the Official Zoning Map for historical reference.
 - c. *Undesignated Property.* It is the intent of this UDO for the entire area within the City to be assigned a zoning district. Should, however, it be determined that there is property within the City that does not have a zoning district assigned to it, then the zoning district of Parks and Open Space (PS) shall apply.
 - d. *Vacated Property.* In the event that any street, alley, public way, railroad right-of-way, waterway, or other similar area is vacated by property authority, the districts adjoining either side of the vacated area shall be extended automatically to the center of the vacation unless determined otherwise by City Council. All area included in the vacation shall be subject to the appropriate regulations of the extended districts.
 - e. *Interpretation of Boundaries.*
 - 1) *Director Discretion.* All questions concerning the exact location of zoning district boundary lines shall be determined by the Administrator. An appeal of the Administrator's interpretation may be filed with the Board of Zoning Appeals (BZA) per Sec. 8-D-6, *Administrative Appeals Process*.
 - 2) *Administrator Referral to the BZA.* Should the Administrator be uncertain about the proper interpretation of a zoning district boundaries he or she may refer the matter to the BZA for a final judgment on the matter.
5. **Land Uses.** The following terms are used in Sec. 2-B, *Zoning Districts*, and in Appendix B, *Land Use Matrix*. The text below is intended to clarify the meaning of said terms as they relate to the aforementioned sections of the UDO.
- a. *Permitted Uses.* A permitted use is a land use that is allowed without any additional use specific standards and can be approved administratively by the Administrator. Permitted Uses are shown as a "P" in Appendix B, *Land Use Matrix*.
 - b. *Use Standards.* Use standards are additional standards that apply to a specific land use in specific zoning districts as specified by this chapter. Unless otherwise notated as such, any land use with this designation can be approved administratively provided that the additional use standards can be met. Land uses with use standards are shown as "US" in Appendix B, *Land Use Matrix*.
 - c. *Conditional Use.* Land uses that require conditional use approval must be approved by the BZA. The BZA shall use the review the use standards for each land use and may add additional standards if necessary. The specific procedures per Sec. 8-D-7, *Conditional Use Process*, must be followed for conditional use approval to be granted. Land uses approved through the conditional use process are shown as "C" in Appendix B, *Land Use Matrix*.

- d. *Prohibited Uses.* The following land uses are explicitly prohibited in all zoning districts throughout the City's jurisdiction:
 - 1) Recreational Vehicle Park and Campground;
 - 2) Roadside Agricultural Produce Stands; and
 - 3) Truck and Bus Parking Lot (Primary Use)
- 6. **Dimensional Standards.** The following terms are used in Sec. 2-B, *Zoning Districts*, and in Appendix C, *Dimensional Standards*. The text below is intended to clarify the meaning of said terms as they relate to the aforementioned sections of the UDO.
 - a. *Minimum Road Frontage.* The minimum road frontage is the lot width of the property as measured between the front yard and the road right-of-way.
 - b. *Maximum Lot Coverage.* The maximum lot coverage refers to the total percentage of property that can be developed. The figure includes all principal and accessory buildings and uses.
 - c. *Minimum Front Yard Setback.* The front yard setback is measured from the right-of-way to the foundation of the principal and/or accessory building.
 - 1) *Through lots.* A through lot will have two (2) front yard setbacks opposite of each other and will not have a rear yard setback.
 - 2) *Corner lots.* A corner lot will have two (2) front yard setbacks and two (2) side yard setbacks; it will not have a rear yard setback.
 - d. *Minimum Side Yard Setback.* The side yard setback is measured from the side lot line to the foundation of the primary and/or accessory building or is the width of the applicable bufferyard, whichever is greater.
 - e. *Minimum Rear Yard Setback.* The rear yard setback is measured from the rear lot line to the foundation of the primary and/or accessory building.
 - f. *Minimum Dwelling Size.* The minimum square footage required for a property to designated a dwelling and thus habitable living space with the City.
 - g. *Primary Building Size.* A primary building size requirement of 950 sq. ft. applies throughout the City regardless of what zoning district the property is located in.
- 7. **Additional Standards.** The standards of this Chapter are applied in addition to all other standards within this UDO including but not limited to Chapter 3, *Site Development Standards*; Chapter 4, *Use Development Standards*; Chapter 5, *Subdivision Types*; and Chapter 6, *Subdivision Design Regulations*.

B. Base Zoning Districts.

1. Parks and Open Space (PS)

a. *Purpose.* The purpose of this district is to provide space within the city for the preservation of natural open space and public recreation areas. The district focuses on uses that will have minimal impact on the environment while serving to increase the aesthetics of the land.

b. *Land Uses.*

Parks and Open Space (PS)			
Permitted Uses			
Agricultural			
Community Garden			
Civic, Institutional, and Health Care			
Public Parks and Public Recreational Facilities			
Commercial			
EV Charging Station			
Nonresidential Accessory			
Essential Services			
Use Standards			
Civic, Institutional, and Health Care			
Cemetery ¹			
Nonresidential Accessory			
Private Utilities	Solar Energy System, Accessory	Wind Energy System, Accessory	
Temporary			
Special Events ²	Temporary Structures		
Notes:			
1. Requires a development plan to be submitted per Sec. 8-C-10, <i>Development Plan Process</i> , for the land use to be permitted.			
2. Permitted with additional use standards provided that approval is granted by the City's Park Board.			

c. Dimensional Standards.

Parks and Open Space (PS)					
Structure Standards					
Max. Height – Primary Structure		Max. Height – Accessory Structure		Min. Dwelling Size	
35 ft.		20 ft.		N/A	
Lot Standards					
Max. Lot Coverage		Min. Road Frontage / Lot Width		Min. Lot Area	
25%		N/A		N/A	
Setback Standards					
Primary Structure			Accessory Structure		
Min. Front Yard	Min. Side Yard	Min. Rear Yard	Min. Front Yard	Min. Side Yard	Min. Rear Yard
25 ft.	5 ft.	15 ft.	25 ft.	5 ft.	5 ft.
Notes: N/A – Not Applicable					

2. **Suburban Residential (SR)**

- a. *Purpose.* The purpose of this district is to provide for open space for residential development that is farther from the center of the City. Subdivisions within this district are likely to have non-rectangular lots and curvilinear streets.
- b. *Land Uses.*

Suburban Residential (SR)			
Permitted Uses			
Residential			
Single Detached Dwelling	Duplex ¹	Townhouse ¹	Home Occupation
Agricultural			
Community Garden	Farm		
Civic, Institutional, and Health Care			
Governmental Service (Police, Fire, Emergency Medical Services) ¹	Library ¹	Public Parks and Public Recreational Facilities	
Nonresidential Accessory			
Essential Services			
Use Standards			
Residential			
Accessory Structure	Child Care Home	Short-Term Rental	
Civic, Institutional, and Health Care			
Place of Public Assembly, Indoor ¹			
Nonresidential Accessory			
Private Utilities	Solar Energy System, Accessory	Wind Energy System, Accessory	
Temporary			
Temporary Structures			
Conditional Uses			
Temporary			
Special Events			
Notes:			
1. Requires a development plan to be submitted per Sec. 8-C-10, <i>Development Plan Process</i> , for the land use to be permitted.			

c. Dimensional Standards.

Suburban Residential (SR)¹					
Structure Standards					
Max. Height – Primary Structure		Max. Height – Accessory Structure		Min. Dwelling Size	
35 ft. ²		25 ft.		900 sq. ft.	
Lot Standards					
Max. Lot Coverage		Min. Road Frontage / Lot Width		Min. Lot Area	
35% ³		60 ft.		6,000 sq. ft.	
Setback Standards					
Primary Structure			Accessory Structure		
Min. Front Yard	Min. Side Yard	Min. Rear Yard	Min. Front Yard	Min. Side Yard	Min. Rear Yard
25 ft.	5 ft.	15 ft.	25 ft.	5 ft.	5 ft.
Notes:					
1. The dimensional standards of the Suburban Residential (SR) district are contingent upon the open space requirements for the neighborhood being met. See Chapter 5, <i>Subdivision Types</i> .					
2. Can be increased to 45 ft. if side yard setbacks are both at least 15 ft.					
3. An additional 5% lot coverage is allowed on corner lots.					

3. **Urban Residential (UR)**

- a. *Purpose.* The purpose of this district is to provide space within the city for more compact single-family development near the city center as opposed to less dense rural residential development. This district has dimensional standards that allow for development to be of similar character and size to that which makes up the central areas of Greendale that were the original city.
- b. *Land Uses.*

Urban Residential (UR)			
Permitted Uses			
Residential			
Single Detached Dwelling	Duplex ¹	Townhouse ¹	Home Occupation
Agricultural			
Community Garden			
Civic, Institutional, and Health Care			
Governmental Service (Police, Fire, Emergency Medical Services) ¹	Library ¹	Public Parks and Public Recreational Facilities	
Nonresidential Accessory			
Essential Services			
Use Standards			
Residential			
Accessory Structure	Child Care Home	Detached Accessory Dwelling Unit	Short-Term Rental
Civic, Institutional, and Health Care			
Place of Public Assembly, Indoor ¹			
Nonresidential Accessory			
Private Utilities	Solar Energy System, Accessory	Wind Energy System, Accessory	
Temporary			
Temporary Structures			
Conditional Uses			
Temporary			
Special Events			
Notes:			
1. Requires a development plan to be submitted per Sec. 8-C-10, <i>Development Plan Process</i> , for the land use to be permitted.			

c. Dimensional Standards.

Urban Residential (UR)					
Structure Standards					
Max. Height – Primary Structure		Max. Height – Accessory Structure		Min. Dwelling Size	
35 ft. ¹		25 ft.		900 sq. ft.	
Lot Standards					
Max. Lot Coverage		Min. Road Frontage / Lot Width		Min. Lot Area	
35% ²		60 ft.		6,000 sq. ft.	
Setback Standards					
Primary Structure			Accessory Structure		
Min. Front Yard	Min. Side Yard	Min. Rear Yard	Min. Front Yard	Min. Side Yard	Min. Rear Yard
25 ft.	5 ft.	15 ft.	25 ft.	5 ft.	5 ft.
Notes:					
1. Can be increased to 45 ft. if side yard setbacks are both at least 15 ft.					
2. An additional 5% lot coverage is allowed on corner lots.					

4. **Trail-Oriented Residential (TR)**

- a. *Purpose.* The purpose of this district is to combine the active transportation benefits of a trail and potential for linear parks to help create more livable communities. Projects centered around trail-oriented development, within or close to commercial areas, can draw heightened pedestrian and cyclist traffic. This increased activity amplifies local expenditures, employment opportunities, and escalated land valuation for properties alongside these trails. Units in this district typically will have rear loaded parking and/or shared parking facilities.
- b. *Land Uses.*

Trail-Oriented Residential (TR)			
Permitted Uses			
Residential			
Townhouse ¹	Multi-Dwelling Residential ¹	Home Occupation	
Agricultural			
Community Garden			
Civic, Institutional, and Health Care			
Governmental Service (Police, Fire, Emergency Medical Services) ¹	Library ¹	Public Parks and Public Recreation Facilities	
Commercial			
EV Charging Station			
Nonresidential Accessory			
Essential Services			
Use Standards			
Residential			
Accessory Structure	Short-Term Rental		
Civic, Institutional, and Health Care			
Nursing Home / Assisted Living ¹			
Nonresidential Accessory			
Private Utilities	Solar Energy System, Accessory	Wind Energy System, Accessory	
Temporary			
Temporary Structures			
Conditional Uses			
Temporary			
Special Events			
Notes:			
1. Requires a development plan to be submitted per Sec. 8-C-10, <i>Development Plan Process</i> , for the land use to be permitted.			

c. Dimensional Standards.

Trail-Oriented Residential (TR)					
Structure Standards					
Max. Height – Primary Structure		Max. Height – Accessory Structure		Min. Dwelling Size	
45 ft.		25 ft.		900 sq. ft.	
Lot Standards					
Max. Lot Coverage		Min. Road Frontage / Lot Width		Min. Lot Area	
50%		N/A		6,000 sq. ft.	
Setback Standards					
Primary Structure			Accessory Structure		
Min. Front Yard	Min. Side Yard	Min. Rear Yard	Min. Front Yard	Min. Side Yard	Min. Rear Yard
N/A	N/A ¹	20 ft.	N/A	5 ft.	5 ft.
Notes:					
1. If provided, it must be 5 ft.					
N/A – Not Applicable.					

5. **Multi-Family Residential (MFR)**

a. *Purpose.* The purpose of this district is to provide space within the city for higher density residential development. The district has dimensional standards that allow for multiple dwelling units within one structure.

b. *Land Uses.*

Multi-Family Residential (MFR)			
Permitted Uses			
Residential			
Single Detached Dwelling	Duplex ¹	Townhouse ¹	Multi-Dwelling Residential ¹
Home Occupation			
Agricultural			
Community Garden			
Civic, Institutional, and Health Care			
Governmental Service (Police, Fire, Emergency Medical Services) ¹	Library ¹	Public Parks and Public Recreational Facilities	
Commercial			
EV Charging Station			
Nonresidential Accessory			
Essential Services			
Use Standards			
Residential			
Accessory Structure			
Civic, Institutional, and Health Care			
Adult Day Services ¹	Nursing Home / Assisted Living ¹	Place of Public Assembly, Indoor ¹	
Nonresidential Accessory			
Private Utilities	Solar Energy System, Accessory	Wind Energy System, Accessory	
Temporary			
Temporary Structures			
Conditional Uses			
Temporary			
Special Events			
Notes:			
1. Requires a development plan to be submitted per Sec. 8-C-10, <i>Development Plan Process</i> , for the land use to be permitted.			

c. Dimensional Standards.

Multi-Family Residential (MF)					
Structure Standards					
Max. Height – Primary Structure		Max. Height – Accessory Structure		Min. Dwelling Size	
50 ft.		25 ft.		900 sq ft. ¹	
Lot Standards					
Max. Lot Coverage		Min. Road Frontage / Lot Width		Min. Lot Area	
50% ²		70 ft.		2,500 sq. ft. per dwelling unit	
Setback Standards					
Primary Structure			Accessory Structure		
Min. Front Yard	Min. Side Yard	Min. Rear Yard	Min. Front Yard	Min. Side Yard	Min. Rear Yard
25 ft.	5 ft.	20 ft.	25 ft.	5 ft.	5 ft.
Notes:					
1. The minimum dwelling size for individual units may be reduced to 500 sq. ft. provided that the average dwelling size for all of the units on a specific parcel of property is 900 sq. ft or larger than 900 sq. ft.					
2. An additional 10% lot coverage is allowed on corner lots.					

6. **Traditional Mixed-Use (TMU).**

a. *Purpose.* The purpose of this district is to enhance the availability and diversity of land uses in appropriate locations within the historic core of the City. The mixed-use nature of this district will create a comfortable blend of residential and neighborhood scale commercial uses. The preservation of the remaining historic buildings that do exist is important for both maintaining a link to the past and strengthening the character of the City. Existing commercial buildings should influence the design of any new buildings developed in this district.

b. *Land Uses.*

Traditional Mixed-Use (TMU)			
Permitted Uses			
Residential			
Single Detached Dwelling	Duplex ¹	Home Occupation	
Agricultural			
Community Garden			
Civic, Institutional, and Health Care			
Governmental Service (Police, Fire, Emergency Medical Services) ¹	Library ¹	Medical and Dental Office / Clinic ¹	Museum ¹
Public Parks and Public Recreation Facilities	Schools ¹		
Commercial			
EV Charging Station			
Nonresidential Accessory			
Automated Teller Machine (ATM), Non-Freestanding	Essential Services	Vending Kiosk	
Use Standards			
Residential			
Accessory Structure	Attached Accessory Dwelling Unit	Detached Accessory Dwelling Unit	Short-Term Rental
Automobile and Related Service			
Automobile Parking Lot (Primary Use)			
Civic, Institutional, and Health Care			
Adult Day Services ¹	Child Care Center ¹	Place of Public Assembly, Indoor ¹	

Traditional Mixed-Use (TMU)			
Commercial			
Bank, Credit Union, and Financial Services ¹	Commercial Recreation and Amusement Services ¹	Grocery ¹	Office, General ¹
Personal Services ¹	Restaurant ¹	Retail Sales ¹	Tasting Room ¹
Nonresidential Accessory			
Private Utilities	Solar Energy System, Accessory	Wind Energy System, Accessory	
Temporary			
Temporary Structures			
Conditional Uses			
Temporary			
Special Events			
Notes:			
1. Requires a development plan to be submitted per Sec. 8-C-10, <i>Development Plan Process</i> , for the land use to be permitted.			

c. *Dimensional Standards.*

Traditional Mixed-Use (TMU)					
Structure Standards					
Max. Height – Primary Structure		Max. Height – Accessory Structure		Min. Dwelling Size	
35 ft. ¹		25 ft.		900 sq. ft.	
Lot Standards					
Max. Lot Coverage		Min. Road Frontage / Lot Width		Min. Lot Area	
50%		60 ft.		6,000 sq. ft.	
Setback Standards					
Primary Structure			Accessory Structure		
Min. Front Yard	Min. Side Yard	Min. Rear Yard	Min. Front Yard	Min. Side Yard	Min. Rear Yard
25 ft.	5 ft.	15 ft.	25 ft.	5 ft.	5 ft.
Notes:					
1. Can be increased to 45 ft. if side yard setbacks are both at least 15 ft.					

7. **Highway Mixed-Use (HMU)**

- a. *Purpose.* The purpose of this district is to create space for mixed use development outside the center of the city. New construction and adaptive reuse of existing structures is encouraged within this district. Mixed-use development allows for a variety of land uses within the same structure to rejuvenate urban spaces and enhance the quality of life for the community at large. This district will allow for minimized setback requirements, higher average densities, and taller structures. Off-street parking will not be required for each individual lot but rather shared parking facilities are encouraged.
- b. *Land Uses.*

Highway Mixed-Use (HMU)			
Permitted Uses			
Residential			
Townhouse ¹	Multi-Dwelling Residential ¹		
Agricultural			
Community Garden			
Automobile and Related Service			
Automobile Parking Lot (Primary Use)			
Civic, Institutional, and Health Care			
Funeral Home ¹	Governmental Service (Police, Fire, Emergency Medical Services) ¹	Hospital / Rehabilitative Care ¹	Library ¹
Medical and Diagnostic Laboratories ¹	Medical and Dental Office / Clinic ¹	Museum ¹	Public Parks and Public Recreation Facilities
Schools ¹			
Commercial			
Bank, Credit Union, and Financial Services ¹	Grocery ¹	EV Charging Station	Office, General ¹
Personal Services ¹	Restaurant ¹	Retail Sales ¹	
Transportation, Utility, and Communication			
Public Transportation Terminal ¹			
Nonresidential Accessory			
Automated Teller Machine (ATM), Non-Freestanding	Essential Services	Vending Kiosk	

Highway Mixed-Use (HMU)			
Use Standards			
Civic, Institutional, and Health Care			
Adult Day Services ¹	Child Care Center ¹	Nursing Home / Assisted Living ¹	Place of Public Assembly, Indoor ¹
Commercial			
Gas Station ¹	Hotel ¹	Repair Service ¹	Tasting Room ¹
Tavern ¹			
Nonresidential Accessory			
Private Utilities	Solar Energy System, Accessory	Wind Energy System, Accessory	
Temporary			
Temporary Structures			
Conditional Uses			
Transportation, Utility, and Communication			
Cellular Communications Facility (CCF) ¹			
Temporary			
Special Events			
Notes:			
1. Requires a development plan to be submitted per Sec. 8-C-10, <i>Development Plan Process</i> , for the land use to be permitted.			

c. *Dimensional Standards.*

Highway Mixed Use (HMU)					
Structure Standards					
Max. Height – Primary Structure		Max. Height – Accessory Structure		Min. Dwelling Size	
45 ft.		25 ft.		900 sq. ft.	
Lot Standards					
Max. Lot Coverage		Min. Road Frontage / Lot Width		Min. Lot Area	
60%		60 ft.		6,000 sq. ft.	
Setback Standards					
Primary Structure			Accessory Structure		
Min. Front Yard	Min. Side Yard	Min. Rear Yard	Min. Front Yard	Min. Side Yard	Min. Rear Yard
50 ft.	N/A ¹	10 ft.	50 ft.	5 ft.	5 ft.
Notes:					
1. If provided, it must be 10 ft.					

8. **Neighborhood Commercial (NC).**

- a. *Purpose.* The purpose of this district is to create space for a range of small-scale commercial retail, service, and office uses with building and site design standards that are compatible and cohesive with abutting and adjacent residential uses and characterized by buildings that are smaller scale than the typical General Commercial (GC) building.
- b. *Land Uses.*

Neighborhood Commercial (NC)			
Permitted Uses			
Residential			
Single Dwelling Detached	Duplex ¹	Townhouse ¹	
Agricultural			
Community Garden	Nursery		
Automobile and Related Service			
Automobile Parking Lot (Primary Use)			
Civic, Institutional, and Health Care			
Funeral Home ¹	Governmental Service (Police, Fire, Emergency Medical Services) ¹	Hospital / Rehabilitative Care ¹	Library ¹
Medical and Diagnostic Laboratories ¹	Medical and Dental Office / Clinic ¹	Museum ¹	Public Parks and Public Recreational Facilities
Schools ¹			
Commercial			
Bank, Credit Union, and Financial Services ¹	EV Charging Station		
Nonresidential Accessory			
Automated Teller Machine (ATM), Non-Freestanding	Drive-In or Drive-Through Facility	Essential Services	Vending Kiosk
Use Standards			
Residential			
Accessory Structure	Attached Accessory Dwelling Unit	Short-Term Rental	
Agricultural			
Farm			
Civic, Institutional, and Health Care			
Adult Day Services ¹	Child Care Center ¹	Place of Public Assembly, Indoor ¹	

Neighborhood Commercial (NC)			
Commercial			
Building Materials and Hardware Store ¹	Commercial Recreation and Amusement Services ¹	Gas Station ¹	Grocery ¹
Office, General ¹	Personal Services ¹	Repair Service ¹	Restaurant ¹
Retail Sales ¹	Self-Storage, Mini-Warehouse ¹	Tasting Room ¹	Veterinary Clinic and/or Service ¹
Transportation, Utility, and Communication			
Public Transportation Terminal ¹			
Nonresidential Accessory			
Private Utilities	Solar Energy System, Accessory	Wind Energy System, Accessory	
Temporary			
Temporary Structures			
Conditional Use			
Transportation, Utility, and Communication			
Cellular Communications Facilities (CCF) ¹			
Temporary			
Special Events			
Notes:			
1. Requires a development plan to be submitted per Sec. 8-C-10, <i>Development Plan Process</i> , for the land use to be permitted.			

c. *Dimensional Standards.*

Neighborhood Commercial (NC)					
Structure Standards					
Max. Height – Primary Structure		Max. Height – Accessory Structure		Min.	
45 ft.		25 ft.		900 sq. ft.	
Lot Standards					
Max. Lot Coverage		Min. Road Frontage / Lot Width		Min. Lot Area	
60%		60 ft.		6,000 sq. ft.	
Setback Standards					
Primary Structure			Accessory Structure		
Min. Front Yard	Min. Side Yard	Min. Rear Yard	Min. Front Yard	Min. Side Yard	Min. Rear Yard
50 ft.	10 ft.	10 ft.	50 ft.	5 ft.	5 ft.

9. **General Commercial (GC)**

a. *Purpose.* The purpose of this district is to provide appropriate space for commercial and retail development within the city. General commercial districts should be located along major thoroughfares to ensure convenient access for residents and adequate activity to sustain businesses.

b. *Land Uses.*

General Commercial (GC)			
Permitted Uses			
Automobile and Related Service			
Automobile Parking Lot (Primary Use)	Automobile / Vehicle Sales and Rental ¹	Car Wash ¹	
Civic, Institutional, and Health Care			
Governmental Service (Police, Fire Emergency Medical Services) ¹	Hospital / Rehabilitative Care ¹	Library ¹	Medical and Diagnostic Laboratories ¹
Medical and Dental Office / Clinic ¹	Public Parks and Public Recreational Facilities	Schools ¹	
Commercial			
Bank, Credit Union, and Financial Services ¹	Building Materials and Hardware Store ¹	Grocery ¹	EV Charging Station
Office, General ¹	Personal Services ¹	Restaurant ¹	Retail Sales ¹
Transportation, Utility, and Communication			
Public Transportation Terminal ¹			
Nonresidential Accessory			
Automated Teller Machine (ATM), Non- Freestanding	Drive-In or Drive- Through Facility	Essential Services	Vending Kiosk
Use Standards			
Residential			
Short-Term Rental			
Automobile and Related Service			
Automobile / Vehicle Repair and Service ¹			
Civic, Institutional, and Health Care			
Adult Day Services ¹	Child Care Center ¹	Place of Public Assembly, Indoor ¹	

General Commercial (GC)			
Commercial			
Commercial Recreation and Amusement Services ¹	Gas Station ¹	Hotel ¹	Repair Service ¹
Self-Storage, Mini-Warehouse ¹	Tasting Room ¹	Tavern ¹	Veterinary Clinic and/or Service ¹
Nonresidential Accessory			
Private Utilities	Solar Energy System, Accessory	Wind Energy System, Accessory	
Temporary			
Temporary Structures			
Conditional Uses			
Transportation, Utility, and Communication			
Cellular Communications Facility (CCF) ¹			
Temporary			
Special Events			
Notes:			
1. Requires a development plan to be submitted per Sec. 8-C-10, <i>Development Plan Process</i> , for the land use to be permitted.			

c. *Dimensional Standards.*

General Commercial (GC)					
Structure Standards					
Max. Height – Primary Structure		Max. Height – Accessory Structure		Min. Dwelling Size	
45 ft.		25 ft.		N/A	
Lot Standards					
Max. Lot Coverage		Min. Road Frontage / Lot Width		Min. Lot Area	
70%		70 ft.		7,000 sq. ft.	
Setback Standards					
Primary Structure			Accessory Structure		
Min. Front Yard	Min. Side Yard	Min. Rear Yard	Min. Front Yard	Min. Side Yard	Min. Rear Yard
50 ft.	10 ft.	10 ft.	50 ft.	5 ft.	5 ft.

10. Industrial – Flex Space (IF)

a. *Purpose.* The purpose of this district is to provide space for a mix of light industrial and flex office uses such as distribution, manufacturing, and wholesale establishments that are clean, quiet, and free of hazardous or objectionable elements operated within enclosed structures.

b. *Land Uses.*

Industrial – Flex Space (IF)			
Permitted Uses			
Automobile and Related Service			
Automobile Parking Lot (Primary Use)	Automobile / Vehicle Sales and Rental ¹	Car Wash ¹	
Civic, Institutional, and Health Care			
Governmental Service (Police, Fire, Emergency Medical Services) ¹	Hospital / Rehabilitative Care ¹	Library ¹	Medical and Diagnostic Laboratories ¹
Medical and Dental Office / Clinic ¹	Museum ¹	Public Parks and Public Recreational Facilities	Schools ¹
Commercial			
Building Materials and Hardware Store ¹	EV Charging Station	Office, General ¹	
Industrial and Manufacturing			
Manufacturing, Light ¹	Warehousing and Storage, Indoor ¹		
Transportation, Utility, and Communication			
Public Transportation Terminal ¹			
Nonresidential Accessory			
Essential Services	Vending Kiosk		
Use Standards			
Agricultural			
Farm			
Automobile and Related Service			
Automobile / Vehicle Repair and Service ¹			
Civic, Institutional, and Health Care			
Child Care Center ¹	Place of Public Assembly, Indoor ¹		

Industrial – Flex Space (IF)			
Commercial			
Gas Station ¹	Heavy Equipment Sales and Rental ¹	Repair Service ¹	Retail Sales ¹
Self-Storage, Mini-Warehouse ¹			
Industrial and Manufacturing			
Contractor’s Shop ¹			
Transportation, Utility, and Communication			
Cargo Terminal ¹	Solar Energy System, Commercial ¹	Wind Energy System, Commercial ¹	
Nonresidential Accessory			
Private Utilities	Solar Energy System, Accessory	Wind Energy System, Accessory	
Temporary			
Temporary Structures			
Conditional Uses			
Commercial			
Kennel ¹			
Transportation, Utility, and Communication			
Airport and Heliport ¹	Cellular Communications Facility (CCF) ¹		
Temporary			
Special Events			
Notes:			
1. Requires a development plan to be submitted per Sec. 8-C-10, <i>Development Plan Process</i> , for the land use to be permitted.			

c. *Dimensional Standards.*

Industrial – Flex Space (IF)					
Structure Standards					
Max. Height – Primary Structure		Max. Height – Accessory Structure		Min. Dwelling Size	
45 ft.		25 ft.		N/A	
Lot Standards					
Max. Lot Coverage		Min. Road Frontage / Lot Width		Min. Lot Area	
80%		70 ft.		7,000 sq. ft.	
Setback Standards					
Primary Structure			Accessory Structure		
Min. Front Yard	Min. Side Yard	Min. Rear Yard	Min. Front Yard	Min. Side Yard	Min. Rear Yard
25 ft.	15 ft.	15 ft.	25 ft.	5 ft.	5 ft.

12. Industrial (IN)

- a. *Purpose.* The purpose of this land use is to provide appropriate space for higher intensity land uses. The district is intended to be adequately served by public utilities and infrastructure. There should be appropriate mitigation measures taken against any impacts to adjacent land.
- b. *Land Uses.*

Industrial (IN)			
Permitted Uses			
Civic, Institutional, and Health Care			
Governmental Service (Police, Fire, Emergency Medical Services) ¹	Library ¹	Museum ¹	Public Parks and Public Recreational Facilities
Schools ¹			
Commercial			
Building Materials and Hardware Store ¹	EV Charging Station	Heavy Equipment Sales and Rentals ¹	
Industrial and Manufacturing			
Crematorium ¹	Manufacturing, Light ¹	Warehousing and Storage, Indoor ¹	
Transportation, Utility, and Communication			
Public Transportation Terminal ¹			
Nonresidential Accessory			
Essential Services	Vending Kiosk		
Use Standards			
Commercial			
Gas Station ¹	Repair Service ¹		
Industrial and Manufacturing			
Contractor's Shop ¹			
Transportation, Utility, and Communication			
Cargo Terminal ¹	Solar Energy System, Commercial ¹	Wind Energy System, Commercial ¹	
Nonresidential Accessory			
Private Utilities	Solar Energy System, Accessory	Wind Energy System, Accessory	
Temporary			
Temporary Structures			

Industrial (IN)			
Conditional Uses			
Civic, Institutional, and Health Care			
Correctional Institution ¹			
Commercial			
Adult Entertainment Business ¹	Manufactured Home Sales ¹		
Industrial and Manufacturing			
Junkyard / Salvage Yard ¹	Manufacturing, Heavy ¹	Mineral Extraction ¹	
Transportation, Utility, and Communication			
Airport and Heliport ¹	Cellular Communications Facility (CCF) ¹	Landfill ¹	
Temporary			
Special Events			
Notes:			
1. Requires a development plan to be submitted per Sec. 8-C-10, <i>Development Plan Process</i> , for the land use to be permitted.			

c. *Dimensional Standards.*

Industrial (IN)					
Structure Standards					
Max. Height – Primary Structure		Max. Height – Accessory Structure		Min. Dwelling Size	
60 ft.		25 ft.		N/A	
Lot Standards					
Max. Lot Coverage		Min. Road Frontage / Lot Width		Min. Lot Area	
80%		70 ft.		7,000 sq. ft.	
Setback Standards					
Primary Structure			Accessory Structure		
Min. Front Yard	Min. Side Yard	Min. Rear Yard	Min. Front Yard	Min. Side Yard	Min. Rear Yard
15 ft.	15 ft.	15 ft.	15 ft.	10 ft.	10 ft.

C. Overlay Zoning Districts.

1. Planned Unit Development (PUD)

- a. *Purpose.* The purpose of Planned Unit Development (PUD) regulations is to replace the usual development approval process with more flexible development standards to create a higher level of development for the community.
- b. *Applicability.* For property to be zoned to the PUD zoning district the following is required:
 - 1) The applicant must be able to justify that the proposed development needs to be placed into a PUD to create a higher standard of development. Under no circumstances will the PUD district be used as a mechanism to avoid the requirements of a specific zoning district.
 - 2) A threshold gross area of twenty (20) acres or more is required.
 - 3) The entire tract of land involved in a PUD application must be under the control of the applicant, which may be a single person, entity, corporation, or a group of individuals, entities, or corporations. An application must be signed by the owner or owners of the land included in the tract. In the case of multiple ownership, the approved plan shall be binding on all owners.
 - 4) The development shall be approved through the rezoning process of Sec. 8-C-8, *Zoning Map: Adoption or Amendment (Rezoning)*, and shall be labeled as a PUD on the official zoning map.
- c. *Permitted Uses.* The following uses are permitted subject to Plan Commission approval:
 - 1) *Residential Uses:*
 - a) Areas not devoted to commercial or the required common open space (as calculated in this Chapter) may be devoted to residential uses.
 - b) Where a PUD borders an existing single-dwelling use or a district zoned as PS, UR, or SR; the duplex and multi-dwelling portions of the PUD shall not be developed on the exterior of the PUD. Single-dwelling detached residences or common open space shall border the adjacent single-dwelling use or the PS, UR, or SR zoning district.
 - 2) Commercial and other non-residential uses may be included in a PUD. Such uses, their locations, and commercial area designs, shall be compatible with the residential uses proposed for the PUD.
 - 3) Industrial uses are prohibited in a PUD where residential uses are proposed.
- d. *Required Densities.*
 - 1) *Residential Densities.*
 - a) *Overall.* The maximum residential density for the overall project should be no more than twenty-five percent (25%) greater than the density allowed in the zoning district which the property was previously zoned prior to its designation as a PUD (computed by comparing the total number of dwelling units to the gross land area of the project).

- b) *Sections*. The maximum residential density for any particular section should be no more than fifteen (15) units per acre, computed by comparing the number of dwelling units within a particular section to the gross land area of that particular section.
- 2) *Commercial Densities*. Commercial uses may occupy up to a maximum of ten percent (10%) of the gross land area.
 - 3) *Common Open Space*. There should be at least twenty percent (20%) of the gross land area in a PUD that provides for common open space.
 - a) *Excluded from the Calculation of Common Open Space*. The following are not eligible for inclusion within the term common open space as used in this Sec. 2-C-1:
 - (1) Street rights-of-way;
 - (2) Parking areas (including any parking area required for a use that can be included within the calculation of common open space as shown below);
 - (3) Slopes exceeding fifteen percent (15%);
 - (4) Floodways (as defined by Chapter 151, *Ordinance for Flood Hazard Areas*, of the City's Code of Ordinances); and
 - (5) Structures (including any structure that is subordinate to a primary use that can be included within the calculation of common open space as shown below).
 - b) *Included within the Calculation of Common Open Space*. The following are eligible for inclusion within the term common open space as used in this Sec. 2-C-1:
 - (1) Agricultural uses, including horticulture, wholesale nurseries, the raising of crops, and buildings related to the same;
 - (2) Neighborhood open spaces such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses;
 - (3) Equestrian facilities provided that they consume more than three-quarters of the minimum required greenway land;
 - (4) Woodlots, arboreta, and other similar silviculture uses;
 - (5) Woodland preserves or other similar conservation uses;
 - (6) Public park or recreation areas owned and operated by a public or private nonprofit agency, not to include business facilities, storage of materials, trucking or repair facilities, the housing of repair crews, or private or municipal sanitary landfills;
 - (7) Active non-commercial recreation areas, such as playing fields, playgrounds, courts and bikeways, provided such use does not consume more than half of the minimum required common open space. or five acres, whichever is less.

- (8) Golf courses, provided that such use does not consume more than half of the minimum required common open space but shall not include driving ranges or miniature golf.
- (9) Detention or retention ponds;
- (10) Water bodies (excluding detention and retention ponds), provided that such use does not consume more than forty percent (40%) of the required common open space.
- (11) Easements for drainage, access, sewer or water lines, or other public purposes.
- (12) Any other use of land that is commonly owned that is not expressly excluded or included within Sec. 2-C-2, *Planned Unit Development (PUD)*, of this UDO.

e. *Development Standards.*

- 1) There is no required standard for minimum or maximum lot size, setback, and lot width required for an application to be considered by the Plan Commission. Each application will be reviewed to ensure that the submitted plat and associated paperwork meets with quality planning practices.
- 2) Maximum building height shall be as set forth in the underlying zoning district.

f. *Utilities and Streets.* All utilities, including communication and electrical systems, shall be placed underground within the limits of a PUD. Appurtenances to these systems are permitted. The design and designation of all streets, public or private, shall be subject to the approval of the Plan Commission and in conformance with Chapter 6, *Subdivision Design Regulations*.

g. *Covenants and Maintenance.* There shall be established covenants and other similar deed restrictions which provide for the control and maintenance of all recreation facilities and common open spaces that meet the applicable requirements of this UDO and any additional requirements specified by the City and agreed upon by the applicant prior to approval of the PUD through the rezoning process as specified in Sec. 8-C-8, *Zoning Map: Adoption or Amendment (Rezoning)*.

h. *Improvements.* The applicant shall provide financial assurance for the satisfactory installation of all facilities in the form of bonds or such other assurances as are required in the normal procedures of platting pursuant to the provisions of Sec. 7-F, *Construction and Development Process*.

2. Well Field Protection (WFP) Overlay.

- a. *Purpose.* It is the purpose of the Well Field Protection (WFP) Overlay District to safeguard the public health, safety, and welfare of the customers of protected public water supplies and to protect the community's potable water supply against contamination by regulating land use and the storage, handling, use, and/or production of regulated substances.
- b. *Applicability.* The WFP is delineated as in shown in the Official Zoning Map.
- c. *Standards.* In addition to all applicable regulations found elsewhere within the UDO, the following additional provisions apply for all properties within the WFP:

- 1) *Prohibited Uses.* Landfills; Junkyards / Salvage Yards; Refueling Stations; and any use that requires an underground storage tank of over 500 gallons are prohibited within the WFP District.
- 2) *Underground Storage Tanks.*
 - a) With the exception of the residential use of heating fuels in tanks having a capacity equal to or less than 500 gallons, the underground storage of fuel and lubricants for vehicle operations and fuel for building and/or process heating in conjunction with permitted and conditional uses in this district shall be in tanks secondarily contained and monitored. The installations shall be subject to approval by the Administrator.
 - b) Notwithstanding other provisions of this chapter, nonconforming uses in this district presently utilizing underground storage tanks for fuel and lubricants for vehicle operations and fuel for building and/or process heating shall be permitted to replace existing tanks with those constructed as provided for new installation and not exceeding the capacity of existing tanks. Replacement of underground tanks for regulated substances other than the above-noted fuels and lubricants is not permitted.
 - c) With the exception of the underground storage of fuel and lubricants for vehicular operations and fuel for building heating and/or process heating in conjunction with permitted and conditional uses in this district, any storage of regulated substances in underground storage tanks within the WFP District shall be deemed to constitute a dangerous nuisance. Every nuisance must and shall be abated as soon as is reasonably possible.
 - d) With the exception of residential use of home heating fuel in tanks having a capacity equal to or less than five hundred (500) gallons, any underground storage tank systems for vehicle fuel and lubricants and fuel for building and/or process heating within the Well Field Protection Overlay (WFP) District not removed must be immediately contained and monitored in accordance with plans submitted to and approved by the Administrator.
- 3) *Nuisance Declaration.* Any violation of this Sec. 3-C-2, *Well Field Protection Overlay District*, is hereby determined to be a nuisance and must be abated.
- 4) *Groundwater Protection Standards.* The Well Field Protection Overlay (WFP) District shall be subject to the following groundwater protection standards.
 - a) Use, storage, handling, and/or production of regulated substances in conjunction with permitted and conditional uses in this district shall be limited to:
 - (1) *Aggregate of Regulated Substances.* The aggregate of regulated substances in use, storage, handling, and/or production may not exceed twenty (20) gallons or one hundred and sixty (160) pounds at any time; and
 - (2) *Total Use of Regulated Substances.* The total use, storage, handling, and/or production of regulated substances may not exceed fifty (50) gallons or four hundred (400) pounds in any twelve (12) month period.

- b) A limited exclusion may be authorized for non-routine maintenance or repair of property or equipment. The use, storage, handling, and/or production of regulated substances under this exclusion shall be limited to:
 - (1) The aggregate of regulated substances in use, storage, handling, and/or production may not exceed fifty (50) gallons or four hundred (400) pounds at any time;
 - (2) The total use, storage, handling, and/or production of regulated substances may not exceed one hundred (100) gallons or eight hundred (800) pounds in any twelve (12) month period; and
 - (3) The application of U.S. EPA approved agricultural chemicals by licensed personnel using U.S. EPA best recommended practices. Below ground applications in excess of one hundred (100) gallons or eight hundred (800) pounds in any twelve (12) month period shall require seventy-two (72) hour prior notice to the City Manager or his or her authorized designee.
 - c) A limited exclusion may be authorized for regulated substances which are cleaning agents, provided, however, the cleaning agents are packaged for personal or household use or are present in the same form and concentration as a product packaged for use by the general public, and provided the aggregate inventory of the cleaning agents shall not exceed one hundred (100) gallons or eight hundred (800) pounds at any time. In no case shall regulated substances claimed under this exclusion include hydrocarbon or halogenated hydrocarbon solvents.
 - d) A limited exclusion may be authorized for on-site storage of a maximum one (1) year supply of agricultural chemicals to be used for routine on-site agricultural operations, provided the substances are stored in standard approved packaging and the chemicals are applied to cropland under best management practices as indicated by soil tests, agricultural experts, or label directions approved by the United States Environmental Protection Agency (EPA) or the State Department of Agriculture. This limited exclusion also applies to the application of agricultural chemicals to cropland where the chemicals are brought in from other locations. This provision does not exempt the agricultural chemicals either stored on-site or brought in from other locations from the inventory, spill reporting, and underground storage tank protection requirements of the WFP District.
- 5) *Regulated Substance Activity Inventory.*
- a) *Applicability.*
 - (1) Except as otherwise provided, any owner or occupant of any land in WP district shall file a regulated substance activity inventory report with the Administrator. The report shall be filed every two years.
 - (2) Except as otherwise provided, any new owner or occupant of any land in the WP shall file a regulated substance activity inventory report prior to receipt of a zoning compliance certificate or certificate of occupancy at 24-month intervals following the date of occupancy.

- (3) Where a person owns, operates, or occupies more than one location, regulated substance activity inventory reports shall be made for each location.
 - (4) Agricultural uses shall file a regulated substance activity inventory report within 180 days of the effective date of this subchapter and at 12-month intervals thereafter. Regulated substance activity inventory reports for agricultural uses shall include total annual on-site application of regulated substances for the reporting property.
- b) *Exclusions to activity inventory reporting.*
- (1) Any exclusion set forth in this section shall apply provided that the exclusion does not substantially increase any risk or hazard to the public health or water supply, wells, or well fields; and provided further that any spill, leak, discharge, or mishandling shall be subject to enforcement. Any exclusions granted herein shall not remove or limit the liability and responsibility of any person or activity involved.
 - (2) A limited exclusion from regulated substance activity inventory reporting is hereby authorized for incidental uses of regulated substances, provided the uses are limited as follows.
 - (a) The aggregate of regulated substances in use may not exceed 20 gallons or 160 pounds at any time.
 - (b) The total use of regulated substances may not exceed 50 gallons or 400 pounds in any 12-month period.
 - (3) A limited exclusion from regulated substance activity inventory reporting is hereby authorized for non-routine maintenance or repair of property or equipment in the WFP, provided the uses are limited as follows.
 - (a) The aggregate of regulated substances in use may not exceed 50 gallons or 400 pounds at any time.
 - (b) The total use of regulated substances may not exceed 100 gallons or 800 pounds in any 12-month period.
 - (4) A limited exclusion from regulated substance activity inventory reporting is hereby authorized for regulated substances which are cleaning agents; provided, however, the cleaning agents are packaged for personal or household use or are present in the same form and concentration as a product packaged for use by the general public, and provided the aggregate inventory of the cleaning agents shall not exceed 100 gallons or 800 pounds at any time. In no case shall regulated substances claimed under the exclusion include hydrocarbon or halogenated hydrocarbon solvents.
 - (5) A limited exclusion from regulated substance activity inventory reporting is hereby authorized for medical and research laboratory uses in the WFP; provided, however, regulated substances shall be stored, handled, or used in containers not to exceed five gallons or 40 pounds of each substance and the aggregate inventory of regulated substances shall not exceed 250 gallons or 2,000 pounds.

- (6) A limited exclusion from regulated substance activity inventory reporting is hereby authorized for the transportation of regulated substances through the WFP, provided that the transportation vehicle is in compliance with applicable local, state, and federal laws and regulations; provided that the regulated substance is fueling the transportation vehicle; and provided that the transportation vehicle is in continuous transit, making delivery, or is stopped for a period of time not to exceed 72 hours.
- (7) A limited exclusion from regulated substance activity inventory reporting is hereby authorized for owners and occupants of single- or two-family residences, provided, however, the storage and use of regulated substances are related to the maintenance of the residence or vehicles under control of the occupant and provided waste regulated substances are appropriately disposed of to a permitted solid waste facility or a permitted publicly-owned wastewater treatment works.
- (8) *Spills, leaks, or discharges.*
 - (a) Any person with direct knowledge of a spill, leak, or discharge of a regulated substance within the WFP shall, if the spill leak or discharge escapes containment or contacts a pervious ground surface and is not immediately and completely remediated, give notice to the Administrator or the Police Department by telephone within 30 minutes. The notification shall include at a minimum, the location of the incident name and telephone number, date and time thereof, type of substance(s), concentration and volume, and control or corrective action taken. The notification shall in no way alleviate other local, state, and federal reporting obligations as required by law.
 - (b) The application of agricultural chemicals, fertilizers, mineral acids, organic sulphur compounds, and the like used in routine agricultural operations, including plant nutrients and crop protection materials, applied under Best Management Practices as indicated by soil tests, agricultural experts or label directions approved by the United States EPA or the State Department of Agriculture, shall not be considered a spill, leak, or discharge subject to the reporting provisions of this section.
 - (c) Any entity or person who spills, leaks, or discharges the substance(s) shall be liable for any reasonable expense, loss, or damages incurred by the city in response to such an incident in addition to the amount of any fines imposed on account thereof under state and federal law. The entity or person shall document and maintain sufficient records so as to reflect accurately the circumstances related to any such incident and develop and implement procedures to substantially eliminate the likelihood of reoccurrence of the spills, leaks, or discharges as soon as practicable following the incident but no later than 180 days after the incident.

(9) *Falsifying Information.* No person shall make any false statement, representation, or certification in any report or other document filed or required to be maintained pursuant to this subchapter.

(10) *Retention of Records.* Any reports or records compiled or submitted pursuant to this section shall be maintained by the user for a minimum of five years or so long as enforcement or judicial proceedings are being pursued, whichever is longer.

6) *Public Water Supply Protection Authorities.*

a) *Application.* If any activity or use of regulated substance is deemed by the Administrator to pose a real and present danger of contaminating surface and/or groundwater which would normally enter the public water supply, the Administrator is authorized to:

(1) Cause cessation of the activity or use of the regulated substance;

(2) Require the provision of administrative controls and/or facilities sufficient to mitigate the danger; and/or

(3) Cause the provision of pollution control and/or abatement activities.

b) *Exemption of Certain Regulated Substances.* The Administrator is authorized to exclude certain regulated substances that pose no threat to ground water from the provisions of these regulations. Prior to authorizing the exemption of any regulated substance, the Administrator shall have the request for exemption reviewed by the Board of Zoning Appeals. The recommendation of the Board of Zoning Appeals shall be binding on the Administrator.

c) *Technical Consultants.* Upon application for a zoning clearance permit and/or occupancy certificate for a use within the WFP, the Administrator may employ such technical expertise as needed to ensure compliance with the provisions of these regulations. All costs incurred in the compliance review process shall be passed through to the applicant and shall be in addition to those fees normally charged by the city to review an application for a zoning clearance permit and/or occupancy certificate.

d) *Appeals.* The Board of Zoning Appeals of the city shall hear WF{ District appeals. The Board shall have the authority to take appeals, investigate matters related to the appeals, deny, uphold, or otherwise modify or waive the Administrator's actions on a case-by-case basis.

e) *Findings.* No modification or waiver of the requirements of this subchapter shall be authorized by the Board of Zoning Appeals unless it enters written findings that all of the following facts and conditions exist:

(1) *Exceptional Burden.* That there are exceptional circumstances regarding the property or its conforming uses which make enforcement of this chapter an unreasonable burden on the continuation of the conforming uses; and

Lack of Increased Hazard. That the waiver or modification shall not increase the threat of contamination of the community's potable water supply.

Chapter 3 – Site Standards

A. Architectural Standards.

1. All Districts.

- a. *Form and Color Standards.* No building, structure, or land shall be erected, altered, or enlarged unless the exterior shall be of a traditional form, material, color, and color scheme.
- b. *Pole Barns.* Pole Barns are prohibited in all zoning districts except the SR and IN districts.
- c. *Exterior Metal Panels.*
 - 1) The use of exterior metal panels on building facades is prohibited in all districts except the SR and IN districts.
 - 2) In the GC district, metal panels may cover no more than sixty-five percent (65%) of the total surface area of the front elevation and any street-facing elevation. Additionally, there are heightened requirements for all properties with frontage on Connector Dr, Flossie Dr, Greendale Plaza Dr, Greencomm Dr, and any other future extensions of these roadways. See Sec. 3-A-2 below.

