



UNIFIED DEVELOPMENT ORDINANCE  
TOWN OF PENDLETON  
DECEMBER 14, 2023

# UNIFIED DEVELOPMENT ORDINANCE



# ACKNOWLEDGMENTS



## TOWN STAFF

Rachel Christenson, Planning Director (Prior)  
Kayla Hassett, Planning Director (Prior)  
Hannahrose Urbanski, Planning Director  
Denise McKee, Planner  
Scott Reske, Town Manager

## PREPARED BY

K.K. Gerhart-Fritz, AICP  
Deborah Luzier, AICP

K.K. Gerhart-Fritz, FAICP  
The Planning Workshop, Inc.



Deborah Luzier, AICP  
GRW, Inc.



engineering | architecture | geospatial

## UDO STEERING COMMITTEE

Marcy DeShong  
Kyle Eichhorn  
Lisa Floyd  
Carol Hanna  
Kim Hartman  
Taylor Metz  
Tim Prichard  
Heather Upton  
Eric Weflen



## COMMUNITY PARTICIPANTS



Jeff and Vicky Purdue  
Ryan Phelps  
Adam Daniel  
Becky Jacobs  
John Lord  
Carol Hanna  
Steve Wills  
Tim Westerfield  
Coco Bill  
Marc Farrer  
Garry Brammer  
Bob Jones  
Pam Jones

Brayden and Jenny Jessie  
Craig Campbell  
Kyle Eichhorn  
Chis Schulof  
Anne Theohares  
Sarah Theohares  
Alex Theohares  
Ralph Holmes  
Jerry and Christi Kelly  
Marissa Skaggs



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# CHAPTER ONE

## INTRODUCTORY PROVISIONS







## A. Title

This ordinance shall be formally known as the “Unified Development Ordinance,” or the “UDO” for the jurisdiction of the Town of Pendleton.

## B. Authority

This UDO is enacted by the Town of Pendleton pursuant to the authority granted in IC 36-7-4-600 series and other applicable state and federal statutes as amended from time to time.

## C. Purpose

The purpose of this UDO is to combine Pendleton's Zoning Ordinance and Subdivision Control Ordinance into a single document in order to reduce redundancy and improve efficiency in the application of land development laws for the jurisdiction.

**1. Subdivision Control Ordinance Provisions.** The regulations established for the administration of a Subdivision Control Ordinance under IC 36-7-4-700 series are covered specifically in this UDO by Chapters 5, 6, and 7.

**2. Zoning Ordinance Provisions.** The regulations established for the administration of a Zoning Ordinance under IC-36-7-4-600 series are covered by Chapters 2, 3, 4, 8, 9, and 10 of this UDO.

## D. Jurisdiction

This UDO shall apply to all land within the jurisdiction as shown on the Jurisdictional Area Map on file in the Pendleton Planning Department and the Madison County Recorder's Office. Additionally, if or when the Town is granted Extra-Territorial Jurisdiction, those areas will be included in the zoning designations as described by this UDO and must adhere to the relevant development standards.

## E. Intent

The intent of this UDO is to promote the public health, safety, and general welfare of the jurisdiction, and more specifically to:

- 1.** Accomplish the purposes of IC 36-7-4 series: Local Planning and Zoning; and further such other purposes as are stated hereinafter within specific provisions of this UDO;
- 2.** Guide future growth and development in accordance with the comprehensive planning process.
- 3.** Provide for adequate air, light, and privacy and to prevent undue congestion and overcrowding of the land.
- 4.** Protect and conserve the value of land, buildings, and other improvements upon the land, and to minimize the conflicts among the uses of land and building.
- 5.** Guide public and private policy and

action in order to assure adequate and efficient transportation, water, sewerage, schools, parks, drainage, and other public requirements and facilities.

**6.** Avoid scattered and uncontrolled subdivision of land that would result in an excessive expenditure of public funds for the supply of community services.

**7.** Establish reasonable standards of design and minimum requirements for the creation, installation, and improvement of physical facilities which are, or will be, maintained for the benefit of general public.

**8.** Establish reasonable standards and procedures for subdivisions and re-subdivisions, in order to further the orderly layout and use of land; and to ensure proper legal descriptions and marking of subdivided land.

**9.** Prevent the pollution of air and water; provision of drainage facilities and the safeguarding of the water table; and the encouragement of wise use and management of natural resources in order to preserve the integrity, stability, natural beauty and topography, and the value of land.

**10.** 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.

## **F. Other Requirements**

Nothing in this UDO shall eliminate the need for obtaining any other approval or entitlement required by other provisions of the jurisdiction, the State, or Federal Agency.

## **G. Defined Terms**

Specific words and terms relative to this UDO are as defined in Chapter 10: Definitions. Words or terms used in this UDO that are not defined shall be defined as that word or term was defined in a dictionary at the time of this Ordinance adoption.

## **H. Administration**

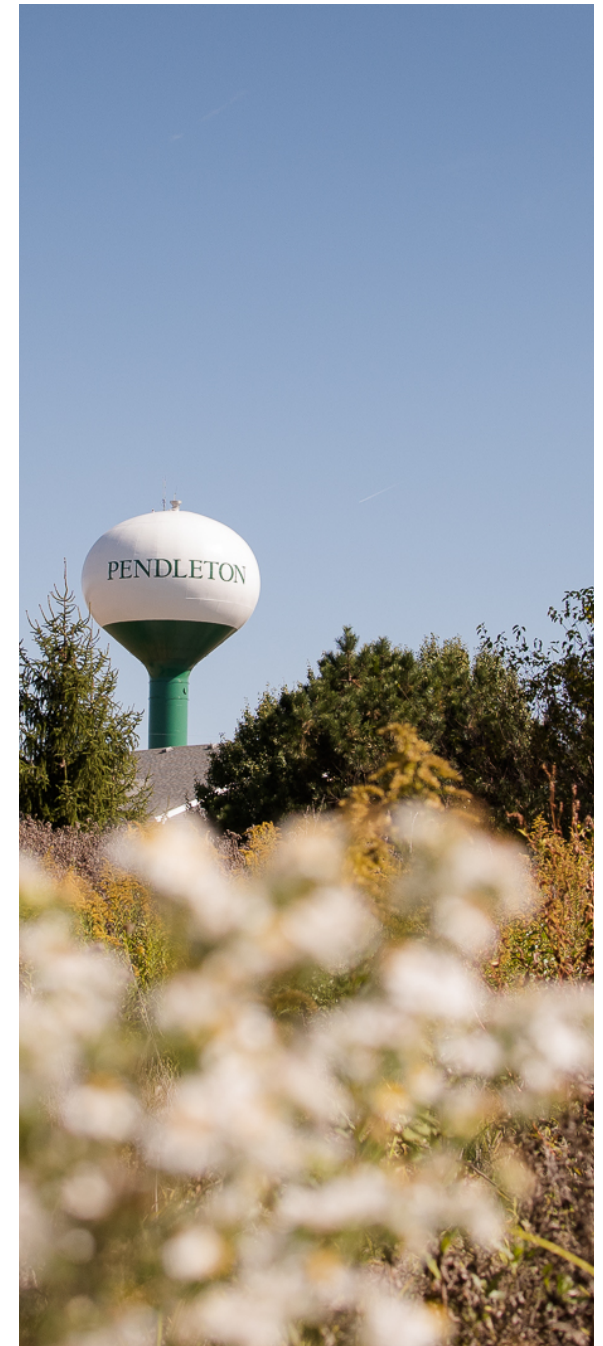
The Administrator shall have the primary responsibility of administering the UDO within the jurisdiction.

## **I. Severability**

If any provision or the application of any provision of this UDO is held unconstitutional or invalid by the courts, the remainder of the UDO or the application of such provision to other circumstances shall not be affected.

## **J. Statutory Changes**

If any Indiana Code cited in this UDO has been amended, this UDO shall be deemed amended in reference to the new or revised code.







## K. Repealer

All previously adopted Ordinances and Resolutions in conflict with this Unified Development Ordinance, including, but not limited to Town Ordinance No. 3845, are hereby repealed and replaced by the adoption of this Unified Development Ordinance and Official Zoning Map.

## L. Transition Policies

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 complete prior to the adoption of this UDO shall continue their respective process pursuant to the rules and provisions that were in place at the time of filing, including the Town Moratorium pursuant to Ordinance No. 21-11. This includes applications before the Town Council, the Plan Commission (PC), and the Board of Zoning Appeals (BZA) as well as applications for Land Alteration Permits (LAP), and Improvement Location Permits (ILP).

**2. Permits Issued.** A permit for an ILP or LAP that was issued prior to the adoption of this UDO shall remain valid for the time frame and provisions established by the regulations that were in effect at the time of filing. If applicable, a valid permit may be renewed per the 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 prior to the adoption of this UDO, that has not expired, and is otherwise still valid under said previous regulations, shall continue its respective process pursuant to the rules and provisions that were in place at the time of filing. If the previous provisions did not identify an expiration 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 as part of an approval before the Town Council, PC, or BZA or part of an application for an ILP or LAP prior to 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 process outlined in Chapter 8: Zoning Administration and Procedures of this UDO and/or the applicable PC Rules and Procedures or BZA Rules and Procedures.

#### **5. Annexation, Disannexation, and Property Not Included.**

**a. Annexation.** Property annexed into the town subsequent to the effective date of this UDO, shall be assigned a zoning district by the Town Council as part of the annexation process.

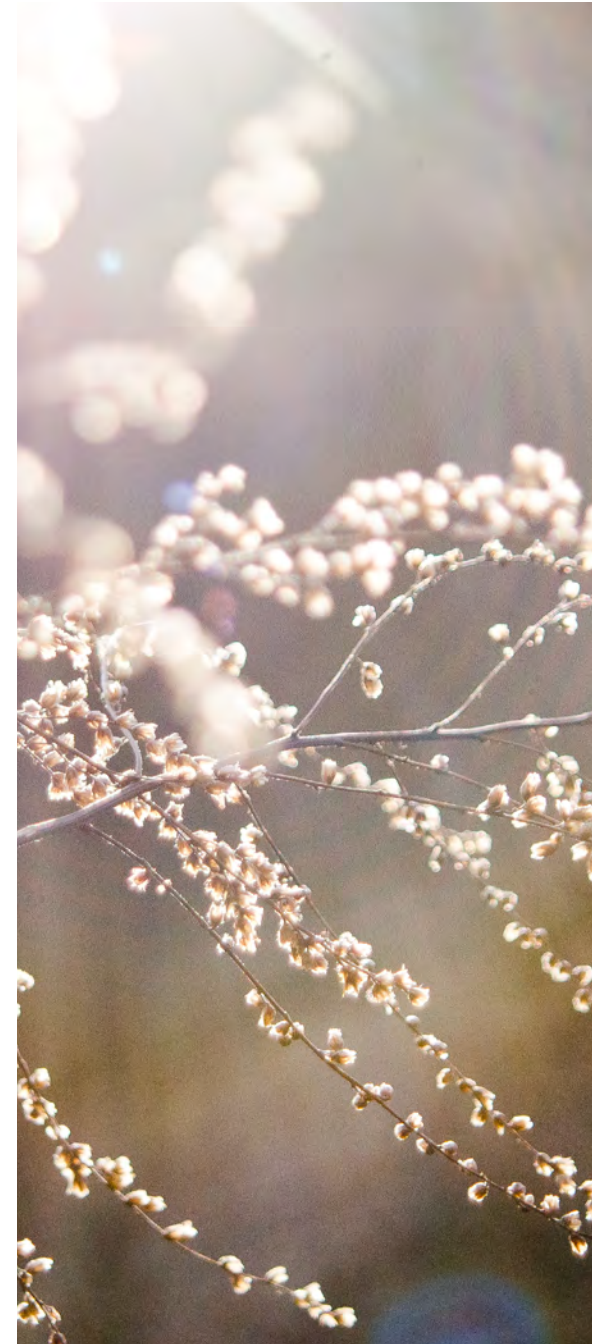
**b. Disannexation.** Property detached from an incorporated city or town subsequent to the effective date of this UDO, upon the effective date of such disannexation, shall be declared to be in a zoning district recommended by the appropriate PC, and approved

by the appropriate Town Council.

**c. Property Not Included.** Property that has not been specifically included within a district is hereby declared to be in the A-1 Agriculture District (except for property designated as limited-access or interstate highway right-of-way).

#### **M. Effective Date**

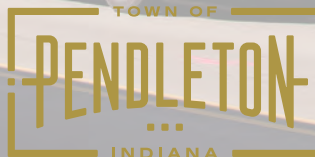
This ordinance shall be in full force and effect from and after its passage by the Town Council.





## CHAPTER TWO

# ZONING DISTRICTS



## A. General Provisions

**1. Zoning Districts Identified.** The jurisdictional area is hereby classified and divided into the zoning districts outlined below.

Name of District	Abbreviation
Recreation/Open Space	R/OS
Agriculture – Large Lot	A-1
Agriculture – Small Lot	A-2
Rural Residential	RR
Single-family Residential - Large Lot	SF-1
Single-family Residential – Medium Lot	SF-2
Single-family Residential – Small Lot	SF-3
Single-family Residential - Traditional	SF-4
Residential Core Conservancy	RC
Multi-family Residential – Low-Density	MF-1
Multi-family Residential – Medium-Density	MF-2
Institutional	I
Downtown Business	DB
Neighborhood Business	NB
General Business	GB
Heavy Business	HB
Light Industrial	LI
Heavy Industrial	HI

**2. Overlay Districts Identified.** The following overlay districts outlined below have been established for the purpose identified.

Name of District	Abbreviation
Floodway Overlay	FWO

**3. Official Zoning Map.** The Official Zoning Map is a geographic coverage layer that is maintained as part of the Town of Pendleton's geographic information system (GIS) under the direction of the Administrator.

**a. District Boundaries.** The location and boundaries of the zoning districts are hereby established on a map entitled "Official Zoning Map," as it may be amended from time to time, which accompanies and is hereby incorporated in and made a part of this UDO by reference.

**b. Interpretation of Boundaries.** 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 BZA per Chapter 8, Figure 8.1: Appeals Procedures.

**c. 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.

## 4. Land Uses.

**a. Land Uses Listed.** The respective section for each zoning district and overlay district identifies the common land uses that are "permitted" or allowed by "conditional uses". A comprehensive list of land uses is contained in Appendix A: Land Use Matrix. Any land use not listed in said Matrix, or not deemed sufficiently similar to a listed use, as described in the following section "b.", shall be prohibited.



**b. Land Uses Not Listed.** For land uses not listed in Appendix A: Land Use Matrix, the Administrator shall attempt to determine if the desired land use is similar to a listed land use.

*i. Comparison to Listed Uses.*

(a) Unlisted Use is Similar to a Listed Use. If the desired land use is determined to be similar to a listed land use, the respective process and development standards for the similar use shall be followed.

(b) Unlisted Use is Not Similar to a Listed Use. If the Administrator determines that the desired land use is not similar to a listed land use, then the desired land use shall be prohibited.

(c) Uncertainty. In the case of uncertainty of classifying a land use, the Administrator may, in their discretion, refer the request for land use clarification or classification to the BZA for consideration and final decision.

*ii. Criteria for Classifying Unlisted Land Uses. To determine whether an unlisted land use is similar to a listed use, the Administrator or the BZA shall examine the proposed use by the following four (4) criteria:*

(a) Intensity. Is the unlisted use similar in intensity and nature to a listed use? Land use intensities are related to the amount and type of activity a parcel hosts.

((1)) Residential, public, and office uses. Intensity levels are tied to the number of people using a space.

((2)) Commercial uses. Intensity levels are tied to the gross commercial floor area associated with the primary structure, including hours of operation and anticipated customer volume.

((3)) Industrial Uses. Intensity levels are related to the

amount of noise, noxious exhaust, and public safety hazards generated on the site. In addition, the types of vehicles used, type of storage (indoor or outdoor), and hours of operation should be considered.

(b) Character. Does the unlisted use have similar physical characteristics, structures, scale, operational hours, or other features similar to a listed use?

(c) Accessory Potential. If the unlisted use is similar to a listed accessory use, is it incidental to, necessary, and compatible with the permitted primary use?

(d) Intent. Is the unlisted use compatible with the purpose of the subject zoning district and consistent with the Comprehensive Plan?

**5. Development Standards.** The following development standards are generally interpreted as follows:

**a. Lot Width.** Lot width is measured at the front building line.

**b. Minimum Front Yard Setback.**

*i. The minimum front yard setback is as shown in the respective Development Standards table.*

*ii. The front yard setback is measured from the right-of-way as designated in the Town's Thoroughfare Plan. In the event right-of-way does not exist, the front setback is measured from the edge of pavement.*

*iii. Flexibility for Infill Development. If twenty-five (25) percent or more of the lots in a block frontage are occupied by structures, then the lesser of the required minimum front yard setback or the average front yard setback of the existing buildings may be utilized.*

*iv. Note that a corner lot will have two (2) front yard setbacks and two (2) side yard setbacks; it will not have a*

rear yard setback. See Chapter 3, Section G.

**c. Minimum Side Yard Setback.**

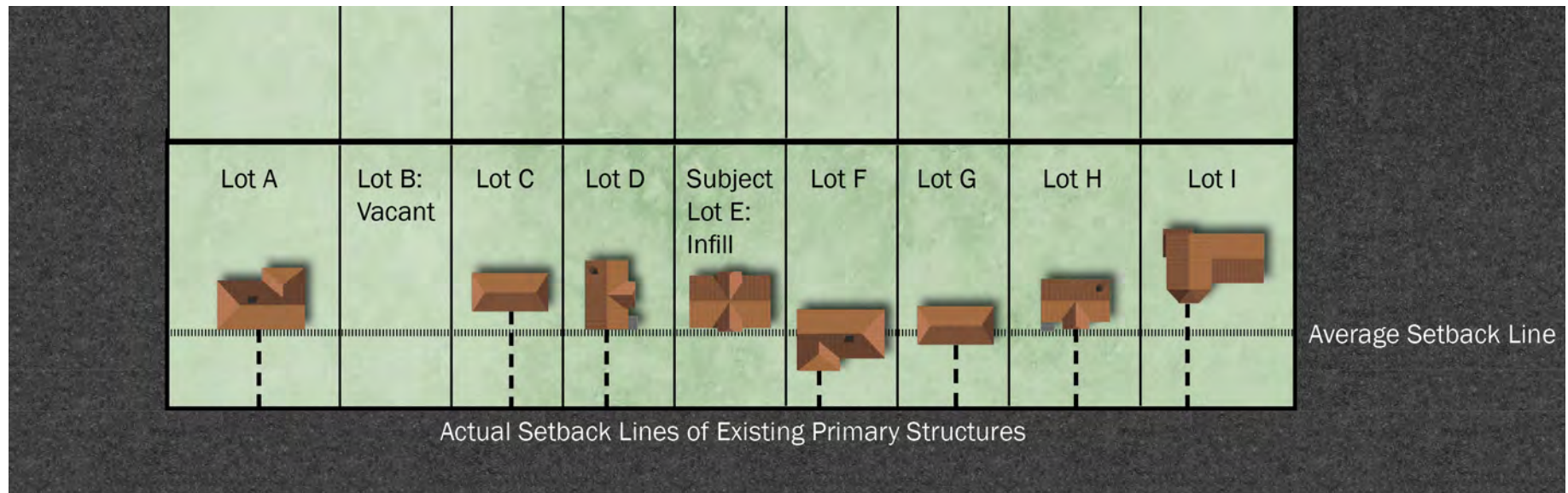
i. The minimum side yard setback is measured from the property line as shown in the respective Development Standards table or is the width of the applicable bufferyard, whichever is greater.

ii. A side yard adjoining a street which does not face the primary structure is considered a front yard setback and the respective standards apply.

iii. Note that a corner lot will have two (2) front yard setbacks and two (2) side yard setbacks; it will not have a rear yard setback. See Chapter 3, Section G.

**d. Minimum Rear Yard Setback.** Minimum rear yard setback is measured from the property line as shown in the respective Development Standards table or is the width of the applicable bufferyard, whichever is greater. A rear yard adjoining a street which does not face the primary structure is still considered a front yard setback and the respective standards apply. Note that a corner lot will have two (2) front yard setbacks and two (2) side yard setbacks; it will not have a rear yard setback. See Chapter 3, Section G.

**FIGURE 2.1 - Average Setback** - The average setback for infill on a developed block is determined by the following formula:  $\frac{a+c+d+f+g+h+i}{7}$  (actual setback of primary structures)  
7 (number of developed lots)



## B. Zoning Districts

### 1. Recreation/Open Space District (R/OS).

**a. Purpose.** The Recreation/Open Space District (R/OS) is intended to preserve significant natural resource areas from future development, including both privately and publicly owned land and water. All non-residential developments require Development Plan Approval.

Land Uses - Recreation/Open Space District (R/OS)	
Permitted Uses	Conditional Uses
<p>ACCESSORY USES</p> <ul style="list-style-type: none"> <li>• beekeeping</li> <li>• chicken/poultry keeping</li> <li>• farmers market</li> <li>• *hobby farm</li> <li>• roadside produce stand</li> <li>• *solar energy system, accessory</li> </ul> <p>AGRICULTURAL USES</p> <ul style="list-style-type: none"> <li>• grain storage</li> <li>• orchard</li> <li>• row crop production</li> <li>• vineyard</li> <li>• wildlife/nature preserve</li> </ul> <p>ENTERTAINMENT USES</p> <ul style="list-style-type: none"> <li>• athletic facility</li> <li>• batting and driving range</li> <li>• *campground, public or private</li> <li>• golf course, driving range</li> <li>• miniature golf</li> <li>• recreation center</li> <li>• skating rink</li> </ul> <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> <li>• community center</li> <li>• park, dog</li> <li>• park, public</li> </ul>	<p>ACCESSORY USES</p> <ul style="list-style-type: none"> <li>• *agritourism</li> </ul> <p>AGRICULTURAL USES</p> <ul style="list-style-type: none"> <li>• greenhouse</li> <li>• livestock raising</li> <li>• plant nursery</li> <li>• *solar energy system, commercial</li> </ul> <p>COMMERCIAL USES</p> <ul style="list-style-type: none"> <li>• kennel, public</li> <li>• *special event facility (weddings, banquets)</li> <li>• winery/brewery</li> </ul> <p>ENTERTAINMENT USES</p> <ul style="list-style-type: none"> <li>• shooting range, indoor public/private</li> <li>• shooting range, outdoor public/private</li> </ul> <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> <li>• cemetery</li> <li>• library/museum/art gallery</li> <li>• *wireless communication facility</li> </ul> <p>SERVICE USES</p> <ul style="list-style-type: none"> <li>• hotel/motel</li> </ul>
<p>See Appendix A: Land Use Matrix for a complete list of uses.</p> <p>* Indicates use has specific development standards that apply. See Chapter 4: Use Development Standards.</p>	



## Development Standards - Recreation/Open Space District (R/OS)

Development Standard		Land Use
		Non-Residential
<b>Structure Standards</b>		
Maximum height of structure	Primary structure	30 feet
	Accessory structure	30 feet
Minimum living area		NA
Minimum width of primary structure		NA
<b>Lot Standards</b>		
Minimum road frontage and lot width		150 feet
Minimum lot area	With sewer	1 acre
	Without sewer	3 acres
Minimum front yard setback (or average block setback, whichever is less. See Section A.5.b.iii of this Chapter.)	Principal arterial	50 feet
	Minor arterial	40 feet
	Collector street	30 feet
	Local street	20 feet
Minimum side yard setback	Primary structure	25 feet
	Accessory structure	10 feet
Minimum rear yard setback	Primary structure	30 feet
	Accessory structure	10 feet
Maximum impervious surface coverage		20%
<b>Utility Standards</b>		
Municipal water and sewer required		No

## Additional Site Development Standards: Recreation/Open Space District (R/OS)

The following site development standards may also apply to development in this district. See Chapter 3: Site Development Standards.

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• Accessory Structure Standards</li> <li>• Architectural Standards</li> <li>• Circulation &amp; Parking Standards</li> <li>• Landscaping Standards</li> <li>• Lighting Standards</li> </ul> | <ul style="list-style-type: none"> <li>• Lot &amp; Setback Standards</li> <li>• Pond Construction Standards</li> <li>• Sign Standards</li> <li>• Storage Standards</li> <li>• Structure Standards</li> </ul> |
|--|--|

## 2. Large-Lot Agriculture District (A-1).

**a. Purpose.** The Large Lot Agriculture District (A-1) is intended to provide for the protection, preservation, and enhancement of appropriate medium-intensity agricultural uses on larger lots. Residential development is permitted only by conditional use, which provides the opportunity to consider whether it is related to the operation and maintenance of agricultural uses in this district. It is the intention that there be appropriate mitigation of the agricultural impacts on adjacent land. All subdivisions require Subdivision approval. All non-residential developments require Development Plan Approval.

Land Uses – Large-Lot Agriculture District (A-1)	
Permitted Uses	Conditional Uses
<p>ACCESSORY USES</p> <ul style="list-style-type: none"> <li>*agritourism</li> <li>beekeeping</li> <li>chicken/poultry keeping</li> <li>*dwelling, accessory</li> <li>farm equipment repair</li> <li>farmers market</li> <li>*hobby farm</li> <li>*home occupation</li> <li>roadside produce stand</li> <li>*short-term rental (owner occupied)</li> <li>*solar energy system, accessory</li> </ul> <p>AGRICULTURAL USES</p> <ul style="list-style-type: none"> <li>agricultural product sales</li> <li>grain storage</li> <li>greenhouse</li> <li>livestock production (not requiring IDEM permit)</li> <li>livestock raising</li> <li>orchard</li> <li>plant nursery</li> <li>row crop production</li> <li>vineyard</li> <li>wildlife/nature preserve</li> </ul> <p>COMMERCIAL USES</p> <ul style="list-style-type: none"> <li>kennel, public</li> </ul> <p>ENTERTAINMENT USES</p> <ul style="list-style-type: none"> <li>*campground, public or private</li> </ul> <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> <li>park, dog</li> <li>park, public</li> </ul>	<p>ACCESSORY USES</p> <ul style="list-style-type: none"> <li>*short-term rental (not owner-occupied)</li> <li>*wind energy system, accessory</li> </ul> <p>AGRICULTURAL USES</p> <ul style="list-style-type: none"> <li>*solar energy system, commercial</li> </ul> <p>COMMERCIAL USES</p> <ul style="list-style-type: none"> <li>*special event facility (weddings, banquets)</li> <li>winery/brewery</li> </ul> <p>ENTERTAINMENT USES</p> <ul style="list-style-type: none"> <li>golf course, driving range</li> </ul> <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> <li>cemetery</li> <li>church or place of worship</li> <li>utility facility, public and private</li> <li>*wireless communication facility (&lt;151 feet)</li> </ul> <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> <li>dwelling, single-family</li> <li>residential home for the disabled</li> </ul> <p>SERVICE USES</p> <ul style="list-style-type: none"> <li>bed and breakfast, tourist home</li> <li>lawn maintenance service (no bulk chemical storage)</li> <li>pest control (no bulk chemical storage)</li> <li>resort</li> <li>veterinarian</li> <li>well-drilling business</li> </ul>
<p>See Appendix A: Land Use Matrix for a complete list of uses.</p> <p>* Indicates use has specific development standards that apply. See Chapter 4: Use Development Standards. If located on the same lot as an agricultural use, the single-family dwelling is considered the primary use for purposes of the development standards.</p>	

## Development Standards - Large Lot Agriculture District (A-1)

Development Standard		Land Use	
		Single-Family Residential	Non-Residential
<b>Structure Standards</b>			
Maximum height of structure	Primary structure	30 feet	50 feet
	Accessory structure	30 feet	50 feet
Minimum living area on ground floor		800 sqft	NA
Minimum width of primary structure		18 feet	NA
<b>Lot Standards</b>			
Minimum road frontage and lot width		500 feet	500 feet
Minimum lot area	With sewer	40 acres	40 acres
	Without sewer	40 acres	40 acres
Minimum front yard setback (or average block setback, whichever is less. See Section A.5.b.iii of this Chapter.)	Principal arterial	50 feet	100 feet
	Minor arterial	40 feet	75 feet
	Collector street	30 feet	50 feet
	Local street	20 feet	25 feet
Minimum side yard setback	Primary structure	20 feet	50 feet
	Accessory structure	10 feet	5 feet
Minimum rear yard setback	Primary structure	20 feet	50 feet
	Accessory structure	10 feet	5 feet
Maximum impervious surface coverage		10%	10%
<b>Utility Standards</b>			
Municipal water and sewer required		No	No

## Additional Site Development Standards: Large Lot Agriculture District (A-1)

The following site development standards may also apply to development in this district. See Chapter 3: Site Development Standards.

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• Accessory Structure Standards</li> <li>• Architectural Standards</li> <li>• Circulation &amp; Parking Standards</li> <li>• Landscaping Standards</li> <li>• Lighting Standards</li> </ul> | <ul style="list-style-type: none"> <li>• Lot &amp; Setback Standards</li> <li>• Pond Construction Standards</li> <li>• Sign Standards</li> <li>• Storage Standards</li> <li>• Structure Standards</li> </ul> |
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### 3. Small-Lot Agriculture District (A-2).

**a. Purpose.** The Small Lot Agriculture District (A-2) is intended to provide for the protection, preservation, and enhancement of appropriate, less-intense agricultural uses on smaller lots. Residential development is permitted only by conditional use, which provides the opportunity to consider whether it is related to the operation and maintenance of agricultural uses in this district. This district is intended to be a buffer between more intense, large lot agricultural zoning and developed areas. This district should support future extension of urban infrastructure. All subdivisions require Subdivision approval. All non-residential developments require Development Plan Approval.

Land Uses - Small Lot Agriculture District (A-2)	
Permitted Uses	Conditional Uses
<p>ACCESSORY USES</p> <ul style="list-style-type: none"> <li>• beekeeping</li> <li>• chicken/poultry keeping</li> <li>• *dwelling, accessory</li> <li>• farmers market</li> <li>• *hobby farm</li> <li>• *home occupation</li> <li>• roadside produce stand</li> <li>• *short-term rental (owner occupied)</li> <li>• *solar energy system, accessory</li> </ul> <p>AGRICULTURAL USES</p> <ul style="list-style-type: none"> <li>• agricultural product sales</li> <li>• grain storage</li> <li>• livestock production (not requiring IDEM permit)</li> <li>• livestock raising</li> <li>• orchard</li> <li>• row crop production</li> <li>• vineyard</li> <li>• wildlife/nature preserve</li> </ul> <p>ENTERTAINMENT USES</p> <ul style="list-style-type: none"> <li>• *campground, public or private</li> </ul> <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> <li>• park, dog</li> <li>• park, public</li> </ul>	<p>ACCESSORY USES</p> <ul style="list-style-type: none"> <li>• *agritourism</li> <li>• *short-term rental (not owner occupied)</li> <li>• *wind energy system, accessory</li> </ul> <p>AGRICULTURAL USES</p> <ul style="list-style-type: none"> <li>• greenhouse</li> <li>• plant nursery</li> <li>• *solar energy system, commercial</li> </ul> <p>COMMERCIAL USES</p> <ul style="list-style-type: none"> <li>• *special event facility (weddings, banquets)</li> <li>• winery/brewery</li> </ul> <p>ENTERTAINMENT USES</p> <ul style="list-style-type: none"> <li>• golf course, driving range</li> </ul> <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> <li>• cemetery</li> <li>• utility facility, public and private</li> <li>• *wireless communication facility</li> </ul> <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> <li>• dwelling, single-family</li> <li>• residential home for the disabled</li> </ul> <p>SERVICE USES</p> <ul style="list-style-type: none"> <li>• veterinarian</li> </ul>
<p>See Appendix A: Land Use Matrix for a complete list of uses.</p> <p>* Indicates use has specific development standards that apply. See Chapter 4: Use Development Standards. If located on the same lot as an agricultural use, the single-family dwelling is considered the primary use for purposes of the development standards.</p>	

## Development Standards - Small Lot Agriculture District (A-2)

Development Standard		Land Use	
		Single-Family Residential	Non-Residential
<b>Structure Standards</b>			
Maximum height of structure	Primary structure	30 feet	50 feet
	Accessory structure	30 feet	50 feet
Minimum living area on ground floor		800 sqft	NA
Minimum width of primary structure		18 feet	NA
<b>Lot Standards</b>			
Minimum road frontage and lot width		500 feet	500 feet
Minimum lot area	With sewer	10 acres	10 acres
	Without sewer	10 acres	10 acres
Minimum front yard setback (or average block setback, whichever is less. See Section A.5.b.iii of this Chapter.)	Principal arterial	50 feet	75 feet
	Minor arterial	40 feet	75 feet
	Collector street	30 feet	50 feet
	Local street	20 feet	25 feet
Minimum side yard setback	Primary structure	20 feet	50 feet
	Accessory structure	10 feet	5 feet
Minimum rear yard setback	Primary structure	20 feet	50 feet
	Accessory structure	10 feet	5 feet
Maximum impervious surface coverage		25%	25%
<b>Utility Standards</b>			
Municipal water and sewer required		No	No

## Additional Site Development Standards: Small Lot Agriculture District (A-2)

The following site development standards may also apply to development in this district. See Chapter 3: Site Development Standards.

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• Accessory Structure Standards</li> <li>• Architectural Standards</li> <li>• Circulation &amp; Parking Standards</li> <li>• Landscaping Standards</li> <li>• Lighting Standards</li> </ul> | <ul style="list-style-type: none"> <li>• Lot &amp; Setback Standards</li> <li>• Pond Construction Standards</li> <li>• Sign Standards</li> <li>• Storage Standards</li> <li>• Structure Standards</li> </ul> |
|--|--|

#### 4. Rural Residential District (RR).

**a. Purpose.** The Rural Residential District (RR) is intended to provide areas suitable for very low-density, single-family development which is adequately served by public utilities. Subdivisions are preferred over single lots. This district also allows less intensive agricultural uses as an accessory to the primary residential use. The RR District is intended to be located outside of denser development in the incorporated area. All subdivisions require Subdivision approval. All non-residential developments require Development Plan Approval

Land Uses - Rural Residential District (RR)	
Permitted Uses	Conditional Uses
<p>ACCESSORY USES</p> <ul style="list-style-type: none"> <li>• beekeeping</li> <li>• chicken/poultry keeping</li> <li>• *dwelling, accessory</li> <li>• *hobby farm</li> <li>• *home occupation</li> <li>• roadside produce stand</li> <li>• *short-term rental (owner occupied)</li> <li>• *solar energy system, accessory</li> </ul> <p>AGRICULTURAL USES</p> <ul style="list-style-type: none"> <li>• row crop production</li> <li>• wildlife/nature preserve</li> </ul> <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> <li>• park, dog</li> <li>• park, public</li> </ul> <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> <li>• dwelling, single-family</li> <li>• residential home for the disabled</li> </ul>	<p>ACCESSORY USES</p> <ul style="list-style-type: none"> <li>• farmers market</li> <li>• *short-term rental (not owner occupied)</li> <li>• *wind energy system, accessory</li> </ul> <p>AGRICULTURAL USES</p> <ul style="list-style-type: none"> <li>• greenhouse</li> <li>• livestock raising</li> <li>• plant nursery</li> </ul> <p>COMMERCIAL USES</p> <ul style="list-style-type: none"> <li>• kennel, public</li> <li>• *special event facility (weddings, banquets)</li> </ul> <p>ENTERTAINMENT USES</p> <ul style="list-style-type: none"> <li>• golf course, driving range</li> </ul> <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> <li>• cemetery</li> <li>• church or place of worship</li> <li>• community center</li> <li>• convent/parish house</li> <li>• library/museum/art gallery</li> <li>• *wireless communication facility</li> </ul> <p>SERVICE USES</p> <ul style="list-style-type: none"> <li>• *adult day care facility</li> <li>• bed and breakfast, tourist home</li> <li>• child care center</li> <li>• child care home</li> </ul>
<p>See Appendix A: Land Use Matrix for a complete list of uses.            * Indicates use has specific development standards that apply. See Chapter 4: Use Development Standards.</p>	



Development Standards - Rural Residential District (RR)			
Development Standard		Land Use	
		Single-Family Residential	Non-Residential
<b>Structure Standards</b>			
Maximum height of structure	Primary structure	30 feet	30 feet
	Accessory structure	25 feet	18 feet
Minimum living area on ground floor		800 sqft	NA
Minimum width of primary structure		18 feet	NA
<b>Lot Standards</b>			
Minimum road frontage and lot width		100 feet	250 feet
Minimum lot area	With sewer	2 acres	NA
	Without sewer	2 acres	5 acres
Minimum front yard setback (or average block setback, whichever is less. See Section A.5.b.iii of this Chapter.)	Principal arterial	75 feet	75 feet
	Minor arterial	75 feet	75 feet
	Collector street	40 feet	50 feet
	Local street	25 feet	40 feet
Minimum side yard setback	Primary structure	20 feet	50 feet
	Accessory structure	10 feet	5 feet
Minimum rear yard setback	Primary structure	20 feet	50 feet
	Accessory structure	10 feet	5 feet
Maximum impervious surface coverage		25%	25%
<b>Utility Standards</b>			
Municipal water and sewer required		No	No

### Additional Site Development Standards: Rural Residential District (RR)

The following site development standards may also apply to development in this district. See Chapter 3: Site Development Standards.

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• Accessory Structure Standards</li> <li>• Architectural Standards</li> <li>• Circulation &amp; Parking Standards</li> <li>• Landscaping Standards</li> <li>• Lighting Standards</li> </ul> | <ul style="list-style-type: none"> <li>• Lot &amp; Setback Standards</li> <li>• Pond Construction Standards</li> <li>• Sign Standards</li> <li>• Storage Standards</li> <li>• Structure Standards</li> </ul> |
|--|--|

## 5. Single-family Residential – Large Lot District (SF-1).

**a. Purpose.** The Single-family Residential – Large Lot District (SF-1) is intended to provide areas suitable for locations for the creation of large-lots for low-density residential living adequately served by public utilities and infrastructure. All subdivisions require Subdivision approval. All non-residential developments require Development Plan Approval.

Land Uses - Single-family Residential – Large Lot District (SF-1)	
Permitted Uses	Conditional Uses
<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>• beekeeping</li> <li>• chicken/poultry keeping</li> <li>• *dwelling, accessory</li> <li>• *hobby farm</li> <li>• *home occupation</li> <li>• *short-term rental (owner occupied)</li> <li>• *solar energy system, accessory</li> </ul> <p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>• park, dog</li> <li>• park, public</li> </ul> <p><b>RESIDENTIAL USES</b></p> <ul style="list-style-type: none"> <li>• dwelling, single-family</li> <li>• residential home for the disabled</li> </ul>	<p><b>ACCESSORY USES</b></p> <ul style="list-style-type: none"> <li>• *short-term rental (not owner occupied)</li> </ul> <p><b>AGRICULTURAL USES</b></p> <ul style="list-style-type: none"> <li>• plant nursery</li> </ul> <p><b>ENTERTAINMENT USES</b></p> <ul style="list-style-type: none"> <li>• golf course, driving range</li> </ul> <p><b>INSTITUTIONAL USES</b></p> <ul style="list-style-type: none"> <li>• cemetery</li> <li>• church or place of worship</li> <li>• community center</li> <li>• convent/parish house</li> <li>• library/museum/art gallery</li> </ul> <p><b>SERVICE USES</b></p> <ul style="list-style-type: none"> <li>• *adult day care facility</li> <li>• bed and breakfast, tourist home</li> <li>• child care center</li> <li>• child care home</li> </ul>
<p>See Appendix A: Land Use Matrix for a complete list of uses.</p> <p>* Indicates use has specific development standards that apply. See Chapter 4: Use Development Standards.</p>	

## Development Standards - Single-family Residential - Large Lot District (SF-1)

Development Standard		Land Use	
		Single-Family Residential	Non-Residential
<b>Structure Standards</b>			
Maximum height of structure	Primary structure	30 feet	30 feet
	Accessory structure	15 feet	18 feet
Minimum living area on ground floor		800 sqft	NA
Minimum width of primary structure		18 feet	NA
<b>Lot Standards</b>			
Minimum road frontage and lot width		100 feet	250 feet
Minimum lot area		21,780 sqft	NA
Minimum front yard setback (or average block setback, whichever is less. See Section A.5.b.iii of this Chapter.)	Principal arterial	75 feet	75 feet
	Minor arterial	75 feet	75 feet
	Collector street	40 feet	50 feet
	Local street	25 feet	40 feet
Minimum side yard setback	Primary structure	10 feet	50 feet
	Accessory structure	5 feet	5 feet
Minimum rear yard setback	Primary structure	25 feet	50 feet
	Accessory structure	5 feet	5 feet
Maximum impervious surface coverage		30%	30%
<b>Utility Standards</b>			
Municipal water and sewer required		Yes	Yes

## Additional Site Development Standards: Single-family Residential - Large Lot District (SF-1)

The following site development standards may also apply to development in this district. See Chapter 3: Site Development Standards.

