

Article 159. Planned Unit Development Districts.

159.01. Planned Unit Development.

- A. A Planned Unit Development District (“PUD District”) is a privilege that will be granted in only those cases that it is determined by the adoption of a PUD District Ordinance (“PUD District Ordinance”) that a PUD District will promote proper development of a defined territory within the Town of Pendleton (the “Town”) that is of benefit to the Town. A PUD District is not a right which can be claimed solely by apparent compliance with standards established in this Article.
- B. This Article encourages innovations in development so that the growing demands for housing may be met by greater variety of type, design, and siting of dwellings which promotes the conservation and more efficient use of land. This section also encourages the conservation and more efficient use of land for non-residential development. This section recognizes that a rigid set of space requirements along with building and use specifications would frustrate the application of these concepts. Accordingly, where PUD District Ordinance is deemed appropriate, the land may be designated and developed as a PUD District in strict accordance with the PUD District Ordinance that must be adopted pursuant to the Act.

159.02 Objectives. In order to carry out the intent of this Article, a PUD should endeavor to provide:

- A. A choice in the types of environment, occupancy tenure, types of housing, types of ownership, and community facilities available to existing and potential residents;
- B. Usable open space and recreational areas;
- C. Convenience in the location of accessory, commercial, and service areas;
- D. Preservation of natural topographical and geological features with emphasis on:
 - 1. prevention of soil erosion;
 - 2. conservation of existing surface and sub-surface water; and
 - 3. preservation of tree cover, unique or sensitive natural areas and/or preservation of quality open space;
- E. A safe and efficient network of streets;
- F. An efficient network of utilities;
- G. The development of land consistent with the objectives of the Pendleton Comprehensive Plan; and
- H. A more efficient utilization of the land than what might be obtained through other development procedures.

159.03. Delegation.

- A. No authority to conduct secondary review of a PUD District Ordinance under I.C. 36-7-4-1509(c) is granted as the Council expects that any PUD District Ordinance presented to it shall express in detailed terms the development requirements that apply, as opposed to development requirements being expressed in general terms.
- B. In situations where the PUD District Ordinance includes detailed terms of development requirements that apply, secondary review of the PUD District Ordinance is not required. However, all platting requirements of Article 157, Subdivision Regulations, of the Pendleton Unified Development Code are hereby adopted as the procedure for platting all parcels of real property for which a PUD District Ordinance is adopted.

159.04. Definitions. As used in this section, the following definitions shall apply along with all other definitions that are set forth in the Pendleton Unified Development Code:

- A. Concept Plan: a plan for the development of an entire parcel of land, drawn to scale, that generally indicates densities, uses, open space, and infrastructure locations including all of the requirements for a Concept Plan that is set forth in this section.
- B. Development Plan: a specific plan for the development of real property that requires approval by the Commission under the 1400 Series of I.C. 36-7-4, which includes a site plan, satisfies the development requirements specified in this section regarding development, and contains the plan documentation and support information required by this section.
- C. Petitioner: any person, firm, corporation, partnership, limited liability company or any other entity that files a petition for a PUD District.
- D. Open Space: any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment. Such areas may be improved with only those buildings, structures, streets, and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.
- E. Primary Approval: the conferral of certain rights pursuant to this Article and also Article 157, Subdivision Regulations, of the Pendleton Unified Development Code after specific elements of a plan have been agreed upon by the Commission.
- F. PUD: the development of an area of land as a single entity for a variety of dwelling units and/or other uses, which may not correspond in use, lot size, bulk or type of dwelling, density, lot coverage, and required open space to the regulations otherwise required by the Pendleton Unified Development Code.
- G. PUD District: a zoning district for which a PUD District Ordinance must be adopted under this Article.
- H. PUD District Ordinance: a zoning ordinance that does the following:
 1. designates certain territory a parcel of real property as a PUD District;
 2. specifies uses or range of uses permitted in the PUD District;
 3. specifies development requirements in the PUD District;
 4. specifies the planned documentation and supporting information that may be required;