2. GC District (Limited to Specific Streets).

- a. *Applicability.* The architectural standards in this section must be met by all new buildings or additions for properties in the GC district that have frontage on Connector Dr, Flossie Dr, Greendale Plaza Dr, Greencomm Dr, and any other future extensions of these roadways.
- b. *Complementary Theme.* Buildings and structures within a single development should have complementary architectural themes.
- c. *Building Facades.*
 - 1) Each building façade visible from a street or oriented to an adjoining residential district must be fifty-five (55) percent masonry materials (excluding windows, doors, and roofing materials).
 - 2) For all other building facades, up to twenty-five percent (25%) of the façade, [exclusive of windows (including faux windows and glazing), doors and loading berths], may be covered with metal, fiber cement siding, polymeric cladding, E.I.F.S, or vinyl exterior building materials.
 - 3) The exterior building material selection for all building facades must be further enhanced with:
 - a) The use of multiple colors or textures
 - b) The addition of architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.)
 - 4) All building facades visible from an adjacent lot or street must be constructed with the same building material quality and level of architectural detail on all building facades. This is often referred to as 360-degree architecture.

- 5) All building facades must have a defined base or foundation, a middle or modulated wall, and a top formed by a pitched roof or articulated, cornice or molding.
 - 6) Building facades ninety (90) feet or greater in length must have offsets at intervals no greater than sixty (60) feet apart. Buildings less than ten thousand (10,000) square feet in gross floor area must have offsets at no more than forty (40) foot intervals. Offsets can project or recess. The offset must extend the entire vertical plane of the building façade; must be at least four (4) feet in depth; and at least twenty percent (20%) of the overall building façade length. Architectural elements (e.g., arcades, columns, piers, etc.) meeting the offset requirements may be used to fulfill this requirement.
 - 7) Gutters and downspouts must be visually integrated with the architectural style of the structure. The color of the gutters and downspouts should complement or be consistent with the building materials.
- d. *Roof Design.*
- 1) Pitched roof designs must have a main roof with a minimum 5:12 pitch, contain three (3) or more roof slope planes, and be covered with high quality roofing materials such as natural clay tiles, slate, concrete tiles (with natural texture and color), high quality standing seam metal roofing, wood shakes or shingles (with adequate fire protection), three-dimensional asphalt, or fiberglass shingles.
 - 2) Metal roofs must have a low-gloss finish to reduce glare.
 - 3) Flat roof design must be edged by a parapet wall with an articulated, three-dimensional cornice or molding. Parapet walls must be fully integrated into the building's architectural design to create seamless transitions between the main building mass and roof-mounted architectural elements. Modulation or variation of the roofs and/or roof lines is required to eliminate the appearance of box-shaped buildings. Flat roofs are prohibited for one-story buildings unless otherwise approved by the Plan Commission or Administrator after consideration of the building architecture, context, and sensitivity to the character of the area.
 - 4) All visible vents, attic ventilators, turbines, flues, and other visible roof penetrations must be painted to match the color of the roof or flat black and oriented to minimize their visibility from adjacent lots and streets.
- e. *Entrances.* Building entrances must be clearly defined. The location, orientation, proportion, and style of doors must complement the style of the building.
- f. *Windows.*
- 1) Window designs must be compatible with the style, materials, color, details, and proportion of the building.
- g. *Awnings.*
- 1) Fixed or retractable awnings are permitted if they complement the building's architectural style, materials, colors, and details. Awnings must be made of a non-reflective material and kept in good repair.

- 2) Awnings may not be attached over architectural building façade unless otherwise approved by the Administrator after consideration of the building architecture, context, and sensitivity of the character of the area.
- h. *Refueling Station Canopies.* The support structures for refueling station canopies must be wrapped in material(s) complementing the principal building and the canopy roof materials must match the color and texture of the principal building. The canopy fascia must have a low-gloss finish to reduce glare. To reduce the visual impact of the canopy, the clearance between the underside of the canopy and the ground cannot exceed sixteen (16) feet and the canopy fascia cannot be more than thirty (30) feet wide.

B. Parking, Loading, and Stacking.

1. Purpose and Applicability.

- a. *Purpose.* The purpose of this section is to ensure that:
 - 1) Adequate off-street parking is provided;
 - 2) Standards are established for the functional design of off-street parking facilities;
 - 3) Sufficient parking is provided in nonresidential zoned locations that are near residential neighborhoods, so that the character and quality of life in the residential neighborhoods are protected from overflow parking;
 - 4) Adequate loading areas are provided that do not interfere with the function of other vehicular use areas;
 - 5) Adequate stacking areas are provided to ensure safe and efficient circulation within sites that contain drive-in or drive-through uses; and
 - 6) Access to sites is managed to maintain the desired function and safety of the adjacent street(s).
- b. *Applicability.* Off-street parking and loading provisions of this section shall apply as follows:
 - 1) For all structures built and all uses of land established after the effective date of this UDO, accessory parking and loading facilities shall be provided as required by this UDO.
 - 2) When the intensity of any use within a structure or premises is increased through the addition of dwelling units, floor area, beds, seating, capacity, or other unit of measurement, parking and loading facilities shall be provided for such increase in intensity or use.
 - 3) Whenever the existing use of a structure is changed to a new use, parking or loading facilities shall be provided as required for such new use.
 - 4) Off-street parking facilities shall not be used for the repair, dismantling, or wrecking of any vehicles, equipment, or material.
 - 5) Off-street parking and loading spaces shall be provided on the same lot as the use served except as otherwise provided in the UDO. Adequate area shall be provided to permit any maneuvering necessary to reach off-street parking and loading areas.

2. Required Off-Street Parking.

- a. *Number of Off-Street Parking Spaces.* The number of off-street parking spaces for each new use or increase in the use shall be provided in accordance with Table 3.1, *Off-Street Parking Requirements*.
- b. *Cumulative Calculation.* In determining the total number of parking spaces required for more than one use on a particular parcel of property, the Administrator may determine the total number of parking spaces required by adding the amount of spaces required for each specific activity as listed in Table 3-1, *Off-Street Parking Requirements*. Alternatively, the requirements of Sec. 3-A-8, *Shared Parking*, may also be used.
- c. *Rounding.* When computing the number of spaces, any fraction shall be rounded down to the next highest number. For example, should a calculation be 2.99, since the requirement does not fully obtain a number of 3, the parking requirement shall be interpreted to be a minimum of two (2) parking spaces.
- d. *Similar Uses.* The parking lot requirements for a use not specifically listed in Table 3-1, *Off-Street Parking Requirements*, shall be the same as for a listed use of similar parking demand generation, as determined by the Administrator.
- e. *Maximum Parking.* For all nonresidential uses, a maximum amount of parking of one hundred thirty percent (130%) of the spaces and indicated in accordance with Table 3-1, *Off-Street Parking Requirements*, may be provided for a particular use. This requirement does not apply to residential uses.
- f. *Parking in the Suburban Residential (SR) District.* The space necessary to fulfill the necessary requirements for the land uses of single detached dwelling, duplex, or townhouse for properties within the SR District may not occupy more than fifty percent (50%) of the front yard area.
- g. *Variables for Calculating the Required Parking.* The variable used for parking calculations are measured as follows:
 - 1) *Per Dwelling Unit (DU).* The phrase “per DU” means that the number of parking spaces is calculated based on the number of dwelling units.
 - 2) *Per Bedroom (BR).* The phrase “per BR” means the number of parking spaces is calculated based on the number of bedrooms.
 - 3) *Per Bay.* The phrase “per bay” means the number of parking spaces are calculated on the number of locations where an automobile uses can park a vehicle and obtain service.
 - 4) *Common Area.* The phrase “common area” means the total indoor area of a building that is available all residents a facility.
 - 5) *Gross Square Feet.* The phrase “gross square feet” means the total amount of square footage within a building or buildings.
 - 6) *Usable Floor Area.* The phrase “usable floor area” means the total square footage within a building that is open to the public.

Table 3-1, Off-Street Parking Requirements	
Land Use	Parking Spaces Required
RESIDENTIAL USES	
Residential – Primary	
Single Detached Dwelling	2 spaces per DU
Duplex (2 DU)	2 spaces per DU
Townhouse (3 to 10 DU)	2 spaces per DU
Multi-Dwelling Residential (> 3 DU)	2 spaces per DU
Residential – Accessory	
Accessory Dwelling Unit, Attached	1 space per BR
Accessory Dwelling Unit, Detached	1 space per BR
Commercial Uses of the Home	
Child Care Home	1 additional space in addition to those spaces required for the residential use
Short-Term Rental	1 space per BR designated for the use in addition to those spaces required for the residential use
NONRESIDENTIAL USES	
Agricultural Uses	
Farm	1 space per 1,500 gross square feet
Nursery	1 space per 1,500 gross square feet
Automobile and Related Service Uses	
Automobile / Vehicle Sales and Rental	1 space per 200 gross square feet
Automobile / Vehicle Repair and Service	3 spaces per bay
Car Wash	1 space per 2 bays for self-service vehicle washes (not including the bays); 1 space per unattended automated wash; 5 spaces per attended, automated wash with detail or hand-finishing services
Civic, Institutional, and Health Care Uses	
Adult Day Services	1 space per 300 gross square feet
Cemetery	1 space per acre
Child Care Center	1 space for per 3.5 children served at building's maximum capacity
Correctional Institution	1 space per 500 gross square feet
Funeral Home	1 space per 300 gross square feet
Governmental Service (Police, Fire, Emergency Medical Services)	1 space per every 300 gross square feet
Hospital / Rehabilitative Care	1.5 spaces per bed plus 1 space per 500 square feet of common area
Library	1 space per 300 gross square feet
Medical and Diagnostic Laboratories	1 space per 400 gross square feet
Medical and Dental Office / Clinic	1 space per 200 gross square feet
Museum	1 space per 300 gross square feet
Nursing Home / Assisted Living	1 space per sleeping unit plus 1 space per 500 square feet of common area

Table 3-1, Off-Street Parking Requirements	
Land Use	Parking Spaces Required
Place of Public Assembly, Indoor	1 space per 300 gross square feet
Public Park and Recreation Facilities, Active	12 spaces per athletic field, plus 1 per 1,000 square feet of indoor or outdoor play area
Public Park and Recreation Facilities, Passive	12 spaces per acre
Schools (K-8)	1 space per 2.5 persons by seating capacity in the largest assembly area plus one per faculty member
Schools (9-12)	1 space per 3.5 persons by seating capacity in the largest assembly area
Commercial Uses	
Adult Entertainment Business	1 space per 200 gross square feet
Bank, Credit Union, and Financial Services	1 space per 300 gross square feet
Building Materials and Hardware Store	1 space per 200 gross square feet
EV Charging Station	1 space per 200 gross square feet
Gas Station	1 space per 200 gross square feet
Grocery	1 space per 200 gross square feet
Heavy Equipment Sales and Rentals	1 space per 200 gross square feet
Hotel	1 space per sleeping unit plus 1 space per 500 square feet of common area
Kennel	1 space per 300 gross square feet
Manufactured Home Sales	1 space per 800 square feet of usable floor area
Office, General	1 space per 300 gross square feet
Personal Services	1 space per 300 gross square feet
Recreational Vehicle Park and Campground	1 parking space located on each campsite plus 1 parking space per acre
Repair Service	1 space per 200 gross square feet
Restaurant	1 space per every 4 seats
Retail Sales	1 space per 200 gross square feet
Self-Storage, Mini-Warehouse	1 space per 25 storage units, plus 1 per 300 square feet of office space
Tavern	1 space per every 4 seats
Veterinary Clinic and/or Service	1 space per 300 gross square feet
Commercial Recreation and Amusement Services Uses	
Driving Range (Outdoor)	2 spaces per platform
Miniature Golf (Outdoor)	2 spaces per hole
Swimming Pool (Outdoor)	1 space per 100 square feet of swimming pool (surface of water)
Indoor Commercial Amusement (If not listed above)	1 space per 300 gross square feet
Outdoor Commercial Amusement (if not listed above)	12 spaces per acre

Table 3-1, Off-Street Parking Requirements	
Land Use	Parking Spaces Required
Industrial and Manufacturing Uses	
Contractor's Shop	1 space per 300 square feet of gross floor area, plus 1 per 500 square feet of storage yard
Crematorium	1 space per 500 gross square feet
Junkyard / Salvage Yard	1 space per 3 acres
Manufacturing, Heavy	1 space per 500 gross square feet
Manufacturing, Light	1 space per 500 gross square feet
Mineral Excavation	1 space per 3 acres
Warehousing and Storage, Indoor	1 space per 500 gross square feet
Transportation and Utility Uses	
Airport / Heliport	1 space per 500 gross square feet of the terminal
Cargo Terminal	1 space per 500 gross square feet
Landfill	1 space per 3 acres
Public Transportation Terminal	1 space per 300 gross square feet
Solar Energy System, Commercial	1 space per 3 acres
Wind Energy System, Commercial	1 space per 3 acres

3. Location of Parking Facilities.

- a. *Generally.* Unless a specific exception is provided for within this Sec. 3-B-3 or the provisions of shared parking are consistent with the requirements of Sec. 3-B-8, *Shared Parking*, the off-street parking areas required for all uses shall be located on the same lot as the use is located.
- b. *Exceptions.*
 - 1) *Calculation of Specific Residential Parking Spaces.* The required parking spaces for the land uses of single detached dwelling; duplex; and townhouse may be met through the use of an on-site driveway provided that:
 - a) The appropriate amount of space exists on the on-site driveway to meet the parking space dimensional requirement of nine (9) feet in width by twenty-two (22) feet in length as calculated in Sec. 3-B-5-a;
 - b) The driveway is located on an improved hard surface such as concrete or asphalt (gravel or other similar surfaces do not meet this requirement); and
 - c) The driveway is designed to meet all applicable stormwater regulations.
 - 2) *Calculation of Off-Street Parking for Nonresidential Uses in the Traditional Mixed-Use (TMU) District.* Nonresidential land uses which are proposed for the TMU District are permitted to operate without meeting the requirements of Table 3-1, *Off-Street Parking Requirements*, provided that the required amount of parking is available at an off-street parking location that is within 1,000 ft. of the front door of the proposed use (as measured in a straight line from the parking facility to the front door); and parking location meets one of the following requirements:

- a) The location used to satisfy the parking requirement is owned and operated by the City of Greendale; or
- b) An agreement is obtained between the owner of the proposed use that needs to satisfy the parking requirement and the owner of the property which the parking will be housed that allows for lease of the property specifically for the purposes of parking. A copy of this lease shall be made available to the City to ensure that this requirement is met.

4. Surfacing.

- a. *Generally.* Off-street parking and vehicular use areas shall be surfaced, graded, and constructed with Portland cement concrete (PCC) or asphalt. Such surface must protect against potholes, erosion, and dust and provide for adequate drainage. All parking spaces that are located in parking lots or provided on a street shall be clearly marked.
- b. *Exceptions.*
 - 1) A permeable parking surface may be used on twenty percent (20%) of the total surface area of the required lot provided that the location of the permeable surface is not used in a drive aisle.
 - 2) Within the storage yards of uses within the Industrial Flex (IF) and Industrial (IN) districts, less durable surfaces for portions of off-street parking facilities are permitted provided that:
 - a) The perimeter of such areas is defined by curbing, bricks, stones, railroad ties, or other similar devices;
 - b) Surfaces with loose materials are set back at least twenty-five (25) feet from the public street right-of-way;
 - c) The material does not generate an inordinate amount of dust;
 - d) The proposed location is proximate to on-site storm water control devices; and
 - e) The area does not exceed twenty-five percent (25%) of the required parking area for the site.

5. Parking Lot and Parking Space Dimensions.

- a. Required parking spaces for all uses shall be a minimum width of nine (9) feet and a minimum length of eighteen (18) feet, except parallel parking spaces which shall have a minimum length of twenty (20) feet.
- b. All parking lots for nonresidential and multi-dwelling residential uses shall be separated from adjoining non-paved surfaces with a continuous concrete curb at least six (6) inches in height.
- c. All parking lots shall be designed to provide adequate storm water drainage, including onsite detention capabilities.
- d. Curbed traffic islands are to be located on both ends of each parking row to facilitate safe traffic circulation within the parking lot.

- e. Required off-street parking spaces shall be designed, arranged and regulated so as to have individual spaces marked, be unobstructed and have access to an aisle or driveway so that any vehicle may be moved without moving another and so that no maneuvering directly incidental to entering or leaving a parking space shall be on any public right-of-way.
- f. All parking areas shall be provided with circulation aisles of adequate dimension to ensure efficient internal circulation. The following standards shall apply.

Table 3.2, Parking Space Dimensions		
Angle of Parking Relative to Circulation Aisle	Circulation Aisle Width	One- or Two-Way Circulation
0 degrees (parallel parking)	12 feet	One
30 degrees	12 feet	One
45 degrees	14 feet	One
60 degrees	18 feet	One
90 degrees (perpendicular parking)	24 feet	Two

- g. All signage within parking areas shall conform to the standards within the standards within Sec. 3-D, *Signs*.
- h. Lighting within parking areas shall conform to Sec. 3-E, *Lighting*.

6. Maintenance.

- a. Off-street driveways, parking surfaces, access aisles, and traffic control devices shall be kept in good condition and free of weeds, dirt, trash, and debris.
- b. All parking space lines or pavement markings on hard surfaced lots shall be kept clearly visible and distinct.

- 7. Parking for Persons with Disabilities (ADA).** All nonresidential uses that are open to the general public shall be required to comply with all Americans with Disabilities Act (ADA) requirements for parking spaces, pedestrian amenities on the property, and entrances and exits to any buildings on the property. This can be achieved by compliance with guidance and technical assistance materials that are available through the United States Department of Justice Civil Rights Division. The number and dimensions of ADA compliant parking spaces are as follows:

Table 3.3, Americans with Disabilities Act (ADA)	
Number of Parking Spaces in Lot	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7

Table 3.3, Americans with Disabilities Act (ADA)	
Number of Parking Spaces in Lot	Required Minimum Number of Accessible Spaces
301 to 400	8
401 to 500	9
501 to 1,100	2 percent of total spaces
1,001 and over	20, plus 1 for each 100 spaces over 1,000 spaces

*For every 8 accessible spaces, at least one must be a van-accessible space.

8. Shared Parking.

- a. *Parking Reduction.* Shared parking allows a reduction of up to 25 percent (25%) in the total number of required parking spaces when a property is occupied by two or more uses that typically do not experience peak use of parking areas at the same time.
- b. *Calculation of Reduced Parking.* When any structure is used for two or more uses that are listed in Table 3.4 *Shared Parking Demand*, below, the minimum total number of required parking spaces may be determined by the following procedures, which are followed by Table 3.5, *Illustrative Shared Parking Credit Calculation*, showing an example of how to calculate shared parking reductions.
 - 1) Determine the minimum parking requirements for each use category in Column (A) as if it were a separate use;
 - 2) Multiply the sum of the required parking spaces for each use by the corresponding percentages for each of the five time periods set forth below in Table 3.4, *Shared Parking Demand*;
 - 3) Calculate the total for each time period; and
 - 4) Select the column with the highest total to find the required number of shared spaces.

Table 3.4, Shared Parking Demand					
Use Category	Weekday		Weekend		Night: Weekday and Weekend (midnight to 6am)
	Day (6am to 6pm)	Evening (6pm to midnight)	Day (6am to 6pm)	Evening (6pm to midnight)	
Multi-Dwelling Residential	60%	90%	80%	90%	100%
Office, General	100%	10%	10%	5%	5%
Retail Sales	60%	90%	100%	70%	5%
Motel / Hotel	75%	100%	80%	100%	10%
Restaurant	50%	100%	80%	100%	10%

Table 3.4, Shared Parking Demand					
Use Category	Weekday		Weekend		Night: Weekday and Weekend (midnight to 6am)
	Day (6am to 6pm)	Evening (6pm to midnight)	Day (6am to 6pm)	Evening (6pm to midnight)	
Commercial Recreation and Amusement Services	40%	100%	100%	100%	10%
All others	100%	100%	100%	100%	100%

Table 3.5, Illustrative Shared Parking Reduction Calculation Examples					
Use Category	Weekday		Weekend		Night (midnight to 6am)
	Day (6am to 6pm)	Evening (6pm to midnight)	Day (6am to 6pm)	Evening (6pm to midnight)	
Multi-Dwelling Residential: 50 spaces (for 25 DU)	$60\% \times 50 = 30$	$90\% \times 50 = 45$	$80\% \times 50 = 40$	$90\% \times 50 = 45$	$100\% \times 50 = 50$
Office, General: 100 spaces (for 20,000 square feet)	$100\% \times 100 = 100$	$10\% \times 100 = 10$	$10\% \times 100 = 10$	$5\% \times 100 = 5$	$5\% \times 100 = 5$
Retail Sales: 100 spaces (for 30,000 square feet)	$60\% \times 100 = 60$	$90\% \times 100 = 90$	$100\% \times 100 = 100$	$70\% \times 100 = 70$	$5\% \times 100 = 5$
Column totals:	190 ²	145	150	120	60

TABLE NOTES:

1. EXAMPLE: A parking lot in the GC zoning district provides parking for an apartment with 25 dwelling units, 30,000 square feet of general office space, and 20,000 square feet of retail space. Separately, these uses would require a minimum of 250 parking spaces. However, using the shared parking calculation they only require 190 spaces.
2. The largest number, 190, is the number of parking spaces required. This example is a 24 percent reduction compared to individual calculations.

9. Site Access.

- a. Driveway entrances and exits to parking lots shall be located a minimum of seventy (70) feet from centerlines of intersecting streets to prevent hazards in the street and impeding the flow of traffic in the parking lot.

- b. Entrances shall be designed to allow vehicles entering the site to be stored to prevent backup on the adjacent street.
- c. Parking lot entrances and exits shall be consolidated, when possible, to limit the number of access points to the site.
- d. In instances where parking areas are one hundred (100) feet or wider, the parking lot entrance shall be a minimum of fifty (50) feet from the nearest existing access drive.
- e. Where feasible cross access between two adjoining properties that have a commercial use shall be provided.

10. Off-Street Loading.

- a. *General Regulations.*
 - 1) All required off-street loading facilities which serve a structure or use that has been erected, altered, enlarged, or intensified after the effective date of this UDO shall be located on the same lot as the structure or use of land to be served.
 - 2) All required off-street loading facilities shall be located according to front, side, or rear yard requirements of the principal structure or use which it serves.
 - 3) Off-street loading facilities shall be located in a manner to prevent vehicle maneuvering in or blockage of rights-of-way.
- b. *Required Number of Parking Spaces.* All nonresidential uses having at least ten thousand (10,000) square feet of gross floor area shall provide and maintain off-street facilities for the loading and unloading of merchandise and goods within the building or on the lot adjacent to a private service drive. Where such loading space is located adjacent to a residential district, the space shall be enclosed on three sides. Loading spaces shall be provided in accordance with the table below.

Table 3.6, Required Loading Spaces for Nonresidential Uses	
Square Feet of Gross Floor Area	Minimum Required Spaces
0 to 10,000	None
10,000 to 50,000	1
50,000 to 100,000	2
100,000 to 200,000	3
Each additional 100,000	1 additional

- c. *Relationship to Parking Regulations.* Areas designed as off-street loading facilities shall not be used to satisfy the parking requirements established in Table 3.1, *Off-Street Parking Requirements*.
- d. *Loading Space Dimensions.* Each loading berth shall have minimum dimensions of not less than twelve (12) feet in width, and eighteen (18) feet in length and fifteen (15) feet vertical clearance, exclusive of access drives, aisles and maneuvering space.
- e. *Pavement Requirements.* All open off-street loading berths shall be improved with concrete pavement or comparable hard surface pavement.

11. Stacking Requirements.

- a. *Generally.* Stacking spaces are used to measure the capacity of a drive-through lane to hold automobiles while transactions are taking place at drive-through stations, car washes, or other commercial uses. Stacking spaces measure eight (8) feet wide by twenty (20) feet long and provide direct access to a service window or wash bay. The position in front of a drive-through station (e.g., a service window, ATM, wash bay, or station at a drive-through bank) or automobile stall is counted as a stacking space.
- b. *Requirements.* Uses that include drive-through service or a car wash shall not have fewer than the following number of stacking spaces:
 - 1) *Drive-Through Restaurants.*
 - a) If two (2) service windows are provided (one for payments and one for pick-up):
 - (1) Four (4) stacking spaces to each menu board;
 - (2) Four (4) stacking spaces between the menu board and the first window (including the position at the first window); and
 - (3) Two (2) spaces between the first window and the second window (including the position at the second window).
 - b) If one (1) service window is provided (for both payments and pick-up):
 - (1) Six (6) stacking spaces to each menu board; and
 - (2) Five (5) stacking spaces between the menu board and the service window.
 - 2) *Car Wash:* Two (2) stacking spaces per drive-through station;
 - 3) *Other Commercial Uses:* Three (3) stacking spaces per drive-through station.
- c. *Design.*
 - 1) Stacking lanes shall be clearly marked and shall not interfere with on-site or off-site traffic circulation.
 - 2) Stacking areas shall not be located between the façade of a building and the public street upon which the building fronts.
 - 3) Stacking lanes shall be designed with an abutting eight (8) foot wide bypass lane.

C. Landscaping, Buffering, and Screening

1. Purpose and Applicability.

- a. *Purpose.* The landscaping, buffering, and screening regulations within the UDO are intended to guide the development and redevelopment of the City of Greendale for the following purposes:
 - 1) *Quality of Life.* To improve the overall quality of life for all Greendale citizens by increasing the amount of landscaping in the City.
 - 2) *Public Health.* To improve the public's mental and physical health by ensuring living landscapes are present throughout the urban area.

- 3) *Community Character*. To use landscaping to help create a sense of place for the City, including within corridors, subdivisions, gateways, and neighborhoods.
 - 4) *Environmental Impact*. To offset the impacts of development and redevelopment by requiring installation of living plants to improve air quality, decrease stormwater runoff, reduce erosion, and provide shade.
 - 5) *Preservation*. To identify and incentivize preservation of important landscapes and trees.
 - 6) *Aesthetics*. To preserve and enhance the scenic and natural beauty of the City's landscape.
 - 7) *Compatibility*. To use landscaping to increase compatibility between different land uses.
- b. *Applicability*.
- 1) *Zoning*. These landscaping, buffering, and screening standards apply to all zoning districts. See Chapter 2, *Zoning Districts*.
 - 2) *Existing Development*. Unless a structure or use is granted a variance by the BZA, a site shall be brought into compliance with the standards established in this section if any of the following occur:
 - a) The primary use of the parcel changes;
 - b) A construction design release is required through Indiana Department of Homeland Security (DHS); and/or
 - c) The impervious surface coverage of the lot increases by more than twenty-five percent (25%).

2. **Parking Lot Landscaping.**

- a. *Applicability*. These parking lot landscaping standards apply to all zoning districts, except the UR and SR districts.
- b. *Required Materials*. Landscape materials consistent with the requirements of the UDO and the *Greendale Indiana Community Tree Selection Guide* shall be required when an Improvement Location Permit (ILP) is obtained for a new parking lot, the expansion or reduction of an existing parking lot by twenty-five percent (25%) or greater or the building is being renovated for to house a new land use per this UDO.
- c. *Parking Lot Perimeter Requirements*.
 - 1) *Perimeter Landscaping Area*. The perimeter landscaping area shall be fifteen (15) feet for all front yards. A driveway entrance that complies with this Section may cross a perimeter landscaping area; however, the width of the driveway may not be subtracted from the length of the perimeter landscaped area for the purpose of determining landscaping requirements.
 - 2) *Required Landscaping*. A minimum of one (1) native hardwood tree shall be planted for every one hundred (100) feet of perimeter landscaping area, except corner lots

shall require plantings every 50 feet. Where adjacent to a residentially zoned parcel, the perimeter landscaping shall consist of a bufferyard consistent with *Table 3.8, Bufferyard Types*, and *Table 3.9, Bufferyard Required*. See the *Greendale Indiana Community Tree Selection Guide* for appropriate tree species to be planted within the required landscaping area.

- d. *Parking Lot Interior Requirements*. Landscape islands shall be provided in all parking lots with more than ten (10) parking spaces. Interior parking lot landscape areas shall be based on a combined surface area of the parking lot, including all parking spaces and interior drives beyond the right-of-way, but excluding all loading docks and truck maneuvering areas.
 - 1) *Minimum Landscape Area*. The minimum area required for interior landscaping through landscape islands shall be at least 20% of the total square footage of all parking lots. Landscaping on the perimeter of a parking lot shall not be counted towards this requirement.
 - 2) *Number of Landscape Islands*. There shall be no specific number of required landscape islands provided that an individual landscape island is no less than the minimum size as stated below.
 - 3) *Size*. All landscape islands shall have a minimum area of three hundred (360) square feet.
 - 4) *Layout*. The required landscape islands shall generally be grouped together and coordinated to provide for the following:
 - a) The establishment of an entry aisle to the property;
 - b) Separation of interior drives from parking aisles; and
 - c) Indication of the ends of aisles of parking spaces.
 - 5) *Plantings Required*. Required planting shall include one (1) canopy tree for every ten (10) parking spaces, with an uneven number of spaces to be rounded up. See the *Greendale Indiana Tree Selection Guide* for appropriate tree species.

3. **Landscape Design.**

- a. *Generally*. Plantings may be clustered or staggered for variety and a natural appearance or may be spaced in equal increments for a more formal appearance. In most circumstances, plant grouping is encouraged to provide a more naturalistic landscape appearance. The landscape design should make use of plant clusters to block undesirable views, glaring lights, etc.
- b. *Easements*. Landscape material shall not be planted in rights-of-way without permission from the City or in easements without the permission from the easement holder. A tree canopy may project over a right of way or easement.
- c. *Movement*. Landscape materials shall be located to avoid interference with vehicular and pedestrian movement. Specifically, plant materials shall not project into sidewalks, pedestrian paths, trails, and the like below a height of seven (7) feet. Plant material shall

not project over street curbs or pavement within rights-of-way or access easements below a height of fourteen (14) feet.

4. **Visual Clearance on Corner Lots.** No fence, wall, hedge, tree, shrub, sign, or other object which obstructs sight lines and elevations between two and one-half (2½) and eight (8) feet above the street shall be placed, planted, or permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting points thirty-five (35) feet from the intersection of said street lines, or in the case of a rounded property corner, from the intersection of the street right-of-way lines extended. The same sight line limitations as stated in this section shall apply to any area within ten (10) feet of the intersection of a street right-of-way line with the edge of any driveway pavement or alley line.
5. **Foundation Landscaping.**
 - a. *Plantings Required.* The number of shrubs or ornamental trees listed in *Table 3.7, Foundation Landscaping* are required in addition to landscaping materials that may be required by parking lot planting, screening, and bufferyard planting standards specified in other parts of this section.
 - b. *Applicability.* This provision applies to all primary structures.
 - c. *Placement.* Foundation plantings shall be planted on all foundation locations that are visible from the street right-of-way (excluding drive-throughs, loading docks, and the front door) and be located as follows:

Table 3.7, Foundation Landscaping Minimum Foundation Plantings Required ¹		
Width	Front Façades	Side & Rear Facades ¹
Street frontage is 80' or less in width	3 shrubs	1 shrub per every 40'
Street frontage is more than 80' in width	1 shrub or ornamental tree ² per every 30' ³	1 shrub or ornamental tree ² per every 50'
Note: 1. If visible from the street right-of-way. 2. See the Greendale Indiana Tree Selection Guide for appropriate tree species. 3. An additional tree per 30' is also required. Said tree or trees is however, not required next to the foundation. These trees may be planted anywhere within the front yard.		

6. **Bufferyards.** The following bufferyard standards apply to all zoning districts.
 - a. *Responsibility.* The developer or owner of the subject property is required to install and maintain a bufferyard on their own parcel as it develops or redevelops when the adjacent parcel is already developed. If the adjacent parcel is undeveloped, if the adjacent property does not require a bufferyard per Table 3.9, *Bufferyard Required*, a bufferyard is not required on the subject property.
 - b. *More Intensive Bufferyard May Apply.* If a subject property develops or redevelops under a zoning district where an existing buffer on an adjacent property no longer

meets the bufferyard requirement, the subject property shall install a new buffer on their property that meets the more intensive bufferyard requirement.

- c. *Bufferyards*. Bufferyards shall be located along the lots outside perimeter, parallel to and extending along one hundred percent (100%) of side and rear property lines, as indicated in *Table 3.8, Bufferyards Required*. Bufferyards shall not be placed in the public right-of-way. A bufferyard may, however, be within a required setback.
- d. *Use and Possession*.
 - 1) *Water or Drainage Areas*. Bufferyards may contain natural water amenities or areas established for drainage if planting requirements are still satisfied.
 - 2) *Parking and Loading Areas*. Neither parking nor loading is permitted within a required bufferyard area.
 - 3) *Recreational Use*. Bufferyards may be used for passive recreation. A bufferyard may contain pedestrian or bicycle trails, provided that no plant material is eliminated, the total width of the bufferyard is not reduced, and all other regulations of this UDO are met. In no event, however, shall permanent structures be permitted in bufferyards.
 - 4) *Ownership of Bufferyards*. Bufferyards may remain in the ownership of the original developer and may be subjected to deed restrictions. A bufferyard may subsequently be freely conveyed or transferred to an adjoining landowner, homeowners' association or a park, open space, or conservation group provided that the Administrator finds that such conveyance adequately guarantees the protection of the bufferyard for the purposes of this UDO.
- e. *Plant Arrangement*. Plant material shall be installed within the bufferyard such that views between properties, noise, and other impacts from conflicting land uses are disrupted.
- f. *Substitution for Unique Site Conditions*. The Administrator may lessen the requirements of the bufferyard standards by twenty percent (20%) due to unique site conditions or features that prevent the appropriate and healthy installation of the trees. These site conditions or features may include existing vegetation, such as pre-existing trees, that exceed the bufferyard requirements in size and quantity or topography that shields the adjacent property in a more thorough way than the bufferyard requirements.
- g. *Side and Rear Buffers*. Bufferyards shall be provided in all required side and rear yards, between uses in accordance with *Table 3.8, Bufferyard Types*, and *Table 3.9, Bufferyard Required*, below. If the incoming use borders a jurisdiction outside of the corporate limits of Greendale, the bufferyard used shall be based on the current land use in that adjacent jurisdiction.

Table 3.8, Bufferyard Types		
Type	Minimum Buffer Width	Landscaping Required per 100 Linear Feet
1 – Light Buffer	Setback + 5'	2 native hardwoods + 1 ornamental <u>or</u> 1 evergreen trees
2 – Medium Buffer	Setback + 7.5'	3 native hardwoods + 2 evergreen trees <u>or</u> 10 shrubs
3 – Heavy Buffer	Setback + 15'	3 native hardwoods + 6' tall opaque screen (fence or wall) <u>or</u> 3' tall berm + 20 shrubs <u>or</u> 3 evergreen trees

Note: See the *Greendale Indiana Tree Selection Guide* for appropriate tree species.

Table 3.9, Bufferyard Required												
Zoning Districts	Subject Property											
	PS	SR	UR	TR	MFR	TMU	HMU	NC	GC	IF	IN	
Adjacent Property	PS	--	--	--	--	--	2	2	2	2	3	3
	SR	--	--	--	--	1	2	2	2	2	3	3
	UR	--	--	--	--	1	2	2	2	2	3	3
	TR	--	--	--	--	1	2	2	2	2	3	3
	MFR	--	1	1	1	--	2	2	2	2	3	3
	TMU	2	2	2	2	2	--	2	2	2	3	3
	HMU	2	2	2	2	2	2	--	2	2	3	3
	NC	2	2	2	2	2	2	2	--	2	3	3
	GC	2	2	2	2	2	2	2	2	--	2	3
	IF	3	3	3	3	3	3	3	3	2	--	2
	IN	3	3	3	3	3	3	3	3	3	2	--

h. *Berms in Bufferyard.* Berms shall be constructed of earth and must be completely contained inside the bufferyard. The slope of the berm must be completely on the subject property, and the base must be at least three (3) feet from the property line. The berm shall not exceed five (5) feet at its peak. No berm shall have a slope more than three horizontal units to one vertical unit (3:1 slope). Required landscaping may be planted on the berm.

7. **Materials.**

a. *Artificial Material.* The use of artificial plant material is prohibited. Plants are intended to grow, spread, and mature over time.

- b. *Plant Quality.* Plant material and ground covers shall be hardy and free of insects and diseases. All plants shall comply with the most recent version of The American Standard for Nursey Stock (ANSI Z60.1) published by the American Horticulture Industry Association. See the Greendale Indiana Tree Selection Guide for appropriate tree species.
 - c. *Ground Cover Required.* Landscaped areas shall have appropriate ground cover which stabilizes soil, reduces solar heat gain, and permits infiltration. All areas not landscaped with hedges or trees shall be provided with grass or other vegetative ground cover.
 - d. *Erosion Control.* When necessary to meet erosion control requirements, materials other than living ground cover may be used.
8. **Screening.** The following landscape screening standards apply regardless of the zoning district that the subject property is located in.
- a. *Outdoor Storage of Inoperable Vehicles.* The outdoor storage of inoperable vehicles, where allowed by this UDO, shall be within a minimum six (6) foot tall opaque fence or wall, and landscaped in accordance with Buffer Type 3, Heavy Buffer.
 - b. *Dumpsters, Recycling, and Similar Containers.* Dumpsters, recycling and other containers that are visible from a residentially zoned area, residentially used area, or a public street, or in an area zoned commercially shall be screened by a six (6) foot tall, one hundred percent (100%) opaque fence of wood, vinyl, brick, or stone construction, and shall be completely enclosed. Opaque, six (6) foot tall wooden gates shall be provided to access the containers. The gates shall remain closed, except when immediate access to the area is required.
 - c. *Mechanical Equipment.*
 - 1) *Ground-Mounted Front Yard Mechanical Equipment.* Ground level mechanical equipment in the front yard is discouraged. If unavoidable, front yard locations for mechanical equipment and air conditioning compressors, shall be screened by a masonry wall erected around the front and sides of the equipment, which is at least one (1) foot taller than the equipment. The wall shall leave access to the equipment from the rear. In addition, there shall be a mix of evergreen shrubs, evergreen trees, and/or ornamental trees, in a planting bed extending a minimum of fifteen (15) feet in all directions from the equipment. Landscape plantings shall also leave access to the mechanical equipment from the rear.
 - 2) *Mechanical Equipment in the HMU and GC Districts.* All roof or ground-mounted mechanical equipment must be completely enclosed. Ground-mounted enclosures must be landscaped on all sides not facing the building being served.
9. **Installation and Maintenance.**
- a. *Installation.* All landscaping shall be installed as required by this UDO:
 - 1) *Compliance.* No permanent certificate of occupancy for any structure or parcel of land shall be issued unless the landscaping complies with the provisions of this UDO.

- 2) *Delayed Installation.* If landscape installation is delayed because of seasonal changes, some or all required landscaping may be delayed for a period not to exceed nine (9) months, provided that a performance guarantee in the form of an irrevocable letter of credit, performance bond, cashier's check, cash, or money order is posted with the City. Personal checks shall not be accepted. The performance guarantee shall be equal to one hundred and twenty-five percent (125%) of the cost of the materials and installation and shall be accompanied by an estimate prepared by a reputable landscape business and a written assurance that such landscaping will be completed within the specified time.
 - b. *Maintenance.* Required plant material shall be kept alive and in good health. Plants and other landscape material shall be maintained to match the approved landscape plan and shall use landscape industry best practices for trimming, mulching, fertilizing, watering and treatment against disease and pests.
 - 1) *Responsibility.* The owner of the property shall be responsible for the continuous proper maintenance of all required landscaping materials and shall keep them free from refuse and debris and in a healthy, growing condition at all times. Should the property be sold to a new owner the required landscaping requirement obligations shall be required of the new owner.
 - 2) *Maintenance Bond.* The developer shall post a three (3) year maintenance bond after the initial required landscaping is installed for one hundred and ten percent (110%) of the cost of installation and plant materials. The cost of installation shall be certified by a landscape contractor or licensed landscape architect.
 - 3) *Replacement Due to Natural Causes.* If a tree or shrub that has been used to meet landscape requirements dies, becomes diseased, or is severely damaged by a severe weather event, it shall be replaced in accordance with the approved landscape plan.
 - 4) *Replacement Due to Other Removal.* If a tree or shrub that has been used to meet landscape requirements dies, becomes diseased, is severely damaged by a severe weather event, or is removed for any other reason it shall be replaced in accordance with the approved landscape plan.
 - 5) *Pruning.* Plants used to fulfill requirements of this UDO may not be removed, excessively pruned, or otherwise treated so as to reduce overall height or level of opacity. Excessive pruning, including limbing-up, topping, and other inhibiting measures, may only be practiced ensuring the public safety or the preserve the relative health of the material involved.
10. **Inspection.** A site is subject to landscape inspection by the Administrator at the time of installation and at any time in the future to confirm the accuracy of the installation, the health of plant materials, and the maintenance of the approved landscape plan. The inspection process shall be in compliance with Chapter 10, *Enforcement, Violations, and Remedies.*

D. Signs.

1. Purpose and Applicability.

a. Purpose.

- 1) The purpose of this section is to regulate the size, color, illumination, movement, materials, location, height and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, and encourage economic development.
- 2) This section allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs.
- 3) These regulations are intended to promote signs that are compatible with the use of the property to which they are located are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.

b. Applicability.

- 1) These regulations do not apply to signs erected, maintained or otherwise posted, owned or leased by this State, the federal government or the City.
- 2) This section must be interpreted in a manner consistent with the First Amendment guarantee of free speech while also ensuring that this section is consistent with U.S. Supreme Court cases relating to not regulating content and allowing for the regulation of off-premise signage regulation.
- 3) A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted within the building shall be deemed to be an integral but accessory and subordinate part of the principal use of the land or the building.

2. General Sign Provisions.

- a. Interference with Public Safety.* A sign shall not be placed or designed in any way to interfere with, obstruct the view of, or be confused with any authorized traffic signs, signal, or device, or constitute a public nuisance.
- b. Distance Requirement between Signs.* No monument sign or pole sign shall be within 25 feet of each other.
- c. Attachment.* Light poles, utility poles, or another supporting member of a building or property cannot be used for the placement of any sign unless the owner of the pole or supporting member has given permission for such use and the sign conforms to all requirements of this section. Said signs may be removed and discarded by the City without notice.
- d. Materials.* All signs should be made of highly durable products including but not limited to brass, aluminum, metal, vinyl, or finished nonrusting metal.

3. Prohibited Signage.

- a. *Use of Right-of-Way Prohibited.* No sign shall be placed in any public right-of-way, except publicly owned signs used for an official government function (such as welcome signs, traffic-control signs, and directional signs). Signage during the election period is included within this right-of-way prohibition.
- b. *Offensive Signs.* Sign content shall not contain language or symbols that are offensive to the morals of the general community.
- c. *Off-Premises Signs / Billboards.* Off-premises signs, including billboards, are prohibited.
- d. *Plastic Signs.* Plastic signs are prohibited except as otherwise provided within this UDO.
- e. *Flashing, Movement, and Sound.* All signs having intermittent or flashing illumination, animated or moving parts, rotating or simulating movement by any means of fluttering, spinning of reflection devices or that emit sound are prohibited.
- f. *Outline Lighting.* Signs with outline lighting are prohibited except as otherwise provided.
- g. *Other Prohibited Signs.* All banners, pennants, streamers, balloons, search lights, strobe lights, beacons, inflatable signs, and costumed characters are prohibited, except as otherwise provided in this UDO.

4. Exempt Signs. The following are exempt from all provisions of this section of the UDO.

- a. *Street Address.* The posting of a street address to provide adequate property identification.
- b. *Flags with Non-Commercial Message.* Flags with non-commercial messages, including flags of any country, state, unit of local government, institution of higher learning, or similar institutional flags.
- c. *Historical Building Signs.* Names of buildings, date of erection, monumental citations, commemorative tables and the like when carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type construction. No commercial messages or logos are permitted on such signs.
- d. *Directional and Safety Signs.* Public and private signs of a non-commercial nature and in the public interest or erected by or on the order of public officer(s) in the performance of public duty (such as signs to promote safety, no trespassing and memorial and historic signs).

5. Murals. All paintings that are not of a consistent color on a wall, regardless of whether the intent is to advertise or not, shall be considered a mural and shall require a mural permit in accordance with Sec. 8.C.10, *Mural Permit*.

6. Exceptions During Election Period.

- a. *Generally.* The standards for maximum size and maximum number of signs contained in this chapter do not apply to any sign that does not exceed thirty-two (32) square feet during the election period, pursuant to IC 36-1-3-11.

- b. *Election Period.* The election period is defined as the time period that begins sixty (60) days before an election and until the 6th day after an election. This requirement applies to any election as defined in IC 3-5-1-2: primary and general elections, municipal elections, school district elections, and any special election as provided by law.

7. Maintenance of Signs.

- a. *Routine Maintenance.* All signs shall be maintained free of peeling paint or paper, sun fading, staining, rust, faded or worn letters or other conditions that impair the legibility of such signs. Routine maintenance does not require a permit.
- b. *Public Hazard.* Any signs permitted by the provisions of this article, including all supports, braces, guys, and anchors, must be maintained in conformance with this article and in such a manner so as not to cause a hazard to the public.

8. Permits for Signage.

- a. *Permit Required for Permanent Signage.* A permit is required to erect, replace, or alter (in a manner that does not include the allowances for maintenance in Sec. 3-D-6, *Maintenance of Signs*) a permanent sign or permanent sign structure. See Sec. 8-E, *Administrator*.
- b. *Permit Not Required for Temporary Signage.* Temporary sign types as shown in Table 3-19, *Temporary Attention Seeking Signs* – Table 3-23, *Temporary Yard Signs* do not require a permit. Compliance with all requirements of this UDO is, however, required. Violations for temporary signage shall be enforced along with permanent signage in accordance with Chapter 10, *Enforcement*.
- c. *Procedures to Obtain a Permit for Signage.* See Sec. 8-E-2, *Improvement Location Permit Procedures*, for the process of obtaining a permit.

9. Permitted Signs by Zoning District.

- a. *Permitted Sign Matrix.* Table 3-10, *Permitted Permanent Sign Matrix*, shows what signs are permitted in each zoning district provided that all of the standards of this Sec. 3-D, *Signs*, are also met and a valid permit is issued in accordance with Sec. 8-E-2, *Improvement Location Permit Procedures*.

Table 3.10, Permitted Permanent Sign Matrix											
Sign Type	Zoning District										
	PS	SR	UR	TR	MFR	TMU	HMU	NC	GC	IF	IN
Awning / Canopy Signs	--	--	--	--	--	P	P	P	P	P	P
Directional Signs	P	--	--	P	P	P	P	P	P	P	P
Monument Signs	P	p ¹	p ¹	p ¹	p ²	P	P	P	P	P	P
Pole Signs ³	--	--	--	--	--	--	P	P	P	P	P
Projecting Signs	--	--	--	--	--	P	P	P	P	P	P
Wall Signs	P	P	P	P	P	P	P	P	P	P	P
Window Signs	P	--	--	--	--	P	P	P	P	P	P

Table 3.10, Permitted Permanent Sign Matrix											
Sign Type	Zoning District										
	PS	SR	UR	TR	MFR	TMU	HMU	NC	GC	IF	IN
Notes: P = Permitted; -- = Prohibited 1. Permitted only as a Residential Subdivision Sign in accordance with Sec. 3(D)8(b)1, <i>Permanent Subdivision Signs</i> . 2. Permitted only as a Multi-Dwelling Development Sign in accordance with Sec. 3(D)8(b)2, <i>Multi-Dwelling Development Signs</i> . 3. Pole signs shall only be permitted on a parcel of property when either a monument sign has not already been installed on the property or the monument sign has been removed.											

- b. *Multi-Tenant Nonresidential Properties*. Parcels containing two (2) or more tenants must use a master sign plan, see Sec. 3.D.25, *Master Sign Program*.

10. Awning / Canopy Signs.

- a. *Sign Standards*. Table 3.11, *Awning / Canopy Signs*, shows the limitations for canopy signs within each zoning district.

Table 3.11, Awning / Canopy Signs			
Zoning District	Maximum Number	Maximum Sign Area	Maximum Height
PS – Parks and Open Space	Prohibited Sign Type		
SR – Suburban Residential			
UR – Urban Residential			
TR – Trail-Oriented Residential			
MFR – Multi-Family Residential	1 per face of the awning, canopy, or marquee	65% of side faces of awning, canopy, or marquee	Shall not extend above the bottom of the 2 nd -floor windowsill
TMU – Traditional Mixed-Use			
HMU – Highway Mixed-Use			
NC – Neighborhood Commercial			
GC – General Commercial		40% of front face of awning, canopy, or marquee	
IF – Industrial – Flex Space			
IN – Industrial			

- b. *Ground Clearance*. Awnings, canopies, and marquees extending over the public right-of-way must have at least eight (8) feet of clearance between the bottom of the sign and the sidewalk.

11. Directional Signs.

- a. *Sign Standards*. Table 3.12, *Directional Signs*, shows the limitations for directional signs within each zoning district.

Table 3.12, Directional Signs		
Zoning District	Maximum Number	Maximum Sign Area
PS – Parks and Open Space	Prohibited Sign Type	
SR – Suburban Residential		
UR – Urban Residential		
TR – Trail-Oriented Residential		
MFR – Multi-Family Residential		
TMU – Traditional Mixed-Use	2 per property	12 square feet
HMU – Highway Mixed-Use		
NC – Neighborhood Commercial		
GC – General Commercial		
IF – Industrial – Flex Space		
IN – Industrial		

- b. *Internal Traffic.* For properties containing two (2) or more nonresidential buildings, additional signage may be installed for the purpose of directing traffic, in addition to other allowed signs.

12. Monument Signs.

- a. *Sign Standards.* Table 3.13, *Monument Signs*, shows the limitations for monument signs within each zoning district.

