

**158.02. USES AND REQUIREMENTS****158.02.01 Agricultural (AG) District****A. Purpose**

Recognizing that Pendleton is within an agricultural area which contains some of the world's most productive farmland, the purpose of the agricultural district is to provide for the protection, preservation, and enhancement of the agricultural industry within the Town and jurisdiction of Pendleton, Indiana. Further, it is the intent of the Town to provide appropriate mitigation of agricultural uses when such uses are in proximity to urban and particularly residential development.

**B. Permitted Uses**

Permitted uses within the AG District include crop production, open range raising and feeding of livestock, and similar endeavors. A complete listing of Permitted Uses is provided in Appendix E, Use Matrix.

**C. Conditional Uses**

Conditional uses are uses which may be allowed when authorized by the Board of Zoning Appeals after a public hearing, pursuant to Section 154.01 of this Code. Once authorized, conditional uses shall be regulated by Section 158.03 of this Code and by any other requirements the Board feels necessary to further the purpose of this Code. A complete listing of Conditional Uses is provided in Appendix E, Use Matrix.

**D. Bulk Requirements**

The bulk requirements which apply to this district are listed within Appendix F, Bulk Matrix.

**158.02.02 Recreation/Open Space (R/OS) District****A. Purpose**

In the interest of providing areas which are reserved for open space and also desiring to protect existing recreational resources and open spaces from future development, the Town institutes this district to provide for the adequate supply of recreational lands and to assist with the conservation of significant areas of open space.

**B. Permitted Uses**

Permitted uses within the R/OS District include parks, forest preserves, nature centers, open range raising of livestock, and similar endeavors. A complete listing of permitted uses is provided in Appendix E, Use Matrix.

**C. Conditional Uses**

Conditional uses are uses which may be allowed when authorized by the Board of Zoning Appeals after a public hearing, pursuant to Section 154.01 of this Code. Once authorized, conditional uses shall be regulated by Section 158.03 of this Code and by any other requirements the Board feels necessary to further the purpose of this Code. A complete listing of Conditional Uses is provided in Appendix E, Use Matrix.

**D. Bulk Requirements**

The bulk requirements which apply to this district are listed within Appendix F, Bulk Matrix.

**158.02.03 Residential Districts****A. General**

In accordance with the Comprehensive Plan of the Town of Pendleton, six residential zones are provided for the development of the town. The districts range from rural residential development with low density and minimal infrastructure to multiple family with higher densities and optimal utilization of urban infrastructure. Each district, with its permitted uses and bulk standards, is described below. In addition, the following provisions shall apply to all Residential Districts:

1. **Use of Existing Lots Deficient in Area or Width** A single-family dwelling may be located on any lot in any district in which single-family dwellings are permitted, if the lot was a single parcel in single ownership or a single parcel separately described or included in a deed or plat which was on record in the office of the County Recorder at the time of the enactment of these zoning regulations, even though the lot does not have the minimum lot width or the minimum lot area specified for the district.
2. **Partial Use of Alley for Yard** One-half of an alley abutting the rear or the side of a lot may be included in the required rear yard or side yard, respectively. But no closer than five (5) feet.
3. **Building Setback Lines**
  - a. Where 25 percent or more of the lots in a block frontage are occupied by buildings, the minimum required setback on that block front shall be modified to match the average setback of such buildings on the block frontage, but the required front yard setback shall not exceed 40 feet in any case except for lots adjacent to arterials which require 75 ft.
  - b. Building setback lines may be established through a recorded subdivision which exceed the minimum requirements of this Code, but no such building setback lines may be less restrictive than provided in these zoning regulations.
  - c. A building setback line is required on each street frontage for through lots and corner lots.
4. **Tapered Yard Formula for Corner Lots**
  - a. On a corner lot, accessory structures located in the rear yard shall have a side yard setback equal to the required front setback of the adjacent interior lot (whether the interior lot is separated from the corner lot by an alley or not).
  - b. However, for each additional foot that such accessory structure is setback from the rear lot line, the accessory building may be set four inches closer to the side lot line, but in no case closer than the required side yard setback for the lot on which it is located.
5. **Additional Height of Dwelling** In the districts limiting height to 25 feet, a dwelling may be increased in height not to exceed 35 feet if each of the required side yard dimensions is increased one additional foot for each foot the structure exceeds 25 feet in height.