5. specifies any limitation applicable to a PUD District; and
 6. meets the requirements of the Act.
- I. Secondary Approval: the official action taken by the Commission after all conditions, engineering, plans, and other requirements of any plat given primary approval have been completed or fulfilled and the required improvements have been installed or guarantees properly posted for their completion at the time of secondary approval, all as provided for in Article 157 of the Pendleton Unified Development Code as if same had been reprinted here in its entirety.
 - J. Sensitive Or Unique Natural Area: any physical, vegetative, topographic, or hydrologic natural feature that is unique to this area or environmentally sensitive.
 - K. Town: The Town of Pendleton, Indiana

159.05**Procedure for PUD District Ordinance Consideration.**

- A. Petitioner, who must hold either legal or equitable title to the real estate in question, files a Concept Plan at the office of the Planning Department at least thirty (30) days in advance of the next scheduled Commission meeting. The Concept Plan does not require a formal application, a fee or the filing of a proposed PUD District Ordinance.
- B. The Planning Department shall review the Concept Plan and its related documents. The Planning Department may call upon other public and/or private consultants as necessary and may present the Concept Plan to the Commission at a public meeting to provide a sound review of the Concept Plan. This review of the Concept Plan is only concerned with general conceptual merit and in no way shall commit to any future acceptance or rejection of the detailed PUD District Ordinance.
- C. Once review of the Concept Plan has been deemed completed by the Planning Department, the Petitioner may submit its formal proposed PUD District Ordinance to the Planning Department. These documents must be filed at least thirty (30) days in advance of a scheduled Commission meeting to be considered at that meeting.
- D. The Planning Department will then determine whether the proposed PUD District Ordinance is in proper form and contain all of the information required by this section and, in the event that these questions are answered in the affirmative, shall then set this matter for a public hearing in accordance with Commission's Rules and Regulations for public hearings.
- E. The Commission shall hold a public hearing on the proposed PUD District Ordinance.
- F. When official action is taken by the Commission on the proposed PUD District Ordinance, the Commission must certify its official action to the Council with either a favorable recommendation, an unfavorable recommendation or no recommendation.
- G. The Council must consider the proposal for a PUD District Ordinance in accordance with I.C. 36-7-4-608.
- H. In the event a PUD District Ordinance is adopted, the Petitioner may then proceed with primary and secondary plat approval before the Commission utilizing the same procedures and requirements as set forth in Article 157, Subdivision Regulations, of the Pendleton Unified Development Code as if same had been reprinted herein in its entirety.

159.06 General Requirements.

- A. No building or structure shall be closer than twenty-five feet (25') to any lot line dividing land inside the PUD District from land zoned or used as residential outside the PUD District.
- B. All of the regulations of the Pendleton Unified Development Code concerning both uses and development standards shall apply to the PUD District, unless the PUD District Ordinance provides for and specifically delineates the variances requested from the use districts and development standards set forth in the Pendleton Unified Development Code.

159.07 Site and Structure Regulations.

- A. Site and Structure regulations for PUD Districts shall adhere to the following regulations:
 - 1. Plot and lot sizes, dimensions, structure heights, and locations thereon may be freely disposed and arranged in conformity to the overall density standards recommended by the Commission or stated in this section. Minimum lot size, frontage, and maximum lot coverage are specified in the Pendleton Unified Development Code, however, in order to vary therefrom, a request must be made.
 - 2. PUD District regulations governing side and rear yard sizes in residential areas may be varied. However, proper buffering and landscaping must be included in the proposed PUD District Ordinance when conflicting or dissimilar land uses abut.
 - 3. A minimum of a forty foot (40') front yard setback shall be provided on any county road, state or federal highway, or on any thoroughfare designated as arterial or collector in the Thoroughfare Master Plan of the Pendleton Comprehensive Plan. This minimum may be altered in the sound discretion of the Plan Commission and Town Council in mixed use or non-residential portions of the PUD District Ordinance as specifically delineated in same.
 - 4. All open spaces between structures shall be protected by fully recorded covenants running with the land.
 - 5. Every residential dwelling unit, commercial or industrial complex or building shall have access to a public street, court, walkway or other area dedicated to public use or subject to an easement for access. The boundaries and extent of the lot or plot upon which any single unit detached or attached dwelling is located shall be clearly defined and monumented.
 - 6. Right-of-way and pavement widths for internal ways, streets, and alleys shall be determined from sound planning and engineering standards in conformity with the estimated needs of the full development proposed and the traffic to be generated not only from the development but from adjoining parcels of land and shall be adequate and sufficient in size, location, and design to accommodate the maximum traffic, parking, loading needs, and the access of firefighting equipment and other emergency vehicles.
- B. The developer of a PUD District shall furnish public water, electric distribution system and sanitary sewage facilities based on agreement with the appropriate municipal officials and/or utility companies. The developer shall provide all necessary storm

drainage, highway access, paved service streets, parking facilities, fire hydrants, off-street lighting, and other public improvements deemed necessary by the Town, and shall make reasonable provision for the connection with adjoining properties held in other ownership.