Table 3.13, Monument Signs			
Zoning District	Maximum Number	Maximum Sign Area	Maximum Height
PS – Parks and Open Space	1 per entrance, maximum of 2	25 square feet	5 feet
SR – Suburban Residential ¹			
UR – Urban Residential ¹			
TR – Trail-Oriented Residential ²			
MFR – Multi-Family Residential ²	1	32 square feet	6 feet
TMU – Traditional Mixed-Use			
HMU – Highway Mixed-Use			
NC – Neighborhood Commercial	1	48 square feet	8 feet
GC – General Commercial			
IF – Industrial – Flex Space			
IN – Industrial			

Notes:

1. Permitted as a subdivision sign.
2. Permitted as a multi-family sign.

- b. *Minimum Setback.* No portion of a monument sign can encroach into the public ROW.
- c. *Permanent Subdivision Signs.* Permanent subdivision signs are permitted as monument signs in the SR, UR, and TR zoning districts, provided the following standards are met:
- 1) The signs shall identify only the name of the subdivision;

- 2) The signs shall be part of a decorative sign structure made of wood, brick, stone, or masonry with an overall design compatible with the character of the neighborhood;
 - 3) The signs may be illuminated only externally from below and in a manner so that the light, reflection, or glare does not travel onto adjoining premises or streets;
 - 4) The signs shall be no closer than ten (10) feet to any street right-of-way; and
 - 5) Provisions shall be made in the subdivision covenants for permanent maintenance of the sign and of the surrounding area, even if the area has been dedicated to public use. If not properly maintained, the city may remove the sign at the expense of those bound by the covenants to maintain the sign and surrounding area, and its relocation made only with the approval of the Planning Commission.
- d. *Multi-Dwelling Development Signs.* Multi-Dwelling development signs are permitted in the MFR zoning district, provided that the following standards are met:
- 1) The signs shall identify only the name of the multi-dwelling development;
 - 2) The signs shall be monument signs and part of a decorative sign structure made of wood, brick, stone, or masonry with an overall design compatible with the colors and materials used in the multi-dwelling residential buildings;
 - 3) The signs may be illuminated only externally from below and in a manner so that the light reflection, or glare does not travel onto adjoining premises or streets; and
 - 4) The signs shall be no closer than ten (10) feet to any street right-of-way.

13. Pole Signs.

- a. *Sign Standards.* Table 3.14, *Pole Signs*, shows the limitations for pole signs within each zoning district.

Table 3.14, Pole Signs			
Zoning District	Maximum Number	Maximum Sign Area	Maximum Height
PS – Parks and Open Space	Prohibited Sign Type		
SR – Suburban Residential			
UR – Urban Residential			
TR – Trail-Oriented Residential			
MFR – Multi-Family Residential			
TMU – Traditional Mixed-Use			
HMU – Highway Mixed-Use	1	64 square feet	16 feet
NC – Neighborhood Commercial	1	24 square feet	16 feet
GC – General Commercial	1		
IF – Industrial – Flex Space			
IN – Industrial			

- b. *Alternative to Monument Sign.* Pole signs will be permitted as shown in Table 3.14, *Pole Signs*, as an alternative to a monument sign. A pole sign and a monument sign will not both be permitted on the same lot.

c. *Minimum Setback.* No portion of a pole sign can encroach into the public ROW.

14. Projecting Signs.

a. *Sign Standards.* Table 3.15, *Projecting Signs*, shows the limitations for projecting signs within each zoning district.

Table 3.15, Projecting Signs			
Zoning District	Maximum Number	Maximum Sign Area	Maximum Projection
PS – Parks and Open Space			Prohibited Sign Type
SR – Suburban Residential			
UR – Urban Residential			
TR – Trail-Oriented Residential			
MFR – Multi-Family Residential			
TMU – Traditional Mixed-Use			
HMU – Highway Mixed-Use	1	12 square feet	4 feet
NC – Neighborhood Commercial			
GC – General Commercial			
IF – Industrial – Flex Space			
IN – Industrial			

a. *Ground Clearance.* Projecting signs extending over the public right-of-way must have at least eight (8) feet of clearance between the bottom of the sign and the sidewalk.

b. *Separation.* At least twenty (20) feet of separation is required between projecting signs.

15. Wall Signs.

a. *Sign Standards.* Table 3.16, *Wall Signs*, shows the limitations for wall signs within each zoning district.

Table 3.16, Wall Signs			
Zoning District	Maximum Number	Maximum Combined Sign Area	Maximum Placement Height
PS – Parks and Open Space	NA ¹	1.75 square feet per linear foot of street frontage (minimum 20 square feet)	Roofline for single-story buildings, 2 nd story window still for multi-story buildings
SR – Suburban Residential	1	2 square feet	10 feet
UR – Urban Residential			
TR – Trail-Oriented Residential	NA ¹	2.25 square feet per linear foot of street frontage (minimum 25 square feet)	Roofline for single-story buildings, 2 nd story window still for multi-story buildings
MFR – Multi-Family Residential			
TMU – Traditional Mixed-Use			

Table 3.16, Wall Signs			
Zoning District	Maximum Number	Maximum Combined Sign Area	Maximum Placement Height
HMU – Highway Mixed-Use	NA ¹	2.75 square feet per linear foot of street frontage (minimum 30 square feet)	Roofline for single-story buildings, 2 nd story window still for multi-story buildings
NC – Neighborhood Commercial			
GC – General Commercial			
IF – Industrial – Flex Space			
IN – Industrial			
Notes:			
1. There is no maximum number of wall signs as long as the combined sign area does not exceed what is permitted.			

b. *Placement of Wall Sign.* Wall signs cannot extend beyond the edge of the wall. The distance between the face of the wall and the face of the sign should be twelve (12) inches or less.

16. Window Signs.

a. *Sign Standards.* Table 3.17, *Window Signs*, shows the limitations for window signs within each zoning district.

Table 3.17, Window Signs		
Zoning District	Maximum Number	Maximum Sign Area
PS – Parks and Open Space	Prohibited Sign Type	
SR – Suburban Residential ¹		
UR – Urban Residential ¹		
TR – Trail-Oriented Residential ²		
MFR – Multi-Family Residential ²		
TMU – Traditional Mixed-Use	1 per window	50% of window area
HMU – Highway Mixed-Use		
NC – Neighborhood Commercial		
GC – General Commercial		
IF – Industrial – Flex Space		
IN – Industrial		

17. Temporary Signs.

- a. *Permits.* Temporary signs do not require a permit.
- b. *Location.* A temporary sign shall not be located on a public right-of-way.
- c. *No Illumination.* Temporary signs are not permitted to be illuminated.
- d. *Removal of Signs.* The Administrator has the authority to remove any temporary signage that does not meet the requirements of this Chapter.

18. Temporary Sign Standards by Zoning District. See Table 3.18, *Temporary Sign Matrix*, for the permitted temporary signs in each zoning district.

Table 3.18, Permitted Temporary Sign Matrix											
Sign Type	Zoning District										
	PS	SR	UR	TR	MFR	TMU	HMU	NC	GC	IF	IN
Attention Seeking Signs	--	--	--	--	--	--	--	--	--	--	--
A-Frame Signs	--	--	--	--	--	P	P	P	P	P	P
Banner Signs	--	--	--	--	--	--	--	--	--	--	--
Ground Signs	P	P	P	P	P	P	P	P	P	P	P
Yard Signs	P	P	P	P	--	--	--	--	--	--	--

Notes: P = Permitted; -- = Prohibited

19. Temporary A-Frame Signs.

- a. *Sign Standards.* Table 3.19, *Temporary A-Frame Signs*, shows the limitations for temporary a-frame signs within each zoning district.

Table 3.19, Temporary A-Frame Signs				
Zoning District	Maximum Number	Maximum Sign Area	Maximum Height	Maximum Duration
PS – Parks and Open Space	Prohibited Sign Type			
SR – Suburban Residential				
UR – Urban Residential				
TR – Trail-Oriented Residential				
MFR – Multi-Family Residential				
TMU – Traditional Mixed-Use	1 per business	8 square feet	4 feet	Only to be displayed during business hours.
HMU – Highway Mixed-Use				
NC – Neighborhood Commercial				
GC – General Commercial				
IF – Industrial – Flex Space				
IN – Industrial				

- b. *Location.* The sign must be located within one (1) foot of the building containing the business using the sign.
- c. *Accessibility.* At least five (5) feet of unobstructed sidewalk must be maintained. The sign cannot be placed in a manner that obstructs or impedes pedestrian traffic or creates a visibility hazard for vehicular, bicycle, or pedestrian traffic.

20. Temporary Ground Signs.

- a. *Sign Standards.* Table 3.20, *Temporary Ground Signs*, shows the limitations for temporary ground signs within each zoning district.

Table 3.20, Temporary Ground Signs				
Zoning District	Maximum Number	Maximum Sign Area	Maximum Height	Maximum Duration
PS – Parks and Open Space	1 per development project ¹	32 square feet	6 feet	While the project is being constructed.
SR – Suburban Residential				
UR – Urban Residential				
TR – Trail-Oriented Residential				
MFR – Multi-Family Residential				
TMU – Traditional Mixed-Use				
HMU – Highway Mixed-Use				
NC – Neighborhood Commercial				
GC – General Commercial				
IF – Industrial – Flex Space				
IN – Industrial				
Notes:				
1. A location may have one ground sign or one banner sign, not both				

b. *Setback Requirements.* The setback requirements that apply to accessory structures within the zoning district will also apply to temporary ground signs.

21. Temporary Yard Signs.

a. *Sign Standards.* Table 3.21, *Temporary Yard Signs*, shows the limitations for temporary yard signs within each zoning district.

Table 3.21, Temporary Yard Signs				
Zoning District	Maximum Number	Maximum Sign Area	Maximum Height	Maximum Duration
PS – Parks and Open Space	1 per residential lot	6 square feet	4 feet	NA
SR – Suburban Residential				
UR – Urban Residential				
TR – Trail-Oriented Residential	Prohibited Sign Type			
MFR – Multi-Family Residential				
TMU – Traditional Mixed-Use				
HMU – Highway Mixed-Use				
NC – Neighborhood Commercial				
GC – General Commercial				
IF – Industrial – Flex Space				
IN – Industrial				

22. Electronic Message Centers (EMC) and Changeable Copy Centers (CCCs).

- a. *Generally.* Electronic Message Centers (EMC) Changeable Copy Centers (CCC) signs must be:
- 1) Permanent signage that conforms to the requirements of this section; and
 - 2) Must meet all applicable Indiana Department of Transportation standards.

- b. *Location.* EMCs and CCCs are not allowed closer than fifty (50) feet to residential zoning districts, an existing single detached dwelling or duplex dwelling if the CCC display faces the residential property.
- c. *Enclosure Required.* EMCs and CCCs that are a component of ground signs, wall signs, or projecting signs shall be enclosed on all sides with a finish of brick, stone, stucco, finished metal, or other durable material that is used for that portion of surface of the sign face that is not an EMC or CCC, and the EMC or CCC appears to be either recessed into the frame or flush with it. The enclosure shall extend not less than four (4) inches outward from the EMC or CCC component on all sides.
- d. *Design.*
 - 1) *Generally.* EMCs or CCCs on ground signs, cabinet wall signs, or projecting signs shall be designed as an integral part of the sign.
 - 2) *Size and Proportions.*
 - a) An EMC or CCC that is incorporated into a ground sign shall not occupy more than fifty percent (50%) of the sign area of the sign into which it is incorporated.
 - b) An EMC or CCC that is incorporated into a projecting sign or wall sign shall not exceed the fifty percent (50%) of the sign area of the sign into which it is integrated.
 - 3) *Brightness.* The maximum brightness of an internally illuminated EMC or CCC shall be calibrated with the illumination standards in Sec. 3.E.3, *Illuminance*.

23. Abandoned Signage.

- a. *Determination of Abandonment.* Sign and sign structures shall be considered abandoned and shall be removed when:
 - 1) The sign no longer identifies or advertises a business located on the property;
 - 2) The sign has a message or display that is unreadable, obsolete, or is no longer functional as advertising or identification; or
 - 3) The sign structure is no longer used to support or hold a sign.
- b. *Timeframe for Removal.* After 180 days of determining that a sign has been abandoned, the owner of the property will be notified that City will take legal action in accordance with Chapter 10, *Enforcement*, and/or any other applicable means of enforcement granted by the law.

24. Master Sign Program.

- a. *Purpose.* The purpose of a master sign program is to allow for a unified presentation of signage throughout parcels proposed for development while also allowing for flexibility, when needed, to provide for unique situations.
- b. *Applicability.* An approved master signage program shall only be applicable to signage within a multi-tenant development that exceeds 1,000 square feet of gross floor area.

- c. *Standards for all Master Sign Programs.* Standards and permissions of master sign programs are as follows:
 - 1) *Generally.* Subject to compliance with a master sign program that is approved according to the flexibility criteria set out in this section, signs that are proposed to the Planning Commission as part of a master sign plan may deviate from the standards of this section in terms of the:
 - a) Types and numbers of signs allowed;
 - b) Maximum sign area; and
 - c) Materials and illumination standards (including EMCs).
 - 2) *Prohibited Signs and Sign Elements.* Prohibited signs and sign elements are not eligible for inclusion in a master sign program unless specifically indicated in this section.
 - 3) *Architectural Theme.* All signs shall be architecturally integrated into or complimentary to the design of the buildings and character of the site, and shall use similar and coordinated design features, materials, and colors. The master sign program shall establish an integrated architectural vocabulary and cohesive theme for the parcel(s) proposed for development.
 - 4) *Uniform Signs in Multi-Use Developments.* Wall signs displayed by two (2) or more businesses using common parking facilities shall be uniform in construction (i.e., channel letters, plaques) and lighting (i.e., direct, indirect).
- d. *Conditions of Approval.* The Administrator, Planning and Zoning Commission, or City Council, as applicable, may impose reasonable conditions on the master sign plan relating to the design, materials, locations, placements or orientations, and sign specifications that are not related to the content of the signs or the viewpoints of the sign users, to ensure continuing compliance with the standards of this Section and the approved master sign plan.

25. Sign Illumination.

- a. *Signs with Illumination Permitted.* Only permanent subdivision signs, multi-dwelling development signs, electronic message boards, and multiple occupancy building signs may be illuminated in accordance with this Section and the lighting requirements of Sec. 3.E, *Lighting*.
- b. *Illumination Requirements.* All illuminated signs, both digital and non-digital, may be illuminated from 5:00 p.m. until 11:00 p.m., or until thirty (30) minutes past the close of business of the facility being identified or advertised, whichever is later. A business or facility that is open twenty-four (24) hours a day is not required to turn off its sign.

E. Lighting.

1. Purpose and Applicability.

- a. *Purpose.* The purpose of this Section 3.E is to provide regulations for outdoor lighting that will:
 - 1) Permit the use of outdoor lighting that does not exceed the minimum levels specified for nighttime safety, utility, security, productivity, enjoyment, and commerce;
 - 2) Minimize adverse off-site impacts of lighting such as light trespass, and obtrusive light;
 - 3) Curtail light pollution, reduce skyglow and improve the nighttime environment for astronomy;
 - 4) Help protect the natural environment from the adverse effects of night lighting from gas or electric sources; and
 - 5) Conserve energy and resources to the greatest extent possible.
- b. *Applicability.*
 - 1) Unless specifically exempted within this UDO or required by state or federal law, all outdoor lighting within the City limits must comply with the requirements of this UDO.
 - 2) The following are not regulated as by this section:
 - a) Lighting within the public right-of-way for the principal purpose of illuminating streets or roads;
 - b) Temporary lighting used by law enforcement, fire, and other emergency services;
 - c) Lighting required by law to be installed on motor vehicles;
 - d) Lighting for public monuments and public statuary, provided the lighting does not constitute a hazard to the operation of motor vehicles upon a public street;
 - e) Lighting solely for signs;
 - f) Temporary lighting for theatrical, television, performance areas and construction sites, provided the lighting does not constitute a hazard to the operation of motor vehicles upon a public street;
 - g) Underwater lighting in swimming pools and other water features; and
 - h) Temporary lighting and seasonal lighting, provided that individual lamps are less than seven (7) watts and forty-five (45) lumens.

2. Lighting Design.

- a. *Generally.* All lighting shall be shielded so the source of illumination (bulb or direct lamp image) is not visible from the property line. This reduces glare and interference with boundary streets and adjacent properties. No lamp shall extend past the housing of a light fixture.

- b. *Light Fixture Type.* Light fixtures shall be:
- 1) "Full cut-off" fixtures that:
 - a) Limit lighting that is visible or measurable at the property line;
 - b) Providing lighting to be of constant intensity; are
 - c) Reflected or shielded so as not to:
 - (1) Be of excess brightness;
 - (2) Cause glare hazardous to pedestrians or drivers;
 - (3) Create any public or private nuisance; or
 - (4) Unreasonably interfere with an adjacent property owner's right to enjoy their property.
 - 2) "No cut-off" fixtures, used for decorative purposes, provided:
 - a) They have light fixtures that produce no more than fifteen hundred (1,500) lumens (approximately equal to a one hundred (100) watt incandescent bulb); or
 - b) They use energy-efficient bulbs, such as compact fluorescent (CF) and light-emitting diode (LED); and
 - c) Is designed as not to:
 - (1) Be of excessive brightness;
 - (2) Cause glare hazardous to pedestrians or drivers;
 - (3) Create any public or private nuisance; or
 - (4) Unreasonably interfere with an adjacent property owner's right to enjoy their property.
- c. *Cut-Off Requirements.*
- 1) *Full Cut-Off.* Except as otherwise allowed, all lighting (including, but not limited to vehicle use areas, canopies, security, walkway, landscaping, signs, outdoor display areas, and building) shall have one hundred percent (100%) of its output below one hundred and eighty (180) degrees from a vertical line through the fixture.
 - 2) *Adjacent to Residential Use or District.* All lighting fixtures that are mounted on a building wall facing a property line adjacent to a residential property line or public right-of-way boundary shall be fitted with a "house side shielding" reflector on the side facing the residential property line or public right-of-way.
 - 3) *Flags and Statues.* Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.
- d. *Maximum Fixture Height.*
- 1) *Freestanding Fixtures.* No freestanding light fixture shall be greater than thirty (30) feet in height, except as set out for outdoor recreation facilities in Sec. 3.E.3, *Illuminance.*

- 2) *Fixtures Mounted on Residential Buildings and Accessory Structures.* Fixtures that are mounted on residential buildings or accessory structures shall not be located higher than sixteen (16) feet or above the lowest point of the roof eave, whichever is lower.
- 3) *Fixtures Mounted on Nonresidential Buildings.* Fixtures that are mounted on nonresidential buildings shall not be located above the highest point of the roofline of any building.
 - a) *Full Cut-Off Fixtures.* Full cut-off fixtures shall have a maximum height of thirty (30) feet.
 - b) *No Cut-Off Fixtures.* No cut-off fixtures:
 - (1) Shall have a maximum height of twenty (20) feet; and
 - (2) Are not permitted on any side of a building that faces or abuts a residential property line.
- e. *New Development Lighting.* All new nonresidential developments shall submit a plan including light fixture details to demonstrate conformance with this Section.

3. Illuminance.

- a. *Generally.* Outdoor lighting on private property shall not exceed the footcandle values in Table 3.22, *Illumination Standards.*

Table 3.22, Illumination Standards		
Zoning Districts	Maximum Footcandle Adjacent to a Residential Property Line	Maximum Footcandle Adjacent to a Nonresidential Property Line
All values are stated in footcandles		
PS, SR, UR, TR, MFR	0.5	0.5
TMU, HMU, NC, GC	0.5	1.0
IF, IN	0.5	1.0
Table Notes: 1. Light levels shall be measured in footcandles with a direct-reading, portable light meter. Horizontal footcandles are measured horizontally from the surface of the property by holding a light meter parallel to the ground approximately one foot off the surface. The reading shall be taken only after the cell has been exposed long enough to provide a constant reading.		

- b. *Nuisance Prohibited.* Outdoor lighting shall be deflected, shaded, and focused away from abutting properties and shall not be a nuisance to such abutting properties.
- c. *Parking Lot Lighting.* Parking facilities, including structured and open parking lots, spaces, drive aisles, entrances, and stairways must provide an even distribution of lighting to illuminate the entire parking lot and reduce the number of dark spots and shadow creation for pedestrian and motorist safety. Light fixtures shall be designed and installed to prevent glare from being cast outside of any parking structure or parking lot.
- d. *Canopy Lighting.* Canopy lighting for uses that have sheltered outside work or service areas, such as vehicle gas and fueling stations, must recess all luminaries into the canopy so that they cannot be viewed off-site from an eye height of four feet (to protect automobile drivers from glare).
- e. *Outdoor Recreation Facilities.*

- 1) *Average Permitted Horizontal Footcandle Exemption.* Illumination levels for sports facilities may exceed the maximum permitted horizontal footcandle requirements and shall be:
 - a) Designed to be no higher than recommended for the appropriate class of play, as defined by the current version of the Illuminating Engineering Society of North America (IESNA) publication IES RP-6-15; and
 - b) Comply with the maximum footcandles adjacent to residential and nonresidential property lines standards established in Table 3.23, *Illumination Standards*.
 - 2) *Shielding.* Fixtures used for non-aerial sports shall be fully shielded. Fixtures used for aerial sports, such as baseball and softball, shall be shielded to the full extent possible while also allowing the minimum of vertical illuminance needed to track the ball.
 - 3) *Certification.* Lighting systems for outdoor recreational facilities shall be designed and certified by an engineer registered in the state as conforming to all applicable restrictions of this UDO before construction commences.
 - f. *After-Hours Lighting for Commercial Uses.* As a means to assist with crime prevention, commercial uses are required to install exterior lighting fixtures, location of which shall be determined during the plan review, that remain in operation from sunset until sunrise even during closed business hours. Installed lighting shall have a minimum watt rating of forty (40) watts.
4. **Prohibited Lighting.**
- a. *Generally.* No outdoor lighting may be used in any manner that may interfere with the safe movement of motor vehicles on public rights-of-way.
 - b. *Prohibitions.* The following types of outdoor lighting fixtures, sources, or types are prohibited in the City:
 - 1) Temporary lighting in which any single luminaire exceeds twenty thousand (20,000) initial luminaire lumens or the total lighting load exceeds one hundred and sixty thousand (160,000) lumens;
 - 2) Any fixed light not designed for roadway illumination that produces incident or reflected light that could impair the operator of a motor vehicle;
 - 3) The installation, use, or maintenance of beacons or searchlights;
 - 4) Exposed strip lighting, neon tubing, flickering or flashing lights used to illuminate building facades or outline buildings, except for temporary decorative seasonal lighting; and
 - 5) Aerial lasers.

Chapter 4 – Use Standards

- A. Purpose.** The purpose of this Chapter is to promote compatibility among land uses by establishing additional standards, where necessary, to ensure that uses permitted can function for the benefit of a property owner without causing a disturbance for neighbors and/or the community at-large.
- B. Application.**
1. **Generally.** The use standards of this Chapter apply to all land uses set out in Chapter 2, *Zoning Districts*, that are designated as a permitted use with additional standards or as a conditional use.
 2. **Permitted Uses with Additional Standards.** Permitted uses with additional standards are to be permitted by the Administrator and do not require an approval by the Board of Zoning Appeals (BZA).
 3. **Conditional Uses.** Conditional Uses are permitted only with approval by the BZA after a public hearing has been heard on the matter which grants members of the public the opportunity to speak regarding the proposed application. See Sec. 8.D.7, *Conditional Use Process*.
 4. **Approval of Uses.** Permitted Uses with Additional Standards and Conditional Uses shall only be approved if all of the requirements of this Chapter and all other relevant chapters of the UDO including but not limited to Chapter 3, *Site Development Standards*; Chapter 5, *Subdivision Types*; and Chapter 6, *Subdivision Design Regulations*.
 5. **Timing of Compliance.** These standards apply at the time a use is requested for an existing or new structure, or when an existing use is proposed to be expanded by more than twenty-five percent (25%) of the gross square footage currently devoted to the use.
 6. **Expansion of Use.** This Chapter applies to an expansion of use whether it is to or within an existing building, or in an outdoor area devoted to the use.
- C. Standards.** This section of the UDO designates the land uses and associated land use standards that are required when a land use is designated as either a permitted use with additional standards or as a conditional use within a specific zoning district.
1. **Accessory Dwelling Unit, Attached.**
 - a. *Area.* Minimum area of the use shall be two hundred twenty (220) square feet. Maximum area of the use shall be fifty percent (50%) of the primary dwelling unit or eight hundred (800) square feet, whichever is less.
 - b. *Addressing.* Properties with an approved accessory dwelling shall maintain a single physical address with separate “unit” number associated with each of the units in accordance with the rules of the applicable postmaster.
 - c. *Architecture and Building Materials.* Architectural style, form, materials, and colors shall match or be compatible with the style and form of the primary dwelling unit.

- d. *Quantity.* No more than one (1) accessory dwelling (regardless of whether said unit is attached or detached) shall be permitted per primary dwelling unit.
- e. *Lawfully Constructed.* The accessory dwelling unit shall only be allowed on lots where an existing single-family dwelling unit is a legal conforming structure as defined by this UDO.
- f. *Ownership.* The accessory dwelling unit shall not be under separate ownership from the primary structure.
- g. *Driveway.* The accessory dwelling shall utilize the existing driveway that serves the primary dwelling.
- h. *Types of Structures Prohibited.* Accessory dwelling units shall only be allowed in lawfully built dwelling units that meet building code requirements. Accessory dwelling units shall not be allowed in:
 - 1) A recreational vehicle, travel trailer, or similar structure;
 - 2) A motor vehicle; or
 - 3) Any structure not intended for permanent human occupancy.

2. Accessory Dwelling Unit, Detached.

- a. *Lot Area.* A detached accessory dwelling unit shall only be permitted on lots that meet or exceed (one-half) .5 acres.
- b. *Area.* Minimum area of the use shall be two hundred twenty (220) square feet. Maximum area of the use shall be fifty percent (50%) of the primary dwelling unit or eight hundred (800) square feet, whichever is less.
- c. *Accessory Structures.* An accessory dwelling shall not be permitted to have its own accessory structures.
- d. *Addressing.* Properties with an approved accessory dwelling shall maintain a single physical address with separate “unit” number associated with each of the units in accordance with the rules of the applicable postmaster.
- e. *Architecture and Building Materials.* Architectural style, form, materials, and colors shall match or be compatible with the style and form of the primary dwelling unit.
- f. *Quantity.* No more than one (1) accessory dwelling (regardless of whether said unit is attached or detached) shall be permitted per primary dwelling unit.
- g. *Lawfully Constructed.* The accessory dwelling unit shall only be allowed on lots where an existing single-family dwelling unit is a legal conforming structure as defined by this UDO.
- h. *Ownership.* The accessory dwelling unit shall not be under separate ownership from the primary structure.
- i. *Driveway.* The accessory dwelling shall utilize the existing driveway that serves the primary dwelling.

- j. *Sanitation.* Connections or modifications to an existing septic system may be needed to accommodate the use. This requirement is at the City's discretion as to when it is required.
 - k. *Height.* Maximum height of a detached accessory dwelling shall be twenty-five (25) feet or the height of the primary dwelling unit, whichever is less.
 - l. *Location.* A detached accessory dwelling must be located behind the front façade of the primary residential structure, in the buildable area of the side yard or the rear yard.
3. **Accessory Structures.** Accessory structures detached from, or attached to the primary building by an enclosed or unenclosed structure, may be permitted within the allowable building area of any lot defined by the required front, side, and rear building lines under the following conditions:
- a. No accessory buildings are to be erected prior to the erection of the principal building, except strictly for storage purposes and not for human occupancy.
 - b. No accessory buildings shall be permitted in a front yard with the exception of carports which are no less than five feet from the right-of-way.
 - c. Accessory structures may be permitted in a rear yard or side yard, provided:
 - 1) The primary structure is separated from any and all accessory structures by a distance of not less than ten (10) feet;
 - 2) The height of the structure shall be no greater than eighteen (18) feet;
 - 3) No accessory structure shall be allowed to encroach in an alleyway; and
 - 4) In no case shall the total floor area of all accessory structures or portions thereof within the rear yard exceed thirty percent (30%) of the buildable area within the rear yard.
4. **Adult Day Services.**
- a. The use does not involve overnight lodging, medical treatment, counseling, or rehabilitative services; and
 - b. The use is in compliance with all State of Indiana licensing and certification requirements including 405 IAC 5-21.6-8; and
 - c. No portion of a day care center site may be located within three hundred (300) feet of gasoline pumps or underground gasoline storage tanks, or any other storage area for explosive or highly combustible materials; and
 - d. The facility shall have at least one building entrance dedicated solely for its use.
5. **Adult Entertainment Business.** An Adult Entertainment Business shall be located at least one thousand (1,000) feet from a place of public assembly, indoor; school; child care center; commercial recreation and amusement services; cemetery; hospital / rehabilitative care; public park and public recreation facility; theater, outdoor; a residential use or residential district; library; museum; or another adult entertainment business. Measurements for purposes of this section shall be made in a straight line, without regard to intervening

structures or objects, from the nearest portion of the building or structure used as part of the premises where an adult entertainment business is conducted, to the nearest property line of the land uses listed above.

6. **Airport / Heliport.** Compliance with the Federal Aviation Administration (FAA) Airport Zoning Regulations is required.
7. **Automobile Parking Lot (Primary Use).** In the TMU district, automobile parking lots as the primary use will only be permitted directly adjacent to another TMU property and must use landscaping and vegetation to screen parked vehicles from view of any adjacent residential land uses that is consistent with the requirements of Sec. 3.C, *Landscaping, Buffering, and Screening*.
8. **Automobile / Vehicle Repair and Service.**
 - a. The use shall be located a minimum of three hundred (300) feet from any residential district or residential use as measured from the closest two (2) points of property; and
 - b. No automobile shall be left on the premise that is inoperable for more than one (1) week; and
 - c. All work and/or repairs must happen within an enclosed structure and all customer vehicles left for more than 72 hours must be stored indoors.
9. **Bank, Credit Union, Financial Services.**
 - a. *TMU District.* No new building shall be built in excess of 3,000 square feet in floor area to accommodate the use within the TMU District. Existing buildings built prior to the date of this UDO are exempt from this requirement.
10. **Building Materials and Hardware Store.** In the NC District, no new building shall be built in excess of 3,000 square feet in floor area to accommodate the use. Existing buildings built prior to the date of this UDO are exempt from this requirement.
11. **Cargo Terminal.** The use shall be located a minimum of three hundred (300) feet from any residential district or residential use as measured from the closest two points of the property.
12. **Cellular Communications Facilities (CCF)**
 - a. *Standards for All Types of CCFs.*
 - 1) *Federal Requirements.* All CCFs shall meet the current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC) and any other agency of the federal government with the authority to regulate CCFs. If such standards and regulations are changed, then the owners of the CCF governed by this Section shall bring such facility into compliance with such revised standards and regulations within the time period mandated by the controlling federal agency. Failure to meet such revised standards and regulations shall constitute grounds for the removal of the CCF at the owner's expense.
 - 2) *Radio Frequency Standards.* All CCFs shall comply with federal standards for radio frequency emissions. If concerns regarding compliance with radio frequency

emissions standards for a CCF have been made to the City, the City may request that the owner or operator of the CCF provide information demonstrating compliance. If such information is not sufficient, in the reasonable discretion of the City, to demonstrate compliance, the City may request that the owner or operator of the CCF submit a project implementation report which provides cumulative field measurements of radio frequency emissions of all antennas installed at the subject site, and which compares the results with established federal standards. If, upon review, the City finds that the facility does not meet federal standards, the City may require corrective action within a reasonable period of time, and if not corrected, may require removal of the CCF pursuant to subsection 4.C.12.a.1 above. Any reasonable costs incurred by the City, including reasonable consulting costs to verify compliance with these requirements, shall be paid by the applicant.

- 3) *Signal Interference.* All CCFs shall be designed and sited so as not to cause interference with the normal operation of radio, television, telephone and other communication services utilized by adjacent residential and non-residential properties; nor shall any such facilities interfere with any public safety communications. The applicant shall provide a written statement (“signal interference letter”) from a qualified radio frequency engineer, certifying that a technical evaluation of existing and proposed facilities indicates no potential interference problems, and shall allow the City to monitor interference levels with public safety communications during this process.
- 4) *Legal Access.* In all applications for CCFs outside of the right-of-way, an applicant shall demonstrate that it owns or has lease rights to the site.
- 5) *Operation and Maintenance.* To ensure the structural integrity of CCFs, the owner of a CCF shall ensure that it is maintained in compliance with standards contained in applicable local building and safety codes. If upon inspection, the City determines that a CCF fails to comply with such codes and constitutes a danger to persons or property, then, upon written notice being provided to the owner of the CCF, the owner shall have thirty (30) days from the date of notice to bring such CCF into compliance. Upon good cause shown by the owner, the Administrator may extend such compliance period not to exceed ninety (90) days from the date of said notice. If the owner fails to bring such CCF into compliance within said time period, the City may remove such CCF at the owner's expense. No hazardous materials shall be permitted in association with CCFs, except those necessary for the operations of the CCF and only in accordance with all applicable laws governing such materials.
- 6) *Abandonment and Removal.* If a CCF has not been in use for a period of three (3) months, the owner of the CCF shall notify the City of the non-use and shall indicate whether re-use is expected within the ensuing three (3) months. Any CCF that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The City, in its sole discretion, may require an abandoned CCF to be removed. The owner of such CCF shall remove the same within thirty (30) days of receipt of written notice from the City. If such CCF is not removed within said thirty

(30) days, the City may remove it at the owner's expense and any approved permits for the CCF shall be deemed to have expired.

- 7) *Camouflage/Concealment.* All CCFs and any related accessory equipment shall, to the maximum extent possible, use concealment design techniques, and where not possible utilize camouflage design techniques. Camouflage design techniques include, but are not limited to using materials, colors, textures, screening, undergrounding, landscaping, or other design options that will blend the CCF to the surrounding natural setting and built environment. Design, materials and colors of CCFs shall be compatible with the surrounding environment. Design elements shall be compatible with structures and vegetation on the same parcel and adjacent parcels.
 - a) Where CCFs are located in areas of high public visibility, they shall, where physically possible, be designed to be concealed, and where not possible to be concealed, to minimize the CCF profile through placement of equipment fully or partially underground, or by way of example and not limitation, behind landscape berms.
 - b) A concealment design may include the use of alternative tower structures should the Administrator determine that such design meets the intent of this Chapter and the community is better served thereby.
 - c) All CCFs, such as antennas, vaults, equipment rooms, equipment enclosures, and towers shall be constructed of non-reflective materials (visible exterior Siting).
- 8) *Siting.*
 - a) No portion of any CCF may extend beyond the property line.
 - b) CCFs shall be required to be designed and constructed to permit the facility to accommodate CCFs from at least two (2) wireless service providers on the same CCF unless the City approves an alternative design. No CCF owner or operator shall unfairly exclude a competitor from using the same facility or site.
 - c) CCFs shall be sited in a location that does not reduce the parking for the other principal uses on the parcel below UDO standards.
 - d) CCFs shall not encroach into any sight triangles.
- 9) *Lighting.* CCFs shall not be artificially lighted, unless required by the FAA or other applicable governmental authority, or the CCF is mounted on a light pole or other similar structure primarily used for lighting purposes. If lighting is required, the City may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of glare and light falling onto nearby properties, particularly residences.
- 10) *Landscape and Fencing Requirements.*

- a) CCFs shall be sited in a manner that does not reduce the landscaped areas for the other principal uses on the lot or parcel, below any applicable standard within this UDO.
 - b) The site of the CCF shall be landscaped with a buffer of plant materials that effectively screens the view of the CCF from adjacent residential property. The standard buffer shall consist of the front, side, and rear landscaped setback on the perimeter of the site.
 - c) In locations where the visual impact of the CCF would be minimal, the landscaping requirement may be reduced or waived in whole or in part by the Plan Commission.
 - d) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as CCFs sited on large, wooded lots, natural growth around the site perimeter may be sufficient to buffer.
 - e) No trees larger than four (4) inches in diameter measured at four and a half (4½) feet high on the tree may be removed, unless authorized by the Administrator. To obtain such authorization, the applicant shall show that:
 - (1) Tree removal is necessary; and
 - (2) The applicant's plan minimizes the number of trees to be removed.
 - f) Any trees removed are replaced at a ratio of 2 to 1.
- b. *Standards by CCF Type.*
- 1) *Base Stations.*
 - a) Base Stations shall be architecturally compatible with respect to attachments and colored to match the building or structure to which they are attached.
 - b) The maximum protrusion of such facilities from the building or structure face to which they are attached shall be two (2) feet.
 - c) Wall mounted CCFs shall not extend above the roofline unless mounted to a penthouse.
 - d) Roof mounted CCFs shall be approved only where an applicant demonstrates a wall mounted CCF is inadequate to provide service and shall be evaluated for approval based upon the following criteria:
 - (1) Roof mounted whip antennas shall extend no more than twelve (12) feet above the parapet of any flat roof or ridge of a sloped roof or penthouse to which they are attached;
 - (2) Roof mounted panel antennas shall extend no more than seven (7) feet above the parapet of a flat roof or ridge of a sloped roof to which they are mounted; and

- (3) Other roof mounted accessory equipment shall extend no more than seven (7) feet above any parapet of a flat roof upon which they may be placed and shall not be permitted on a sloped roof.
- 2) *Alternative Tower Structures (ATS) and Small Cell Facilities Located Outside of the Right-of-Way.*
- a) ATS shall be designed and constructed to look like a building, facility, or structure typically found in the area, in order that the CCF is concealed.
 - b) Height or size of the proposed ATS or small cell facility should be minimized as much as possible and shall be subject to the maximum height restrictions of the zoning district in which they are located, subject to a maximum height limit of sixty (60) feet.
 - c) ATS shall be sited in a manner that is least obtrusive to residential structures and residential district boundaries.
 - d) ATS should take into consideration the uses on adjacent and nearby properties and the compatibility of the facility to these uses.
 - e) ATS and small cell facilities shall be compatible with the surrounding topography, tree coverage, and foliage.
 - f) ATS and small cell facilities shall be designed utilizing design characteristics that have the effect of concealing where technically feasible and generally reducing or eliminating visual obtrusiveness.
 - g) Visual impacts of the proposed ingress and egress shall be minimized.
- 3) *Alternative Tower Structures and Small Cell Facilities Located in the Right-of-Way.*
- a) No ATS pole shall be higher than thirty-five (35) feet.
 - b) No pole or structure shall be more than ten (10) feet higher (as measured from the ground to the top of the pole or structure) than any existing utility or traffic signal within five hundred (500) feet of the pole or structure.
 - c) Any new pole for ATS or small cell facilities shall be separated from any other existing CCF facility by a distance of at least six hundred (600) feet, unless the new pole replaces an existing traffic signal, street light pole, or similar structure determined by the Administrator.
 - d) With respect to pole-mounted components, small cell facilities shall be located on an existing utility pole serving another utility; or be located on a new utility pole where other utility distribution lines are aerial, if there are no reasonable alternatives.
 - e) ATS must be concealed consistent with other existing natural or human-caused features in the right-of-way near the location where the ATS will be located.
 - f) When placed near a residential property, facilities must be placed in front of the common side yard property line between adjoining residential properties. In the

case of a corner lot, the facility must be placed in front of the common side yard property line adjoining residential properties, or on the corner formed by two intersecting streets.

g) Small Cell Facilities shall:

- (1) Be designed such that antenna installations on traffic signals are placed in a manner so that the size, appearance, and function of the signal will not be considerably altered;
- (2) Be designed such that all antennas, mast arms, equipment, and other facilities are sized to minimize visual clutter, and where possible, concealed within the structure;
- (3) Be consistent with the size and shape of the pole-mounted equipment installed by communications companies on utility poles near the ATS;
- (4) Require that any ground mounted equipment be installed in an underground or partially underground equipment vault (projecting not more than thirty-six (36) inches above grade), or co-located within a traffic cabinet of a design approved by the Administrator, unless a use by special review is obtained subject to the requirements of this Section;
- (5) Not alter vehicular circulation or parking within the right-of-way or impede vehicular, bicycle, or pedestrian access or visibility along the right-of-way;
- (6) Comply with the federal ADA requirements and all applicable local, state, and federal law and regulations; and
- (7) Not be located or maintained in a manner that causes unreasonable interference. Unreasonable interference means any use of the right-of-way that disrupts or interferes with its use by the City, the general public, or other person authorized to use or be present upon the right-of-way, when there exists an alternative that would result in less disruption or interference. Unreasonable interference includes any use of the right-of-way that disrupts vehicular or pedestrian traffic, any interference with public utilities, and any other activity that will present a hazard to public health, safety, or welfare.

4) *Towers.*

- a) Towers shall either maintain a galvanized steel finish, or, subject to any applicable FAA standards, be painted a neutral color so as to reduce visual obtrusiveness as determined by the City;
- b) Tower structures should use existing landforms, vegetation, and structures to aid in concealing the facility from view or blending in with the surrounding built and natural environment;
- c) All towers shall be enclosed by security fencing or walls at least six (6) feet in height and shall also be equipped with an appropriate anti-climbing device. No

security fencing or any portion thereof shall consist of barbed wire or chain link material;

- d) Towers shall be subject to the maximum height restrictions of the zoning district in which they are located, subject to a maximum height limit of sixty (60) feet;
- e) Towers should be sited in a manner that is least obtrusive to residential structures and residential district boundaries where feasible;
- f) Towers should take into consideration the uses on adjacent and nearby properties and the compatibility of the tower to these uses;
- g) Towers should be designed utilizing design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and
- h) Visual impacts of the proposed ingress and egress shall be minimized.
- i) *New Towers Permitted.* No new Towers shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no existing CCFs can accommodate the needs that the applicant proposes to address with its Tower application. Evidence submitted to demonstrate that no existing CCFs can accommodate these needs may consist of the following:
 - (1) No existing CCFs are of sufficient height and are located within the geographic area required to meet the Applicant's engineering requirements;
 - (2) Existing CCFs do not have sufficient structural strength to support applicant's proposed CCF;
 - (3) The applicant's proposed CCF would cause electromagnetic interference with the CCFs on the existing CCFs or the existing CCFs would cause interference with the applicant's proposed CCF; and
 - (4) The Applicant demonstrates that there are other limiting factors that render existing CCFs unsuitable for collocation.
- j) *Setbacks.* A Tower shall meet the greater of the following minimum setbacks from all property lines:
 - (1) The setback for a principal building within the applicable zoning;
 - (2) Twenty-five percent (25%) of the facility height, including CCFs and transmission equipment; or
 - (3) The Tower height, including antennas, if the tower is adjacent to a residential district or residential zoned property.
- k) *Height.* Towers over forty (40) feet in height shall not be located within one-quarter ($\frac{1}{4}$) mile from any existing tower that is over forty (40) feet in height, unless the applicant has shown to the satisfaction of the City that there are no reasonably suitable alternative sites in the required geographic area which can meet the applicant's needs.
- l) *Right-of-Way.* No Towers shall be permitted in the right of way.

m) *Related Accessory Equipment*. Related accessory equipment for all CCFs shall meet the following requirements:

- (1) All buildings, shelters, cabinets, and other accessory components shall be grouped as closely as technically possible;
- (2) The total footprint coverage area of the CCF's related accessory equipment shall not exceed three hundred and fifty (350) square feet;
- (3) No Related accessory equipment or accessory structure shall exceed twelve (12) feet in height; and
- (4) Located out of sight whenever possible by locating behind parapet walls or within equipment enclosures. Where such alternate locations are not available, the related accessory equipment shall be camouflaged or concealed.

13. **Cemetery**. Additional buffering that is one type above what is listed in Table 3.9, *Bufferyard Required*, shall be required when a cemetery is installed. For example, should a property be designated as a 2 (Medium Buffer) per Table 3.9, *Bufferyard Required*, then in this circumstance the requirement would be 3 (Heavy Buffer). Locations designated as 3 (Heavy Buffer) have no additional requirements and locations designated as (--) are to require a 1 (Light Buffer).

14. **Child Care Center**.

- a. The use does not involve overnight lodging, medical treatment, counseling, or rehabilitative services; and
- b. The use is in compliance with all State of Indiana licensing and certification requirements including IC 12-17.2-4; and
- c. No portion of a day care center site may be located within three hundred (300) feet of gasoline pumps or underground gasoline storage tanks, or any other storage area for explosive or highly combustible materials; and
- d. The facility shall have at least one building entrance dedicated solely for its use.

15. **Child Care Home**.

- a. The use is in compliance with all State of Indiana licensing and certification requirements including IC 12-17.2-5; and
- b. The owner and operator of the use shall maintain the location of the child care home as their principal place of residence.

16. **Commercial Recreation and Amusement Services**.

- a. The minimum area of the parcel proposed for development is one (1) acre;
- b. Amphitheater stages and drive-in screens shall face away from the nearest residential uses and any street of a classification of collector or higher;

- c. For activities such as a midget auto-track or a go-cart track and if the use is powered by an internal combustion engine, then such shall provide adequate mufflers on all vehicles; and
- d. If the use is located within five hundred (500) feet from a residentially zoned property or residential use, then the commercial amusement shall be prohibited from operating between 12:30am and 8:00am.
- e. *TMU District.* No new building shall be built in excess of 3,000 square feet in floor area to accommodate the use within the TMU District. Existing buildings built prior to the date of this UDO are exempt from this requirement.
- f. *NC District.* No new building shall be built in excess of 5,000 square feet in floor area to accommodate the use within the NC District. Existing buildings built prior to the date of this UDO are exempt from this requirement.

17. Contractor's Shop.

- a. The only storage permitted shall be the storage necessary for the primary use to store operable equipment, materials, and associated items. This may include the storage of liquids, gels, and pastes (e.g., paints, sealers, etc.) provided that the use is stored only in enclosed buildings.
- b. The use shall not be used to dispose of inoperable machine waste or to rent storage space out to those not working regularly on the premises.
- c. A Hazard Material Management Plan is required for any land use that stores hazardous materials.

18. Correctional Institution. The use shall be located no closer than five hundred (500) feet from any residential use or residential district as measured along a straight line from the closest lot lines.

19. Farm. The raising of livestock is not permitted.

20. Grocery.

- a. *TMU District.* No new building shall be built in excess of 3,000 square feet in floor area to accommodate the use within the TMU District. Existing buildings built prior to the date of this UDO are exempt from this requirement.
- b. *NC District.* No new building shall be built in excess of 5,000 square feet in floor area to accommodate the use within the NC District. Existing buildings built prior to the date of this UDO are exempt from this requirement.

21. Heavy Equipment Sales and Rentals.

- a. All equipment stored outside the principal business shall:
 - 1) Be located on an asphalt or concrete surface;
 - 2) Not be located on any minimum required parking spaces for the use; and
 - 3) Located outside of the right-of-way and outside of any required landscaping area.

- b. No inoperable materials are stored on-site, unless within an enclosed building, or otherwise totally screened from view.

22. Hotel. All hotels shall meet the following standards:

- a. Incorporate an attached, covered, drive-through area adjacent to the main building entry and lobby area for the temporary parking of vehicles during guest check-in and check-out.
- b. Be located on a site of no less than two (2) acres: and
- c. Management staff shall be on-site for twenty-four (24) hours a day, seven (7) days a week;
- d. Hotels that provide direct access to guest rooms from exterior doorways are prohibited; and
- e. All guest rooms are accessed from an interior corridor which is primarily accessible from an interior lobby area, and no guest room has any direct exterior doorway.
- f. *TMU District.* No new building shall be built in excess of 3,000 square feet in floor area to accommodate the use within the TMU District. Existing buildings built prior to the date of this UDO are exempt from this requirement.

23. Junkyard / Salvage Yard.

- a. Junkyards must be either in enclosed buildings or completely surrounded by solid walls/fences at least eight (8) feet high.
- b. A Hazard Material Management Plan is required for any land use that stores hazardous materials.
- c. The use shall be located no closer than five hundred (500) feet from any residential district or use as measured along a straight line from the closest lot lines.
- d. Upon receiving an appliance, vehicle, or other material, the battery, lubricants, fluids, coolants, refrigerants, and the similar components and shall be removed and recycled or disposed of same in accordance with all applicable state and federal laws regarding disposal of waste and hazardous materials.
- e. Combustible material which can be ignited by an ordinary match shall be placed or stored at least ten (10) feet from any fence or structure. No burning of any material shall occur on site.
- f. No junkyard shall be used as a dump by the public.
- g. No material shall be placed in any junkyard in such a manner that it is capable of being transferred out of the junkyard by wind, water, or other natural causes. The storing of loose paper and the spilling of flammable or other liquids into the ground, streams, or sewers are prohibited.
- h. No portion of a junkyard, impound lot, or salvage yard shall be located within an area designated as a special flood hazard area.
- i. All fencing shall be securely locked unless being actively supervised for ingress or egress.

- j. A fire lane of at least fifteen (15) feet in width shall be maintained from the main entrance to a public street and throughout the junkyard, so that no point of the junkyard shall be more than two hundred (200) feet from a fire lane.

24. Kennel.

- a. Any building, kennel, or exercise runway for said use shall be located a minimum of one hundred (100) feet from any residential use or residential district; a place of public assembly, indoor; or a child care center;
- b. Any building, kennel or exercise runway for said use shall be located a minimum of twenty-five (25) feet from any lot line; and
- c. Other than the aforementioned exercise runway; all activities shall be wholly enclosed within a building.

25. Landfill.

- a. The use shall be located no closer than one thousand (1,000) feet from any residential district or use as measured along a straight line from the closest lot lines.
- b. The refuse and earth, or other suitable cover material, are deposited and compacted in alternating layers of specified depth in accordance with the applicable sections of federal law per 40 Code of Federal Regulations (CFR); and
- c. A development plan showing how the land will be managed to ensure compliance with federal law is required to be submitted prior to any discussion being held concerning the proposed conditional use approval for the use.