#### **B. RR , HR and SF Single-Family Residential Districts**

1. **Purpose** The purpose of the single family residential district is to provide appropriate locations for the creation of neighborhood areas for residential living at levels adequately serviced by public utilities and consistent with the Comprehensive Plan.
2. **Permitted Uses** Permitted uses within the single family residential districts include one family residential structures. A complete listing of uses permitted within the single family districts is provided in Appendix E, Use Matrix.
3. **Conditional Uses** Conditional uses are uses which may be allowed when authorized by the Board of Zoning Appeals after a public hearing, pursuant to Section 154.01 of

this Code. Once authorized, conditional uses shall be regulated by Section 158.03 of this Code and by any other requirements the Board feels necessary to further the purpose of this Code. A complete listing of Conditional Uses is provided in Appendix E, Use Matrix.

4. **Bulk Requirements** The bulk requirements which apply to this district are listed within Appendix F, Bulk Matrix.
5. **Open Space Requirements** Within single family residential districts, all development shall provide open space through easements or dedications in accordance with the requirements of Appendix F, Bulk Matrix. Where a development is located on property through which a trail is identified on the comprehensive plan, such a trail will be incorporated into the design of the development.

#### C. RMH Residential Mobile Home District

1. **Purpose** The purpose of the RMH Residential Mobile Home District is to provide appropriate locations for the creation of moderate density neighborhood areas for manufactured housing which are adequately served by public utilities and consistent with the Comprehensive Plan.
2. **Permitted Uses** Permitted uses within the RMH Residential Mobile Home district include manufactured housing parks and subdivisions. A complete listing of uses permitted within the RMH district is provided in Appendix E, Use Matrix.
3. **Conditional Uses** Conditional uses are uses which may be allowed when authorized by the Board of Zoning Appeals after a public hearing, pursuant to Section 154.01 of this Code. Once authorized, conditional uses shall be regulated by Section 158.03 of this Code and by any other requirements the Board feels necessary to further the purpose of this Code. A complete listing of Conditional Uses is provided in Appendix E, Use Matrix.
4. **Bulk Requirements** The bulk requirements which apply to this district are listed within Appendix F, Bulk Matrix.
5. **Open Space Requirements** Within RMH zones, all development shall provide open space through easements or dedications in accordance with the requirements of Appendix F, Bulk Matrix. Where a development is located on property through which a trail is identified on the comprehensive plan, such a trail will be incorporated into the design of the development.
6. **Building Regulations** Manufactured housing shall conform to the building regulations set forth in Section 155.03, Manufactured and Mobile Homes.

#### D. TF Two Family Residential Districts

1. **Purpose** The purpose of the TF Two Family Residential Districts is to provide appropriate locations for the creation of neighborhood areas for residential living at levels adequately serviced by public utilities and consistent with the Comprehensive Plan.
2. **Permitted Uses** Permitted uses within the Two Family Residential District include one and two family residential structures. A complete listing of uses permitted within the TF district is provided in Appendix E, Use Matrix.
3. **Conditional Uses** Conditional uses are uses which may be allowed when authorized by the Board of Zoning Appeals after a public hearing, pursuant to Section 154.01 of this Code. Once authorized, conditional uses shall be regulated by Section 158.03 of this Code and by any other requirements the Board feels necessary to further the purpose of this Code. A complete listing of Conditional Uses is provided in Appendix E, Use Matrix.

4. **Bulk Requirements** The bulk requirements which apply to this district are listed within Appendix F, Bulk Matrix.
5. **Open Space Requirements** Within TF zones, all development shall provide open space through easements or dedications in accordance with the requirements of Appendix F, Bulk Matrix. Where a development is located on property through which a trail is identified on the comprehensive plan, such a trail will be incorporated into the design of the development.