159.08. Usable Open Space.

Usable open space is of paramount importance to any proposed PUD District Ordinance. Usable open space is considered to be land easily adaptable for active recreational uses such as softball fields, soccer fields, and the like along with passive uses such as recreational trails, picnic areas, and the like. At a bare minimum, any PUD District Ordinance proposal must contain provisions for lands for recreational purposes.

159.09 General Standards.

- A. The PUD District Ordinance should substantially conform to Pendleton's Comprehensive Plan with respect to type, character, and intensity of use and public facilities. Exceptions to Pendleton's Comprehensive Plan may be made in the adoption of a PUD District Ordinance when there would be a direct and substantial benefit to the Town.
- B. The PUD District shall be located in an area in which transportation systems, police and fire protection, other public facilities and utilities, including sewage and water, are or will be available when the parcel is developed and are adequate for the uses proposed. Provided, however, that the Petitioner may make provisions for such facilities, utilities or utility capacities which are not presently available.
- C. There is no minimum PUD District size contained in this ordinance.
- D. In examining the proposed PUD District Ordinance, the Council and Commission shall consider the following:
 1. Compatibility of the development with surrounding land uses;
 2. Availability and coordination of water, sanitary sewers, storm water drainage, and other utilities;
 3. Management of traffic in a manner that creates conditions favorable to health, safety, convenience, and the harmonious development of the community. In considering the criteria listed under this paragraph, the proposed PUD District Ordinance must provide for the following:
 - a. that the design and location of the proposed street and highway access points minimize safety hazards and potential congestions;
 - b. that the capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the new development; and
 - c. that the entrances, streets, and internal traffic circulation facilities in the proposed PUD District Ordinance and development plan are compatible and, wherever feasible, connectible with existing and planned streets and adjacent developments.
 4. Whether the major components of the PUD District are appropriately located and able to continue to function as a sole and separate unit if all phases of the PUD are not completed, taking into consideration factors such as the

infrastructure guarantee procedures and subdivision regulations all as found in Article 157 of the Pendleton Unified Development Code.

5. Building setback lines;
6. Density of proposed development;
7. Building coverage;
8. Building separation;
9. Vehicle and pedestrian circulation;
10. Parking;
11. Landscaping;
12. Height, scale, materials, and style of improvements.
13. Signage;
14. Open space including park and recreational space.
15. Outdoor lighting;
16. Conformance to Town standards;
17. Whether or not the PUD is a genuine PUD or represents an attempt to circumvent the prescribed zoning and/or Subdivision Regulations without a resulting benefit to the Town;
18. Effects on public health, safety, morals, and welfare;
19. Preservation of natural topographical, geological features with emphasis upon:
 - a. prevention of soil erosion;
 - b. conservation of existing surface and subsurface water;
 - c. preservation of sensitive or unique natural areas; and
 - d. preservation of major trees or other environmental enhancing features.
20. Other requirements considered appropriate by the Council and the Commission.

159.10 Permitted Uses. Appendix “E” of the Pendleton Unified Development Code shall apply to uses for the proposed PUD District Ordinance. However, the uses may be varied by complete compliance with this Article in the sound discretion of the Council upon receiving advice from the Commission.