26. Manufacturing, Heavy.

- a. *Screening.* The use shall be fully screened through the use of vegetation, berm masonry wall, fence so that it is not visible from any public street or adjacent parcel.
- b. *Access.* Uses should be accessed from a collector street or any other higher classification of roadway.
- c. *Truck Routing Plan.* Have a truck routing plan created showing the ingress and egress locations for the site. The site will not be accessible by a local street.
- d. *Distance Separation.* The use shall be separated from the following uses by at least five hundred (500) feet:
 - 1) Any residential zoning district or use;
 - 2) Places of public assembly, indoor;
 - 3) Child care home;
 - 4) Child care center;
 - 5) Hospital / rehabilitative care;
 - 6) Library;
 - 7) Museum; and

- 8) Medical / diagnostic laboratory.
 - e. *Smoke Generation.* For uses that are smoke-generating emissions shall be limited to no more than ten (10) smoke units per hour per stack or smoke in excess of Ringelmann No. 2. However, once during any twenty-four (24) hour period, for soot blowing, process purging, and fire cleaning, each stack may emit an additional ten (10) smoke units, and during that period it may emit smoke up to and including Ringelmann No. 3.
 - f. *Odor.* No use may release an odor that is detectable at the lot line.
 - g. *Toxic Materials.* No gases or fumes toxic to persons or injurious to property shall be permitted to escape beyond the building in which it occurs.
 - h. *Glare and Heat.* No use may cause heat at the property line so intense as to be a public nuisance or hazard. No glare shall be seen from any street or residential area.
 - i. *Bulk Storage of Fluids.* The bulk storage of inflammable liquids/fluids is permitted in above-ground tanks, but not in oil refinery tanks.
 - j. *Public Health and Safety.* The conditional use permit application must include a report by the Health Officer or State Board of Health, and the State Fire Marshall, that the land uses being applied for will not be injurious to public health and safety. This classification may also include any other use which may, under some circumstances, be injurious to public health or safety, but which may, with proper safeguards, be designed so as not to be injurious.
 - k. *Hazard Management.* A Hazard Material Management Plan is required for any land use that stores hazardous materials.
 - l. *Noise.* The use shall be compliant with the Federal Noise Control Act of 1972.
 - m. *Particulate Matter.* The use shall be compliant with the most recently amended version of the National Ambient Air Quality Standards (NAAQS) for Particulate Matter (PM).
27. **Mineral Extraction.** In addition to the requirements of Sec. 8.C.9, *Development Plan*, the following must be submitted with said plan:
- a. An existing development plan with topographic detail at two-foot contour intervals, all planimetric information, depth to groundwater, and flood plain characteristics where applicable;
 - b. The proposed extent and depth of excavations;
 - c. Slope angle of excavation walls (any final slopes shall be at the angle of repose for the remaining material);
 - d. Use and disposition of the spoil and/or overburden materials from the excavations including a landscaping and vegetation plan to stabilize any disturbed material;
 - e. Surface drainage plan;
 - f. Drainage into on-site excavations from proximate off-site transportation facilities such as roadways and roadbeds and off-site watercourses is prohibited unless the applicant

provides a plan which otherwise protects the excavations from off-site waterborne regulated substances;

- g. An analysis of how any potential water contamination is to be minimized should the site encounter an underground aquifer or any other underground water source;
- h. A statement requiring the mineral extraction company to accept liability should there be any contamination to underground water and an acknowledgement of any known underground water sources within the vicinity of the excavation site;
- i. The final on-site grading shall minimize all surface drainage into the excavations;
- j. A post-excavation and operation land use plan; and
- k. A security plan (unauthorized access shall be strictly prohibited as long as any excavations remain on site).

28. Nursing Home / Assisted Living.

- a. A staff member is required to be on-site twenty-four (24) hours a day.
- b. The facility is required to meet or exceed all the proper local, state, and federal license requirements.

29. Office, General.

- a. *TMU District.* No new building shall be built in excess of 3,000 square feet in floor area to accommodate the use within the TMU District. Existing buildings built prior to the date of this UDO are exempt from this requirement.
- b. *NC District.* No new building shall be built in excess of 5,000 square feet in floor area to accommodate the use within the NC District. Existing buildings built prior to the date of this UDO are exempt from this requirement.

30. Personal Services.

- a. *TMU District.* No new building shall be built in excess of 3,000 square feet in floor area to accommodate the use within the TMU District. Existing buildings built prior to the date of this UDO are exempt from this requirement.
- b. *NC District.* No new building shall be built in excess of 5,000 square feet in floor area to accommodate the use within the NC District. Existing buildings built prior to the date of this UDO are exempt from this requirement.

31. Private Utilities. All private utilities installed are required to meet or exceed the standards by which the City would install their own improvements.

32. Place of Public Assembly, Indoor.

- a. *Area.* Minimum lot size shall be five (5) acres.
- b. *Attendance.* Attendance for a single event at the facility shall not exceed eight hundred (800) persons or last longer than a full day, not including set-up and take-down.
- c. *Hours of Operation.* For properties in the SR and UR districts, events may only occur at the use during the hours of 7:00 am to 9:00 pm.

- d. *Dust Control.* Dust shall be minimized by reducing vehicle speeds on driveways and parking areas. During dry conditions, the application of water or other approved dust controlling measure is required.
- e. *Lighting.* All outdoor lighting associated with the special event shall be turned off by 10:00pm.

33. Public Transportation Terminal.

- a. *NC District.* No new building shall be built in excess of 5,000 square feet in floor area to accommodate the use within the NC District. Existing buildings built prior to the date of this UDO are exempt from this requirement.

34. Refueling Station.

- a. Any lighting apparatus installed on the property must be properly shielded in accordance with Section 3.E, *Lighting*, so as to prevent the direct glare of beams onto any abutting residential district or use;
- b. Access to the site will not occur from a local residential street; and
- c. A truck routing plan that shows the ingress and egress to the site shall be submitted.
- d. *NC District.* No new building shall be built in excess of 5,000 square feet in floor area to accommodate the use within the NC District. Existing buildings built prior to the date of this UDO are exempt from this requirement.

35. Repair Service. All repairs shall occur entirely inside the primary building.

36. Restaurant.

- a. *TMU District.* No new building shall be built in excess of 3,000 square feet in floor area to accommodate the use within the TMU District. Existing buildings built prior to the date of this UDO are exempt from this requirement.
- b. *NC District.* No new building shall be built in excess of 5,000 square feet in floor area to accommodate the use within the NC District. Existing buildings built prior to the date of this UDO are exempt from this requirement.

37. Retail Sales.

- a. *TMU District.* No new building shall be built in excess of 3,000 square feet in floor area to accommodate the use within the TMU District. Existing buildings built prior to the date of this UDO are exempt from this requirement.
- b. *NC District.* No new building shall be built in excess of 5,000 square feet in floor area to accommodate the use within the NC District. Existing buildings built prior to the date of this UDO are exempt from this requirement.

38. Self-Storage, Mini-Warehouse.

- a. External overhead doors shall not face residential property or a public right-of-way, unless screened from view;
- b. All driveways within the facility shall be:

- 1) Designed to accommodate appropriate fire fighting vehicles and be approved by the fire marshal;
 - 2) A minimum width of thirty (30) ft; and
 - 3) Located on an improved hard surface capable of holding striping of parking spaces and fire lanes;
- c. Outdoor storage is prohibited, with the exception of recreational vehicle (RV) or boat storage which must meet the following:
- 1) Have a setback of at least twenty (20) ft from any property line; and
 - 2) Be screened from view by a fence or wall meeting all standards within Chapter 3 of this UDO; and
- d. Any and all onsite sales of merchandise stored within the mini warehouse is prohibited.

39. Short-Term Rental.

- a. *Use to Meet or Exceed Building Code.* Short-term rental units shall only be allowed in lawfully built dwelling units that meet building code requirements. This includes:
- 1) All or a portion of the owner's primary residence;
 - 2) Any accessory dwelling that exists in accordance with this UDO.
- b. *Prohibited.* Short-term rental units shall not be allowed in:
- 1) Buildings where the principal use of the property is of a commercial nature;
 - 2) A recreational vehicle, travel trailer, or similar structure (outside of a campground);
 - 3) A motor vehicle; or
 - 4) Any structure not intended for permanent human occupancy.
- c. *Occupancy.* Maximum overnight occupancy shall be two (2) persons per sleeping area (excluding children five (5) years-old and younger), not to exceed ten (10) people, regardless of the number of sleeping areas.
- d. *Sign Posted with Information about the Use.* A sign shall be prominently posted on site that displays:
- 1) That the structure is registered short-term rental;
 - 2) The address of the property;
 - 3) The approved maximum occupancy;
 - 4) That quiet hours are from 10:00pm to 7:00am every day; and
 - 5) A twenty-four (24) hour telephone number where the owner can be reached.
- e. *Permit Required.* The use shall be required to obtain a permit in accordance with Sec. 8.E.3, *Short-Term Rental Permit.*

40. Solar Energy System (SES), Accessory.

a. *Roof-Mounted SES.*

- 1) Roof-mounted SES maximum height overall (including building structure and SES equipment together) is not to exceed the maximum height per the Zoning District.
- 2) Roof-mounted SES must conform to the slope of the roof and not project more than six (6) inches from the roof surface for residential properties and ten (10) feet from the roof surface for non-residential properties.
- 3) Roof-mounted SES must not exceed the footprint of the principal building or accessory structure.
- 4) Roof-mounted SES is to provide smoke ventilation opportunities and be located in accordance with Indiana Fire Code.
- 5) Roof-mounted SES shall provide emergency access to the roof and cannot be located within 3 feet of any peak, eave, valley, edge and/or perimeter of the roof to maintain pathways of accessibility.
- 6) Roof-mounted SES must provide a Roof Stability Report prior to approval.
- 7) Roof-mounted solar energy systems shall be placed on the on the roof of a conforming structure. Should accessory panels total size exceed three thousand (3,000) square feet, they must be roof mounted.

b. *Ground-Mounted SES*

- 1) Ground-mounted SES is not permitted in the front yard.
- 2) Ground-mounted SES must conform with the setback per the Zoning District and must be property screened by a fence and cannot exceed six (6) feet in height or height of fence, whichever is less for residential zoning; cannot exceed fifteen (15) feet in height for non-residential zoning.
- 3) Ground-mounted SES cannot be located over a septic field, legal easement, ROW or city drain without proper approval; ground-mounted SES must be a minimum of three (3) feet from any easement.
- 4) Ground-mounted SES shall be placed behind the front façade of the primary structure.

c. *Wall-Mounted SES.* Wall-mounted SES is permitted, but not on front wall of structure and not projecting more than five (5) feet from the building.

d. *Nuisances.* Any accessory solar energy system, structure, or portion thereof declared to be unsafe by the Administrator or Building Inspector, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal in accordance with best practices.

41. Solar Energy System (SES), Commercial

- a. *Structure Standards.*
 - 1) The height of any ground-mounted solar equipment is limited to fifteen (15) feet, as measured from the natural grade below each panel to the top of each panel at its maximum tilt in the vertical direction.
 - 2) Roof-Mounted SES must provide a Roof Stability Report prior to approval.
 - 3) A clear sight triangle must be maintained at all ingress/egress locations.
 - 4) Ground-Mounted SES cannot be located over septic field, legal easement, ROW or City Drain without proper approval; Ground-mounted SES must be a minimum of three (3) feet from any easement.
- b. *Setbacks.* Any commercial solar energy system equipment (excluding perimeter fencing, poles, and wire necessary to connect the facility to the electric utility) must be a minimum of five hundred (500) feet setback from the rear and side property lines. The front/roadway side of the parcel is to have a minimum of two hundred (200) feet setback from the property line.
- c. *Decommissioning Plan.* A decommissioning plan shall be provided indicating the method and payment of the anticipated cost of removing the commercial solar energy system at the end of their serviceable life or upon their becoming a discontinued or abandoned use to ensure that the commercial solar energy systems are properly decommissioned. The decommissioning plan shall include, at a minimum, the following:
 - 1) *Assurance.* Written assurance that the commercial solar energy system will be properly decommissioned upon the expiration of its serviceable life or in the event of their discontinuance or abandonment.
 - 2) *Cost Estimates.* For all commercial solar energy systems, an estimate of the costs of decommissioning and removing the commercial solar energy system upon the expiration of their useful life, or in the event of their discontinuance or abandonment. The cost estimates shall be made by a professional engineer, contractor, or other person with expertise or experience in decommissioning and removal of commercial solar energy system.
 - 3) *Financial Assurances.* The cost of removal and site restoration is the full responsibility of the applicant and/or owner/operator. In order to provide the greatest possible financial assurance that there will be sufficient funds to remove the commercial solar energy system and to restore the site, the following steps shall be followed:
 - a) For each commercial solar energy system, the applicant, owner, and/or operator shall determine an amount of money equal to the estimated removal and restoration cost.
 - b) The Administrator shall independently verify the adequacy of this amount.

- c) This money shall be deposited in an escrow account specified by the jurisdiction, which may be an interest-bearing account. Alternatively, a bond may be posted for the amount.
- d. *Discontinuation and Abandonment.*
 - 1) *Abandonment.* Verification under penalties for perjury, that all easements and/or leases for the commercial solar energy system contain terms that provide financial assurances to the property owners to ensure that the commercial solar energy system are properly decommissioned within one (1) year of the expiration of their serviceable life or in the event of their discontinuance or abandonment.
 - 2) *Discontinuation.* Any commercial solar energy system shall be considered abandoned and a discontinued use after six (6) months without energy production, unless a plan is developed by the owner or applicant and approved by the Administrator outlining the steps and a schedule for returning the commercial solar energy system to service.
 - 3) *Removal.* An applicant's obligations shall include removal of all physical material pertaining to the project improvements to no less than a depth of four (4) feet below ground level. Said work shall be completed within one (1) year of the discontinuation or abandonment of the commercial solar energy system. The restoration of the project area shall result in as near as practicable the condition of the site immediately before construction of such improvements.
 - 4) *Written Notices.* Prior to implementing procedures to resolve any alleged failure to comply with the decommissioning plan, the appropriate jurisdictional body shall first provide written notice to the owner and/or operator, setting forth the alleged default(s). Such written notice shall provide the owner and/or operator a reasonable time period, not to exceed sixty (60) days, to resolve the alleged default(s).
 - 5) *Costs Incurred by the Jurisdiction.* If the jurisdiction removes a commercial solar energy system and/or appurtenant facilities, it may sell the salvage to defray the costs of removal. Each permittee, by virtue of the issuance of its construction permit or inspection certificate grants a license to the jurisdiction to enter the property and to remove all commercial solar energy systems and/or appurtenant facilities pursuant to the terms of its approved decommissioning plan.
- e. *Nuisances.* Any commercial solar energy system, structure, or portion thereof declared to be unsafe by the Administrator or Building Inspector, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, 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 approved decommissioning plan.
- f. *Access.* The operator of a commercial solar energy system must provide an emergency key box, with keys to the site and equipment lockers on site at the main entrance or an alternative emergency access solution to the site approved by the Administrator.
- g. *Emergency Contact.* Emergency contact information shall be posted on the SES.

h. *Bufferyards and Fencing.*

- 1) *Visual Buffers.* A commercial solar energy system shall have a Type 3 heavy buffer, as defined by Table 3.8, *Bufferyard Types*, along the entire perimeter of the SES property and a bufferyard to be located outside of required fencing. The existing natural tree growth and natural landforms along the solar energy system perimeter may create a sufficient buffer and shall be preserved when reasonably practicable. Any visual buffer must be established and maintained in accordance with the most recent visual buffer plan approved by the Administrator.
- 2) *Fencing.* All sites must have a completely fenced perimeter with fencing that is at least six (6) feet in height.
- 3) *Easements.* If an easement is required for the location of a commercial solar energy system on the property, the easement shall be staked by a licensed and registered Indiana land surveyor so as to provide proof the facility has been constructed within the easement.
- 4) *Lighting.* Exterior lighting for a commercial solar energy system site shall be limited to that required for safety and operational purposes. The specific standard to be used shall vary upon the size of the source that is being lit. Any light used that is deemed to not be reasonable shall be in violation of this requirement.
- 5) *Glare.* Solar panels must be oriented/screened year-round to direct glare away from adjacent properties, structures and roadways.
- 6) *Noise.* Cannot exceed noise of fifty (50) decibels measured at the property line.
- 7) *Utilities.* All electrical wires and utility connections for a commercial solar energy system shall be installed underground, except for transformers, inverters, substations, and controls.
- 8) *Signage.* Limited to one (1) sign per commercial SES. Sign standards are set forth by the zoning district the SES is located in. An emergency contact sign must be provided at each gate. The SES will be given an address to allow 911 services to locate it. There will be no advertisement banners/signage allowed on SES fencing, but warning signs are allowable per applicable law.

42. Special Event.

- a. An applicant for a special event shall submit a plan of operation which at a minimum addresses the following:
 - 1) *Location.* The size of the site shall be large enough to accommodate the expected attendance in a manner that is safe for the site, neighborhood, street, or other infrastructure.
 - 2) *Hours.* The hours of the special event shall be limited to 7:00am to 9:00pm on weekdays and 8:00am to 10:00pm on weekends.

- 3) *Duration.* The event shall not be held on a parcel more than four (4) times per calendar year and shall be limited to no more than five (5) consecutive days, not including set-up and tear-down.
- 4) *Lighting.* All outdoor lighting associated with the special event shall be turned off by 10:00pm.
- 5) *Operation Requirements.* The City may request that a building code inspection occur prior to the event that could include a review of parking, security, noise trespass, and accessibility.
- 6) *Traffic and Parking.* A plan for routing traffic to the property and where parking of vehicles will occur.
- 7) *Licensure.* Documentation of any required federal, state, or local permits or licenses shall be required to be submitted with an application.
- 8) *Homeowner's Association Approval.* For any properties that are within a homeowner's association, approval of said association is a prerequisite to City approve. A letter from said agency provided to the Administrator is sufficient prove of this requirement.

43. Tasting Room.

- a. *Size Requirement.* In the TMU and NC districts, no new building shall be built in excess of 3,000 square feet in floor area to accommodate the use. Existing buildings built prior to the date of this UDO are exempt from this requirement.
- b. *Hours of Operation.* The use shall only have hours of operation between 11:00 am to 8:00 pm.
- c. *Licensure.* The business must be properly licensed by multiple State of Indiana agencies to fully conduct the proposed use, including but not limited to obtaining a business license, food service license, seller's permit, and liquor license permit.

44. Tavern.

- a. *Distance Requirement.* The use shall be at least 300 ft. from any existing residential district; residential land use; school; place of public assembly, indoor; library; hospital / rehabilitative care; correctional institution; cemetery; medical and dental office / clinic; heavy equipment sales and rental; or child care center.
- b. *Hours of Operation.* The use shall only have hours of operation between 10:00 am to 2:00 am.
- c. *Licensure.* The business must be properly licensed by multiple State of Indiana agencies to fully conduct the proposed use, including but not limited to obtaining a business license, food service license, seller's permit, and liquor license permit.

45. Temporary Structures.

- a. *Location.* All temporary structures must be set back at least ten (10) feet from all lot lines.

- b. *Residency Prohibited.* All temporary structures are prohibited from being used as a residence.
- c. *Duration.* All temporary structures shall be removed prior to final permitting of the permanent structure(s).

46. Wind Energy System (WES), Accessory and Wind Energy System (WES), Commercial.

- a. *Structural Standards.*
 - 1) *Construction Codes.* The facility shall comply with all applicable state construction and electrical codes as well as local building permit requirements.
 - 2) Roof-Mounted WES shall not exceed maximum accessory structure height of Zoning District. Height shall be calculated as the distance from grade to top of the WES at greatest incline.
 - 3) Roof-Mounted WES shall not be permitted on front wall of structure.
 - 4) Roof-Mounted WES shall be located in such a manner as to ensure emergency access to the roof and provide smoke ventilation opportunities and cannot be located within 3 (three) feet of any peak, eave, valley, edge and/or perimeter of the roof to maintain pathways of accessibility.
 - 5) Roof-Mounted WES must provide a Roof Stability Report.
 - 6) Ground-Mounted WES shall not be permitted in the front yard or street side yard.
 - 7) Ground-Mounted WES shall not exceed maximum accessory structure height of Zoning District. Height shall be calculated as the distance from grade to top of the WES at greatest incline.
- b. *Setbacks.*
 - 1) Ground-Mounted WES shall conform with the side and rear setbacks per the Zoning District or a distance from any property line by the total height of the WES (to the highest vertical), whichever is greater.
 - 2) For wind energy systems mounted on an existing, conforming principal structure or existing conforming accessory structure, the distance between an on-site use wind energy system and the owner's property lines shall be equal to or greater than the height of the wind energy system tower including the top of the blade in its vertical position as measured from where the system is attached to the structure.
 - 3) The distance between an anemometer tower and the owner's property lines shall be equal to the height of the tower.
 - 4) No part of the wind energy system structure, including guy wire anchors, may extend closer than ten (10) feet to the owner's property lines.
- c. *Use and Operational Standards.*
 - 1) *Electromagnetic Interference.* No on-site wind energy system shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal

communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system. No on-site wind energy system shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.

- 2) *Safety.* An on-site use wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be twenty (20) feet for a wind energy system employing a horizontal axis rotor.
 - 3) *Sound Pressure Level.* On-site use wind energy systems shall not exceed fifty-five (55) dB(A) at any property line. This sound pressure level may be exceeded during short term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds fifty-five (55) dB(A), the standard shall be ambient dB(A) plus five (5) dB(A).
 - 4) *Maximum Kilowatt.* All accessory uses must have less than a ten (10) KW system.
 - 5) *Lighting.* Lighting shall be limited to what is required for safety and operational measures. The specific standard to be used shall vary upon the size of the source that is being lit. Any light used that is deemed to not be reasonable shall be in violation of this requirement.
 - 6) *Glare.* The wind energy system must be oriented/screened year-round to direct glare away from adjacent properties, structures and roadways.
 - 7) *Utility Location.* Ground-mounted WES cannot be located over a septic field, legal easement, ROW, or city drain without proper approval; ground-mounted WES must be a minimum of three (3) feet from any easement. Roof-mounted WES cannot be located under utility powerlines.
- d. *Nuisances.* Any WES, structure, or portion thereof declared to be unsafe by the Administrator or the Building Inspector, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal in accordance with best practices.
 - e. *Emergency Contact.* Emergency contact information shall be posted on the WES.

47. Veterinary Clinic and/or Service.

- a. The use does not allow for the overnight boarding of animals as an accessory use; and
- b. All activities of said use on-premises shall be wholly enclosed within a building.

Chapter 5 – Subdivision Types

A. Traditional Residential and Mixed-Use Subdivision

1. **Purpose.** The Traditional Residential and Mixed-Use Subdivision is intended to provide development for residential uses and small-scale commercial uses within a traditional grid-type city layout.
2. **Applicability.** The design shall incorporate smaller lot sizes and utilize a gridded street layout. The layout shall allow for adequate vehicular, pedestrian, bicycle, and bus access as well as connection to abutting parcels and the overall transportation network. Traditional and Mixed-Use Subdivisions shall be approved according to the requirements of Sec. 7.B.7, *Major Subdivision, Primary Plat*, and Sec. 7.C.2, *Major Subdivision, Secondary Plat*.
3. **Development Standards.**

Table 5-1, Development Standards for Traditional Residential Subdivisions	
Districts permitted	UR, TR, MFR, TMU, PUD
Minimum development size	N/A
Minimum common open space for overall development	N/A
Minimum green space for overall development	20%
Internal access	Internal streets must be public and shall be constructed per the <i>INDOT Standard Specifications and Standard Drawings</i> .
External access	Driveway cuts onto arterial streets are prohibited.
Sidewalks	<ul style="list-style-type: none"> • Required along existing streets that are immediately abutting to the subject property. • Required on both sides of any new street.
Buffering	External buffering may be required depending upon neighboring land uses. See Section 3-C-6, <i>Bufferyards</i> .
Development standards for individual lots	Unless otherwise stated, the development standards for the subject zoning district shall apply to each lot within the subdivision.

B. Conservation Residential Subdivision

1. **Purpose.** A Conservation Residential Subdivision is intended exclusively for single dwelling (attached and detached), or duplex development.
2. **Applicability.** The subdivision type sets aside a substantial amount of the site as permanent common open space and groups the homes as a compact neighborhood on the remaining portion of the site. The open space that is preserved can provide a variety of benefits, such as the protection of agricultural land, protection of water quality, creation of wildlife habitats, or provision of recreational opportunities. Conservation Residential Subdivisions shall be approved according to the requirements of Sec. 7.B.7, *Major Subdivision, Primary Plat*, and Sec. 7.C.2, *Major Subdivision, Secondary Plat*.
3. **Development Standards.**

Table 5-2, Development Standards for Conservation Residential Subdivisions	
Districts permitted	SR, PUD
Minimum development size	20 acres
Minimum common open space for the overall development¹	10%
Minimum green space for the overall development²	25%
Internal access	Internal streets must be public and shall be constructed per the <i>INDOT Standard Specifications and Standard Drawings</i> .
External access	Driveway cuts onto arterial streets are prohibited.
Sidewalks	Required on both sides of any new street. An alternate internal pathway network (trail system) may be substituted for sidewalks on one side of a new street at the discretion of the Planning Commission. Pedestrian access must be provided to any dedicated open space.
Buffering	External buffering may be required depending upon neighboring land uses. See Section 3-C-6, <i>Bufferyards</i> .
Development standards for individual lots	Unless otherwise stated, all other development standards for the subject zoning district shall apply to each lot within the subdivision. See Chapter 2, <i>Zoning Districts</i> .
Notes:	
1. See Sec. 5.B.4, <i>Common Open Space Standards</i> , for specific common open space requirements.	
2. The 10% common open space requirement can be included within the 25% requirement for green space	

4. **Common Open Space Standards.**
 - a. No portion of a proposed lot’s front, side or rear yard(s), right-of-way, roads, streets, median strips, parking area, and/or sidewalks can be used to satisfy the common open space requirement.
 - b. No portion of any dedicated, reserved, used, or in-use lands for cemetery interment can be used to satisfy the common open space requirement.
 - c. The required common open space may be used for drainage which would include:

- 1) Detention and retention basins, and
 - 2) Bodies of water such as ponds and lakes.
- d. Common open space shall have a minimum width of twenty (20) feet to allow for maintenance access.
 - e. All common open space shall have pedestrian access and all homeowners must have the right to access all common open space.
 - f. All Conservation Residential Subdivisions must have a homeowner's association and recorded covenants.
 - g. Phasing of development and common open space is allowed.
 - h. Common open space conveyance shall be accomplished in one of the methods listed below. An applicant must provide a letter from the entity stating that either:
 - 1) The applicant will accept the conveyance of the common open space deed into perpetuity; or
 - 2) The common open space may be platted with a written commitment and that said common area cannot be vacated or developed.
 - i. If the common open space is conveyed through a written commitment, such commitment shall include that each lot within the subdivision shall have access to and use of the common area as well as an undivided interest in the title. A conservation easement must be dedicated with a Secondary Plat.
 - 1) *Homeowners' Association.* A conservation easement recorded for common open space in perpetuity may be granted to the homeowner's association. Maintenance, if any, shall be the responsibility of the homeowner's association. In the event the homeowner's association is dissolved or the homeowner's association does not conduct maintenance for any reason, the City has the legal authority to take appropriate action to bring the property into compliance and the expenses incurred will be the shared responsibility of all property owners within the subdivision under IC 36-1-6-2.
 - 2) *Land Trust.* A conservation easement recorded for common open space in perpetuity may be granted to a registered land trust. Maintenance shall be the responsibility of the land trust manager.
 - 3) *Local, State or Federal Government.* A conservation easement recorded for open space in perpetuity may be granted to the City of Greendale, to the State of Indiana and/or federal government only if the applicable governmental entity agrees to accept the conveyance, and maintenance shall be the responsibility of that respective government entity.

C. Minor Residential Subdivision.

1. **Purpose.** A Minor Residential Subdivision is intended to provide an expedited review for the subdivision of small acreages of property and designed for low-density residential development.
2. **Applicability.** Minor Residential Subdivisions shall be approved according to the requirements in Sec. 7.B.8, *Minor Subdivision Process* and Sec. 7.C.3, *Minor Subdivision, Secondary Plat*.
3. **Development Standards.**

Table 5-2, Development Standards for Minor Residential Subdivisions	
Districts permitted	PS, SR, UR
Minimum development size	N/A
Minimum common open space for the overall development	N/A
Minimum green space for the overall development	25%
Internal access	Internal streets must be public and shall be constructed per the <i>INDOT Standard Specifications and Standard Drawings</i> .
External access	Driveway cuts onto arterial streets are prohibited.
Sidewalks	Required on both sides of any new street.
Buffering	External buffering may be required depending upon neighboring land uses. See Section 3-C-6, <i>Bufferyards</i>
Development standards for individual lots	Unless otherwise stated, all other development standards for the subject zoning district shall apply to each lot within the subdivision. See Chapter 2, <i>Zoning Districts</i> .

D. Commercial Subdivision.

1. **Purpose.** A Commercial Subdivision is intended to provide development for primarily commercial uses and other uses as permitted within the subject zoning district.
2. **Applicability.** The layout shall allow for adequate truck, automobile, pedestrian, bicycle, and bus access, as well as connection to abutting parcels and the overall transportation network. Commercial Subdivisions shall be approved according to the requirements of Sec. 7.B.7, *Major Subdivision, Primary Plat, and Sec. 7.C.2, Major Subdivision, Secondary Plat.*
3. **Development Standards.**

Table 5-3, Development Standards for Commercial Subdivisions	
Districts permitted	NC, HMU, GC
Minimum development size	N/A
Minimum common open space for overall development	N/A
Minimum green space for overall development	25%
Internal access	Internal streets must be public and shall be constructed per the <i>INDOT Standard Specifications and Standard Drawings</i> .
External access	N/A
Sidewalks	<ul style="list-style-type: none"> • Required along existing streets that are immediately abutting to the subject property. • Required on both sides of any new street.
Buffering	External buffering may be required depending upon neighboring land uses. See Section 3-C-6, <i>Bufferyards</i> .
Development standards for individual lots	The development standards for the subject zoning district shall apply to each lot within the subdivision.

E. Industrial Subdivision.

1. **Purpose.** An Industrial Subdivision is intended to provide development for primarily industrial uses and other uses as permitted within the subject zoning district.
2. **Applicability.** The layout shall allow for adequate truck, vehicular, pedestrian, bicycle, and bus access as well as connection to abutting parcels and the overall transportation network. Industrial Subdivisions shall be approved according to the requirements of Sec. 7.B.7, *Major Subdivision, Primary Plat*, and Sec. 7.C.2, *Major Subdivision, Secondary Plat*.
3. **Development Standards.**

Table 5-5, Development Standards for Industrial Subdivisions	
Districts permitted	IF, IN
Minimum development size	10 acres
Minimum common open space for overall development	N/A
Minimum green space for overall development	25%
Internal access	Internal streets may be private but shall be constructed to the applicable street function standards per the <i>INDOT Standard Specifications and Standard Drawings</i> .
External access	Driveway cuts onto arterial streets shall be limited and frontage streets shall be utilized.
Sidewalks	<ul style="list-style-type: none"> • Required along existing streets that are immediately abutting to the subject property. • Required on both sides of any new street.
Buffering	External buffering may be required depending upon neighboring land uses. See Section 3-C-6, <i>Bufferyards</i> .
Development standards for individual lots	The development standards for the subject zoning district shall apply to each lot within the subdivision.

Chapter 6 – Subdivision Design Regulations

A. Purpose and Applicability.

1. *Purpose.* These subdivision design standards are intended to provide predictability to subdividers and property owners while ensuring City residents benefit from quality residential, commercial, and industrial development that promotes the public health, safety, and general welfare of the City.
2. *Applicability.* In addition to the requirements established in this chapter, all plats shall comply with the following laws, rules, and regulations:
 - a. All applicable Indiana statutory provisions;
 - b. The UDO, Zoning Map, building and fire codes;
 - c. The City's Comprehensive Plan;
 - d. Any rules of the Dearborn County Health Department and/or other applicable state or local agencies;
 - e. The rules of INDOT if the subdivision or any lot contained therein abuts a state highway or connecting street; and
 - f. All other applicable laws of the City of Greendale.

B. Subdivision Design Principles.

1. *Generally.* The principles of this Section 6.B shall be interpreted in the context of other applicable standards and applied to the maximum extent practicable without imposing restrictions that reduce the density or intensity of development that is permitted by this UDO.
2. *Compatibility.* The proposed subdivision plat shall be designed in a way that provides:
 - a. *Buffering.* Provides appropriate space for bufferyards and transitions between land uses or obvious changes in density or intensity alongside and rear lot lines as set out in, Sec. 3.B.6, *Bufferyards*;
 - b. *Environment.* Protects and preserves the environmental resources to the benefit of the subject property and abutting properties;
 - c. *Connectivity.* Provides appropriate, context-sensitive vehicular and pedestrian linkages, providing access while protecting neighborhood integrity and individual property values;
 - d. *Common Open Space.* Maximizes the access to and benefit of common open spaces by providing for a connection to or continuation of the open spaces of abutting or adjacent properties and providing for maximum frontage and access to such open spaces;
 - e. *Storm Water.* Protects neighboring property from undue storm water runoff;
 - f. *Access.* Minimizes interference with existing access to adjacent and nearby properties, unless the proposed development provides new or improved access;

- g. *Level of Service.* Does not reduce the level of service of public infrastructure that is provided to the surrounding development;
- h. *Visual Qualities.* The system of roadways and sidewalks and the lot layout should be designed to take advantage of the visual and environmental qualities of the area; and
- i. *Topography and Natural Features.* The arrangement of lots, blocks, and the street system should be designed to conserve and make the most advantageous use of topography and natural features.

C. Street Access and Connectivity.

1. *Access Management.*

- a. *Generally.* No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing public street, including:
 - 1) An existing state, county, or municipal roadway; or
 - 2) A street shown upon a plat approved and recorded in the County Recorder's Office. Such street or highway must be suitably installed and improved as required by the rules, regulations, specifications, or orders, or be secured by performance surety required under this UDO and/or City Code of Ordinances.
- b. *Access to a Primary Arterial or Major Roadway.* Direct access to primary arterials or other major roadways is highly discouraged. Collector streets should be introduced to reduce demand for access to arterials and major roadways.
- c. *Adjacency to Primary Arterial or Major Roadway.* Where a subdivision borders on or contains an existing or proposed primary arterial or major roadway, the Planning Commission may require access to such street to be limited by one (1) of the following:
 - 1) *Frontage Road.* Utilization of frontage roads constructed and separated from the primary arterial;
 - 2) *No-Access Easement and Landscape Screen.* Individual lots that gain access from a local street, but back up to another exterior roadway of any classification shall provide a five (5) foot no-access-easement along the exterior roadway to prohibit access to said arterial. In addition, a Type 2 Landscape Buffer shall be provided along the exterior roadway, as required by Table 3.8, *Bufferyard Types*; or
 - 3) *Other Planning Commission Approved Proposal.* Another proposed solution for consideration by the Planning Commission may be deemed necessary for the adequate protection of properties within the subdivision from through-traffic.

2. *Street Connectivity.*

- a. *Continuation of Proposed Street.* A proposed street shall provide for the continuation of existing, planned, or platted streets on adjacent property.
- b. *Centerline Connection.* Where a wider right-of-way connects with a narrower right-of-way, the centerlines of the two streets shall be aligned.

- c. *Extension to Boundary Line.* Proposed streets shall be extended to the boundary lines of the parcel to be subdivided.
 - d. *Required Connectivity.* The arrangement of streets shall provide for the continuation of streets between adjacent properties when the continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities, and effective emergency services.
3. *Level of Service.*
- a. *No Adverse Effect.* No development shall be approved if such development, at full occupancy will have an adverse effect on public health or safety.
 - b. *Traffic Mitigation Measures.* The subdivider may propose and construct approved traffic mitigation measures to provide adequate roadway capacity for the proposed development.
 - c. *Traffic Impact Analysis.* A traffic impact analysis may be required by the Administrator and recorded on a primary plat should one of the following circumstances arise:
 - 1) Detached single-family or two-family subdivisions with more than fifty (50) lots in the total development; or
 - 2) Subdivisions where the expected number of trips exceeds five hundred (500) trips per day or one hundred (100) trips during a peak hour.

D. Street Design.

- 1. *Purpose.* The requirements set forth herein are designed to provide for streets that:
 - a. Are suitable in location, width, and improvement so that they may accommodate prospective traffic;
 - b. Afford satisfactory access to police, fire, snow removal, sanitation, and road-maintenance equipment;
 - c. Compose a convenient traffic system and avoid undue hardships to adjoining properties;
 - d. Provide a safe, convenient, and functional system for vehicular, pedestrian, and bicycle circulation;
 - e. Are properly related to the Comprehensive Plan; and
 - f. Are appropriate for the specific traffic characteristics of each proposed development.
- 2. *Right-of-Way and Street Width Requirements.*
 - a. *Right-of-way Width.* No public right-of-way set aside for vehicular traffic shall be less than fifty (50) feet.
 - b. *Paved Width.* The paved width of all streets shall be no less than thirty- five (35) feet as measured from the back of one curb to the back of the opposite curb. Where a proposed street is an extension of an existing paved street which exceeds the thirty-five (35) feet minimum pavement requirement, the Planning Commission shall require the subdivider to match the width of the existing paved street.

- c. *Alleys.* The minimum right-of-way width of alleys, where platted, shall be twenty-five (25) feet.
 - d. *Dedication.* In a subdivision that adjoins or includes an existing street that does not conform to the minimum right-of-way requirement of fifty (50) feet, the subdivider shall dedicate additional right-of-way width as required to meet this UDO.
3. *Construction Standards.*
- a. Construction of streets and roadways shall include:
 - 1) All necessary excavating and filling required to place the surface to the proper sub-grade elevation for the placement of the required depth of paving material.
 - 2) The building of concrete combined curbs and gutters on each side of the paved portion of the street or roadway.
 - b. The requirements set forth in the most recent edition of INDOT Standard Specifications and Standard Drawings are minimum requirements. Individual projects, particularly commercial and industrial subdivisions, may warrant additional requirements dictated by best practice engineering design. Where additional requirements are necessary, they shall be recorded as conditions of approval for the primary plat.
4. *Street Layout.*
- a. *Traffic Generation.* All streets shall be properly built to manage specific traffic generators such as industries, business districts, schools, churches, shopping centers, population densities, and to the pattern of existing and proposed land uses.
 - b. *Efficient Use of Property.* All streets shall be arranged to obtain as many building sites as possible at, or above the grades of the streets. Streets shall also be laid out to permit efficient drainage and utility systems, and to result in the minimum number and length of streets to provide convenient and safe access to property.
 - c. *Non-Residential Subdivisions.* For nonresidential subdivisions, the streets shall be planned to minimize conflict of movement between various types of traffic, including pedestrian. Street layouts should consider the grouping of buildings, railway location, the presence of alleys, truck loading and maneuvering areas, and interior walks and parking areas.
 - d. *Slope Requirement.* Street slopes shall not be more than three-to-one (3:1).
 - e. *Additional Right-of-way.* Right-of-ways wider than the standards designated in this UDO shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes.
5. *Dead-End Streets.*
- a. *Temporary.* If the adjacent property is undeveloped and the street must temporarily be a dead-end street, the right-of-way shall be extended to the property line. A temporary cul-de-sac, T- or L-shaped turn-around shall be provided on all temporary dead-end streets, with the notation on the Secondary Plat that land outside the normal street right-of-way shall revert to the adjoining landowners when the street is continued. The

subdivider shall provide barriers and signage for any temporary dead-end street. Temporary dead-end streets shall exist for no longer than one year which at such time a permanent cul-de-sac shall be installed.

- b. *Permanent.* Where a road does not extend beyond the boundary of the subdivision and its continuation is not required by the Planning Commission for access to adjoining property, its terminus shall not be nearer to such boundary than fifty (50) feet. However, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turn-around shall be provided at the end of a permanent dead-end street. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall be limited in length to six hundred (600) feet.

6. *Street Grade.*

- a. *Generally.* Street grades shall conform as closely as possible to the original topography.
- b. *Grade Requirement.* The grade of all streets shall not exceed the requirements of the INDOT Indiana Design Manual except where, in the opinion of the Planning Commission, an unusual topographic condition justifies a waiver of the requirements of this UDO.
- c. *Approval of Plan.* Roads shall be graded, improved, and conform to the INDOT Indiana Design Manual and shall be approved as to design and specifications by the Administrator, in accordance with the construction plans required to be submitted prior to Secondary Plat approval.

7. *Street Intersections.*

- a. *Generally.* All intersections shall adhere to the INDOT Indiana Design Manual.
- b. *Right Angles.* Streets shall be laid out to intersect as nearly as possible at right angles. In no event shall the angle of intersection of two streets be less than seventy (70) degrees.
- c. *Street Alignment.* Proposed new intersections along one (1) side of an existing street shall, wherever practicable, align with any existing intersections on the opposite side of such street. No more than two (2) streets shall intersect at one (1) point.
- d. *Curb Radius.* Minimum curb radius at the intersection shall be controlled by the INDOT Indiana Design Manual.
- e. *Visibility.* No intersection shall create a traffic hazard by limiting visibility. The visibility and sight distances at intersections shall be controlled by the INDOT Indiana Design Manual.
- f. *Required Covenant Language Regarding Visibility.* To ensure the safe movement of both vehicular and pedestrian traffic, the following paragraph shall be required as a provision of the restrictive covenants for all Secondary Plats and shall be included in all deeds written relative to said plats. The proposed owner shall sign a copy of this covenant and it shall be filed with the County Recorder's Office.
 - 1) "No fence, wall, hedge, tree or shrub planting which obstructs sight lines with elevations between two and one-half (2.5) feet and eight (8) feet above the street

surface elevation shall be placed or permitted on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting points forty (40) feet from the intersection of said street right-of-way lines for neighborhood and local streets, and seventy-five (75) feet for arterial streets, or in the case of a rounded property corner, from the street right-of-way lines extended. The same site line limitations shall apply to any lot within ten (10) feet of the intersection of a street right-of-way line with the edge of a driveway pavement or alley line. No driveway shall be located within ten (10) feet of the intersection of two (2) street right-of-way lines.”

8. *Curb and Gutter.* Curb and gutter shall be constructed by the subdivider on both sides of all streets. Curbs shall be constructed as one of the standard curbs as directed by the INDOT Standard Specifications and Standard Drawings.
9. *Roadside Drainage Swales.*
 - a. *New Streets.* No new subdivision streets shall have roadside drainage swales.
 - b. *Existing Streets.* Roadside drainage swales shall be placed along existing roads, as follows:
 - 1) Culverts are to be placed or extended under the roadway where necessary. The size of the culvert is to be according to the calculated amount of storm water flow, but not less than twelve (12) inches in diameter. All culverts shall extend from right-of-way to right-of-way. All culverts shall have applicable end sections.
 - 2) Roadside drainage swales shall be constructed in accordance with the City of Greendale’s Stormwater Management Ordinance.
 - 3) When practicable, roadside swales will be replaced with curb and gutter and a contained storm drainage system.
10. *Improvements to Adjacent Streets.*
 - a. *Realignment or Widening of Street.* Where a subdivision borders an existing narrow road or when the Comprehensive Plan or other policy document of the City indicates plans for the realignment or widening of a road that would require use of some of the land in the subdivision, the subdivider shall be required to improve and dedicate at its expense those areas designated for widening or realignment.
 - b. *Dedication.* Frontage roads and streets shall be improved and dedicated by the subdivider at their own expense to the full width as required by this UDO when the subdivider's development activities contribute to the need for the road expansion. Land reserved for any road purposes may not be counted in satisfying yard or area requirements of the UDO whether the land is to be dedicated in fee simple or an easement granted to the City.
11. *Private Streets.*
 - a. *Residential Development.* Private streets for residential development are prohibited and a waiver from this requirement is not permitted.

- b. *Commercial and Industrial Development.* Streets within commercial and industrial development shall be public unless private streets are approved by the Planning Commission.
 - c. *Construction.* Private streets must be constructed to meet or exceed the standards in the INDOT Indiana Design Manual and the INDOT Standard Specifications and Standard Drawings. A waiver from this requirement is not permitted.
 - d. *Maintenance.* Maintenance of private streets is the responsibility of the subdivider or property owners as outlined in the recorded covenants, on the plat, and in the written commitments.
12. *Access Roads, Limited Access Roads, and Railroads.*
- a. *Limited or Improved Access.*
 - 1) *Potential Hazard.* Access roads from a proposed development on to an existing or proposed public right-of-way may be restricted or denied where such a road presents a potential hazard to public safety. Examples of restrictions include, but are not limited to, the creation of intersections and/or railroad crossings which are likely to be dangerous as determined by the Administrator.
 - 2) *Improvements may be Required.* Where such potential hazard to the public safety is determined to be present, the Planning Commission may require the subdivider to make improvements to an existing or proposed public right-of-way as a condition of allowing access.
 - b. *Access Roads.* The number of access roads required for a proposed subdivision shall be based upon the number of lots, engineering design best practice, and continuity of the public street system. If the Planning Commission determines that an additional access road is necessary, it will advise the subdivider at the time of Primary Plat consideration.
 - c. *Distance Requirements.* Railroad rights-of-way and limited access highways that may affect the subdivision of adjoining lands shall be treated as follows:
 - 1) *Residential Districts.* In residential districts, a buffer strip at least twenty-five (25) feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to railroad right-of-way or a limited access highway. This strip shall be in a common area or part of the platted lot(s) and shall be designated on the plat: *"This strip is reserved for screening. The placement of structures on this land is prohibited."*
 - 2) *Commercial or Industrial Subdivisions.* In commercial or industrial subdivisions, the nearest street extending parallel or approximately parallel to a railroad right-of-way shall, wherever practicable, be at a sufficient distance from the railroad right-of-way to ensure suitable depth for commercial or industrial sites.
 - 3) *Intersecting Streets.* When streets parallel to a railroad right-of-way intersect a street, which crosses the railroad right-of-way at grade, they shall, to the extent practicable, be at a distance of at least one hundred fifty (150) feet from the railroad right-of-way. Such distance shall be determined with due consideration of the

minimum distance required for future separation of grades by means of appropriate approach gradients.

- d. *Parallel Street Required.* Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way at a spacing suitable for the appropriate use of the intervening land. Such spacing shall also be determined with due regard for the requirements of the approach grade of any future grade separation structure.

13. *Street Signs.*

- a. *MUTCD Requirement.* Each installed sign shall comply with the urban standards established by the State of Indiana.
- b. *Subdivider Expense.* The subdivider shall be responsible for the installation of all street signs required by the City or INDOT, as applicable.
- c. *Installation Timeframe.* The subdivider shall install all street signs before issuance of any certificates of occupancy for any primary structure within the subdivision.
- d. *Placement of Signs.* Street name signs are to be placed at all intersections within or abutting the subdivision as approved by the Administrator.
- e. *Maintenance.* Sign maintenance is the responsibility of the subdivider or the property owners within the development, as outlined in the recorded covenants, on the plat, and in the written commitments until the time of dedication to the City.

14. *Street Lights.* Street lights shall be connected to the applicable electric permitting authority and installed in accordance with requirements of the applicable authority. All street lights shall have illumination levels that are appropriate for the road type and surrounding land uses.

E. Blocks.

1. *Arrangement.*

- a. *Compatible with Topography.* The layout of a subdivision's blocks shall be compatible with the topography and other physical conditions of the land to ensure that compliance with the UDO, Building Code, and other local, state, and federal regulations can be achieved.
- b. *Public Street Access Required.* Every block shall have sufficient and adequate access to a public street constructed, or to be constructed, in accordance with this UDO.
- c. *Access to Potential Future Lots Required.* The Planning Commission may require that blocks be arranged to allow further subdivision and the opening of future streets where necessary to serve potential future or existing lots.

2. *Design.*

- a. *Off-Street Parking and Loading.* The depth and width of blocks reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide off-street

parking and loading facilities required for the type of use and development contemplated, as established in the UDO. See Section 3-A, *Parking and Loading*.

- b. *Block Length*. Blocks shall not exceed nine hundred (900) feet in length.
- c. *Block Width*. Blocks shall be of sufficient width to permit two (2) tiers of lots of appropriate depth, except where an interior street parallels a limited access highway or an arterial street or a railroad right-of-way.

F. Lots.

1. *Arrangement*.

- a. *Compatible with Topography*. The layout of a subdivision's lots shall be compatible with the topography and other physical conditions of the land to ensure that compliance with the UDO, Building Code, and other local, state, and federal regulations can be achieved.
- b. *Public Street Access Required*. Every lot shall have sufficient and adequate access to a public street constructed, or to be constructed, in accordance with this UDO.
- c. *Access to Potential Future Lots Required*. The Planning Commission may require that lots be arranged to allow further subdivision and the opening of future streets where necessary to serve potential future or existing lots.

2. *Design*.

- a. *Lot Requirements*. Lot dimensions shall comply with the minimum standards of the applicable zoning district in the UDO. See Chapter 2, *Zoning Districts*.
- b. *Calculation of Lot Areas*. Land reserved for any proposed street, drainage structure (retention or detention), lake, river, stream, or wetlands shall not be counted in satisfying the minimum lot area requirements of the UDO.
- c. *Off-Street Parking and Loading*. The depth and width of lots reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide off-street parking and loading facilities required for the type of use and development contemplated, as established in the UDO. See Section 3-A, *Parking and Loading*.
- d. *Right Angle Requirement*. Side lot lines shall be at right angles to street lines (or radial to curving street lines) unless the Planning Commission determines that a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for the erection of buildings, observing the minimum front yard setbacks from both streets.
- e. *Lot Line Determination*. The lot or block line common to the street right-of-way shall be the front property line. All lots and blocks shall face the front property line and a similar line across the street. Wherever feasible, lots and blocks shall be arranged so that the rear lot line does not abut the side lot line of an adjacent lot.
- f. *Avoided Lot Types*. Double frontage and reversed frontage lots shall be prohibited except where necessary to provide separation of development from traffic arterials or

to overcome specific disadvantages of topography and orientation. The decision as to whether or not a double frontage lot meets this standard shall be made by the Planning Commission through an application submitted for a variance.