#### E. MF Multiple Family Residential Districts

1. **Purpose** The purpose of the MF Multiple Family Residential Districts is to provide appropriate locations for the creation of neighborhood areas for residential living at higher density levels adequately served by public utilities and consistent with the Comprehensive Plan.
2. **Permitted Uses** Permitted uses within the MF Multiple Family Residential District include multiple family residential structures and limited numbers of one and two family residential structures where appropriate. A complete listing of uses permitted within the MF district is provided in Appendix E, Use Matrix.
3. **Conditional Uses** Conditional uses are uses which may be allowed when authorized by the Board of Zoning Appeals after a public hearing, pursuant to Section 154.01 of this Code. Once authorized, conditional uses shall be regulated by Section 158.03 of this Code and by any other requirements the Board feels necessary to further the purpose of this Code. A complete listing of Conditional Uses is provided in Appendix E, Use Matrix.
4. **Bulk Requirements** The bulk requirements which apply to this district are listed within Appendix F, Bulk Matrix.
5. **Open Space Requirements** Within MF zones, all development shall provide open space through easements or dedications in accordance with the requirements of Appendix F, Bulk Matrix. Where a development is located on property through which a trail is identified on the comprehensive plan, such a trail will be incorporated into the design of the development.

#### 158.02.04 Institutional District

##### A. Purpose

Recognizing that Pendleton is home to several schools and public buildings, the institutional district provides adequate lands for school and governmental campuses where such concentrations of uses are desirable.

##### B. Permitted Uses

Permitted uses within the institutional district include schools, governmental offices, hospitals and other large institutions. A complete listing of permitted uses is provided in Appendix E, Use Matrix.

##### C. Conditional Uses

Conditional uses are uses which may be allowed when authorized by the Board of Zoning Appeals after a public hearing, pursuant to Section 154.01 of this Code. Once authorized, conditional uses shall be regulated by Section 158.03 of this Code and by any other requirements the Board feels necessary to further the purpose of this Code. A complete listing of Conditional Uses is provided in Appendix E, Use Matrix.

##### D. Bulk Requirements

The bulk requirements which apply to this district are listed within Appendix F, Bulk Matrix.

### E. Open Space Requirements

Within Institutional zones, all development shall provide open space through easements or dedications in accordance with the requirements of Appendix E, Bulk Matrix. Where a development is located on property through which a trail is identified on the comprehensive plan, such a trail will be incorporated into the design of the development.

## 158.02.05 Business Districts

### A. General

Pursuant to the Comprehensive Plan of the Town of Pendleton, two business zones are provided for the development of the town. These districts are the DB Downtown Business District, intended for use in Pendleton's downtown, and the PB Planned Business District, intended for shopping centers and other business uses. Each district, with its permitted uses and bulk standards, is described below. In addition, the following provisions shall apply to both Business Districts:

1. **Partial Use Of Alley For Loading** One-half of an alley abutting the rear of a lot may be included for loading and unloading berths.
2. **Building Setback Lines** Where 25 percent or more of the lots in a block frontage are occupied by buildings, the average setback of such buildings shall determine the location of the building line.
3. **Loading Exemptions for Certain Uses** Business uses which demonstrably do not receive or transmit goods or wares by truck delivery shall be exempt from the loading requirements of Section 158.09.
4. **Open Storage Restrictions** Business uses shall not include open storage on the lot, except for the temporary storage of automobiles or trailers for retail sale on a lot devoted to open automobile or trailer sales.
5. **Height Exceptions** Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, stacks, tanks, water towers, transmission towers, or essential mechanical appurtenances, may be erected to any height not prohibited by other laws or code Sections.
6. **More than One Building Per Lot** In all business districts, more than one principal building, used as a business or enclosed industrial use, may be erected on a lot.
7. **Multiple Family Uses in Business Districts** Any multi-family dwelling used as an accessory use of a business building shall conform to the minimum parking requirements set forth in Section 158.09.

### B. DB Downtown Business District

1. **Purpose** The purpose of the DB Downtown Business District is to recognize the distinct character of Pendleton's downtown by reinforcing the historical form of the Town. The district has a unique physical pattern, with buildings built to the lot line and a continuous band of store fronts, which contributes to the district's pedestrian character. These district regulations prevent development that would be incompatible with pedestrian orientation of the district, which includes the common street line, bulk, and architectural features of the district, and eliminates incentives for demolishing existing buildings.
2. **Permitted Uses** The uses permitted in the Downtown Business District include retail businesses catering to the daily shopping needs of Town residents, and may include specialty stores that provide retail opportunities that have broader market appeal. They also include personal service uses, professional service uses, offices, and financial institutions. A complete listing of permitted uses is provided in Appendix E, Use Matrix.