159.11 Concept Plan.

- A. In order to allow the Pendleton Plan Commission and the Petitioner to reach an understanding of the basic design requirement prior to detailed design, the Petitioner shall submit as its Concept Plan the following:

1. An area map showing the property proposed to be developed as a PUD District and also adjacent property owners and existing uses located within three hundred feet (300') of the parcel in question.
2. A legal description of the parcel proposed as a PUD.
3. A list of all requested variances from the Pendleton Unified Development Code and/or Article 157, Subdivision Regulations, that the Petitioner wishes to be a part of a PUD District.
4. A list including location of all proposed uses to be contained within the PUD District.
5. A sketch plan approximately to scale, though it need not be to the precision of a finished engineering or architectural drawing, that clearly shows the following:
 - a. the existing features of the site including topography;
 - b. the proposed location of the various uses and their areas in acres;
 - c. the general outlines of the proposed interior roadway system and all existing rights-of-way and easements, whether public or private;
 - d. Delineation of the various residential areas indicating for each such area its general extent, size, and composition in terms of total number of dwelling units and approximate percentage allocation by dwelling type;
 - e. Delineation of the various nonresidential areas such as commercial or industrial areas, indicating for each such area its general extent, size, and composition in terms of total number of buildings and approximate percentage allocation by unit type;
 - f. a calculation of the residential density in dwelling units per gross acre including interior roadways;
 - g. the interior open space system including land to be utilized for open space and/or and recreational purposes;
 - h. where portions of the site are subject to flooding, the plan shall indicate extent and frequency;
 - i. where areas lie in aircraft approach and holding patterns such areas shall be indicated;
 - j. the proposed provision for disposition of storm water and sanitary sewage and source of water service;
 - k. the substance of any covenants, grants, easements, or any other restrictions to be imposed upon the land or buildings including easements for public utilities;
 - l. the proposed provisions for streets, walkways, and parking including locations and widths;

- m. the general description of the availability of other community facilities such as schools, fire and police protection services, parks, and how these facilities will be affected by the proposal;
 - n. general statement as to how common open space is to be owned and maintained; and
 - o. if the development is to be phased, a general indication of how the phasing is to proceed and how dedication of public facilities and performance bonds will be timed.
- B. The purpose of the Concept Plan is to obtain as much information about the proposed PUD District as possible and to make advice and assistance available to the Petitioner, and to allow the Commission, the Pendleton Planning Director, and the Petitioner to discuss the proposal and determine whether a PUD District, in general, upon the Concept Plan appears to be in general compliance with this section.

159.12. PUD District Ordinance.

- A. Once the Commission has concluded the Concept Plan process by giving its advice to the Petitioner, the Petitioner may then formally submit an application on the form prescribed by the Planning Department for a PUD District Ordinance. The proposed PUD District Ordinance shall express, in detailed terms, all development requirements that apply to the proposed PUD District. It is understood and agreed to by the Petitioner that all Town construction, use and development standards shall apply to the PUD District unless the variances to same are specifically delineated in the written text portion of the PUD District Ordinance.
- B. All PUD District Ordinances will consist of two (2) components, the first being the written text of the ordinance and the second being the detailed plan for the development of the parcel in the form of a drawing as set forth in this Section.
- C. The written text portion of the PUD District Ordinance shall contain at least the following:
 - 1. Name and address of Petitioner;
 - 2. Legal description of proposed PUD District;
 - 3. A copy of the recorded document showing Petitioner's ownership interest in this parcel;
 - 4. All Town construction, use and development standards unless the variances to same are specifically delineated;
 - 5. Delineation of all uses and area in acres of each proposed use;
 - 6. Total number of residential units and percent of each type of each residential uses;
 - 7. Delineation of each commercial and/or industrial use, and total area in acres of each commercial and/or industrial use;
 - 8. Phasing schedule of development;

9. Detailed description of location and proposed use for all proposed open and/ or recreational spaces ;
 10. General description of community services available to the proposed PUD District's residents including schools, fire and police protection, parks, and all public/private utilities, including statements of adequate capacity;
 11. General statement on proposed ownership and maintenance of common open space;
 12. Proposed construction schedule;
 13. A general statement demonstrating how the proposed PUD District Ordinance conforms to:
 - a. The Objectives of PUD Districts as set forth in Section 159.02, which shall include a specific written submission concerning preservation of natural topographical and geological features of the land in a proposed PUD District, pursuant Section 159.09(D)(19);
 - b. A list of all proposed written commitments concerning the use and development of the land contained in the proposed PUD District Ordinance.
- D. The drawing portion of the PUD District Ordinance showing the plan of development for this parcel shall include twenty (20) copies of the proposed plan of development with the following information:
1. An area map showing the property under consideration and all properties and easements within three hundred feet (300') of Petitioner's property;
 2. A topographic map showing contour intervals of not more than two feet of elevation shall be provided;
 3. The drawing shall include:
 - a. the name and address of the Petitioner;
 - b. legal description of proposed PUD District;
 - c. north point, scale and date;
 - d. boundaries of the properties platted to scale;
 - e. existing water courses;
 - f. a development plan showing location, proposed use and maximum height of all buildings;
 - g. location and proposed development of all open spaces including parks, playgrounds, and open reservations;
 - h. all areas where natural vegetation will be preserved shall be noted;
 - i. location of outdoor storage, if any;