3. *Numbering of Lots and Buildings.* The Administrator is hereby authorized to develop surveys for the purpose of designing numbers for each building site within the City. The Planning Commission:
 - a. Shall approve all street numbers assigned to buildings or lots;
 - b. May develop and prescribe a uniform and standards system of street numbers to be assigned to buildings or lots within the City; and
 - c. Information on the assigned street numbers shall be given to the proper postal officials.

G. Easements.

1. *Drainage Easements.*
 - a. All drainage easements shall be indicated on the Primary Plat and the Secondary Plat.
 - b. All drainage easements (public and private) shall be a minimum of twenty (20) feet in width and shall be located at the rear or side lot lines. Public drainage easements may either be partially or completely located within the right-of-way with the approval of the appropriate authority. One-half (1/2) the width of an easement shall be taken from each lot for interior lots.
 - c. When topographical or other conditions make it impractical to include utilities within the rear lot lines, perpetual unobstructed easements at least twenty (20) feet in width shall be provided alongside lot lines with satisfactory access to the street or rear lot lines. One-half (1/2) of the width of an easement shall be taken from each lot for interior lots. This subsection does not apply to the sanitary sewer system which is required by city ordinance to be within the street right-of-way.
2. *Pedestrian and Bicycle Connectivity Easements.* To facilitate pedestrian and bicycle access and connectivity, the Planning Commission may require perpetual unobstructed easements, at least twenty (20) feet in width, from the proposed development to adjacent property (whether developed or not), neighborhoods, schools, parks, playgrounds, churches, government buildings, facilities, other community amenities, or any other points of social, environmental, economic, or historical interest. Every such easement shall be indicated on the Secondary Plat.
3. *Utility Easements.* The subdivider shall be responsible for proper coordination of utility easements from block to block and from his/her subdivision to that of other adjoining properties.

H. Environmental Management.

1. *Preservation of Existing Features.* Existing features that would add value to the development or to the City as a whole (such as trees, watercourses and falls, historic sites, and similar irreplaceable assets) shall be encouraged to be preserved in the design of the subdivision.
2. *Drainage Requirements.*

- a. *Storm Drainage.*
 - 1) The subdivider shall provide the subdivision with an adequate storm water system. The system shall conform with the latest edition of the City of Greendale Stormwater Management Ordinance. A copy of the analysis shall be submitted to the Administrator with the drainage facility plans.
 - 2) The plans for the installation of a storm drainage system shall be provided by the subdivider and approved by the Administrator. The plans for the system as built shall be filed with the Administrator upon the completion of the storm sewer installation as required by the City of Greendale Stormwater Management Ordinance.
- b. *Required Covenant Language for Drainage.* To ensure the maintenance of a professionally designed and installed drainage system, the following paragraphs shall be required as a provision of the restrictive covenants for all Secondary Plats and shall be included in all deeds written relative to said plats. The proposed owner shall submit a signed copy of this covenant to be filed with the Planning Commission and the County Surveyor at the time an application for an ILP is submitted.

“Drainage swales (ditches) along dedicated streets and within the right-of-way, or on dedicated drainage easements, are not to be altered, dug out, filled in, tiled, or otherwise changed without the written approval of the Administrator. Property owners must maintain these swales as sodded grassways or other non-eroding surfaces. Water from roofs, parking areas, or other impervious surfaces must be contained on the property long enough such that drainage swales or ditches will not be damaged by such water. Driveways may be constructed over these swales or ditches only when culverts are in compliance with the latest edition of the City of Greendale Stormwater Management Ordinance. No sanitary structures, drainage structures, or water line appurtenances shall be located within driveway limits or sidewalks without written approval of the Administrator. No sump pump drains, or other drains shall outlet onto the street.”

I. Sidewalks and Trails.

- 1. *Generally.* Sidewalks or trails shall be included within the dedicated, non-pavement right-of-way of all streets.
- 2. *Sidewalks.*
 - a. Sidewalks are to be at least five (5) feet in width and are required to be installed on both sides of the street in a subdivision.
 - b. The surface of any sidewalk shall, when completed, have a sufficient slope to drain away from the lot and to the center of the street. The subgrade of a sidewalk shall be constructed to a depth below the finished surface and shall be thoroughly compacted to a firm, smooth surface.
 - c. All sidewalks shall be compliant with ADA requirements.
 - d. Sidewalks shall be installed per the INDOT Standard Specifications and Standard Drawings.

3. *Trails.*
 - a. All trails must be at least ten (10) feet wide and meet the applicable standards for thickness and base requirements.
 - b. All trails shall be constructed in accordance with the adopted standards or the American Association of State Highway and Transportation Officials (AASHTO) standards.

J. Open Space and Areas for Public Dedication.

1. *Plan in Conjunction with Primary Plat.* If applicable, a plan for open space and areas proposed to be dedicated to the public shall be submitted along with the application for Primary Plat approval. Such plan shall depict the subdivision in full compliance with this UDO and all other applicable health, flood control, and regulations of the City.
2. *Common Area Requirement.* All commonly owned open space shall be set aside as common area and labeled accordingly on all plat submissions. The intent of this regulation is to ensure that this open space remains accessible to the residents or property owners within the subdivision and their guests by sidewalk, trail, or combined bikeways and walkways. If a subdivision is to be developed in sections, the open space plan shall show each section and each section shall follow the requirements of this UDO.
3. *Retention/Detention Ponds within Open Space.*
 - a. *Pond Installation.* Ponds shall be installed in accordance with the latest edition of the City of Greendale Stormwater Management Ordinance.
 - b. *Applicability to Lot Area Requirements.* If a tract being subdivided contains a pond or portion thereof, it shall be set aside as common area and shall not be included as part of a lot or in satisfying the individual lot area requirements of the UDO.
4. *Ownership and Maintenance of Open Space.*
 - a. *Equal Responsibility.* Responsibility, maintenance, and ownership of ponds and common area shall be distributed equally among all property owners within the development either jointly through a property owners association or individually in the event a property owners association is dissolved or does not exist.
 - b. *Proof of Agreement.* The Planning Commission may require proof of an “ownership and maintenance agreement” for the common areas within a subdivision.
 - c. *City Not Responsible for Maintenance or Safety.* The City shall not assume responsibility for the maintenance and safety of the common areas. This responsibility shall be with a Homeowner’s Association (HOA) or similar privately owned and operated agency.
5. *Areas Set Aside for Public Dedication.*
 - a. *Recreation.* Land reserved for active recreational purposes shall be of a character and location suitable for use as a playground, athletic field, or for other active recreational purpose, and shall be relatively level and dry.
 - b. *Public Park or School.* Proposed subdivisions may allocate areas for public parks, schools, or other public purposes to conform with the requirements of any applicable adopted plan. Each reservation shall be of suitable size, dimension, topography, and general

character and shall have adequate road access for the purposes envisioned. The reserved area shall be shown and marked on the Secondary Plat, "*Reserved for Park, School, or Recreational Purposes.*" The Planning Commission shall be granted the opportunity to make a recommendation on any areas set aside for public dedication and the City Council shall approve any dedication before acceptance.

- c. *Public Agency.* The acquisition of land reserved for a public agency on the Secondary Plat shall be initiated by the public agency prior to any contingent approval of the Secondary Plat. The Planning Commission may approve the Secondary Plat on a contingent basis until after the public agency closes on the purchase of said property. The process of initiating acquisition begins when a contract is placed on the property.

K. Public Sanitary Sewer System.

1. *Installation of Facility.* The subdivider shall be required to install public sanitary sewer facilities as a condition of the sale of each lot or parcel in the subdivision. Under no circumstances shall a new lot be permitted to be on a septic system.
2. *Public Sanitary Sewer Facilities.*
 - a. *Complete System.* The subdivider shall provide the subdivision with a complete sanitary sewer system, which shall connect to a sanitary sewer outlet approved by the City.
 - b. *Placed in Easements.* Public sanitary sewers shall be laid in easements provided for said purpose as required by the sewer provider.
 - c. *Installation of Laterals.* Service laterals shall be installed between the street sewer collector and the property line before the street is paved.
 - d. *Minimum Construction Requirements.* The construction of the sanitary sewer shall at a minimum be in accordance Title 327, *Water Pollution Control Division*, of the Indiana Administrative Code.
 - e. *Submittal of Plans.* The plans for the installation of a sanitary sewer system shall be provided by the subdivider and approved by the City. All plans for the system shall be as built and shall be filed with the Planning Commission upon the completion of the sanitary sewer installation.

L. Public Water System.

1. *Connection to System.* All habitable buildings and buildable lots shall be connected to a water system capable of providing water for health and emergency purposes, including adequate fire protection.
2. *Subdivider Responsibilities.* The subdivider shall provide the subdivision with a complete water main supply system, which shall be connected to a municipal or a community water supply approved by the Administrator. When such municipal or community water supply is not available, as determined by the Administrator, an individual water supply on each lot in the subdivision is required.
3. *Public Water Facilities.*

- a. *Minimum Construction Standards.* The construction of the public water facility shall at a minimum be in accordance with the Title 327, *Water Pollution Control Division*, of the Indiana Administrative Code and the rules and regulations of the Indiana Department of Environmental Management (IDEM).
 - b. *Proximity Requirement.* When a public water supply is available within three hundred (300) feet of any boundary of a proposed subdivision, the subdivider shall construct and install a system of water mains (including fire hydrants) to be connected to the public water supply.
 - c. *Connection per Lot.* Each lot shall be provided with a connection to the water delivery system in accordance with the Greendale Engineering Design Standards Manual.
 - d. *Installation.*
 - 1) Water mains shall be installed entirely within the right-of-way or installed immediately behind the curb and installed within a two (2) foot easement on the roadway side of the sidewalk.
 - 2) All water lines shall be of cast iron, the mains being not less than six (6) inches in diameter and placed to a depth of not less than four (4) feet below the surface. The location of the lines, the manner and method of laying the lines and all matters in connection to the installation of the water lines shall be subject to the approval of the Administrator.
 - e. *Submittal of Plans.* The plans for the installation of a water main supply system shall be provided by the subdivider and approved by IDEM and the Administrator. The plans for such systems shall be as built and filed with the Administrator upon the completion of the water supply installation.
4. *Fire Hydrants.*
- a. *Required.* Fire hydrants shall be required for all developments served by a public water utility or where public water utilities are reasonably accessible as determined by the Administrator.
 - b. *Approval.* The Administrator shall approve fire hydrants, including their setting, number, and size of outlets.
 - c. *Spacing Requirements.* Unless otherwise specified by local fire and/or building regulations, fire hydrants shall be located no more than five hundred (500) feet apart and within three hundred (300) feet of any structure and shall be approved by the local fire protection unit.
 - d. *Water Supply.* Adequate water supply as determined by the Administrator shall be provided to all fire hydrants prior to any building construction.
 - e. *Street Markers.* Plowable street markers may be required on major arterials.
 - f. *Dry Hydrants.* Dry hydrants may be required in retention/detention ponds at the discretion of the Administrator. Placement and design must be approved by the Administrator.

- g. *Cost and Surety.* The cost of installing the system shall be borne by the subdivider. The subdivider may be required to provide surety for installing such improvements.

M. Private Water Supply.

- 1. *Proximity Requirement.* Where a public water supply is not available within three hundred (300) feet of any boundary of the proposed subdivision, the subdivider may provide each lot with a community or individual water supply, provided the installation conforms to the Indiana Department of Health Recommended Standards for Private Water Wells.
- 2. *Existing Private Wells.* All existing homes currently being served by a private potable well water supply that are to be connected to a new public water supply system shall adhere to the following:
 - a. *Abandonment.* The existing well and pumping unit shall be abandoned and the well properly plugged in accordance with the rules and regulations of IDEM and Indiana Department of Natural Resources (IDNR).
 - b. *Continuance of Existing Private Wells.* If the homeowner chooses to keep a well in service, a physical disconnection (between the existing well supply plumbing and the new public water supply plumbing) must be completed by the homeowner and inspected by the County Health Department. All disconnections of plumbing shall be completed by a plumbing contractor, licensed in the State of Indiana, and shall be made in accordance with the requirements of the American Backflow Prevention Association (ABPA).

N. Mapping and Monumentation.

- 1. *Generally.*
 - a. *Precision Required.* All U.S., State, county, municipal, or other official benchmarks, monuments, or triangulation stations in or adjacent to the property shall be preserved in a precise position by a registered land surveyor.
 - b. *Reference Points.* The plat and legal description of subdivisions shall be referenced to two (2) known Section corners. The basis of bearing shall be the Indiana Geospatial Coordinate System Decatur Zone.
 - c. *Placement.* Monuments and markers shall be placed so that the center of the bar, or marked point, shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument or marker is level with the finished grade.
 - d. *Permanency.* A permanent monument in each section of a subdivision shall be installed by the subdivider to establish elevation control throughout the subdivision.
 - e. *Vertical Datum.* The vertical datum shall be NAVD 88, or the current datum established by the National Geodetic System.
- 2. *Monuments.* Monuments shall be:
 - a. Set at the intersection of all lines forming angles in the boundary of the subdivision;

- b. Set at the intersection or curves of street property lines. Not more than two (2) monuments shall be required at any intersection;
 - c. Concrete with minimum dimensions of four inches by four inches by thirty-six inches (4" x 4" x 36"), set vertically in place with an iron or copper dowel three-eighths of one inch (3/8") in diameter, with an identification cap including Surveyor Firm or identification number; and
 - d. At a minimum, two and one-half (2 ½) inches in length embedded so that the top of the dowel shall be not more than one-fourth of one inch (1/4") above the surface and at the center of the monument.
3. *Markers.* Markers shall:
- a. Consist of galvanized or wrought iron pipe or iron or steel bars at least two feet in length, and not less than a half (½) inch in diameter;
 - b. Be set at the beginning and ending of all curves along street property lines;
 - c. Be located at all points where lot lines intersect front or rear curves;
 - d. Be located at all angles in property lines of lots; and
 - e. Be located at all other lot corners not established by a monument.

Chapter 7 – Subdivision Administration

A. General Provisions.

1. *Applicability.* A subdivider shall follow the applicable procedures contained in this chapter for the type of subdivision for which approval is sought. The specific subdivision classification as defined herein shall be made by the Administrator.
2. *Authority.* The authority to grant the subdivision of property within the State of Indiana is granted by IC 36-7-4-700 Series.
3. *Compliance with UDO.* The platting of land, when required by the UDO, shall be done in compliance with the provisions of this UDO. Land required by the UDO to be platted may not be subdivided unless approved per the regulations of this UDO.

B. Planning Commission.

1. *Establishment and Membership.* See Sec. 8.C.1, *Establishment and Membership.*
2. *Duties and Powers.* See Sec. 8.C.2, *Duties and Powers.*
3. *Planning Commission Authority.* The Planning Commission is authorized to perform those duties and functions specified in IC 36-7-4, *Local Planning and Zoning*, and other applicable chapters and sections of Indiana law. The Planning Commission shall have the following authority:

Table 7-1, Planning Commission Authority			
Application Type	Planning Commission's Action	UDO Process	Applicable Indiana Code
Major Subdivision, Primary Plat	Final	Section 7.B.7	IC 36-7-4-700 Series
Minor Subdivision ¹	Final	Section 7.B.8	IC 36-7-4-700 Series
Primary Plat Amendment	Final	Section 7.B.9	IC 36-7-4-703
Plat Vacation	Final	Section 7.B.10	IC 36-7-4-711
Waiver or Modification	Final	Section 7.B.11	IC 36-7-4-702(c)
Notes:			
1) The minor subdivision process may combine both the primary plat and secondary plat processes.			

4. *Planning Commission Meetings, Public Records, Quorum and Actions.* See Sec. 8.C.4, *Planning Commission Meetings, Public Records, Quorum and Actions.*
5. *Planning Commission Processes for All Application Types.* See Sec. 8.C.5, *Planning Commission Process for All Application Types.*
6. *Pre-Application Subdivision Consultation.* This pre-application step is a required part of the subdivision process. This step gives the applicant the opportunity to discuss the process with the Administrator as well as the City's requirements for subdivisions, including, but not limited to the reservation of land, dedication of right-of-way, and utility service requirements. In addition, the applicant receives feedback from the Administrator about their proposal before investing time and energy into the plat process. After the pre-

application conference, the Administrator shall direct the applicant to the appropriate subdivision process.

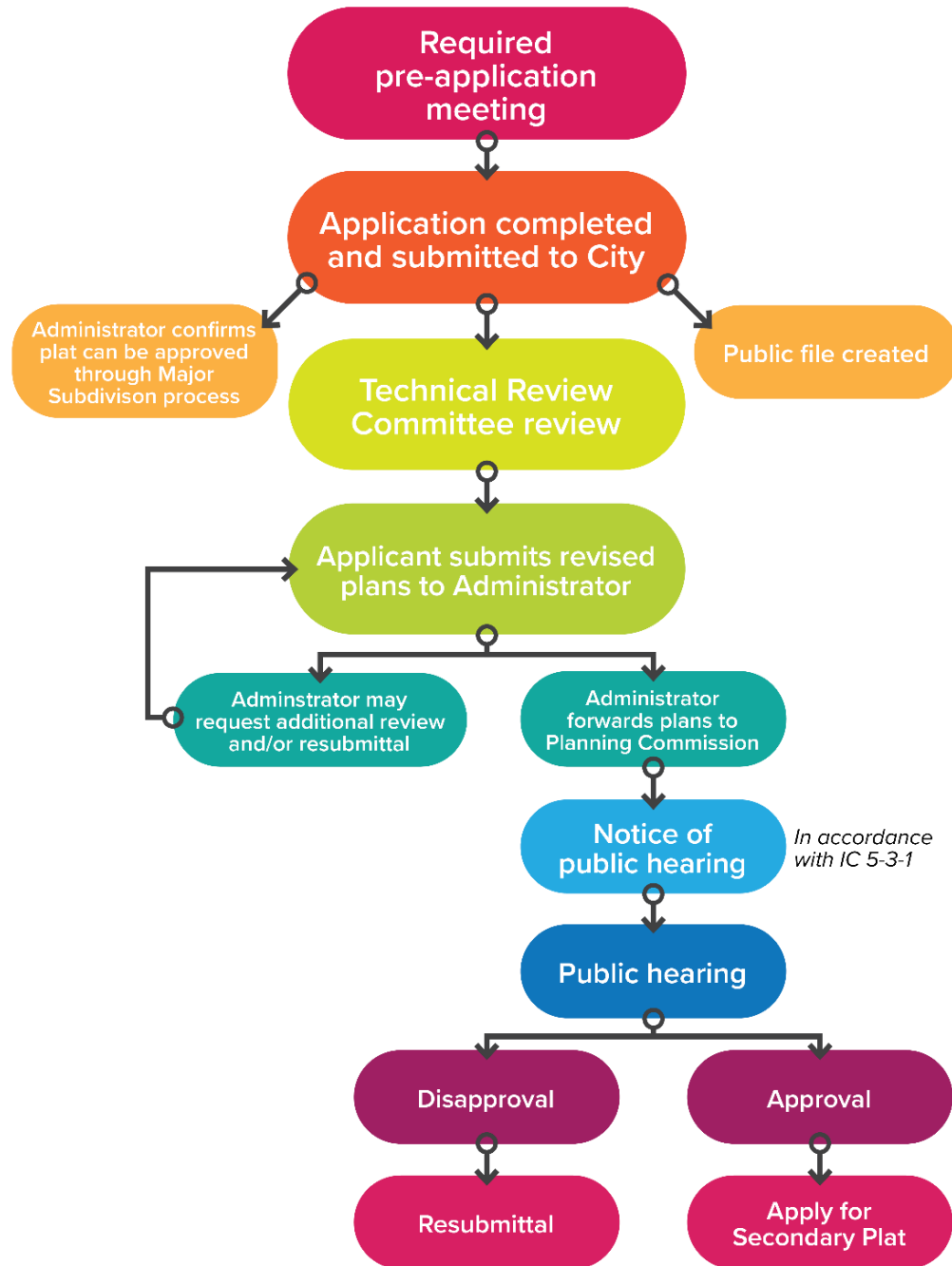
7. *Major Subdivision - Primary Plat Process.* The development or modification of property requires subdivision plat approval. Per IC 36-7-4-700 Series and the Planning Commission Rules and Procedures, the Planning Commission shall hear and make decisions regarding applications for major subdivisions in accordance with the following:
 - a. *Applicability.* All subdivisions are required to complete the major subdivision process unless the Administrator determines that the criteria are met for the subdivision to be completed through another process found within this UDO.
 - b. *Application Submittal.* The subdivider shall submit an application for both the primary plat process per the application requirements adopted by the Planning Commission as part of the Planning Commission Rules and Procedures and prepared per the applicable formats including Sec. 7.E, *Document and Drawing Specifications*; Sec. 7.F, *Construction and Development Process*, and according to the application requirements adopted as part of the Planning Commission Rules and Procedure.
 - c. *Technical Review.* After receiving a complete application and creating a public file, the Administrator shall forward the proposed subdivision plat and supporting information to the Technical Review Committee (TRC) for technical review. At the discretion of the Administrator, the TRC review may be held in person or remotely (virtually, by telephone, or by email). The Administrator shall compile the TRC's written comments for the applicant and include them in the public file.
 - d. *TRC Revisions.* The subdivider shall address all the comments from the TRC members and submit revised plans to the Administrator. The Administrator may request additional internal review and/or the resubmittal of additional revisions before forwarding the subdivision plat.
 - e. *Public Notice.* Notice of public hearing shall be made following IC 5-3-1. In the event that the hearing has been properly noticed, but the plans are not finished per subsection (d) above, then the Administrator may have the Planning Commission automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the subdivider.
 - f. *Public Hearing.* The Planning Commission shall consider the primary plat of a Major Subdivision at a public hearing. The subdivider or their representative shall be in attendance to present it and address any questions or concerns of the Planning Commission.
 - g. *Approval Process.*
 - 1) *Grant of Approval.* If the Planning Commission determines that the primary plat complies with the standards set forth in this UDO, it shall grant primary approval to the plat.
 - 2) *Notification of Approval.* Within ten (10) days of the hearing, the Administrator shall notify the subdivider of approval in writing or electronic transmission and itemize any conditions, written commitments, changes, or revisions required by the Planning Commission's approval.

- 3) *Effect of Planning Commission's Plat Approval.* Approval of a primary plat by the Planning Commission signifies:
 - a) The general acceptability of the layout submitted;
 - b) Assurances have been made by the water utility provider for a water supply system that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed;
 - c) Assurances have been made by the sewage utility provider for a sewage system and, if other methods of sewage disposal are proposed, that such systems will comply with federal, state, and local laws and regulations; and
 - d) The subdivider has made all reasonable efforts to mitigate the impact of the proposed subdivision on public health, safety, and welfare.
- h. *Planning Commission Requested Revisions.* Per IC 36-7-4-702, the Planning Commission may require changes or revisions to the proposed subdivision plat as a condition of primary approval to ensure the best interest and general welfare of the city, including, but not limited to the layout, grading, and improvement of public ways or other services.
- i. *Expiration.* Approval of a primary plat shall be effective for two (2) years from the date of the Planning Commission decision. Failure to receive secondary approval for all or a minimum of one (1) section of the plat before this (2) two-year period ends shall void the primary plat approval. Once primary approval has expired, a new application for primary plat shall be submitted in conformance with all applicable ordinances in effect at the time the new application is submitted.
- j. *Extension.*
 - 1) *Automatically by Secondary Plat Approval.* Secondary plat approval of at least one section of the approved primary plat shall automatically extend the approval for the entire primary subdivision plat for two (2) years.
 - 2) *Request to Planning Commission.* Upon written request by the subdivider, and no less than thirty (30) days before the expiration date of the primary approval, the Planning Commission may extend approval of a primary plat up to a maximum of one (1) additional year without further notice, public hearing, or fees.
- k. *Disapproval.*
 - 1) *Notification.* If the Planning Commission disapproves a primary plat, it shall make written findings of fact and the Administrator shall notify the subdivider in writing or by electronic transmission within ten (10) days of the public hearing, stating the specific reasons for disapproval.
 - 2) *Resubmittal.* After disapproval, the petitioner may only resubmit a revised primary plat application if there is a significant change that addresses the reason for disapproval.
- l. *Amendments.* At any time after Major Subdivision Primary Plat approval, the subdivider may request that an amendment be made to the Primary Plat. The amendment process shall not apply to an expired or voided Primary Plat.

- 1) *Major Amendments:* The applicant is required to bring proposed major amendments to an approved primary plat to the Planning Commission for approval at a public hearing. Major amendments to a Primary Plat requiring Planning Commission approval include:
 - a) An increase in the total number of lots;
 - b) Increases or decreases in lot area for one or more lots;
 - c) Changes to the phasing order of sections or section boundaries;
 - d) Reduction in or substantial redesign of perimeter landscaping, subdivision amenities, or open space;
 - e) Widening or narrowing an easement from the approved primary plat;
 - f) Modification of street design resulting in the relocation of an intersection by more than 5 feet, shortening or lengthening a street segment by more than 5% of its original design length, or adding more than 50 lineal feet of new streets;
 - g) Modification of pedestrian and/ or bicycle facility design resulting in the removal of sidewalks, trails, or paths along a segment of the street, reducing the width of a sidewalk, trail, or path, or removing a mid-block crossing.
 - h) Notable realignment of streets;
 - i) Relocation of an entrance by more than five (5) feet from its approved location;
 - j) Any change that would result in noncompliance with the design standards in the Subdivision Regulations or a written commitment;
 - k) A proposed minor amendment that adds to previously approved minor amendments, to cumulatively comprise a major change to the approved primary plat; or
 - l) Any proposed deviation from a provision determined by the Administrator to be essential for protecting health, safety, and welfare.
 - (1) *Minor Amendments:* An applicant may seek minor amendments to an approved primary plat that does not adversely impact the integrity of the approved primary plat and that do not require a major amendment approval, as outlined in the previous section. A minor amendment to a Primary Plat may be approved by the Administrator without a public hearing. A minor amendment authorized by the Administrator shall be reported in writing to the Planning Commission at the next regular meeting of the Planning Commission.
 - (2) *Effect on Utility Easements:* Neither major nor minor amendments to Major Subdivision Primary Plats shall negatively affect easements designated and/or currently approved by the utility service providers.

- m. *Flowchart.* The following flowchart is for illustrative purposes only to show the steps associated with the major subdivision, primary plat application process.

MAJOR SUBDIVISION, PRIMARY PLAT PROCESS



8. *Minor Subdivision Process.* The development or modification of property requires subdivision plat approval. Per IC 36-7-4-700 Series and the Planning Commission Rules and Procedures, the Planning Commission shall hear and make decisions regarding applications for minor subdivisions in accordance with the following:
- a. *Purpose.* The minor subdivision platting process is intended to allow the subdivision of land with a reduction of approval time and filing procedure. It is not the intent to allow the minor subdivision process to circumvent the City's subdivision requirements or the intent of the City's comprehensive plan and its components. A minor subdivision shall be subject to all the requirements of the City's UDO and the subject zoning district for the project.
 - b. *Applicability.* The minor subdivision platting process shall only be used for subdivisions, that the Administrator determines:
 - 1) Results in the creation of four (4) or fewer lots;
 - 2) Does not create any new public or private rights-of-way, extension of public facilities, or create any public improvements; and
 - 3) Complies in all other respects with this UDO.
 - c. *Minor Subdivision Combined Primary and Secondary Plat.* The Primary Plat and Secondary Plat may be combined by the subdivider into one single process for a minor subdivision.
 - d. *Administrator Discretion to Shift to Major Subdivision Process.* If, at any time, the Administrator believes that the circumstance of the application warrants the full review and consideration of a major subdivision, then the Administrator shall provide in writing to the subdivider one (1) or more reasons as to why the major subdivision process will be required for their application.
 - e. *Minor Subdivision Limit.* A maximum of one minor subdivision is permitted per parent parcel that was in existence at the time this UDO was adopted. Any additional subdivisions of a parent parcel will be considered a major subdivision and shall follow the major subdivision process of this UDO.
 - f. *Application Submittal.* The subdivider may apply concurrently for both the Minor Subdivision Primary Plat and the Minor Subdivision Secondary Plat per the Planning Commission Rules and Procedures and prepared per the formats described in Sec. 7.E, *Document and Drawing Specifications*, and Sec. 7.F, *Construction and Development Process*.
 - g. *Technical Review.* After receiving a complete application and creating a public file, the Administrator shall forward the proposed minor subdivision plat and supporting information to the TRC for technical review. At the discretion of the Administrator, the TRC review may be held in person or remotely (virtually, by telephone, or by email). The Administrator shall compile the TRC's written comments for the applicant and include them in the public file.
 - h. *TRC's Revisions.* The subdivider shall address all the comments from the TRC and submit revised plans to the Administrator. The Administrator may request additional internal review and/or the resubmittal of additional revisions. Should the subdivider believe that any request of the TRC is not capable with the requirements of this UDO, the subdivider

has the right to appeal the TRC's interpretation through the same process provided for through Administrative Appeals. See Sec. 8.D.6, *Administrative Appeals Process*.

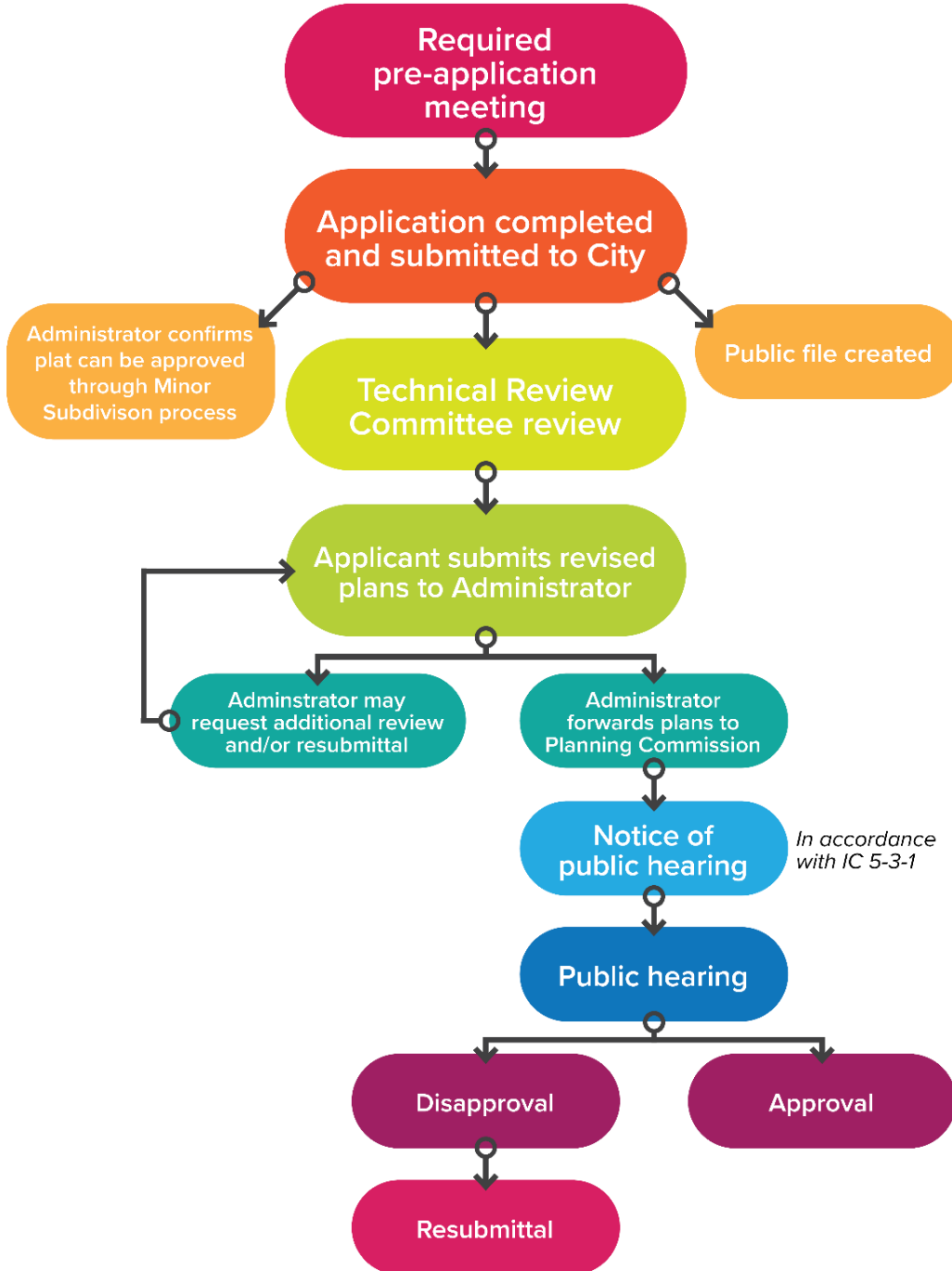
- i. *Public Notice*. Notice of public hearing for a primary or a combined primary and secondary minor subdivision plat shall be made per IC 5-3-1. In the event that the hearing has been properly noticed, but the plans are not finished per subsection (h) above, then the Administrator may have the Planning Commission automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the subdivider.
- j. *Public Hearing*. The Planning Commission shall consider a primary or a combined primary and secondary minor subdivision plat at a public hearing. The subdivider or their representative shall be in attendance to present the plan and address any questions or concerns from the Planning Commission.
- k. *Approval*.
 - a) *Generally*. If the Planning Commission determines that the proposed primary or a combined primary and secondary minor subdivision plat complies with the standards set forth in this UDO, the Planning Commission shall approve the plat.
 - b) *Notification to Subdivider*. Within ten (10) days of the hearing, the Administrator shall notify the subdivider of approval in writing or electronic transmission and itemize any changes or revisions deemed necessary by the Planning Commission as a term of its approval.
 - c) *Changes or Revisions to the Proposed Plan*. Per IC 36-7-4-702, the Planning Commission may introduce changes or revisions to the proposed plans as a condition of primary approval when necessary to facilitate the best interest and general welfare of the community, including, but not limited to:
 - (1) The way any shared driveways shall be laid out, graded, and improved;
 - (2) A provision for water supply, sanitary sewer facilities, and other utility services; and
 - (3) A provision for other services as specified in this UDO.
- l. *Disapproval*.
 - 1) *Notification*. If the Planning Commission disapproves the proposed primary or combined primary and secondary Minor Subdivision Plat, then the Planning Commission shall make written findings of fact and the Administrator shall notify the subdivider in writing or by electronic transmission within ten (10) days of the deadline for receiving internal review comments from the TRC members, stating the specific reasons for disapproval.
 - 2) *Resubmittal*. After disapproval by the Planning Commission, the subdivider may resubmit a new primary or combined primary and secondary Minor Subdivision Plat application only if the new application addresses the reason for disapproval.
- m. *Approval of Secondary Minor Plat*: If the subdivider chooses to separate the primary and secondary plat processes, instead of combining the processes, secondary approval shall be by the Administrator, per Section C.3, *Minor Subdivision, Secondary Plat*.

- n. *Expiration.* Approval of a Minor Subdivision primary plat shall be effective for one (1) year from the date of the Planning Commission decision. Failure to receive secondary approval before this one (1) year period ends shall void the primary plat approval. Once primary approval has expired, a new application for a primary plat shall be submitted in conformance with all applicable ordinances in effect at the time the new application is submitted.
- o. *Extension.* Secondary plat approval of the approved primary plat shall automatically extend the approval for the entire primary subdivision plat for one (1) year.

- p. *Flowchart.* The following flowchart is for illustrative purposes only to show the steps associated with the minor subdivision application process.

MINOR SUBDIVISION PROCESS

Primary and Secondary Plats may be Combined for Minor Subdivisions



9. *Minor Plat Amendment.* At any time after Minor Subdivision Primary Plat approval, the subdivider may request that an amendment be made to the Minor Plat. The amendment process shall not apply to an expired or voided Primary Plat or an expired or voided combined primary and secondary Minor Subdivision Plat. Minor Plat amendments are limited to adjustment of lot widths or lot depths provided the changes do not adversely impact the approved Minor Subdivision Primary Plat and the changes maintain compliance with other provisions of this Ordinance. A minor plat amendment may be approved by the Administrator without a public hearing. A minor plat amendment authorized by the Administrator shall be reported in writing to the Planning Commission at their next regular meeting.

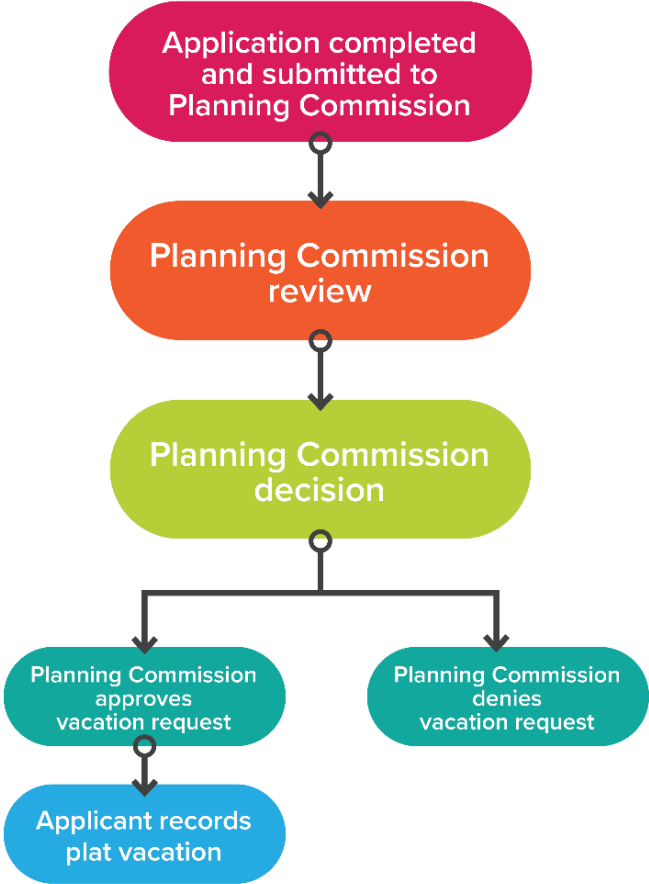
10. *Plat Vacation Process.*

- a. *Generally.* The Planning Commission has exclusive authority over the vacation of plats or parts of plats. Vacations may be pursued under either IC 36-7-4-711 or IC 36-7-3-10.
- b. *Vacation When All Owners Agree.*
 - 1) *Submittal.* As provided in IC 36-7-3-10, if all the owners of land agree on a proposed vacation of all or part of the plat, the owner(s) must first submit the instrument to the Planning Commission for approval before recordation.
 - 2) *Planning Commission Decision.* The Planning Commission may consider and rule on the proposed instrument without notice or a public hearing. The Planning Commission shall attach its written decision before the vacation is submitted for recording.
 - 3) *Effect of Vacation Approval.* As provided in IC 36-7-3-10, an instrument approved for vacation and recorded under this section terminates the effect of the plat or part of the plat declared to be vacated. Vacation approval also terminates all public rights in the public ways and public places described in the plat or part of the plat.
 - 4) *Effect of Vacation Denial.* If the Planning Commission denies a vacation request under this section, a subsequent vacation proceeding affecting the same property and asking for the same relief may not be initiated for two (2) years from the date of the Planning Commission's denial, as provided in IC 36-7-3-15.

5) *Flowchart.* The following flowchart is for illustrative purposes only to show the steps associated with the plat vacation application process when all owners agree.

PLAT VACATION PROCESS

When Owners Agree

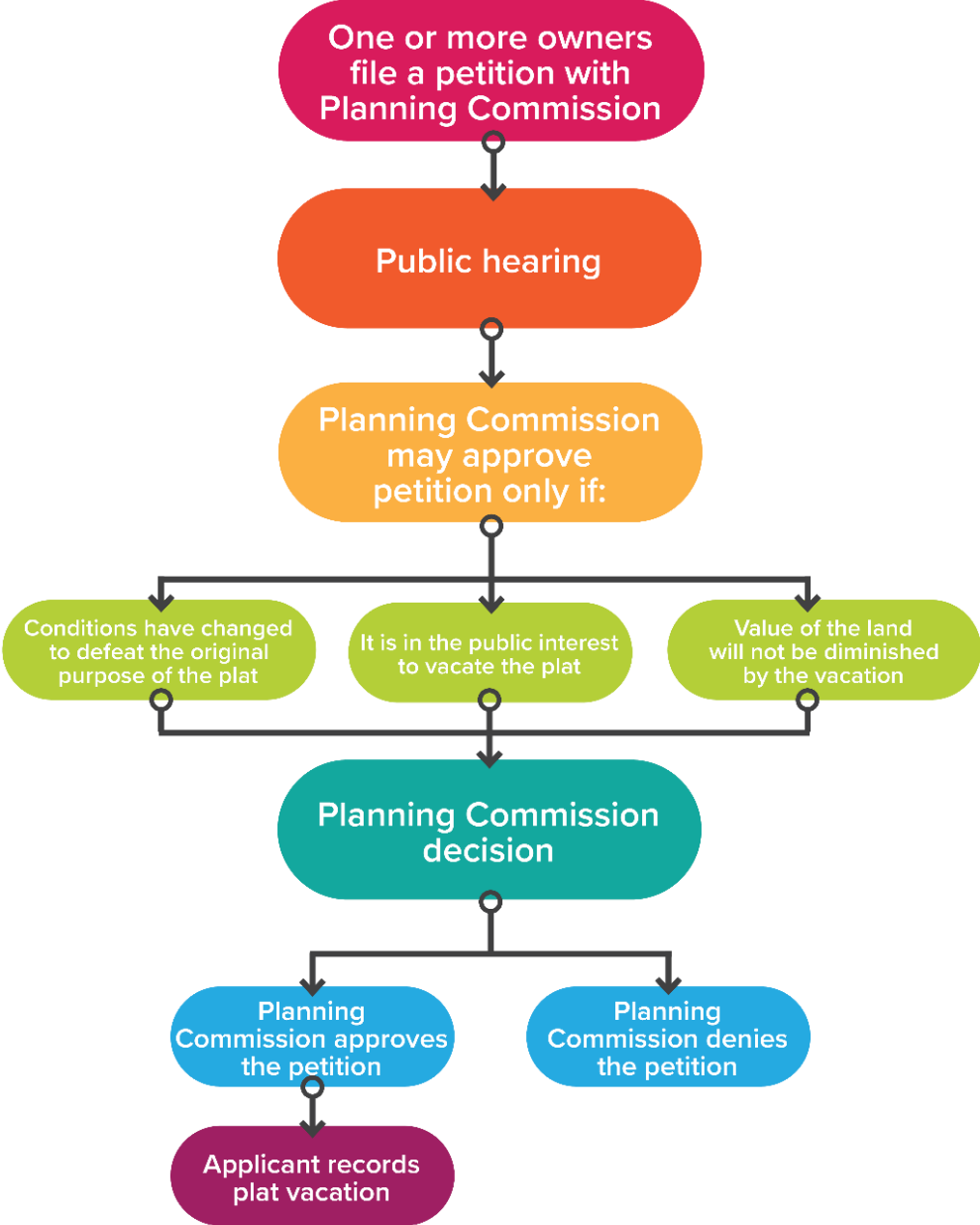


- c. *Vacations When All Owners Are Not in Agreement.* As provided in IC 36-7-4-711, if all the owners of land in a plat do not agree to a proposed vacation, one or more of the owners may file with the Planning Commission a petition to vacate all the plat or that part of the plat that pertains to land owned by the petitioner(s).
- 1) *Public Hearing.* At the Planning Commission hearing, all other owners of land in the plat shall be allowed to comment on the petition.
 - 2) *Conditions for Approval.* The Planning Commission may approve the petition only if it finds that the conditions below are met.
 - a) Conditions in the platted area have changed to defeat the original purpose of the plat;
 - b) It is in the public interest to vacate all or part of the plat; and
 - c) The value of that part of the land in the plat not owned by the petitioner(s) will not be diminished by the vacation.
 - 3) *Recording.* The Planning Commission shall furnish a copy of its approval to the County Recorder for recording.
 - 4) *Denial.* If the Planning Commission finds that the applicant does not meet the requirements above, it shall deny the petition. If the Planning Commission denies a vacation request under this section, it shall not consider another vacation request that requests substantially similar relief concerning the same property for at least one (1) year after the denial, as authorized by IC 36-7-4-715.

5) *Flowchart.* The following flowchart is for illustrative purposes only to show the steps associated with the plat vacation application process when all owners do not agree.

PLAT VACATION PROCESS

When Owners Are Not in Agreement



- d. *Vacation of Plats with Improved Infrastructure.* See IC 37-7-3-12.
- e. *Vacation of Platted Easements.* See IC 36-7-3-16.

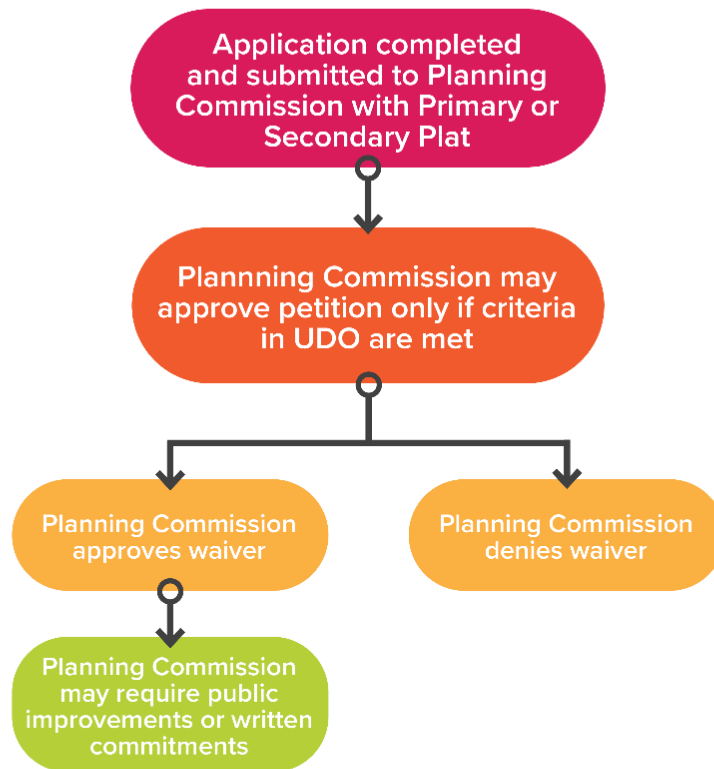
11. *Waiver or Modification Process.*

- a. *Generally.* According to IC 36-7-4-702(c), a waiver or modification may be granted by the Planning Commission for a provision in Chapter 5, *Subdivision Types*, and/or Chapter 6, *Subdivision Design Standards*, provided that the plat meets all other standards of the criteria of this subsection B.11 and all other standards of the UDO are met. Any variations from the standards in Chapter 2, *Zoning Districts*, Chapter 3, *Site Development Standards*, and/or Chapter 4, *Use Development Standards*, require a variance by the BZA (See Chapter 8, *Zoning Administration and Procedures*).
- b. *Application.* A petition for a waiver or modification shall be submitted in writing by the subdivider at the time when the Primary Plat or Secondary Plat is filed. The petition shall state fully the grounds for the application and all the facts relied upon by the petitioner.
- c. *Criteria for Waivers or Modifications.* The Planning Commission shall not approve waivers or modifications unless it finds, based upon the evidence presented to it in each specific case, that:
 - 1) Practical difficulties and unnecessary hardship would result from the strict application of this UDO;
 - 2) The purposes and intent of this UDO may be better served by an alternative proposal that meets the intent of the UDO regulation(s), which is included for consideration;
 - 3) The granting of the waiver or modification will not be detrimental to the public safety, health, or welfare or injurious to other property;
 - 4) The conditions upon which the request is based are unique to the property for which the relief is sought and does not apply generally to other property;
 - 5) The request is not solely for the economic benefit of the petitioner;
 - 6) The relief sought will not contravene the other provisions of the UDO or the intent of the Comprehensive Plan or its components; and
 - 7) Where the waiver or modification impacts the design, construction, or maintenance obligations of public facilities, the appropriate public agency has reviewed and approved the proposed development in writing, which may be by electronic transmission to the Administrator.
- d. *Public Improvements.*
 - 1) *Criteria.* In addition to the requirements listed above in subsection (c), the Planning Commission may waive or modify at the time of primary approval and subject to any appropriate conditions, the provision for any or all, public improvements that in its judgment are:
 - a) Not required in the interests of the public health, safety, and general welfare;
 - b) Inappropriate because of incompatible grades, future planning, inadequate or nonexistent connecting facilities; or

- c) Inappropriate for other reasons presented to and agreed on by the Planning Commission.
- 2) *Deference*. Improvement and/or installations may be deferred per Section F(3)b, of this Chapter of the UDO.
- e. *Written Findings*. The Planning Commission shall make written findings of fact on all waiver or modification requests.
- f. *Conditions of Waiver Approval*. In approving waivers or modifications, the Planning Commission may require written commitments as part of said waiver or modification. Such conditions shall be expressly stated in the action granting the waiver or modification and be in accordance with the *Planning Commission Rules and Procedures* for governing written commitments. Violation of any such written commitment shall be a violation of this UDO and subject to the provisions of Chapter 10, *Enforcement, Violations, and Remedies*.