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• Accessory Structure Standards</li> <li>• Architectural Standards</li> <li>• Circulation &amp; Parking Standards</li> <li>• Landscaping Standards</li> <li>• Lighting Standards</li> </ul> | <ul style="list-style-type: none"> <li>• Lot &amp; Setback Standards</li> <li>• Pond Construction Standards</li> <li>• Sign Standards</li> <li>• Storage Standards</li> <li>• Structure Standards</li> </ul> |
|--|--|



## 6. Single-family Residential – Medium Lot District (SF-2).

**a. Purpose.** The Single-family Residential – Medium Lot District (SF-2) is intended to provide areas suitable for the creation of moderately sized lots for medium-density residential living adequately served by public utilities and infrastructure. All subdivisions require Subdivision approval. All non-residential developments require Development Plan Approval.

Land Uses - Single-family Residential – Medium Lot District (SF-2)	
Permitted Uses	Conditional Uses
<p>ACCESSORY USES</p> <ul style="list-style-type: none"> <li>• beekeeping</li> <li>• chicken/poultry keeping</li> <li>• *dwelling, accessory</li> <li>• *home occupation</li> <li>• *short-term rental (owner occupied)</li> <li>• *solar energy system, accessory</li> </ul> <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> <li>• park, dog</li> <li>• park, public</li> </ul> <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> <li>• dwelling, single-family</li> <li>• residential home for the disabled</li> </ul>	<p>ACCESSORY USES</p> <ul style="list-style-type: none"> <li>• *short-term rental (not owner occupied)</li> </ul> <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> <li>• community center</li> <li>• library/museum/art gallery</li> </ul> <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> <li>• dwelling, two-family</li> </ul> <p>SERVICE USES</p> <ul style="list-style-type: none"> <li>• *adult day care facility</li> <li>• child care center</li> <li>• child care home</li> </ul>
<p>See Appendix A: Land Use Matrix for a complete list of uses.</p> <p>* Indicates use has specific development standards that apply. See Chapter 4: Use Development Standards.</p>	

## Development Standards - Single-family Residential – Medium Lot District (SF-2)

Development Standard		Land Use	
		Single-family and Two-family Residential	Non-Residential
<b>Structure Standards</b>			
Maximum height of structure	Primary structure	30 feet	30 feet
	Accessory structure	15 feet	18 feet
Minimum living area on ground floor		800 sqft per unit	NA
Minimum width of primary structure		18 feet	NA
<b>Lot Standards</b>			
Minimum road frontage and lot width		60 feet	60 feet
Minimum lot area		<ul style="list-style-type: none"> <li>• 10,890 sqft for single-family</li> <li>• 9,000 sqft per unit for two-family</li> </ul>	21,780 sqft
Minimum front yard setback (or average block setback, whichever is less. See Section A.5.b.iii of this Chapter.)	Principal arterial	75 feet	75 feet
	Minor arterial	75 feet	75 feet
	Collector street	40 feet	50 feet
	Local street	25 feet	40 feet
Minimum side yard setback	Primary structure	10 feet	50 feet
	Accessory structure	5 feet	10 feet
Minimum rear yard setback	Primary structure	25 feet	50 feet
	Accessory structure	5 feet	10 feet
Maximum impervious surface coverage		40%	60%
<b>Utility Standards</b>			
Municipal water and sewer required		Yes	Yes

## Additional Site Development Standards: Single-family Residential – Medium Lot District (SF-2)

The following site development standards may also apply to development in this district. See Chapter 3: Site Development Standards.

<ul style="list-style-type: none"> <li>• Accessory Structure Standards</li> <li>• Architectural Standards</li> <li>• Circulation &amp; Parking Standards</li> <li>• Landscaping Standards</li> <li>• Lighting Standards</li> </ul>	<ul style="list-style-type: none"> <li>• Lot &amp; Setback Standards</li> <li>• Pond Construction Standards</li> <li>• Sign Standards</li> <li>• Storage Standards</li> <li>• Structure Standards</li> </ul>
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## 7. Single-family Residential – Small Lot District (SF-3).

**a. Purpose.** The Single-family Residential – Small Lot District (SF-3) is intended to provide areas suitable for the creation of smaller sized lots for moderately -high density residential living adequately served by public utilities and infrastructure. All subdivisions require Subdivision approval. All non-residential developments require Development Plan Approval.

### Land Uses - Single-family Residential – Small Lot District (SF-3)

Permitted Uses	Conditional Uses
<p>ACCESSORY USES</p> <ul style="list-style-type: none"> <li>*dwelling, accessory</li> <li>*home occupation</li> <li>*short-term rental (owner occupied)</li> <li>*solar energy system, accessory</li> </ul> <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> <li>park, dog</li> <li>park, public</li> </ul> <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> <li>dwelling, single-family</li> <li>dwelling, two-family</li> <li>residential home for the disabled</li> </ul>	<p>ACCESSORY USES</p> <ul style="list-style-type: none"> <li>beekeeping</li> <li>chicken/poultry keeping</li> <li>*short-term rental (not owner occupied)</li> </ul> <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> <li>community center</li> <li>library/museum/art gallery</li> </ul> <p>SERVICE USES</p> <ul style="list-style-type: none"> <li>child care center</li> <li>child care home</li> </ul>
<p>See Appendix A: Land Use Matrix for a complete list of uses.            * Indicates use has specific development standards that apply. See Chapter 4: Use Development Standards.</p>	



### Development Standards - Single-family Residential - Small Lot District (SF-3)

Development Standard		Land Use	
		Single-family and Two-family Residential	Non-Residential
<b>Structure Standards</b>			
Maximum height of structure	Primary structure	30 feet	30 feet
	Accessory structure	15 feet	18 feet
Minimum living area on ground floor		800 sqft per unit	NA
Minimum width of primary structure		18 feet	NA
<b>Lot Standards</b>			
Minimum road frontage and lot width		60 feet	60 feet
Minimum lot area		<ul style="list-style-type: none"> <li>• 7,350 sqft for single-family</li> <li>• 6,000 sqft per unit for two-family</li> </ul>	21,780 sqft
Minimum front yard setback (or average block setback, whichever is less. See Section A.5.b.iii of this Chapter.)	Principal arterial	75 feet	75 feet
	Minor arterial	75 feet	75 feet
	Collector street	40 feet	50 feet
	Local street	25 feet	40 feet
Minimum side yard setback	Primary structure	10 feet	50 feet
	Accessory structure	5 feet	10 feet
Minimum rear yard setback	Primary structure	25 feet	50 feet
	Accessory structure	5 feet	10 feet
Maximum impervious surface coverage		40%	60%
<b>Utility Standards</b>			
Municipal water and sewer required		Yes	Yes

### Additional Site Development Standards: Single-family Residential - Small Lot District (SF-3)

The following site development standards may also apply to development in this district. See Chapter 3: Site Development Standards.

<ul style="list-style-type: none"> <li>• Accessory Structure Standards</li> <li>• Architectural Standards</li> <li>• Circulation &amp; Parking Standards</li> <li>• Landscaping Standards</li> <li>• Lighting Standards</li> </ul>	<ul style="list-style-type: none"> <li>• Lot &amp; Setback Standards</li> <li>• Pond Construction Standards</li> <li>• Sign Standards</li> <li>• Storage Standards</li> <li>• Structure Standards</li> </ul>
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## 8. Single-family Residential – Traditional Lot District (SF-4).

**a. Purpose.** Single-family Residential – Traditional Lot District (SF-4) is intended to provide areas suitable for the creation of new neighborhoods that embrace traditional neighborhood development (TND) design principles. This includes smaller lots, shallow front setbacks, alleys where appropriate, pedestrian comfort, and architectural features like front porches. The district is also intended to be adequately served by public utilities and infrastructure. All subdivisions require Subdivision approval. All non-residential developments require Development Plan Approval.

Land Uses - Single-family Residential - Traditional Lot District (SF-4)	
Permitted Uses	Conditional Uses
<p>ACCESSORY USES</p> <ul style="list-style-type: none"> <li>*dwelling, accessory</li> <li>*home occupation</li> <li>*short-term rental (owner occupied)</li> <li>*solar energy system, accessory</li> </ul> <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> <li>church or place of worship</li> <li>park, dog</li> <li>park, public</li> </ul> <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> <li>dwelling, multi-family</li> <li>dwelling, single-family</li> <li>dwelling, two-family</li> <li>residential home for the disabled</li> </ul>	<p>ACCESSORY USES</p> <ul style="list-style-type: none"> <li>beekeeping</li> <li>chicken/poultry keeping</li> <li>*short-term rental (not owner occupied)</li> </ul> <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> <li>community center</li> <li>comprehensive care facility</li> <li>convent/parish house</li> <li>library/museum/art gallery</li> </ul> <p>SERVICE USES</p> <ul style="list-style-type: none"> <li>bed and breakfast, tourist home</li> <li>child care center</li> <li>child care home</li> </ul>
<p>See Appendix A: Land Use Matrix for a complete list of uses.</p> <p>* Indicates use has specific development standards that apply. See Chapter 4: Use Development Standards.</p>	

Additional Site Development Standards: Single-family Residential – Traditional Lot District (SF-4)	
<p>The following site development standards may also apply to development in this district.</p> <p>See Chapter 3: Site Development Standards.</p>	
<ul style="list-style-type: none"> <li>Accessory Structure Standards</li> <li>Architectural Standards</li> <li>Circulation &amp; Parking Standards</li> <li>Landscaping Standards</li> <li>Lighting Standards</li> </ul>	<ul style="list-style-type: none"> <li>Lot &amp; Setback Standards</li> <li>Pond Construction Standards</li> <li>Sign Standards</li> <li>Storage Standards</li> <li>Structure Standards</li> </ul>

## Development Standards - Single-family Residential - Traditional Lot District (SF-4)

Development Standard		Land Use			
		Detached Single-family and Two-family Residential	Attached Single-family	Multi-family Residential	Non-Residential
<b>Structure Standards</b>					
Maximum height of structure	Primary structure	30 feet	30 feet	40 feet	40 feet
	Accessory structure	15 feet	15 feet	15 feet	15 feet
Minimum living area		800 sqft per unit on ground floor	800 sqft per unit on ground floor	500 sqft per unit	NA
Minimum width of primary structure		18 feet	20 feet	NA	NA
<b>Lot Standards</b>					
Minimum road frontage and lot width		50 feet	20 feet	50 feet	50 feet
Minimum lot area		7,200 sqft per unit	2,000 sqft	3,500 sqft per unit	NA
Minimum front yard setback (or average block setback, whichever is less. See Section A.5.b.iii of this Chapter.)	Principal arterial	75 feet	75 feet	75 feet	75 feet
	Minor arterial	75 feet	75 feet	75 feet	75 feet
	Collector street	25 feet	25 feet	25 feet	25 feet
	*Local street	25 feet	25 feet	25 feet	25 feet
Minimum side yard setback	Primary structure	10 feet	0 feet if shared wall/ 10 feet if end unit	5 feet	10 feet
	Accessory structure	5 feet	5 feet	5 feet	5 feet
Minimum rear yard setback	Primary structure	25 feet	25 feet	10 feet	10 feet
	Accessory structure	5 feet	5 feet	5 feet	5 feet
Maximum impervious surface coverage		50%	85%	50%	50%
<b>Utility Standards</b>					
Municipal water and sewer required		Yes	Yes	Yes	Yes

\*On a Local Street, a residence with a front loading garage shall abide by the 25' minimum front yard setback or average block setback, whichever is less. **\*\*Front load garages used by attached units must use a frontage/access road off the local roadway.** Garages that are rear or side load can utilize a 10' minimum front yard setback or average block setback, whichever is less.

## 9. Residential Core Conservancy District (RC).

**a. Purpose.** Residential Core Conservancy District (RC) is intended to protect the character of established core residential areas that may be subject to infill development and redevelopment. This district requires that new development and redevelopment follow the established bulk, siting and design characteristics, including smaller lots, shallow front setbacks, similar garages (type, size and placement), alleys where appropriate, pedestrian comfort, similar primary structure scale, and architectural features like front porches. The district must be adequately served by public utilities and infrastructure. All subdivisions require Subdivision approval. All non-residential developments require Development Plan Approval.

Land Uses - Residential Core Conservancy District (RC)	
Permitted Uses	Conditional Uses
<p>ACCESSORY USES</p> <ul style="list-style-type: none"> <li>*dwelling, accessory</li> <li>*home occupation</li> <li>*short-term rental (owner occupied)</li> <li>*solar energy system, accessory</li> </ul> <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> <li>church or place of worship</li> <li>park, public</li> </ul> <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> <li>dwelling, multi-family</li> <li>dwelling, single-family</li> <li>dwelling, two-family</li> <li>residential home for the disabled</li> </ul>	<p>ACCESSORY USES</p> <ul style="list-style-type: none"> <li>beekeeping</li> <li>chicken/poultry keeping</li> <li>*short-term rental (not owner occupied)</li> </ul> <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> <li>community center</li> <li>comprehensive care facility</li> <li>convent/parish house</li> <li>library/museum/art gallery</li> </ul> <p>SERVICE USES</p> <ul style="list-style-type: none"> <li>bed and breakfast, tourist home</li> <li>child care center</li> <li>child care home</li> </ul>
<p>See Appendix A: Land Use Matrix for a complete list of uses.</p> <p>* Indicates use has specific development standards that apply. See Chapter 4: Use Development Standards.</p>	

Additional Site Development Standards - Residential Core Conservancy District (RC)	
<p>The following site development standards may also apply to development in this district.</p> <p>See Chapter 3: Site Development Standards.</p>	
<ul style="list-style-type: none"> <li>Accessory Structure Standards</li> <li>Architectural Standards</li> <li>Appendix C: Additional Solar Panel Standards</li> <li>Circulation &amp; Parking Standards</li> <li>Landscaping Standards</li> </ul>	<ul style="list-style-type: none"> <li>Lighting Standards</li> <li>Lot &amp; Setback Standards</li> <li>Pond Construction Standards</li> <li>Sign Standards</li> <li>Storage Standards</li> <li>Structure Standards</li> </ul>



## Development Standards - Residential Core Conservancy District (RC)

Development Standard		Land Use			
		Detached Single-family and Two-family Residential	Attached Single-family	Multi-family Residential	Non-Residential
<b>Structure Standards</b>					
Height of structure	Primary structure	Same number of stories as majority of existing primary structures on block			
	Accessory structure	15 feet maximum	15 feet maximum	15 feet maximum	15 feet maximum
Minimum living area		800 sqft per unit on ground floor	800 sqft per unit on ground floor	500 sqft per unit	NA
Maximum living area		25% larger than largest existing residence on block	25% larger than largest existing residence on block	NA	NA
Minimum width of primary structure		18 feet	20 feet	NA	NA
Front porch required		Yes	Yes, or overhang or entry feature	No	No
<b>Lot Standards</b>					
Minimum road frontage and lot width		50 feet	20 feet	50 feet	50 feet
Minimum lot area		7,200 sqft	2,000 sqft	3,500 sqft per unit	NA
Maximum lot area		10,000 sqft	NA	NA	NA
Maximum front yard setback		5' more than average block setback			
Minimum front yard setback (or average block setback, whichever is less. See Section A.5.b.iii of this Chapter.)	Principal arterial	75 feet	75 feet	75 feet	75 feet
	Minor arterial	75 feet	75 feet	75 feet	75 feet
	Collector street	25 feet	25 feet	25 feet	25 feet
	*Local street	25 feet	25 feet	25 feet	25 feet
Minimum side yard setback	Primary structure	7.5 feet	0 feet if shared wall/ 7.5 feet if end unit	7.5 feet	7.5 feet
	Accessory structure	5 feet	5 feet	5 feet	5 feet
Minimum rear yard setback	Primary structure	10 feet	25 feet	10 feet	10 feet
	Accessory structure	5 feet	5 feet	5 feet	5 feet
Maximum impervious surface coverage		50%	85 %	50%	50%
<b>Utility Standards</b>					
Municipal water and sewer required		Yes	Yes	Yes	Yes

\*On a Local Street, a residence with a front loading garage shall abide by the 25' minimum front yard setback or average block setback, whichever is less. **\*\*Front load garages used by attached units must use a frontage/access road off the local roadway.** Garages that are rear or side load can utilize a 10' minimum front yard setback or average block setback, whichever is less.

## 10. Multi-family Residential – Low-density District (MF-1).

**a. Purpose.** The Multi-family Residential – Low-density District (MF-1) is intended to provide areas suitable for lower density, low profile single-family, duplex, and multi-family residences, adequately served by public utilities and infrastructure. These residences may be developed as multiple attached units on one lot or on multiple lots separated by lot lines at a common wall. All subdivisions require Subdivision approval. All non-residential developments require Development Plan Approval.

Land Uses - Multi-family Residential – Low-density District (MF-1)	
Permitted Uses	Conditional Uses
<p>ACCESSORY USES</p> <ul style="list-style-type: none"> <li>*home occupation</li> <li>*solar energy system, accessory</li> </ul> <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> <li>park, dog</li> <li>park, public</li> </ul> <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> <li>dwelling, multi-family</li> <li>dwelling, two-family</li> <li>residential home for the disabled</li> </ul>	<p>ENTERTAINMENT USES</p> <ul style="list-style-type: none"> <li>golf course, driving range</li> </ul> <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> <li>cemetery</li> <li>community center</li> <li>comprehensive care facility</li> <li>convent/parish house</li> <li>library/museum/art gallery</li> </ul> <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> <li>dwelling, single-family</li> <li>*manufactured home park</li> </ul> <p>SERVICE USES</p> <ul style="list-style-type: none"> <li>child care center</li> <li>child care home</li> </ul>
<p>See Appendix A: Land Use Matrix for a complete list of uses.            * Indicates use has specific development standards that apply. See Chapter 4: Use Development Standards.</p>	

Additional Site Development Standards - Multi-family Residential – Low-density District (MF-1)	
<p>The following site development standards may also apply to development in this district.            See Chapter 3: Site Development Standards.</p>	
<ul style="list-style-type: none"> <li>Accessory Structure Standards</li> <li>Architectural Standards</li> <li>Circulation &amp; Parking Standards</li> <li>Landscaping Standards</li> <li>Lighting Standards</li> </ul>	<ul style="list-style-type: none"> <li>Lot &amp; Setback Standards</li> <li>Pond Construction Standards</li> <li>Sign Standards</li> <li>Storage Standards</li> <li>Structure Standards</li> </ul>

## Development Standards - Multi-family Residential – Low-density District (MF-1)

Development Standard		Land Use		
		Single-family and Two-family Residential	Multi-family Residential	Non-Residential
<b>Structure Standards</b>				
Maximum height of structure	Primary structure	30 feet	40 feet	40 feet
	Accessory structure	15 feet	15 feet	15 feet
Minimum living area		800 sqft per unit on ground floor	700 sqft per unit	NA
Minimum width of primary structure		18 feet	NA	NA
<b>Lot Standards</b>				
Minimum road frontage and lot width		50 feet	50 feet	50 feet
Minimum lot area		9,000 sqft	4,500 sqft per unit	NA
Minimum front yard setback (or average block setback, whichever is less. See Section A.5.b.iii of this Chapter.)	Principal arterial	75 feet	75 feet	75 feet
	Minor arterial	75 feet	75 feet	75 feet
	Collector street	40 feet	50 feet	50 feet
	Local street	25 feet	40 feet	40 feet
Minimum side yard setback	Primary structure	10 feet	10 feet	10 feet
	Accessory structure	5 feet	5 feet	5 feet
Minimum rear yard setback	Primary structure	10 feet	10 feet	10 feet
	Accessory structure	5 feet	5 feet	5 feet
Maximum impervious surface coverage		40%	40%	40%
<b>Utility Standards</b>				
Municipal water and sewer required		Yes	Yes	Yes



## 11. Multi-family Residential – Medium-density District (MF-2).

**a. Purpose.** The Multi-family Residential – Medium-density District (MF-2) is intended to provide areas suitable for moderate density, commercial scale multi-family uses, such as apartment complexes. All subdivisions require Subdivision approval. All non-residential developments require Development Plan Approval.

Land Uses - Multi-family Residential – Medium-density District (MF-2)	
Permitted Uses	Conditional Uses
<p>ACCESSORY USES</p> <ul style="list-style-type: none"> <li>*solar energy system, accessory</li> </ul> <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> <li>park, dog</li> <li>park, public</li> </ul> <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> <li>dwelling, multi-family</li> <li>dwelling, two-family</li> <li>residential home for the disabled</li> </ul>	<p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> <li>cemetery</li> <li>community center</li> <li>comprehensive care facility</li> <li>library/museum/art gallery</li> </ul> <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> <li>dwelling, single-family</li> <li>*manufactured home park</li> </ul> <p>SERVICE USES</p> <ul style="list-style-type: none"> <li>child care center</li> <li>child care home</li> </ul>
<p>See Appendix A: Land Use Matrix for a complete list of uses.</p> <p>* Indicates use has specific development standards that apply. See Chapter 4: Use Development Standards.</p>	

Additional Site Development Standards - Multi-family Residential – Medium-density District (MF-2)	
<p>The following site development standards may also apply to development in this district.</p> <p>See Chapter 3: Site Development Standards.</p>	
<ul style="list-style-type: none"> <li>Accessory Structure Standards</li> <li>Architectural Standards</li> <li>Circulation &amp; Parking Standards</li> <li>Landscaping Standards</li> <li>Lighting Standards</li> </ul>	<ul style="list-style-type: none"> <li>Lot &amp; Setback Standards</li> <li>Pond Construction Standards</li> <li>Sign Standards</li> <li>Storage Standards</li> <li>Structure Standards</li> </ul>

## Development Standards - Multi-family Residential - Medium-density District (MF-2)

Development Standard		Land Use		
		Single-family and Two-family Residential	Multi-family Residential	Non-Residential
<b>Structure Standards</b>				
Maximum height of structure	Primary structure	30 feet	40 feet	40 feet
	Accessory structure	15 feet	15 feet	15 feet
Minimum living area		1,000 sqft per unit on ground floor	500 sqft per unit	NA
Minimum width of primary structure		18 feet	NA	NA
<b>Lot Standards</b>				
Minimum road frontage and lot width		50 feet	50 feet	50 feet
Minimum lot area		7,200 sqft	3,500 sqft per unit	NA
Minimum front yard setback (or average block setback, whichever is less. See Section A.5.b.iii of this Chapter.)	Principal arterial	75 feet	75 feet	75 feet
	Minor arterial	75 feet	75 feet	75 feet
	Collector street	40 feet	50 feet	50 feet
	Local street	25 feet	40 feet	40 feet
Minimum side yard setback	Primary structure	10 feet	10 feet	10 feet
	Accessory structure	5 feet	5 feet	5 feet
Minimum rear yard setback	Primary structure	10 feet	10 feet	10 feet
	Accessory structure	5 feet	5 feet	5 feet
Maximum impervious surface coverage		50%	50%	50%
<b>Utility Standards</b>				
Municipal water and sewer required		Yes	Yes	Yes

## 12. Institutional District (I).

**a. Purpose.** The Institutional District (I) is intended to provide areas suitable for community public and non-profit uses, adequately served by public utilities and infrastructure. This district is intended for churches, hospitals, schools, government buildings, and similar uses either as a single structure or as part of a campus-type development. All subdivisions require Subdivision approval. All non-residential developments require Development Plan Approval.

Land Uses - Institutional District (I)	
Permitted Uses	Conditional Uses
<p>ACCESSORY USES</p> <ul style="list-style-type: none"> <li>farmers market</li> <li>*solar energy system, accessory</li> </ul> <p>BUSINESS USES</p> <ul style="list-style-type: none"> <li>local, regional, state, and federal agency</li> </ul> <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> <li>cemetery</li> <li>church or place of worship</li> <li>community center</li> <li>comprehensive care facility</li> <li>convent/parish house</li> <li>fire station</li> <li>hospital</li> <li>laboratory</li> <li>library/museum/art gallery</li> <li>mental health center</li> <li>park, dog</li> <li>park, public</li> <li>post office</li> <li>school, college and university</li> <li>school, primary and secondary</li> </ul> <p>SERVICE USES</p> <ul style="list-style-type: none"> <li>*adult day care facility</li> <li>child care center</li> <li>child care home</li> <li>clinic</li> </ul>	<p>ACCESSORY USES</p> <ul style="list-style-type: none"> <li>*hobby farm</li> </ul> <p>AGRICULTURAL USES</p> <ul style="list-style-type: none"> <li>wildlife/nature preserve</li> <li>*solar energy system, commercial</li> </ul> <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> <li>rehabilitation center/penitentiary</li> </ul>
<p>See Appendix A: Land Use Matrix for a complete list of uses.</p> <p>* Indicates use has specific development standards that apply. See Chapter 4: Use Development Standards.</p>	

Development Standards - Institutional District (I)		
Development Standard		Land Use
		Non-Residential
Structure Standards		
Maximum height of structure	Primary structure	55 feet
	Accessory structure	18 feet
Lot Standards		
Minimum road frontage and lot width		40 feet
Minimum lot area		6,000 sqft
Minimum front yard setback (or average block setback, whichever is less. See Section A.5.b.iii of this Chapter.)	Principal arterial	75 feet
	Minor arterial	75 feet
	Collector street	50 feet
	Local street	40 feet
Minimum side yard setback	Primary structure	10 feet
	Accessory structure	5 feet
Minimum rear yard setback	Primary structure	10 feet
	Accessory structure	5 feet
Maximum impervious surface coverage		70%
Utility Standards		
Municipal water and sewer required		Yes

### Additional Site Development Standards: Institutional District (I)

The following site development standards may also apply to development in this district. See Chapter 3: Site Development Standards.

<ul style="list-style-type: none"> <li>• Accessory Structure Standards</li> <li>• Architectural Standards</li> <li>• Circulation &amp; Parking Standards</li> <li>• Landscaping Standards</li> <li>• Lighting Standards</li> </ul>	<ul style="list-style-type: none"> <li>• Lot &amp; Setback Standards</li> <li>• Pond Construction Standards</li> <li>• Sign Standards</li> <li>• Storage Standards</li> <li>• Structure Standards</li> </ul>
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### 13. Downtown Business District (DB).

**a. Purpose.** The Downtown Business District (DB) is intended to recognize the distinct appearance and character of Pendleton's downtown and its function as the activity center of the community. The district is mixed-use in nature, meant to support a dynamic variety of retail, entertainment, restaurant, service, institutional, office and residential uses, adequately served by public utilities and infrastructure. This DB district supports continued use of existing historic structures while allowing compatible infill development and redevelopment. The intent is to preserve the unique physical pattern of the area while ensuring pedestrian comfort. All subdivisions require Subdivision approval. All non-residential developments require Development Plan Approval.

*Any infill or exterior rehabilitation of buildings within the Local Historic District, which currently includes all DB zoned parcels, requires additional architectural and preservation standards that must be approved by the Historic Preservation Commission (HPC). The Historic Preservation District Design Guidelines can be found on the HPC web page on the Town's website. Development within this district as such requires a Certificate of Appropriateness (COA) before construction of any sort can begin.*

Land Uses - Downtown Business District (DB)	
Permitted Uses	Conditional Uses
<p>ACCESSORY USES</p> <ul style="list-style-type: none"> <li>• atm machine</li> <li>• food truck</li> <li>• *solar energy system, accessory</li> </ul> <p>BUSINESS USES</p> <ul style="list-style-type: none"> <li>• local, regional, state, and federal agency</li> <li>• professional/business office</li> </ul> <p>COMMERCIAL USES</p> <ul style="list-style-type: none"> <li>• liquor store</li> <li>• microbrewery</li> <li>• restaurant, sit-down with alcoholic beverages</li> <li>• restaurant, sit-down without alcoholic beverages</li> <li>• retail, general – small (&lt;=6,000 sqft floor area)</li> </ul> <p>ENTERTAINMENT USES</p> <ul style="list-style-type: none"> <li>• club/lodge</li> <li>• studio - art, music, dance</li> <li>• theater, movie</li> </ul> <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> <li>• church or place of worship</li> <li>• library/museum/art gallery</li> <li>• park, dog</li> <li>• park, public</li> <li>• post office</li> </ul> <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> <li>• dwelling, downtown (upper floors only)</li> </ul> <p>SERVICE USES</p> <ul style="list-style-type: none"> <li>• retail, service-oriented – small (&lt;=6,000 sqft floor area)</li> </ul>	<p>ACCESSORY USES</p> <ul style="list-style-type: none"> <li>• *short-term rental (not owner occupied)</li> <li>• *short-term rental (owner occupied)</li> </ul> <p>COMMERCIAL USES</p> <ul style="list-style-type: none"> <li>• parking structure</li> <li>• winery/brewery</li> </ul> <p>ENTERTAINMENT USES</p> <ul style="list-style-type: none"> <li>• athletic facility</li> <li>• billiard hall</li> <li>• bowling alley</li> <li>• game arcade</li> <li>• recreation center</li> <li>• theater, live</li> </ul> <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> <li>• community center</li> <li>• comprehensive care facility</li> <li>• laboratory</li> <li>• utility facility, public and private</li> </ul> <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> <li>• dwelling, two-family</li> </ul> <p>SERVICE USES</p> <ul style="list-style-type: none"> <li>• *adult day care facility</li> <li>• automobile service and gas station</li> <li>• automotive repair</li> <li>• bed and breakfast, tourist home</li> <li>• child care center</li> <li>• clinic</li> <li>• funeral home</li> <li>• hotel/motel</li> <li>• taxicab facility</li> </ul>
See Appendix A: Land Use Matrix for a complete list of uses. * Indicates use has specific development standards that apply. See Chapter 4: Use Development Standards.	

Development Standards - Downtown Business District (DB)				
Development Standard		Land Use		
		Single-family and Two-family Residential	Multi-family Residential	Non-Residential
Structure Standards				
Height of structure	Primary structure	Same number of stories as majority of existing primary structures on block or 45 feet maximum if no other primary structures on block		
	Accessory structure	15 feet maximum	15 feet maximum	15 feet maximum
Minimum living area		800 sqft per unit	500 sqft per unit	NA
Minimum width of primary structure		NA	NA	NA
Lot Standards				
Minimum road frontage and lot width		40 feet	40 feet	40 feet
Minimum lot area		7,200 sqft	2,500 sqft per unit	9,000 sqft
Front Yard Setback	Minimum	0 feet	0 feet	0 feet
	Maximum	10 feet	10 feet	10 feet
Minimum side yard setback	Primary structure	0 feet	0 feet	0 feet
	Accessory structure	0 feet	0 feet	0 feet
Minimum rear yard setback	Primary structure	10 feet	10 feet	10 feet
	Accessory structure	5 feet	5 feet	5 feet
Maximum impervious surface coverage		85%	85%	85%
Utility Standards				
Municipal water and sewer required		Yes	Yes	Yes

### Additional Site Development Standards: Downtown Business District (DB)

The following site development standards may also apply to development in this district. See Chapter 3: Site Development Standards.

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• Accessory Structure Standards</li> <li>• Architectural Standards</li> <li>• Appendix C: Additional Solar Panel Standards</li> <li>• Circulation &amp; Parking Standards</li> <li>• Historic Preservation Design Guidelines</li> <li>• Landscaping Standards</li> </ul> | <ul style="list-style-type: none"> <li>• Lighting Standards</li> <li>• Lot &amp; Setback Standards</li> <li>• Pond Construction Standards</li> <li>• Sign Standards</li> <li>• Storage Standards</li> <li>• Structure Standards</li> </ul> |
|---|--|

#### 14. Neighborhood Business District (NB).

**a. Purpose.** The Neighborhood Business District (NB) is intended to provide areas suitable for small-scale mixed-uses adequately served by public utilities and infrastructure, including convenience goods, services, and accessory uses. This district is meant to be walkable and bikeable, for easy access from nearby residential. This district should be protected from non-neighborhood serving land uses and businesses, with restrictions on maximum lot size, maximum building size, and prohibitions on auto-centric uses, including drive-thrus. All subdivisions require Subdivision approval. All non-residential developments require Development Plan Approval.

Land Uses - Neighborhood Business District (NB)		
Permitted Uses	Conditional Uses	
<p>ACCESSORY USES</p> <ul style="list-style-type: none"> <li>• food truck</li> <li>• *solar energy system, accessory</li> </ul> <p>AGRICULTURAL USES</p> <ul style="list-style-type: none"> <li>• greenhouse</li> </ul> <p>BUSINESS USES</p> <ul style="list-style-type: none"> <li>• local, regional, state, and federal agency</li> <li>• professional/business office</li> </ul> <p>COMMERCIAL USES</p> <ul style="list-style-type: none"> <li>• liquor store</li> <li>• microbrewery</li> <li>• pet sales</li> <li>• restaurant, sit-down with alcoholic beverages</li> <li>• restaurant, sit-down without alcoholic beverages</li> <li>• retail, general – medium (6,001-39,000 sqft floor area)</li> <li>• retail, general – small (&lt;=6,000 sqft floor area)</li> </ul> <p>ENTERTAINMENT USES</p> <ul style="list-style-type: none"> <li>• club/lodge</li> <li>• studio - art, music, dance</li> <li>• theater, movie</li> </ul> <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> <li>• church or place of worship</li> <li>• community center</li> <li>• park, dog</li> <li>• park, public</li> </ul> <p>SERVICE USES</p> <ul style="list-style-type: none"> <li>• child care center</li> <li>• child care home</li> <li>• hotel/motel</li> <li>• retail, service-oriented – medium (6,001-39,000 sqft floor area)</li> <li>• retail, service-oriented – small (&lt;=6,000 sqft floor area)</li> </ul>	<p>ACCESSORY USES</p> <ul style="list-style-type: none"> <li>• ATM machine</li> </ul> <p>AGRICULTURAL USES</p> <ul style="list-style-type: none"> <li>• plant nursery</li> </ul> <p>COMMERCIAL USES</p> <ul style="list-style-type: none"> <li>• kennel, public</li> <li>• monuments store</li> <li>• nightclub/tavern</li> <li>• parking structure</li> <li>• restaurant, drive-thru</li> <li>• tobacco/vape product sales</li> <li>• winery/brewery</li> </ul> <p>ENTERTAINMENT USES</p> <ul style="list-style-type: none"> <li>• athletic facility</li> <li>• billiard hall</li> <li>• bowling alley</li> <li>• game arcade</li> <li>• recreation center</li> <li>• skating rink</li> <li>• theater, live</li> </ul> <p>INDUSTRIAL USES</p> <ul style="list-style-type: none"> <li>• manufacturing, light</li> </ul> <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> <li>• comprehensive care facility</li> <li>• library/museum/art gallery</li> <li>• utility facility, public/private</li> </ul> <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> <li>• dwelling, downtown (upper floors only)</li> </ul>	<p>SERVICE USES</p> <ul style="list-style-type: none"> <li>• *adult day care facility</li> <li>• automobile service and gas station</li> <li>• automotive repair</li> <li>• car wash</li> <li>• clinic</li> <li>• equipment rental</li> <li>• funeral home</li> <li>• pawnbroker</li> <li>• resort</li> <li>• taxicab/transit facility</li> <li>• telephone, and express office</li> <li>• veterinarian</li> </ul>
<p>See Appendix A: Land Use Matrix for a complete list of uses.</p> <p>* Indicates use has specific development standards that apply. See Chapter 4: Use Development Standards.</p>		

Development Standards - Neighborhood Business District (NB)			
Development Standard			Land Use
			Non-Residential
Structure Standards			
Maximum height of structure	Primary structure		55 feet
	Accessory structure		18 feet
Lot Standards			
Minimum road frontage and lot width			30 feet
Lot area	Minimum area		6,000 sqft
	Maximum area		2 acres
Minimum front yard setback (or average block setback, whichever is less. See Section A.5.b.iii of this Chapter.)		Principal arterial	75 feet
		Minor arterial	75 feet
		Collector street	50 feet
		Local street	25 feet
Minimum side yard setback		Primary structure	20 feet
		Accessory structure	10 feet
Minimum rear yard setback		Primary structure	20 feet
		Accessory structure	10 feet
Maximum impervious surface coverage			60%
Utility Standards			
Municipal water and sewer required			Yes

### Additional Site Development Standards: Neighborhood Business District (NB)

The following site development standards may also apply to development in this district. See Chapter 3: Site Development Standards.

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• Accessory Structure Standards</li> <li>• Architectural Standards</li> <li>• Circulation &amp; Parking Standards</li> <li>• Landscaping Standards</li> <li>• Lighting Standards</li> </ul> | <ul style="list-style-type: none"> <li>• Lot &amp; Setback Standards</li> <li>• Pond Construction Standards</li> <li>• Sign Standards</li> <li>• Storage Standards</li> <li>• Structure Standards</li> </ul> |
|--|--|



## 15. General Business District (GB).

**a. Purpose.** The General Business District (GB) is intended to provide areas suitable for a variety of businesses adequately served by public utilities and infrastructure, which offer a variety of goods and services to the community and those who travel through the area. This zoning district is not intended for use along road corridors, but should instead be applied at significant intersections along major transportation routes. All subdivisions require Subdivision approval. All non-residential developments require Development Plan Approval.

Land Uses - General Business District (GB)		
Permitted Uses		Conditional Uses
<b>ACCESSORY USES</b> <ul style="list-style-type: none"> <li>• atm machine</li> <li>• food truck</li> <li>• *solar energy system, accessory</li> </ul> <b>BUSINESS USES</b> <ul style="list-style-type: none"> <li>• local, regional, state, and federal agency</li> <li>• professional/business office</li> </ul> <b>COMMERCIAL USES</b> <ul style="list-style-type: none"> <li>• automobile sales</li> <li>• automotive parts and supply (new)</li> <li>• gun sales</li> <li>• liquor store</li> <li>• restaurant, drive-thru</li> <li>• restaurant, sit-down with alcoholic beverages</li> <li>• restaurant, sit-down without alcoholic beverages</li> <li>• retail, general – medium (6,001-39,000 sqft floor area)</li> <li>• retail, general – small (&lt;=6,000 sqft floor area)</li> <li>• tobacco/vape product sales</li> </ul> <b>ENTERTAINMENT USES</b> <ul style="list-style-type: none"> <li>• athletic facility</li> <li>• batting and driving range</li> <li>• billiard hall</li> <li>• game arcade</li> <li>• miniature golf</li> <li>• recreation center</li> <li>• studio - art, music, dance</li> <li>• theater, live</li> <li>• theater, movie</li> </ul>	<b>INSTITUTIONAL USES</b> <ul style="list-style-type: none"> <li>• church or place of worship</li> <li>• library/museum/art gallery</li> <li>• utility facility, public and private</li> </ul> <b>SERVICE USES</b> <ul style="list-style-type: none"> <li>• automobile service and gas station</li> <li>• automotive repair</li> <li>• bank/financial institution</li> <li>• barber/beauty shop</li> <li>• child care center</li> <li>• copy services and printing shop</li> <li>• dry cleaning - no flammables</li> <li>• equipment rental</li> <li>• funeral home</li> <li>• health club</li> <li>• hotel/motel</li> <li>• janitorial service</li> <li>• photographer</li> <li>• resort</li> <li>• retail, service-oriented – medium (6,001-39,000 sqft floor area)</li> <li>• retail, service-oriented – small (&lt;=6,000 sqft floor area)</li> <li>• tanning, microblading, and massage spa</li> <li>• towing business</li> <li>• veterinarian</li> </ul>	<b>COMMERCIAL USES</b> <ul style="list-style-type: none"> <li>• kennel, public</li> <li>• retail, general - large/intense (&gt;=40,000 sqft floor area)</li> </ul> <b>SERVICE USES</b> <ul style="list-style-type: none"> <li>• retail, service-oriented - large/intense (&gt;=40,000 sqft floor area)</li> </ul>
See Appendix A: Land Use Matrix for a complete list of uses. * Indicates use has specific development standards that apply. See Chapter 4: Use Development Standards.		

Development Standards - General Business District (GB)			
Development Standard			Land Use
			Non-Residential
Structure Standards			
Maximum height of structure	Primary structure		55 feet
	Accessory structure		18 feet
Lot Standards			
Minimum road frontage and lot width			40 feet
Lot area	Minimum area		6,000 sqft
	Maximum area		5 acres
Minimum front yard setback (or average block setback, whichever is less. See Section A.5.b.iii of this Chapter.)		Principal arterial	75 feet
		Minor arterial	75 feet
		Collector street	50 feet
		Local street	40 feet
Minimum side yard setback		Primary structure	10 feet
		Accessory structure	5 feet
Minimum rear yard setback		Primary structure	10 feet
		Accessory structure	5 feet
Maximum impervious surface coverage			60%
Utility Standards			
Municipal water and sewer required			Yes

Additional Site Development Standards: General Business District (GB)	
The following site development standards may also apply to development in this district. See Chapter 3: Site Development Standards.	
<ul style="list-style-type: none"> <li>• Accessory Structure Standards</li> <li>• Architectural Standards</li> <li>• Circulation &amp; Parking Standards</li> <li>• Landscaping Standards</li> <li>• Lighting Standards</li> </ul>	<ul style="list-style-type: none"> <li>• Lot &amp; Setback Standards</li> <li>• Pond Construction Standards</li> <li>• Sign Standards</li> <li>• Storage Standards</li> <li>• Structure Standards</li> </ul>

## 16. Heavy Business District (HB).

**a. Purpose.** The Heavy Business District (HB) is intended to provide areas suitable for businesses, adequately served by public utilities and infrastructure that serve a regional market and/or require convenient access to high-volume transportation routes. These auto-oriented businesses are typically located along road corridors and may be more intense and/or larger in scale than the other business zoning districts, supporting uses such as “Big Box” type development and wholesale clubs. All subdivisions require Subdivision approval. All non-residential developments require Development Plan Approval.