- j. location of all existing and proposed infrastructure improvements, including roads, sidewalks, pedestrian ways, bike paths and the like, drains, culverts, retaining walls and fences, retention or detention ponds and the like, descriptions of the methods of sewages and solid waste disposal and water utility, and location of such facilities, location and size of all signs, location and design of all streets, parking and truck load areas with ingress and egress drives relating to same and including proposed lighting for parking or truck loading areas;
 - 4. A transparent overlay or separate map showing all soils, areas, and their classifications, including those areas with moderate to high susceptibility to flooding and moderate to high susceptibility to erosion.
- E. In its review the Commission, Planning Department and/or Council may wish to consult with the Town Engineer, the Town attorney, its other departments, including, but not limited to, representatives of federal and state agencies including the Soil Conservation Service, Department of Natural Resources, Army Corps of Engineers, and the Indiana Department of Environmental Management, Madison County Drainage Board, independent consultants or companies that may be retained by the Council or the Commission to seek assistance to properly review the proposed PUD District Ordinance. All consultant, and other fees require by this Ordinance to be paid by the Petitioner shall be paid on a ongoing monthly basis throughout the entire PUD District and platting process with the last payment required within thirty (30) days after the conclusion of the PUD District Ordinance process and again within thirty (30) days after the conclusion of the platting process. All fees required must be paid regardless of whether the proposed PUD District Ordinance of the applicant is approved, amended, rejected or withdrawn by the Petitioner or dismissed for lack of prosecution of same by the Petitioner. The Council or the Commission may also require such additional information in any proposed PUD District Ordinance that appears to said Boards to be of assistance in its consideration of this matter.

159.13 Written Commitments and Infrastructure Guarantees.

- A. When adopting or amending a PUD District Ordinance, the Council may do any or all of the following:
 - 1. Impose reasonable conditions on a proposed PUD District;
 - 2. Allow or require the Petitioner, as owner of the real property contained within the PUD District Ordinance, to make a written commitment concerning the use and development of this parcel in a manner authorized by I.C. 36-7-4-615.
- B. The circumstances under which a written commitment can be made, modified or terminated will be all circumstances in which the making, modification or termination of a written commitment is deemed to be in furtherance of the intent and the objectives contained in this Article as determined in the discretion of the Council, in the case of the adoption or amending of a PUD District Ordinance, and the Commission, in making a modification in permitted uses or development requirements pursuant to I.C. 36-7-4-1511(h). The Town Council or Commission, whichever is applicable, may require or allow a written commitment, or may approve or disapprove modification or termination of a written commitment to any extent it deems appropriate in attempting to further the intent and objectives of this Article.
- C. A written commitment shall be created by either the Petitioner, Council or Commission, shall be in written form, and detailed on the written portion of the PUD District

Ordinance and also on the plat of development for the PUD District in recordable form acceptable to the Office of the Recorder of Madison County.

- D. The written commitment may be enforceable by the Town or the Commission or any property owner within the PUD District or any property owner within three hundred feet (300') of the PUD District. Enforcement by the owners of property within the PUD District or property owners within three hundred feet (300') of the PUD District are determined to be classes of specially affected persons who may enforce a written commitment by the seeking of an injunction and/or damages in a court of competent jurisdiction.
- E. The Council and/or the Commission is also considered a class of specially affected persons who may enforce a written commitment in the same manner in which private citizens may as set forth above. Additionally, the Council or the Commission may, through the Town Attorney, file suit against the offending party in any court of competent jurisdiction seeking a restraining order, temporary or permanent injunction, and also a fine of up to two thousand five hundred dollars (\$2,500.00) per day for each violation of the existing written commitment. Additionally, no building or occupancy permit shall be issued for land within the PUD District while a violation of the written commitment exist.
- F. The notice and hearing required for the granting or termination of a written commitment shall be part of the process for consideration of the PUD District Ordinance, The Commission is given authority to modify any permitted uses or development requirements set forth in an approved PUD District Ordinance. No termination or modification of a written commitment is permitted unless a public hearing is held by either the Council or the Commission, whichever is applicable, with due notice to all parties located within three hundred feet (300') of the PUD District and given at least thirty (30) days before the date set for the hearing. All other rules of the Commission shall apply in determining how notice is to be given to interested parties and who is required to give that notice.