- g. *Flowchart.* The following flowchart is for illustrative purposes only to show the steps associated with the subdivision waiver application process.

SUBDIVISON WAIVER PROCESS



C. Administrator.

1. *Duties and Powers.* See Sec. 8.E.1, *Duties and Powers.*

Table 7-2, Administrator Authority			
Application Type	Administrator's Action	UDO Process	Applicable Indiana Code
Major Subdivision, Secondary Plat	Final	Section 7.C.2	IC 36-7-710
Minor Subdivision, Secondary Plat	Final	Section 7.C.3	IC 36-7-710
Replat	Final	Section 7.C.4	IC 36-7-4-700 Series
Secondary Plat Amendments	Final	Section 7.C.5	IC 36-4-703

2. *Major Subdivision, Secondary Plat.*

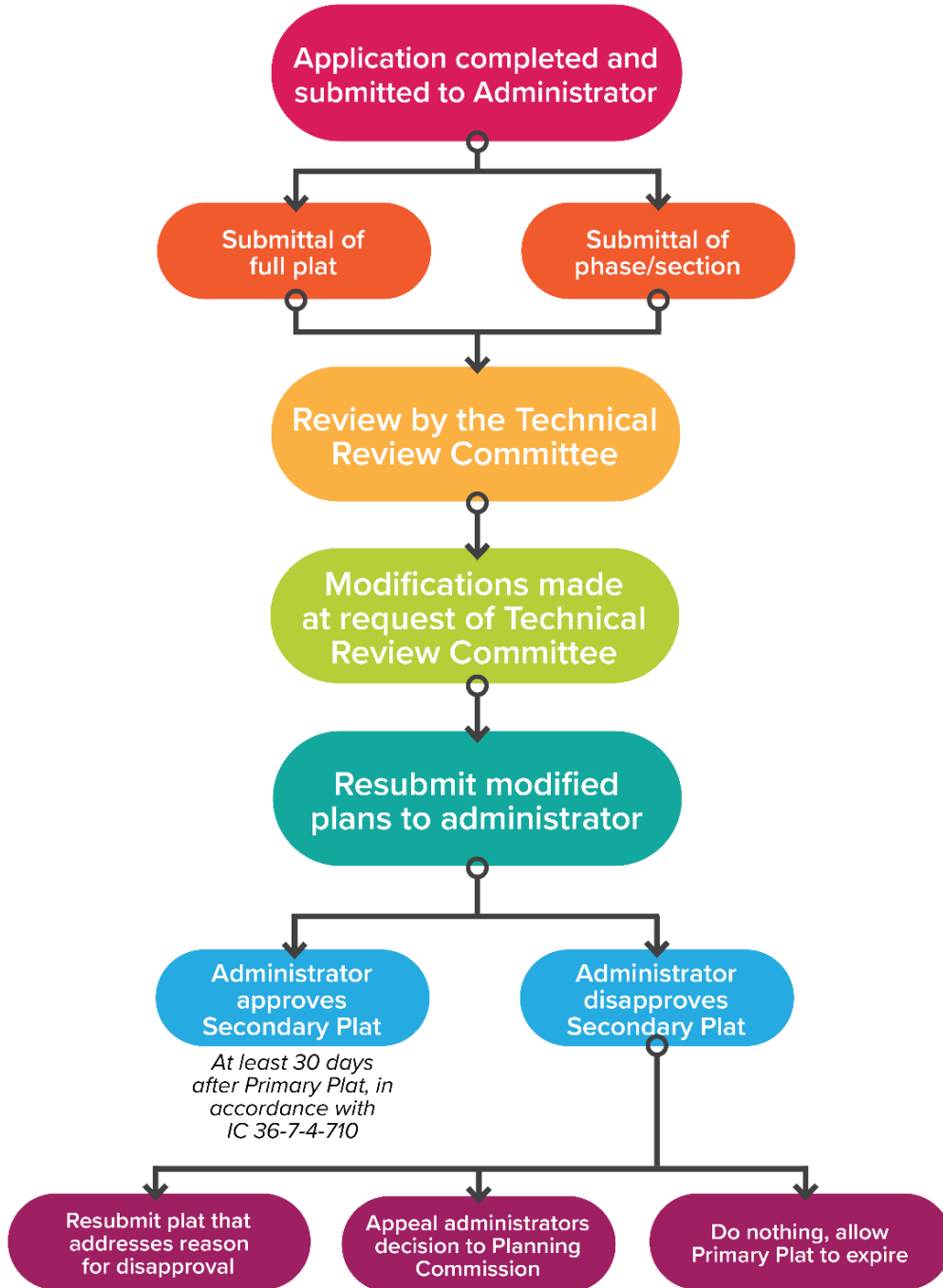
- a. *Application.* The subdivider shall submit an application for a Secondary Plat prepared per the format described in this UDO, including Sec. 7.E, *Document and Drawing Specifications*; Section 7.F, *Construction and Development Process*, and according to the application requirements adopted as part of the Planning Commission Rules and Procedure.
- b. *Format of Submittal.* To allow for flexibility, a Major Subdivision, Secondary Plat may be submitted in one of the following ways:
 - 1) *Full Plat.* The subdivider may submit the Secondary Plat for the entire subdivision.
 - 2) *Phase/Section.* The subdivider may submit the Secondary Plat for a phase or section of lots as laid out on the primary plat which shall include all necessary infrastructure serving such lots.
- c. *Technical Review.* After receiving a complete application and creating a publicly available file, the Administrator shall forward the proposed Secondary Plat and supporting information to the Technical Review Committee (TRC) for technical review. At the discretion of the Administrator, the TRC review may be held in person or remotely (virtually, by telephone, or by email). The Administrator shall compile the TRC's written comments for the applicant and include them in the publicly available file.
- d. *Secondary Plat Standards.* The subdivider shall address the comments from the TRC members and submit revised plans to the Administrator. The Administrator shall then determine if the proposed Secondary Plat meets the standards of this UDO.
- e. *Plat Approval.* If the Administrator determines that the Secondary Plat complies with the standards set forth in this UDO and is in conformance with the primary plat, the Administrator shall grant secondary approval to the plat. Secondary plat approval may be granted to a plat only after expiration of the thirty (30) day appeal period of the Primary Plat as provided in IC 36-7-4-710.
- f. *Plat Disapproval.* If the Administrator disapproves the Secondary Plat, then the Administrator shall make written findings of fact and shall notify the subdivider in writing or electronic transmission within ten (10) days of the deadline for receiving

internal review comments from the TRC committee members. After disapproval by the Administrator, the subdivider may:

- 1) Resubmit a revised final plat that addresses the reason for disapproval;
- 2) Appeal the Administrator's decision to the Planning Commission; or
- 3) Do nothing and allow the approved primary plat to expire.

- g. *Flowchart.* The following flowchart is for illustrative purposes only to show the steps associated with the major subdivision, secondary plat application process.

MAJOR SUBDIVISION, SECONDARY PLAT PROCESS

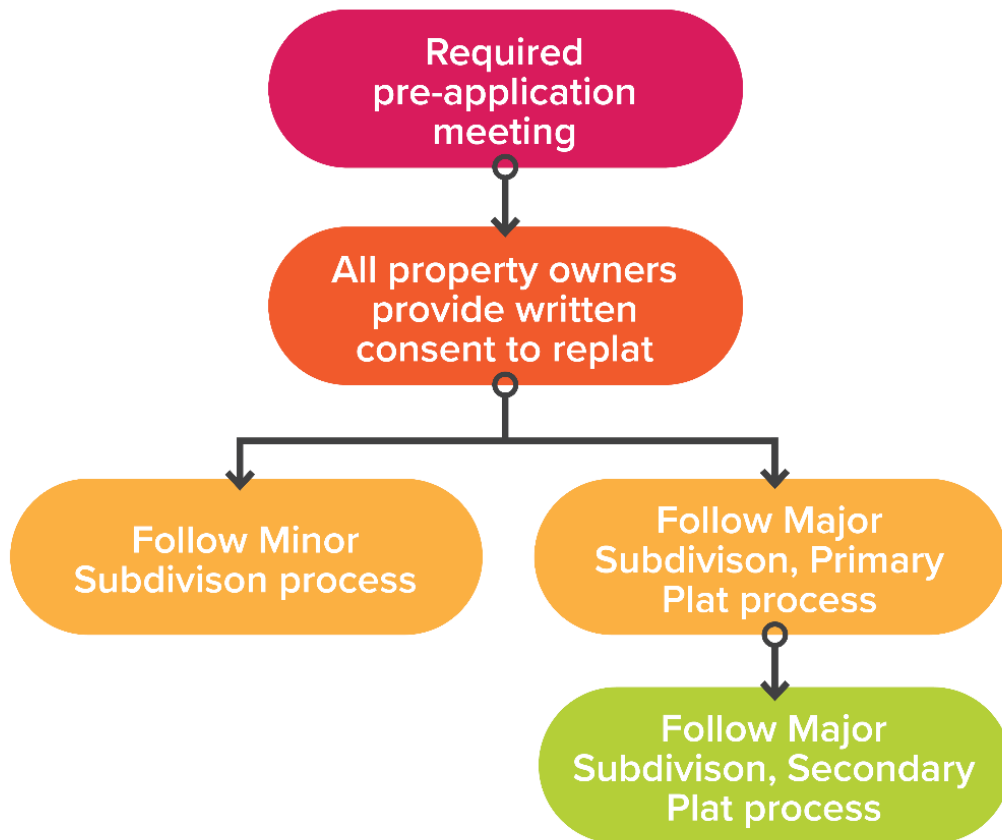


3. *Minor Subdivision, Secondary Plat.*
 - a. *Application.* If the applicant chooses to separate the minor subdivision primary and secondary plat processes, instead of using the combined process, as allowed by Sec. 7.B.8.c, *Minor Subdivision Combined Primary and Secondary Plat*, then the subdivider shall submit an application for a Secondary Plat prepared per the format described in this UDO, including Sec. 7.E, *Document and Drawing Specifications*; Section 7.F, *Construction and Development Process*, and according to the application requirements adopted as part of the Planning Commission Rules and Procedure.
 - b. *Format of Submittal.* A Minor Subdivision, Secondary Plat shall be submitted as a full plat for the entire subdivision.
 - c. *Technical Review.* After receiving a complete application and creating a publicly available file, the Administrator shall forward the proposed Secondary Plat and supporting information to the Technical Review Committee (TRC) for review. At the discretion of the Administrator, the TRC review may be held in person or remotely (virtually, by telephone, or by email). The Administrator shall compile the TRC's written comments for the applicant and include them in the publicly available file.
 - d. *Secondary Plat Standards.* The subdivider shall address the comments from the TRC members and submit revised plans to the Administrator. The Administrator shall then determine if the proposed Secondary Plat meets the requirements of the UDO.
 - e. *Plat Approval.* If the Administrator determines that the Secondary Plat complies with the standards of this UDO and is in conformance with the primary plat, the Administrator shall grant secondary approval to the plat. Secondary plat approval may be granted to a plat only after expiration of the thirty (30) day appeal period of the Primary Plat as provided in IC 36-7-4-710.
 - f. *Plat Disapproval.* If the Administrator disapproves the Secondary Plat, then the Administrator shall make written findings of fact and shall notify the subdivider in writing or electronic transmission within ten (10) days of the deadline for receiving internal review comments from the TRC committee members. After disapproval by the Administrator, the subdivider may:
 - 1) Resubmit a revised final plat that addresses the reason for disapproval;
 - 2) Appeal the Administrator's decision to the Planning Commission; or
 - 3) Do nothing and allow the approved primary plat to expire.
4. *Replat.*
 - a. *Prerequisite for Replat.*
 - a) The Secondary Plat shall have been approved and recorded.
 - b) All property owners within the area for the replat shall provide written consent.
 - b. *Circumstances for a Replat.* An application for a replat shall include:
 - 1) Any change in any street layout or any other public improvement;
 - 2) Any change in any lot line; and

- 3) Any change in the amount of land reserved for public use or the common use of lot owners.
- c. *Process for Replat Approval.* Whenever an owner of land desires to replat, the owner shall obtain approval for the replat by the same procedures prescribed for the subdivision of land set in this Chapter of the UDO.
- d. *Flowchart.* The following flowchart is for illustrative purposes only to show the steps associated with the replat application process.

REPLAT PROCESS

Available Only After Secondary Plat Has Been Approved and Recorded



5. *Secondary Plat Amendment.*

- a. *Request.* At any time after Secondary Plat approval, the subdivider may request that an amendment be made to a Secondary Plat.
- b. *Plat Review.* The Administrator shall solicit comments from the appropriate TRC members on the proposed amendment following the same requirements for the respective Secondary Plat approval process. See Subsection C.2 of this Chapter of the UDO.
- c. *Approval / Disapproval.* The Administrator shall approve or disapprove any proposed amendment, as applicable, per the requirements of either Sec. 7.B.8, *Minor Subdivision Process*, or Sec. 7.C.2, *Major Subdivision, Secondary Plat*.
- d. *Recording of Plat.* If a Secondary Plat is approved, the Administrator shall coordinate the required Planning Commission signatures and seal on the document. The subdivider shall record the approved Secondary Plat and any associated documents but shall not do so until the Administrator releases it for recording, per the procedures of this UDO.

D. Technical Review Committee. See Sec. 8.F, *Technical Review Committee*.

E. Document and Drawing Specifications.

1. *Primary Plat Specifications.*

- a. *Submittal Specifications.* Primary Plats may either be submitted through paper copy at the City's Administrative Offices or emailed to the Administrator. For a Primary Plat to be considered complete and submitted the plat must adhere to all the requirements of this UDO.
- b. *Prepared by Surveyor.* The Primary Plat shall be prepared by a Professional Land Surveyor licensed to practice in the State of Indiana. The sheet shall be signed by the professional preparing it and shall be tied to state plane coordinates for horizontal controls.
- c. *Scale and Format.* All sheets shall be formatted as 24" x 36" and drawn to a convenient scale.
- d. *Applicant Responsibilities.* The applicant is responsible for all title searches, recorded easements, mail delivery provisions, and any other items that may affect development. The applicant shall include a copy of such documents to the Planning Commission and disclose this fact to all buyers.
- e. *Project Information.* The following project information shall be submitted with a primary plat:
 - 1) Name of the project/subdivision followed by "Primary Plat."
 - 2) Location of the property by street, block, and adjacent subdivisions (with block and lot numbers) or section, township, range, and county if adjacent property is not subdivided.
 - 3) Total acreage within the project and the number of lots.
 - 4) Boundary lines of adjacent tracts of land, showing owners of record and names of

adjoining developments and adjoining rights-of-way including any instrument and deed record references if applicable.

- 5) Existing zoning of the subject property and all adjacent properties.
 - 6) Name and address of the owner, developer, and land surveyor and/or engineer.
 - 7) Listing of any covenants on the parcel(s).
 - 8) A location map with a north arrow at a scale of one inch equals four hundred feet (1:400) or less showing the boundaries of the proposed project and covering the general area within which it is to be located.
 - 9) Boundaries of the tract with accurate dimensions and bearings, as determined by an accurate survey conforming with 865 IAC 1-12, in the field which has been balanced and closed, as well as physically located by monumentation.
 - 10) Location and description of all monuments with references by distance to bearings to both $\frac{1}{4}$ section corners, section corners, grant corners, or recorded subdivisions.
 - 11) A traffic impact analysis or study, if required. See Chapter 6, *Subdivision Standards*.
- f. *Site Conditions*. The following site condition information shall be submitted with a primary plat:
- 1) Existing buildings/structures and their placement on the lots.
 - 2) Existing water mains, fire hydrants, storm sewers, sanitary sewers, culverts, bridges, and other utility structures or facilities within, adjacent to, or serving the subject land, including pipe sizes, grades, and exact locations, as can best be obtained from public or private records.
 - 3) The water elevation at the date of the survey of lakes, stream flow, or designated wetlands within the project or affecting it.
 - 4) The regulatory flood (100-year flood and 500-year flood) elevation based on NAVD 1988. Include all FMA floodplain designations in addition to notes about the site's location.
 - 5) General site conditions, including aerial map, topography, utilities, flood elevations, available mapping, parcel data, etc.
 - 6) General proposed street layout, general lot layout, and drawn to a scale. A notation is required if driveway closures or additional access points are expected.
 - 7) Existing contours based in NAVD 1988 datum with vertical intervals of two (2) feet if the general slope of the site is less than two percent (2%) and vertical intervals of five (5) feet if the general slope is greater than two percent (2%). A benchmark, which is easily accessible and re-locatable, shall be shown. The benchmark shall be determined by use of NAVD 88 datum (vertical), which is based on sea level datum.
 - 8) Location, widths, and type of construction of all existing private streets and rights-of-way, alleys, or other public ways and easements, street classifications as per the Comprehensive Plan, street names, railroad and utility rights-of-way or easements, parks, trails, cemeteries, watercourses, drainage ditches, designated wetlands, floodplain per FEMA/DNR maps, and bridges. Other structures shall be located by

dimensions on the plans, in relation to surrounding physical features. Other data may be added which is considered pertinent by the Planning Commission or the Administrator for the subject land. Existing site conditions shall include all land within one hundred (100) feet of the proposed project.

- 9) Layout of the proposed project/subdivision showing lot/block lines, lot/block numbers, and streets that show the length, width, depth, and area of all lots.
 - 10) Building and thoroughfare (if applicable) setback lines, showing dimensions.
 - 11) All lots or blocks intended for sale or lease shall be:
 - a) Designated with boundary lines;
 - b) Identified with letters;
 - c) In alphabetical order; and
 - d) Lots shall be numbered consecutively within each block.
 - 12) General location of proposed water mains, fire hydrants, storm sewers, sanitary sewers, culverts, bridges, and other utility structures or facilities within, adjacent to, or serving the subject land.
 - 13) Private areas, common areas, or other excluded parcels shall be designated as such and clearly labeled.
 - 14) A note stating the following shall be added on the plat: *“No buildings, structures, fences, shrubs, or trees shall be placed in the public right-of-way without prior written review and approval by the appropriate agency.”*
 - 15) Internal and perimeter sidewalk system/pedestrian circulation plan, if required.
 - 16) External access and circulation plan, identifying existing roadways, and any future collector or other connecting roadways.
 - 17) Location of perimeter buffering requirements per Sec. 3.C.6, *Bufferyards*, (entire landscaping requirements shown in Secondary Plat phase).
 - 18) Such other information as may be deemed necessary for proper review of the Primary Plat by the Administrator or the Planning Commission.
- g. *Title Block*. The following information within a title block shall be submitted with a primary plat:
- 1) The proposed name by which the project shall be legally and commonly known;
 - 2) Date of survey, scale, and north point; and
 - 3) Revision dates.
- h. *Endorsements and Explanations*. The following endorsements and explanations shall be submitted with a primary plat:
- 1) Form for endorsement by Owner;
 - 2) Description of drainage easements, site easements, or/and reservations;
 - 3) Surveyors Certificate;

- 4) Deed of Dedication;
- 5) Description of Real Estate/Property; and
- 6) Stormwater Narrative.

2. *Secondary Plat Specifications.*

- a. *Submittal Specifications.* Secondary Plats may either be submitted through paper copy at the City's Administrative Offices or emailed to the Administrator. For a Secondary Plat to be considered complete and submitted the plat must adhere to all the requirements of this UDO.
- b. *Prepared by Surveyor.* The plat sheet(s) shall be prepared by a Professional Land Surveyor licensed to practice in the State of Indiana. The sheet shall be sealed and signed by the professional preparing it and shall be tied to state plane coordinates for horizontal controls.
- c. *Form and Scale.* All sheets shall be formatted as 24" x 36" and drawn to a convenient scale.
- d. *Conformity to Primary Plat.* The secondary plat may be deemed to substantially conform to the primary plat if the geometrics of the secondary plat are substantially the same layout. The addition, removal, or alteration of road patterns, lot sizes, and total number of lots shall result in a resubmission of the plat for approval by the Planning Commission rather than the Administrator unless such changes were a condition of the primary plat approval. The addition or removal of easements to accommodate utilities or drainage shall not constitute a substantial change in conformity.
- e. *Monuments.* Monuments shall be set on all lot corners following 865 IAC.
- f. *Project Information.* The following project information shall be submitted with a secondary plat:
 - 1) Name of the project.
 - 2) All lots or outlots intended for sale or lease shall be designated with boundary lines and numbered or labeled for identification purposes.
 - 3) Proposed water mains, fire hydrants, storm sewers, sanitary sewers, culverts, bridges, and other utility structures or facilities within, adjacent to, or serving the subject land, including pipe sizes, grades, and locations.
 - 4) Private areas, common areas, or other excluded parcels shall be designated as such and clearly labeled on the plat and plans.
 - 5) Building setback lines, showing dimensions.
 - 6) Street sign locations and monument sign locations, including dedicated easement or dedicated common area.
 - 7) Easements.
- g. *Endorsements and Explanations.* The following endorsements and explanations shall be submitted with a secondary plat:
 - 1) Form of endorsements by Planning Commission President and Administrator;

- 2) Form for Recording Data;
 - 3) Notation of any self-imposed restrictions;
 - 4) Surveyors Certificate;
 - 5) Deed of Dedication;
 - 6) Description of Real Estate/Property; and
 - 7) By the subdivider(s)/landowner(s) and/or any other owner(s) of record, a notarized statement that said subdivider(s) and/or other landowner(s) is/are the owner(s) of the land, and the platting of the subdivision is the subdivider's and/or other owner's voluntary act and deed. The subdivider(s) and/or landowner(s) shall declare in this certificate by description or reference to the plat the purpose of all rights-of-way, easements, and other reservations shown on the plat.
- h. *Record Drawings.* Record drawings shall be submitted in the current format required by the jurisdiction.
3. *Construction Drawings.* As part of the submittal of a construction drawing, the following shall be provided:
- a. *Project Information.* All items required for the primary plat as stated in Sec. 7.E.1.e, *Project Information*.
 - b. *Site Conditions.* All items required for the primary plat as stated in Sec. 7.E.1.f, *Site Conditions*, as well as full landscape, signage, and lighting plans.
 - c. *Title Block.* All items required for the primary plat in Sec. 7.E.1.g, *Title Block*, of this Chapter of the UDO.
 - d. *Additional Plans.* Plans and profiles showing:
 - 1) Roadways;
 - 2) Sewers;
 - 3) Water and fire hydrants;
 - 4) The locations and typical cross-sections of all street pavements including curbs and gutters; sidewalks; drainage easements; servitudes; rights-of-way; sewer holes; and catch basins;
 - 5) The location, size, and invert elevations of existing proposed sanitary sewers, stormwater drains, water mains, and fire hydrants;
 - 6) The connection to any existing or proposed utility system;
 - 7) The location and size of all water or other underground utilities and structures;
 - 8) Compliance with ADA requirements for sidewalks and crosswalks;
 - 9) Additional info as required by the Administrator; and
 - 10) A set of digital as-builds that must be submitted for all public information and must be survey-accurate.
 - 11) If the subdivision disturbs more than one (1) acre, detailed erosion control and sediment control plans, according to 327 IAC 15-5 (Rule 5), as amended, as

administered by the Indiana Department of Environmental Management (IDEM) shall be submitted to County Soil and Water Conservation District. See the City of Greendale Stormwater Ordinance.

12) Drainage plans shall be submitted to the City of Greendale.

F. Construction and Development Process.

1. *Generally.* Once primary and secondary plats and the associated construction plans have been approved by the Administrator, the Planning Commission, and/or any other required agencies, as appropriate, the process of providing new infrastructure to a site may commence provided that the requirements of Sec. 6.D.3, *Construction Standards*, have been met.
2. *Bond Determination Letter.* Per each development, a bond determination letter will be sent to the developer to determine how much and which performance/maintenance bonds will be required. Bonds include but are not limited to water, stormwater, street, sidewalk, monumentation, signage, landscaping, electric, pavement, erosion control, fire hydrants, etc. Any infrastructure or public works installed by the City that requires reimbursement must be bonded by the developer, in an amount determined by City Council proportional to the amount of infrastructure investment, regardless of which construction option is chosen below in Section 7.F.3 of this Chapter of the UDO.
3. *Construction Process Options.* A developer may choose to construct the improvements and then record the plat, or they may post-performance surety and then record the plat. Shown below is the process required for each of the two different options.
 - a. *Option 1: Construct Improvements then Record Plat.*
 - 1) *Install Infrastructure.* Infrastructure shall be installed per the approved construction plans except for the final coat of asphalt on the roadways.
 - 2) *Inspect Infrastructure.* Once complete, the improvements shall be reviewed and inspected by the Administrator to ensure that they have been completed satisfactorily. This includes but is not limited to roads, curbs, gutters, street signs, sidewalks, drainage facilities, water facilities, sewer facilities, electric facilities, and any other utilities as required by this UDO or any other applicable ordinance. The Administrator does not inspect infrastructure not owned or managed by the City. City-owned utilities are inspected by each respective utility. All infrastructure improvements and/or utilities required by this UDO shall be installed before recording the plat and any inspections of these should be directly coordinated with the respective local providers.
 - 3) *Cost Estimate and Deposit for Final Coat of Asphalt.* The applicant shall submit a reliable estimate for the cost of completing the final coat of asphalt on the roadways to the satisfaction of the Administrator. Once approved by the Administrator, the applicant shall pay cash funds to the City in an amount equal to one hundred and twenty percent (120%), or the amount as approved by the City, of the approved estimate amount.
 - 4) *Execute and Record Plat.* The plat shall be executed and recorded per Sec. 7.F.5, *Recording of Secondary Plats*, of this Chapter of the UDO.

- 5) *Complete Final Coat of Asphalt.* Once development has occurred to the satisfaction of the Administrator and the Administrator and at least eighty percent (80%) of the lots are developed, the final coat of asphalt for the roadways shall be installed by the applicant. Base and subbase courses of asphalt shall not be exposed to a freeze thaw cycle. In all cases, the base and subbase courses of asphalt pavement shall be covered with a surface course by November 1 of each calendar year. A sealant may be used instead of a surface course if approved by the Administrator.
 - 6) *Post Maintenance Surety and Release Funds.* The applicant shall post maintenance surety for the roadways and/or other determined sureties, per Sec. 7.F.4, *Maintenance Surety.* When the final coat of asphalt has been installed on the roadways to the satisfaction of the Board of Works and Administrator, the applicant can request eighty percent (80%) of the cash funds from the performance surety to be released by the City and returned to the applicant. The remaining funds will be applied to the Maintenance Surety. The Administrator will not release any funds without being requested by the applicant.
- b. *Option 2: Post Performance Surety then Record Plat.*
- 1) *Post Performance Surety.* Once the secondary plat and the associated construction plans have been approved by the required agencies, as appropriate, the developer can choose to post performance surety and then immediately record the plat.
 - 2) *Bond Determination and Cost Estimates.* The developer is required to provide a certified estimate of cost from a professional engineer that meets the road standards and specifications of this UDO for the City to review. It should include estimated amounts for both performance and maintenance bonds as determined by the bond determination letter.
 - 3) *Delivery of Performance Bonds.* Once bonds have been determined and cost estimates approved, the developer will provide the required performance bonds.
 - 4) *Recording Plat.* The plat shall be signed by the necessary required parties before being recorded. It shall be the responsibility of the subdivider to record the signed secondary plat with the Recorder's Office. Once recorded, the subdivider shall provide the Administrator with the recorded and stamped secondary plat in the format(s) required by the Administrator. A plat or replat of subdivision must be recorded within two (2) years of being executed or within two (2) years of completion of infrastructure. Upon written request, the Planning Commission may extend the time limitation for two (2) years. If the Subdivider fails to record within this timeframe, the plat shall be null and void.
 - 5) *Post Maintenance Surety and Release Performance Surety.* The applicant shall post maintenance surety for the roadways and/or other determined sureties, per Sec. 7.F.4, *Maintenance Surety.* When the final coat of asphalt has been installed on the roadways to the satisfaction of the Board of Works and the Administrator, the applicant can request eighty percent (80%) of the cash funds from the performance surety to be released by the City and returned to the applicant. The remaining funds will be applied to the Maintenance Surety. The Administrator will not release any funds without being requested by the applicant.

4. *Maintenance Surety.*

- a. *Generally.* Maintenance surety shall be posted by the applicant to ensure that the improvements have been professionally installed for the development. The amount of surety shall be approved by the Administrator and in a form to the satisfaction of the Administrator. After three (3) years, the applicant can request that the Administrator release or return the maintenance surety. The Administrator will not release any funds without being requested by the applicant.
- b. *Form of Surety.* Maintenance surety shall be a bond or cash deposit.
- c. *Release of Surety for Cash Deposits.* When the final coat of asphalt has been installed on the roadways to the satisfaction of the Administrator, the applicant can request eighty percent (80%) of the cash funds from the performance surety be released by the City and/or returned to the applicant. The remaining balance will be applied to the maintenance surety.
- d. *City Use of Funds.* Any monies received by the City shall be used only for making the required improvements and installations for which the surety was provided in the event the subdivider defaults on the agreement. This money may be used for these purposes without appropriation. The improvements and installations must conform to the standards of this UDO and any other City standards.

5. *Recording of Secondary Plats.*

- a. *Plat Execution.* Before recordation at the Recorder's Office, the plat shall be signed by the necessary required parties.
- b. *Plat Recordation.*
 - 1) *Subdivider Responsibilities.* It shall be the responsibility of the subdivider to record the signed Secondary Plat with the Recorder's Office. Once recorded, the subdivider shall provide the Administrator with the recorded and stamped Secondary Plat in the format(s) required by the Administrator.
 - 2) *Timeframe to Record.* A plat or replat of a subdivision must be recorded within two (2) years of being executed or within two (2) years of completion of infrastructure. Upon written request, the Planning Commission may extend the time limitation for two (2) years. If the Subdivider fails to record within this timeframe, the plat shall be deemed to be null and void.
- c. *Recordation Prohibition.* Under IC 36-7-4-710, a subdivision plat may not be filed with the County Auditor and County Recorder may not record it, unless it has been granted secondary approval, signed, and certified by the Administrator. The filing and recording of the plat are without legal effect unless approved, signed, and certified by the Administrator.

Chapter 8 – Zoning Administration and Procedures

A. General Provisions.

1. *Applicability.* An applicant shall follow the applicable procedures contained in this chapter for the type of zoning process for which approval is sought.
2. *Authority.* The authority for zoning within the State of Indiana is granted by IC 36-7-4-700 Series.
3. *Compliance with UDO.* The processes outlined in this chapter shall be done in compliance with the provisions of this Unified Development Ordinance (UDO).

B. City Council.

The Greendale City Council shall have the following authority subject to the provisions of this UDO and the applicable provisions of the Indiana Code:

Table 8-1, City Council Authority			
Process	City Council's Action	UDO Cross Reference	Applicable Indiana Code
Comprehensive Plan: Adoption or Amendment	Final - Adopts by Resolution	Sec. 8.C.6	IC 36-7-4-500 Series
UDO Adoption or Amendment	Final – Adopts by Ordinance	Sec. 8.C.7	IC 36-7-4-600 Series
Zoning Map: Adoption or Amendment (Rezoning)	Final - Adopts by Ordinance	Sec. 8.C.8	IC 36-7-4-600 Series
Written Commitment ¹	Final – Adopts by Resolution	Sec. 8.C.10	IC 36-7-4-1015

Note: 1. Written commitments related to a zoning map amendment or an annexation are approved by the City Council. Other types of written commitments are approved by either the Planning Commission or the Board of Zoning Appeals.

C. Planning Commission.

1. *Establishment and Membership.*
 - a. *Planning Commission Establishment.* The Greendale Planning Commission was established per IC 36-7-4-200 series.
 - b. *Planning Commission Membership and Organization.* The membership of the Planning Commission shall be composed of members following IC 36-7-207(b) and the qualifications outlined in IC 36-7-4-216.
 - c. *Planning Commission Alternate Members.* An alternate member who meets the qualifications of IC 36-7-4-216 may be appointed for circumstances where a regular member is disqualified for any reason per IC 37-7-4-223. An alternate member has all the powers and duties of a regular member while participating in the hearing or decision.

- d. *Officers.* The Planning Commission shall elect officers from among its members following IC 36-7-4-300 Series.
2. *Duties and Powers.* The Planning Commission shall have all the duties and powers as specified in IC 36-7-4, *Local Planning and Zoning*. These powers and duties include, but are not limited to the power to:
- Certification of all official acts;
 - Adopt rules for the administration and conduct of the Planning Commission and its business, including uniform rules for investigations and hearings;
 - Adopt and maintain a schedule of uniform fees for permits and processes;
 - Delegate responsibilities relating to administration and enforcement of the UDO to the Administrator and other appropriate committees, departments, and personnel;
 - Keep a complete record of all proceedings, record and file all bonds and contracts, and assume responsibility for the custody and preservation of all papers and documents;
 - Prepare, publish, and distribute reports, plans, ordinances, and other materials relating to the activities authorized under this chapter;
 - Permit, require, modify, and terminate commitments, per IC 36-7-4-1015, *Commitments; enforcement*;
 - Approve the assignment of street numbers to lots and structures and the naming of streets, including renumbering or renaming under IC 36-7-4-405; and
 - Establish advisory and review committees as necessary, and determine the powers and duties, authority, and membership of said committees.
3. *Authority.* The Planning Commission is authorized to perform those duties and functions specified in IC 36-7-4, *Local Planning and Zoning*, and other applicable chapters and sections of Indiana law. The Planning Commission shall have the following authority:

Table 8-2, Planning Commission Authority			
Application Type	Planning Commission's Action	UDO Cross Reference	Applicable Indiana Code
Comprehensive Plan: Adoption or Amendment	Recommendation after Public Hearing to City Council	Sec. 8.C.6	<u>IC 36-7-4-500</u> Series
UDO Adoption or Amendment	Recommendation after Public Hearing to City Council	Sec. 8.C.7	<u>IC 36-7-4-600</u> Series
Zoning Map: Adoption or Amendment (Rezoning)	Recommendation after Public Hearing to City Council	Sec. 8.C.8	<u>IC 36-7-4-600</u> Series
Development Plan	Final	Sec. 8.C.9	<u>IC 36-7-4-1400</u> Series
Mural Permit	Final	Sec. 8.C.10	<u>IC 36-7-4-1400</u> Series

Table 8-2, Planning Commission Authority			
Application Type	Planning Commission's Action	UDO Cross Reference	Applicable Indiana Code
Written Commitment ¹	Recommendation to City Council	Sec. 8.C.11	<u>IC 36-7-4-1015</u>
<p>Note: 1. Written commitments are to be finalized by the Planning Commission for any action related to a development plan that is unrelated to a zoning map amendment or an annexation. There are other types of written commitments that are approved and/or modified by either the City Council or the Board of Zoning Appeals.</p>			

4. *Meetings, Public Records, Quorum, and Actions.*

- a. *Regular Meetings.* Regular meetings of the Planning Commission shall be held as provided by a schedule adopted annually as an addendum to the Planning Commission's Rules and Procedure.
- b. *Special Meetings.* Special meetings of the Planning Commission may be called as provided by IC 36-7-4-307.
- c. *Record.* The minutes, all applications, exhibits, and papers filed in any proceeding before the Planning Commission, the staff report, and the decision of the Planning Commission shall constitute the record. The record shall be maintained for public inspection in the office of the Administrator.
- d. *Quorum.* No official action shall be taken by the Planning Commission without a quorum being present. A quorum is defined by IC 36-7-4-301 as a majority of the entire membership of the Planning Commission, who are qualified to vote by both this UDO and IC 36-7-4-300 Series. According to IC 36-7-4-302, official action requires authorization by a majority of the entire membership of the Planning Commission at a regular or special meeting.
- e. *Recordation of Actions.* Every recommendation or decision of the Planning Commission upon an application filed according to this UDO shall be repeated in the summary minutes. Where required by law, such actions shall include written findings of fact based upon criteria used in making the decision. The minutes shall expressly set forth any limitations, written commitments, or conditions recommended or imposed by the Planning Commission.

5. *Processes for All Application Types.*

- a. *Pre-Application Conference.* Before applying for any Planning Commission process, an applicant shall schedule a required pre-application meeting with the Administrator, which may be held in person or virtually (video conference). This step allows the applicant to discuss the procedures for approval with the Administrator as well as the requirements and regulations for development.
- b. *Application.* The applicant shall submit the appropriate official application in complete form. A complete application includes all the required supporting documentation, in addition to the official application form.

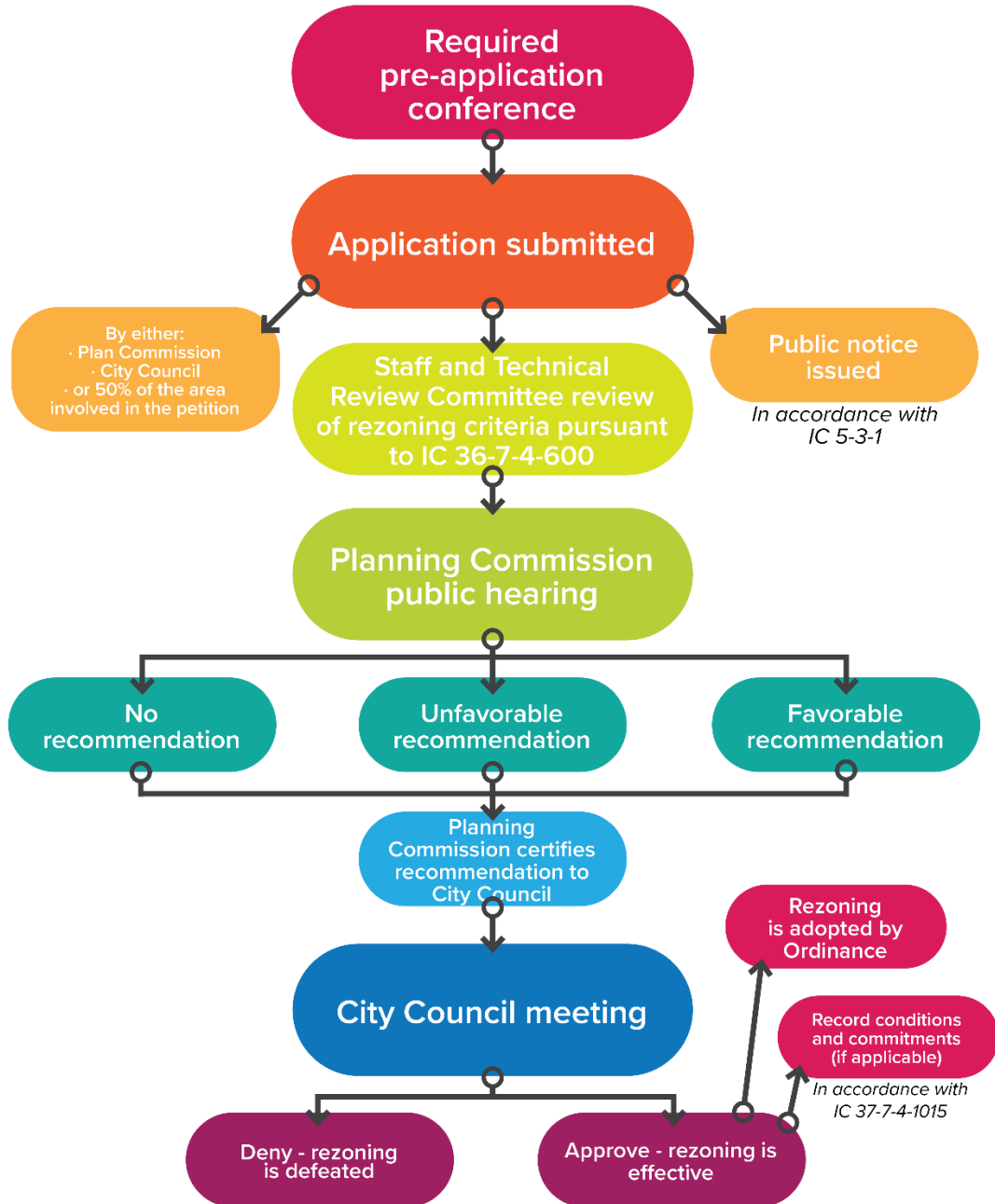
- c. *Public File.* Once the Administrator determines that an application is complete and in proper form, they shall assign a file number and create a public file.
 - d. *Additional Information.* The Administrator or the Planning Commission may require additional information to be provided at the expense of the applicant, to enable review and assessment of the application. Such additional information may include traffic impact studies paid for by the applicant by a company that is approved by the City.
 - e. *Appeals.* Any decision of the Planning Commission may be appealed to any court of competent jurisdiction provided that the person has exhausted all available administrative remedies. However, nothing in this UDO expands the right to judicial review as provided by Indiana law.
6. *Comprehensive Plan Adoption or Amendment Process.*
- a. *Public Notice.* Notice of public hearing shall follow IC 36-7-4-507.
 - b. *Public Hearing.* The Planning Commission shall consider the adoption or amendment of the Comprehensive Plan or any of its components after a public hearing has been held and follows IC 36-7-4-508.
 - c. *Certification of Recommendation.* Within ten (10) business days after the Planning Commission's determination, the Planning Commission shall certify their recommendation to the City Council.
 - d. *Final Action by City Council.* Upon receipt of the Planning Commission's certification, the City Council shall vote on the proposed comprehensive plan adoption or amendment. Final action by the City Council shall follow IC 36-7-4-509, IC 36-7-4-510, and IC 36-7-4-511.
7. *UDO Adoption or Amendment Process.*
- a. *Public Notice.* Notice of public hearing shall follow IC 36-7-4-604 and IC 36-7-706.
 - b. *Public Hearing.* The Planning Commission shall consider the adoption or amendment of the UDO at a public hearing.
 - c. *Recommendation.* After consideration, the Planning Commission shall make a favorable, unfavorable, or no recommendation to the City Council.
 - d. *Certification of Recommendation.* Within ten (10) business days after the Planning Commission's determination, the Planning Commission shall certify their recommendation to the City Council.
 - e. *Final Action by City Council.* Upon receipt of the Planning Commission's certification, the City Council shall vote on the proposed UDO adoption or amendment. Final action by the City Council shall follow IC 36-7-4-600 Series and IC 36-7-4-700 Series.
8. *Zone Map Amendment (Rezoning) Process.* The rezoning of property shall be compliant with IC 36-7-4-600 Series for zone map changes and the Planning Commission Rules and Procedures, the Planning Commission shall hear and make recommendations regarding zone map changes.

- a. *Rezoning Initiation.* Under IC 36-7-4-602(c)(1) rezoning may be initiated by the Planning Commission, by the City Council, or by owners of fifty percent (50%) or more of the area involved in the petition.
- b. *Rezoning Public Notice.* Notice of public hearing shall follow IC 7-4-604 and the Planning Commission Rules and Procedures.
- c. *Rezoning Public Hearing.* The Planning Commission shall consider the zone map change at a public hearing. The applicant or his or her designee shall be in attendance to present their application, address the rezoning criteria, and answer any questions or concerns of the Planning Commission.
- d. *Rezoning Criteria.* Per IC 36-7-4-603, when considering a rezoning, the Planning Commission and City Council shall pay reasonable regard to the following criteria:
 - 1) The Comprehensive Plan;
 - 2) Current conditions and the character of current structures and uses in each district;
 - 3) The most desirable use for which the land in each district is adopted;
 - 4) The conservation of property values throughout the jurisdiction; and
 - 5) Responsible development and growth.
- e. *Rezoning Recommendation.* After consideration, the Planning Commission shall make a favorable, unfavorable, or no recommendation to the City Council. Any of the said recommendations may include conditions and/or written commitments per IC 36-7-4-1015 and Section 7.B.10, *Written Commitments*.
- f. *Certification of Recommendation.* Within ten (10) business days after the Planning Commission's determination, the Planning Commission shall certify their recommendation to the City Council.
- g. *Rezoning Final Action by City Council.*
 - 1) Upon receipt of the Planning Commission's certification, the City Council shall vote on the proposed zone map change within ninety (90) calendar days. Final action by the City Council shall be per IC 36-7-4-600 Series.
 - 2) If the rezoning proposal is adopted by the City Council, the Planning Commission shall update the zone map accordingly.
 - 3) If the rezoning proposal is denied by the City Council, the proposal cannot be resubmitted for one (1) year unless the Administrator determines there is a substantial change to the application.
- h. *No Rezoning Expiration.* Approval of a zone map change shall run with the land and shall not be subject to expiration.
- i. *Rezoning Amendment.* Any amendment of a zone map change shall be done per IC 36-7-4-600 Series for zone map changes, using the same process as that for a zone map change. An amendment of an imposed condition or commitment shall be completed following IC 36-7-4-1015 and Section 7.B.10.d, *Written Commitments*.

- j. *Planned Unit Developments.* All properties rezoned to a Planned Unit Development (PUD) shall be in conformance with Sec. 2.C, *Planned Unit Development*, and shall be rezoned to a PUD through the procedures as set out in this Sec. 8.C.8, *Zoning Map: Adoption or Amendment (Rezoning)*.

- k. *Flowchart.* The following flowchart is for illustrative purposes only to show the steps associated with the zone map amendment application process.

ZONE MAP AMENDMENT (REZONING) PROCESS



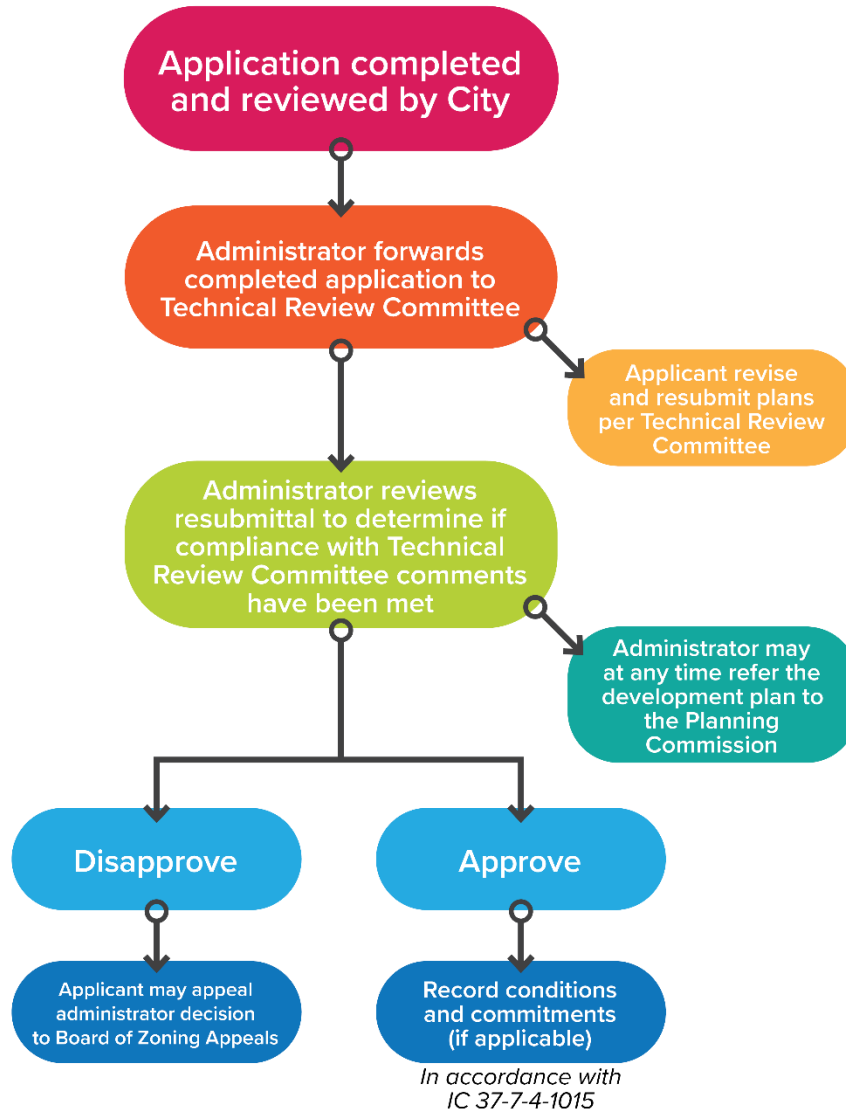
9. *Development Plan Process.* Under IC 36-7-4-1400 Series and the Planning Commission Rules and Procedures, the Planning Commission shall hear and make decisions regarding development plans that are required by this UDO.
- a. *No Public Notice.* Under IC 36-7-4-1404(b), public notice is not required for development plans.
 - b. *Technical Review.* After receiving a complete application and creating a public file, the Administrator shall forward the development plan to the Technical Review Committee (TRC) for review. At the discretion of the Administrator, the TRC review may be held in person or remotely (virtually, by telephone, or by email). The Administrator shall compile the TRC's written comments for the applicant and include them in the public file.
 - c. *Architectural Plan.* To ensure that the form and color standards of Sec. 3-A-1-a, *Form and Color Standards*, a basic architectural plan is required to be submitted to ensure that these standards are met. This requirement can be interpreted into the development plan.
 - d. *Development Plan Revision.* After the technical review, the applicant shall make the necessary modifications to the plans and resubmit to the Administrator. The Administrator may require additional internal review and/or the resubmittal of additional revised plans before reconsidering the development plan.
 - e. *Administrator Development Plan Approval.* If the revised plans have adequately addressed the comments from the TRC, and meet all standards of this UDO, the Administrator shall approve the development plan.
 - f. *Administrator Development Plan Disapproval.* If the revised plans have not adequately addressed the comments from the TRC, or do not meet all standards of this UDO, the Administrator shall disapprove the development plan.
 - g. *Action by Planning Commission.* The Administrator may, for any reason and at any time before taking any action on a development plan submittal, refer the development plan to the Planning Commission for review and action.
 - 1) *Written Request by Applicant.* The Applicant may submit a written request for a public meeting with the Planning Commission to the Administrator before the Administrator takes action if the applicant disagrees with any TRC comment(s). This request shall be submitted along with the applicant's written explanation of the technical disagreement. Upon receipt of this written request, the Administrator shall set a date for a Planning Commission public meeting.
 - 2) *Public Meeting.* The Planning Commission shall consider the development plan at a public meeting. The applicant shall be in attendance to present their plan and address any questions or concerns of the Planning Commission.
 - 3) *Decision.* The Planning Commission shall consider any contested TRC comments before making a final decision on the development plan. The Planning Commission

shall approve, approve with conditions or written commitments, or deny the development plan.