Land Uses - Heavy Business District (HB)		
Permitted Uses		
<b>ACCESSORY USES</b> <ul style="list-style-type: none"> <li>atm machine</li> <li>farm equipment repair</li> <li>food truck</li> <li>*solar energy system, accessory</li> </ul> <b>BUSINESS USES</b> <ul style="list-style-type: none"> <li>local, regional, state, and federal agency</li> <li>professional/business office</li> </ul> <b>COMMERCIAL USES</b> <ul style="list-style-type: none"> <li>automobile sales</li> <li>bakery</li> <li>bicycle sales and repair</li> <li>clothing shop</li> <li>confectionery business</li> <li>consignment shop</li> <li>convenience store</li> <li>cosmetics store</li> <li>craft and hobby store</li> <li>drug store/pharmacy</li> <li>fabric store</li> <li>flea market</li> <li>florist</li> <li>grocery and food sales</li> <li>gun sales</li> <li>hardware store</li> <li>ice cream shop</li> <li>jewelry store</li> <li>liquor store</li> <li>medical equipment store</li> <li>monuments store</li> <li>musical instrument store</li> <li>office equipment and supply</li> <li>pet sales</li> <li>quilting material and supply shop</li> <li>restaurant, carry-out</li> </ul>	<b>COMMERCIAL USES cont.</b> <ul style="list-style-type: none"> <li>restaurant, drive-thru</li> <li>restaurant, sit-down with alcoholic beverages</li> <li>restaurant, sit-down with out alcoholic beverages</li> <li>retail, general - large/intense (&gt;=40,000 sqft floor area)</li> <li>sporting goods store</li> <li>tobacco/vape product sales</li> <li>toy store</li> </ul> <b>ENTERTAINMENT USES</b> <ul style="list-style-type: none"> <li>athletic facility</li> <li>batting and driving range</li> <li>billiard hall</li> <li>bowling alley</li> <li>miniature golf</li> <li>skating rink</li> <li>studio - art, music, dance</li> <li>theater, live</li> <li>theater, movie</li> </ul> <b>INSTITUTIONAL USES</b> <ul style="list-style-type: none"> <li>library/museum/art gallery</li> <li>utility facility, public and private</li> </ul> <b>SERVICE USES</b> <ul style="list-style-type: none"> <li>auction house</li> <li>automobile service and gas station</li> <li>automotive repair</li> <li>car wash</li> <li>clinic</li> <li>equipment rental</li> <li>funeral home</li> <li>retail, service-oriented - large/intense (&gt;=40,000 sqft floor area)</li> </ul>	<ul style="list-style-type: none"> <li>hotel/motel</li> <li>lawn maintenance service (no bulk chemical storage)</li> <li>pest control (no bulk chemical storage)</li> <li>retail, service-oriented - large/intense (&gt;=40,000 sqft floor area)</li> <li>towing business</li> </ul>
Conditional Uses		
		<b>SERVICE USES</b> <ul style="list-style-type: none"> <li>mini-warehousing/storage facility</li> <li>truck stop</li> </ul> <b>COMMERCIAL USES</b> <ul style="list-style-type: none"> <li>automobile and vehicle storage (no junk or salvage)</li> <li>sexually oriented business</li> </ul> <b>INSTITUTIONAL USES</b> <ul style="list-style-type: none"> <li>*wireless communication facility</li> </ul>
See Appendix A: Land Use Matrix for a complete list of uses. * Indicates use has specific development standards that apply. See Chapter 4: Use Development Standards.		

Development Standards - Heavy Business District (HB)			
Development Standard			Land Use
			Non-Residential
Structure Standards			
Maximum height of structure	Primary structure		55 feet
	Accessory structure		35 feet
Lot Standards			
Minimum road frontage and lot width			250 feet
Lot area	Minimum area		21,750 sqft
	Maximum area		10 acres
Minimum front yard setback (or average block setback, whichever is less. See Section A.5.b.iii of this Chapter.)		Principal arterial	75 feet
		Minor arterial	75 feet
		Collector street	60 feet
		Local street	50 feet
Minimum side yard setback		Primary structure	20 feet
		Accessory structure	10 feet
Minimum rear yard setback		Primary structure	20 feet
		Accessory structure	10 feet
Maximum impervious surface coverage			75%
Utility Standards			
Municipal water and sewer required			Yes

### Additional Site Development Standards: Heavy Business District (HB)

The following site development standards may also apply to development in this district. See Chapter 3: Site Development Standards.

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• Accessory Structure Standards</li> <li>• Architectural Standards</li> <li>• Circulation &amp; Parking Standards</li> <li>• Landscaping Standards</li> <li>• Lighting Standards</li> </ul> | <ul style="list-style-type: none"> <li>• Lot &amp; Setback Standards</li> <li>• Pond Construction Standards</li> <li>• Sign Standards</li> <li>• Storage Standards</li> <li>• Structure Standards</li> </ul> |
|--|--|

## 17. Light Industrial District (LI).

**a. Purpose.** The Light Industrial District (LI) is intended to provide areas suitable for light production, assembly, warehousing, research/development facilities, and similar land uses. This district is intended to be adequately served by public utilities and infrastructure and accommodate only those industrial uses completely contained within structures and not involving outdoor storage or operations. All subdivisions require Subdivision approval. All non-residential development require Development Plan Approval.

*Per the 2021 Interchange Master Plan, Light Industry is slated to be utilized in the Advanced Manufacturing and Technology District in a section of the Northeast Quadrant of the Plan. Any use or development within this designated area must meet the definition as listed below or as determined by the Administrator.*

*Use of innovative technologies to create existing products and the creation of new products using production activities that depend on information, automation, computation, software, sensing, and networking. It can also include STEM workforce development and training, research and development sites, innovation and collaboration incubators and educational sites.*

Land Uses - Light Industrial District (LI)		
Permitted Uses		Conditional Uses
<b>ACCESSORY USES</b> <ul style="list-style-type: none"> <li>• atm machine</li> <li>• farm equipment repair</li> <li>• *solar energy system, accessory</li> </ul> <b>AGRICULTURAL USES</b> <ul style="list-style-type: none"> <li>• plant nursery</li> </ul> <b>COMMERCIAL USES</b> <ul style="list-style-type: none"> <li>• parking structure</li> <li>• plumbing, heating and ac service and equipment</li> <li>• sexually oriented business</li> </ul> <b>ENTERTAINMENT USES</b> <ul style="list-style-type: none"> <li>• athletic facility</li> </ul> <b>INDUSTRIAL USES</b> <ul style="list-style-type: none"> <li>• distribution facility, wholesale</li> <li>• manufacturing, light</li> </ul> <b>INSTITUTIONAL USES</b> <ul style="list-style-type: none"> <li>• laboratory</li> </ul> <b>SERVICE USES</b> <ul style="list-style-type: none"> <li>• auction house</li> <li>• automobile service and gas station</li> <li>• automotive repair</li> <li>• car wash</li> <li>• contractor facility</li> </ul>	<b>SERVICE USES cont.</b> <ul style="list-style-type: none"> <li>• crematory</li> <li>• equipment rental</li> <li>• frozen food lockers</li> <li>• janitorial service</li> <li>• lawn maintenance service (no bulk chemical storage)</li> <li>• mini-warehousing/storage facility</li> <li>• moving and shipping business</li> <li>• pest control (no bulk chemical storage)</li> <li>• taxicab facility</li> <li>• telephone, and express office</li> <li>• towing business</li> </ul>	<b>COMMERCIAL USES</b> <ul style="list-style-type: none"> <li>• automobile and vehicle storage (no junk or salvage)</li> </ul> <b>INSTITUTIONAL USES</b> <ul style="list-style-type: none"> <li>• *wireless communication facility</li> </ul> <b>SERVICE USES</b> <ul style="list-style-type: none"> <li>• truck stop</li> </ul>
<p>See Appendix A: Land Use Matrix for a complete list of uses.</p> <p>* Indicates use has specific development standards that apply. See Chapter 4: Use Development Standards.</p>		



Development Standards - Light Industrial District (LI)		
Development Standard		Land Use
		Non-Residential
Structure Standards		
Maximum height of structure	Primary structure	55 feet
	Accessory structure	35 feet
Lot Standards		
Minimum road frontage and lot width		250 feet
Minimum lot area		21,750 sqft
Minimum front yard setback (or average block setback, whichever is less. See Section A.5.b.iii of this Chapter.)	Principal arterial	75 feet
	Minor arterial	75 feet
	Collector street	40 feet
	Local street	30 feet
Minimum side yard setback	Primary structure	10 feet
	Accessory structure	10 feet
Minimum rear yard setback	Primary structure	10 feet
	Accessory structure	10 feet
Maximum impervious surface coverage		75%
Utility Standards		
Municipal water and sewer required		Yes

### Additional Site Development Standards: Light Industrial District (LI)

The following site development standards may also apply to development in this district. See Chapter 3: Site Development Standards.

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• Accessory Structure Standards</li> <li>• Architectural Standards</li> <li>• Circulation &amp; Parking Standards</li> <li>• Landscaping Standards</li> <li>• Lighting Standards</li> </ul> | <ul style="list-style-type: none"> <li>• Lot &amp; Setback Standards</li> <li>• Pond Construction Standards</li> <li>• Sign Standards</li> <li>• Storage Standards</li> <li>• Structure Standards</li> </ul> |
|--|--|

## 18. Heavy Industrial District (HI).

**a. Purpose.** The Heavy Industrial District (HI) is intended to provide areas suitable for industrial manufacturing, production, assembly, warehousing, research and development facilities, and similar land uses. This district is intended to be adequately served by public utilities and infrastructure and accommodate a variety of high intensity uses. Further, it is the intended that there be appropriate mitigation of the industrial impacts on adjacent land. All subdivisions require Subdivision approval. All non-residential development require Development Plan Approval.

Land Uses - Heavy Industrial District (HI)	
Permitted Uses	Conditional Uses
<p>ACCESSORY USES</p> <ul style="list-style-type: none"> <li>• atm machine</li> <li>• farm equipment repair</li> <li>• *solar energy system, accessory</li> </ul> <p>COMMERCIAL USES</p> <ul style="list-style-type: none"> <li>• plumbing, heating and ac service and equipment</li> </ul> <p>INDUSTRIAL USES</p> <ul style="list-style-type: none"> <li>• distribution facility, wholesale</li> <li>• manufacturing, heavy</li> <li>• manufacturing, light</li> <li>• trucking and freight yard</li> </ul> <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> <li>• laboratory</li> </ul> <p>SERVICE USES</p> <ul style="list-style-type: none"> <li>• auction house</li> <li>• automobile service and gas station</li> <li>• automotive repair</li> <li>• car wash</li> <li>• contractor facility</li> <li>• equipment rental</li> <li>• frozen food lockers</li> <li>• lawn maintenance service (no bulk chemical storage)</li> <li>• moving and shipping business</li> <li>• recycling center</li> <li>• towing business</li> <li>• well-drilling business</li> </ul>	<p>COMMERCIAL USES</p> <ul style="list-style-type: none"> <li>• automobile and vehicle storage (no junk or salvage)</li> </ul> <p>INDUSTRIAL USES</p> <ul style="list-style-type: none"> <li>• automobile storage (junk and damaged)</li> <li>• junk and salvage yard/facility</li> <li>• landfill, refuse disposal, dump</li> </ul> <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> <li>• airport</li> <li>• *wireless communication facility</li> </ul> <p>SERVICE USES</p> <ul style="list-style-type: none"> <li>• truck stop</li> </ul>
<p>See Appendix A: Land Use Matrix for a complete list of uses.</p> <p>* Indicates use has specific development standards that apply. See Chapter 4: Use Development Standards.</p>	

Development Standards - Heavy Industrial District (HI)		
Development Standard		Land Use
		Non-Residential
Structure Standards		
Maximum height of structure	Primary structure	55 feet
	Accessory structure	35 feet
Lot Standards		
Minimum road frontage and lot width		250 feet
Minimum lot area		2 acres
Minimum front yard setback (or average block setback, whichever is less. See Section A.5.b.iii of this Chapter.)	Principal arterial	75 feet
	Minor arterial	75 feet
	Collector street	40 feet
	Local street	30 feet
Minimum side yard setback	Primary structure	20 feet
	Accessory structure	10 feet
Minimum rear yard setback	Primary structure	20 feet
	Accessory structure	10 feet
Maximum impervious surface coverage		75%
Utility Standards		
Municipal water and sewer required		Yes

### Additional Site Development Standards: Heavy Industrial District (HI)

The following site development standards may also apply to development in this district. See Chapter 3: Site Development Standards.

<ul style="list-style-type: none"> <li>• Accessory Structure Standards</li> <li>• Architectural Standards</li> <li>• Circulation &amp; Parking Standards</li> <li>• Landscaping Standards</li> <li>• Lighting Standards</li> </ul>	<ul style="list-style-type: none"> <li>• Lot &amp; Setback Standards</li> <li>• Pond Construction Standards</li> <li>• Sign Standards</li> <li>• Storage Standards</li> <li>• Structure Standards</li> </ul>
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## C. Overlay Districts

### 1. Floodway Overlay District (FWO).

**a. Purpose.** The Floodway Overlay District (FWO) is intended to provide additional zoning controls that reflect the standards of the Town's Flood Ordinance and correspond to the FEMA Flood Maps.

**b. Additional Development Standards.** See the Pendleton Flood Hazard Area Ordinance. Additionally, the following site development standards may also apply to development in this district: accessory structures, architectural, circulation

and parking, landscaping, lighting, lot and setbacks, pond construction, signs, storage, and structure standards. (See Chapter 3: Site Development Standards)

Development Standards - Floodway Overlay District (FWO)			
Development Standard	Land Use		
	Single-family and Two-family Residential	Multi-family Residential	Non-Residential
The development standards of the underlying zoning district apply.			

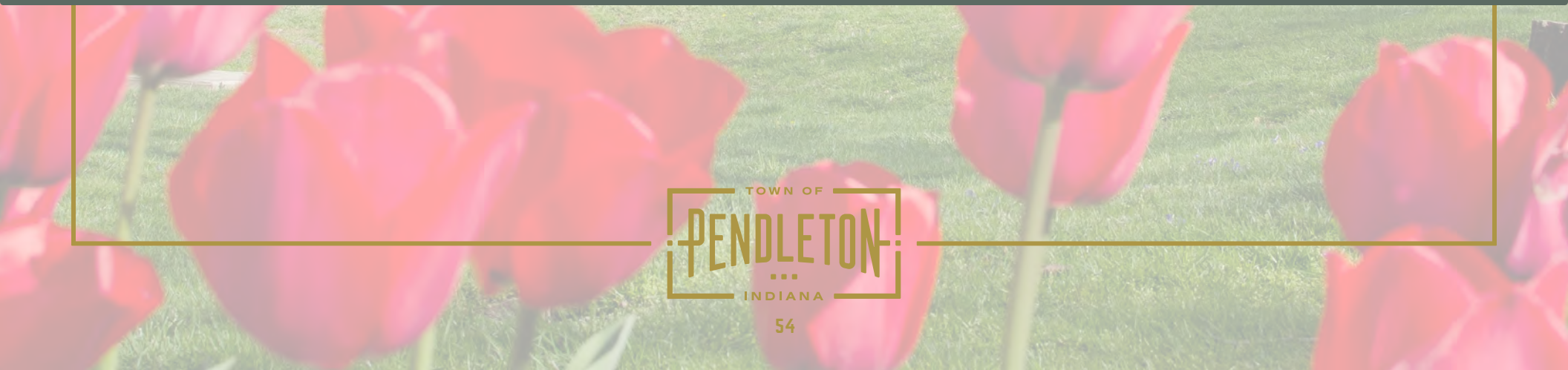
Floodway Overlay District (FWO)				
Permitted Uses	Conditional Uses	Prohibited Uses		
The uses listed as "Permitted Uses" in the underlying zoning district unless specified as a Conditional Use or a Prohibited Use in this table.	The uses listed as "Conditional Uses" in the underlying zoning district in addition to the uses listed below, unless specified as a Prohibited Use in this table.	These uses are prohibited in this overlay zoning district, regardless of what the underlying zoning district allows.		
	<b>INSTITUTIONAL USES</b> <ul style="list-style-type: none"> <li>laboratory</li> </ul> <b>SERVICE USES</b> <ul style="list-style-type: none"> <li>automobile service and gas station</li> <li>automotive repair</li> <li>equipment rental</li> </ul>	<b>ACCESSORY USES</b> <ul style="list-style-type: none"> <li>dwelling, accessory</li> <li>short-term rental (not owner-occupied)</li> <li>short-term rental (owner occupied)</li> </ul> <b>COMMERCIAL USES</b> <ul style="list-style-type: none"> <li>automobile and vehicle storage (no junk or salvage)</li> <li>kennel, public</li> </ul> <b>ENTERTAINMENT USES</b> <ul style="list-style-type: none"> <li>campground, public or private</li> </ul> <b>INDUSTRIAL USES</b> <ul style="list-style-type: none"> <li>automobile storage (junk and damaged)</li> <li>distribution facility, wholesale</li> <li>junk and salvage yard/facility</li> </ul>	<b>INDUSTRIAL USES cont.</b> <ul style="list-style-type: none"> <li>landfill, refuse disposal, dump</li> <li>manufacturing, heavy</li> <li>manufacturing, light</li> <li>trucking and freight yard</li> </ul> <b>INSTITUTIONAL USES</b> <ul style="list-style-type: none"> <li>comprehensive care facility</li> </ul> <b>RESIDENTIAL USES</b> <ul style="list-style-type: none"> <li>dwelling, multi-family</li> <li>dwelling, single-family</li> <li>dwelling, two-family</li> <li>residential home for the disabled</li> </ul>	<b>SERVICE USES</b> <ul style="list-style-type: none"> <li>adult day care facility</li> <li>bed and breakfast, tourist home</li> <li>child care center</li> <li>child care home</li> <li>crematory</li> <li>funeral home</li> <li>hotel/motel</li> <li>mini-warehousing/storage facility</li> <li>moving and shipping business</li> <li>recycling center</li> <li>resort</li> </ul>





# CHAPTER THREE

## SITE DEVELOPMENT STANDARDS





## A. General Provisions

**1.** All structures, land uses, land use changes, structural alterations, structural relocations, demolitions, structural additions, and structural enlargements that are constructed, created, established, or occur after the effective date of this UDO are subject to all of the development standards of this Chapter as listed.

## B. Accessory Structure Standards

**1.** Accessory structures shall be permitted in all zoning districts provided the following requirements have been met.

**a.** Accessory structures shall be associated with and related to the primary use of the property.

**b.** Accessory structures shall secure an ILP and shall not be erected prior to the primary structure, except for structures used for agricultural purposes.

**c.** Accessory structures shall be clearly subordinate in height, area, bulk extent, and purpose to the primary structure.

**d.** In all zones, accessory structures that require an ILP must be placed in the sideyard or rearyard to the primary structure, not to pass the front facade of the primary structure.

**e.** Applicable architecture standards as set forth in Chapter 3 Section C.

**f.** The following accessory structures are permitted in all districts and may be installed in any required yard without an ILP:

*i. Structures exclusively for agricultural purposes, landscape vegetation, swing sets, children's tree houses, bird baths, bird houses, curbs, lamp posts, mail boxes, name plates, utility installations for local services, retaining walls, walks, drainage installations, housing for domestic pets provided*

*it is not for profit and does not constitute a "kennel" as defined in Chapter 10: Definitions.*

*ii. Where permitted as accessory uses, wireless communications facilities may be installed without an ILP provided they are co-located upon an existing or pre-approved wireless communication facility, or they are no taller than fifteen (15) feet and visually integrated or camouflaged against a structure other than another antenna.*

**g.** The following accessory structures are permitted in all zoning districts and require an ILP certifying that all applicable requirements of the ordinance have been met.

*i. Accessory buildings and structures such as decks, garages, carports, enclosed patios, bath houses, gazebos, cabanas, greenhouses, storage sheds, and stables.*

*ii. Any other type of structure not otherwise listed that is over fifty (50) square feet in area.*

*iii. Swimming Pools.*

(a) Above-ground swimming pools.

((1)) Above-ground swimming pools shall have a five (5) foot (minimum) high fence placed around the pool area or property in its entirety and/or a mechanical pool cover over the pool and/or removable steps in compliance with the current building code. If there is a deck surround, a minimum three (3) foot tall slatted deck rail enclosing all sides is required per building code.

(b) In-ground swimming pools.

((1)) In-ground swimming pools shall have a five (5) foot (minimum) high fence placed around the pool area, property in its entirety and/or a mechanical pool

cover over the pool in compliance with the current building code.

*iv. Fences.*

(a) Design and Construction.

((1)) No fence shall be constructed or designed so that it creates a traffic hazard.

((2)) No fence shall be constructed or designed so that it is hazardous or dangerous to persons or animals.

((3)) OSB, plywood, razor wire, barbed wire, and electric fences are prohibited for non-agricultural purposes and uses.

(b) Height.

((1)) Fence height cannot exceed six (6) feet above grade for residential uses. Fences in HI and LI district cannot exceed an eight (8) foot fence.

((2)) Fences less than three (3) feet in height do not require a permit, but must comply with all regulations specified herein.

((3)) Above-ground pool decks are permitted to have an up to six (6) foot privacy fence measured from the deck surface, on sides that have visible neighbors.

(c) Limitations on Placement.

((1)) Fencing in a front yard may not exceed four (4) feet in height. Note that a corner lot will have two (2) front yards.

((2)) Fences must be located at least five (5) feet from a public right-of-way.

((3)) Fences may not be located within any type of easement.

((4)) Fences do not have a minimum setback from the property line, except in the case of a public right-of-way.

(d) Additional Standards.

((1)) It is possible that the restrictive covenants of a development may have more stringent regulations regarding fences. It is recommended that you review your covenants to determine if this is the case.

((2)) Replacement, Repairs, and Maintenance.

((a)). ILP Not Required. An ILP is not be required for routine maintenance that involves the removal or replacement of less than twenty-five (25) percent of an existing legal nonconforming fence as long as that fence is not relocated or enlarged and meets any required setbacks.

((b)). ILP Required. Projects that involve the removal or replacement of twenty-five percent (25%) or more of an existing legal nonconforming fence at one time shall require an ILP and shall comply with all regulations of this section.

((c)). Compliance. In order to prevent the circumvention of these regulations, all fence projects shall be brought into full compliance with these standards if and when the cumulative area of the fence repairs and maintenance initiated in any five (5) year period after the effective date of this UDO is cumulatively twenty-five (25) percent or more of the entire size of the fence.

*v. Home occupation structures in accordance with this ordinance.*

*vi. Signs as set forth in this ordinance.*

## C. Architectural Standards

### 1. General.

**a. Project Applicability.** The following standards apply when an Improvement Location Permit is obtained:

- i. For a new primary or accessory structure; or*
- ii. Expansion of an existing primary or accessory structure by fifty (50) percent or greater in area.*

**b. Green Design.** All new development and major redevelopment within the Town of Pendleton is encouraged, but not required, to meet the Leadership in Energy and Environmental Design (LEED®) Green Building Rating System certification requirements. The Town believes green design not only makes a positive impact on public health and the environment, but it also reduces operating costs, enhances building and organizational marketability, potentially increases occupant productivity, and helps create a sustainable community.

- i. Earns Landscape Buffer Reduction. Properties that meet LEED certification may decrease the maximum width of required landscape buffers on the site by twenty-five (25) percent. See Chapter 3, Section (E)(17) for Landscape Buffer requirements.*

### 2. Building Orientation, Service Areas and Entrances.

**a. Primary Structures Face Front.** All primary structures shall face the front of the lot on which they are located. If the lot has more than one frontage, the structure shall face the same direction as other structures on the same block. The front entrance shall be oriented to the front elevation of the building or structure or be oriented to the corner of those intersecting streets.

**b. Service Areas Away from Front (Applies to R/OS, MF-1, MF-2, I, DB, NB, GB, HB, LI, HI Zoning Districts).** Loading docks, overhead service doors, dumpsters, ground mounted mechanical equipment, air conditioner units, propane tanks, and similar building service facilities shall not be located forward of the front facade. This standard applies to each facade that faces a public right-of-way, unless screened by a fence, landscaping, or complementary building feature.

**c. Rear-Loading Adjacent to Arterial or Collector Street (Applies to R/OS, MF-1, MF-2, I, DB, NB, GB, HB, LI, HI Zoning Districts).** All new construction of any building or structure, or renovation of or addition to an existing building or structure, shall be rear loading if said building or structure is located on a lot or lots adjacent to an Arterial or Collector Street, as designated by the Thoroughfare Plan, and the building or structure is not separated from the thoroughfare by another buildable lot.

**d. Entrance Features Required (Applies to R/OS, I, DB, NB, GB, HB, LI, HI Zoning Districts).** Each principal building on a site shall have clearly defined, highly visible entrances featuring at least two (2) of the following:

- i. Canopies or porticos,*
- ii. Overhangs,*
- iii. Recesses or projections,*
- iv. Arcades,*
- v. Raised corniced parapets over the door,*
- vi. Peaked roof forms,*
- vii. Arches,*
- viii. Display windows,*
- ix. Tile work or moldings which are integrated into the building structure and design,*
- x. Planters or wing walls that incorporate landscaped areas and/or places for sitting.*

### 3. Window Requirements

Minimum Window Coverage	R/OS	A-1	A-2	RR	SF-1	SF-2	SF-3	SF-4	RC	MF-1	MF-2	I	DB	NB	GB	HB	LI	HI
60% windows, arcades or entry areas on street-facing, ground-level facades													R	R	R	R		
15% windows on street-facing facades	R											R					R	R
2 windows on each front and side façade of Primary Structures				R	R	R	R	R	R	R	R							

**TABLE 3.1** - Window Requirements R - Required  Non-Applicable

**a. Faux Windows.** While not prohibited, faux windows are not counted toward required coverage.

#### 4. Building Façade Design (Applies to MF-2, R/OS, NB, GB, HB, I Zoning Districts).

**a. Front Facades.** Primary structure front facades shall include at least three (3) of the elements listed below and all elements shall repeat at intervals of no more than thirty (30) feet either horizontally or vertically.

*i. Color change*

*ii. Texture change,*

*iii. Material module change*

*iv. Change in plane no less than two (2) feet in width, such as an offset, reveal, or projecting rib.*

**b. Side Facades.** Any side façade shall be finished to a standard similar to the architectural quality of the front

façade, including building materials, architectural details and windows. Facades thirty (30) feet or greater in length without visual relief shall not be permitted.

**c. Long Facades.** Facades greater than sixty (60) feet in length, measured horizontally, shall be broken up visually. This may be accomplished by wall plane projections or recesses, window placement, foundation landscaping, etc., as approved by the Administrator.

## 5. Exterior Wall Building Finish Materials

Exterior Wall Material	R/OS	A-1	A-2	RR	SF-1	SF-2	SF-3	SF-4	RC	MF-1	MF-2	I	DB	NB	GB	HB	LI	HI
EIFS	A	A	A	A	A	A	A	A	A	A	A	A	**	A	A	A	A	A
Stucco	P	A	A	A	A	A	A	A	A	P	P	P	P	P	P	P	P	P
Smooth-Faced Concrete Block	P	A	A	A	A	A	A	A	A	P	P	P	P	P	P	P	P	P
Split-Face or Burnished Concrete Block	A	A	A	A	A	A	A	A	A	A	A	A	P	P	A	A	A	A
Untextured Smooth-Faced Tilt-Up Panels	P	A	A	A	A	A	A	A	A	P	P	P	P	P	P	P	P	P
Textured or Adorned Tilt-Up Panels	A	A	A	A	A	A	A	A	A	A	A	P	P	P	A	A	A	A
Standing Seam Metal Panels (exposed fasteners)	A	A	A	A	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Standing Seam Metal Panels (concealed fasteners)	A	A	A	A	A	A	A	A	A	P	P	P	P	P	P	P	P	P
Molded Plastic	A	A	A	A	A	A	A	A	A	A	A	A	P	A	A	A	A	A
Plywood or Sheet Pressboard	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Vinyl Siding	A	A	A	A	A	A	A	A	P	A	A	P	P	A	P	P	P	P

**TABLE 3.2** - Exterior Wall Building Finish Material (A) Allowed (P) Prohibited \*\*20% Max EIFS in DB

**a. Additional Limits for Exterior Finish Building Materials in DB.** Metal, wood shakes, or EIFS may be used as an accent to highlight architectural details on the exterior but may cover no more than twenty (20) percent of the structure's exterior wall area.

**b. Mix of Approved Exterior Finish Materials Required (Applies to MF-2, R/OS, DB, NB, GB, HB, I, LI, HI Zoning**

**Districts).** Materials shall be limited to any combination of at least three (3) of the following:

- i. Brick or face tile;
- ii. Wood;
- iii. Native Stone;
- iv. Glass;



- v. *Tinted and / or textured concrete masonry units (such as split face block and burnished block);*
- vi. *Tilt-up concrete panels that are adorned or textured;*
- vii. *Architectural pre-cast concrete;*
- viii. *Architectural metal;*
- ix. *External Insulation and Finishing Systems (EIFS);*
- x. *Other materials approved by the Administrator during Development Plan Review.*

**c. Vinyl Siding Standards.** Where allowed as an exterior finish material, vinyl siding shall be certified in accordance with ASTM D3679, Standard Specification for Rigid Poly(Vinyl Chloride) (PVC) Siding and installed in accordance with ASTM D4756, Standard Practice for Installation of Rigid PVC Siding and Soffit. Minimum thickness for vinyl products is .052 inches.

**d. Reflective Glass Limits.** Reflective glass shall be limited to a maximum of fifty (50) percent of the area of any facade wall on which glass is used.

**e. Gas Pump Islands, Gas Island Canopies and Related Facilities (Applies to R/OS, A-1, A-2, I, DB, NB, GB, HB, LI, HI Zoning Districts).** Gas Islands and related facilities shall use the same exterior finish materials as the primary structure associated with the gas island. Gas island canopy structural columns shall be covered with the same materials as the primary structure.

## 6. Eaves.

**a. Eave Measurement.** The eave/overhang shall be measured from the supporting wall and determined after installation of any masonry.

Minimum Eave Extension Past Support Walls	R/OS	A-1	A-2	RR	SF-1	SF-2	SF-3	SF-4	RC	MF-1	MF-2	I	DB	NB	GB	HB	LI	HI
12" on 80% of the roofline				R	R	R	R	R	R	R	R			R				

**TABLE 3.3** - Overhanging Eaves R - Required  Non-Applicable

## 7. Additional Regulations for Downtown Business Zoning District.

**a. Renovations.** Any exterior renovation of existing buildings shall conform in style and context with the existing building's architecture.

**b. Distinct Ground Floor.** The ground floor of any primary structure shall be visually distinct from upper stories. This separation is provided by:

- i. a cornice above the ground level;*
- ii. an arcade;*
- iii. a portico or;*
- iv. changes in building material or texture.*

**c. Historic Preservation Design Guidelines.** These guidelines must be utilized for parcels within the Local Historic District.

## 8. Additional Regulations for Residential Conservation Zoning District (RC).

**a. Roofed Front Porches.** Roofed front porches or covered entryways are required. Attached single-family homes are required to have a roofed front porch, overhang, or entry feature.

**b. Garages.** Garages shall be clearly subordinate in size and use to the dwelling. In order to minimize the visual impact of garages, one of the following methods shall be used:

- i. Attached Garages*
  - (a) The attached garage has a noticeably greater setback than the front elevation of the home; or
  - (b) The attached garage is side-loading or rear-loading; or

- (c) The attached garage fills a maximum of 1/3 of the length of the front elevation.

### *ii. Detached Garages*

- (a) The garage is accessed from the rear or side of the lot or from an alley; or
- (b) The garage has a noticeably greater front setback than the front elevation of the home.

**c. Architecture Features.** The following features must be present on all structures unless only recommended

- i. Eave and gable end details (rafter/decorative cornice/ bracket/bargeboard etc.).*
- ii. Dormers if fitting of architectural style*
- iii. Decorative or embellished porch columns or brackets/ spindle work*
- iv. Roof shapes and pitches that are similar to existing historic fabric as defined by the National Register area.*
- v. Recommended: Front doors must have a significant glass window feature and/or sidelights.*
- vi. Recommended: Windows on front facade should be a large part of the architectural style of the home similar to existing historic fabric as defined by the National Register area.*

## 9. Additional Regulations for Residential Zoning Districts (Applies to RR, SF-1, SF-2, SF-3, SF-4, RC, MF-1).

**a. Roof Pitch.** New primary structures must have a sloped roof with a minimum pitch of 6/12 and no steeper than 12/12 for the main roof planes. Additions to existing primary structures may have a minimum roof pitch of 5/12.

**b. Similar Houses Restricted.** Construction of very similar houses near each other, including on the same block, is prohibited.

*i. Anti-monotony Plan Review Required for New Subdivisions.*

(a) With Secondary Plat. With the secondary plat, all new subdivisions shall submit a plan for anti-monotony review and approval by the Administrator.

(b) Architectural Package Report. Each developer shall submit an architectural package report with the color names/samples, floor plan names and other details necessary to track the anti-monotony review. If the subdivision developer changes, the new developer shall submit an architectural package report, noting similarities between the last developer so that anti-monotony features can still be adequately measured.

(c) With Building Permit. The developer shall submit an Anti-monotony Report with each building permit submittal to verify compliance.

*ii. Anti-Monotony Criteria. At least three (3) of the following alternatives shall be met for anti-monotony:*

(a) The unit is a different housing type; e.g., single-family detached versus single-family attached. Attached single-family homes in SF-4 and RC zoning are required to have a roofed front porch, overhang, or entry feature.

(b) The house differs in the number of full stories, e.g., 1-story versus 2 stories.

(c) A different type of garage serves the house: A front-load garage (1-car, two-car, three-car), or a side-load garage or a detached garage.

(d) The house is constructed of a different building material.

(e) The placement of the home on the site is rotated, e.g., 90° versus 60°.

(f) The house has a variation in the articulation of the front façade.

((1)) The garage is setback from the front façade by at least 4 feet.

((2)) There is a covered, open walled porch of at least 6 feet in depth extending at least thirty-three (33) percent of the width of the front façade; or

((3)) There is other articulation of the front façade at least four (4) feet in depth, extending at least thirty-three (33) percent of the width of the front façade.

(g) The unit is a different architectural style.

(h) The house has a different roof type.

(i) Other criteria approved by the Administrator that confirms that the house is different.

## **D. Circulation and Parking Standards**

### **1. Off-Street Parking Approval Process.**

**a. Applicability.** Parking standards shall apply to any of the following:

*i. New Primary Structure. Construction of a new primary structure.*

*ii. Major Change to Primary Structure Size. Increasing or decreasing the footprint of a primary structure by twenty-five (25) percent or more of its size, including those which have already been expanded whenever they cumulatively*

Type of Parking Space	Minimum Space Width (Feet)	Minimum Space Length (Feet)	Minimum Aisle Width (Feet)
Accessible	Refer to ADA Guidelines	Refer to ADA Guidelines	Refer to ADA Guidelines
Parallel (Allowed only Per Town Engineer)	8	22	Per Town Engineer (on roadway)
Perpendicular (90°)	9	18	24' (2-way aisle)
Angle (60°)	10	20	18' (1-way aisle)
Angle (45°)	10	20	14' (1-way aisle)

**TABLE 3.4** - Parking Dimensions

reach the twenty-five (25) percent threshold.

*iii. Major Change in Parking Lot Size. Increasing or decreasing an existing parking lot by twenty-five (25) percent or more of its existing size or number of parking spaces, including those which have already been expanded or decreased whenever they cumulatively reach the twenty-five (25) percent threshold.*

*iv. Change of Use. In situations where an existing use will be replaced by a different use or an additional use shall be added, parking provided on site shall meet the current minimum and maximum standards.*

**b. Review.** The applicant shall submit a parking plan that identifies the quantity of parking required as well as the determining methodology. Layout for all new or revised parking shall be approved by the Administrator and shall meet all requirements of this chapter.

## **2. General Design.**

**a. Drainage.** Parking areas shall be constructed to allow proper drainage, which shall be subject to the review and approval of the Town's Engineer.

**b. Wheelstops Required.** When parking spaces abut a sidewalk or internal walkway, wheelstops or similar barriers shall be installed to prevent encroachment.

**c. Lighting.** Lighting for parking areas shall conform with the applicable ordinance requirements in Chapter 3, Section F, Light Regulations.

**d. Landscaping.** There shall be no more than ten (10) parking spaces in a row without a landscape island or bump-out. Landscaping for parking areas shall conform with the applicable ordinance requirements in Chapter 3, Section (16), Parking Lot Landscaping.

**e. Large Lot Layout.** In order to enhance traffic flow and helps with driver predictability, parking lots containing more than two hundred (200) total spaces are required to have one-way angled parking.

**f.** Parking and loading spaces that require vehicles to back into or out of a public or private street shall not be permitted without authorization from the Town Engineer.

**3. Parking Surface.** All off-street parking shall utilize a paved surface of concrete, asphalt, brick pavers, porous concrete, or similar material approved by the Town Engineer. Dirt, stone,

sand, or grass shall not be permitted as parking surfaces.

**a. Delay.** If installation of a permanent surface in compliance with this ordinance is delayed, a financial guarantee in the amount of one hundred and ten (110) percent of the installation cost shall be submitted to the Town.

#### **4. Required Parking Spaces.**

**a. Downtown Uses may be Exempt.** Uses in the Downtown Business Zoning District may be exempt from the off-street parking requirements of this section. if it can be demonstrated to the Administrator that adequate parking is provided in a town-owned public parking lot that is within one thousand (1000) feet of the lot on which the use is located.

**b. Non-conforming Parking.** Existing parking that does not meet this chapter shall not be reduced below the required number of spaces, or if already less than required, shall not be further reduced below the requirements. Likewise, if it exceeds maximum parking requirements, it shall not be further expanded above the requirements.

**c. Calculation of Parking Requirements.** *Space Standards Table below shall be determined by the Administrator based on the consistency of the use with those that are specified.*

*i. Unlisted Uses. The minimum number of parking spaces required for uses not specifically listed in the Parking Space Standards Table below shall be determined by the Administrator based on the consistency of the use with those that are specified.*

*ii. Multiple Uses. Each individual use in a mixed-use or multiple use development or space shall provide off-street parking spaces in accordance with the Parking Space Standards Table below.*

#### **iii. Measurement Standards.**

(a). Employees. Where the number of spaces required is based on the number of employees, calculations shall be based upon the maximum number of employees most likely to be on the premises during the peak shift.

(b). Bench Seating. Every twenty-four (24) inches of width provided as a bench, pew, or similar type of seating shall be counted as 1 seat.

(c). Open Floor Areas. Every sixteen (16) square feet of open floor areas associated with places of assembly shall be counted as 1 seat.