159.14 Primary and Secondary Plat Approval.

- A. Once a PUD District Ordinance is adopted by the Council, the Petitioner then may make application upon such forms and upon the payment of all required fees with the Planning Department, who shall have exclusive jurisdiction over the platting contained within a PUD District.
- B. No building permits for the construction of any structures, other than public improvements required for the PUD District, shall be issued until the secondary plat of the PUD District has been approved and recorded and also until the written guarantee for the infrastructure has been provided and accepted by the Commission.

159.15 Amending a Planned Unit Development District Ordinance.

- A. All PUD Districts shall be constructed and developed as delineated on the approved secondary plat as recorded and in the PUD District Ordinance. In the event of any discrepancies between the recorded secondary plat and all of the Town's requirements including that of use, development standards, or standards for the construction of public improvements (infrastructure) to the extent the variances do not result from specific action by the Council or the Commission, then the applicable Town standards shall apply. All recorded documents and amendments shall be binding on the Petitioner, its successors, grantees, and assigns, and shall limit and control the use of the PUD District and location of all structures. After all plats and documents have been recorded, any

major amendments to the PUD District Ordinance will require a public hearing and approval by the majority of the entire Council

Any minor amendments will require approval at a public meeting by a majority of the entire Council. The only notice required for a minor amendment is that the Petitioner must make a written request for a minor amendment to the Council at least ten (10) days before the public meeting at which it is considered. Both major and minor amendments shall be recorded in the Office of the Recorder of Madison County, Indiana.

- B. Major amendments are defined as any change which alters the concept, use or intent of the PUD including increases in density, the height of buildings, reductions of open space, changes in the sequence of the development, changes in road or street development standards, and/or changes in covenants and/or the approved development plan, or any change whatsoever in the approved Planned Unit Development that would require a variance from the Pendleton Board of Zoning Appeals.
- C. Minor amendments shall be defined as any change that does not alter the concept or intent of the PUD or the development plan and is not defined as a major amendment
- D. The Council shall make the determination as to whether a proposed amendment is a major or minor one. In the event a public hearing is required, notice requirements of any public hearing before the Council, including notice to interested persons, shall apply and the Petitioner shall be responsible for all publication costs.

159.16 Fees.

- A. Any Petitioner under this Article shall be charged a fee in accordance with the schedule of fees established by the Council, as noted in the fee schedule of the Pendleton Unified Development Code, as amended by the attached Fees for Planned Unit Developments.
- B. The Petitioner shall also be responsible for any costs incurred in the filing of the secondary plat or amendments thereto with the Madison County Recorder.
- C. Prior to approval of the Concept Plan:
 - 1. The Commission shall provide a maximum amount of fees anticipated to be incurred by any paid consultants to the Town Council or the Commission including, but not limited to, that of the Town Attorney and the Town Engineer who shall be paid at their prevailing hourly rate for the time in which the work is performed.
 - 2. The Petitioner and the Town shall enter into an agreement for payment of any professional fees equal to the estimate provided.
- D. No building permits shall be issued for any construction in any PUD District for which the aforementioned fees and costs are unpaid.

159.17 Penalties. Any person, firm, corporation, partnership, limited liability company, agent or any employee or contractor of same who violates any provisions of this Article shall be subject to a fine of not more than two thousand five hundred dollars (\$2,500.00) per day per occurrence as set forth in Section 154.13 of the Pendleton Unified Development Code. An offense is deemed committed each day during, or on which, a violation is permitted to occur. See 36-7-4-1018.

159.18 General. In administering its responsibilities pursuant to this Ordinance, the Council and/or the Commission may promulgate any rule, enter into negotiations or procedures consistent with this Ordinance and/or Indiana law.