3. **Conditional Uses** Conditional uses are uses which may be allowed when authorized by the Board of Zoning Appeals after a public hearing, pursuant to Section 154.01 of this Code. Once authorized, conditional uses shall be regulated by Section 158.03 of this Code and by any other requirements the Board feels necessary to further the purpose of this Code. A complete listing of Conditional Uses is provided in Appendix E, Use Matrix.

In the DB Downtown Business District, existing buildings may not be converted to conditional uses without review by the Board of Zoning Appeals. Conversions to conditional uses must preserve the existing front and side facades of buildings within the district. Application for a conditional use also requires a Certificate of Appropriateness pursuant to Section 154.11, Historic Preservation Overlays and Certificates of Appropriateness.

4. **Bulk Requirements** The bulk requirements which apply to this district are listed within Appendix F, Bulk Matrix.

In the DB Downtown Business District, the bulk requirements are structured to reflect existing conditions in the district and to eliminate incentives for demolition.

5. **Maximum Size of Use** No individual use in this district should exceed a ground floor area exceeding the originally platted block on which it is located.
6. **Curb Cuts/Parking** No additional curb cuts shall be allowed in this district.
7. **Design Standards** New construction, additions, and alterations of structures in this district requires a Certificate of Appropriateness pursuant to Section 154.11, Historic Preservation Overlays and Certificates of Appropriateness.

#### C. PB Planned Business Districts

1. **Purpose** The purpose of the PB Planned Business District is to provide appropriate locations for the development of neighborhood-oriented retail and office centers which are adequately served by public utilities and consistent with the Comprehensive Plan.
2. **Permitted Uses** Permitted uses in the PB Planned Business District include business activities such as retail stores, offices, restaurants, theaters, commercial recreational centers, and personal services. A complete listing of permitted uses is provided in Appendix E, Use Matrix.
3. **Conditional Uses** Conditional uses are uses which may be allowed when authorized by the Board of Zoning Appeals after a public hearing, pursuant to Section 154.07 of this Code. Once authorized, conditional uses shall be regulated by Section 158.03 of this Code and by any other requirements the Board feels necessary to further the purpose of this Code. A complete listing of Conditional Uses is provided in Appendix E, Use Matrix.
4. **Bulk Requirements** The bulk requirements which apply to this district are listed within Appendix F, Bulk Matrix.
5. **Open Space Requirements** Within Planned Business zones, all development shall provide open space through easements or dedications in accordance with the requirements of Appendix F, Bulk Matrix. Where a development is located on property through which a trail is identified on the comprehensive plan, such a trail will be incorporated into the design of the development.

### 158.02.06 Planned Industrial District

#### A. General

In accordance with the Comprehensive Plan of the Town of Pendleton, one industrial zone is provided for the industrial development of the town. This district is the PI

Planned Industrial District, intended for general industrial uses. The district, with its permitted uses and bulk standards, is described below. In addition, the following provisions shall apply to the PI Planned Industrial Districts:

### 1. Certain Materials Prohibited

- a. No activity involving the storage, utilization, or manufacture of materials or products which decompose by detonation shall be permitted unless specifically approved by the Board, and in accordance with the rules promulgated by the State Fire Marshal. Such material shall include, but are not limited to, all primary explosives such as lead azide, lead styphnate, fulminates, and tetracene; all high explosives such as TNT, RDX, HMX, PETN and picric acid; propellants and components thereof, such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetyrides, tetrazoles, and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than 35 percent; nuclear fuels, fissionable materials and products; and reactor elements such as Uranium 235 and Plutonium 239.
  - b. The restrictions of subsection (1) above shall not apply to the activities of site preparation or construction, maintenance, repair, alteration, modifications, or improvement of buildings, equipment, or other improvements on or within the lot line; the operation of motor vehicles or other facilities for the transportation of personnel, materials, or products; conditions beyond the control of the user such as fire, explosion, accidents, failure or breakdown of equipment or facilities, or emergencies; or safety or emergency warning signals or alarms necessary for the protection of life, limb, or property.
2. **Height Exceptions** The maximum height requirement for the district may be increased if the portion of the building above the maximum height requirements is set back from the building line one foot for each two feet of additional height.