*iv. Round Up. When units of measurement determining the number of required parking spaces result in a fraction, any fraction shall be considered as an additional required space.*

**d. Minimum Number of Parking Spaces Required.** Parking spaces shall be provided in accordance with Table 3.5.



**TABLE 3.5 - Minimum Parking Space Requirements**

Use	Minimum Parking Required
<b>Residential</b>	
Accessory Dwelling Units	1 additional space per accessory dwelling unit
Day Care Home	1 additional space, in addition to those required for the residential use
Farmstead, single-family and two-family dwellings, mobile homes on individual lots	2 spaces per dwelling unit (not including any spaces in a garage)
Multi-family dwellings, mobile homes in parks	1.5 spaces per dwelling unit (not including any spaces in a garage) plus 1 space per every 10 dwelling units
Home Based Business	1 additional space may be installed, in addition to those required for the residential use
<b>Recreation, Entertainment &amp; Tourism</b>	
Active Recreation	12 spaces per athletic field + 1 per 1,000 sqft of indoor or outdoor play area
Bowling Alley	4 spaces per lane
Civic clubs, private club or lodge	One space per 200 sqft of floor area
Conference / convention center	One paved parking space for each 1.5 guests allowed on-site and one paved parking space for each employee
Dance, music, martial arts academy	1 space per 200 sqft of gross floor area
Event Center	One paved parking space for each two and one-half guests allowed on-site and one paved parking space for each permanent employee
Fitness center or Health Spa	1 space per every 300 sqft of indoor area
Golf Course	6 Spaces per hole for 9-hole course, 5 spaces per hole for 18 – 36-hole course, 4 spaces per hole for >36-hole course, and 1 space per tee for driving range
Hotels, motels, tourist home or cabin, bed & breakfast facilities, seasonal hunting or fishing lodge	One space per room or suite in addition to the spaces required for any residential dwelling unit plus one space per employee on the largest shift
Passive Recreation or Nature Preserve	1 space per 15,000 sqft
Private recreational development	1 space per every 600 sqft of outdoor area + 1 space per every 400 sqft of indoor area
Recreational vehicle parks and campgrounds	One parking space located on each site, plus one off-street space for each employee

Resorts, retreat centers and camps	One space per bed in addition to the spaces required for residential dwelling unit plus one space per employee on the largest shift
Theater, auditorium, stadium, places of worship and similar places of assembly	One space per every 3 seats
<b>Educational</b>	
Day care center (child/adult)	1 space per every 4 clients at licensed capacity and one per employee
K – 8 School	2 spaces per classroom plus 1 space per 3 persons by seating capacity in the largest assembly area
9 – 12 School	1 space per 3 persons by seating capacity in the largest assembly area or 12 spaces per classroom if no assembly area
Community college, business, vocational, trade, or other commuter-based school	1 space per 3 students
Resident - student based school	1 space per 2 on-campus residents
<b>Public Uses</b>	
Government Facility, including Police or fire stations, libraries, museums	1 space per every 300 sqft plus 1 per vehicle stored on-site plus 1 per employee
Hospital or clinic	2 spaces per every exam or outpatient/inpatient bed, procedure/operating room, plus 1 per laboratory or recovery room, plus 1 per every 2 employees
Institutional facility, residential treatment facility	1 per 10 clients, based on licensed capacity plus 1 per employee
Nursing home, assisted living or retirement facility, rehabilitation facility	1 space per 3 beds
Penal or correctional institution, private or public	1 per every employee on largest shift plus 1 per every 20 potential inmates
Utility	1 space per facility
<b>Business Uses</b>	
Auction Facility	1 space per every 3 persons by capacity in the largest assembly area
Business Vehicle stored on-site	Plus 1 space per vehicle
Call Center, Data Processing	1 space per every 200 sqft of gross floor area
Cemetery, Human and Pet	1 space per employee

Farm (confined feeding)	1 per employee
Funeral home / mortuary / crematory	1 per every 50 sqft of service parlors, chapels and reception area, plus 1 per every funeral vehicle stored onsite
Greenhouse/Plant Nursery	1 space per 1,500 sqft within enclosed structure
Industrial, Manufacturing or Agricultural Processing use	One space per every 1 employee of the largest shift
Kennel, Animal Shelter	1 space per every 12 cages, plus 1 per employee on largest shift
Office - Administrative/Professional	1 space per 350 sqft of gross floor area
Office - Medical or Dental	1 space per 200 sqft of gross floor area
Personal services	1 space per every station, chair or activity area or 1 per 300 sqft, whichever is greater
Restaurants	1 space per every 4 seats
Retail – convenience stores, banks, grocery stores, department stores, and other retail facilities (excluding any warehouse or storage space)	1 space per 300 gross sqft
Retail – hardware, home improvement, furniture, and large appliance stores	1 space per 400 gross sqft
Storage, self-service	6 spaces per facility
Truck Stop / Travel Center	1 space per 200 sqft of gross floor area
Vehicle/Equipment Rental	1 space per 200 sqft of usable floor area in offices, waiting area, customer service area + 1 per rental vehicle
Vehicle / Manufactured Home / RV / Boat Sales & Service	1 space per 800 sqft of usable floor area plus 2 per service bay
Warehouse/ distribution and similar uses	1 space per 1,000 sqft of floor area
Wholesale Facility	1 per 500 sqft of gross floor area

## 5. Options for Parking Reduction.

**a. Shared Parking.** In recognition that all parking demand is not at the same time, a development or adjacent developments may propose shared parking area if it provides a minimum of 50% of the required spaces for each use and the Administrator approves the shared parking area.

*i. Location. Parking on another lot shall be within five hundred (500) feet of the lot occupied by the use for which they are required.*

*ii. Approval Requirements. All off-site and shared parking space arrangements are subject to the approval of the Administrator. Approvals shall be based on the determination that the use of off-site and/or shared parking will include appropriate pedestrian connections, will not result in potentiality hazardous traffic conditions, and will provide an adequate number of parking spaces and future parking area expansion options for the uses involved.*

*iii. Different Demands. Two (2) or more uses for which the normal hours of operation do not overlap may share parking either on or off-site (example: a church may share its parking lot with a business, or with apartments located on upper-floors of adjacent businesses).*

*iv. Required Documentation. A permanent documentation of any off-site and/or shared parking agreement shall be signed by all involved property owners and shall be recorded as a Written Commitment. The written commitment shall include, but is not limited to the following items: maintenance, snow removal, dissolving the agreement and establishing alternate parking, ownership, and liability. The written commitment shall be reviewed and approved by the Town's Attorney. The agreement shall be recorded in the office of the Madison County Recorder.*

**b. Land-banked Parking.** A parking lot may be built with fewer spaces than the required minimum number of vehicular and bicycle spaces if the following standards are met.

*i. Written Commitment. Adequate and appropriate space shall be land-banked to fulfill the full number of parking spaces required so parking can be built on-site at a later date, should the need arise. Property owner shall record a written commitment at the Madison County Recorder's Office with an attached approved site plan that clearly denotes the land-banked area, and that identifies the area as a "no-build area." The no-build area shall only allow landscaping material and shall restrict any structure, foundation, change in topography, or other permanent or temporary structure or alteration that would make it cost prohibitive or difficult to develop parking on that area in the future.*

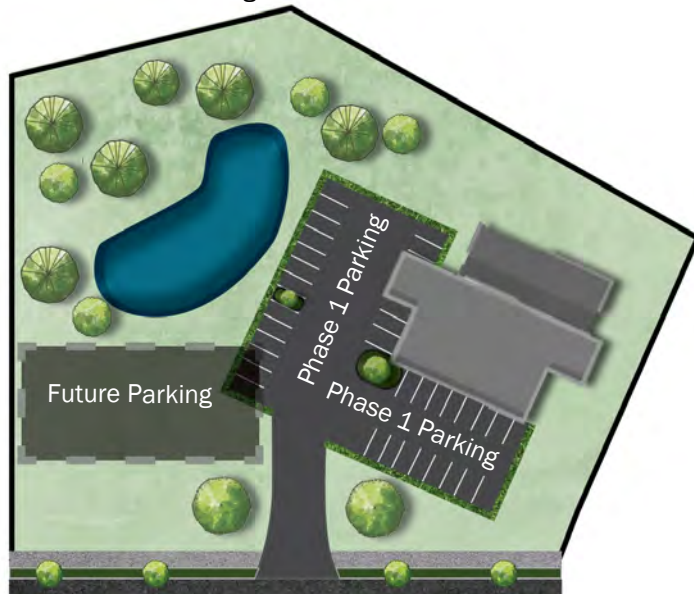
*ii. Approval for Full and Reduced Parking Area. A design for a parking area that accommodates all the required bicycle and vehicle parking spaces shall be submitted for review, with the reduced parking area (Phase 1) shown as a portion of that larger parking area. The full and reduced parking area designs shall be concurrently reviewed and shall meet all applicable requirements of the Unified Development Ordinance. If both designs are approved, the smaller, reduced parking area may be constructed as Phase 1.*

*iii. Minimum for Reduced Parking. Under no circumstances may the smaller Phase 1 parking area design establish less than forty (40) percent of the required bicycle or vehicle parking spaces.*

*iv. Need for Full Parking. If the smaller Phase 1 parking area is periodically full for either bicycles or vehicles, the Administrator shall require the additional parking to*

be constructed. Evidence of need for additional parking may include, but is not limited to, employees or guests parking outside of designated spaces in parking aisles, on nearby properties without a shared parking agreement, on unpaved or grass areas, or on-street. Failure to comply with this section shall constitute a zoning violation.

**FIGURE 3.1** - Land Banked Parking



**TABLE 3.6** - Barrier Free Parking Space Standards

Total Spaces in Parking Lot	Barrier Free Spaces Required
1 - 25	1
26 - 50	2
51 - 75	3
76 - 100	4
101 - 150	5
151 - 200	6
201 - 300	8
301 - 400	12
Over 400	12 spaces + 2 additional spaces for every 250 or fraction thereof over 400

**6. Barrier Free (“Handicap”) Parking Required.** Signed and marked barrier free spaces shall be provided within all parking lots. The barrier free spaces shall be those nearest the main accessible entry of the building served.

**a. Number Required.** The number of barrier free spaces shall be based on the Federal Americans with Disabilities Act as represented by the Barrier Free Parking Space Standards Table. This Table is intended to represent the minimum requirements of the ADA and shall be deemed to be updated and amended consistent with any ADA amendments.

**b. Counted Toward Minimum Requirements.** In parking lots with ten (10) parking spaces or less, the required barrier free parking spaces shall be in addition to the minimum parking spaces required by this Chapter. For parking lots with more than ten (10) spaces, the required barrier free parking spaces may be considered toward meeting the minimum total parking space requirement.

**7. Bicycle Parking Requirements.** All commercial business, industrial and institutional uses shall provide parking facilities for bicycles, consistent with the following requirements:

**a. Number of Bicycle Spaces.** All commercial and public/semi-public uses shall provide bicycle parking based on the total number of vehicle parking spaces provided consistent with the Bicycle Parking Standards Table, below.

Total Vehicular Parking Spaces Required	Bicycle Spaces Required
1 - 25	1
26 - 250	2
Over 250	4

**TABLE 3.7** - Bicycle Parking Standards

**b. Bicycle Racks.** Bicycle parking requirements shall be fulfilled by the provision of permanently affixed bicycle racks. Racks shall support the bicycle upright by its frame in two (2) places above the bicycle's center of gravity, shall enable the frame and one or both wheels to be secured with a lock, and shall not require the lifting of the bicycle to use any of the rack's parking positions.

**c. Location.** Bicycle parking facilities shall be located in a high visibility area that provides close, convenient and safe pedestrian access to the main entrances or activity areas.

## 8. Pedestrian Circulation.

**a. External Sidewalks and Paths.** In all zoning districts, external sidewalks, sidepaths and multi-use paths in accordance with Town standards and the Thoroughfare Plan shall be provided in the right-of-way along all lot frontages that abut a public or private street for new construction or

when a primary structure is enlarged by twenty (20) percent or greater. Sidewalks or paths are also required to be installed in front of any lot created after the effective date of the Unified Development Ordinance once it has sat vacant for twenty-four (24) months (if a single lot was created), or twenty-four (24) months from the date the first certificate of occupancy was issued (if a multiple-lot subdivision) and where infrastructure exists.

**b. Internal Walkway.** For all zoning districts except RR, SF and RC.

*i. Connection to External Sidewalk or Trail.* There shall be at least one internal pedestrian walkway that connects the parking area with adjacent public sidewalks, sidepaths/ multi-use paths.

*ii. Internal Pedestrian Walkway.* All surface-parking areas with more than one hundred (100) parking spaces shall provide continuous internal pedestrian walkways to connect the parking area with the primary building entrance(s).

*iii. Walkway Standard.* Pedestrian walkways shall meet ADA standards, be a minimum of five (5) foot wide and shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, paint, or scored/stamped concrete or asphalt.

*iv. Coordinate with Landscaping.* Pedestrian walkways should be coordinated with parking lot landscape areas.

## 9. Parking Location.

**a. Off-Site Parking.** Parking areas shall be located on the same site as the structure or use they serve.



**b. Parking in Front.**

*i. Downtown Business Zoning District. No off-street parking area shall be located in front of the primary structure.*

*ii. Neighborhood Business, Residential Core Conservancy and Multi-Family Districts. The maximum amount of parking that shall be allowed in front of the primary structure shall be 2 rows.*

*iii. General Business, Heavy Business, Institutional Zoning Districts. No more than fifty (50) percent of the minimum amount of required parking may be located in front of the primary structure. Any extra parking shall be located on the side or rear of the primary structure.*

**10. Pick-Up Spaces.** No more than five (5) percent of all parking spaces may be designated for pick-up and shall be shown on the plan. Pick-up spaces shall be located no closer to the entrance(s) than handicapped spaces. Pick-up spaces shall be clearly marked, with signage not to exceed two (2) square feet.

**11. Parking Garages.** Required parking spaces may be enclosed in a structure. Parking structures shall be treated as any major structure and shall be subject to all applicable structural requirements of this ordinance and the issuance of an ILP. Parking structures shall be designed to be architecturally compatible with their surroundings, including appearance, size, scale, building materials, and bulk.

**12. Off-Street Loading Requirements.**

**a. Location.** All required loading berths shall be located on the same lot as the use to be served and shall not use public or private streets as a loading zone. Loading berths shall be designed with appropriate access that will not interfere with traffic movements. There shall be no maneuvering within any street right-of-way. In no case shall a loading berth be located in such a manner as to require loading/unloading vehicles to

back into a public right-of-way or overhang adjacent property.

*i. Not in Front Yard. No loading space may be located in any front yard or any required buffer yard.*

*ii. Not Visible from Street. Loading docks shall be located so that they are inconspicuous from public streets. If such a location is not possible, a loading dock clearly visible from a public street shall be screened by solid structure walls and/or landscape buffers.*

**b. Number of Loading Berths.**

*i. NB, GB, HB, DB and I Districts. At least one off-street loading space shall be provided.*

*ii. Light and Heavy Industrial Districts. Number of spaces determined by owner.*

**c. Size.** Each loading space shall have a minimum width of twelve (12) feet, a minimum length of thirty-five (35) feet, and a minimum height, if covered, of fourteen (14) feet.

**13. Stacking Spaces Requirement.** All non-residential uses shall provide stacking spaces for vehicles at drive-up and drive-through facilities consistent with the following requirements:

**a. Dimensions.** Each stacking space shall have a minimum dimension of twenty (20) feet in length by ten (10) feet in width.

**b. Location.**

*i. Parking. The location of stacking spaces shall avoid interference with on-site parking areas. The lane containing the stacking spaces shall be separate and distinct from other access drives and maneuvering lanes for parking spaces.*

*ii. Pedestrians. Pedestrian walkways should not pass*

through a stacking space area unless there is no alternative. Pedestrian walkways shall be clearly marked through pavement striping or a stamped pattern or texture.

iii. *Out of Street.* No stacking space shall extend into any existing or planned public or private right-of-way or access easement.

**TABLE 3.8** - Stacking Space Standards

Use	Required Stacking Spaces	Point of Measurement
ATM Station or Bank Drive-Up Window	4	ATM Unit/ Service Window
Vehicle Oil Change Facility	2	Service Bay
Vehicle Wash	4	Wash Bay
Gas Pump	2	Front of pump
Place of Worship	6	Head of Drop-off
Dry Cleaning/ Laundry Drive-Up Window	2	Service Window
Nursery, Day Care or School Drop-off Area	6	Head of Drop-off
Pharmacy Drive-Up Window	3	Service Window
Restaurant Drive-Up Window	10	Service Window
Other Use	**	**

\*\* As Determined by the Administrator

**14. Cart Corrals.** Required for all businesses that provide shopping carts to customers.

**a. Design.** Cart corrals shall be made of permanent materials

on all three (3) sides creating an enclosure, anchored to the parking lot and preventing carts from rolling out into aisles.

**b. Cumulative Containment.** All cart corrals in combination shall be able to accommodate at least fifty (50) percent of the fleet of shopping carts available.

**c. Separate from Parking Spaces.** Cart Corrals shall not utilize any portion of the minimum required number of parking spaces.

## 15. Vehicle Storage.

**a. Primary Structure Required.** No vehicle, including recreational and commercial vehicles, shall be stored or allowed to remain on any property that does not contain a primary structure unless vehicle storage is a specifically approved use at that location.

**b. Storage of Construction Vehicles & Equipment.** No semi-trucks and tractor trailers, manufactured homes, tractors, bulldozers, earth carriers, cranes, tow trucks and/or any other heavy equipment or machinery shall be stored or parked on any property unless the machinery is either engaged in providing construction or other service to the site or associated with a specifically approved land use at that location that complies with all requirements of this Ordinance.

**c. Commercial Vehicle Parking.** The parking of commercial vehicles on residentially used properties and in residential zoning districts shall comply with the following requirements (unless otherwise limited by HOA covenants or existing covenants):

*i. General Requirements.* All commercial vehicles shall be owned and/or operated by residents of the property and any on-site business uses and associated vehicles shall comply with the requirements of this Ordinance.

ii. *Non-residential Zoning Standards.* A maximum of one (1) commercial vehicle for each licensed driver shall be permitted to be parked on-site. All commercial vehicles shall be operable and licensed.

iii. *Residential Zoning District Standard.* A maximum of one (1) light-duty commercial truck, such as a pick-up truck, cargo van, transit van or other similar vehicle may be parked on a driveway or paved surface on a residential lot which is occupied by the vehicle's licensed driver. All commercial vehicles shall be operable and licensed. Allowable commercial vehicles in residential zoning districts do not include medium or heavy-duty trucks, including box trucks, refrigerated trucks, flatbed trucks or semi-trailers.

iv. *Recreational Vehicle Storage.* The parking of recreational vehicles (including boats, trailers, recreational vehicles, or other similar equipment) is allowed on a paved surface in the side or rear yard, but no more than one (1) recreational vehicles shall be stored on any residentially zoned and used property at any time. One (1) additional vehicle shall be allowed for temporary visitors on a temporary basis, not exceeding seven (7) consecutive days or fourteen (14) total days in any calendar year. In no instance shall any recreational vehicle be occupied or used for sleeping, living, or housekeeping purposes.

**d. Vehicle Maintenance.** Repairing, restoration and maintenance procedures or projects on vehicles on any residentially zoned or used property, when the work is not conducted entirely within the interior passenger space of the vehicle, shall be subject to the following limitations:

i. *Maintenance Location.* All vehicles being worked on outside shall be on an improved driveway surface consistent with the requirements for the zoning district in which it is located.

ii. *Operable Condition.* All vehicles being worked on outside shall be licensed and operable. Procedures exceeding 48 hours in duration, or which require the vehicle to be inoperable in excess of 48 hours, shall be conducted entirely within an enclosed building.

iii. *Parts Storage.* Inoperable vehicles and vehicle parts shall be stored inside an enclosed building.

**e. Vehicles to be Salvaged / Repaired.** The outdoor storage of vehicles associated with permitted auto repair or salvage facilities shall be consistent with the following requirements:

i. *Location.* All such vehicles, including antique vehicles, shall be stored within the rear or side yard. In no case shall such vehicles be stored in any front yard, buffer yard, septic field, required landscape area, or required side or rear setback.

ii. *Screening.* All storage areas for such vehicles shall be completely enclosed with a minimum six (6) foot tall, one hundred (100) percent opaque wood, stone or masonry fence. Gates allowing access to the storage areas are permitted, shall be closed when not in use, and shall consist of one hundred (100) percent opaque doors.

## **16. Circulation Standards: all zoning districts.**

**a. Design Considerations.** Circulation features, including but not limited to acceleration and deceleration lanes, passing lanes, tapers, turning radii, and left and right turn restrictions shall be subject to the adopted standards of the Town's Access Management and Control Ordinance and the Indiana Department of Transportation (where applicable).

**b. Location Requirements.** The location of all vehicle entrances and access points from a public street shall conform to the Access Management and Control Ordinance requirements for alignment of entrances and entrance

sight distance requirements and the current edition of the American Association of State Highway and Transportation Officials (AASHTO) Policy on Geometric Design of Streets and Highways.

**c. Separation and Access Requirements.** All properties shall comply with the following access limitations:

*i. Access to Single-Family Residential Uses. All single-family residential lots shall be permitted one access point from any public road. Access to Arterial streets from any lot platted after the effective date of this Ordinance shall be prohibited.*

*ii. Access to Multi-Family and Non-Residential Uses. All multi-family and non-residential lots shall be permitted one access point from each public road, if approved by the Town Engineer. Access to Arterial streets from any lot platted after the effective date of this Ordinance shall be prohibited unless approved by the Town Engineer. Any lot that was lawfully established prior to the effective date of this Ordinance and for which access cannot be provided in compliance with this ordinance shall obtain access from the frontage with the lowest Thoroughfare classification.*

**d. Design Requirements.** The design of all vehicle entrances and access points from a public or private road shall conform to the following requirements:

*i. Curbs. All entrances from streets serving uses other than farms and single-and two-family residences shall be curbed from the beginning of any acceleration or deceleration lane, taper, or turning radii up to and including any landscaping area that separates the entrance from parking and loading areas.*

*ii. Entrances. All entrances shall be designed to provide clear, distinct points by which vehicles enter and exit*

*property. Typically, a vehicle access point shall include one entry and one exit lane of adequate, but not excessive, width to accommodate the anticipated vehicle user types. Multi-family and non-residential accesses may also include turn lanes as deemed acceptable by the Town Engineer. Any medians provided within an entrance shall be fully curbed, and shall be a minimum of six (6) feet in width and a maximum of ten (10) feet in width.*

## **17. Connectivity.**

**a. Adjacent Parking Areas.** Connectivity to adjacent parking areas shall be required in at least one (1) location. This may be accomplished through an aisle connector, frontage street, access street, or stub to an adjacent lot zoned MF, NB, GB, HB, DB, Institutional, LI or HI. The Town Engineer may waive this requirement when:

- i. pre-existing development will not feasibly allow such a connection,*
- ii. topography will not feasibly allow such a connection,*
- iii. the resulting connection would create a pedestrian or vehicular hazard, or*
- iv. the neighboring use would be a conflict with the proposed use on the subject lot.*

## **b. Cross-access Easements**

- i. Where parking areas connect or are laid out to be connected, a cross-access easement shall be recorded.*
- ii. Cross-access easements shall be wide enough for two-way traffic.*

**18. Access Roads.** To discourage new curb cuts and to reduce the use of existing curb cuts along arterial streets, tracts shall be accessed via connection to another collector street, local street,

or access easement through an adjoining parking lot when possible. Full access to all tracts from arterials shall only occur at signalized intersections. When development occurs where an access road is the best alternative, the developer shall construct their portion of the access road. When other access alternatives are not feasible and adjacent tracts fronting arterial roads are undeveloped, the Town Engineer may allow right in/right out driveways per the Access Management and Control Ordinance, in cooperation with Indiana Department of Transportation, as needed. Bicycle and pedestrian circulation to and through the site shall be coordinated with vehicular access, landscaping and parking.

**19. Intersection Visibility.** In accordance with this ordinance and the Access Management and Control Ordinance, all properties shall maintain a Clear Vision Area at the intersection of all public or private roads, alleys, trails and driveways.

**a. Measurement.** The Clear Vision Area, also known as the “Sight Visibility Triangle”, is formed by connecting the end points of measurements along two intersecting right-of-way centerlines or by connecting the end points of measurements along a single right-of-way centerline and the centerline of the intersecting driveway or trail. For the purposes of the Access

**TABLE 3.9** - Intersection Visibility Triangle Measurements

Use	Distance From Point of Intersecting Centerlines	
Arterial	½ Thoroughfare Plan ROW width	Plus 25’
Collector	½ Thoroughfare Plan ROW width	Plus 15’
Local	½ Thoroughfare Plan ROW width	Plus 10’
Alley	½ ROW width	Plus 10’
Trail	½ Easement width	Plus 10’
Driveway	½ actual driveway width	Plus 10’

Control Ordinance Amendment and this Section, the total distance along that centerline is referred to as “X”, with “X” being equal to one-half (½) the Thoroughfare Plan ROW width plus an additional distance. That additional distance is determined by as indicated in Table 3.9, below:

## 20. Driveways.

**a. Permits.** New driveways and curb cuts require a Driveway Permit before being installed. Existing curb cuts that have not obtained a Driveway Permit in the past will need to do so before the property may be developed.

**b. Materials.** Driveways for all uses in all zoning districts must be graded and surfaced with an all-weather paving material such as asphalt, concrete, or other material that will provide equivalent protection against potholes, erosion, and dust.

**c. Separation from Intersections.** Driveways shall be adequately separated from roadway intersections in order to minimize conflict with intersection traffic per Table 1.2 of the Access Management and Control Ordinance. Street classification shall be in accordance with the Pendleton Thoroughfare Plan.

## E. Landscaping

**1. Purpose.** The landscape regulations within the Unified Development Ordinance are intended to guide the development and redevelopment of the Town of Pendleton for the following purposes:

**a. Quality of Life.** To improve the overall quality of life for all of Pendleton’s citizens by increasing the amount of living landscaping in the community.

**b. Public Health.** To improve the public’s mental and physical health by ensuring living landscapes are present throughout the urban area.



**c. Future Vision.** To use landscaping to help implement the Town of Pendleton's Comprehensive Plan and all of its elements, including the Bicycle & Pedestrian Plan, the Thoroughfare Plan, the Downtown Revitalization Plan and the Parks Master Plan.

**d. Community Character.** To use landscaping to help create a sense of place for the Town, including within corridors, subdivisions, gateways and neighborhoods.

**e. Environmental Impact.** To off-set the impacts of development and redevelopment by requiring installation of living plants to improve air quality, decrease stormwater runoff, reduce erosion and provide shade.

**f. Preservation.** To identify and incentivize preservation of important landscapes and trees.

**g. Aesthetics.** To preserve and enhance the scenic and natural beauty of the Town's landscape.

**h. Compatibility.** To use landscaping to increase compatibility between different land uses.

**i. Support Native Flora and Fauna.** Encourage keeping the needs of wildlife in mind as development progresses.

**j. Invasives.** The use of invasive plantings is prohibited. Reference the Pendleton Tree Care Manual for approved species list.

## 2. Applicability.

**a. Zoning.** These Landscaping Standards apply to all Pendleton zoning districts.

**b. 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 Chapter 3 for Bufferyard and Landscape Standards if any of the following occur:

*i. The primary use of the parcel changes;*

*ii. WWA construction design release is required through Indiana Department of Homeland Security (DHS); and/or*

*iii. The impervious surface coverage of the lot increases by more than twenty (20) percent.*

**c. Conflicting Requirement.** In the case of any conflicting landscaping requirements, such as the requirement for both a buffer for double-frontage lots and a perimeter buffer for Major Subdivisions, the most restrictive requirement shall apply.

## 3. Positioning.

**a. Easements.** Landscape material shall not be planted in rights-of-way without permission from the Town or in easements without the permission from the easement holder. A tree canopy may project over a right of way or easement.

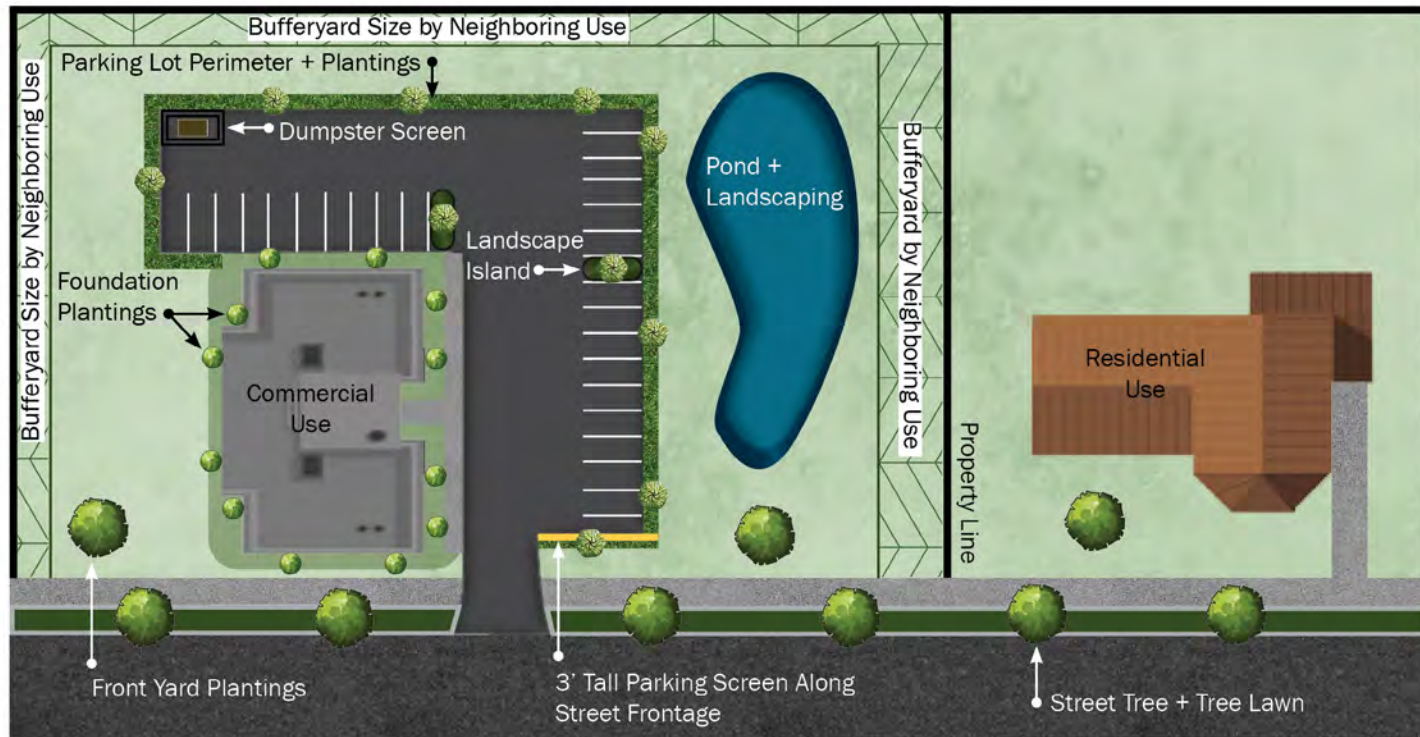
**b. Movement.** Landscape materials shall be located to avoid interference with vehicular and pedestrian movement. Specifically, plant materials shall not project into sidewalks, pedestrian paths, trails and the like below a height of seven (7) feet. Plant materials shall not project over street curbs or pavement within rights-of-way or access easements below a height of fourteen (14) feet.

*i. Streetscape. The unpaved portion of an adjacent public or private right of way shall be fine-graded, planted and maintained with vegetative ground cover.*

**c. Vision Clearance Standards.** All landscape materials shall be located to avoid interference with visibility per Chapter 3, Section (D)(19), Intersection Visibility.



**FIGURE 3.2** - Landscape Requirements (all)



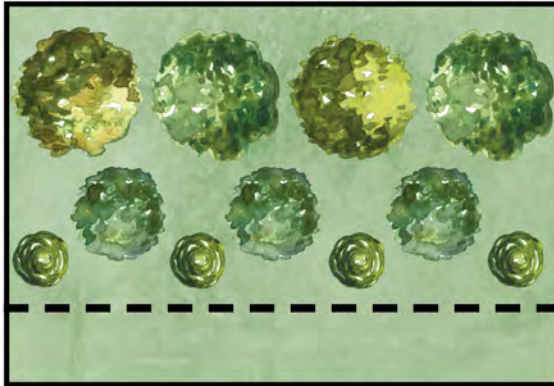
**4. Landscape Design.** Plantings may be clustered or staggered for variety and a more natural appearance, or may be spaced in equal increments for a more formal appearance. In most circumstances, plant grouping is encouraged to provide a more naturalistic landscape appearance. The landscape design should make use of plant clusters to block undesirable views, glaring lights, etc. intended to grow, spread and mature over time. 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 and watering and treatment against disease and pests.

**a. Responsibility.** The owner of the property shall be responsible for the continuous proper maintenance of all

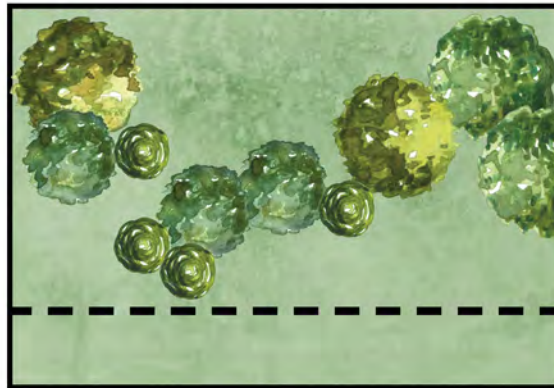
required landscaping materials, and shall keep them free from refuse and debris and in a healthy, growing condition at all times.

**b. Maintenance Bond Required.** The developer shall post a three-year maintenance bond after the initial required landscaping is installed for an amount as determined by the Town that is a percent of the cost of installation and plant materials. The cost of installation shall be certified by landscape contractor or licensed landscape architect.

**c. 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.



**FIGURE 3.3** - Formal Landscape Design



**FIGURE 3.4** - Natural Landscape Design

**d. Replacement Due to Other Removal.** If a healthy tree or shrub that has been used to meet landscape requirements is removed, it shall be replaced as follows:

*i. Deciduous Tree.* Replant the site with three (3) deciduous trees for each one (1) deciduous tree that is removed, in accordance with a new landscape plan that has been approved by the Administrator. New deciduous trees shall meet minimum ordinance size standards.

*ii. Evergreen Tree.* Replant the site with three (3) evergreen trees for each one (1) evergreen tree that is removed, in accordance with a new landscape plan that has been approved by the Administrator. New evergreen trees shall

meet minimum ordinance size standards.

*iii. Shrub.* Replant the site with three (3) shrubs for each one (1) shrub that is removed, in accordance with a new landscape plan that has been approved by the Administrator. New evergreen shrubs shall meet minimum ordinance size standards.

*iv. Pruning.* Plants used to fulfill requirements of this ordinance may not be removed, 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 to preserve the relative health of the material involved. Pruning that results in removal of more than one-third (1/3) of the height of the tree at the time of pruning shall be considered the same as removal; the pruned tree shall be removed and a new tree, meeting the requirements of subsection F.2, above, Replacement Due to Other Removal, shall be planted.

**6. Inspection.** A site is subject to landscape inspection by the Administrator or their designee at the time of installation and at any time in the future, in order to confirm the accuracy of the installation, the health of plant materials and the maintenance of the approved landscape plan.

**7. Plant Quality.** Plant material and ground covers shall be hardy, free of insects and diseases. All plants shall comply with the most recent version of The American Standard for Nursery Stock (ANSI Z60.1) published by the American Horticulture Industry Association.

**8. 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.

## 9. Landscape Preservation.

**a. Intent.** The preservation of healthy, mature landscape, especially deciduous trees, is crucial to the quality of life and the health of the environment in Pendleton. As such, that preservation is regulated and incentivized in this section.

### **b. Preservation Required for Deciduous Trees**

*i. In Setbacks. All existing healthy, mature, non-invasive deciduous trees above four (4) inch caliper and located within required setbacks shall be preserved. The property owner may request that the required preservation of a deciduous tree be waived and the Administrator may grant said waiver if they find that the preservation of said tree will substantially interfere with future site development.*

*ii. In Easements. Preservation of healthy, mature, native deciduous trees within easements is encouraged whenever possible, but is not required.*

*iii. Other Landscape Plants. Preservation of other healthy, mature, non-invasive landscape plants is encouraged, but not required.*

**c. Credits for Deciduous Tree Preservation.** Preservation of healthy, mature, native deciduous trees shall earn credit toward meeting the landscape requirements in the Unified Development Ordinance. Due to potential for removal or interference with the easement purpose, credits for preservation of healthy, mature, native deciduous trees within easements must be approved by the Administrator.

*i. For each preserved deciduous tree with caliper measurement of over four (4) inches but less than eight (8) inches, a credit for three (3) required deciduous trees shall be granted.*

*ii. For each preserved deciduous tree with caliper measurement of over eight (8) inches but less than twelve*

*(12) inches, a credit for four (4) required deciduous trees shall be granted.*

*iii. For each preserved deciduous tree with caliper measurement of over twelve (12) inches a credit for five (5) required deciduous trees shall be granted.*

*iv. In no case shall a preserved deciduous tree be replaced by a preserved evergreen tree, shrub or other landscape material, nor shall any of those materials receive the equivalent credits for a required deciduous tree.*

**d. Credits for Evergreen Trees.** Preservation of healthy, mature, native evergreen trees shall earn credit toward meeting the landscape requirements in the Unified Development Ordinance. Due to potential for removal or interference with the easement purpose, credits for preservation of healthy, mature, native evergreen trees within easements must be approved by the Administrator.

*i. For each preserved evergreen tree over six (6) feet tall but less than ten (10) feet tall, a credit for three (3) required evergreen trees shall be granted.*

*ii. For each preserved evergreen tree over ten (10) feet tall, a credit for four (4) required evergreen trees shall be granted.*

**e. Shrubs.** Credits for preservation of healthy, mature, native shrubs may be approved by the Administrator if they determine that the existing shrub contributes to the intent of the landscape ordinance.

**f. Native Grasses or other Unique Landscape Area.** Credits for planting and/or preservation of healthy, mature, native grasses, native wildflowers, etc. may be approved by the Administrator, if they determine that the native grass or landscape area contributes to the intent of the landscape ordinance.



## 10. Minimum Plant Size.

**a. Deciduous Trees.** All required deciduous trees shall be at least two (2) inch caliper at the time of planting, measured at six (6) inches above the root ball.

**b. Evergreen Trees.** All required evergreen trees shall be at least eight (8) feet in height at the time of planting, measured from the top of the root ball.

**c. Ornamental Trees.** All required ornamental trees shall be at least two (2) inch caliper at the time of planting, measured at 6 inches above the root ball.

**d. Shrubs.** All required shrubs shall be at least eighteen (18) inches in height at the time of planting, measured from ground level.

**11. Diversity of Plants.** A mixture of plant species is encouraged to help protect against infestation or disease leading to mass die-off of plant material.

## 12. Use of Native Grasses and Wildflowers.

**a. Intent.** The use of native grasses, wildflowers and other native plants in managed landscape design can be economical, low-maintenance, effective in soil and water conservation, and may preclude the excessive use of pesticides, herbicides, and fertilizers. Furthermore, native vegetation and native plant communities, on a worldwide basis, are disappearing at an alarmingly rapid rate. The Town recognizes the desirability of permitting and encouraging managed natural vegetation within the Town limits of Pendleton while maintaining public health and safety.

**b. Managed.** The term “managed” as used in this ordinance means a planned and designed yard or landscape with the intent to control, direct, and maintain the growth of natural vegetation.

*i. Managed natural landscapes shall not include turf-grass lawns left unattended for the purpose of returning to a natural state. In establishing a natural landscape, turf grass shall be eliminated and the native vegetation shall be planted through transplanting or seed by human or mechanical means.*

*ii. Plants in managed natural landscapes may be grown to any heights as long as the location and manner of growth do not constitute a hazard to the public health and safety by blocking traffic visibility (see Chapter 3, Section (D) (19), Intersection Visibility) or interfering with the use of easements.*

*iii. A maintenance plan shall be part of all approved landscape plans, which stipulates that the native plant landscape area shall be cut at least once annually between April 15 and July 15, to a height no greater than ten (10) inches. As an alternative, the area may be burned, if appropriate permits are obtained through the Town's Fire Department.*

**c. Invasive Species Excluded.** Plant species which are listed as invasive species, per the Indiana Invasive Species Council do not qualify for landscape credit under the purposes of this ordinance. For more information, see <https://www.entm.purdue.edu/iisc/invasiveplants.html>

**13. Installation.** All landscaping shall be installed as required by this Ordinance

**a. 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 Chapter.

**b. Delayed Installation.** In the event that 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 a performance bond, cashier's check, cash or money order is posted with the Town. Personal checks shall not be accepted. The performance guarantee shall be equal to one hundred twenty-five (125) percent 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 period.

#### 14. Foundation Landscaping.

**a. Quantity.** The quantities listed below are required in addition to landscape materials that may be required by parking lot planting, screening and bufferyard planting specified in other parts of this Landscaping Standards section.

**b. Applicability.** This provision applies to all primary structures.

**c. Placement.** Foundation plantings shall be planted along all four (4) sides of the foundation (excluding drive-throughs, loading docks, and the front door) and be located as follows.

*i. Shrubs: Within six (6) feet of the foundation.*

*ii. Ornamental Trees: Within ten (10) feet of the foundation.*

**TABLE 3.10** - Foundation Plantings

Minumum Foundation Plantings Required: R/OS, MF-1, MF-2, I, NB, GB, HB, LI, HI		
	Front Façades	Side & Rear Facades
Street façade is 80' or less in width	3 shrubs every 20'	1 shrub per every 30'
Street façade is more than 80' in width	3 shrubs every 20'	1 shrub or ornamental tree per every 40'
Minumum Foundation Plantings Required: DB		
	Front Facades	Side & Rear Facades
All façades where feasible	3 shrubs every 20'	1 shrub or ornamental tree per every 40'

## 15. Front Yard Plantings.

**a. Quantity.** The quantities listed below are required in addition to landscape materials that may be required by parking lot planting, screening and bufferyard planting specified in other parts of this Landscaping Standards section.

**b. Applicability.** This provision applies to all improved sites.

**c. Placement.** Yard plantings shall be planted in the front yard, but shall not be located within five (5) feet of a primary structure, accessory structure, sidewalk, curb, paved surface, or driveway; nor within two (2) feet of a property line.

**d. Natural Landscape Substitution.** A property owner may request substitution of a managed natural landscape containing native grass or wildflowers for other yard planting requirements on lots over twenty thousand (20,000) square feet. The property owner shall submit a landscape plan including native plantings for review and approval by the Administrator prior to installation.

**TABLE 3.11** - Front Yard Plantings

Minimum Front Yard Plantings Required: R/OS, RR, RC, SF-1, SF-2, SF-3, SF-4, MF-1, MF-2, I, DB*, NB, GB, HB, LI, HI	
Lot is 20,000 square feet or less	1 canopy tree
Lot is more than 20,000 square feet*	2 canopy trees + 1 additional canopy tree per every 25,000 sq.ft above 40,000 sq.ft.

## 16. Parking Lot Landscaping Standards (Applies to all Zoning Districts).

**a. Permits.** Landscape materials consistent with the requirements of the Unified Development Ordinance shall be required when an Improvement Location Permit is obtained for a new parking lot, reconstruction of an existing parking lot, the expansion or reduction of an existing parking lot by twenty-five (25) percent or greater, or change of use or the building is being renovated for a new use.