- 4) *Final Approval Action.* A development plan is not considered final and ready for construction until revised plans have been received and approved by the Administrator per the terms of the Planning Commission's decision, including execution of any required conditions or written commitments.
- h. *Development Plan Expiration.* A development plan approval, whether by the Administrator or the Planning Commission, shall be valid for two (2) years from the date of approval, as long as all applicable permits have been obtained and construction has begun within one (1) year of the date of final approval action. If this does not happen, the development plan approval is automatically voided.
- i. *Development Plan Amendment.* An amendment to a development plan may be approved by the Administrator after internal review by the TRC members. As with the initial development plan, the Administrator may, for any reason, send the requested amendment to a public meeting of the Planning Commission for review and action.

- j. *Flowchart.* The following flowchart is for illustrative purposes only to show the steps associated with the development plan application process.

DEVELOPMENT PLAN PROCESS



10. *Mural Permit.*

- a. *Generally.* All paintings that are not of a consistent color on a wall, regardless of whether the intent is to advertise or not, shall be considered a mural and shall require a mural permit.
- b. *Submittal Process.* The mural permit application can be made with or without a development plan submittal.
- c. *Review Process.* The review process for a mural permit shall be the same as the review process as shown above in Sec. 8.C.9, *Development Plan Process*, with the exception that the Administrator shall after receiving the submittal refer the application to the Planning Commission for their decision.

11. *Written Commitment Process.*

- a. *Form.* A written commitment shall follow the format set forth by the City Attorney and must identify any specially affected persons or class of specially affected persons who may enforce the written commitment. The written commitment form must be approved by the Administrator before it is recorded.
- b. *Recording.* An approved written commitment shall be recorded by the applicant in the County Recorder's Office and takes effect upon the adoption of the proposal to which it relates. Following the recording of a written commitment, the applicant shall return a stamped copy of the recorded written commitment to the Administrator for the associated file.
- c. *Written Commitment Binds Owner.* Unless it is modified or terminated by this section, a recorded written commitment is binding on the owner of the parcel, all subsequent owner(s) of the parcel, and any other person who acquires an interest. An unrecorded written commitment is still binding on the owner of the parcel who committed as part of an application process.
- d. *Modification or Termination.* Except for a written commitment modified or automatically terminated by this section, a written commitment may be modified or terminated only by a decision of the respective body that approved it and made at a public hearing after notice of the hearing has been given under the body's rules.

D. Board of Zoning Appeals (BZA).

1. *Establishment and Membership.*

- a. *BZA Establishment.* The Board of Zoning Appeals (BZA) was established under IC 36-7-4-900 Series.
- b. *BZA Membership and Organization.* The BZA shall have membership per IC 36-7-4-902(a).
- c. *Alternate Members.* Following IC 36-7-4-909, the appointing authority may also appoint an alternate member to participate in a hearing or decision if the regular member appointed by the appointing authority has a disqualification due to a conflict of interest. An alternate member has all the powers and duties of a regular member while participating in the hearing or decision.

2. *Duties and Powers.* The BZA shall have all duties and powers as specified in IC 36-7-4-900 Series, and this UDO. These powers and duties include, but are not limited to the power to:
 - a. Adopt rules for the administration and conduct of the BZA and its business, including uniform rules about investigations and hearings;
 - b. Keep a complete record of all proceedings, record and file all bonds and contracts, and assume responsibility for the custody and preservation of all papers and documents of the BZA;
 - c. Prepare, publish, and distribute reports, plans, ordinances, and other materials relating to the activities authorized under this chapter; and
 - d. Permit, require, modify, and terminate commitments, per IC 36-7-4-1015.
3. *BZA Authority.* BZA is hereby authorized to perform those duties and functions specified in IC 36-7-4-900 Series and other applicable sections of Indiana law. The BZA shall have the following authority:

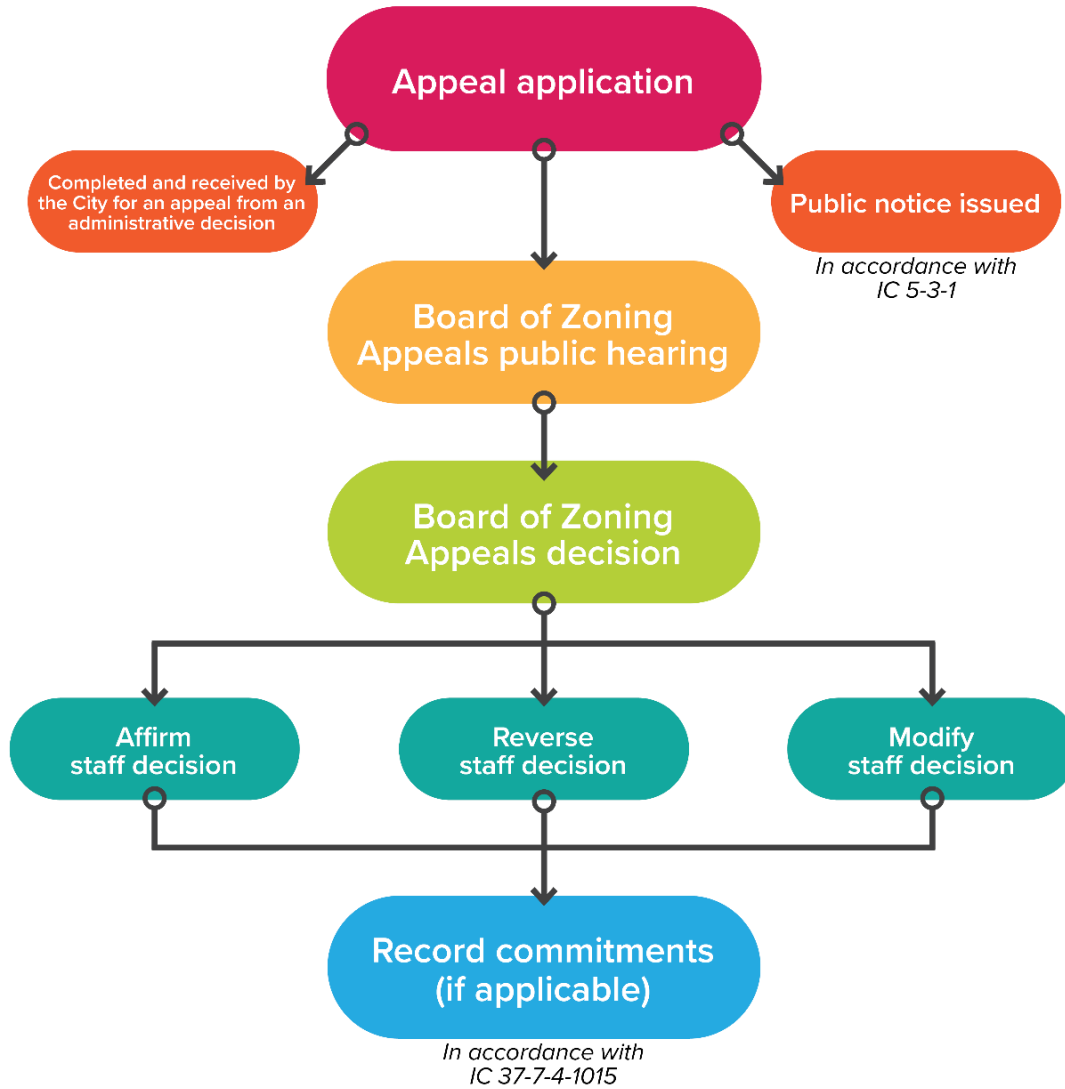
Table 8-3, Board of Zoning Appeals (BZA) Authority			
AUTHORITY	BZA's ACTION	UDO CROSS REFERENCE	APPLICABLE INDIANA CODE
Administrative Appeal	Final after Public Hearing - Adopts Findings	Sec. 8.D.6	<u><i>IC 36-7-4-918.1</i></u>
Conditional Use	Final after Public Hearing - Adopts Findings	Sec. 8.D.7	<u><i>IC 36-7-4-918.2</i></u>
Variance of Use	Final after Public Hearing - Adopts Findings	Sec. 8.D.8	<u><i>IC 36-7-4-918.4</i></u>
Variance of Development Standards	Final after Public Hearing - Adopts Findings	Sec. 8.D.9	<u><i>IC 36-7-4-918.5</i></u>
Written Commitment	Final ¹	Sec. 8.D.10	<u><i>IC 36-7-4-1015</i></u>

4. *BZA Meetings, Public Records, Quorums, and Actions.*
 - a. *Regular Meetings.* Regular meetings of the BZA shall be held as provided by a schedule adopted annually as an addendum to the BZA's Rules and Procedure.
 - b. *Special Meetings.* Special meetings of the BZA may be called by the chairperson or by two (2) members of the BZA upon written request to the secretary.
 - c. *Record.* The minutes; all applications, exhibits, and papers filed in any proceeding before the BZA; the staff report; and the decision of the BZA shall constitute the record. Under IC 36-7-4-915, the record shall be maintained for public inspection in the Planning Department.

- d. *Quorum*. No official action shall be taken by the BZA without a quorum being present. A quorum is defined by IC 36-7-4-910 as a majority of the entire membership of the BZA, who are qualified by IC 36-7-4-902.
 - e. *Action*. Every recommendation or decision of the BZA shall be repeated in the summary minutes. Where required by law, such actions shall include written findings of fact based upon criteria used in making the decision. The minutes shall expressly set forth any limitations, written commitments, or conditions recommended or imposed by the BZA.
5. *BZA Processes for All Application Types*.
- a. *Pre-Application Conference*. Before applying for any Section D process, the applicant shall schedule a required pre-application meeting with the Administrator, which may be held in person or virtually (video conference). This step allows the applicant to discuss the procedures for approval with the Administrator as well as the requirements and regulations for development.
 - b. *Application*. The applicant shall submit to the Administrator a completed application per the requirements of this UDO. A complete application includes all the required supporting documentation, in addition to the official application form.
 - c. *Public File*. Once the Administrator determines that an application is complete and in proper form, a file number shall be assigned to create a public file.
 - d. *Additional Information*. The Administrator or the BZA may require additional information to be provided at the expense of the applicant, to enable review and assessment of the application. Such additional information may include impact studies, assessments, etc.
 - e. *Appeals*. Any decision of the BZA may be appealed to any court of competent jurisdiction provided that the person has exhausted all available administrative remedies. However, nothing in this UDO expands the right to judicial review as provided by Indiana law.
6. *Administrative Appeal Process*. Under 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 according to IC 36-7-4-1000 Series.
- a. *Applicability*. The BZA shall hear appeals to any order, requirement, decision, determination, or enforcement action made by the Administrator, another administrative official, hearing officer, or staff member under the UDO.
 - b. *Public Notice*. Public notice is not required for appeals.
 - 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.
 - d. *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 or written commitments to their decision.

- e. *Flowchart.* The following flowchart is for illustrative purposes only to show the steps associated with the administrative appeal process.

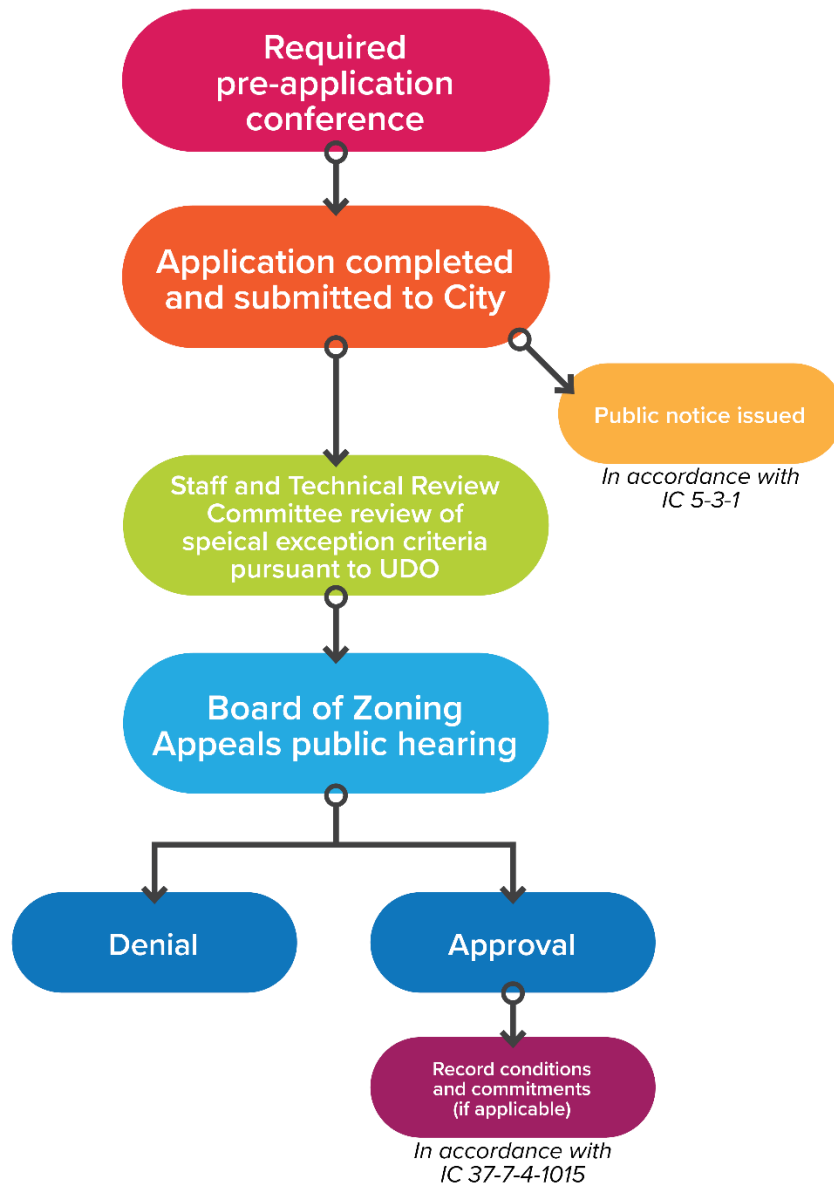
ADMINISTRATIVE APPEALS PROCESS



7. *Conditional Use Process.* Under IC 36-7-4-918.2 and the BZA Rules and Procedures, the BZA shall hear and make decisions regarding applications for conditional uses.
- a. *Applicability.* Uses permitted by conditional use as listed in Chapter 2, *Zoning Districts*, may be permitted by the BZA in the districts indicated following the standards and procedures of this UDO.
 - b. *Public Notice.* Notice of public hearing shall follow the *BZA Rules and Procedures*.
 - c. *Public Hearing.* The BZA shall decide on whether to grant a conditional use at a public hearing. The applicant shall be in attendance to present their case and address the decision criteria and any questions or concerns of the BZA.
 - d. *Decision Criteria.* When considering a conditional use, the BZA shall find that the following criteria have all been satisfied:
 - 1) The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, or general welfare;
 - 2) The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted;
 - 3) Adequate utilities, roads, drainage, and other necessary facilities and infrastructure have been or are being provided;
 - 4) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on public roadways; and
 - 5) The conditional use will be in a district where such use is permitted, and all other requirements of this UDO that apply to such use will be met.
 - e. *Final Decision.*
 - 1) *Approval.* If the BZA finds all the conditional use criteria have been satisfied, it shall approve or approve with conditions and/or written commitments the request. Approval may be in the form of a general statement.
 - 2) *Denial.* If the BZA does not find that all the conditional use criteria have been satisfied, it shall deny the conditional use and shall adopt findings that specify the reason(s) for denial, including the criterion not met.
 - f. *Expiration.* Approval of a conditional use shall run with the land, except for the following:
 - 1) *Expiration for Failure to Begin New Construction.* All applicable permits shall be obtained and any new construction relevant to the conditional use shall begin within two (2) years of the BZA's approval, or that approval shall expire.
 - 2) *Expiration for Failure to Occupy Existing Structures.* All applicable permits shall be obtained and any existing structures relevant to the conditional use shall be occupied within one (1) year of BZA approval, or that approval shall expire.
 - 3) *Expiration for Unmet Conditions.* Approvals that include one or more conditions by the BZA shall be met within one year of BZA approval, or that approval shall expire.

- g. *Amendment.* A conditional use may only be amended by the BZA if the property owner submits a revised application and that application follows the same process as the original application while meeting all the applicable standards.
- h. *Flowchart.* The following flowchart is for illustrative purposes only to show the steps associated with the conditional use application process.

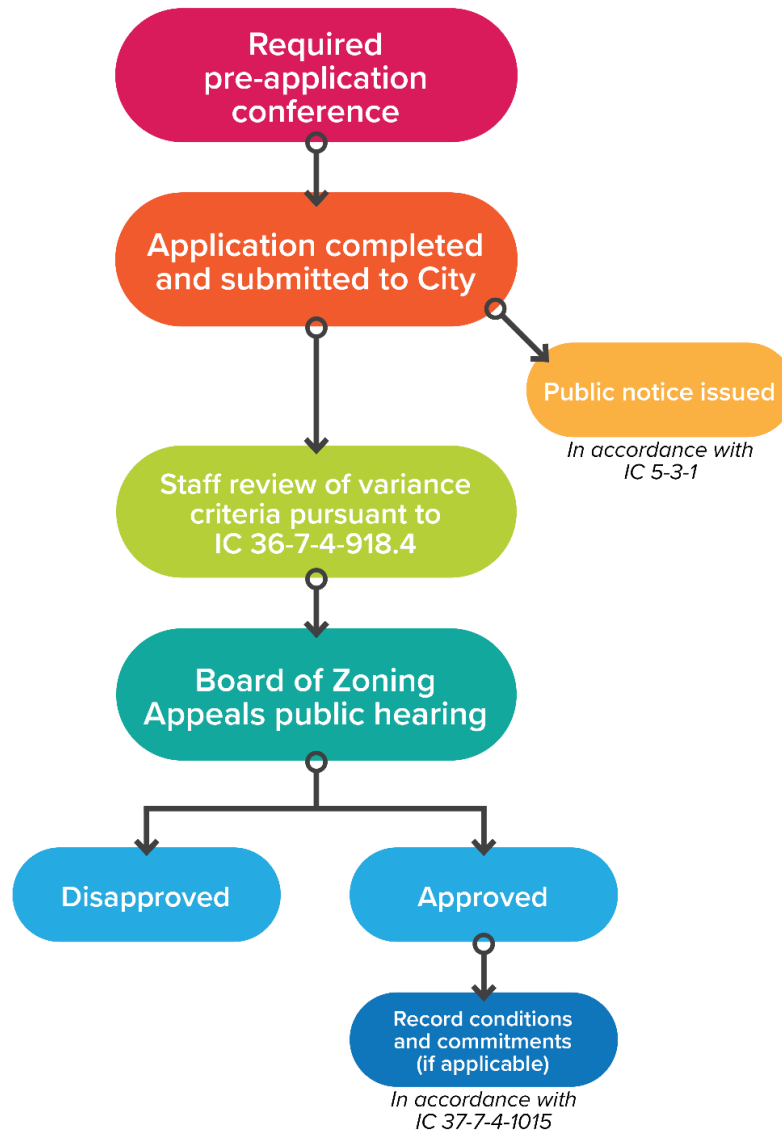
CONDITIONAL USE PROCESS



8. *Variance of Use Process.* Under IC 36-7-4-918.4 and the BZA Rules and Procedures, the BZA shall hear and make decisions regarding applications for variances of use.
 - a. *Public Notice.* Notice of the public hearing shall follow the BZA Rules and Procedures.
 - b. *Public Hearing.* The BZA shall consider the variance of use at a public hearing. The applicant shall be in attendance to present their case and address the decision criteria and any questions or concerns of the BZA.
 - c. *Decision Criteria.* Per IC 36-7-4-918.4, when considering a variance of use, the BZA shall find that the following criteria have all been satisfied:
 - 1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
 - 2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
 - 3) The need for the variance arises from some condition peculiar to the property involved;
 - 4) The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
 - 5) The approval does not interfere substantially with the Comprehensive Plan.
 - d. *Final Decision.*
 - 1) *Approval.* If the BZA finds all the variance of use criteria has been satisfied, it shall approve or approve with conditions and/or written commitments the request. Approval may be in the form of a general statement.
 - 2) *Denial.* If the BZA does not find that all of the variance of use criteria has been satisfied, it shall deny the use variance and shall adopt findings that specify the reason(s) for denial, including the criterion not met.
 - e. *Expiration.* Approval of a variance of use shall run with the land, except for the following:
 - 1) *Expiration for Failure to Begin New Construction.* All applicable permits shall be obtained and any new construction relevant to the use variance shall begin within two (2) years of the BZA's approval, or that approval shall expire.
 - 2) *Expiration for Failure to Occupy Existing Structures.* All applicable permits shall be obtained and any existing structures relevant to the conditional use shall be occupied within one (1) year of BZA approval, or that approval shall expire.
 - 3) *Expiration for Unmet Conditions.* Approvals that include one or more conditions by the BZA shall be met within one (1) year of BZA approval, or that approval shall expire.

- f. *Amendment.* A variance of use may only be amended by the BZA if the property owner submits a revised application and that application follows the same process as the original application while also meeting all the applicable standards.
- g. *Flowchart.* The following flowchart is for illustrative purposes only to show the steps associated with the variance of use application process.

VARIANCE OF USE PROCESS

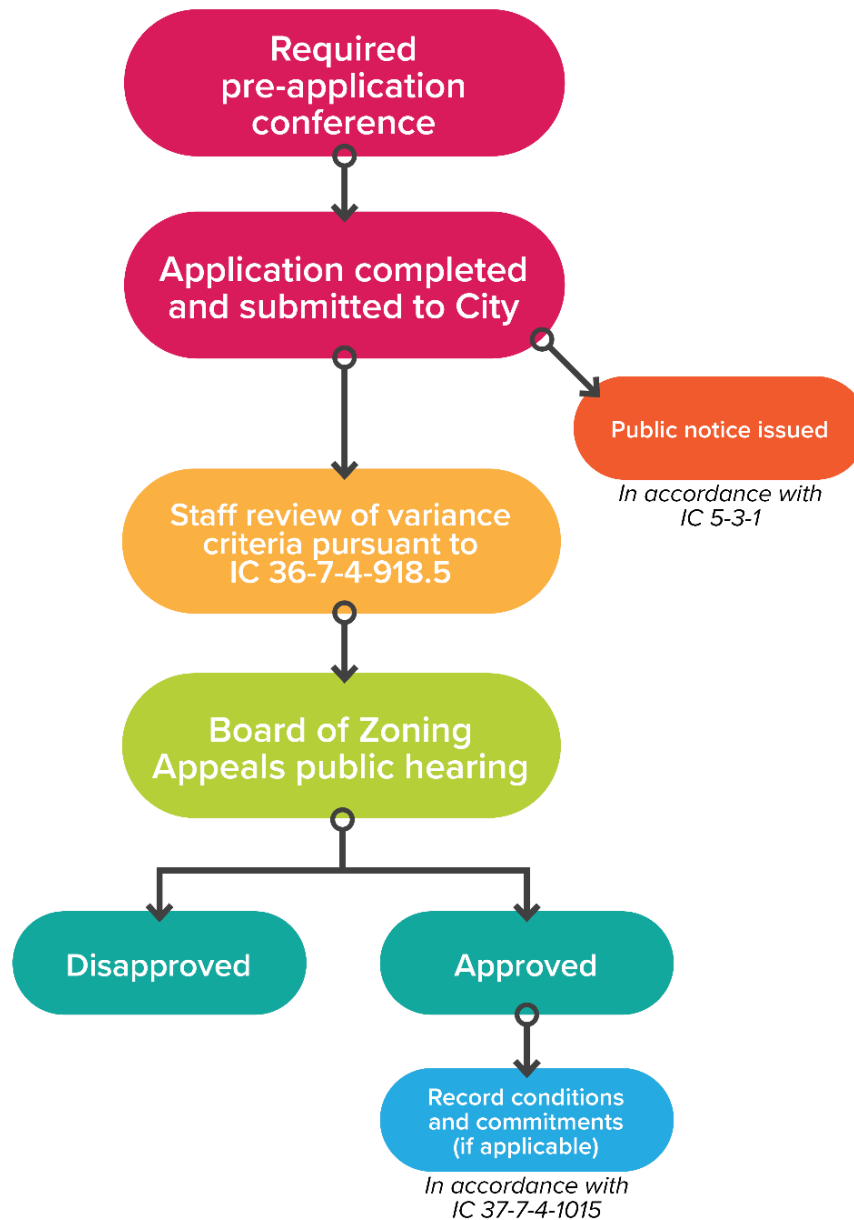


9. *Variance from Development Standards Process.* Under IC 36-7-4-918.5 for variances from development standards, and the BZA Rules and Procedures, the BZA shall hear and make decisions regarding applications for variances from development standards.
- a. *Applicability.* The BZA may vary the development standards under the procedures of this Section D.9.
 - b. *Public Notice.* Notice of the public hearing shall follow the BZA Rules and Procedures.
 - c. *Public Hearing.* The BZA shall consider the variance from development standards at a public hearing. The applicant shall be in attendance to present their case and address the decision criteria and any questions or concerns of the BZA.
 - d. *Decision Criteria.* Per IC 36-7-4-918.5, when considering a variance of development standards, the BZA shall find that the following criteria have all been satisfied:
 - 1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
 - 2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
 - 3) The strict application of the terms of the ordinance will result in practical difficulties in the use of the property;
 - 4) The variance granted is the minimum necessary; and
 - 5) The variance granted does not correct a hardship caused by a former or current owner of the property.
 - e. *Final Decision.*
 - 1) *Approval.* If the BZA finds all the development standards variance criteria have been satisfied, it shall approve or approve with conditions and/or written commitments the request. Approval may be in the form of a general statement.
 - 2) *Denial.* If the BZA does not find that all the Development Standards Variance criteria have been satisfied, it shall deny the Development Standards Variance and shall adopt findings that specify the reason(s) for denial, including the criterion not met.
 - f. *Expiration.* Approval of a developmental standards variance shall run with the land, except for the following:
 - 1) *Expiration for Failure to Begin New Construction.* All applicable permits shall be obtained and any new construction relevant to the development standards variance shall begin within two (2) years of the BZA's approval, or that approval shall expire.
 - 2) *Expiration for Failure to Occupy Existing Structures.* All applicable permits shall be obtained and any existing structures relevant to the development standards variance shall be occupied within one (1) year of BZA approval, or that approval shall expire.

- 3) *Expiration for Unmet Conditions.* Approvals that include one or more conditions by the BZA shall be met within one (1) year of BZA approval, or that approval shall expire.
- g. *Amendment.* A developmental standards variance may only be amended by the BZA if the property owner submits a revised application and that application follows the same process as the original application while meeting all the applicable standards.

- h. *Flowchart.* The following flowchart is for illustrative purposes only to show the steps associated with the variance from development standards application process.

VARIANCE OF DEVELOPMENT STANDARDS PROCESS



E. Administrator.

1. *Duties and Powers.* The Administrator shall be charged with the administration of this UDO and shall have the jurisdiction, authority, and duties described in this section:
 - a. *Assistance to Planning Commission and BZA.* The Administrator shall provide such technical and clerical assistance as the Planning Commission and Board of Zoning Appeals (BZA) may require, including:
 - 1) Attending the meetings of the Planning Commission, BZA, and City Council as needed;
 - 2) Informing each of the bodies listed above of the facts and information available for any application brought before them; and
 - 3) Assisting each body by performing research, preparing staff reports, and making recommendations on applications brought before them.
 - b. *Public Information.* The Administrator shall provide and maintain public information and records for matters of the Planning Commission and BZA, the UDO, the Comprehensive Plan, and related City ordinances, plans, and policies.
 - c. *Receipt of Applications.* The Administrator shall receive all applications for any petition, permit, or process required to be filed under the UDO. Upon receipt of any such application, the Administrator shall see to its processing, which may include its prompt referral to and retrieval from officials, departments, committees, boards, or commissions of the City or any other governmental unit or agency with any interest or duty concerning such application.
 - d. *Fees.*
 - 1) *General Requirements* The Administrator shall maintain a schedule of fees for all applications, permits, and other processes outlined in this UDO. Until all applicable fees have been paid in full, no action shall be taken on any application or petition. Applications and petitions filed according to the provisions of this UDO shall be accompanied by the applicable fee(s) specified in the adopted Fee Schedule. Fees shall be collected by the Administrator and shall be made payable to the City of Greendale.
 - 2) *Fees for Improvement Location Permit (ILP).* Non-refundable fees for an ILP shall be calculated during the review process and shall be collected before the ILP is issued. Any fees associated with re-inspections and additional inspections are non-refundable and shall be collected before a final inspection is scheduled or a certificate of occupancy is issued.
 - 3) *Fees for Applications to the Planning Commission and BZA.* Non-refundable fees shall be collected at the time any application is filed.
 - 4) *Erroneously Paid Fees.* A fee paid in error may be refunded at the discretion of the Administrator.
2. **Improvement Location Permit (ILP) Procedures.** The Administrator, or their designee, shall be responsible for the issuance of ILPs per IC 36-7-4-800 Series.

- a. *Applicability.* An ILP shall be required for the erection, alteration, or modification of all structures within the jurisdiction including, but not necessarily limited to:
 - 1) Primary structures;
 - 2) Accessory buildings and structures;
 - 3) Accessory structures including fences, decks, patios, slabs, and temporary storage containers;
 - 4) Signs [excluding temporary signs as permitted per Table 3.19, *Temporary Attention Seeking Signs* – Table 3.23, *Temporary Yard Signs* and murals].
 - 5) Wireless communication facilities.
 - b. *Filing of Application.* An application shall be filed using the forms adopted by the Planning Commission and shall be submitted in the format described therein. The filing fee for an ILP shall be paid by the adopted Fee Schedule. A public record of each ILP shall be retained by the Administrator following the retention rules established by the State Board of Accounts.
 - c. *Final Inspection and Certificate of Occupancy.* A final inspection shall be completed for all ILPs that are constructed in compliance with all provisions of the UDO and other applicable codes. No structure shall be occupied or used, in whole or part, for any purpose until a final inspection is completed and a Certificate of Occupancy has been issued where required.
 - d. *Expiration.* An ILP shall be valid upon issuance.
 - e. *Amendment.* An amendment to an approved ILP may be submitted at any time for review and consideration by the Administrator. Additional fees may be assessed if applicable.
3. **Short-Term Rental Permit.** A Short Term Rental Permit (STRP) is required to lease a residential property for a period of 29 days or less. An STRP shall:
- a. Require the owner to sign an affidavit agreeing to abide by the short-term rental use standards per Sec. 4.C.39, *Short-Term Rental* or lose the ability to operate the use; and
 - b. Ensure that the owner remits all applicable lodging and other taxes to the appropriate local and state authorities.

F. Technical Review Committee

- 1. *Generally.* A regulatory body to be known as the Technical Review Committee (TRC) is hereby established to:
 - a. Review the requirements of the UDO as those requirements relate to each application that is submitted;
 - b. Formulate staff recommendations in conjunction with the Administrator;
 - c. Rectify review comments between city departments and referral agencies; and
 - d. Provide cohesive and timely review of applications.

2. *Membership.*
 - a. The TRC shall be comprised of the following city staff positions: City Manager, City Attorney, City Clerk / Treasurer, Police Chief, Fire Chief, and representatives from each referral agency that reviews development projects in conjunction with the city.
 - b. Based on the nature of a specific application, TRC meetings can be limited to those staff and agencies affected by the application or they can be expanded to include additional agencies or staff with review responsibilities.
3. *Powers.* The TRC shall have the role to review and provide technical recommendations concerning any application specified in this UDO. It does not have the power to grant a variance or change zoning classification.
4. *Meetings.* TRC meetings shall be convened by the Administrator, as necessary.

Chapter 9 – Nonconformities

A. Purpose. The purpose of this Chapter is to provide:

1. Regulations for lots, site standards, structures, uses, and zoning districts that will be granted nonconforming status due to the enactment of this UDO or due to the continuance of a nonconformity before this UDO's enactment; and
2. A means for nonconformities to continue until they are removed, but do not encourage their survival.

B. Applicability.

1. *Effect of UDO Enactment.* Any use or standard that does not meet the standards of this UDO shall be deemed to be a nonconformity.
2. *Effect of UDO Amendments.* The provisions of this chapter shall apply to any use or standard that may become nonconforming due to any amendment of this UDO passed after the original effective date.
3. *Effect of Nonconforming Standards.* The specific types of nonconformities identified in Sec. 9.C, *Types of Nonconformities*, below, will have different standards that may apply only to that type of nonconformity, to a combination of nonconformity types, or all nonconformities.
4. *Compliance Required.* No person may use, occupy, or develop land, buildings, or other structures, or permit the use, occupancy, or development of land, buildings, or other structures except in accordance with all the provisions of this UDO. This includes the subdivision of property which shall be approved by the Planning Commission in accordance with the provisions of this UDO and filed with the Dearborn County Recorder's Office.
5. *Illegal Uses.* Illegal uses existing at the time of the effective date that this UDO is enacted shall not become legal due to the enactment of this UDO.
6. *Burden of Establishing a Nonconformity.* The burden of establishing the legality of a nonconformity that lawfully exists under the provisions of this UDO is upon the property owner of the nonconformity and not upon the City.

C. Types of Nonconformities. The types of nonconformities established in this UDO include but are not limited to legally nonconforming lots; legally nonconforming signs; legally nonconforming site standards; legally nonconforming structures; legally nonconforming uses; and legally nonconforming zoning districts.

D. Nonconforming Lots.

1. *Combination of Lots to Increase Conformity.* Where a property owner owns one or more lots abutting a nonconforming lot, the lots shall be combined to create fully conforming lots prior to any other development application submittal for the property. Or, if full conformity is not possible, the lots in question shall still be combined if the combination increases the degree of conformity.
2. *Permitted Development on a Nonconforming Lot.* Where, at the time of adoption of this UDO, lawful lots of record exist which would not be permitted to be created by the

regulations imposed by this UDO, and the lots cannot be combined pursuant to Sec 9.D.1, *Combination of Lots to Increase Conformity*, the lot may be developed so long as:

- a. The development meets all of the dimensional standards found within both Chapter 2, *Zoning Districts*; and Chapter 3, *Site Standards*; or
- b. A variance from the BZA is obtained pursuant to Sec. 8.D.9, *Variance of Development Standards*.

E. Nonconforming Signs.

1. *Repairs and Alterations.* Routine maintenance which is completed within 30 days, including necessary non-structural repairs, paint, and incidental alterations to a nonconforming sign is allowed without having to bring the nonconformity into compliance. Routine maintenance does not include the replacement repairs made for structure reasons or the replacement of walls or roofs.
2. *Sign Removal.* When a nonconforming sign is removed for any reason other than routine repair and maintenance or the routine maintenance takes longer than 30 days, the replacement sign must comply with the standards set out in this UDO.
3. *Removal of Nonconforming Element.* If an element of a sign that causes the sign to be nonconforming is removed, it shall not be replaced, except with a conforming element.
4. *New Sign Installation.* The installation of any new sign is prohibited on a site while a nonconforming sign remains in use.
5. *Damage or Destruction.* If more than 50 percent of the area or 50 percent of the replacement cost of a lawfully existing nonconforming sign is damaged or changed, the sign shall be removed and made to conform or replaced with a conforming sign.
6. *No Message.* If a nonconforming sign does not display any message for 180 days it shall be removed or brought into conformance with this UDO.

F. Nonconforming Site Standards.

1. *Generally.* For this Chapter, nonconforming site standards shall include compliance with all of the standards found within Sec. 3.B, *Parking, Loading, and Stacking*; and Sec. 3.C, *Landscaping, Buffering, and Screening*.
2. *Increases in Nonconformity.* No legal nonconforming site feature shall be altered, removed, or otherwise modified in a manner that increases the amount of nonconformity. Site features may be modified in a manner that maintains or lessens the extent of the nonconformity.
3. *Property Redevelopment.* The removal and replacement of the primary structure on a lot to the extent that either its use must be discontinued for at least one year or a phased removal and replacement results in a new structure shall require all site features to be brought into compliance with all requirements of this UDO.
4. *Use and/or Structure Expansion.* If the use of, and/or the structure present on a property is expanded the corresponding site features shall be required to be modified to an extent that is proportional to the expansion.

G. Nonconforming Structures.

1. *Continued Use of a Structure.* Where a lawful structure exists at the effective date of this UDO or as amended; and said structure could not now be built under the terms of this UDO, such structure may be continued so long as the structure was built through a lawfully obtained building permit previously obtained through the City; and all other requirements of this UDO are met.
2. *Enlargement of Structure.* A nonconforming structure may not be enlarged. However, any structure or portion thereof may be altered to decrease its nonconformity.
3. *Structure Damage.* Should a nonconforming structure or nonconforming portion of a structure be damaged by any means to the extent of more than fifty percent (50%) of its area or fifty percent (50%) of its value immediately prior to the damage, it shall not be reconstructed except in conformity with the all of the provisions of this UDO.
4. *Structure Relocation.* Should any structure be relocated to another location on the same lot for any reason, it shall conform to all of the regulations of this UDO.
5. *Repairs and Alterations.* Routine maintenance, including necessary non-structural repairs, paint, finish, and incidental alterations to a nonconforming structure is allowed without having to bring the nonconformity into compliance.
6. *Variance.* The provisions of Sec. 9.G, *Nonconforming Structures*, shall be applied stringently unless a variance is obtained from the BZA pursuant to Sec. 8.D.9, *Variances of Development Standards*.

H. Nonconforming Uses.

1. *Continuance of a Use.* The lawful use of a structure or the lawful use of land existing at the effective date of this UDO may be continued although the use does not conform to all requirements of this UDO provided that:
 - a. A building permit, if applicable, was lawfully obtained for said structure;
 - b. The use is not expanded upon or extended to occupy a greater area of land than was occupied at the effective date of this UDO, or as amended;
 - c. The use is not moved, in whole or in part, to any portion of the lot or parcel other than a location that is occupied by such use at the effective date of this UDO, or as amended; and
 - d. No new structure is erected on a property that has a nonconforming use existing upon said property.
2. *Provisions for Agricultural Uses.* Consistent with IC 36-7-4-616, an agricultural use of land that constitutes an agricultural nonconforming use may be changed to another agricultural use of land without losing agricultural nonconforming use status. In addition, an agricultural nonconforming use shall not be restricted or required to obtain a variance or conditional use approval so long as an agricultural nonconforming use has been maintained for three (3) years in a five (5) year period.
3. *Discontinuance and Abandonment.* If any nonconforming use of land is discontinued or abandoned for any reason for more than one (1) year, the subsequent use of said land shall

conform to the regulations specified by this UDO. There shall be no return to the previous nonconforming use after it is discontinued or abandoned for more than one (1) year.

4. *Use Variance.* The provisions of this Sec. 9.H, *Nonconforming Uses*, shall be applied stringently unless a use variance is obtained from the BZA pursuant to Sec. 8.D.8, *Variance of Use*.

I. Mitigation of Nonconforming Uses.

1. *Generally.* In some instances, a nonconforming use can become an integral part of the neighborhood's character and function. One of the purposes of zoning regulations is to protect neighborhoods. Therefore, if the community is comfortable with a particular use, the classification "nonconformity" and restriction on investment may not be what the community desires. Under such conditions, the use may be mitigated and made conforming to remove the stigma associated with the designation as a "nonconformity." The provisions of this section establish procedures for bringing nonconformities into conformance.
2. *Procedure.* An owner of a nonconforming use may apply to the Board of Zoning Appeals (BZA) through the conditional use process (See Sec. 8.D.7, *Conditional Use Process*) which has the effect of making the nonconforming use conforming.
3. *Criteria for Approval.* A nonconformity shall be approved as a conformity, if, in addition to the criteria for approval of a conditional use (See Sec. 8.D.7, *Conditional Use Process*) the following is demonstrated:
 - a. *Minimal Nonconformity.* The use, as conducted and managed, has been integrated into the neighborhood's function. Evaluation criteria include:
 - 1) The neighborhood residents regularly patronize or are employed at said use (for nonresidential uses).
 - 2) Management practices eliminate nuisances such as noise, light, waste materials, congested on-street parking, or similar conflicts. A history of complaints is justification for denying a conditional use under this Sec. 9.I. unless the conditions of the approval will eliminate the nuisances.
 - 3) The use has been maintained in good condition or its classification as a nonconformity represents a disincentive for such maintenance.
 - b. *Conditional Approval.* Conditions may be imposed relative to the expansion of bufferyards, landscaping, or other site design provisions, or other limitations necessary to ensure that, as a conforming use, the use will not become a nuisance. Such conditions may relate to the lot, buildings, structures, or the operation of the use.
4. *Post-Approval Letter.* Should the application be granted conforming status, the applicant shall be provided with a letter in writing confirming the BZA's decision.
5. *Taverns in the TMU and NC Districts.* All existing taverns in the TMU and NC districts, which would otherwise be deemed to be nonconforming by the adoption of this UDO, shall be granted conforming status. Said taverns are required to conform with all other requirements of this UDO and the City's Code of Ordinances.

Chapter 10 – Enforcement, Violations, and Remedies

A. Enforcement.

1. *Purpose.* This Chapter:
 - a. Establishes the procedures that the City may use to assure compliance and enforcement of the provisions of this UDO; and
 - b. Sets out the remedies and penalties that the City may use to correct violations. The provisions of this Chapter are intended to encourage the voluntary correction of violations.
2. *Applicability.*
 - a. *Compliance Required.* No person may use, occupy, or develop land, buildings, or other structures, or permit the use, occupancy, or development of land, buildings, or other structures except in accordance with all the provisions of this UDO. This includes the subdivision of property which shall be approved by the Planning Commission in accordance with the provisions of this UDO and filed with the Dearborn County Recorder.
 - b. *Continuation of Prior Enforcement Actions.* Nothing in this UDO shall prohibit the continuation of previous enforcement actions undertaken by the City according to the regulations in effect before the effective date of this UDO. Enforcement actions initiated before the effective date of this UDO, and amendments hereto, may be continued to completion or settlement under the terms of the regulations in effect before the effective date of this UDO. In this circumstance and if applicable, an enforcement action can be stayed should an applicant decide to ask for a variance per Sec. 8.D.8, *Variance of Use*, or Sec. 8.D.9, *Variance of Development Standards*.
3. *Inspections and Investigations.*
 - a. *Required.* The Administrator is authorized and directed to make such inspections and investigations as are necessary to determine compliance and/or enforcement of this UDO.
 - b. *Right of Entry.* The Administrator shall have the power to enter at reasonable times upon any private or public property to inspect and investigate conditions relating to the enforcement of this UDO.
 - c. *Duty of Occupants.* It shall be the duty of every occupant of a manufactured home park or any other shared common open space to give the Administrator access to any part of such property at reasonable times for inspections as are necessary to effect compliance with this UDO.
4. *Complaints.*
 - a. *Filing.* Whenever a violation of this UDO occurs, or is alleged to have occurred, any person may file a complaint via telephone, in person, in writing, or electronically with

the Administrator. Complaints may also be filed anonymously through a verbal discussion with the Administrator.

- b. *Investigation.* The Administrator shall investigate the complaint, take immediate action, and may refer the matter to the Planning Commission, BZA, or City Attorney for review.

B. Violations and Citations.

1. *Generally.* The Administrator shall enforce the regulations of the UDO and bring to the attention of the City Attorney any violations or lack of compliance.
2. *Citations.*
 - a. *Issuance and Service.* The Administrator or his or her duly authorized designees may issue a notice of violation to a person who commits a civil zoning violation. The notice shall be issued to the legal owner, the contract vendee, or any person or entity with a possessory interest in the real estate upon which the violation occurs. The citation shall be served by personal service, by certified mail, or by placement in a conspicuous place on the property where the violation occurs and shall serve as notice to a person that he or she has committed a civil zoning violation.
 - b. *Petition for Variance, Rezoning, or Other Means.* If applicable, a person who receives a citation may apply for a variance, conditional use permit, rezoning, or other means provided by this UDO to correct the violation. A person who elects to file such an application shall do so with the Administrator within ten business days after issuance of a citation. Any monetary fines shall be stayed until a decision on the application is made. A person who applies within the aforementioned timeframe shall pursue the approval of the application in an expeditious fashion. If the application is denied, withdrawn, or dismissed and the civil zoning violation continues at the location, then the issue shall be brought before a court of competent jurisdiction.
 - c. *Appeal of Citation.* If a person believes that a citation received is an incorrect interpretation of the UDO by the Administrator or any other city official, then said person may file an administrative appeal of the decision for a hearing to be set with the Board of Zoning Appeals (BZA). See Sec. 8.D.6, *Administrative Appeal Process*. A person who elects to file such an appeal shall do so with the Administrator within ten business days after issuance of a citation. Any monetary fines shall be stayed until a decision on the appeal is made. A person who files the appeal within the aforementioned timeframe shall pursue the approval of the appeal in an expeditious fashion. If the appeal is denied, withdrawn, or dismissed and the civil zoning violation continues at the location, then the issue may be brought before a court of competent jurisdiction.
3. *Improvement Location Permit (ILP) Violations.*
 - a. *Construction Before Permit.* Any person who initiates construction before obtaining an ILP, Letter of Approval, or any other required permit or required authorization shall be issued a citation per Section 10.99 of the City's Code of Ordinances.

- b. *Occupancy Before Permit.* Any person who occupies a property prior to obtaining a Certificate of Occupancy or any other required permit or required authorization shall be issued a citation per Section 10.99 of the City's Code of Ordinances.
 - c. *Participation in Offense.* The property owner of any building, structure, or premises and any other person who participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties as prescribed by this Chapter or as assigned by a court of competent jurisdiction.
4. *Zoning Violations.* The property owner shall be held liable for any:
- a. Person, tenant, or occupant who violates any of the provisions of this UDO; or
 - b. Violations of conditions or written commitments established in connection with any development plans, variances, conditional uses, rezonings, or any structural alterations that violate any approved plans.
5. *Subdivision Control Violations.* The property owner shall be held liable for any:
- a. Person, tenant, or occupant who violates any of the provisions of this UDO; or
 - b. Violations of conditions or written commitments established in connection with any subdivisions or waivers/modifications of subdivision standards or any reconstruction or structural alterations relating to any public or private property in violation of an approved plat.

C. Remedies and Penalties.

- 1. *Noncompliance.* Any person who violates any of the provisions of this UDO, fails to fully comply with any of the requirements, or builds, reconstructs, or structurally alters any building or site without approval shall be fined separately for each offense according to Section 10.99 of the City's Code of Ordinances. Each day a violation(s) and/or noncompliance exists shall constitute a separate offense.
- 2. *Injunction.* The Planning Commission, the BZA, the Administrator, any designated enforcement official, or any person may jointly or severally institute a suit for an injunction in any court of competent jurisdiction to restrain a person from violating the provisions of this UDO or to declare a public or private nuisance be abated in an appropriate manner including but not limited to the removal of any structure within the jurisdiction that is deemed to be a nuisance.
- 3. *Stay of Work Pending Appeal and Restraining Order.* When an appeal from the decision of the Administrator has been filed with the BZA, all proceedings and work on the premises affected shall be stayed unless the Administrator certifies to the BZA, that, because of the facts stated in the certificate, a stay would cause imminent peril to life or property. In that case, proceedings or work may not be stayed except by restraining order.
- 4. *Attorney's Fees.* If the BZA or the City is required to utilize the services of any attorney in investigating a possible violation of this UDO or enforcing the provisions of this UDO before any board or court, and such investigation results in a determination that a violation has occurred or if the BZA or City is successful in its enforcement of the UDO by way of suit,

appeal, or other appropriate proceeding, the respondent, defendant, or party investigated for a violation shall pay the City's reasonable attorney fees and all court costs related to the investigation of the violation and/or the enforcement of this UDO.

Chapter 11 – Rules of Interpretation and Definitions

A. Rules of Interpretation.

1. **Provisions are Minimum Requirements.** In the interpretation and application of the UDO, the provisions of this UDO shall be held to be the minimum requirements for the protection of the health, safety, comfort, convenience, and general welfare of the residents of the City.
2. **Conflicting Provisions.**
 - a. *Greater Restriction Applies.* Where this UDO imposes a greater restriction upon the use of a building, structure, or premises than is imposed or required by such existing provisions of law, the provisions of this UDO shall control. Should there be determined to be a conflict between two provisions within the UDO, then the stricter provision shall apply.
 - b. *Private Agreements.* It is not the intent of this UDO to interfere with, abrogate, or amend any existing easements, covenants, or other private agreements between parties. Where a private agreement imposes a greater restriction than is imposed by this UDO, enforcement of those private restrictions shall be between the parties. The City shall not enforce any private agreement.
 - c. *Text, Tables, and Illustrations.* In the case of any conflict of meaning or implication between
 - 1) The text of this UDO and any illustrations within the UDO, the text shall control.
 - 2) The text of this UDO and a table within the UDO, the text shall control.
 - 3) A table within this UDO and an illustration within the UDO, the table shall control.
3. **Administration.** The Administrator shall have the primary responsibility of administering the UDO within the jurisdiction. However, whenever a provision requires a city employee to do some act or perform some duty, it is to be construed to authorize the employee to delegate a subordinate to perform the required act or duty, unless the terms of the provision specify otherwise.
4. **Other Requirements.** Nothing in this UDO shall eliminate the need for obtaining any other approval or entitlement required by other provisions of the City, the state, or any federal agency.
5. **Statutory Changes.** If any Indiana Code (IC) cited in this UDO has been amended, this UDO shall be deemed amended in reference to that new or revised provision of law.
6. **Severability.** If any provision or the application of any provision of this UDO is held unconstitutional or invalid by a court of competent jurisdiction, the remainder of the UDO or the application of such provision to other circumstances shall not be affected.
7. **Defined Terms.**
 - a. *UDO Terms.* Specific words and terms relative to this UDO are as defined in Section 11(B), *Definitions*.