### B. PI Planned Industrial District

1. **Purpose** The purpose of the PI Planned Industrial District is to provide areas suitable for manufacturing and industrial processes. The district regulations seek to provide opportunities for industrial and manufacturing uses while maintaining the integrity, safety, and enjoyment of Pendleton's residential areas.
2. **Permitted Uses** The PI Planned Industrial District is intended for manufacturing uses which require large amounts of space or intensive industrial processes. It is not intended for uses which represent a threat to the health, safety, welfare, or comfort of the residents of the Town. A complete listing of permitted uses is provided in Appendix E, Use Matrix.
3. **Conditional Uses** Conditional uses are uses which may be allowed when authorized by the Board of Zoning Appeals after a public hearing, pursuant to Section 154.01 of this Code. Once authorized, conditional uses shall be regulated by Section 158.03 of this Code and by any other requirements the Board feels necessary to further the purpose of this Code. A complete listing of Conditional Uses is provided in Appendix E, Use Matrix.
4. **Bulk Requirements** The bulk requirements which apply to this district are listed within Appendix F, Bulk Matrix.

## 158.02.07 Historic Preservation Overlay District

### A. Purpose

The purpose of the Historic Preservation Overlay District (HPO) is to further the purposes of this Code by preserving buildings which are important to the education, culture, traditions and economic values of the Town and to the rehabilitation, conservation and redevelopment of the Historic District, and to afford the Town, interested persons, historical societies, or organizations the opportunity to acquire or to arrange for the preservation of such buildings.

This Code promotes the conservation, protection, restoration, rehabilitation, use, and overall enhancement of structures, sites, and districts within the Town and provides regulatory protection to areas of the Town that compliments, but does not supersede the contents of the underlying zoning district. Any application for new construction, additions, or alterations of a structure in an Historic Preservation Overlay District must receive a Certificate of Appropriateness.

#### **B. District Requirements**

The permitted and conditional uses and bulk regulations for all Historic Preservation Overlay Districts shall be pursuant to the underlying zoning district.

#### **C. Certificate of Appropriateness Required**

Within the Historic Overlay District, the building changes listed below requires a Certificate of Appropriateness pursuant to Section 154.11, Historic Preservation Overlays and Certificates of Appropriateness.

1. Construction of or major improvements to a principle building, or to an accessory building or structure where visible from a street.
2. Material change of the external appearance of all existing buildings by additions, reconstruction or alteration.
3. Conversion from a permitted use to a conditional use.
4. Erection or placement of any sign.

#### **E. Historic Preservation Overlay District Standards**

Within the Historic Preservation Overlay District the following standards shall apply.

1. **Massing** The massing of the building shall be regulated by the Floor Area Ratio standards found in the underlying zoning district.
2. **Height** The height of a proposed building shall be regulated by the underlying zoning district.
3. **Proportion of Building's Front Facade** The relationship of the height of a building to its width at the front elevation shall be the same as currently exists within the district.
4. **Proportion of Openings within the Structure** The width of a window and its height shall match that currently existing within the district.
5. **Rhythm of Building on Street** The relationship of a building to open space between it and adjoining buildings shall be visually compatible to the buildings currently existing within the district.
6. **Porches, Entrances, and Porch Projections** In districts where porches, door platforms or steps, exterior stairs or decks, or roofwalks and platforms are a characteristic element of building design, these must be incorporated into the new design. Porches must be at least four feet deep. A projection less than four feet in depth will be considered a door platform.



7. **Materials and Texture** The materials and textures used in the design must be the same as those that predominate in the district. This applies to roofs, wall surfaces, and foundations.
8. **Roof Shapes** The roof shape of a building must be that which predominates in the district. This shall apply to the shape, pitch, overhang, dormers, skylights, and chimneys.
9. **Trims and Miscellaneous Details** The trim and miscellaneous details of a building must be that which predominates in the district. This shall apply to the trim, gutters and leaders, louvres, vents, house lights, and public utilities.