**b. Parking Lot Perimeter Requirements.** All parking lots shall be surrounded by a ten (10) foot-wide perimeter landscaping area and separated from all planned and existing public rights-of-way (consistent with the Thoroughfare Plan). Lots include parking spaces, interior drives, and loading areas. A driveway entrance that complies with the requirements of the Town may cross perimeter landscaping; 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. The landscape area shall meet the following:

*i. Required Landscaping. A minimum of one (1) shade tree and ten (10) shrubs shall be planted for every thirty (30) feet of perimeter landscaping area.*

*ii. Along Street Frontages. In addition to the above trees and shrubs required, a 3' tall hedge, berm, wall or fence shall be installed along all street frontages, within the perimeter landscaping area.*

**c. 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.



*i. Minimum Landscape Area. The minimum area required for interior landscaping shall be based on the total number of parking spaces:*

*Up to 50 parking spaces = 5%*

*51 – 150 parking spaces = 7%*

*Over 150 parking spaces = 9%*

*ii. Location. All required landscaped areas shall consist of curbed islands or peninsulas that are surrounded on at least two (2) sides by pavement. Landscaping on the perimeter of the parking lot shall not be counted toward this requirement*

*iii. Size. All landscape islands shall be a minimum of one hundred eighty (180) square feet in area.*

*iv. Spacing. There shall be a maximum of ten (10) parking spaces in a row before a landscape island is placed.*

*v. Layout. The required landscaping areas shall generally be grouped together and coordinated for the following purposes:*

*(a) Establishing an entry aisle to the property,*

*(b) Separating interior drives from parking aisles, and*

*(c) Indicating the ends of aisles of parking spaces.*

*(d) Planting 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. If green infrastructure approved by the Town Engineer is installed throughout the parking area, the number of required canopy trees for the interior parking landscape area may be reduced by fifty (50) percent.*

**17. Bufferyards.** These Bufferyard Standards apply to all

Pendleton zoning districts, but are based on land use, not zoning.

**a. Responsibility.** Each developer or owner is required to install and maintain a bufferyard on their own parcel as it develops. Developers on adjacent parcels shall also install and maintain bufferyards with development.

**b. Exempt.** A buffer is not required for the following:

*i. Where an alley separates applicable zoning districts, a buffer is not required along the rear lot line;*

*ii. If a more intense natural buffer type currently exists between a parking area and the applicable lot line that is approved by the Administrator.*

*iii. Developments within the Downtown Business District (DB) shall be exempt from the buffer requirements. However, if a side or rear yard is provided on a property within the DB Zoning District, the buffer requirements for the applicable areas shall be met.*

**c. Location.** Bufferyards shall be located along the outer perimeter of the site, parallel to and extending along one hundred (100) percent of the side and rear property lines. Bufferyard widths are in addition to required setbacks.

**d. Use and Possession.**

*i. Water or Drainage Areas. Bufferyards may contain natural water amenities or areas established for drainage, provided that planting requirements are still satisfied.*

*ii. Parking & Loading Areas. Parking areas and loading are not allowed in any buffer.*

*iii. Overlap with Easements. Bufferyards may overlap with drainage and utility easements, but required plantings shall not be placed within the actual drainage and utility easements.*

iv. *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 the ordinance are met. In no event, however, shall permanent structures be permitted in bufferyards including ice-skating rinks, stables, swimming pools, ball or tennis courts.

v. *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, homeowner 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 ordinance.

**e. Plant Arrangement.** Plant material shall be installed within the buffer yard such that views between, noise and other impacts from conflicting land uses are disrupted. A natural pattern, grouping or irregular row of trees is preferred in the buffer yard.

**f. Substitution**

i. *Unique Site Conditions.* The Administrator may lessen the requirements of the buffer yard standards by twenty (20) percent due to unique site conditions or features that prevent appropriate and healthful installation of the trees. These site conditions or features may include existing vegetation that exceeds the buffer yard requirements in size and quantity or topography that shields the adjacent property in a more thorough way than the buffer yard requirements.

ii. *Pre-existing Trees.* The Administrator shall give credit for pre-existing trees that contribute to the intent of the

bufferyard standards. Credits for the bufferyard standards may be granted in accordance with Chapter 3, Section E (9)(c).

**g. Side and Rear Buffers.** Bufferyards shall be provided in all required side and rear yards and between uses in accordance with the Table 3.12 and 3.12A. If the incoming use borders a jurisdiction outside of Pendleton, the bufferyard used shall be based on the current land use in that neighboring jurisdiction. Where the incoming use abuts undeveloped land, the buffer yard determination shall be based on the zoning district.

**TABLE 3.12** - Perimeter Bufferyard Types by Use

<b>Bufferyard Type</b>	<b>Minimum Buffer Width</b>	<b>Minimum Landscaping Required per 100 Linear Feet (Non-Major Subdivision)</b>	<b>Minimum Landscaping Required per 100 Linear Feet (Major &amp; Traditional Subdivision)</b>
1 - Light Buffer	Setback + 5'	<b>3 shade trees +</b> 2 ornamental <b>OR</b> 2 evergreen trees	4'-6' undulating berm + 5 shade trees + 10 evergreen trees + 25 shrubs
2 - Medium Buffer	Setback + 15'	<b>3 shade trees +</b> 6 evergreen trees <b>OR</b> 3' tall berm + 25 shrubs	4'-6' undulating berm + 8 shade trees + 15 evergreen trees + 35 shrubs
3 - Heavy Buffer	Setback + 25'	<b>3 shade trees +</b> 6' tall opaque screen (fence or wall) <b>OR</b> 3' tall berm + 50 shrubs <b>OR</b> 20 evergreen trees	4'-6' undulating berm + 10 shade trees + 20 evergreen trees + 50 shrubs

\*\* Any RC subdivision 10 acres or more may be subject to a bufferyard requirement as determined by the PC, not to exceed the maximum major subdivision requirements as listed in tables 3.12 and 3.13.

**TABLE 3.12A** - Required Perimeter Bufferyard by Use

EXISTING USE (BELOW)	INCOMING USE							
	Single-Family (SF or 2F)	Multi-Family (>2F)	Small Commercial	Medium Commercial	Large/ Intense Commercial	Mixed Use	Institutional	Industrial
Single-Family	1	1	1	2	2	1	2	3
Multi-Family	1	1	1	1	2	1	2	3
Small Commercial	1	2	1	1	1	1	1	2
Medium Commercial	2	2	1	1	2	2	2	1
Large/Intense Commercial	2	2	2	1	1	2	1	1
Mixed Use	1	1	1	1	2	1	1	1
Institutional	2	2	2	1	1	1	1	1
Industrial	3	3	2	2	1	2	2	2
Agriculture	1	1	1	1	1	1	1	1

Small Commercial= ≤6,000 sqft floor area

Medium Commercial= 6,001 sqft to 39,999 sqft floor area

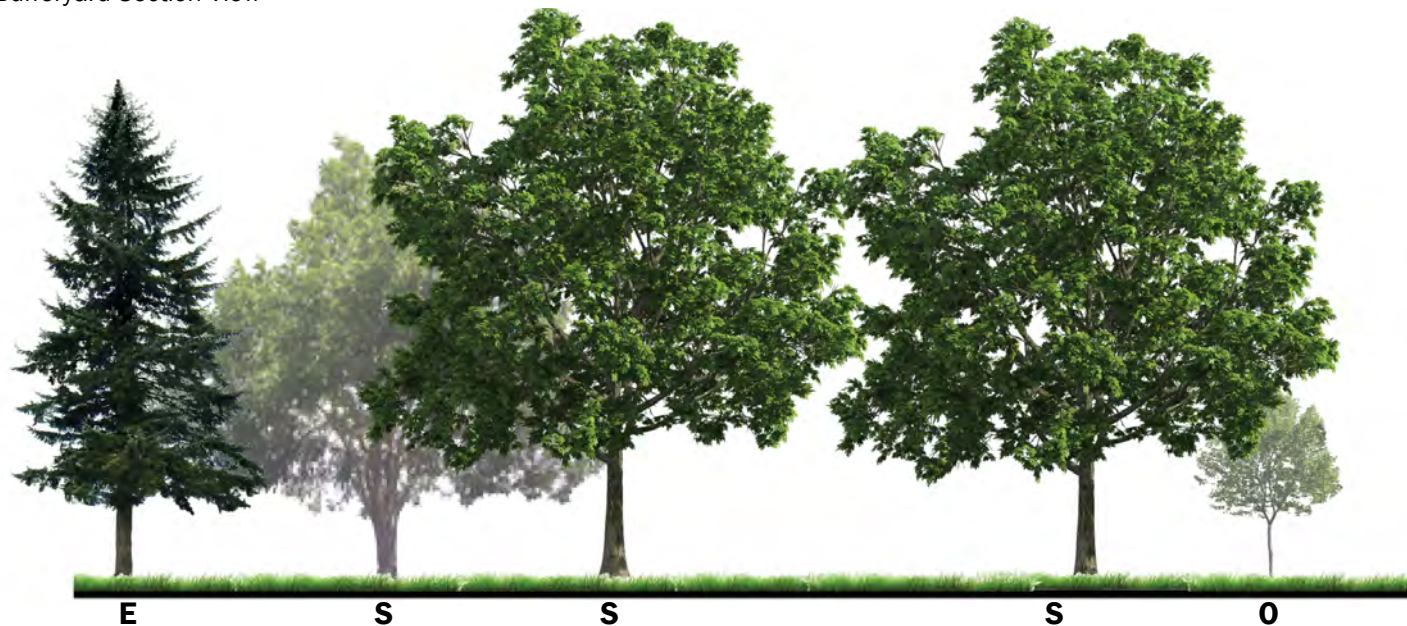
Large/Intense Commercial= ≥40,000 sqft floor area or site has outside storage, sales or permanent display

Institutional= Church, School, Government, etc.

**TABLE 3.13** - Major and Traditional Subdivision Perimeter Bufferyard Types Required by Street Type

Bufferyard Type	Street Type	Minimum Buffer Width	Minimum Landscaping Required per 100 Linear Feet	Minimum Berm Height
A	Local Street	40'	5 shade trees + 10 evergreen trees + 25 shrubs	4'-6' undulating
B	Collector Street	60'	8 shade trees + 15 evergreen trees + 35 shrubs	4'-6' undulating
C	Arterial Street	80'	10 shade trees + 20 evergreen trees + 50 shrubs	4'-6' undulating

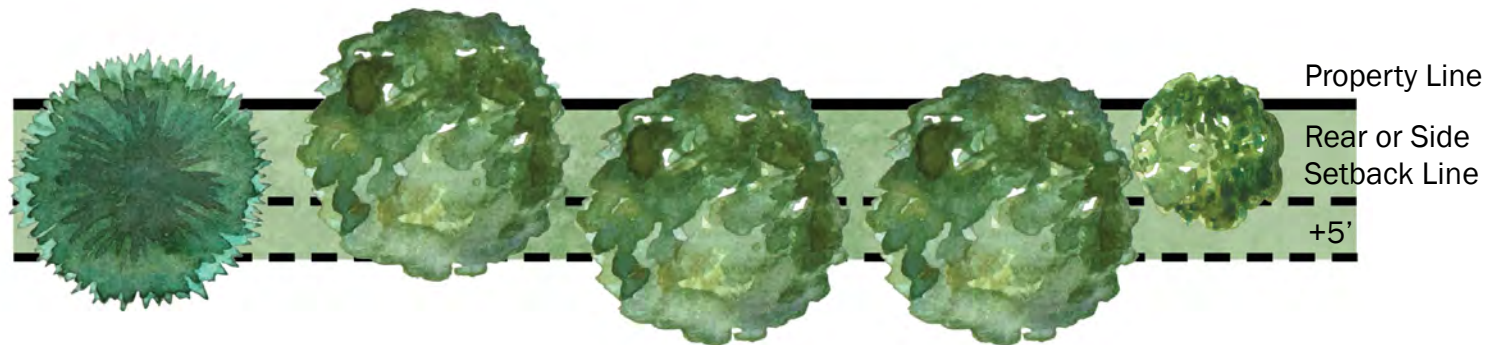
**FIGURE 3.5** - Light Bufferyard Section View



**Type 1: Light Buffer - 100' Typical Landscaping**

3 Shade Trees + 2 Evergreens or 2 Ornamentals (or one of each)

**FIGURE 3.6** - Light Bufferyard Plan View



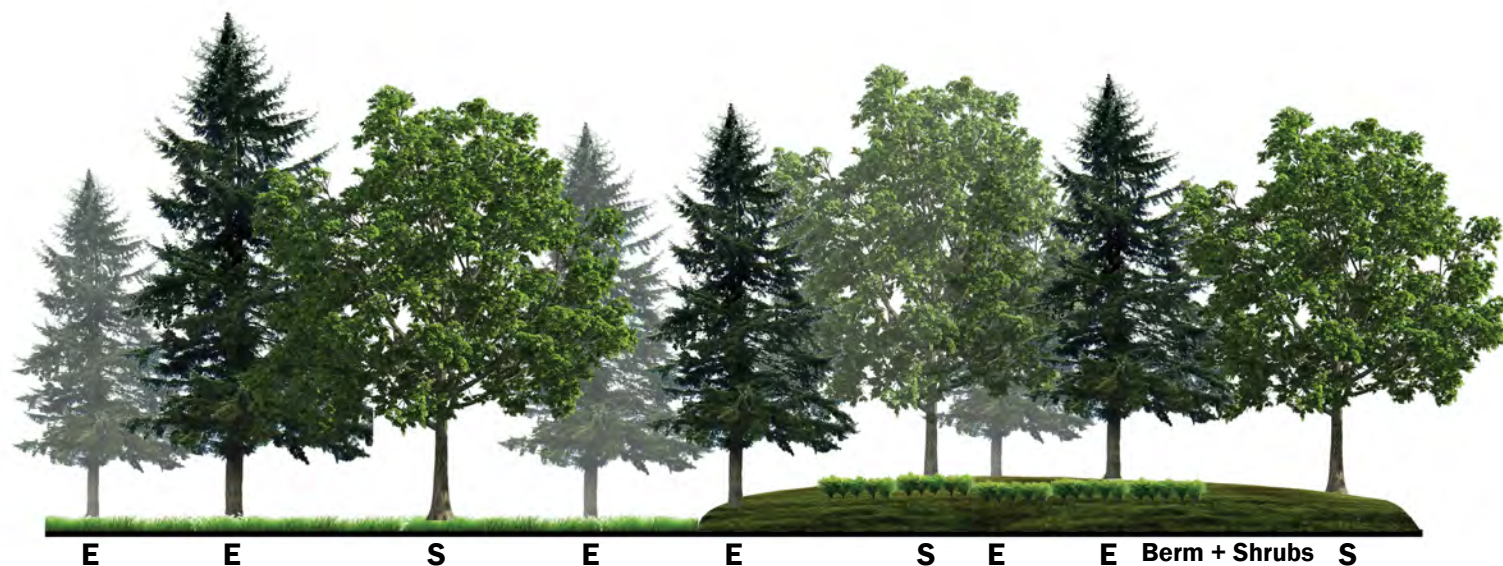
**Type 1: Light Buffer - 100' Typical Landscaping**

Width = Setback + 5'

3 Shade Trees + 2 Evergreens or 2 Ornamentals (or one of each)



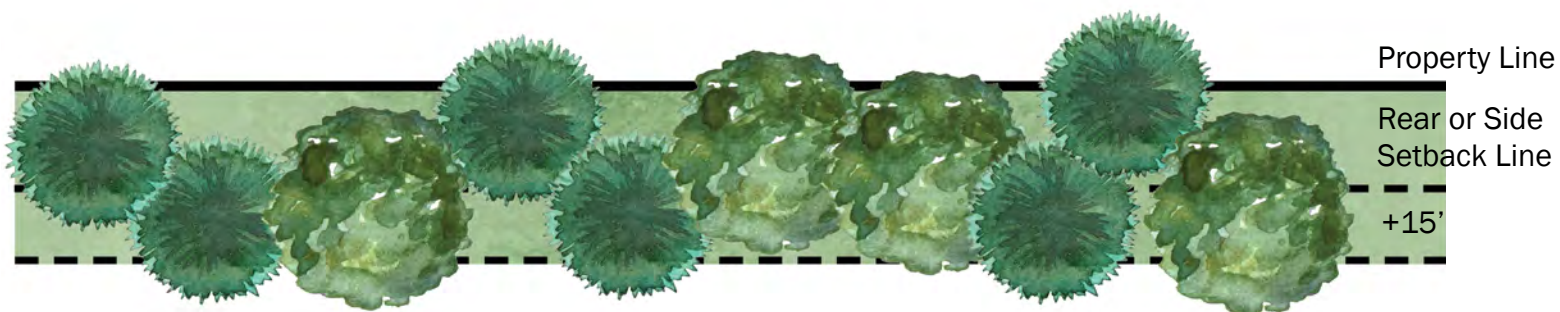
**FIGURE 3.7** - Medium Bufferyard Section View



**Type 2: Medium Buffer - 100' Typical Landscaping**

3 Shade Trees + 6 Evergreens or 3' Tall Berm + 25 Shrubs

**FIGURE 3.8** - Medium Bufferyard Plan View



**Type 2: Medium Buffer - 100' Typical Landscaping**

Width = Setback + 15'

3 Shade Trees + 6 Evergreens or 3' Tall Berm + 25 Shrubs

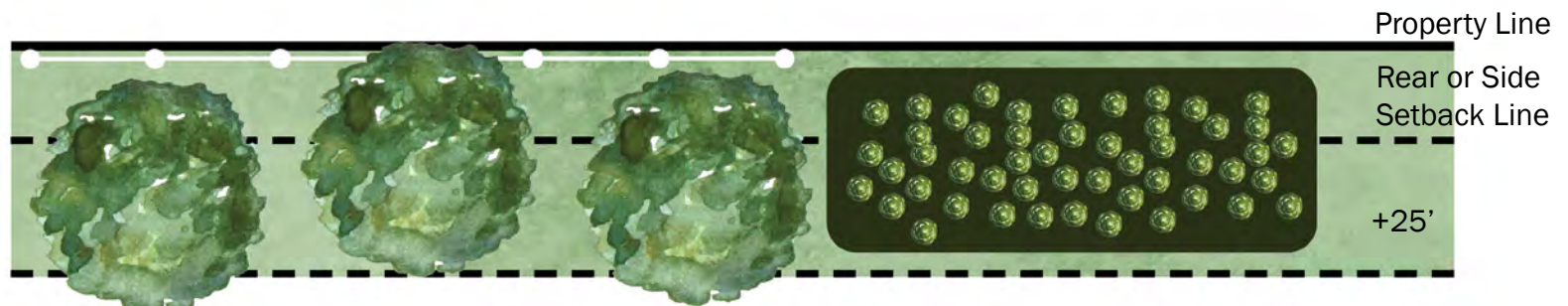
**FIGURE 3.9** - Heavy Bufferyard Section View



**Type 3: Heavy Buffer - 100' Typical Landscaping**

3 Shade Trees + 6' Opaque Screen or 3' Tall Berm with 50 Shrubs or 20 Evergreens

**FIGURE 3.10** - Heavy Bufferyard Plan View



**Type 3: Heavy Buffer - 100' Typical Landscaping**

Width = Setback + 25'

3 Shade Trees + 20 Evergreens or 3' Tall Berm with 50 Shrubs or 6' Opaque Screen

**h. Fence & Walls in Bufferyards.** Fence and walls shall be a minimum six (6) foot tall and opaque. Fences shall be constructed of wood or vinyl. Walls shall be masonry construction (brick or stone). Any fence or wall shall be located at least fifteen (15) feet from the property line and the required landscaping shall be planted between the fence and the property line.

*i. Berms in Bufferyards. 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 feet from the property line. Berm shall not exceed six (6) feet at peak. No berm shall have slopes in excess of three horizontal units to one vertical unit (3:1 slope). Required landscaping may be planted on the berm.*

#### **18. Landscape Screening Standards (Applies to all Zoning Districts).**

**a. Outdoor Storage of Inoperable Vehicles.** The outdoor storage of inoperable vehicles, where allowed, shall be within a 6' tall minimum opaque fence or wall, landscaped in accordance with Buffer Type 3.

**b. Dumpsters, Recycling and Other Containers.** Dumpsters, recycling and other containers that are visible from a residentially zoned area, residentially used area, or a public street, shall be screened by a six (6) foot tall, one hundred (100) percent opaque fence of wood, vinyl, brick, or stone construction, consistent with the exterior of the primary structure, shall completely enclose the area. Opaque, six (6) foot tall wooden gates shall be provided to access the facility. The gates shall remain closed, except when immediate access to the area is required.

**c. 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.

#### **19. Landscaping around Ponds (Applies to all Zoning Districts).**

**a. Intent.** In an effort to prevent erosion around pond edges, reduce maintenance and discourage Canadian Geese from clustering around ponds, all ponds which are 2 acres or more in size shall follow these requirements.

**b. Pond Design.** To minimize goose breeding and resting areas, new ponds, lakes or retention basins shall not include islands or peninsulas.

**c. Vegetative Buffer Strip.** There shall be a vegetative buffer around the entire perimeter of the pond outside of the water and above the level of the shelf. The buffer shall be a strip planted with one or more of the following:

*i. Native Grasses. Minimum ten (10) foot wide strip planted with native warm season grasses which remain approximately four (4) feet in height throughout the year. Because these buffer strips must retain their mature height to be effective, annual mowing of the buffer strips for maintenance is not required.*

*ii. Shrubs. Minimum ten (10) foot wide strip planted with native shrubs. Shrubs shall be spaced in linear rows, with three feet between rows and three foot spacing between plants in each row. Shrubs should not be used on dams or*



levees or in areas where height is a concern.

iii. *Trees. Minimum twenty (20) foot wide strip planted with native trees. Trees shall be spaced in linear rows, with eight feet between rows and six foot spacing between plants in each row. Trees should not be used on dams or levees or in areas where height is a concern.*

iv. *Vegetative Buffer Strip Alternative. The above vegetative buffer strips may be mixed with a Rock Barrier consisting of boulders at least two feet in diameter placed completely along the shoreline to prevent geese from walking out of the water. Rip rap and smaller rock are not acceptable as an effective rock barrier.*

v. *Non-Vegetative Buffer Strip. If the Administrator determines that it is not possible or desirable to plant a vegetative buffer strip on a site, they may approve a non-vegetative alternative for the entirety of the shoreline.*

## 20. Street Trees.

**a. General Street Tree Requirements.** Street trees shall be a required component of the public improvements in all major subdivisions for local, collector and arterial streets (see Chapter 6, Subdivision Design Standards). The number of street trees required shall be calculated by dividing the total street frontage, measured at the right-of-way line, by 90 feet. The trees shall generally be distributed evenly along the street frontages, but are not required to be installed in 90-foot increments. Whenever computation of the street tree requirement results in a fractional number, results shall be rounded up to the nearest whole number.

**b. Street Tree Locations.** Street trees shall be planted in the public right-of-way unless there are substantial existing conflicts, in which case they may be placed in an adjacent platted street tree easement located as close to the right-

of-way line as possible. The minimum width for street tree easements shall be twice the amount of the tree lawn width specified for that street.

i. *Street trees shall be centered in the tree lawn (between the curb and sidewalk) or in the easement in which they are located.*

ii. *No street trees shall be planted within ten (10) feet of a fire hydrant.*

iii. *No street tree shall be planted within five (5) feet of any driveway or alley.*

iv. *Street trees shall avoid unnecessary conflicts with underground utilities, and flexibility should be given to the placement of street trees to accommodate improvements such as driveways, underground utilities, lighting, etc. as long as the trees have been evenly distributed along the entire street frontage and the minimum number of trees are provided.*

v. *No street trees shall be planted within twenty (20) feet of an overhead utility.*

vi. *All street trees shall be selected and placed such that the effectiveness of all traffic control devices and street lights shall not be compromised.*

vii. *Trees shall not be planted within any sight visibility triangle areas as defined in Chapter 3, Section (D)(19), Intersection Visibility.*

viii. *In commercial areas, where tree lawns are not present, street trees may be placed in appropriately designed planters constructed within the sidewalk areas.*

**c. Tree Specifications.** All street trees shall be two and a half (2.5) inches in caliper measured six (6) inches from the top of

the root flare at the time of planting. The tree types shall be limited to non-invasive species. All street trees shall conform to the standards set forth in the latest version of the American Standard for Nursery Stock approved by the American National Standards Institute, Inc. (ANSI). In subdivisions requiring the planting of twenty (20) street trees or more, a minimum of two (2) species shall be required. Each species shall represent at least thirty-five (35) percent of the total number of street trees.

**21. Buffer for Double-Frontage Lots.** Lots with frontage on two parallel streets shall be avoided except where the Plan Commission allows, per Chapter 6, Subdivision Design Standards. As part of the subdivision approval for any Primary Plat with double frontage lots, the developer shall submit a double-frontage buffer landscape plan for approval by the Plan Commission.

**a. Location.** This double-frontage lot buffer shall extend along the entire frontage of one of those parallel streets. Typically, the Plan Commission desires that buffer to be along the street of highest classification. The buffer shall be located within a minimum one hundred (100) feet wide landscape easement, outside of the right-of-way.

**b. Buffer Level.** Double frontage lot buffers shall meet or exceed the standards for a Type 3 Heavy Buffer, as defined in this chapter.

**c. Responsibility.** The entire buffer shall be installed by the developer along one of the street frontages and the Town shall require a performance guarantee in the form of a performance bond, cashier's check, cash or money order to be posted with the Town. Personal checks shall not be accepted. The performance guarantee shall be equal to one hundred twenty-five (125) percent 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 a Plan Commission specified time period. Provisions shall be made in the covenants for the maintenance of landscape materials and for replacement of diseased or dead materials.

**22. Perimeter Buffer for Major Subdivisions.** As part of the subdivision approval for any Primary Plat for a Major Subdivision, the developer shall submit a perimeter buffer landscape plan for approval by the Plan Commission (PC).

**a. Location.** This perimeter buffer shall extend along the entire perimeter of the development. The buffer shall be located within common area designated as a landscape easement and shall be designated on the plat. The width of the bufferyard shall be in accordance with Table 3.12. The width of the bufferyard along abutting perimeter roadways shall be pursuant to Table 3.13, according to the classification of the roadway as shown in the Thoroughfare Plan.

**b. Buffer Level.** Side and rear landscaping shall meet or exceed the standards listed in Table 3.12. Buffers along perimeter roadways shall be pursuant to Table 3.13 according to the classification of the perimeter roadways as shown on the Thoroughfare Plan.

**c. Responsibility.** The perimeter buffer shall be installed by the developer as each phase is developed and the Town shall require a performance guarantee in the form of a performance bond, cashier's check, cash or money order to be posted with the Town. Personal checks shall not be accepted. The performance guarantee shall be equal to one hundred twenty-five (125) percent 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 a Plan Commission specified time period. Provisions shall be made in the covenants for the maintenance of landscape materials and for replacement of diseased or dead materials.



## F. Lighting Standards

**1. Purpose.** It is the intent of this ordinance to provide illumination on individual lots which is adequate for the safe and efficient movement of individuals or vehicles to and from a lot and within a lot but does not cause objectionable glare beyond any lot line.

**2. Exemptions.** All exterior lighting shall comply with the requirements of this Chapter, subject to the following exemptions:

**a.** Lighting for all agricultural and single and two-family residential uses, provided that the level of illumination at any property line adjoining an agricultural use shall not exceed 0.1 footcandles.

**b.** Pedestrian walkway lighting.

**c.** Soffit lighting, provided that the light source is recessed or flush with the soffit surface.

**d.** Emergency lighting, provided that the lights are designed to operate only under emergency or loss of power situations.

**e.** Holiday decorations.

**f.** Window displays.

**g.** Lighting for temporary events, such as fairs, carnivals and similar temporary outdoor uses.

**h.** Ornamental lighting that is incorporated into an architectural design, such as colored tubes, lighting of fountains, statuary or other outdoor art and other building elements (other than signs), provided that the light source is shielded to direct light onto the lighted element.

**3. Prohibitions.** The following lighting types and methods are prohibited:

**a. High Intensity Lights.** Laser light sources, search lights or

any similar high intensity light for outdoor advertisement or entertainment.

**b. Hazardous Lights.** Any lighting where it is determined by the Town Engineer that the light source is creating off-site glare and is a hazard to travelers on an adjacent street or road.

**c. Exposed Bulb Lights.** The use of any exposed bulbs, visible from any property line unless exempt under the above ornamental lighting exemption.

**d. Flashing and Moving Lights.** Lighting that is flashing, moving or intermittent, but is not an official traffic control or emergency light.

**e. Similar to Traffic Control or Emergency Lights.** Lighting that appears similar to that used for traffic control devices or for emergency vehicles

### 4. Approval of Light Plan.

**a. Required Light Plan.** A photometric site plan and light fixture specifications showing shielded, directed, and 90-degree cut-off fixtures shall be submitted in order to determine compliance with these exterior lighting requirements.

**b. New Lights.** A lighting plan for new lights for existing or proposed development shall be filed as part of the development plan application.

**c. Replacement and Maintenance of Lights.** Additional or replacement lighting fixtures.

*i. Adding or replacing fixtures requires Light Plan approval. Replacement of a fixture shall mean a change of fixture type or change to the mounting height or location of the fixture.*

*ii. Routine lighting fixture maintenance, such as changing lamps or light bulbs, ballast, starter, photo control, housing,*

Maximum Illumination When Adjacent to this Zoning District	R/OS	A-1	A-2	RR	SF-1	SF-2	SF-3	SF-4	RC	MF-1	MF-2	I	DB	NB	GB	HB	LI	HI
0.5 Foot Candle	A			A	A	A	A	A	A	A	A							
1.0 Foot Candle	P	A	A	P	P	P	P	P	P	P	P	A	A	A	A	A	A	A

**TABLE 3.14** - Maximum Property Line Illumination ■ Allowed ■ Prohibited ■ Non-Applicable

*lenses and other similar components, shall not constitute replacement and shall be permitted without approval of a lighting plan provided such changes do not result in a higher lumen output.*

**5. Light Trespass.** No use shall produce light or glare creating a nuisance or hazard perceptible from any point beyond the lot lines. Lighting shall not cause illumination beyond any lot line or onto any right-of-way, based upon the zoning district of the property on the opposite side of such lot line, in accordance with Table 3-14.

## 6. Light Standards

### a. Site Uniformity

*i. Light standards and fixtures on a lot, including free-standing light fixtures and those attached to buildings, security lights, and architectural lights, shall be of consistent design and materials.*

*ii. Parking lot lights shall be of uniform size, design and height, not to exceed twenty-four (24) feet.*

### b. Cutoff & Shielding

*i. Free-standing Lights. All free-standing lights shall be either “down lighting” style with the light element completely*

*shielded on all sides and the top; or be equipped with a refractor so as to direct light downward onto the lot.*

*ii. Canopy Lights. All lights within gas station canopies, drive-through canopies, etc. shall be of a “down lighting” type with the light element completely shielded on all sides and top.*

*iii. Shielding. Lighting shall be so directed and shielded for signs, buildings and other structures so the element is not visible from any point along an adjacent public right-of-way.*

## G. Lot and Setback Standards

**1. Lots.** Every primary structure hereafter erected, except agricultural structures not used for human habitation, shall be located on an individual lot which fronts on a street or private drive. No building or structure shall hereafter be erected or located on a lot unless such lot conforms with the lot area regulations of the district in which it is located or in accordance with Chapter 9: Non-conforming Lots, Structures, Sites and Uses.

### 2. Setbacks.

**a.** In the case of a through lot or a corner lot, any property line abutting a street shall be considered a front property line and the setback from that line shall conform to the front yard setback regulations of that district. Corner lots shall have two

(2) front yard setbacks and two (2) side yard setbacks.

*i. One-half of an alley abutting the rear or side of a lot may be included in the rear yard setback or side yard setback, respectively, but such alley space shall not be included for loading and unloading berths.*

*ii. Architectural features (cornice, chimney, eave, sill, canopy, or similar feature) or open platforms, porches, or landings may extend into a required side setback or rear setback no more than two (2) feet, and may project into a required front yard no more than three (3) feet.*

## H. Pond Construction Standards

**1. Applicability.** These standards apply to the construction of ponds on private property. These standards do not apply to retention ponds that are included as part of the drainage system for a platted subdivision in accordance with this UDO.

### 2. Permits.

**a. Permit Required.** In any zoning district, a permit is required to construct a new pond or alter/expand an existing pond.

**b. Expiration of a Permit.** A permit shall be valid for one (1) year after the date of issuance. If no substantial work has occurred in connection with the permit after one (1) year, the permit shall be null and void and the applicant shall be required to apply for a new permit.

**c. Revocation of a Permit.** The Administrator has the authority to revoke a permit if:

- i. There is a violation of the regulations of this Section;*
- ii. The applicant makes any misrepresentation in connection with the application or issuance of the permit; or*
- iii. The permit was issued as the result of an error or*

*oversight by the Administrator (or it is determined for any reason that the permit should not have been issued) and no substantial work has occurred in connection with the permit.*

**3. Construction and Maintenance.** All ponds and all activity in connection with the construction, expansion, and maintenance of any pond, shall comply with the following minimum standards and requirements:

#### a. Setbacks.

*i. No portion of the water constituting the pond shall encroach upon any area within fifty (50) feet from the right-of-way of any public road.*

*ii. No portion of the water constituting the pond shall encroach upon any area within twenty (20) feet from any boundary line of the owner's property.*

*iii. No fill shall be placed within the right-of-way of any public road. Furthermore, within ten (10) feet of the right-of-way of any public road, no fill shall be placed above an elevation six (6) inches below the elevation at the edge of the road surface.*

**b. Proximity to Regulated Drain.** No excavation shall occur and no fill shall be placed within seventy-five (75) feet of any regulated drain unless authorized by the appropriate Drainage Board and in accordance with the Indiana drainage statutes.

**c. Pond Outlets.** If the pond has an outlet, the following requirements apply:

*i. If the outlet opens into the owner's property, the outlet opening must be located at least fifteen (15) feet from the property line and at least twenty (20) feet away from the right-of-way of any public road.*

*ii. If the outlet opens into or connects to a county drain, the*

owner must obtain the prior approval of the County Surveyor or County Engineer.

*iii. If the outlet opens into or connects to an outlet on another tract or parcel, the owner must prove to the satisfaction of the Administrator that the owner has all easement rights necessary to access such outlet.*

**f. Runoff.** The pond shall be constructed so as not to increase the volume of water that exits the parcel under normal conditions. Fill areas shall not obstruct the flow of surface water onto the owner's property from adjacent properties. The owner shall be responsible for the repair, replacement or relocation of any tiles, open ditches or other drainage facilities to the extent necessary to maintain the amount of drainage through the parcel or tract that existed prior to the construction of the pond.

**g. Erosion Control.** All ponds shall be constructed and maintained so as to prevent any soil erosion or other condition that obstructs or damages or threatens to obstruct or damage any public drain or drainage related improvements. The owner shall remove soil and resurface and re-seed degraded open ditch banks.

**h. Impact on Neighboring Property.** A pond cannot dam water or cause water to back up onto an adjacent property.

#### 4. Variances.

**a.** The appropriate Drainage Board must provide a favorable recommendation before the BZA may consider the requested variance.

**b.** In addition to the findings identified in Chapter 8, Zoning Administration for variances, the BZA must find that the proposed pond cannot comply with the requirements due to unique feature(s) existing on the property and either natural or man-made features exist or could be provided which would

allow the pond to achieve the intent of the pond requirements.

### I. Sign Standards

**1. General.** The intent of these sign standards is to avoid the proliferation of signage; encourage signs to be compatible with the scale of buildings and the surrounding area; to maintain the existing character and enhance the aesthetic environment of the community; eliminate potential hazards to motorists and pedestrians resulting from sign clutter; and to promote the health, safety, and welfare of the citizens.

**a. Permit Required.** Except as otherwise provided herein, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign, or change the permanent copy on an existing sign structure, or cause the same to be done, without first obtaining an ILP.

**b. Inspection.** A sign for which a permit is required may be inspected periodically by the Administrator for compliance with this UDO and other codes of the jurisdiction.

**c. Removal of Signs in Violation.** The Administrator may order the removal of any permanent or temporary sign erected or maintained in violation of this UDO. For permanent signs, a thirty (30) day written notice describing the violation and ordering either the removal of the sign or requiring the sign to be brought into compliance shall be given to the owner and/or business operator. No notice of violation will be given for Temporary Signs or Portable Signs prior to removal. The Administrator may remove a sign immediately and without notice if the condition of the sign presents an immediate threat to the safety of the public. Any cost associated with signs removed pursuant to the provisions of this UDO, shall be reimbursed by the owner of said sign. Should said sign not be redeemed within forty-five (45) days of its removal, it may be disposed of in any manner deemed appropriate by the Administrator.

**d. Maintenance.** All signs and components thereof shall be kept in good repair and in safe, neat, clean, and attractive condition. If failure to maintain a sign is determined by the Administrator, enforcement will commence, in accordance with Chapter 8 of this UDO.

i. *Abandoned Signs.* All signs, their mountings, and related components shall be removed by the owner or lessee of the premises upon which the signs are located within one (1) year of when a business is no longer conducted on the premises. If the owner or lessee fails to remove the sign, enforcement will commence, in accordance with Chapter 8 of this UDO.

ii. *Upon failure to comply with enforcement measures, the Administrator may remove the sign.* Any cost associated with sign removal pursuant to the provisions of this UDO shall be reimbursed by the owner of said sign. Should said sign not be redeemed within forty-five (45) days of its removal, it may be disposed of in any manner deemed appropriate by the Administrator.

**e. Temporary Electronic Variable Message Signs (EVMS).** All temporary EVMS signs must meet the standards as specified in the State Electrical Code, as adopted and amended by the State of Indiana. In addition, all signs containing an EVMS as a component in part or in whole shall comply with the following standards:

i. *The message on the sign cannot move, appear to move, flash, scroll, or fade.*

ii. *The message on the sign must hold for a minimum of one (1) hour.*

iii. *The sign must have equipped an automatic dimmer control/photocell sensor, to produce a distinct, stepped luminance change from a higher luminance level to a lower luminance level in order to comply with the luminance*

*levels in subsection g. Sign Illumination, and to adjust sign brightness based on ambient lighting levels (i.e. cloudy days). The automatic dimmer control/photocell sensor must be activated at all times that the sign is in operation.*

iv. *The sign shall operate at a luminance level not to exceed seven hundred (700) nits thirty (30) minutes before sunset to thirty (30) minutes after sunrise and not to exceed ten thousand (10,000) nits at all other times.*

v. *No EVMS shall be located within six hundred (600) feet of a residential zoning district.*

vi. *No sign containing an EVMS as a component shall be located within one hundred fifty (150) feet of any signalized intersection of two (2) or more streets.*

vii. *All illuminated elements shall be kept in satisfactory working condition and immediately repaired or replaced if damaged or burned out.*

viii. *All electrical wiring for permanent EVMS shall be in conduit. All electricity for signs shall have a disconnecting switch located in a readily accessible place to the Administrator in the event the sign must be shut off because it presents an immediate threat to the safety of the public or is in violation of other local ordinances.*

ix. *The direct or reflected light from a primary light source shall not create a traffic hazard to operators of motor vehicles on public and/or private roadways.*

x. *The light from any sign shall be so directed such that the light intensity or brightness will not be objectionable to the surrounding properties. No light shall shine directly onto adjacent property.*

**f. Sign Illumination.** All sign illumination must meet the standards as specified in the State Electrical Code, as



adopted and amended by the State of Indiana. In addition, all illuminated signs shall comply with the following standards:

*i. No sign shall have blinking, flashing, or fluttering lights, nor shall any device be utilized which has a changing light intensity, brightness of color, or give such illusion.*

*ii. All illuminating elements shall be kept in satisfactory working condition and immediately repaired or replaced if damaged or burned out.*

*iii. All electrical wiring for permanent signs shall be in conduit. All electricity for signs shall have a disconnecting switch located in a readily accessible place to the Administrator in the event the sign must be shut off because it presents an immediate threat to the safety of the public or is in violation of any local ordinances.*

*iv. The direct or reflected light from a primary light source shall not create a traffic hazard to operators of motor vehicles on public and/or private roadways.*

*v. The light from any illuminated sign shall be so shaded, shielded, or directed such that the light intensity or brightness will not be objectionable to the surrounding properties. No light shall shine directly onto adjacent property.*

*vi. Internally illuminated signs should be composed of individual letters or shapes, or light lettering, symbols, etc. on a dark background.*

*vii. Residential Area Restrictions: All electronic signs within 300 feet and visible from a residential property shall be turned off, and therefore emit no light, between the hours of 11 p.m. to 5:00 a.m. daily*

**g. Exempt Signs.** The following are exempt from all provisions of this Section, Sign Standards.

*i. The posting of a street address to provide adequate property identification. However, at the discretion of the Administrator, when a street address is used as a commercial message or is unnecessarily large, it shall comply with the sign standards for the applicable zoning district.*

*ii. Flags with non-commercial messages, including flags of any country, state, unit of local government, institution of higher learning, or similar institutional flags. Flags with a commercial message shall be subject to sign regulations.*

*iii. Names of buildings, date of erection, monumental citations, commemorative tablets 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.*

*iv. 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, or traffic signs, memorial plaques, signs of historical interest, and signs directing people to public and quasi-public facilities.)*

*v. Utility signs used to mark cables and lines for public and private utilities except if determined to be a hazard by the Administrator.*

**h. Prohibited Signs.** The following types of signs are expressly prohibited in all Zoning Districts.

*i. Signs that utilize any motion picture, laser, or visual projection of images or copy in conjunction with any business or advertisement.*

*ii. Signs that emit audible sound, odor or visible matter.*

iii. Signs that purport to be or are in imitation of, or resemble an official traffic sign or signal or which bear the words “Stop”, “Slow”, “Caution”, “Danger”, “Warning”, or similar words.

iv. Signs that may be construed as a light of an emergency or road equipment vehicle.

v. Signs in the right-of-way or that hide from view any traffic or roadway sign, signal, or device.

vi. Signs that interfere with the vision clearance triangle as defined in this UDO.

vii. Signs that extend above the roof line or parapet of a building or are mounted on or a part of the roof.

viii. Signs that have blinking, flashing, or fluttering lights or which has a changing light intensity, brightness or color, or give such illusion.

ix. Signs that obstruct any door, fire escape, stairway, or any opening intended to provide entrance or exit for any building or structure.

x. Signs placed on inoperable vehicles or vehicles without current license plates, parked on public or private property primarily for the purpose of displaying the sign. Prohibited signs do not include those displayed on operable and licensed vehicles parked for the purpose of lawfully making deliveries or random sales or service. Prohibited signs do not include operable and licensed vehicles which are customarily used for transporting persons or properties, and operable and licensed vehicles parked at a driver's place of residence during non-business hours or for incidental purposes.

xi. Inflatable Animated or Moving Signs.

xii. Billboard signs.

xiii. Neon, LED or similar tube type lighted signs.

xiv. Permanent Electronic Variable Message Signs (EVMS).

xiv. Mural signs in all districts except DB (not art).

xv. Pole signs, excluding government markers or historic markers.

xvi. Any sign that is not expressly permitted in this UDO.