- b. *Code of Ordinance Terms.* Words not defined in this UDO but defined in any other parts of the City's Code of Ordinances shall be deemed to have the meaning provided in the City's Code of Ordinances.
- c. *Other Terms.* Words not defined in this UDO or in any other part of the City's Code of Ordinances shall have the most appropriate meaning provided in a dictionary of common usage.

8. Additional Rules of Interpretation.

- a. The use of the terms “including,” “such as,” or similar language are intended to provide examples, not to be exhaustive lists of all possibilities.
 - b. The term “and” indicates that all items being referred to are connected, inclusive, and applicable. The term “or” indicates that one or more of the items being referred to shall apply.
 - c. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and vice versa.
 - d. Words used in the plural number include the singular and vice-versa.
 - e. The term “building” includes a “structure”; a “building” or “structure” includes any part of the building. A structure is, however, not necessarily a building.
 - f. The words “shall”, “must”, and “will” are always mandatory.
 - g. The words “should” and “may” are discretionary.
9. **Failure of Knowledge is not an Excuse.** It shall be the responsibility of any person owning real property and/or owning or operating a business within the City to make a determination of the applicability of any regulation as it pertains to the property and/or business, and failure to do so shall not excuse any violation.

B. Definitions:

ABANDONMENT. The cease or discontinuance of a use or activity without intent to resume as distinguished from short term interruptions such as during periods of remodeling, maintenance, or normal periods of vacation or seasonal closure.

ABUTTING. Two (2) lots sharing the same or common property lines. This definition does not include lots that are separated by an alley, street, or another right-of-way.

ACCESSORY BUILDING. a building detached from a principal building located on the same lot and which is incidental and subordinate to the principal building.

ACCESSORY DWELLING UNIT, ATTACHED. A dwelling unit that is structurally attached to a principal building which has separate front and/or rear access and separate kitchen facilities; does not include an upper-story residential; and is not larger than one-third (1/3) the size of the principal dwelling unit.

ACCESSORY DWELLING UNIT, DETACHED. A secondary dwelling unit on the same parcel of property that does not have a wall, roof or another structural component in common with the primary structure on the property. This also includes, but is not limited to, guest houses.

ACCESSORY STRUCTURE (appurtenant structure). A structure 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, exterior metal panel buildings, pole barns, and hay sheds.

ACCESSORY USE. A use which is incidental to the main use of the premises.

ADJACENT. Two (2) lots sharing the same or common property lines. The definition includes lots that are separated by an alley, street, or another right-of-way.

ADMINISTRATOR. The person designated by the Mayor of the City who shall enforce and interpret the provisions of this UDO. The individual selected by the Mayor for this position shall have the authority to delegate any enforcement duties as they see necessary to other City employees.

ADULT DAY SERVICES. A facility licensed by the State of Indiana that offers a social environment for older adults and which provides planned activities while also providing professional care. This use operates during normal business hours and individuals will attend based on a day / week, hours / day schedule.

ADULT ENTERTAINMENT BUSINESS. Any business that includes one (1) or more of the following business types: adult arcade, adult bookstore, adult cabaret, adult novelty store, adult video store, nude model studio, or adult motion picture theater.

AIRPORT AND HELIPORT. Any area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

ALLEY. A public thoroughfare, which affords only secondary means of vehicular access to abutting properties.

APPLICANT. Anyone who submits for a permit and/or approval through this UDO.

AQUIFER. A glacial formation, group of glacial formations, or part of a glacial formation that contains enough saturated permeable material to yield significant quantities of water.

AUTOMATED TELLER MACHINE (ATM). An automated mechanized consumer banking device operated by a financial institution for the convenience of its customers, whether inside or outside of a financial institution, or located in a structure unrelated to the financial institution operating it.

AUTOMOBILE PARKING LOT. Surface lots designed and built for the parking of small to medium sized motor vehicles, not including large trucks such as semi-trailers that are designed to move large quantities of goods. This includes, but is not limited to, a commercial garage and commercial parking lot.

AUTOMOBILE / VEHICLE REPAIR AND SERVICE. Any land, building, structure, or premises used for the general repair of automobiles, trailers, recreational vehicles, boats, or light trucks including but not limited to the repair, painting, or refinishing of the body, fender, or frame

of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural implements, and similar vehicles or equipment; engine rebuilding or reconditioning of motor vehicles; engine steam cleaning; transmission welding or rebuilding and installation. This includes, but is not limited to, watercraft repair.

AUTOMOBILE / VEHICLE SALES AND RENTAL. Premises on which new or used passenger automobiles, trailers, recreational vehicles, boats, or light trucks in operating condition are displayed for sale, lease, or rental. This includes used car sales or storage lots, and automobile or trailer display and sales rooms. This includes, but is not limited to, open auto/trailer sales areas and automobile sales rooms.

BANK, CREDIT UNION, AND FINANCIAL SERVICES. Any business that provides financial services and the transmission of funds regardless of whether said business is located in a freestanding building, kiosk or automated teller machines.

BASEMENT. A story partly underground but having less than one-half ($\frac{1}{2}$) of its clear height below, which unless subdivided into rooms and used for tenant purposes, shall not be included as a story for the purpose of height measurements.

BERM: An elongated earthen mound typically designed or constructed on a site to separate, screen, or buffer adjacent uses.

BILLBOARD: Any freestanding sign or a sign that is attached to or part of a building and is an off-premise sign.

BZA. The Board of Zoning Appeals of the City of Greendale, Indiana.

BUFFERYARD. A strip of land on the periphery of a property created to separate one type of land use or zoning district from another when they are incompatible or in conflict.

BUILDING. A structure having a roof supported by columns or walls, for the shelter, support, enclosure or protection of persons, animals, or property.

BUILDING AREA. The maximum horizontal projected area of the principal and accessory building, excluding open steps or terraces, unenclosed porches not exceeding one (1) story in height, or architectural appurtenances projecting not more than two (2) feet.

BUILDING, FRONT LINE OF. The line of that face of the building nearest the front lot line.

BUILDING HEIGHT. The vertical distance measured from the lot 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.

BUILDING MATERIALS AND HARDWARE STORE. The retail sale, rental, or lease of durable consumer goods, or in the retail sale, rental, or lease of such goods in combination with repair and maintenance services and the sale of replacement parts and accessories. Stores which include in part the sale of lawn and farm equipment and raw materials such as lumber and/or brick are included within this definition and land use category.

CARGO TERMINAL. A facility used for the loading and unloading of materials to be distributed by either truck or train. This includes, but is not limited to, a railroad freight house and truck terminal.

CAR WASH. Any area or business using self-service, in-bay automatic, or conveyor equipment for cleaning and washing motor vehicles, whether as a part of another business operation (e.g., as an accessory use to an automobile fueling or charging station, automobile sales, rental, and service), or as a stand-alone operation, of any type, on a commercial basis.

CELLULAR COMMUNICATIONS FACILITIES (CCF). A facility used to provide personal wireless services as defined at 47 U.S.C. Section 332(c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A CCF does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of the Code. A CCF includes an antenna or antennas, including without limitation, directions, omni-directions and parabolic antennas, base stations, support equipment, small cell facilities, alternative tower structures, and towers. It does not include the support structure to which the WCF or its components are attached if the use of such structures for CCFs is not the primary use. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or handheld radios/telephones and their associated transmitting antennas, nor does it include other facilities specifically excluded from the coverage of this UDO.

CEMETERY. Land primarily used or dedicated for the burial of the dead.

CERTIFICATE OF OCCUPANCY. A certificate stating that the occupancy and use of the land or a building or structure referred to therein complies with the provisions of this UDO.

CHILD CARE CENTER. A non-residential structure including, but not limited to, a kindergarten and day nursery, where at least one (1) child receives childcare from a provider:

- 1) While unattended by a parent, legal guardian, or custodian;
- 2) For regular compensation;
- 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; and
- 4) Is in full compliance with IC 12-17.2.

CHILD CARE HOME. 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 childcare from a provider:

- 1) While unattended by a parent, legal guardian, or custodian;
- 2) For regular compensation;
- 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; and
- 4) Is in full compliance with IC 12-17.2.

CITY. The City of Greendale, IN.

CODE. Unless otherwise specifically referenced, means the Code of the City of Greendale.

COLLECTOR STREET. A street that serves or is designed to serve as the connection from minor streets to major streets, such as the main entrance street of a residential development.

COMMERCIAL RECREATION AND AMUSEMENT SERVICES. Uses that provide commercial amusement indoors or outdoors including, but not limited to miniature golf; gymnasiums, athletic clubs, swimming pools, tennis courts, bicycle track (non-motor), ice skating, roller skating (blades), bowling, pool parlors, commercial baseball field, bath house; amusement parks; go-cart tracks; and riding stables.

COMMERCIAL VEHICLE. A vehicle that is classified by the State of Indiana as either a Combination Vehicle or Heavy Straight Vehicle. A combination vehicle has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater. A heavy straight vehicle has a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 pounds or more), whichever is greater. Any commercial licensed vehicle that does not meet the requirements of either combination vehicle or heavy straight vehicle as defined above is not considered a commercial vehicle for the purposes of this UDO.

COMMUNITY GARDEN. Privately or publicly owned land used for the cultivation of fruits, vegetables, plants, flowers, or herbs by multiple users. Community gardens may be divided into separate plots for cultivation by one (1) or more individuals or may be farmed collectively by members of the group and may include common areas maintained or used by group members.

CONTRACTOR'S SHOP. An area used to store and maintain construction equipment and other materials customarily used in the trade executed by the construction contractor. This includes, but is not limited to, a building materials storage yard, and coal/coke yard.

CORNER LOT. A lot abutting upon two or more streets at their intersection.

CORRECTIONAL INSTITUTION. Any government establishment that manages and operates jails, prisons, and other similar institutions for the confinement, correction, and rehabilitation of offenders.

COVENANT. A private restriction on the use of land contained in the deed to the property.

CREMATORIUM. A location containing a professionally installed, licensed, or certified apparatus intended for cremating human or animal remains.

CUL-DE-SAC. A local street with only one (1) outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement including public safety vehicles.

CULVERT. A drain that channels water under a bridge, street, or driveway.

CURB. A continuous concrete boundary with a minimum height of 4 inches and a maximum height of 6 inches which provides for a change in grade between a street surface or another paved area and the adjacent area which may either be paved or unpaved.

DETACHED BUILDING. A building that has no structural connection with another building.

DEED. A legal document conveying ownership of real property.

DEVELOPER. Any person engaged in developing a lot, group of lots, structures, or group of structures thereon for use or occupancy.

DEVELOPMENT. Any human-caused 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.
- 9) 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.

DEVELOPMENT PLAN. A specific plan for the development of real property that meets the requirements of IC 36-7-1-6 and may show 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 for an informed decision to be made by either the Administrator or the Planning Commission.

DIRECT RECHARGE AREA. The portion of a drainage basin in which water infiltrating vertically from the surface will intercept the water table.

DRIVE-IN OR DRIVE-THROUGH FACILITY. A place of business being operated for the retail sale of food and other goods, services, or entertainment wherein patrons may be served or otherwise conduct their business while remaining in their automobiles.

DRIVEWAY. A private accessway, primarily for vehicles, leading from a street to a dwelling unit, parking lot, parking garage, or loading area.

DUPLEX. A detached building having the necessary accommodations to be deemed as having two separate dwellings.

DWELLING. A building or portion thereof designed or used exclusively for residential occupancy.

EASEMENT. An authorization grant by a property owner for the use by another of any debatable

ESSENTIAL SERVICES. The development or maintenance of public utilities or city-approved underground, surface or overhead gas, electrical, telephone, steam, fuel or water transmission or distribution systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment, and sewage pump stations.

EV CHARGING STATION. Any building, land area, premises or portion thereof, where electricity is sold to allow for the continued usage of an electric vehicle. Light maintenance activities such as minor repairs may be conducted and convenience goods or services may be offered.

FAÇADE. The exterior wall of a building exposed to public view from the building's exterior.

FARM. Land used for growing farm products, including, but not limited to, the growing of vegetables, fruits, trees, and grain, and/or the raising of farm poultry and farm animals including the necessary accessory uses for raising, treating, and storing products (whether outside or within buildings designed for farms) that are raised on the premises. This definition explicitly excludes slaughterhouses and any other large-scale commercial slaughtering operations. Additionally, it does not include the commercial feeding of offal or garbage to swine or other animals and does not include any type of agriculture or husbandry specifically prohibited by local ordinance, state law, or federal law.

FENCE. A structure, including entrance and exit gates, designed, and constructed for enclosure or screening.

FIXTURE, FULL CUT-OFF: A lighting fixture where no light is emitted above the horizontal plane of the light source.

FIXTURE, NO CUT-OFF: A lighting fixture where there are no limitations on light distribution at any angle.

FRONT LOT LINE. On an interior lot, the line separating the lot from the street. On a corner lot, the line separating the lot from either street.

FRONT YARD DEPTH. The distance measured from the edge of the front lot line to the nearest point of the building's foundation.

FUNERAL HOME. A building used for human funeral services.

GAS STATION. Any building, land area, premises or portion thereof, where petroleum-based fuels or any other type of fuel is sold to allow for the continued usage of an internal combustion engine automobile. Light maintenance activities such as engine tune-ups,

lubrication, minor repairs, and carburetor cleaning may be conducted and convenience goods or services may be offered.

GOVERNMENTAL SERVICE (POLICE, FIRE, EMERGENCY MEDICAL SERVICES). A local government facility for conduct of public safety and emergency services, including fire and police protection services and emergency medical and ambulance services.

GRAFFITI. Any unauthorized inscription, word, figure, painting, or other defacement that is written, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or, despite advance authorization, is otherwise deemed a public nuisance by the City of Greendale.

GROCERY. An establishment engaged in retail and/or wholesale sale of food, foodstuffs, sundries, or other common household items to members of the public. This includes, but is not limited to, a bakery, delicatessen, meat market, and supermarket.

GROUP HOME. A non-profit or for-profit group home regulated under IC 31-27 or that is a protected class of residential accommodations per federal law 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, bonds, or similar financial instruments deposited with the municipality to ensure that required improvements will be constructed or installed.

HEAVY EQUIPMENT SALES AND RENTAL. An establishment providing for the sales and rental of equipment to be used for farming and construction. This definition does not include any vehicles that can be titled and licensed for street legal use by the Indiana Bureau of Motor Vehicles.

HOME OCCUPATION. An occupation, profession, domestic craft, or economic enterprise which is customarily conducted in a residential dwelling. This includes, but is not limited to, the use of a home for cottage food production operations. This includes a home occupation incidental to a permitted use. The use differs from a home business in that there shall be no outside indication that a business is operated on the site.

HOSPITAL / REHABILITATIVE CARE. An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, disability, and other 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. This includes a clinic, drug rehabilitation facility, hospital or sanitarium, except a criminal, mental or animal hospital.

IMPROVEMENT LOCATION PERMIT (ILP). A certificate issued under this UDO permitting a person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure within its jurisdiction or to change the use or condition of the land.

INTERIOR LOT. A lot other than a corner lot or through lot.

- JUNKYARD / SALVAGE YARD.** A place or a business that owns junk and/or salvage, and is operated to store, buy, or sell said junk and/or salvage. Typically all or part of the junk and/or storage is stored outdoors. This includes, but is not limited to, auto wrecking, junk storage, and recycling and storage of used building materials, automobile parts and components, tires, and/or waste materials.
- KENNEL.** Any lot or premises, or portions thereof on which more than a total of four (4) dogs, cats, or other animals over three (3) months of age are kept or maintained on an overnight basis.
- LANDFILL.** A solid waste disposal facility consisting of an area of land or an excavation used for disposal of any solid waste resulting from the operation of residential, commercial, industrial, governmental, or institutional establishments that would normally be collected, processed, and disposed of through a public or private solid waste management service. This includes, but is not limited to, a sanitary fill and refuse dump.
- LANDSCAPE ISLAND.** A landscaped area completely surrounded by a parking area and/or a vehicular use area. For purposes of this UDO, landscape islands shall consist of curbed island or peninsulas that are surrounded on at least two (2) sides by pavement.
- LIBRARY.** An institution for the collection, display, and distribution of books and which is sponsored by a public or quasi-public agency, and which facilities are open to the general public.
- LOCAL STREET.** A street that provides access to individual lots or land uses and which does not normally carry through traffic.
- LOT.** A parcel of land occupied or intended for occupancy by a use permitted in this chapter, including one (1) principal building and its accessory buildings, and the open spaces required herein, and having its principal frontage on a street, or an officially designated and approved place.
- LOT AREA.** The square feet area within the lot lines of a lot.
- LOT COVERAGE.** The percentage of the lot area covered by the building area.
- LOT DEPTH.** The mean horizontal distance between the front line and the rear line of the lot, measured in the general direction of the side lot lines.
- LOT WIDTH.** The distance between the side lot lines at the front line of building measured at right angles to the depth of the lot.
- MANUFACTURED HOME.** A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight 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 used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include a recreational vehicle as that term is defined by 24 CFR 3282.8(g).

MANUFACTURED HOME SALES. A business engaged in the sales or rental of manufactured homes.

MANUFACTURING, HEAVY. The manufacturing of products from raw or unprocessed materials. Normal operations might include the use of heat, noise, or odor generating/producing processes. This includes, but is not limited to, an arsenal, bulk fluid storage, poultry slaughtering/wholesaling, glass, cement, lime, gypsum, and plaster manufacturing, distillation of bones, coal, and wood, mortuary services, firework storage and sales, and any other use that includes handling of explosive and/or foul materials.

MANUFACTURING, LIGHT. Establishments engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no unscreened or unenclosed outdoor storage. This includes, but is not limited to, food and candy production and shipping and automotive, aircraft, and trucking equipment and manufacturing.

MEDICAL AND DENTAL OFFICE / CLINIC. A use where medical, dental, psychiatric, psychological, chiropractic and/or other outpatient services are performed. This includes, but is not limited to, a doctor's and dentist's office.

MEDICAL AND DIAGNOSTIC LABORATORIES. A facility that is used for the express purpose of the design, fabrication, and repair of dental and optical goods, and / or a laboratory where tests are performed on biological specimens in order to obtain information about the health of a patient. This includes testing and research laboratories.

MENU BOARD. A wall or freestanding sign which lists the foods or other products available at a drive-through facility.

MINIMUM LOT AREA. The minimum amount of property necessary to build a primary building on a lot. The term as defined within the UDO can include property that is not buildable provided that none of the actual construction of a building or structure is completed within the non-buildable area.

MINERAL EXCAVATION. Any use that uses heavy machinery to extract minerals from the earth.

MINOR ARTERIAL. A road intended to collect and distribute traffic in a manner similar to primary arterials, except that these roads service minor traffic-generating areas such as community-commercial areas, primary and secondary educational facilities, hospitals, major recreational areas, churches, and offices, and/or designated to carry traffic from collector streets to the system of primary arterials.

MOTEL / HOTEL. A commercial building in which lodging is provided and offered to the public for compensation. This includes, but is not limited to, an apartment hotel and tourist lodge.

MULTI-DWELLING RESIDENTIAL. A building containing three (3) or more dwelling units, not including hotels, motels, and similar group accommodations. This includes, but is not limited to, a fraternity house, student co-op housing, apartments, and condominiums.

MURAL. Any and all paintings on a wall, regardless of whether or not the intent is to advertise or not.

MUSEUM. An institution for the collection, display, and objects of art or science, and which is sponsored by a public or quasi-public agency, and which facilities are open to the general public.

NONCONFORMING LOT. A lot that lawfully existed at the effective date of this UDO but no longer conforms with a provision or provisions of this ordinance.

NONCONFORMING SIGN. Any sign which was erected legally but which does not comply with this chapter or any subsequent sign regulations.

NONCONFORMING STRUCTURE. A structure, other than a sign, that lawfully existed at the effective date of this UDO but no longer conforms with a provision or provisions of this ordinance.

NONCONFORMING USE. A building or premises which does not conform in its use or otherwise with all of the regulations of the district in which the building or premises is located.

NONCONFORMITY. A lot, structure, sign, or use of the land that is now prohibited under the terms of this ordinance but was lawful at the time it was established.

NONRESIDENTIAL. Any use that is not one of the following: single-family detached dwelling, manufactured home park, duplex, townhouse, multifamily residential, or accessory dwelling unit.

NURSERY. Land, structures, or a combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail or wholesale sale on the premises including products used for gardening and landscaping.

NURSING HOME / ASSISTED LIVING. The use of a site for one or more dwelling units designed and marketed specifically for the elderly, persons with physical disabilities, or both.

OFFICE, GENERAL. A room or group of rooms used for the provision of executive, management or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, but excluding medical offices.

ORDINANCE. Any legislative action of a local government which has the force of law, including any amendment or repeal.

OVERLAY DISTRICT. The superimposition of a special district designation, whereby certain regulations and requirements apply in addition to those of the underlying zoning district to which the designation is added.

PARKING LOT. A parcel of land devoted to unenclosed parking space for five (5) or more motor vehicles. Parking spaces, interior drives, and loading spaces are included within the definition of parking lot.

PERMANENT COPY. Any hard copy graphic or print that meets the requirements of this UDO and that is affixed to a permanent sign face which is connected to a permanent sign structure.

PERSON. An individual, corporation, firm, partnership, association, organization, or any other groups that acts as a unit.

PERSONAL SERVICES. An establishment primarily engaged in providing services generally involving the care of the person or his or her apparel. This includes, but is not limited to, dressmaking, dry cleaning, laundry, shoe repair shop, a tailor, barber/beauty shop, photo studio, and charitable institution.

PLACE OF PUBLIC ASSEMBLY, INDOOR. A building in which people assemble for civic, educational, religious, or cultural purposes. This includes, but is not limited to, a church, temple, community center, private club/lodge, and theater.

PLANNING COMMISSION. The City Planning Commission of the City of Greendale, IN.

PLAT. A map or chart that shows a division of land and is intended to be filed for record.

PLAT, PRIMARY. A drawing or drawings indicating the proposed manner or layout of a subdivision to be submitted to the Planning Commission for approval.

PLAT, SECONDARY. The map, drawing, or plan described in this UDO of a subdivision and any accompanying material submitted to the Planning Commission, and if approved and signed by the designated officials, shall be submitted to the County Recorder.

POLE BARN. A simplified building consisting of post frame construction and vertical pole columns traditionally used in agricultural practices.

PORTABLE SIGN. Any sign that is not permanently attached to the ground that is designed and constructed to be easily moved from one location to another.

POTABLE WATER. Water that is satisfactory for drinking, culinary, and domestic purposes, meeting current drinking water standards.

PREMISE. Any real property, including a building or structure and every separate living unit or place of business contained therein.

PRINCIPAL ARTERIAL STREET. A street that connects major activity areas and moves traffic from one community to another.

PRINCIPAL BUILDING. A building in which is conducted the main or principal use of the lot on which the building is situated. Where a substantial part of the wall of an accessory building is a part of the wall of the principal building or where an accessory building is attached to the main building in a substantial manner by a roof, the accessory building shall be counted as a part of the principal building.

PRIVATE STREET. Any roadway pertaining to the subdivision of land, for vehicular travel, which is privately owned and maintained, does not meet the definition of driveway, and serves as the principal means of access to three or more abutting properties.

PRIVATE UTILITIES. Any utility system that is designed to provide essential services, as defined within this UDO, that is not either publicly owned or quasi-publicly owned.

PROTECTED PUBLIC WATER SUPPLY. A public water system which services at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents and having a one (1) year capture area defined through appropriate hydrologic studies.

PUBLIC PARKS AND PUBLIC RECREATIONAL FACILITIES. The use of a site which may include indoor and/or outdoor facilities and/or structures which houses community recreation activities owned, operated, or leased for operation by a public, quasi-public, or private entity. This includes, but is not limited to, a country club, golf course and driving range, pool, cabin, and outdoor theater.

PUBLIC TRANSPORTATION TERMINAL. A facility that receives and discharges passengers and at which facilities and equipment required for their operation are provided. Examples include terminals for bus, trolley, taxi, railroad, shuttle van, or other similar vehicular services.

REAR LOT LINE. The line opposite the front lot line.

REAR YARD DEPTH. The distance from the edge of the rear lot line to the nearest point of the building foundation.

RECREATIONAL VEHICLE PARKS AND CAMPGROUNDS. A parcel in single ownership on which two (2) or more recreational vehicle (RV) sites and/or camping sites are located, established, or maintained for occupancy by recreational vehicles or camp units as temporary living for recreation, education, or vacation purposes. This includes, but is not limited to, a trailer camp.

REGULATED SUBSTANCES. Chemicals and mixtures of chemicals which are health hazards. Materials packaged for personal or household use as food or drink for humans or other animals are not regulated substances. Regulated substances include:

- 1) Chemicals for which there is scientific evidence that acute or chronic health effects may result from exposure including carcinogens, toxic and highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes;
- 2) Mixtures of chemicals which have been assessed as a whole and have been determined to be a health hazard;
- 3) Mixtures of chemicals which have not been tested as a whole but which contain any chemical which has been determined to be a health hazard and which comprises 1% or greater of the composition on a weight per unit weight basis, and mixtures of chemicals which include a carcinogen if the concentration of the carcinogen in the mixture is 0.1% or greater of the composition on a weight per unit weight basis;
- 4) Ingredients of mixtures prepared within the "WP" Well Field Protection Overlay District in cases where the ingredients are health hazards but comprise less than

0.1% of the mixture on a weight per unit basis if carcinogenic, or less than 1% of the mixture on a weight per unit weight basis if non-carcinogenic; and

- 5) Petroleum and non-solid petroleum derivatives (except non-PCB dielectric fluids).

REPAIR SERVICE. Establishments primarily engaged in the provision of repair services to individuals and households, rather than businesses, but excluding automotive repair use types. Typical uses include jewelry, clock, radio and television repair, small appliance repair, bicycle repair, computer repair, and services of a similar nature.

RESTAURANT. A building or portion of a building, not operated as a dining room in connection with a hotel or boarding house, where food is served for pay and for consumption in the building, and where provisions may be made for serving food on the premises outside the building.

RETAIL SALES. The sale of goods, merchandise, services, and/or commodities to the general public. This includes, but is not limited to, an apparel shop, electric appliance shop, radio shop, department store, wholesale store, drugstore, flower shop, retail show room, and any other local business use supplying the everyday shopping needs of immediate neighborhood and retail stores.

RIGHT-OF-WAY. A strip of land occupied or intended to be occupied by a street, sidewalk, crosswalk, railroad, electric transmission line, fiber-optic internet cable, oil or gas pipeline, water main, sanitary or storm sewer main, special landscaping, or for another special use that is dedicated to public use.

ROADSIDE AGRICULTURAL PRODUCE STANDS. A small, sometimes temporary or seasonal establishment from which a farmer, gardener, or other person sells, delivers, or peddles any fruits, vegetables, flowers, berries, butter, eggs, fish, milk, poultry, meat, or other farm produce or edibles produced or manufactured by such person.

SCHOOL. Any entity which provides instruction and classes on a regular basis to either youth or adults. This includes, but is not limited to, a college/university and public/parochial school.

SELF-STORAGE, MINI-WAREHOUSE. A building or group of buildings that are used for the storage of personal property or records, where individual owners or tenants control individual storage spaces. This includes, but is not limited to, cold storage lockers for individual use.

SETBACK. A line established by this UDO, generally parallel with and measured from lot lines, defining the limits of a yard in which no building other than a permitted accessory building or structure may be located above ground, except as may be provided in said ordinance.

SHORT-TERM RENTAL. Any lease of a residential dwelling for twenty-nine (29) days or less regardless of whether the unit is particularly occupied by the property owner or not. This term includes, but is not limited to, bed and breakfasts.

SIDE YARD DEPTH. The distance measured from the edge of the side yard lot line to the nearest point of the building foundation.

SIGN, A-FRAME. A detached sign not anchored or secured to a building or the ground. Folding from the hinge at the top to create a frame that resembles the letter 'A.' Also referred to as a sandwich board sign.

SIGN, ATTENTION-SEEKING. Any device that is erected, placed, or maintained outdoors so as to attract attention to any business, or any goods, products, or services available on the premises of a business, including but not limited to the following items or devices: banners; cut out figures; discs; festooning, including tinsel, strings of ribbons, and pinwheels; inflatable objects or characters, including balloons; air animated objects, non-governmental flags; pennants; propellers; steam or smoke-producing devices; streamers; whirligigs; wind devices; blinking, rotating, moving, chasing, flashing, glaring, strobe, scintillating, search, flood or spot lights; or similar devices or items, and of which are located or employed in connection with the conduct of a business.

SIGN, AWNING / CANOPY. A sign that is a part of or attached to an awning, canopy, marquee, or other fabric-like or plastic protective structure that is extended over a door, window, or entranceway.

SIGN, BANNER. A temporary sign attached parallel to a fence or the wall of a building. This sign type cannot extend beyond the edge of the wall or fence.

SIGN, DIRECTIONAL. A sign indicating a direction or a location to which traffic, whether pedestrian or vehicular, is requested to move within the parcel for the purpose of traffic control and public safety.

SIGN FACE. The area of the surface of the sign upon, against or through which the message is displayed or illustrated, including the outward extremities of all letters, figures, characters and delineations excluding any frame or border.

SIGN, FLAG. Any mottos, emblems, designs, shapes, or symbols placed or printed on cloth, fabric, plastic, canvas, vinyl, or other rigid or non-rigid devices or materials that are intended to convey an unofficial message or to identify a person, place, business, idea, or thing other than duly adopted flags or seals of nations, states, counties, or municipalities.

SIGN, FREESTANDING. Any sign which is supported by one or more uprights or braces in or upon the ground and not attached to any building or wall. This term includes monument signs and pole signs.

SIGN, GOVERNMENT. A sign that is constructed, placed or maintained by the federal, state or local government or a sign that is required to be constructed, placed or maintained by the federal, state or local government either directly or to enforce a property owner's rights.

SIGN, GROUND. A temporary sign larger than a temporary a-frame sign that resembles a monument sign, however, differs in that the material used to make the sign is temporary in nature and is placed into the ground with the intention of the sign to be removed after a specific period of time such as the construction of a building.

SIGN, MONUMENT. A freestanding sign which is separate from buildings and the entire bottom of which is in contact with or in close proximity to the ground.

SIGN PERMIT. A permit issued for the construction or modification of a sign.

SIGN, POLE. A free-standing sign supported by uprights, braces, columns, poles or other vertical members, which are not attached to a building.

SIGN, PROJECTING. A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.

SIGN, TEMPORARY. Any sign that is not a permanent sign and is intended for short-term display.

SIGN, WALL. A sign mounted on, attached to, or painted or applied on the exterior wall of a building or structure in a plane parallel to that of the supporting wall or structure.

SIGN, WINDOW. A sign installed on the exterior or on or near the interior of a window for the purpose of viewing from outside the premises.

SIGN, YARD. Any small sign that is temporary in nature and is typically made of corrugated cardboard or plastic and mounted to the ground with a metal frame that resembles the letter 'H'.

SINGLE DETACHED DWELLING. A building designed for or occupied exclusively by one (1) family. This definition includes all classes of group homes that have federal legal protection to be considered a family. This definition does not include manufactured homes, which, by virtue of inherent structural differences and their mobile nature, constitute a separate and distinct land use.

SOLAR ENERGY SYSTEM, ACCESSORY. A land use for generating electric power from solar that is accessory to a legal principal use and intended to primarily serve the needs of the electric power consumer at that site.

SOLAR ENERGY SYSTEM, COMMERCIAL. A solar energy system facility and all associated components, whose primary purpose is to collect, store, convert, and distribute solar energy to utility companies.

SPECIAL EVENT. A temporary, short-term use of property occurring outside of a permanent building and not otherwise included as a permitted or accessory use by these UDO regulations.

STORY. The portion of a building, included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between the floor and the ceiling next to it shall be the story.

STREET. A public thoroughfare thirty (30) feet or more in width between property lines, which affords principal means of vehicular access to abutting property.

STRUCTURAL ALTERATION. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, girders, or any substantial change in the exterior walls or the roof.

STRUCTURE. Anything constructed or erected, the use of which requires more or less permanent location on the ground, or which is attached to something permanently located on the ground.

SUBDIVISION. The division or resubdivision of a tract of land into two (2) or more lots, plats, sites, or other divisions of land; or the consolidation of parcels, for the purpose, whether immediate or future, of transfer of ownership or building development.

TASTING ROOM. An establishment which serves and features food and/or alcoholic beverages which are either grown or produced onsite or within Dearborn County, Indiana. The use may be accessory to a primary use such as a distillery or may be a standalone primary use.

TAVERN. An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where food may also be available for consumption on the premises.

TEMPORARY STRUCTURE. Any structure that is used during the construction process of a permanent structure and is intended to be removed after the permanent structure is fully built.

THROUGH LOT. A lot having frontage on two streets at opposite ends of the lot.

TOWNHOUSE. A single-family dwelling unit constructed in a group of three (3) or more attached units in which each unit extends from the foundation to the roof and with open space on at least two (2) sides.

TRUCK AND BUS PARKING LOT. A land use that is designated for the parking of commercial vehicles for times longer than an hour in duration and that can include multiple days in length.

UNDERGROUND STORAGE TANK. Any one or combination of tanks (including underground pipes connected thereto) which is used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is ten percent (10%) or more beneath the surface of the ground. Flow-through process tanks and septic tanks approved by the Health Department or State Environmental Protection Agency, as applicable, are excluded from the definition of underground storage tanks.

VEHICLE PARKING SPACE. The area required for parking one (1) automobile, which in this chapter is held to be an area nine feet wide and twenty (20) feet long plus seventy (70) square feet of maneuver area for each vehicle parking space.

VENDING KIOSK. A self-service, interactive device that is located on the outer side of a principal building (or as a stand-alone unit outside and independent of the principal building), which is accessible to the general public for the purposes of dispensing product or information.

VETERINARY CLINIC AND/OR SERVICE. Any establishment maintained and operated by a licensed veterinarian for the diagnosis and treatment of disease and injury of animals.

WAREHOUSING AND STORAGE, INDOOR. A building used primarily for the storage of goods and materials. This includes, but is not limited to, warehouses and wholesale establishments.

WELL FIELD. A tract of land that contains one or a number of wells for supplying water.

WIND ENERGY SYSTEM, ACCESSORY. A land use for generating electric power from wind that is accessory to a legal principal use and intended to primarily serve the needs of the electric power consumer at that site.

WIND ENERGY SYSTEM, COMMERCIAL. Land use for generating power by use of wind, utilizing wind turbine generators, including the turbine, blades, and tower as well as related electrical equipment.

YARD, FRONT. Horizontal space measured at ninety (90) degrees with the property line, between the front line of the principal building and the property line of the street upon which the building faces, unoccupied other than by steps, walks, terraces, and open, unroofed, unenclosed porches; or architectural appurtenances projecting not more than twenty-four (24) inches from the building.

YARD, REAR. Horizontal space measured at ninety (90) degrees to the rear lot line, between the rear of the principal building and the rear line of the lot, unoccupied other than by vehicle parking space, architectural appurtenances, or accessory buildings which do not occupy more than thirty percent (30%) of the required rear yard.

YARD, SIDE. Horizontal space measured at ninety (90) degrees to the side lot line between the side of a building and the adjacent side line of the lot, unoccupied other than by architectural appurtenances projecting not more than twenty-four (24) inches, or open or lattice-enclosed fire escapes or fireproof outside stairways, projecting not over four (4) feet.

ZONING DISTRICT. A section of the city for which uniform regulations governing the use, height, area, size, and intensity of use of buildings and land, and open spaces about buildings are herein established.

Appendix A, Zoning District Adjustment Table

Table A.1, Zoning District Adjustment Table	
Former Base Zoning Districts	New Base Zoning Districts
<i>New Zoning District</i>	Parks and Open Space (PS)
Residential B – Rural	Suburban Residential (SR)
Residential A – Urban	Urban Residential (UR)
Planned Unit Development – Crossing at Tanner’s Creek	Planned Unit Development (PUD)
<i>New Zoning District</i>	Trail-Oriented Residential (TR)
Multi-Family Residential	Multi-Family Residential (MFR)
<i>New Zoning District</i>	Traditional Mixed-Use (TMU)
Local Business – B	Neighborhood Commercial (NC)
<i>New Zoning District</i>	Highway Mixed-Use (HMU)
Local Business – A	General Commercial (GC)
<i>New Zoning District</i>	Industrial – Flex Space (IF)
Industrial	Industrial (IN)

Appendix B, Land Use Matrix

Residential Uses by Zoning District

Table B.1, Land Use Matrix: Residential Uses											
-- = Prohibited; P = Permitted; US = Use Standards; C = Conditional Use											
Land Use	Parks	Residential				Mixed Use / Commercial				Industrial	
	PS	SR	UR	TR	MFR	TMU	HMU	NC	GC	IF	IN
Residential	PS	SR	UR	TR	MFR	TMU	HMU	NC	GC	IF	IN
Single Detached Dwelling	--	P	P	--	P	P	--	P	--	--	--
Duplex	--	P	P	--	P	P	--	P	--	--	--
Townhouse	--	P	P	P	P	--	P	P	--	--	--
Multi-Dwelling Residential	--	--	--	P	P	--	P	--	--	--	--
Residential Accessory Use	PS	SR	UR	TR	MFR	TMU	HMU	NC	GC	IF	IN
Accessory Structure	--	US	US	US	US	US	--	US	--	--	--
Attached Accessory Dwelling Unit	--	--	--	--	--	US	--	US	--	--	--
Detached Accessory Dwelling Unit	--	--	US	--	--	US	--	--	--	--	--
Commercial Uses of the Home	PS	SR	UR	TR	MFR	TMU	HMU	NC	GC	IF	IN
Child Care Home	--	US	US	--	--	--	--	--	--	--	--
Home Occupation	--	P	P	P	P	P	--	--	--	--	--
Short-Term Rental	--	US	US	US	--	US	--	US	US	--	--

Nonresidential Uses by Zoning District

Table B.2, Land Use Matrix: Nonresidential Uses											
-- = Prohibited; P = Permitted; US = Use Standards; C = Conditional Use											
Land Use	Parks	Residential				Mixed Use / Commercial				Industrial	
	PS	SR	UR	TR	MFR	TMU	HMU	NC	GC	IF	IN
Agricultural Uses	PS	SR	UR	TR	MFR	TMU	HMU	NC	GC	IF	IN
Community Garden	P	P	P	P	P	P	P	P	--	--	--
Farm	--	P	--	--	--	--	--	US	--	US	--
Nursery	--	--	--	--	--	--	--	P	--	--	--
Automobile and Related Service Uses	PS	SR	UR	TR	MFR	TMU	HMU	NC	GC	IF	IN
Automobile Parking Lot (Primary Use)	--	--	--	--	--	US	P	P	P	P	--
Automobile / Vehicle Sales and Rental	--	--	--	--	--	--	--	--	P	P	--
Automobile / Vehicle Repair and Service	--	--	--	--	--	--	--	--	US	US	--
Car Wash	--	--	--	--	--	--	--	--	P	P	--
Truck and Bus Parking Lot (Primary Use)	--	--	--	--	--	--	--	--	--	--	--
Civic, Institutional, and Health Care Uses	PS	SR	UR	TR	MFR	TMU	HMU	NC	GC	IF	IN
Adult Day Services	--	--	--	--	US	US	US	US	US	--	--
Cemetery	US	--	--	--	--	--	--	--	--	--	--
Child Care Center	--	--	--	--	--	US	US	US	US	US	--
Correctional Institution	--	--	--	--	--	--	--	--	--	--	C

Table B.2, Land Use Matrix: Nonresidential Uses											
-- = Prohibited; P = Permitted; US = Use Standards; C = Conditional Use											
Land Use	Parks		Residential			Mixed Use / Commercial				Industrial	
	PS	SR	UR	TR	MFR	TMU	HMU	NC	GC	IF	IN
Funeral Home	--	--	--	--	--	--	P	P	--	--	--
Governmental Service (Police, Fire, Emergency Medical Services)	--	P	P	P	P	P	P	P	P	P	P
Hospital / Rehabilitative Care	--	--	--	--	--	--	P	P	P	P	--
Library	--	P	P	P	P	P	P	P	P	P	P
Medical and Diagnostic Laboratories	--	--	--	--	--	--	P	P	P	P	--
Medical and Dental Office / Clinic	--	--	--	--	--	P	P	P	P	P	--
Museum	--	--	--	--	--	P	P	P	--	P	P
Nursing Home / Assisted Living	--	--	--	US	US	--	US	--	--	--	--
Place of Public Assembly, Indoor	--	US	US	--	US	US	US	US	US	US	--
Public Parks and Public Recreational Facilities	P	P	P	P	P	P	P	P	P	P	P
Schools	--	--	--	--	--	P	P	P	P	P	P
Commercial Uses	PS	SR	UR	TR	MFR	TMU	HMU	NC	GC	IF	IN
Adult Entertainment Business	--	--	--	--	--	--	--	--	--	--	C
Bank, Credit Union, and Financial Services	--	--	--	--	--	US	P	P	P	--	--
Building Materials and Hardware Store	--	--	--	--	--	--	--	US	P	P	P
Commercial Recreation and Amusement Services	--	--	--	--	--	US	--	US	US	--	--
EV Charging Station	P	--	--	P	P	P	P	P	P	P	P
Gas Station	--	--	--	--	--	--	US	US	US	US	US
Grocery	--	--	--	--	--	US	P	US	P	--	--
Heavy Equipment Sales and Rentals	--	--	--	--	--	--	--	--	--	US	P
Hotel	--	--	--	--	--	--	US	--	US	--	--
Kennel	--	--	--	--	--	--	--	--	--	C	--
Manufactured Home Sales	--	--	--	--	--	--	--	--	--	--	C
Office, General	--	--	--	--	--	US	P	US	P	P	--
Personal Services	--	--	--	--	--	US	P	US	P	--	--
Recreational Vehicle Park and Campground	--	--	--	--	--	--	--	--	--	--	--
Repair Service	--	--	--	--	--	--	US	US	US	US	US
Restaurant	--	--	--	--	--	US	P	US	P	--	--
Retail Sales	--	--	--	--	--	US	P	US	P	--P	--
Self-Storage, Mini-Warehouse	--	--	--	--	--	--	--	US	US	US	--
Tasting Room	--	--	--	--	--	US	US	US	US	--	--

Table B.2, Land Use Matrix: Nonresidential Uses											
-- = Prohibited; P = Permitted; US = Use Standards; C = Conditional Use											
Land Use	Parks	Residential				Mixed Use / Commercial				Industrial	
	PS	SR	UR	TR	MFR	TMU	HMU	NC	GC	IF	IN
Tavern	--	--	--	--	--	--	US	--	US	--	--
Veterinary Clinic and/or Service	--	--	--	--	--	--	--	US	US	--	--
Industrial and Manufacturing Uses	PS	SR	UR	TR	MFR	TMU	HMU	NC	GC	IF	IN
Contractor's Shop	--	--	--	--	--	--	--	--	--	US	US
Crematorium	--	--	--	--	--	--	--	--	--	--	P
Junkyard / Salvage Yard	--	--	--	--	--	--	--	--	--	--	C
Manufacturing, Heavy <i>(includes handling of explosive and/or foul materials)</i>	--	--	--	--	--	--	--	--	--	--	C
Manufacturing, Light <i>(includes product assembly and processing)</i>	--	--	--	--	--	--	--	--	--	P	P
Mineral Extraction	--	--	--	--	--	--	--	--	--	--	C
Warehousing and Storage, Indoor	--	--	--	--	--	--	--	--	--	P	P
Transportation, Utility, and Communication Uses	PS	SR	UR	TR	MFR	TMU	HMU	NC	GC	IF	IN
Airport and Heliport	--	--	--	--	--	--	--	--	--	C	C
Cargo Terminal	--	--	--	--	--	--	--	--	--	US	US
Cellular Communications Facilities (CCF)	--	--	--	--	--	--	C	C	C	C	C
Landfill	--	--	--	--	--	--	--	--	--	--	C
Public Transportation Terminal	--	--	--	--	--	--	P	US	P	P	P
Solar Energy System, Commercial	--	--	--	--	--	--	--	--	--	US	US
Wind Energy System, Commercial	--	--	--	--	--	--	--	--	--	US	US
Accessory Uses	PS	SR	UR	TR	MFR	TMU	HMU	NC	GC	IF	IN
Automated Teller Machine (ATM), Non-Freestanding	--	--	--	--	--	P	P	P	P	--	--
Drive-In or Drive-Through Facility	--	--	--	--	--	--	--	P	P	--	--
Essential Services	P	P	P	P	P	P	P	P	P	P	P
Roadside Agricultural Produce Stands	--	--	--	--	--	--	--	--	--	--	--
Private Utilities	US	US	US	US	US	US	US	US	US	US	US
Solar Energy System, Accessory	US	US	US	US	US	US	US	US	US	US	US
Wind Energy System, Accessory	US	US	US	US	US	US	US	US	US	US	US
Vending Kiosk	--	--	--	--	--	P	P	P	P	P	P

Table B.2, Land Use Matrix: Nonresidential Uses

-- = Prohibited; P = Permitted; US = Use Standards; C = Conditional Use

Land Use	Parks	Residential				Mixed Use / Commercial				Industrial	
	PS	SR	UR	TR	MFR	TMU	HMU	NC	GC	IF	IN
Temporary Uses	PS	SR	UR	TR	MFR	TMU	HMU	NC	GC	IF	IN
Special Events	US ¹	C	C	C	C	C	C	C	C	C	C
Temporary Structures	US	US	US	US	US	US	US	US	US	US	US

Notes:

1. All special events in the Parks and Open Space (PS) District are permitted with additional use standards provided that approval is granted by the City's Park Board.

Appendix C, Dimensional Standards

Table C.1, Dimensional Standards												
Zoning District	Structure Standards			Lot Standards			Setback Standards					
	Max. Height – Primary Structure	Max. Height – Accessory Structure	Min. Dwelling Size ⁸	Max. Lot Coverage	Min. Road Frontage & Min. Lot Width	Min. Lot Area	Min. Front Yard Setback – Primary Structure	Min. Side Yard Setback – Primary Structure	Min. Rear Yard Setback – Primary Structure	Min. Front Yard Setback – Accessory Structure	Min. Side Yard Setback – Accessory Structure	Min. Rear Yard Setback – Accessory Structure
PS	35 ft.	20 ft.	N/A	25%	N/A	N/A	25 ft.	5 ft.	15 ft.	25 ft.	5 ft.	5 ft.
SR ⁷	35 ft. ¹	25 ft.	900 sq. ft.	35% ²	60 ft.	6,000 sq. ft.	25 ft.	5 ft.	15 ft.	25 ft.	5 ft.	5 ft.
UR	35 ft. ¹	25 ft.	900 sq. ft.	35% ²	60 ft.	6,000 sq. ft.	25 ft.	5 ft.	15 ft.	25 ft.	5 ft.	5 ft.
TR	45 ft.	25 ft.	900 sq. ft.	50%	N/A	6,000 sq. ft.	N/A	N/A ⁴	20 ft.	25 ft.	5 ft.	5 ft.
MFR	50 ft.	25 ft.	900 sq. ft. ⁹	50% ³	70 ft.	2,500 sq. ft. per dw ⁶	25 ft.	5 ft.	20 ft.	25 ft.	5 ft.	5 ft.
TMU	35 ft. ¹	25 ft.	900 sq. ft.	50%	60 ft.	6,000 sq. ft.	25 ft.	5 ft.	15 ft.	25 ft.	5 ft.	5 ft.
HMU	45 ft.	25 ft.	900 sq. ft.	60%	60 ft.	6,000 sq. ft.	50 ft.	NA ⁵	10 ft.	50 ft.	5 ft.	5 ft.
NC	45 ft.	25 ft.	900 sq. ft.	60%	60 ft.	6,000 sq. ft.	50 ft.	10 ft.	10 ft.	50 ft.	5 ft.	5 ft.
GC	45 ft.	25 ft.	N/A	70%	70 ft.	7,000 sq. ft.	50 ft.	10 ft.	10 ft.	50 ft.	5 ft.	5 ft.
IF	45 ft.	25 ft.	N/A	80%	70 ft.	7,000 sq. ft.	25 ft.	15 ft.	15 ft.	25 ft.	5 ft.	5 ft.
IN	60 ft.	25 ft.	N/A	80%	70 ft.	7,000 sq. ft.	15 ft.	15 ft.	15 ft.	15 ft.	10 ft.	10 ft.

Notes: N/A – Not Applicable

1. Can be increased to 45 ft. if side yard setbacks are both at least 15 ft.
2. An additional 5% lot coverage is allowed on corner lots.
3. An additional 10% lot coverage is allowed on corner lots.
4. If provided, it must be 5 ft.
5. If provided, it must be 10 ft.
6. DW = dwelling; See definition of minimum lot area for details on how this is calculated.
7. The dimensional standards of the Suburban Residential (SR) district are contingent upon the open space requirements for the neighborhood being met. See Chapter 5, Subdivision Types.
8. A citywide requirement of a minimum principal building size of 900 sq. ft. also applies.
9. In the Multi-Family Residential (MFR) District, the minimum dwelling size for individual units may be reduced to 500 sq. ft. provided that the average dwelling size for all of the units on a specific parcel of property is 900 sq. ft or larger than 900 sq. ft.