**i. Landscaping.** All permanent ground signs are required to be wrapped in a contiguous boundary of plantings around their base. All plantings must be within four (4) feet of the sign base and should consist of shrubs, ornamental shrubs, ornamental plants, flowering plants or other ornamental ground covers. Plantings should cover an area of ground at least equal to twice the square footage of the sign at the time of installation. A landscape plan shall be submitted for approval by the Administrator at the time of ILP application.

**j. Exception During Election Period.** 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. The election period is defined as the time period that begins 60 days before an election until the 6th day after an election. Note that the statute 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. Note that signs shall not be placed within right-of-way and that permission from the property owner is required before a sign is placed on private property.

**2. Temporary Signs.** Only the following Temporary Signs shall be permitted, provided the respective development standards are met. An ILP for a Temporary Sign is required unless otherwise specified.

**TABLE 3.16** - Temporary Signs

<b>Temporary Signs in All Zoning Districts Except DB</b>	
<b>Temporary Attention-Seeking Signs</b>	
Size	Signs shall not exceed fifteen (15) feet in height
Quantity	Two (2) signs are permitted per street frontage
Duration	Unless the terms of the permit stipulate otherwise, signs shall not be used for more than fourteen (14) consecutive days, and no more than twice in a calendar year
Placement	<ul style="list-style-type: none"> <li>• Signs shall not be located within the vision clearance triangle</li> <li>• Signs shall be a minimum of ten (10) feet from any property line</li> </ul>
Additional Standards	<ul style="list-style-type: none"> <li>• Excludes inflatable signs, costumed characters, pennants and spirals</li> <li>• Signs are permitted to be displayed during grand openings or special promotions</li> <li>• Such devices shall not contain any flashing lights at any time</li> </ul>
<b>Temporary Ground Signs</b>	
Size	Signs shall not exceed thirty-two (32) sqft
Quantity	Two (2) signs are permitted per street frontage
Duration	<ul style="list-style-type: none"> <li>• Unless the terms of the permit stipulate otherwise, signs shall not be used for more than thirty consecutive (30) days, and no more than twice in a calendar year</li> <li>• Signs may be displayed while a legally permitted special event is occurring and, in which case, the sign must be removed ten (10) days after the event has transpired</li> </ul>
Placement	<ul style="list-style-type: none"> <li>• Signs shall not be located within the vision clearance triangle</li> <li>• Signs shall be a minimum of ten (10) feet from any property line</li> </ul>
Additional Standards	Temporary Ground Signs may include Flag Signs, Yard Signs, Banners, and Self-supporting Freestanding Signs
<b>Temporary Portable Signs</b>	
Size	Signs shall not exceed six (6) feet in height and thirty-two (32) sqft in area
Quantity	<ul style="list-style-type: none"> <li>• One (1) sign is permitted per street frontage</li> <li>• For multi-tenant buildings, the number of signs permitted shall be determined by the Administrator</li> </ul>

Duration	Unless the term of the permit stipulate otherwise, signs shall not be used for more than thirty consecutive (30) days, and no more than twice in a calendar year
Placement	<ul style="list-style-type: none"> <li>• Signs shall not be located within the vision clearance triangle</li> <li>• Signs shall be a minimum of ten (10) feet from any property line</li> </ul>
Additional Standards	<ul style="list-style-type: none"> <li>• Signs may be displayed during grand openings or special promotions</li> <li>• Such signs shall not contain any flashing lights at any time</li> </ul>
<b>Temporary Portable EVMS</b>	
Size	Signs shall not exceed six (6) feet in height and thirty-two (32) sqft in area
Quantity	One (1) sign is permitted per street frontage
Duration	Signs shall not be used for more than two (2) days in a six (6) month period
Placement	<ul style="list-style-type: none"> <li>• Signs shall not be located within the vision clearance triangle</li> <li>• Signs shall be a minimum of ten (10) feet from any property line</li> </ul>

**TABLE 3.17** - Temporary Downtown Business Signs

<b>Temporary Signs in DB</b>	
<b>Temporary Attention-Seeking Signs</b>	
Size	Signs shall not exceed fifteen (15) feet in height
Quantity	Two (2) signs are permitted per street frontage
Duration	Unless the terms of the permit stipulate otherwise, signs shall not be used for more than fourteen (14) consecutive days, and no more than twice in a calendar year
Placement	<ul style="list-style-type: none"> <li>• Signs shall not be located within the vision clearance triangle</li> <li>• Signs shall be a minimum of ten (10) feet from any property line</li> </ul>
Additional Standards	<ul style="list-style-type: none"> <li>• Excludes inflatable signs, costumed characters, feather signs, flags, pennants and spirals</li> <li>• Signs are permitted to be displayed during grand openings or special promotions</li> <li>• Such devices shall not contain any flashing lights at any time</li> </ul>
<b>Temporary Ground Signs</b>	
Size	Signs shall not exceed sixteen (16) sqft
Quantity	One (1) sign is permitted per street frontage

Duration	<ul style="list-style-type: none"> <li>Unless the terms of the permit stipulate otherwise, signs shall not be used for more than thirty consecutive (30) days, and no more than twice in a calendar year</li> <li>Signs may be displayed while a legally permitted special event is occurring and, in which case, the sign must be removed ten (10) days after the event has transpired</li> </ul>
Placement	<ul style="list-style-type: none"> <li>Signs shall not be located within the vision clearance triangle</li> <li>Signs shall be a minimum of ten (10) feet from any property line</li> </ul>
Additional Standards	Temporary Ground Signs may include Flag Signs, Yard Signs, Banners, and Self-supporting Freestanding Signs
<b>Temporary Portable Signs</b>	
Size	Signs shall not exceed six (6) feet in height and thirty-two (32) sqft in area
Quantity	<ul style="list-style-type: none"> <li>One (1) sign is permitted per street frontage</li> <li>For multi-tenant buildings, the number of signs permitted shall be determined by the Administrator</li> </ul>
Duration	Unless the term of the permit stipulate otherwise, signs shall not be used for more than thirty consecutive (30) days, and no more than twice in a calendar year
Placement	<ul style="list-style-type: none"> <li>Signs shall not be located within the vision clearance triangle</li> <li>Signs shall be a minimum of ten (10) feet from any property line</li> </ul>
Additional Standards	<ul style="list-style-type: none"> <li>Signs may be displayed during grand openings or special promotions</li> <li>Such signs shall not contain any flashing lights at any time</li> </ul>



### 3. Permanent Signs.

**a. Permanent Signs in Residential Districts: RR, SF -1, SF-2, SF-3, SF-4, RC and MF.** Only the following Permanent Signs shall be permitted, provided the respective development

**TABLE 3.18** - Permanent Residential Signs

<b>Permanent Signs in Residential Districts: RR, SF -1, SF-2, SF-3, SF-4, RC and MF</b>	
<b>Permanent Monument Signs</b>	
Size	Sign shall not exceed four (4) feet in height and thirty-two (32) sqft in area per side
Quantity	Two (2) signs per vehicular entrance to a subdivision or residential complex
Placement	<ul style="list-style-type: none"> <li>Signs shall not be located within the vision clearance triangle</li> <li>Signs are permitted only at the vehicular entrance to a subdivision or residential complex</li> <li>Signs shall be placed at least fifteen (15) feet from the right-of-way</li> </ul>
Additional Standards	<ul style="list-style-type: none"> <li>Signs shall have a monument base that is equal to or lesser than one and one-quarter times (1 ¼ X) the height of the message, with a minimum of at least one (1) foot of base</li> <li>EVMS or EVMS components are not permitted</li> </ul>
<b>Permanent Wall Signs</b>	
Size	Sign shall not exceed one (1) sqft in area
Quantity	One (1) wall sign is permitted per lot
Placement	Sign must be placed on the primary structure
Additional Standards	<ul style="list-style-type: none"> <li>No ILP is required</li> <li>No illumination is permitted</li> <li>EVMS or EVMS components are not permitted</li> </ul>

standards are met. An ILP is required unless otherwise specified. Please reference Chapter 3 (I)(i. landscaping) for landscaping standards.

**b. Permanent Signs in Non-Residential Districts: I, R/OS, A-1 and A-2.** Only the following Permanent Signs shall be permitted, provided the respective development standards are met. An ILP is required unless otherwise specified. Please reference Chapter 3 (I)(i. landscaping) for landscaping standards.

#### i. General.

(a) Cumulative Area. The total square footage in message area of all sign facings combined shall not exceed one hundred twenty-five (125) square feet per lot.

(b) Limitation on Freestanding Signs. The lot is limited to two (2) Ground Signs: Monument Signs or Post Signs.

(c) Wayfinding Structures. The Administrator may approve the size and placement of Wayfinding Structures for multi-tenant development. These structures are not considered signs and will not count towards the quantity or area of signage permitted in this section.

**TABLE 3.19** - Permanent Institutional, Recreation/Open Space and Agricultural Signs

<b>Permanent Signs in Non-Residential Districts: I, R/OS, A-1, A-2</b>	
<b>Permanent Awning Signs</b>	
Size	Sign shall not exceed twenty-five (25) sqft
Quantity	There is no limit on the number of signs permitted
Placement	Signs must be placed on the primary structure
Additional Standards	EVMS or EVMS components are not permitted
<b>Permanent Monument Signs</b>	
Size	Sign shall not exceed eight (8) feet in height and forty-eight (48) sqft in message area per side
Quantity	One (1) sign per vehicular entrance on each street access
Placement	<ul style="list-style-type: none"> <li>Signs shall not be located within the vision clearance triangle</li> <li>Sign shall be placed a minimum of ten (10) feet from the right-of-way</li> </ul>
Additional Standards	<ul style="list-style-type: none"> <li>Signs shall have a monument base that is equal to or lesser than one and one-quarter times (1 ¼ X) the height of the message, with a minimum of at least one (1) foot of base</li> <li>A sign containing an EVMS or an EVMS component shall not exceed thirty-two (32) sqft in area</li> </ul>
<b>Permanent Post Signs</b>	
Size	Sign shall not exceed five (5) feet in height and sixteen (16) sqft in area per side
Quantity	Two (2) signs per lot
Placement	<ul style="list-style-type: none"> <li>Signs shall not be located within the vision clearance triangle</li> <li>Sign shall be placed a minimum of ten (10) feet from the right-of-way</li> </ul>
Additional Standards	<ul style="list-style-type: none"> <li>The distance from the ground to the bottom of sign height must be twenty-four (24) inches or less</li> <li>Any sign containing an EVMS or an EVMS component shall not exceed four (4) feet in height</li> </ul>
<b>Permanent Projecting Signs</b>	
Size	Sign shall not exceed twelve (12) sqft in area per side
Quantity	There is no limit on the number of signs permitted

Placement	Signs must be placed on the primary structure
Additional Standards	<ul style="list-style-type: none"> <li>• The lowest point of the sign shall be no less than eight and one-half (8 ½) feet above grade level except for the supporting building, structure, or column</li> <li>• In no case shall the sign extend more than four (4) feet beyond its supporting structure</li> <li>• EVMS or EVMS components are not permitted</li> </ul>
<b>Permanent Suspended Signs</b>	
Size	Sign shall not exceed eighteen (18) inches in height by thirty-six (36) inches in length
Quantity	One sign per business
Placement	Signs must be placed on the underside of the awning of a primary structure or other similar underside of the primary structure
Additional Standards	<ul style="list-style-type: none"> <li>• The lowest point of the sign shall be no less than eight and one-half (8 ½) feet above grade level except for the supporting building, structure, or column</li> <li>• EVMS or EVMS components are not permitted</li> </ul>
<b>Permanent Wall Signs</b>	
Size	Sign shall not exceed fifty (50) sqft in area
Quantity	There is no limit on the number of signs permitted
Placement	Signs must be placed on the primary structure
Additional Standards	EVMS or EVMS components are not permitted
<b>Permanent Window Signs</b>	
Size	<ul style="list-style-type: none"> <li>• Illuminated window signs containing a message that can be seen from the road shall be counted toward the total sign area and require an ILP</li> <li>• Non-illuminated window signs not exceeding twenty-five (25) percent of the window area are permitted without an ILP</li> </ul>
Quantity	There is no limit on the number of signs permitted
Placement	Signs must be placed on the primary structure
Additional Standards	EVMS or EVMS components are not permitted

**c. Permanent Signs in the Downtown Business District (DB).** Only the following Permanent Signs shall be permitted, provided the respective development standards are met. An ILP is required unless otherwise specified. Please reference Chapter 3 (l)(i. landscaping) for landscaping standards.

*i. General.*

(a) Cumulative Area. The total square footage in message area of all combined sign facings shall not exceed the lesser of the following per lot:

((1)) One and one-quarter times (1 ¼ X) the length of building that faces the road. [For example: If a building is one hundred (100) feet wide, then one hundred twenty-five (125) square feet of signage would be allowed for the lot.]; or

((2)) One hundred twenty-five (125) square feet.

(b) Limitation on Freestanding Signs. The lot is limited to one (1) Ground Sign: either a Monument Sign, a Post Sign, or a Swing Sign.

(c) Wayfinding Structures. The Administrator may approve the size and placement of Wayfinding Structures for multi-tenant development. These structures are not considered signs and will not count towards the quantity or area of signage permitted in this section.

(d) Any murals (art, non-commercial) on structures within the HPC's designated jurisdiction must use a removable vinyl, canvas or similar material. Cannot be painted onto structure (COA required).

**TABLE 3.20** - Permanent Downtown Business Signs

Permanent Signs in DB	
Permanent Awning Signs	
Size	Sign shall not exceed fifty (50) sqft
Quantity	There is no limit on the number of signs permitted
Placement	Signs must be placed on the primary structure
Additional Standards	EVMS or EVMS components are not permitted
Permanent Mural Signs	
Size/Quantity	As determined by the Historic Preservation Commission
Placement	Signs must be placed on the primary structure
Additional Standards	Must be constructed of a removable vinyl or canvas style product. Cannot be painted onto structure. EVMS or EVMS components are not permitted.

### Permanent Monument Signs

Size	Single Tenant Building: Sign shall not exceed five (5) feet in height and sixteen (16) sqft in message area per side Multi-Tenant Building: Sign shall not exceed five (5) feet in height and sixteen (40) sqft in message area per side
Quantity	One (1) sign per lot
Placement	<ul style="list-style-type: none"> <li>Signs shall not be located within the vision clearance triangle</li> <li>Sign shall be placed a minimum of two (2) feet from the right-of-way</li> </ul>
Additional Standards	<ul style="list-style-type: none"> <li>Signs shall have a monument base that is equal to or lesser than one and one-quarter times (1 ¼ X) the height of the message, with a minimum of at least one (1) foot of base</li> <li>EVMS and EVMS components are not permitted</li> </ul>

### Permanent Post Signs

Size	Sign shall not exceed five (5) feet in height and sixteen (16) sqft in area per side
Quantity	One sign (1) sign per lot
Placement	<ul style="list-style-type: none"> <li>Signs shall not be located within the vision clearance triangle</li> <li>Sign shall be placed a minimum of two (2) feet from the right-of-way</li> </ul>
Additional Standards	<ul style="list-style-type: none"> <li>The distance from the ground to the bottom of sign height must be twenty-four (24) inches or less</li> <li>EVMS or EVMS components are not permitted</li> </ul>

### Permanent Projecting Signs

Size	Sign shall not exceed twelve (12) sqft in area per side
Quantity	There is no limit on the number of signs permitted
Placement	Signs must be placed on the primary structure and must be anchored at or below the second story window sill
Additional Standards	<ul style="list-style-type: none"> <li>The lowest point of the sign shall be no less than eight and one-half (8 ½) feet above grade level except for the supporting building, structure, or column</li> <li>In no case shall the sign extend more than four (4) feet beyond its supporting structure</li> <li>EVMS or EVMS components are not permitted.</li> </ul>



### Permanent Suspended Signs

Size	Sign shall not exceed eighteen (18) inches in height by thirty-six (36) inches in length
Quantity	One sign per business
Additional Standards	<ul style="list-style-type: none"> <li>The lowest point of the sign shall be no less than eight and one-half (8 ½) feet above grade level except for the supporting building, structure, or column</li> <li>EVMS or EVMS components are not permitted</li> </ul>

### Permanent Swing Signs

Size	Sign shall not exceed four (4) feet in height and four (4) sqft in area per side
Quantity	One (1) sign per lot
Placement	Sign shall be placed a minimum of two (2) feet from the right-of-way
Additional Standards	<ul style="list-style-type: none"> <li>The height from the ground to the bottom of the sign must be thirty (30) inches or less</li> <li>EVMS or EVMS components are not permitted</li> </ul>

### Permanent Wall Signs

Size	Sign shall not exceed fifty (50) sqft in area
Quantity	There is no limit on the number of signs permitted
Placement	Signs must be placed on the primary structure
Additional Standards	EVMS or EVMS components are not permitted

### Permanent Window Signs

Size	<ul style="list-style-type: none"> <li>Illuminated window signs containing a message that can be seen from the road shall be counted toward the total sign area and require an ILP</li> <li>Non-illuminated window signs not exceeding twenty-five (25) percent of the window area are permitted without an ILP</li> </ul>
Quantity	There is no limit on the number of signs permitted
Placement	Signs must be placed on the primary structure
Additional Standards	EVMS or EVMS components are not permitted

**d. Permanent Signs in Commercial Districts: NB, GB, and HB.** Only the following Permanent Signs shall be permitted, provided the respective development standards are met. An ILP is required unless otherwise specified. Please reference Chapter 3 (I)(i. landscaping) for landscaping standards.

*i. General.*

(a) Cumulative Area. The total square footage in message area of all combined sign facings shall not exceed the lesser of the following per lot:

((1)) One and one-half times (1 ½ X) the length of building that faces the road. [For example: If a building is one hundred (100) feet wide, then one hundred fifty (150) square feet of signage would be allowed for the lot.]; or

((2)) Two hundred (200) square feet.

(b) Limitation on Freestanding Signs.

((1)) For single-tenant buildings, the lot is limited to one (1) Ground Sign: either a Monument Sign, a Post Sign, or a Swing Sign.

((2)) For multi-tenant buildings, the lot is limited to one (1) Ground Sign for each four hundred (400) feet of length of the multi-tenant building that faces the road: either a Monument Sign, a Post Sign, or a Swing Sign.

(c) Wayfinding Structures. The Administrator may approve the size and placement of Wayfinding Structures for multi-tenant development. These structures are not considered signs and will not count towards the quantity or area of signage permitted in this section.

**TABLE 3.21** - Permanent Commercial Signs

Permanent Signs in Commercial Districts: NB, GB, and HB	
Permanent Awning Signs	
Size	Sign shall not exceed fifty (50) sqft
Quantity	There is no limit on the number of signs permitted
Placement	Signs must be placed on the primary structure
Additional Standards	EVMS or EVMS components are not permitted

### Permanent Monument Signs

Size	Sign shall not exceed eight (8) feet in height and forty-eight (48) sqft in message area per side
Quantity	One (1) sign per lot
Placement	<ul style="list-style-type: none"> <li>Signs shall not be located within the vision clearance triangle</li> <li>Sign shall be placed a minimum of ten (10) feet from the right-of-way</li> </ul>
Additional Standards	<ul style="list-style-type: none"> <li>Signs shall have a monument base that is equal to or lesser than one and one-quarter times (1 ¼ X) the height of the message, with a minimum of at least one (1) foot of base</li> <li>A sign containing an EVMS or an EVMS component shall not exceed thirty-two (32) sqft in area</li> </ul>

### Permanent Post Signs

Size	Sign shall not exceed five (5) feet in height and sixteen (16) sqft in area per side
Quantity	One sign (1) sign per lot
Placement	<ul style="list-style-type: none"> <li>Signs shall not be located within the vision clearance triangle</li> <li>Sign shall be placed a minimum of ten (10) feet from the right-of-way</li> </ul>
Additional Standards	<ul style="list-style-type: none"> <li>The distance from the ground to the bottom of sign height must be twenty-four (24) inches or less</li> <li>Any sign containing an EVMS or an EVMS component shall not exceed four (4) feet in height</li> </ul>

### Permanent Projecting Signs

Size	Sign shall not exceed twelve (12) sqft in area per side
Quantity	There is no limit on the number of signs permitted
Placement	Signs must be placed on the primary structure
Additional Standards	<ul style="list-style-type: none"> <li>The lowest point of the sign shall be no less than eight and one-half (8 ½) feet above grade level except for the supporting building, structure, or column</li> <li>In no case shall the sign extend more than four (4) feet beyond its supporting structure</li> <li>EVMS or EVMS components are not permitted</li> </ul>

### Permanent Suspended Signs

Size	Sign shall not exceed eighteen (18) inches in height by thirty-six (36) inches in length
Quantity	One sign per business
Placement	Signs must be placed on the underside of the awning of a primary structure or other similar underside of the primary structure
Additional Standards	<ul style="list-style-type: none"> <li>The lowest point of the sign shall be no less than eight and one-half (8 ½) feet above grade level except for the supporting building, structure, or column</li> <li>EVMS or EVMS components are not permitted</li> </ul>

### Permanent Swing Signs

Size	Sign shall not exceed four (4) feet in height and four (4) sqft in area per side
Quantity	One (1) sign per lot
Placement	Sign shall be placed a minimum of ten (10) feet from the right-of-way
Additional Standards	<ul style="list-style-type: none"> <li>The height from the ground to the bottom of the sign must be thirty (30) inches or less</li> <li>A sign containing an EVMS or an EVMS component shall not exceed four (4) feet in height</li> </ul>

### Permanent Wall Signs

Size	Sign shall not exceed fifty (50) sqft in area
Quantity	There is no limit on the number of signs permitted
Placement	Signs must be placed on the primary structure
Additional Standards	EVMS or EVMS components are not permitted

### Permanent Window Signs

Size	<ul style="list-style-type: none"> <li>Illuminated window signs containing a message that can be seen from the road shall be counted toward the total sign area and require an ILP</li> <li>Non-illuminated window signs not exceeding fifty (50) percent of the window area are permitted without an ILP</li> </ul>
Quantity	There is no limit on the number of signs permitted
Placement	Signs must be placed on the primary structure
Additional Standards	EVMS or EVMS components are not permitted

**e. Permanent Signs in Industrial Districts: LI and HI.** Only the following Permanent Signs shall be permitted, provided the respective development standards are met. An ILP is required unless otherwise specified. Please reference Chapter 3 (I)(i. landscaping) for landscaping standards.

*i. General.*

(a) Cumulative Area. The total square footage in message area of all combined sign facings shall not exceed the lesser of the following per lot:

((1)) Two times (2 X) the length of building that faces the road. [For example: If a building is one hundred (100) feet wide then two hundred (200) square feet of signage would be allowed for the lot.]; or

((2)) Four hundred (400) square feet.

(b) Limitation on Freestanding Signs. The lot is limited to one (1) Ground Sign: either a Monument Sign, a Post Sign, or a Swing Sign.

(c) Wayfinding Structures. The Administrator may approve the size and placement of Wayfinding Structures. These structures are not considered signs and will not count towards the quantity or area of signage permitted in this Article.



**TABLE 3.22** - Permanent Industrial Signs

<b>Permanent Signs in Industrial Districts: LI and HI</b>	
<b>Permanent Awning Signs</b>	
Size	Sign shall not exceed fifty (50) sqft
Quantity	There is no limit on the number of signs permitted
Placement	Signs must be placed on the primary structure
Additional Standards	EVMS or EVMS components are not permitted
<b>Permanent Monument Signs</b>	
Size	Sign shall not exceed ten (10) feet in height and forty-eight (48) sqft in message area per side
Quantity	One (1) sign per lot
Placement	<ul style="list-style-type: none"> <li>Signs shall not be located within the vision clearance triangle</li> <li>Sign shall be placed a minimum of ten (10) feet from the right-of-way</li> </ul>
Additional Standards	<ul style="list-style-type: none"> <li>Signs shall have a monument base that is equal to or lesser than one and one-quarter times (1 ¼ X) the height of the message, with a minimum of at least one (1) foot of base</li> <li>A sign containing an EVMS or an EVMS component shall not exceed thirty-two (32) sqft in area</li> </ul>
<b>Permanent Post Signs</b>	
Size	Sign shall not exceed five (5) feet in height and sixteen (16) sqft in area per side
Quantity	One sign (1) sign per lot
Placement	<ul style="list-style-type: none"> <li>Signs shall not be located within the vision clearance triangle</li> <li>Sign shall be placed a minimum of ten (10) feet from the right-of-way</li> </ul>
Additional Standards	<ul style="list-style-type: none"> <li>The distance from the ground to the bottom of sign height must be twenty-four (24) inches or less</li> <li>A sign containing an EVMS or an EVMS component shall not exceed four (4) feet in height</li> </ul>
<b>Permanent Swing Signs</b>	
Size	Sign shall not exceed four (4) feet in height and four (4) sqft in area per side
Quantity	One (1) sign per lot
Placement	Sign shall be placed a minimum of ten (10) feet from the right-of-way

Additional Standards	<ul style="list-style-type: none"> <li>• The height from the ground to the bottom of the sign must be thirty (30) inches or less</li> <li>• A sign containing an EVMS or an EVMS component shall not exceed four (4) feet in height</li> </ul>
<b>Permanent Wall Signs</b>	
Size	Sign shall not exceed fifty (50) sqft in area
Quantity	There is no limit on the number of signs permitted
Placement	Signs must be placed on the primary structure
Additional Standards	EVMS or EVMS components are not permitted
<b>Permanent Window Signs</b>	
Size	<ul style="list-style-type: none"> <li>• Illuminated window signs containing a message that can be seen from the road shall be counted toward the total sign area and require an ILP</li> <li>• Non-illuminated window signs not exceeding fifty (50) percent of the window area are permitted without an ILP</li> </ul>
Quantity	There is no limit on the number of signs permitted
Placement	Signs must be placed on the primary structure
Additional Standards	EVMS or EVMS components are not permitted

## J. Storage Standards

**1. Bulk Storage.** In any district, structures, buildings, or above ground tanks used for bulk storage of flammable or explosive liquids, gases, or other materials shall not be located closer than fifty (50) feet to the property line. Additional information regarding evidence of safety measures may be required in order to determine the public safety therein.

### 2. Temporary Storage Containers.

**a. Residential Zoned Properties (RR, RC, SF-1, SF-2, SF-3, SF-4,).** Temporary storage containers are intended to provide for the temporary storage of household goods on property zoned residential and used primarily for residential purposes. Note that temporary storage containers are not permitted in MF-1 and MF-2 Districts.

*i. Permit Required. A permit is required for a residential temporary storage container prior to the placement of the structure on site unless associated with a separate demolition permit.*

*ii. Quantity. There shall be no more than one (1) temporary storage container per lot.*

*iii. Size. A residential temporary storage container shall not exceed one hundred twenty-eight (128) square feet in area and shall not exceed the dimensions of eight (8) feet in width, sixteen (16) feet in length, and eight (8) feet in height.*

*iv. Term. Temporary storage containers for general storage may be on site for no more than sixty (60) days in any calendar year, regardless of size. Storage containers associated with demolition permit shall be removed within one (1) week of the demolition permit expiration date. Temporary storage containers associated with a building permit shall be removed within one (1) week of the date*

*the Certificate of Occupancy/Completion is issued.*

*v. Location. Temporary storage containers shall be located on the driveway (cannot block sidewalk) or may be located to the rear or side of the primary structure and conform to the setbacks for accessory structures per the standards set forth for the applicable zoning district in Chapter 2 of this UDO.*

*vi. Types of Containers Permitted. In residential districts, the types of temporary storage containers permitted include dumpster containers (e.g., construction dumpster) and residential portable storage containers (e.g., PODS, moving containers, etc.).*

**b. Non-Residential Zoned Properties (A-1, A-2, R/OS, I, DB, NB, GB, HB, LI, HI).** Temporary storage containers are intended to provide for the temporary storage of non-residential goods on property zoned agricultural, recreational, institutional, commercial or industrial and used primarily for public, commercial or industrial purposes.

*i. Permit Required. A permit is required for a non-residential temporary storage container prior to the placement of the structure on site unless associated with a separate demolition permit.*

*ii. Quantity. There shall be no more than two (2) temporary storage containers per lot.*

*iii. Size. A non-residential temporary storage container shall not exceed five hundred thirty (530) square feet in area and shall not exceed the dimensions of ten (10) feet in width, fifty-three (53) feet in length, and ten (10) feet in height (exclusive of wheels and supports).*

*iv. Term. Temporary storage containers for general storage may be on site for no more than one hundred twenty (120) days in any calendar year, regardless of size. Storage*

containers associated with demolition permit shall be removed within one (1) week of the demolition permit expiration date. Temporary storage containers associated with a building permit shall be removed within one (1) week of the date the Certificate of Occupancy/Completion is issued.

v. *Location.* Temporary storage containers shall be located to the rear or side of the primary structure conform to the setbacks for accessory structures per the standards set forth for the applicable zoning district in Chapter 2 of this UDO.

vi. *Types of Containers Permitted.* In non-residential districts, the types of temporary storage containers permitted include cargo shipping containers, semi-truck trailers, dumpster containers (e.g., construction dumpster), and portable storage containers (e.g., PODS, moving containers, etc.). No wide load trailers or high load trailers are permitted.

**3. Permanent Storage Containers.** Permanent storage containers are intended to provide for the permanent storage of business specific goods on property zoned heavy industrial (HI) and used primarily for industrial purposes.

**a. Permit Required.** A permit is required for permanent storage containers prior to the placement of the structure on site unless associated with a separate building permit.

**b. Quantity.** There shall be no more than two (2) permanent storage containers per lot.

**c. Size.** An industrial permanent storage container shall not exceed five hundred thirty (530) square feet in area and shall not exceed the dimensions of ten (10) feet in width, fifty-three (53) feet in length, and ten (10) feet in height (exclusive of wheels and supports).

**d. Location.** Permanent storage containers shall be located to the rear or side of the primary structure and conform to the setbacks for accessory structures per the standards set forth for the applicable zoning district in Chapter 2 of this UDO.

**e. Types of Containers Permitted.** In industrial districts, the types of permanent storage containers permitted include cargo shipping containers, semi-truck trailers, dumpster containers (e.g., construction dumpster), and portable storage containers (e.g., PODS, moving containers, etc.). No wide load trailers or high load trailers are permitted.

## K. Structure Standards

### 1. Residential Structures.

**a. Residential Structure Conversions.** Structures originally designed for occupancy by two (2) families or less converted to occupancy by more than two (2) families shall secure an ILP. Such structures shall show no evidence of change to indicate the extra dwelling units. All fire escapes or stairways leading to a second or higher floor shall be completely enclosed within the converted building.

**b. Manufactured Homes.** Manufactured homes may be permanently occupied when located in any district where a single-family dwelling is permitted by right or approved by conditional use and meets the development standards of the subject zoning district and the following requirements and limitations:

i. *The manufactured home is built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable section.*

ii. The development standards for the respective zoning district, including minimum square footage and width, shall be met as established in Chapter 2: Zoning Districts.

ii. The development standards for the respective zoning district, including minimum square footage and width, shall be met as established in Chapter 2: Zoning Districts.

iii. The structure shall be attached and anchored to a permanent foundation in conformance with the appropriate building code and with manufacturer's installation specifications.

iv. The entire area between the floor joists of the structure and the underfloor grade shall be completely enclosed with a permanent perimeter enclosure constructed in accordance with the terms of the appropriate building code; the manufacturer's installation specifications; and requirements set forth by the Indiana Administrative Building Council;

v. The structure shall possess all necessary building, water, and sewage disposal permits prior to placement of the structure upon the lot;

vi. The wheels, axles, and hitches shall be removed;

vii. The structure shall be covered with an exterior material customarily used on site-built structures;

viii. The roof of the structure shall be shingled and pitched, rather than flat; and

ix. A manufactured home shall be no more than five (5) years in age when placed on site.

**2. Commercial and Industrial Structures.** Manufactured homes, trailers, or vans may be utilized as temporary contractor's offices, watchman's shelters, or tool and equipment storage on the project site and only during the period of construction. The ILP is valid for six (6) months and may be renewed for up to an additional six (6) months if necessary if construction has not concluded.

**3. Structure Height.** All buildings hereafter shall comply with the height regulations of the district in which it is located, with the exception of the following:

a. An agricultural structure may be erected or changed to any height necessary for its operation.

b. Spires and church steeples may be erected or changed to any height that is not otherwise prohibited given.

**4. Structures Relocated.** No buildings or structures shall be moved from one lot or premises to another unless such buildings conform to the regulations of the district to which such building shall be moved and an ILP has been secured.

## **L. Dedication of Right-of-Way for Public Use, Streets or Access**

**1. General.** This Section of the Unified Development Ordinance establishes guidelines for the applicability, conformance, and extent for dedication and deeding of right-of-way (also see Chapter 6, Subdivision Design Standards, Section H, (2)(d)).

**a. Purpose.** Existing and proposed transportation corridors are expected to require improvements due to increasing traffic associated with new development, infill development and redevelopment that strains the capacity of Pendleton's existing transportation network. The acquisition of right-of-way necessary to support future transportation demand is a costly and possibly damaging process for community development. This ordinance establishes the method by which the Town will systematically preserve right-of-way as development occurs to minimize the cost of future transportation improvements.

**b. Applicability.** Property owners making any application for Improvement Location Permit, Zone Map change, Subdivision, Development Plan, Conditional Use, Variance, or other use or activity requiring a permit under this Ordinance, shall be required to dedicate right-of-way to the Town in



accordance with the prescribed width per the Thoroughfare Plan. Dedication of right-of-way is to occur when it is found reasonably necessary to mitigate an impact or any future impact which is a result of a proposed development, infill or redevelopment, for the improvement, use, or maintenance of the transportation system. Dedication of right-of-way for transportation purposes is a condition of approval for new development, infill or redevelopment.

**2. Dedication Required.** Right-of-way dedication shall be required in the following cases:

**a. For Frontage Improvements.** To obtain the right-of-way reasonably necessary for the construction of frontage improvements (sidewalks, multi-use paths, trails, frontage roads, drainage, public utilities, or other public uses) along the frontage of the development's parcel. This may include right-of-way necessary to attain sufficient intersection sight distance in accordance with the Indiana Department of Transportation (INDOT) Driveway Permit Manual, latest edition and the INDOT Design Manual.

**b. For Other Improvements.** To obtain the right-of-way reasonably necessary for the construction of any other improvements, either along the frontage of the development or off-site, as may be required in the Town's site approval process.

**c. For Offset Road.** To obtain the right-of-way reasonably necessary such that an existing offset road shall be located within right-of-way after the right-of-way dedication.

**d. For Maintenance.** To obtain the right-of-way reasonably necessary for maintenance of Town transportation, drainage facilities, and/or public utility purposes.

**3. Extent, Conveyance, and Timing.**

**a. Minimum Right-of-Way Widths.** All dedicated rights-of-way

for any development shall conform to the minimum widths identified within the Thoroughfare Plan Map.

**b. Additional Right-of-Way.** If determined to be necessary by the Administrator, all dedicated rights-of-way shall include minimal additional right-of-way along arterial and collector classified roadways as necessary to accommodate turn pockets and/or passing blisters.

**c. Half Right-of-Way.** If the applicant only controls the property on one (1) side of the transportation facility, then satisfactory right-of-way shall be dedicated to bring the applicable half of the right-of-way up to the widths required in the Thoroughfare Plan Map. The Administrator shall determine the satisfactory right-of-way necessary, accounting for overall right-of-way limitations and constraints, such as, but not limited to, the impact on adjacent historic and natural resources.

**d. Dedication by Warranty Deed.** When right-of-way is required to be dedicated, it shall be conveyed by warranty deed or another form of conveyance. If requested by the Administrator, all warranty deeds and other documents of conveyance or dedication of right-of-way must be accompanied by a title report effective as of the date of conveyance shown on the deed or other document of conveyance. The description on the deed or other document of conveyance must match the legal description on the title report. The warranty deed or other document of conveyance may be accepted on behalf of the Town by the Administrator.

**e. Clear Title.** The Town shall only accept rights-of-way which have a clear title.

**f. Acceptance Prior to Permit.** Required right-of-way must be conveyed to and accepted by the Town prior to issuance of any land alteration permit. If the right-of-way dedication is in conjunction with a subdivision, the dedication process required as part of the land alteration permit process shall be

followed.

**g. *Eminent Domain.*** When necessary, the Town may begin eminent domain proceedings in accordance with Indiana Code (IC) 32-24, as amended.



# CHAPTER FOUR

## USE DEVELOPMENT STANDARDS



## A. General Provisions

1. The development of the uses listed in this chapter shall meet the respective requirements of this chapter as well as all other chapters of this UDO.
2. In a district in which the specified use is allowed by right, the Administrator shall ascertain that the development standards of this chapter will be met.
3. In a district in which the specified use is allowed by Conditional Use, the Administrator and the BZA shall ascertain that the development standards of this chapter will be met prior to approval of the Conditional Use.

## B. Accessory Dwelling Standards

1. **Purpose.** The purpose of allowing accessory dwellings is to maximize public infrastructure investment; increase mobility alternatives; provide housing options for family members, students, aging residents, in-home health care providers, the disabled, and others; to promote affordable workforce housing; and to allow homeowners to benefit from added income and an increased sense of security.
2. **Structure Standards.**
  - a. **Area.** Minimum area shall be two hundred twenty (220) square feet. Maximum area shall be fifty (50) percent of the primary dwelling unit or eight hundred (800) square feet, whichever is less.
  - b. **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.
  - c. **Accessory Structures.** An accessory dwelling shall not be permitted to have its own accessory structures.
  - d. **Address.** 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 Post Master. At the time of approval, new unit addresses will be assigned and established on the property. The Administrator will ensure that the address change is sent to the property entities for review and approval before being published.

**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 shall be permitted per primary dwelling unit.

**g. 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:

- i. A recreational vehicle, travel trailer, or similar structure;
- ii. A motor vehicle;
- iii. Any structure not intended for permanent human occupancy.

### 3. Use and Operational Standards.

**a. Location.** The accessory dwelling unit shall only be allowed on lots where an existing, lawfully constructed, single-family dwelling unit exists. The accessory dwelling may be attached or detached from the primary single-family dwelling unit.

- i. The accessory dwelling shall be permitted only if the primary dwelling unit is an existing single-family dwelling.
- ii. The accessory dwelling shall not be under separate ownership from the primary structure.



#### 4. Development Standards.

**a. Access.** The accessory dwelling shall utilize the existing driveway that serves the primary dwelling.

**b. Location.** A detached accessory dwelling must be located behind the front façade of the primary residential structure, in either the side yard or the rear yard.

**c. Parking and Loading.** On-site parking is required for the accessory dwelling unit and it may utilize the existing parking for the primary residential structure.

**d. Sanitation.** The Madison County Health Department shall approve connections or modifications to an existing septic system that may be needed to accommodate the accessory dwelling.

**e. Zoning District Standards.** All other development standards of the subject zoning district shall apply.

#### 5. Procedures

**a. Permits.** An ILP is required to construct and/or establish an accessory dwelling in order to ensure that the structure meets all of the applicable building codes and is safe and habitable.

### C. Adult Day Care Facility Standards

**1. Purpose.** The purpose of regulating adult day care facilities is to ensure that they adequately protect those who are cared for as well as ensuring compatibility with surrounding uses.

#### 2. Structure Standards.

**a. Area.** A minimum of one hundred fifty (150) square feet per patient shall be provided.

**b. ADA Requirements.** The structure must meet all commercial ADA requirements.

#### 3. Lot Standards. None.

#### 4. Use and Operational Standards.

**a. Hours of Operation.** The facility shall not operate beyond Monday through Friday from 7:00am to 8:00pm.

**b. Staffing.** There shall be a minimum of one (1) staff member per four (4) patients at all times.

#### 5. Development Standards.

**a. Bufferyards and Fencing.** A six (6) foot tall privacy fence shall be installed in the backyard in order to provide a secure outdoor area for patients to enjoy.

**b. Parking and Loading.** A minimum of one (1) space per staff member plus two (2) additional spaces shall be provided.

**c. Federal and State Regulations.** The facility shall meet or exceed all federal and state standards as they become enacted.

**d. Zoning District Standards.** All other development standards of the subject zoning district shall apply.

#### 6. Procedures.

**a. Permits.** An ILP is required to construct and/or establish an adult day care facility in order to ensure that the structure meets all of the applicable building codes and is safe and habitable.

### D. Agritourism Standards

**1. Purpose.** The purpose of regulating agritourism is to allow opportunities for limited non-residential activities that make use of the existing rural character and activities in the A-1 and A-2 Agricultural Zoning Districts. For purposes of these standards, a special event facility is not considered an agritourism activity (see Chapter 4, Section J).



## 2. Structure Standards.

### a. Area and Capacity.

i. *The maximum cumulative floor area for all buildings related to the agritourism use shall be ten thousand (10,000) square feet. Clusters of smaller, architecturally appropriate structures are encouraged to maintain rural character of the agritourism use.*

ii. *The Fire Marshall or Building Official shall establish a maximum occupant capacity for meetings, training, educational, or similar events which shall be appropriate to the site and facilities in terms of safe capacity in buildings, parking area and sanitation limitations of the site.*

**b. Architecture and Building Materials.** All new buildings should incorporate a rural character with ties to the local historic heritage where possible with regard to style and design. This means new agritourism uses involving new structures shall complement and enhance the rural environment. For example, gable or gambrel roofs, roof ornamentation such as cupolas, dormers, porches, and decorative shutters are encouraged.

## 3. Lot Standards.

**a. Area.** Parcels used for agritourism must be a minimum of ten (10) acres. The Administrator and/or the BZA may consider a smaller parcel size depending on the agritourism uses planned. The consideration of a smaller parcel size will be based on the intensity and scale of the proposed agritourism use, compatibility with surrounding property owners, and compatibility with the existing character of the area.

## 4. Use and Operational Standards.

**a. Hours of Operation.** In order to minimize any negative impacts of the use on the surrounding area, the hours of

operation must be provided in writing by the applicant. The Administrator and/or BZA may alter the requested hours of operation for the agritourism uses consistent with the character of the land uses in the vicinity and may further approve an enforcement mechanism to ensure adherence to the established hours of operation.

### b. Types of Uses Permitted.

i. *New uses and their buildings shall be located, designed, and operated so as not to interfere with normal agricultural practices on and off site. Non-agricultural uses should be limited to lands with poor agricultural soils or lands otherwise not suitable for agricultural purposes.*

ii. *Use and product percentages. Agricultural products produced on site, agriculturally related products and uses, and non-agriculturally related products and uses are permitted based on the percentages below. Failure to meet these standards may cause the use to lose its agritourism use classification.*

(a) At least fifty (50) percent of the products (measured as an average over the farm's marketing season) and uses marketed and offered must be grown or produced on and by or have a direct relationship with the affiliated farm. For purposes of this requirement, affiliated means a farm under the same ownership or control (e.g. leased) as the farm market whether or not the farm market is located on the property where production occurs.

(b) A maximum of thirty (30) percent of the products and uses marketed and offered may be other agriculturally related products and uses.

(c) A maximum of twenty (20) percent of the products and uses marketed and offered may be non-agriculturally related products and uses.

(d) For purposes of determining the percentage of products and uses being marketed and offered, the primary measure will be the square footage of space used for each individual product or use. If measurement of retail space during the marketing season is not feasible to determine percentage of product, then the percent of the gross sales dollars will be used.

**c. Types of Uses Prohibited.**

- i. Motorized off-road vehicle racing or other similar motor vehicle activities.*
- ii. Other uses that the Administrator and/or BZA determines would disturb the general peace and enjoyment of the rural and/or residential character of the surrounding area due to excessive traffic, noise, smoke, odors, visual clutter, or other nuisance.*

**5. Development Standards.**

**a. Access.** Access to the facility shall be approved by the Administrator and the applicable Highway Departments.

**b. Bufferyards and Fencing.** Opaque screening to a height of at least six (6) feet, consisting of an earth berm, evergreen screen, and/or an obscuring wall or fence shall be provided near the primary public activity areas on those sides abutting or adjacent to a residential use. The use of natural landscape materials is encouraged. At a written request of the applicant, the Administrator and/or the BZA may grant relief of the screening requirement in specific cases where cause can be shown that the distance between the agritourism and residential use would not require screening.

**c. Lighting.** Any exterior lighting installed related to an agritourism use or activity shall be appropriately shielded and directed downwards to minimize light pollution.

**d. Parking and Loading.** On-site vehicle parking shall be provided as follows:

- i. A minimum of one (1) space for every one thousand (1,000) square feet of the main public activity area, plus one (1) space for every two (2) employees shall be provided. The main public activity areas shall be defined as the primary buildings and outdoor spaces where the public congregates for the agritourism use. This shall not include areas dedicated to agricultural production.*
- ii. Circulation aisles shall be at least twenty-four (24) feet wide for two-way traffic or twenty (20) feet wide for one-way traffic.*
- iii. Parking lots shall be clearly demarcated through physical means like timbers, fences, stakes, etc.*
- iv. The on-site parking shall be arranged so no vehicle movements occur in the public right-of-way and to avoid the accumulation of parked cars on the public roads.*
- v. Parking areas, circulation aisles, and driveway surfaces may be pervious or hard surface.*
- vi. Handicap accessible spaces must be provided in accordance with the requirements of Americans with Disabilities Act of 1990, utilizing the most current design standards.*
- vii. The Administrator and/or the BZA may reduce or defer the number required parking spaces if the applicant provides a parking study that demonstrates that a reduced number of parking spaces will meet the parking needs of the agritourism uses. If parking is deferred, the location of those deferred spaces must be shown as such on the required site plan.*

**e. Storage.** The maximum area for the storage/display of agricultural products for sale shall be one (1) acre. This requirement does not apply to u-pick operations.

**f. Trash Receptacles.** Trash receptacles shall be provided. If dumpsters are provided, they shall be placed on a hard surface and shall be completely obscured from view by an opaque fence or wall.

**g. Sanitation.** Public restroom facilities, temporary or permanent, shall be provided on site and with approval of the Health Department.

**h. Zoning District Standards.** All other development standards of the subject zoning district shall apply.

## **6. Procedures.**

### **a. Application.**

*i. Narrative. Prior to the approval of any agritourism activity, a written narrative shall be submitted describing the use in detail, including both agriculturally related and non-agriculturally related products and uses; proposed hours of operation; measures that are to be taken to assure that the operation of the use will take place only in a safe and convenient manner; special events; and other information describing the use and which will assist the Administrator and/or the BZA in determining whether the application meets the requirements.*

## **E. Campground and Recreational Vehicle Park (Public and Private) Standards**

### **1. Purpose.**

**a.** The purpose of these regulations is to provide minimum requirements for the protection of the health and safety of the occupants of campgrounds, recreational vehicle parks, their

associated recreation areas, and the general public.

**b.** In addition to these standards, a facility accommodating ten (10) or more tents, recreational vehicles, or campsites are subject to the regulations established by state standards per 410 IAC 6-7.1.

## **2. Lot Standards.**

### **a. Area and Density.**

*i. Each campsite shall be at least nine hundred (900) square feet in area and clearly marked and identified.*

*ii. Maximum density shall be twenty-five (25) campsites per acre.*

## **3. Use and Operational Standards.**

### **a. Occupancy.**

*i. No permanent or semi-permanent structures such as cabins, lean-tos, or other habitable buildings, shall be erected on a campsite.*

## **4. Development Standards.**

### **a. Access and Circulation.**

*i. Entrance Road. The entrance to the campground shall be at least twenty-four (24) feet in width.*

*ii. Internal Circulation. Internal road widths shall be at least ten (10) feet in width for one-lane roads and at least twenty (20) feet in width for two-lane roads.*

### **b. Drainage.**

*i. All areas shall be well drained and designed to provide sufficient space for camping activities, vehicles, sanitary facilities, and appurtenant equipment.*

ii. The campground shall not be located in an area subject to periodic flooding or located in such a manner as to permit contamination of a private or public water supply. Furthermore, campgrounds shall not be located adjacent to swamps, marshes, railroads, stockyards, industrial sites or other such locations which would constitute a health or safety hazard.

**c. Utilities.**

i. Sanitation System. Sanitation facilities are required and shall be designed, constructed, and maintained in compliance with the standards approved by the Health Department or the sewer provider as appropriate.

ii. Water Supply. A water supply system shall be designed, constructed, and maintained in compliance with the standards approved by the Health Department or the water provider as appropriate.

**d. Zoning District Standards.** All other development standards of the subject zoning district shall apply.

**5. Procedures.**

**a. Application.**

i. A campground or recreational vehicle park requires Development Plan approval.

ii. In accordance with 410 IAC 6-7.1, prior to making application for Development Plan, a facility accommodating ten (10) or more tents, recreational vehicles, or campsites requires review and approval by the Indiana State Department of Health.

**b. Permits.** ILPs are required for the construction of primary structures, accessory structures, and all utility hook-ups.

**F. Hobby Farm Standards**

**1. Purpose.** The purpose of these standards is to allow adequate area for the raising of small crops and the keeping of farm animals on the same site as a primary residence.

**2. Structure Standards.**

**a. Types of Structures Prohibited.**

i. Commercial stables shall not be permitted.

**3. Lot Standards.**

**a. Area.**

i. Farms without Animals.

(a) Minimum lot area shall be two (2) acres. This may include the area required for the primary residence.

ii. Farms with Animals.

(a) Minimum area for hobby farms with animals shall be two (2) acres of dedicated space exclusively for the animals. This shall be measured separately from the area required for the primary residence and the associated well and septic systems (if applicable).

(b) Hobby farms with animals shall not be permitted in a platted residential subdivision where the average residential lot size for the entire development is less than three (3) acres.

**4. Use and Operational Standards.**

**a. Animal Unit Limitations.** See Table 4.1.

**b. Nuisances.** Exotic animals are not permitted to be kept on hobby farms. Odor and noise shall comply with the town's applicable ordinances.

## 5. Development Standards.

**a. Zoning District Standards.** All other development standards of the subject zoning district shall apply.

## 6. Procedures.

**a. Permits.** An ILP is required for the construction of buildings used to house animals.

**TABLE 4.1** - Animal Limits for Hobby Farms

Animal	Dedicated Pasture Area	Max. # of animals allowed	Min. setback for animal buildings and pasture areas
Horse, pony, mule, donkey, steer, bull, cow, buffalo, and similar size animals	0.5 acres of dedicated pasture area per animal	2	35 feet from property line and 150 feet from foundation of primary residence on neighboring property
Sheep, goats, ostrich, emu, miniature horse (34" or less), and similar size animals	0.2 acres of dedicated pasture area per animal	6	35 feet from property line and 100 feet from foundation of primary residence on neighboring property
Swine	0.05 acre of dedicated pasture area per animal	4	150 feet from property line and 150 feet from foundation of primary residence on neighboring property
Poultry, fowl, rabbits, pheasant, turkey, and similar type animals	No minimum	10	35 feet from property line and 150 feet from foundation of primary residence on neighboring property

## G. Home Occupation Standards

**1. Purpose.** The purpose of regulating commercial activities in residential dwellings is to ensure that they are incidental, compatible uses which do not add significant traffic, noise, or other nuisances to the neighborhoods in which they are located.

### 2. Structure Standards.

**a. Area.** Maximum area of the home occupation shall be twenty-five (25) percent of the total floor area of the dwelling unit or five hundred (500) square feet, whichever is less.

**b. Accessory Structures.** No accessory structures or outside storage may be used in connection with the home occupation.

**c. Structure Improvements.** No internal or external alterations inconsistent with the residential use of the dwelling are allowed.

### 3. Use and Operational Standards.

**a. Location.** The business must be conducted entirely within the primary dwelling unit.

**b. Nuisances.** A home occupation must not produce any offensive noise, vibration, smoke, dust, odors, heat, gas, glare, electrical or audible interference, or otherwise create a risk to health, safety, or property of adjacent neighbors.

#### c. Types of Uses.

*i. Prohibited Businesses. Prohibited home businesses include, but are not limited to: caterer, food vendor, equipment and vehicle repair, appliance and small mechanical repair, kennel, veterinary clinic, funeral home, commercial cabinetry shop, welding, trucking, adult oriented business, warehousing, vehicle sales, and other similar uses.*



*ii. Exempt Businesses. The following business are not considered home occupations:*

*(a) A business which has no external indication of commercial activity including no nonresident employees, no client visits, no business-related deliveries, and no vehicle signage;*

*(b) A family, child, and/or adult care/home located in a residence; and*

*(c) A business conducted in a residential structure that is located within a non-residential land use district, where the resident chooses instead to meet all commercial development standards and applicable building codes.*

**d. Additional Standards.**

*i. The home occupation shall be carried on by a resident of the primary dwelling and with not more than one (1) employee who does not reside at the residence. Additional employees may not come to the residence for work purposes, including pick-up of materials, vehicles, assignments, or similar purposes.*

*ii. Clients or business related visitors shall be by appointment only.*

*iii. Hours of operation for deliveries, clients, and operation of mechanical or electrical equipment is limited to 7:00am to 8:00pm.*

**4. Development Standards.**

**a. Context.** The home occupation must be clearly incidental to the residential use of the dwelling unit and must not change the essential character of the dwelling.

**b. Parking and Loading.**

*i. In addition to parking required for residents, there shall be no more than two (2) vehicles parked on or in the vicinity of the property as a result of the business at any single time.*

*ii. A maximum of one (1) vehicle for business related purposes is permitted to be parked on-street or on-site.*

*iii. Business related vehicles may not include a bus, truck, enclosed trailer, or other similar vehicle over six thousand (6,000) pounds (as listed on the vehicle registration form). Furthermore, business related vehicles may not exceed a one-ton carrying capacity.*

*iv. No more than one (1) business related trailer, not exceeding twelve (12) feet in length may be used or stored on-site.*

*v. Tow trucks are prohibited and are not permitted as home occupation vehicles.*

**c. Visibility.**

*i. No display of products shall be visible from the street.*

*ii. There shall be no evidence on the exterior of the premises or visible from the exterior of the premises that the property is used in any way other than for a residential dwelling.*

**d. Zoning District Standards.** All other development standards of the subject zoning district, including signs, shall apply.

**5. Procedures.**

**a. Evaluation Criteria.** When considering the approval of a home occupation, the Administrator or the BZA may also consider:

i. *The location of the proposed home occupation in relation to traffic impacts and safety concerns to the adjacent property owners or neighborhood.*

ii. *The impacts the proposed home occupation may have on the residential character of the area or neighborhood.*

iii. *The cumulative impacts of the proposed home occupation in relation to other approved home occupations in the immediate vicinity.*

iv. *If the home occupation is operating in a manner different than what was approved or complaints are filed about the operations, the Administrator or BZA reserves the right to impose conditions and/or reconsider the approval of the home occupation.*

**b. Permit and Registration.** Home occupations require a permit and annual renewal.

## **H. Manufactured Home Park Standards**

**1. Purpose.** The purpose of these standards is to ensure a high-quality living environment within a manufactured home park and to assist in providing opportunities for low and moderately priced single-family housing.

### **2. Structure Standards.**

**a. Area.** Minimum area of a residential structure within a manufactured home park shall be six hundred (600) square feet.

**b. Maintenance.** Wrecked, damaged, or dilapidated homes shall not be kept or stored within the manufactured home park at any time. With the assistance of the building inspector, the Administrator shall determine if a home is damaged or dilapidated to a point which makes the home unfit for human occupancy. Whenever such a determination is made, the home shall be vacated and removed from the premises.

## **3. Lot Standards.**

### **a. Area.**

i. *Home Site. The minimum area of an individual home site shall be three thousand five hundred (3,500) square feet.*

ii. *Overall Development. The minimum area of the overall development shall be ten (10) acres.*

### **b. Setbacks.**

i. *Home Site. The minimum setbacks for an individual home site shall be eight (8) feet from front, side, and rear.*

ii. *Overall Development. The overall development shall have a perimeter setback of twenty-five feet.*

## **4. Use and Operational Standards.**

**a. Minimum Capacity.** The minimum capacity for a manufactured home park shall be fifty (50) units.

## **5. Development Standards.**

### **a. Bufferyards and Fencing (internal).**

i. *Fences or free-standing walls shall be installed where necessary around laundry areas, refuse collection points, sanitary facilities, sewage disposal facilities and playgrounds for screening and protection of the residents.*

ii. *Screening, fencing and walls shall be set back from sidewalks and streets so as not to interfere with convenient and safe use of these facilities. Vision clearance at street intersections shall be maintained.*

**b. Driveways.** Driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, to delivery and collection points for refuse and other material, and elsewhere as needed.

**c. Parking and Loading.** Four (4) parking spaces shall be provided for each manufactured home stand. The spaces shall be provided either in common facilities within one hundred (100) feet of the stand, in a parking lane along the abutting interior access street or within the stand. Street parking shall count as two (2) spaces per stand fronting on the parking lane.

**d. Utilities.** The mobile home park shall be provided with a complete sanitary sewer system, which shall connect with an existing approved sanitary sewer outlet or shall be provided with a separate treatment plant to be provided by the developer in accordance with and approved by the Indiana State Board of Health (see IC 16-41-27-8, IC 16-41-27-11, and regulation HSE 14, Indiana State Board of Health).

**e. Sidewalks.**

i. *Paved pedestrian sidewalks shall be provided in a continuous arrangement throughout the park. Where possible, walks leading to frequently used public facilities should be through interior areas removed from the vicinity of streets. Public pedestrian sidewalks shall be at least five (5) feet in width and paved with a suitable material for use in all weather conditions.*

ii. *Individual sidewalks shall be provided from a public sidewalk, street, or parking area to the individual mobile home stands. These walks shall be at least four (4) feet in width and should be paved with a suitable material for use in all weather conditions.*

iii. *Sidewalks shall be privately owned and maintained.*

**f. Streets.**

i. *Streets shall be provided on the development site where necessary to furnish principal traffic ways for convenient access to the mobile home stands and other important facilities on the property.*

ii. *Streets shall be privately owned and maintained.*

iii. *The street system shall provide convenient circulation by means of properly located collector streets. Closed-end or dead end streets shall be provided with adequate paved vehicular turning or backing space. A turning circle shall have a paved surface of at least eighty (80) feet in diameter. Dead end streets shall not exceed five hundred (500) feet in length measured from the center point of the turning circle to the intersection of the centerline of a dead end and a through street.*

iv. *Pavements shall be of adequate width to accommodate the expected parking and traffic load in accordance with the type of street with twelve (12) feet minimum moving lane widths and eight (8) feet minimum lane widths for parallel parking.*

v. *Single-lane streets are prohibited.*

vi. *Streets shall be adapted to the topography and shall have suitable alignment and gradient for safety of traffic, satisfactory surface and ground water drainage, and proper functioning of sanitary and storm sewers.*

vii. *Street intersections shall generally be at right angles. Offsets at intersections and intersections of more than two (2) streets at one (1) point shall be avoided.*

viii. *The street improvements shall extend continuously from the existing improved street system to provide suitable access to the manufactured home stands and other important facilities on the property, to provide adequate connections to existing or future streets at the boundaries of the property, and to provide convenient circulation of vehicles.*

ix. *Curbs and gutters along all streets are required.*

x. *Street base and pavement shall be constructed in accordance with the standards established in Chapter 6: Subdivision Design Standards.*

**g. Zoning District Standards.** All other development standards of the subject zoning district shall apply.

## 6. Procedures.

**a. Application.** Development Plan approval is required for the establishment of a manufactured home park.

**b. Permits.** Permits shall be required for the placement of individual manufactured homes and their accessory structures.

## I. Short-Term Rental Standards

**1. Purpose.** The purpose of these short-term rental standards is to comply with the provisions of IC 36-1-24 series as well as

**a.** Set an appropriate balance between the interests of the town's residents, business owners, visitors to the community, and property owners wishing to engage in short-term rental of dwellings;

**b.** Ensure issues related to fire safety and life safety codes are met; and

**c.** Allow homeowners to benefit from added income.

## 2. Structure Standards.

### a. Types of Structures.

*i. Permitted. Short-term rental units shall only be allowed in lawfully-built dwelling units that meet building code requirements. This includes:*

(a) All or a portion of the owner's primary residence;

(b) An accessory dwelling in accordance with Chapter 4, Section B: Accessory Dwelling Standards.

*ii. Prohibited. Short-term rental units shall not be allowed in:*

(a) A recreational vehicle, travel trailer, or similar structure (outside of a campground);

(b) A motor vehicle;

(c) Any structure not intended for permanent human occupancy.

## 3. Use and Operational Standards.

**a. Occupancy.** Maximum overnight occupancy shall be two (2) persons per sleeping area, not to exceed ten (10) people, regardless of the number of sleeping areas.

### b. Other Standards.

*i. A sign shall be prominently posted on site that displays:*

(a) That the structure is a registered short-term rental;

(b) The address of the property;

(c) The approved maximum occupancy;

(d) That quiet hours are from 10:00pm to 7:00am every day;

(e) A 24-hour telephone number where the owner can be reached.

## 4. Development Standards.

**a. Parking and Loading.** One (1) off-street parking space is required for every two (2) sleeping areas. The Administrator may allow street parking where applicable with a written letter to the file.

**b. Zoning District Standards.** All other development standards of the subject zoning district shall apply.

## **5. Procedures.**

**a. Establishment.** An ILP is required to construct a short-term rental in order to ensure that the structure meets all of the applicable building codes and is safe and habitable.

**b. Annual Registration Permit.** Each short-term rental is required to be registered separately and annually in accordance with IC 36-1-24-11 through 19 and appropriate Municipal Code.

### **c. Enforcement.**

*i. Short-term rental owners who do not comply with the regulations may be subject to enforcement consequences ranging from inspections, citations, and/or revocation of registration.*

## **J. Solar Energy System Standards (Accessory and Commercial)**

**1. Purpose.** The purpose of these standards is to provide an opportunity for a solar harvesting operation for personal or commercial use while ensuring that specific conditions are met to protect the health, safety, and welfare of the general public.

## **2. Accessory Solar Energy System.**

### **a. Structure Standards.**

*i. Roof-Mounted SES maximum height overall (including building structure and SES equipment together) is to not exceed the maximum height per the Zoning District.*

*ii. Roof-Mounted SES must conform to slope of roof and not project more than 6 inches from the roof surface for*

*residential properties and 10 feet from the roof surface for non-residential properties.*

*iii. Roof-Mounted SES must not exceed the footprint of the principle building or accessory structure.*

*iv. Roof/Wall Mounted SES to provide smoke ventilation opportunities and located in accordance with the Indiana Fire Code.*

*v. 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.*

*vi. Roof-Mounted SES must provide a Roof Stability Report prior to approval.*

*vii. Ground-Mounted SES not permitted in front yard or side street yard.*

*viii. Ground-Mounted SES must conform with the set-back per the Zoning District and must be properly screened by a fence and cannot exceed 6 feet in height or height of fence, whichever is less for Residential; cannot exceed 15 feet in height for Non-Residential.*

*ix. Ground-Mounted SES cannot be located over septic field, legal easement, ROW or County Drain without proper approval; Ground-mounted SES must be a minimum of 3 feet from any easement.*

*x. Wall-Mounted SES permitted, but not on front wall of structure and cannot project more than 5 feet from building.*

### **b. Lot Standards.**

*i. Setbacks. Accessory solar energy systems shall conform to the setbacks for accessory structures per the zoning district.*



### **c. Use and Operational Standards.**

#### *i. Location.*

(a) Roof-mounted solar energy systems shall be placed only on the roof of a conforming structure. Should accessory panels total size exceed 3,000 square feet, they must be roof-mounted.

(b) Ground-mounted solar energy systems shall be placed behind the front facade of the primary structure.

*ii. Nuisances. Any accessory solar energy system, 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.*

### **d. Development Standards.**

*i. Zoning District Standards. All other development standards of the subject zoning district shall apply.*

*ii. Maximum Kilowatt. All Accessory Use must be less than a 10 KW System*

*iii. Lighting. Limited to what is required for safety and operational purposes.*

*iv. Glare. Solar panels must be oriented/screened year-round to direct glare away from adjacent properties, structures and roadways*

### **e. Procedures.**

*i. Permits. An Interconnection Application and Agreement Form and Accessory Structure Permit are required prior*

*to the construction, erection, placement, modification, or alteration of an accessory solar energy system. Any SES is subject to inspection process at any time.*

*ii. All SES shall comply with all Federal, State and local laws and ordinances including, but not limited to electrical codes, building codes, the Indiana Fire Code, placement in floodplains, and applicable FAA regulations as well as any necessary approvals for installations close to airports.*

### **3. Commercial Solar Energy System.**

#### **a. Structure Standards.**

*i. Height. 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.*

*ii. Roof-Mounted SES must provide a Roof Stability Report prior to approval.*

*iii. A clear sight triangle must be maintained at all ingress/egress locations.*

*iv. Ground-Mounted SES cannot be located over septic field, legal easement, ROW or County Drain without proper approval; Ground-mounted SES must be a minimum of 3 feet from any easement*

#### **b. Lot Standards.**

##### *i. Setbacks.*

(a) 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 500 ft setback from the rear and side property lines. The front/roadway side of the parcel is

to have a minimum of 200 ft setback from the property line.

**c. Use and Operational Standards.**

*i. Decommissioning. 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.*

(a) Content. 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.

(b) Financial Assurance. 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:

((1)) 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.

((2)) The Administrator shall independently verify the adequacy of this amount.

((3)) 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.

(c) 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.

ii. 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.

**d. Development Standards.**

i. 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.

*ii. Bufferyards and Fencing.*

(a) Visual Buffers. A commercial solar energy system shall have a minimum six (6) foot earth berm with heavy buffer, as defined by Table 3.12, along the entire perimeter of the SES property; bufferyard to be located outside of required fencing. The existing natural tree growth and natural land forms 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.

(b) Fencing. All sites must have a completely fenced perimeter with fencing that is at least six (6) feet in height.

*iii. 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.*

*iv. Lighting. Exterior lighting for a commercial solar energy system site shall be limited to that required for safety and operational purposes.*

*v. Glare. Solar panels must be oriented/screened year-round to direct glare away from adjacent properties, structures and roadways*

*vi. Noise. Cannot exceed noise of 50 decibels measured at the property line.*

*vii. Utilities. All electrical wires and utility connections for a commercial solar energy system shall be installed*

underground, except for transformers, inverters, substations, and controls.

viii. *Signage.* Limited to one 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.

ix. *Zoning District Standards.* All other development standards of the subject zoning district shall apply.

x. *Waste/Material handling measures* must adhere to Federal/State/Local guidelines and laws as applicable.

**e. Procedures.**

i. *Application.* Site Development Plan approval is required for the establishment of a commercial solar energy system. An Interconnection Agreement is also required.

ii. *Permits.* An ILP is required prior to the construction, erection, placement, modification, or alteration of an accessory solar energy system. Footing inspections shall be required for all facilities having footings. All facilities containing electrical wiring shall be subject to the provisions of the applicable electrical code as amended.

iii. Any SES is subject to the inspection process at any time.

iv. *Compliance with Other Laws Statement* – All SES shall comply with all Federal, State and local laws and ordinances including, but not limited to electrical codes, building codes, the Indiana Fire Code, placement in floodplains, and applicable FAA regulations as well as any necessary approvals for installations close to airports

## **K. Special Event Facility Standards**

**1. Purpose.** The purpose of these special event facility standards is to ensure that the use and establishment of the facility remains compatible with the surrounding uses.

**2. Lot Standards.**

**a. Area.** Minimum lot size shall be ten (10) acres.

**b. Setbacks.** All setbacks shall be in accordance with the respective zoning district. This includes any temporary structures such as tents, canopies, stages, and dance floors.

**3. Use and Operational Standards.**

**a. Attendance.** Attendance for a single event at the facility shall not exceed five hundred (500) persons or last longer than two (2) days, not including set-up and take-down.

**b. Hours of Operation.** The special event duration shall not exceed twelve (12) hours per day, with an operation period limited to the hours of 8:00am to 10:00pm.

**4. Development Standards.**

**a. 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.

**b. Lighting.** All outdoor lighting associated with the special event shall be turned off by 11:00pm and conform to Chapter 3, Lighting, Outdoor Standards.

**c. Signage.** In addition to the permitted signage in Chapter 3 Sign Standards, temporary directional signs are allowed during event activities provided they are placed outside of the rights-of-way.

**d. Utilities.** The facility shall provide a potable domestic water supply and an on-site sewage disposal or sewer service connection necessary to accommodate the special events to the satisfaction of the applicable Health Department.

**e. Zoning District Standards.** All other development standards of the subject zoning district shall apply.

## 5. Procedures.

**a. Development Plan Required.** All special event facilities require development plan approval which shall include a plan for traffic, parking, and circulation plan. In addition, the PC or Administrator shall make specific findings and may establish conditions relative to the consideration of:

- i. The physical design and operating characteristics of the facility.*
- ii. The intensity of the proposed use and density of the surrounding area.*
- iii. The distance to surrounding sensitive elements, including residents, institutional uses and livestock.*
- iv. The type of sound potentially generated by the facility and what allowances for amplified sound may take place.*
- v. The allowed number of events per year and the frequency of events.*

## L. Wind Energy System Standards (Accessory and Commercial)

**1. Purpose.** The purpose of these standards is to ensure the proper installation of wind energy system components and to minimize the impacts on area residents.

## 2. Accessory Wind Energy Systems.

**a. Applicability.** This section applies to on-site use wind energy systems and anemometer towers of one hundred (100) feet or less. These systems are designed to primarily serve the needs of a home, farm, or business located on the same site as the on-site use wind energy system.

### b. Structure Standards.

- i. Construction Codes. The facility shall comply with all applicable state construction and electrical codes as well as local building permit requirements.*
- ii. 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.*
- iii. Roof-Mounted WES shall not be permitted on front wall of structure or on wall adjacent to side street yard.*
- iv. 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 feet of any peak, eave, valley, edge and/or perimeter of the roof to maintain pathways of accessibility.*
- v. Roof-Mounted WES must provide a Roof Stability Report*
- vi. Ground-Mounted WES shall not be permitted in the front yard or street side yard.*
- vii. 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.*



**c. Lot Standards.**

*i. Setbacks.*

(a) 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.

(b) 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.

(c) The distance between an anemometer tower and the owner's property lines shall be equal to the height of the tower.

(d) 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.

**d. Use and Operational Standards.**

*i. 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.*

*ii. 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.*

*iii. Sound Pressure Level. On-site use wind energy systems shall not exceed 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 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).*

*iv. Maximum Kilowatt. All Accessory Use must be less than a 10 KW System*

*v. Lighting. Limited to what is required for safety and operational purposes.*

*vi. Glare. Must be oriented/screened year-round to direct glare away from adjacent properties, structures and roadways*

*vii. Utility Location. Ground-Mounted WES cannot be located over a septic field, legal easement, ROW or County Drain without proper approval; Ground-Mounted WES must be a minimum of 3 feet from any easement. Roof-Mounted WES cannot be located under utility powerlines.*

### **e. Development Standards.**

*i. Zoning District Standards. All other development standards of the subject zoning district shall apply.*

### **f. Procedures.**

*i. Permits. An Interconnection Application and Agreement Form and Accessory Structure Permit is required for the construction or establishment of an on-site wind energy system and placement requirements applicable to public utilities. WES subject to inspection at any time.*

*ii. Nuisances. Any accessory 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.*

*iii. All SES shall comply with all Federal, State and local laws and ordinances including, but not limited to electrical codes, building codes, the Indiana Fire Code, placement in floodplains, and applicable FAA regulations as well as any necessary approvals for installations close to airports.*

### **3. Utility Grid Wind Energy Systems (Commercial Wind Energy Systems).**

**a. Commercial Wind Energy Systems are not permitted within the Town limits of Pendleton.**

## **M. Wireless Communication Facility Standards**

**1. Purpose.** The purpose of these regulations is to ensure that the siting of new wireless communication facilities are appropriately placed and in compliance with current state statute procedures.

### **2. Use and Operational Standards.**

**a. Location.** Wireless facilities shall not be located within the boundaries of any legally platted and recorded residential subdivision.

### **3. Development Standards.**

**a. Zoning District Standards.** All other development standards of the subject zoning district shall apply.

### **4. Procedures.**

**a. Permits.** Wireless facilities shall not be constructed, erected, placed, modified, or altered until an ILP has been obtained.

**b. Application.** In accordance with IC 8-1-32.3, the following procedures shall apply to the application and approval for construction of a new wireless support structure, substantial modification of a wireless support structure, or collocation of wireless facilities on an existing structure.

*i. Complete Application. To be considered complete, the following information must be submitted with an application for a new wireless support structure, a substantially modified wireless support structure, or collocation of a wireless facility:*

- (a) A statement that the applicant is a person that either provides wireless communications service or owns or otherwise makes available infrastructure required for
- (b) The name, business address, and point of contact for the applicant.
- (c) The location of the proposed or affected wireless support structure or wireless facility; and
- (d) Evidence supporting the choice of the location for the

proposed wireless support structure, including a sworn statement from the individual responsible for the choice of location demonstrating that collocation of wireless facilities on an existing wireless support structure was not a viable option because collocation:

- ((1)) Would not result in the same wireless service functionality, coverage, and capacity;
- ((2)) Is technically infeasible; or
- ((3)) Is an economic burden to the applicant.

(e) Construction Plan. A construction plan that describes the proposed wireless support structure and all equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment.

(f) Findings of Fact. For an application that requires a Conditional Use approval, evidence showing that the application complies with the applicable criteria shall be submitted. The criteria for a Conditional Use under IC 36-7-4-918.2 shall comply with Chapter 8, Section (D) (4): Conditional Use Procedures.

*ii. Review of Application. Upon receipt of an application for a new or significantly modified wireless support structure, the Administrator shall promptly review it for completeness. Within ten (10) business days of receiving the application, the Administrator shall notify the applicant of whether the application is complete and whether a public hearing will be required.*

(a) Failure to Notify. If the Administrator fails to notify the applicant within ten (10) business days whether the application is complete shall be considered a non-final zoning decision in accordance with IC 36-7-4-1602(c), with the applicant consequently entitled to expedited

judicial review of the non-final zoning decision.

*iii. Public Hearing.*

(a) Public Hearing Required. When a public hearing is required for a Conditional Use, the BZA shall conduct the hearing and take final action within a reasonable period of time.

(b) Public Hearing Not Required. When a public hearing is not required, the Administrator shall take final action on the request within a reasonable period of time after the application is filed.

*iv. Deadline for Final Action. For purposes of Chapter 3, Section M(4)(b)(2) Review of Application above, "reasonable period of time" shall be determined as follows:*

(a) Collocation Only. If the request involves an application for collocation only, a reasonable period of time is not more than forty-five (45) days from the date that the applicant is notified by the Administrator that the application is complete. An application for collocation only is not subject to a public hearing before the BZA, but the Administrator may review the application for compliance with applicable building code requirements before issuing an ILP.

(b). New Wireless Support Structure. If the request involves an application for an ILP to construct a new wireless support structure, a reasonable period of time is not more than ninety (90) days from the date that the applicant is notified that the application is complete. The BZA shall conduct a public hearing on the request and shall make a decision on the request at the meeting at which it is first presented. Decisions made by the BZA after a public hearing conducted in accordance with this section are considered zoning

decisions for purposes of IC 36-7-4 and are subject to judicial review under the IC 36-7-4-1600 series.

(c) Substantial Modification of a Wireless Support Structure. If the request involves an application for an ILP for substantial modification of a wireless support structure, a reasonable period of time is not more than ninety (90) days from the date that the applicant is notified that the application is complete. The BZA shall conduct a public hearing on the request and shall make a decision on the request at the meeting at which it is first presented. Decisions made by the BZA after a public hearing conducted in accordance with this section are considered zoning decisions for purposes of IC 36-7-4

(d) Additional Time for Applicant Amendment. If an applicant has requested additional time to amend its application or requested or agreed to a continuance during the review or hearing process, then the period of time prescribed by parts i, ii, or iii above shall be extended for a corresponding amount of time.

(e) Failure to Take Action. Failure by the Administrator or the BZA to take final action on a request within a reasonable period of time shall be considered a non-final zoning decision in accordance with IC 36-7-4-1602(c), with the applicant consequently entitled to expedited judicial review of the non-final zoning decision.

*v. Additional Rules. In accordance with IC 8-1-32.3 and notwithstanding IC 36-7-4 or any rules adopted by the BZA, the following provisions apply to all applications submitted under this section:*

(a) Limitation on Fees.

((1)) The Administrator may not require an applicant to pay a fee associated with the submission, review,

processing, or approval of an application unless the payment of the same or a similar fee for applications for permits for similar types of commercial or industrial structures within the applicable jurisdiction.

((2)) If a fee associated with the submission, review, processing, or hearing of an application, including a fee imposed by a third party that provides review, technical, or consulting assistance to the Administrator, the fee must be based on actual, direct, and reasonable costs incurred for the review, processing, and hearing of the application.

((3)) A fee described in this section may not include travel expenses incurred by a third party in its review of an application or direct payment or reimbursement of third-party fees charged on a contingency basis.

(b) Non-discrimination. The Administrator or the BZA may not discriminate among communications service providers or public utilities with respect to the following:

((1)) Approving applications, issuing permits, or otherwise establishing terms and conditions for construction of wireless or wireline communications facilities.

((2)) Authorizing or approving tax incentives for wireless or wireline communications facilities.

((3)) Providing access to rights-of-way, infrastructure, utility poles, river and bridge crossings, and other physical assets owned or controlled by the applicable jurisdiction.

**c. Fall Zone Limitation.** The Administrator or the BZA may not impose a fall zone requirement for a wireless support structure that is larger than the area within which the

structure is designed to collapse, as set forth in the applicant's engineering certification for the structure. However, a fall zone requirement that is larger than the area described above may be imposed if the Administrator or the BZA provide evidence that the applicant's engineering certification is flawed. This evidence must include a study performed by a professional engineer at the expense of the applicant.

**d. All Other Land Use and Development Standards Apply.** These additional rules do not affect the ability of the applicable jurisdiction to exercise other zoning, land use, planning, or other development standards with respect to the siting of new wireless support structures; or exempt the applicant from complying with applicable laws and ordinances concerning land use.

**e. Federal Standards Apply.** In reviewing applications and conducting hearings, the Administrator and the BZA shall comply with all applicable provisions of Section 332(c)(7)(B) of the Federal Telecommunications Act of 1996 as in effect on July 1, 2015, and Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 as in effect on July 1, 2015.

**f. Information Not Required.** Neither the Administrator nor the BZA may require an applicant to submit information about or evaluate an applicant's business decisions with respect to the applicant's designed service, customer demand, service quality, or desired signal strength to a particular location.

**g. Confidential Materials.** All meetings of the BZA are subject to the Open Door Law in accordance with IC 5-14-1.5. However, neither the Administrator nor the BZA may release to the public any records that are required to be kept confidential under Federal or State law, including the trade secrets of applicants, as provided in the Access to Public Records Act (IC 5-14-3) and any other applicable laws.

**h. Consolidation of Multiple Applications.** The Administrator shall allow an applicant to submit a single consolidated application to collocate multiple wireless service facilities, or for multiple small cell facilities that are located within the applicable jurisdiction and that comprise a single small cell network. Whenever a consolidated application is approved, the Administrator shall issue the applicant a single ILP for the multiple facilities, or for the small cell network, in lieu of issuing multiple permits for each respective facility.

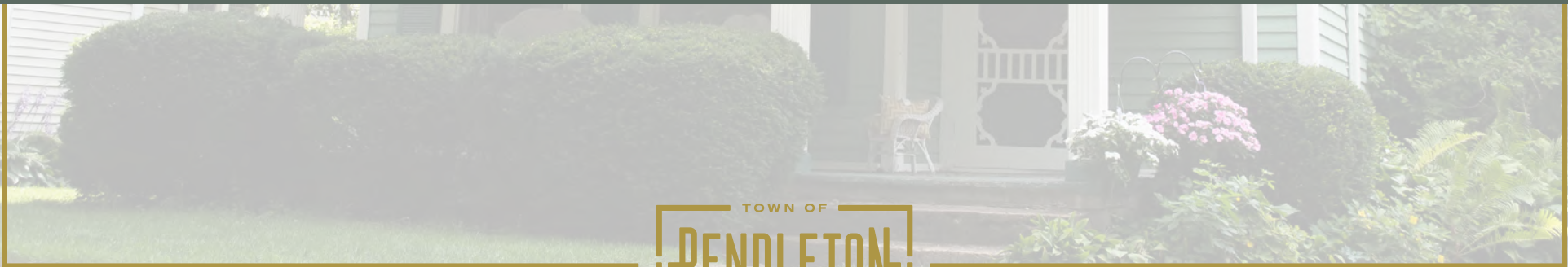
**i. Conditions for Use of Utility Poles or Towers.** Neither the Administrator nor the BZA may require or impose conditions on an applicant regarding the installation, location, or use of wireless service facilities on utility poles or electrical transmission towers.





## CHAPTER FIVE

# SUBDIVISION TYPES



## A. Commercial Subdivision

**1. Intent.** A commercial subdivision, as defined in Chapter 10: Definitions, is intended to provide development for primarily commercial uses and other uses as permitted within the subject zoning district. The layout shall allow for adequate vehicular, pedestrian, and alternative transportation access as well as connection to adjacent parcels and transportation networks. Driveway cuts on to arterial streets shall be limited and frontage streets shall be utilized. In order to allow for end-user flexibility, the secondary platting process may be done by blocks or lots, as explained further in Chapter 7, Section B(1)(e).

### 2. Development Standards.

**TABLE 5.1** - Commercial Subdivisions

Development Standards for Commercial Subdivisions	
Districts permitted	R/OS, A-1, A-2, I, DB, NB, GB, HB, LI, HI
Minimum development size	10 acres
Minimum open space for overall development	15%
Internal access	Internal streets may be private, but shall be constructed to the applicable street function standards per the Street Design and Construction Manual
Sidewalks	<ul style="list-style-type: none"><li>• Required along existing streets that are immediately adjacent to the subject property</li><li>• Required on both sides of any new street</li></ul>
Development standards for individual lots	The development standards for the subject zoning district shall apply to each lot within the subdivision

## B. Industrial Subdivision

**1. Intent.** An industrial subdivision, as defined in Chapter 10: Definitions, is intended to provide development for primarily industrial uses and other uses as permitted within the subject zoning district. The layout shall allow for adequate vehicular, pedestrian, and alternative transportation access as well as connection to adjacent parcels and transportation networks. Driveway cuts on to arterial streets shall be limited and frontage streets shall be utilized. In order to allow for end-user flexibility, the secondary platting process may be done by blocks or lots, as explained further in Chapter 7, Section B(1)(e).

### 2. Development Standards.

**TABLE 5.2** - Industrial Subdivisions

Development Standards for Industrial Subdivisions	
Districts permitted	LI, HI
Minimum development size	15 acres
Minimum open space for overall development	15%
Internal access	Internal streets may be private, but shall be constructed to the applicable street function standards per the Street Design and Construction Manual
Sidewalks	<ul style="list-style-type: none"><li>• Required along existing streets that are immediately adjacent to the subject property</li><li>• Required on both sides of any new street</li></ul>
Development standards for individual lots	The development standards for the subject zoning district shall apply to each lot within the subdivision

## C. Major Residential Subdivision

**1. Intent.** A major residential subdivision, as defined in Chapter 10: Definitions, is intended to provide development exclusively for single-family, two-family, and multi-family residential uses as permitted within the subject zoning district. The layout shall allow for adequate vehicular, pedestrian, and alternative transportation access as well as connection to adjacent parcels and transportation networks. Driveway cuts onto arterial streets are prohibited.

### 2. Development Standards.

**TABLE 5.3** - Major Residential Subdivisions

Development Standards for Major Residential Subdivisions	
Districts permitted	SF-1, SF-2, SF-3, MF-1, MF-2
Minimum open space for overall development based on smallest lot size:	
Under 5,000 sqft	40%
5,000-6,999 sqft	35%
7,000- 8,499 sqft	30%
8,500- 10,999 sqft	25%
More than 11,000 sqft	20%
Maximum Gross Density	<ul style="list-style-type: none"> <li>• A-1 – 0.01 units/acre</li> <li>• A-2 – 0.20 units/acre</li> <li>• RR – 0.20 units/acre for single-family</li> <li>• SF-1 – 1 units/acre for single-family</li> <li>• SF-2 – 1.5 units/acre for single and two-family</li> <li>• SF-3 – 2 units/acre for single and two-family</li> <li>• MF-1 – 3 units/acre for single-family and two-family; 6 units/acre for multi-family</li> <li>• MF-2 – 4 units/acre for single-family and two-family; 8 units/acre for multi-family</li> </ul>
Internal access	Internal streets must be public and shall be constructed to the applicable street function standards for the Town
Sidewalks	<ul style="list-style-type: none"> <li>• Required along existing streets that are immediately adjacent to the subject property.</li> <li>• Required on both sides of any new street. An alternate internal pathway network may be substituted for sidewalks on one side of a new street at the discretion of the PC</li> </ul>
Development standards for individual lots	The development standards for the subject zoning district shall apply to each lot within the subdivision.

## D. Traditional Residential Subdivision

**1. Intent.** A traditional residential subdivision is intended to be utilized in areas suitable for the creation of new neighborhoods that embrace traditional neighborhood development (TND) design principles. This development style is exclusively for attached and detached single-family, two-family, and multi-family residential uses in the Traditional Residential District (SF-4). The design shall incorporate smaller lots, shallow front setbacks, alleys where appropriate, pedestrian comfort, and architectural features like front porches. The layout shall allow for adequate vehicular, pedestrian, and alternative transportation access as well as connection to adjacent parcels and transportation networks. Driveway cuts onto arterial streets are prohibited.

### 2. Development Standards.

**TABLE 5.4** - Traditional Residential Subdivisions

Development Standards for Traditional Residential Subdivisions	
Districts permitted	SF-4
Minimum open space for overall development	25%
Maximum Gross Density	<ul style="list-style-type: none"><li>• 2.5 units/acre for single and two-family; 8 units/acre for multi-family. <i>Any SF-4 subdivision 10 acres or more may be subject to a limited percentage of attached SF housing as determined by the PC.</i></li></ul>
Internal access	Internal streets must be public and shall be constructed to the applicable street function standards for the Town
Sidewalks	<ul style="list-style-type: none"><li>• Required along existing streets that are immediately adjacent to the subject property</li><li>• Required on both sides of any new street</li></ul>
Development standards for individual lots	The development standards for the subject zoning district shall apply to each lot within the subdivision



## E. Residential Core Conservancy Subdivision

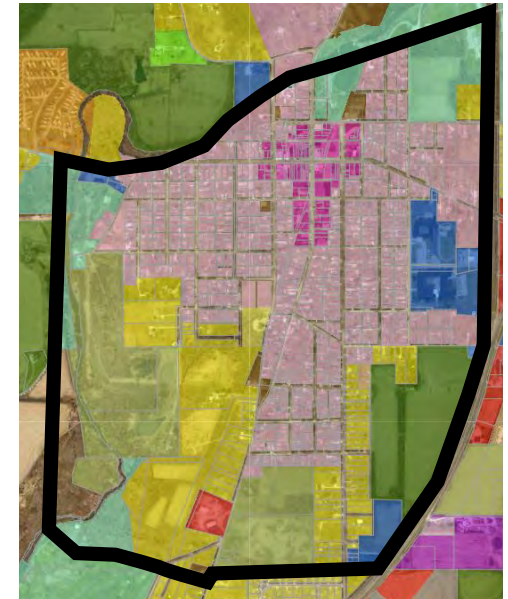
**1. Intent.** A residential core conservancy subdivision is intended to provide development exclusively for attached and detached single-family, two-family, and multi-family residential uses in the Residential Core Conservancy District (RC). The design shall incorporate and follow the established bulk and design characteristics utilized in the existing historical areas of the town, including; smaller lots, shallow front setbacks, similar garages (type, size and placement), pedestrian comforts, similar primary structure scale, architectural features, like front porches, and a gridded street layout and alley system. The layout shall allow for adequate vehicular, pedestrian, and alternative transportation access as well as connection to adjacent parcels and transportation networks. Driveway cuts onto arterial streets are prohibited.

### 2. Development Standards.

**TABLE 5.4** - Residential Core Conservancy Subdivisions

Development Standards for Residential Core Conservancy Subdivisions	
Districts permitted	RC as designated in Figure 5.1
Minimum open space for overall development	25%
Maximum Gross Density	<ul style="list-style-type: none"><li>• 6 units/acre for single and two-family; 8 units/acre for multi-family. <i>Any RC subdivision 10 acres or more may be subject to a limited percentage of attached SF housing as determined by the PC.</i></li></ul>
Internal access	Internal streets must be public and shall be constructed to the applicable street function standards for the Town
Sidewalks	<ul style="list-style-type: none"><li>• Required along existing streets that are immediately adjacent to the subject property</li><li>• Required on both sides of any new street</li></ul>
Development standards for individual lots	The development standards for the subject zoning district shall apply to each lot within the subdivision

**FIGURE 5.1** - Residential Core Conservancy Development Area



The RC zoning district development begins approximately at Arrowhead Dr headed east along W State St, north to Falls Park Dr and east to SR 67, south along SR 67 to approximately the northern parcel line of Country Farms residential subdivision and Fall Creek Golf Course property headed west, and north along Fall Creek Dr to end at W State St.

## F. Minor Residential Subdivision

**1. Intent.** A minor residential subdivision, as defined in Chapter 10: Definitions, is intended to be an expedited process for subdividing three (3) or fewer lots exclusively for single-family residential use. The design shall still allow for adequate vehicular and pedestrian access as well as connection to adjacent parcels where necessary. A shared driveway may be required by the PC to provide safe access to streets and to allow for alternative lot layouts.

### 2. Development Standards.

**TABLE 5.5** - Minor Residential Subdivisions

Development Standards for Minor Residential Subdivisions	
Districts permitted	A-1, A-2, RR, SF-1, SF-2, SF-3, SF-4, RC
Minimum open space for overall development based on average lot size	0%
Internal access	A shared driveway may be utilized for internal access and shall be constructed to the applicable street function standards for the Town. The shared driveway must be contained within a common area and maintained jointly by all property owners utilizing access
Development standards for individual lots	The development standards for the subject zoning district shall apply to each lot within the subdivision

## G. Conservation Residential Subdivision

**1. Intent.** A conservation residential subdivision is intended exclusively for single-family development (attached and detached), and does not include multi-family dwellings. The purpose of the design is to provide density incentives in order to improve the preservation of sensitive environmental resources and enhance the rural community character. This is achieved by setting aside a substantial amount of the site as permanent common open space and then the homes are grouped as a compact neighborhood on the remaining portion of the site. The open space that is preserved can provide a variety of benefits to the community including the protection of water quality, creation of wildlife habitats, or even provide recreational opportunities.

### 2. Development Standards.

#### a. Open Space Standards.

*i. 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 open space requirement.*

*ii. No portion of any dedicated, reserved, used, or in-use lands for cemetery interment can be used to satisfy the open space requirement.*

**TABLE 5.6 - Conservation Residential Subdivisions**

Development Standards for Conservation Residential Subdivisions	
Districts permitted	SF-1, SF-2, SF-3, SF-4
Minimum development size	N/A
Minimum open space for overall development	Refer to table 5.3
Maximum number of lots	<ul style="list-style-type: none"> <li>The maximum number of lots shall be based on Table 5.3 (max gross density)</li> <li>Lots served by sewer may be reduced for the subject zoning district(s) but no lot shall be smaller than 7,000 sqft</li> </ul>
Internal access	Internal streets must be public and shall be constructed to the applicable street function standards for the Town
Sidewalks	Required on both sides of any new street for developments served by sewer. An alternate internal pathway network may be substituted for sidewalks on one side of a new street at the discretion of the PC. Pedestrian access must be provided to any dedicated open space
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: Zoning Districts
Design standards for subdivision	All design standards for the subdivision shall comply with applicable sections of Chapter 6: Subdivision Design Standards

*iii. The required open space may be used for drainage which would include:*

*(a) Detention and retention basins, and*

*(b) Bodies of water such as ponds and lakes.*

*iv. Open space shall have a minimum width of twenty (20) feet to allow for maintenance access.*

*v. All open space shall have pedestrian access and all homeowners must have the right to access all open space.*

*vi. All conservation residential subdivisions must have a homeowners association and recorded covenants.*

*vii. Phasing of development and open space is allowed.*

*viii. Open space conveyance shall be accomplished in one of the methods listed below. An applicant must provide a letter from the entity stating that it will accept the conveyance of the open space deed into perpetuity or the open space may be platted as common area with a written commitment that said common area cannot be vacated or developed. If open space is conveyed as common area 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 the secondary plat.*

*(a) Homeowners Association. A conservation easement recorded for open space in perpetuity may be granted to the homeowners association. Maintenance, if any, shall be the responsibility of the homeowners association. In the event the homeowners association is dissolved or the homeowners association does not carry out maintenance for any reason, the Township Trustee 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.*

*(b) Land Trust. A conservation easement recorded for open space in perpetuity may be granted to a registered land trust. Maintenance shall be the responsibility of the land trust manager or the development's homeowners association as stipulated. If the homeowners association assumes maintenance and the homeowners association is dissolved or the homeowners association does not carry out maintenance for any reason, the Township Trustee 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.*

*(c) Not-for-profit Organization. A conservation easement recorded for open space in perpetuity may be granted to a not-for-profit organization. Maintenance shall be the responsibility of the not-for-profit organization or the development's homeowners association. If the homeowners association assumes maintenance and the homeowners association is dissolved or the homeowners association does not carry out maintenance for any reason, the Township Trustee 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.*

*(d) State or Federal Government. A conservation easement recorded for open space in perpetuity may be granted to the state and/or federal government only if the entity agrees to accept the conveyance, and maintenance shall be the responsibility of that respective government entity or the development's*

homeowners association as determined in the conveyance. If the homeowners association assumes maintenance and the homeowners association is dissolved or a homeowners association does not carry out maintenance for any reason, the Township Trustee 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.

## H. Exempt Subdivision

**1. Intent.** The intent of this section is to establish criteria that allows lot splits to occur that are not otherwise required to go through the other subdivision processes outlined in this UDO. Furthermore, this exempt subdivision provision shall not be used as a means to bypass the subdivision process outlined in this UDO.

**2. Process.** Should the Administrator find the requested subdivision falls into the exempt applicability, the subdivider must provide a survey/plat from a certified surveyor showing the proposed split/reconstitution of the property. After review of current zoning district standards for the parcel, the Administrator will send a signed approval sheet to the subdivider to take to the appropriate authorities for recording.

**3. Subdivider's Responsibility.** It is the responsibility of the subdivider to verify with the Administrator regarding the eligibility for exemption before recording lot splits, and must have the proper authorization form from the Administrator. Lots created under this provision are not guaranteed to be buildable or guaranteed to qualify for the issuance of an ILP. A recorded copy of the approved property split/reconstitution must be issued to the Administrator by the subdivider following the recording.

**3. Applicability.** The following divisions of land are exempt from the provisions of this UDO.

**a.** A division of land into two (2) or more tracts which are all at least five (5) acres in size.

**b.** One (1) division of land less than five (5) acres per calendar year per parent parcel.

**c.** A division of land for the transfer of a tract(s) to correct errors in an existing legal description, or the sale/exchange of tracts between adjoining landowners, provided that no additional principal use building sites are created by the division.

**d.** A division of land by the Federal, State, or local government for the acquisition of right-of-way or an easement.

**e.** A division of land into cemetery plots for the purpose of burial of corpses.

**f.** A division of land for agricultural uses not involving any new streets or easements of access, provided that the sale or exchange does not create additional residential building sites or is intended for residential development in the future.

**g.** A division of land that combine/reconstitute property lines such that no new building lots are created.

**h.** An adjustment/shift of lot lines as shown on a recorded plat provided there is no reduction in the area, frontage, width, depth, or building setback lines of each building site that would place it below the minimum requirements of this UDO.

**i.** The sale, exchange or transfer of land between adjoining property owners which does not result in the change of the present land usage or create an additional building site.

**j.** A division of land that is government or court ordered.





# CHAPTER SIX

## SUBDIVISION DESIGN STANDARDS



## A. General Provisions

**1. Purpose.** These subdivision design standards are intended to provide predictability to subdividers and property owners while ensuring the residents of the jurisdiction benefit from quality residential neighborhood designs and commercial/industrial development that promote the public health, safety, and general welfare.

**2. Conformance to Applicable Rules and Regulations.** In addition to the requirements established in this chapter, all plats shall comply with the following laws, rules, and regulations:

- a.** All applicable statutory provisions;
- b.** The UDO, Zoning Map, building and fire codes, and all other applicable laws of the Town of Pendleton;
- c.** The Comprehensive Plan, Thoroughfare Plan, Access Management and Control Ordinance, Drainage Ordinance, and Stormwater Ordinance, including all streets, drainage systems, and parks shown in the Comprehensive Plan, Park Plan, and the Bicycle and Pedestrian Master Plan as adopted;
- d.** The special requirements of this UDO and any rules of the Health Department and/or appropriate state or local agencies;
- e.** The rules of INDOT if the subdivision or any lot contained therein abuts a state highway or connecting street;
- f.** The standards and regulations adopted by the Madison County Surveyor and all boards, commissions, agencies, and officials of the Town of Pendleton;
- g.** Plat approval may be withheld if a subdivision is not in conformity with the above laws, regulations, guidelines, and policies as well as the purposes of this UDO.

### 3. Public Facilities.

- a. Adequate Facilities.** No primary plat shall be approved

unless the PC determines that public facilities will be adequate to support and service the area of the proposed subdivision. At the request of the PC or Administrator, the subdivider shall submit sufficient information and data on the proposed subdivision to demonstrate the expected impact on and use of any public facilities by the subdivision. Public facilities and services to be examined for adequacy include but are not limited to; roads, septic/sewerage, well/water service, schools, police, and fire facilities.

**b. Extension Policies.** All public improvements and required easements shall be extended to the boundary lines of the parcel on which new development is proposed. Streets, water lines, wastewater systems, electric lines, and telecommunications lines shall be constructed to promote the logical extension of public infrastructure to adjacent parcels. The PC may request that the subdivider extend off-site improvements or to oversize required public facilities to serve anticipated future development where applicable.

**4. Plats Straddling Municipal Boundaries.** Whenever access to the subdivision is required across land in another local government, the PC may request assurance by affidavit from the subdivider that access is legally established. The PC may also request assurance from the appropriate department that the access road is adequately improved, or that a guarantee has been duly executed and is sufficient in amount to assure the construction of the access road. In general, lot lines should be laid out so as not to cross municipal boundary lines.

## B. Lots and Blocks

### 1. Arrangement.

- a.** The layout of the lots/blocks shall be compatible with the topography and other physical conditions of the land in order to ensure that compliance with the UDO, Building Code, and other local, state, and federal regulations can be achieved.

**b.** Every lot/block shall have sufficient and adequate access to a street constructed, or to be constructed, in accordance with this UDO.

**c.** The PC may require that lots/blocks be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve potential lots.

## **2. Dimensions.**

**a.** Lot dimensions shall comply with the minimum standards of the UDO.

**b.** Blocks shall not exceed seven hundred (700) feet in length.

**c.** In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots/blocks shall be large enough to allow for erection of buildings, observing the minimum front yard setbacks from both streets.

**d.** The depth and width of properties 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.

**e.** Blocks shall be of sufficient width to permit two 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.** 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.

## **3. Orientation.**

**a.** The lot/block line common to the street right-of-way shall be the front line. All lots/blocks shall face the front line and a similar line across the street. Wherever feasible, lots/blocks shall be arranged so that the rear lot line does not abut the side lot line of an adjacent lot.

**b.** Double frontage and reversed frontage lots/blocks shall be avoided except where necessary to provide separation of development from traffic arterials or to overcome specific disadvantages of topography and orientation.

## **C. Covenants**

**1. Purpose.** Covenants are generally a combination of restrictions on the use of property and affirmative obligations imposed by the subdivider on the owner of a property within a subdivision that are above and beyond the development standards for the jurisdiction. The purpose of these covenants is to give a development a more standard appearance as well as control over the activities that take place within its boundaries so that when enforced by the subdivider (and subject property owners), the property values are uniformly protected.

**2. Self-imposed Restrictions.** If an owner of property places restrictions on any land contained in a subdivision that are more restrictive than those required by this UDO, such restrictions shall be indicated on the subdivision plat. The PC may also require that all restrictive covenants be recorded with the Recorder in a form approved by the jurisdiction's Attorney.

**3. Enforcement.** Only regulations specifically found in the UDO are enforceable by the PC. Restrictive covenants cannot be enforced by the PC and must be enforced by the Homeowners Association (or the subject property owners) and through the civil courts.



#### 4. Required Covenant Language.

**a. Drainage.** See Chapter 6, Section (E)(3) for language that must be in the covenants regarding drainage.

**b. Visibility.** See Chapter 6, Section (H)(8) for language that must be in the covenants regarding visibility.

### D. Open Space and Areas for Public Dedication

#### 1. Plan for Open Space and Proposed Public Dedication.

**a.** 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 jurisdiction as appropriate. All open space shall be set aside as common area and labeled according to its class. If a subdivision is to be developed in sections, the open space plan shall show each section and each section shall be in compliance with the requirements of this section.

**b.** The Administrator, TRC, and PC shall review the plan in conjunction with the application for primary plat approval. Once approved, the plan shall become part of the primary plat. Approval of an open space plan shall be a condition precedent to the approval of a secondary plat. In the ultimate review of the open space plan, the PC shall be guided by the following criteria:

- i. The protection of unique topographical features on the site, including, but not limited to, slopes, streams, and natural water features;*
- ii. The protection and preservation of wooded areas and individual trees of significant size. For the purpose of review and consideration by the PC, "significant size" should be interpreted as:*

(a) Healthy trees that are a minimum of ten inches (10") in diameter measured across the trunk at least four feet (4') above the base of the tree, or;

(b) Healthy trees of certain species (such as fruit-bearing and blossoming trees) that, at maturity, do not normally achieve a trunk size that is ten inches (10") in diameter or larger but are desirable to preserve wetlands or other environmentally sensitive areas.

*iii. The accessibility and ability of residents or employees to use the open space areas for passive or active recreation;*

*iv. The adaptability of the open space to the future development of greenways within the jurisdiction;*

*v. The relationship of the open space to neighboring properties;*

*vi. The minimization of disturbance to important natural site features through the design of lots and streets; and*

*vii. The diversity and originality of the design for the open space.*

#### 2. Open Space.

**a. Accessibility.** All open space reserved under this UDO shall be accessible to the residents or property owners within the subdivision and their guests by the way of sidewalks, footpaths, trails, or combined bikeways and walkways.

**b. Recreation.** Land reserved for active recreational purposes shall be of a character and location suitable for use as a playground, play field, or for other active recreational purposes, and shall be relatively level and dry.

**c. Dedication of Open Space.** Open space designed for dedication to a county or municipality as appropriate shall be considered on a case-by-case basis and approved by the

appropriate legislative body.

### **3. Natural Features.**

- a.** When possible, open space required under this UDO should be preserved in its natural state.
- b.** Existing features that would add value to the development or to the jurisdiction 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.
- c.** The primary plat shall show the general area of natural features to be preserved including the number and location of existing trees being retained as well as the location of all proposed trees that are required by this UDO to meet the bufferyard standards.

### **4. Retention/Detention Ponds within Open Space.**

- a.** Ponds shall be installed in accordance with the applicable ordinance.
- b.** If a tract being subdivided contains a pond or portion thereof, such water body must 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.

### **5. Ownership and Maintenance of Open Space.**

- a.** 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.** The PC requires proof of an “ownership and maintenance agreement” as well as by-laws for the common areas within a subdivision.
- c.** The jurisdiction shall not assume responsibility for the

maintenance and safety of the common areas.

### **6. Areas Set Aside for Public Dedication.**

- a.** Proposed subdivisions may allocate areas for public parks, schools, or other public purpose when necessary to conform to 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 particular purposes envisioned. The reserved area shall be shown and marked on the secondary plat, “Reserved for Park, School, or Recreational Purposes.” The PC may refer such proposed reservations to appropriate officials or departments for recommendations. The PC shall approve the number of acres to be reserved and the Town shall approve any dedication before acceptance. Said areas shall be made by one (1) of the following methods:

*i. Dedication to public use; or*

*ii. Reservation for acquisition for the benefit of or the other agency thereof.*

- b.** The acquisition of land reserved for a public agency on the secondary plat shall be initiated by the public agency within one (1) year of approval of the secondary plat. Failure on the part of the public agency to initiate acquisition within the prescribed time shall result in the removal of the “reserved” designation from the property involved and the freeing of the property for development in accordance with this UDO. If a concerned governmental agency passes a resolution expressing its intent to acquire the land, the PC shall extend the reservation period for an additional six (6) months.

## **E. Drainage, Stormwater, and Erosion Control**

### **1. Storm Drainage.**

- a.** The subdivider shall provide the subdivision with an



adequate storm water system. The system shall conform to the Drainage Ordinance. A copy of the analysis shall be submitted to the Plan Commission with the drainage facility plans.

**b.** Storm drains shall, if practicable, be laid in the south and east sides of the street. Otherwise, storm sewers shall be laid in easements.

**c.** 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 PC upon the completion of the storm sewer installation.

## **2. Easements.**

**a.** All drainage easements shall be indicated on the primary plat and the secondary plat.

**b.** 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. One-half (1/2) the width of an easement shall be taken from each lot.

**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 road or rear lot lines. One-half (1/2) the width of an easement shall be taken from each lot.

**3. Required Covenant Language Regarding Drainage.** In order to ensure the maintenance of a properly 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 PC and the County Surveyor at the time an application for an ILP is submitted.

**a.** “Drainage swales (ditches) along dedicated roadways 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 Drainage Board and/or the Town per jurisdiction. 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 so that said drainage swales or ditches will not be damaged by such water. Driveways may be constructed over these swales or ditches only when appropriately sized culverts are installed in accordance with this UDO.”

**b.** “A property owner altering, changing, or damaging these drainage swales or ditches will be held responsible for such action and will be given ten (10) days’ notice by certified mail to repair said damage, after which time, if no action is taken, the jurisdiction will cause said repairs to be accomplished, and the costs for such repairs will be billed to the affected property owners for immediate payment.”

**c.** “No sanitary structures, drainage structures, or water line appurtenances shall be located within driveway limits or sidewalks. No sump pump drains or other drains.”

## **F. Access and Connectivity**

### **1. Access.**

**a. General.** No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing public street, including:

- i. An existing state, county, or municipal roadway; or*
- ii. A street shown upon a plat approved and recorded in the Madison 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 or another comparable ordinance.*

**b.** Access to a Primary Arterial or Major Roadway. In accordance with Pendleton's Thoroughfare Plan and the Access Management and Control Ordinance, direct access to Primary Arterials or other major roadways is highly discouraged. Collector roads should be introduced to reduce demand for access to arterials and major roadways.

Where a subdivision borders on or contains an existing or proposed primary arterial or major roadway, the PC may require access to such street be limited by one (1) of the following means:

*i. Frontage Road. Utilization of frontage roads.*

*ii. 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 landscape screen shall be provided, as required by the landscaping section of Chapter 3, Site Standards.*

*iii. Approved Street Pattern. A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the primary arterial.*

*iv. Marginal Access Road. A marginal access or service road shall be constructed and separated from the primary arterial by a planting area or grass strip and having access at suitable points.*

*v. Other Plan Commission Approved Proposal. Another proposed solution for consideration by the PC that may be deemed necessary for the adequate protection of*

*properties within the subdivision from through-traffic.*

## **2. Connectivity.**

**a.** The coordination of streets, sidewalks, trails, and pathways from one subdivision to another is essential in order to provide a continuation of not only vehicular and pedestrian access, but also for transportation and distribution lines for most utilities, such as water, sewer, gas, electricity and telephone systems. Therefore, the PC may require the subdivider to construct collector or other streets and pathways to adjoining vacant undeveloped properties. The PC shall consult the Thoroughfare Plan and the Access Management and Control Ordinance to assist in determining the need and location of these streets during the primary plat process.

## **3. Level of Service.**

**a.** No development shall be approved if such development, at full occupancy will have an adverse effect on public safety.

**b.** The subdivider may propose and construct approved traffic mitigation measures to provide adequate roadway capacity for the proposed development.

**c.** A traffic impact analysis may be required by the Administrator and TRC at the time of Concept Plan review.

## **G. Sidewalks, Paths, and Trails**

### **1. General.**

**a.** Sidewalks, paths, and trails shall be included within the dedicated, non-pavement right-of-way of all roads as required by the Thoroughfare Plan and the Street Design and Construction Manual.

### **2. Basic Design.**

#### **a. Sidewalks.**

*i. Sidewalks shall be installed per the Thoroughfare Plan and the Street Design and Construction Manual.*

*ii. Sidewalks are required to be installed on both sides of the street in a subdivision.*

*iii. 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.*

**b. Paths and Trails.**

*i. All asphalt paths and trails must be at least ten (10) feet wide and meet the applicable standards for thickness and base requirements.*

*ii. All paths and trails shall be constructed in accordance with the adopted standards or the AASHTO standards.*

**3. Connectivity.**

**a. Easements.** In order to facilitate pedestrian access and connectivity, the PC may require perpetual unobstructed easements, at least twenty feet (20') 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.

**b.** Where future development includes land that has been identified by the appropriate adopted plan as a location for trails, the PC may require the subdivider to construct the trails within their development, whether or not such trails connect to existing trails outside of the development at the time of construction.

**c.** Asphalt paths or trails may be allowed by the PC along Primary Arterials, Secondary Arterials, and Collectors when it is to be a part of a trail system adopted by Madison County or the Town.

**H. Streets and Alleys**

**1. General.**

**a.** The requirements set forth herein are designed to provide for roads that:

*i. Are suitable in location, width, and improvement so that they may accommodate prospective traffic;*

*ii. Afford satisfactory access to police, fire fighting, snow removal, sanitation, road-maintenance equipment; and*

*iii. Compose a convenient traffic system and avoid undue hardships to adjoining properties.*

**b. Overall Design.**

*i. Proposed roads shall:*

(a) Provide a safe, convenient, and functional system for vehicular, pedestrian, and bicycle circulation;

(b) Shall be properly related to the Comprehensive Plan, Thoroughfare Plan, the Street Design and Construction Manual; and

(c) Shall be appropriate for the particular traffic characteristics of each proposed development.

*ii. Roadway Development Standards.*

(a) The arrangement, character, extent, width, grade, and location of all streets shall conform to the Street Design and Construction Manual.

(b) The requirements set forth in the Street Design and Construction Manual deal with minimum requirements. Individual projects, particularly commercial and industrial subdivisions, may warrant additional requirements dictated by sound engineering design. Where such additional requirements are deemed necessary, they shall be made conditions of approval for the primary plat and recorded thereon.

*iii. Access Easement. An easement providing access to a street shall be prohibited. All lots shall have actual frontage on and gain access from an approved street.*

**c. Additional Improvements Required.**

*i. The subdivider may be required by the Town to provide traffic signalization, deceleration lanes, acceleration lanes, passing blisters, or other improvements to the street system based on the following criteria:*

- (a) Number of lots;
- (b) Proposed use;
- (c) Street classification;
- (d) Traffic generation;
- (e) Existing or proposed conditions; and
- (f) Sound engineering design.

*ii. Traffic Study – A Traffic Impact Study may be required per Section 1.2(C) of the Access Management and Control Ordinance. If the traffic impact study determines that improvements to the street system are necessary, such improvements shall be a condition of approval of the primary plat.*

**2. Streets.**

**a. Street Classification.**

- i. All streets shall be planned to conform to the Thoroughfare Plan.*
- ii. All roads shall be functionally classified by the Street Department and the Thoroughfare Plan. In classifying roads, the Town shall consider projected traffic demands after ten (10) years of development.*

**b. Street Layout.**

- i. All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established by the Thoroughfare Plan. All thoroughfares shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.*
- ii. All streets shall be arranged so as to obtain as many building sites as possible at, or above the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. Specific standards are contained in the Street Design and Construction Manual.*
- iii. Minor or local streets shall be laid out to conform as much as possible to the topography and shall be curved wherever possible to avoid conformity of lot appearance and to discourage use by through traffic. Such streets shall also be laid out to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.*
- iv. In commercial and industrial subdivisions, the streets and other access ways shall be planned in connection with*

*the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.*

**c. Street Connectivity.**

*i. A proposed street shall provide for the continuation of existing, planned, or platted streets on adjacent property.*

*ii. Where a wider right-of-way connects with a narrower right-of-way, the centerlines of the two streets shall be aligned.*

*iii. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless, in the opinion of the PC, such extension is not feasible due to topography or other physical conditions, or not necessary or desirable for the coordination of the subdivision with the future development of adjacent tracts.*

*iv. The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when the continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities, and where the continuation is in accordance with the Comprehensive Plan or the Thoroughfare Plan.*

(a) Dead-end Roads (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 land owners when the street is continued. The

subdivider shall provide barriers and signage for any such temporary dead-end street. The PC may limit the length of temporary dead-end streets in accordance with the Street Design and Construction Manual.

(b) Dead-end Roads (Permanent). Where a road does not extend beyond the boundary of the subdivision and its continuation is not required by the PC for access to adjoining property, its terminus shall not be nearer to such boundary than fifty (50) feet. However, the PC 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 in accordance with the Street Design and Construction Manual. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, be limited in length in accordance with the Street Design and Construction Manual.

**d. Street Rights-of-way.**

*i. Width.*

(a) Right-of-way Width. The street right-of-way width shall be in accordance with the Street Design and Construction Manual.

(b) Paved Width. The paved width of all streets shall be in accordance with the Street Design and Construction Manual. Where a proposed street is an extension of an existing paved street which exceeds the minimum dimension set forth herein, the PC may require the subdivider to match the width of the existing paved street.

*ii. Dedication. In a subdivision that adjoins or includes an existing street that does not conform to the minimum*



*right-of-way dimension as established by the Street Design and Construction Manual, the subdivider shall dedicate additional right-of-way width as required to meet this UDO.*

*iii. Excess Right-of-way. Right-of-way widths in excess of the standards designated in this UDO shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three-to-one (3:1).*

**e. Street Intersections.**

*i. All intersections shall adhere to the Street Design and Construction Manual.*

*ii. Streets shall be laid out so as to intersect as nearly as possible at right angles.*

*iii. No more than two (2) streets shall intersect at one (1) point.*

*iv. Proposed new intersections along one (1) side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street.*

*v. Minimum curb radius at the intersection shall be controlled by the Street Design and Construction Manual.*

*vi. No intersection shall create a traffic hazard by limiting visibility. The visibility and sight distances at intersections shall be controlled by the Street Design and Construction Manual.*

*vii. The cross-slopes on all streets shall adhere to the Street Design and Construction Manual.*

*viii. In order to ensure the safe movement of both vehicular and pedestrian traffic, see Chapter 6, Section (H)(8), Required Covenant Language Regarding Visibility.*

**f. Curb and Gutter.**

*i. Curb and gutter shall be constructed by the subdivider on both sides of all streets.*

*ii. Curbs shall be constructed as one of the standard curbs as directed by the Street Design and Construction Manual. Rolled curb may be constructed monolithically with the pavement.*

**g. Street Grade.**

*i. All proposed streets shall be adjusted to the contour of the land so as to provide usable lots and a street of reasonable gradient. The grade of all streets shall not exceed the requirements of the Street Design and Construction Manual, except where an unusual topographic condition justifies, in the opinion of the PC, a waiver of the requirements of this UDO.*

*ii. Roads shall be graded, improved, and conform to the Street Design and Construction Manual and specifications and shall be approved as to design and specifications by the Street Department, in accordance with the construction plans required to be submitted prior to secondary plat approval.*

**h. Private Streets.**

*i. Residential Development. Private streets for residential development are prohibited and a waiver from this requirement is strongly discouraged.*

*ii. Commercial and Industrial Development. Streets within commercial and industrial development shall be private unless otherwise approved by the PC.*

*iii. Construction. Private streets must be constructed in accordance with the Street Design and Construction*

*Manual. A waiver from this requirement is not permitted under any circumstances.*

*iv. 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.*

**i. Improvements to Adjacent Streets.**

*i. Where a subdivision borders an existing narrow road or when the Comprehensive Plan, Thoroughfare Plan, or other policy document of the jurisdiction indicate 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 so designated for widening or realignment.*

*ii. Existing perimeter 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 is granted to the county or municipality as appropriate.*

**j. Roadside Drainage Swales.**

*i. New Streets. No new subdivision streets shall have roadside drainage swales.*

*ii. Existing Streets. Roadside drainage swales shall be placed along existing roads, as follows:*

*(a) 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 inches (12") in diameter. All culverts shall extend from right-of-way to right-of-way unless otherwise approved by the county or municipality as appropriate. All culvert pipe that is banded together shall receive a minimum of a twelve-inch (12") band with eight inch (8") long bolts. All culverts shall have applicable end sections unless waived by the PC.*

*(b) Roadside drainage swales shall be constructed in accordance with the Street Design and Construction Manual.*

**3. Access Roads, Limited Access Roads, and Railroads.**

**a.** 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 the public safety. Where such potential hazard to the public safety is determined to be present, the PC may require the subdivider to make improvements to an existing or proposed public right-of-way as a condition of allowing access. Prior to making a decision on the primary plat, the PC may require that the subdivider submit a traffic impact study at the expense of the subdivider.

**b.** The number of access roads required for a proposed subdivision shall be based upon the number of lots, sound engineering design, and continuity of the public street system. If the PC determines that an additional access road is necessary, it will advise the subdivider at the time of primary plat consideration.

**c. Treatment.** Railroad rights-of-way and limited access highways that may affect the subdivision of adjoining lands shall be treated as follows:

*i. In residential districts, a buffer strip at least (25) twenty-five feet in depth in addition to required perimeter buffer*

*type depth shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be in common area and shall be designated on the plat. "This strip is reserved for screening. The placement of structures on this land is prohibited."*

*ii. In commercial or industrial subdivisions, the nearest street extending parallel or approximately parallel to the 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.*

*iii. When streets parallel to the 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 feet (150') 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 PC may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of the approach grade of any future grade separation structure.

#### **4. Street Names.**

**a.** Proposed street names shall be submitted with and indicated on the primary plat and the PC shall approve the street names at the time of primary plat approval.

**b.** Street names shall be sufficiently different in sound and spelling from other road names in the jurisdiction so as not to

cause confusion.

**c.** A road which is (or is planned as) a continuation of an existing road shall bear the same name.

**d.** A road may be required to have a different name at the point in which it significantly changes direction.

#### **5. Street Lights.**

**a.** Street lights shall be installed in accordance with the Street Design and Construction Manual.

**b.** Street lighting shall be designed so as to provide an appropriate degree of illumination for various activities based on their location along arterial, collector, or local streets and the intensity of the surrounding land uses.

**c.** The required installation shall be at the subdivider's expense. Maintenance shall be at the expense of the subdivider and/or the property/homeowners association.

**d.** The Town does not own or maintain streetlight fixtures.

#### **6. Regulatory Street Signs.**

**a.** Each installed sign shall comply with the urban standards established in the Manual on Uniform Traffic Control Devices (MUTCD), issued by the Federal Highway Administration.

**b.** The subdivider shall be responsible for the installation of all road signs required by the Street Department or INDOT as appropriate.

**c.** The subdivider shall install all road signs before issuance of any certificates of occupancy for any primary structure within the subdivision.

**d.** Street name signs are to be placed at all intersections within or abutting the subdivision as approved by the appropriate

department. issued by the Federal Highway Administration.

**e.** 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.

## **7. Alleys.**

**a. Alley Rights-of-way.** The minimum right-of-way width of alleys, where platted, shall be twenty (20) feet.

## **8. Required Covenant Language Regarding Visibility.**

**a.** In order to ensure the safe movement of both vehicular and pedestrian traffic, 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 sign a copy of this covenant and it shall be filed with the Recorder's Office.

*i. "No fence, wall, hedge, tree or shrub planting which obstructs sight lines with elevations between two and one-half feet (2.5') and eight feet (8') 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 feet (40') from the intersection of said street right-of-way lines for neighborhood and local streets, and seventy-five feet (75') for arterial streets, or in the case of a rounded property corner, from the street right-of-way lines extended."*

*ii. "The same site line limitations shall apply to any lot within ten feet (10') 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 seventy feet (70') of the intersection of two (2) street right-of-way lines."*

## **I. Utilities**

### **1. General.**

**a.** All new utility facilities, including but not limited to gas, electric power, telephone, and CATV cables, shall be located underground throughout the subdivision. Where existing utility facilities are located above ground in the area to be subdivided, except when existing on public roads and rights-of-way, they shall be removed and placed underground unless approved by the PC.

**b.** The local public utility companies shall approve the location of easements for the installation of their services prior to the establishment of such easement.

**c.** All utility facilities existing and proposed throughout the subdivision shall be shown on the primary plat. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense. The PC may waive the requirement for service connections to each lot in cases of adjoining lots, retained in single ownership, where the lots are to be developed for single use.

**d.** The subdivider shall be responsible for proper coordination of utility easements from block to block and from this particular subdivision to that of other adjoining properties.

### **2. Electric Power.**

**a.** The subdivider shall provide the subdivision with an electric power distribution system, which shall meet the approval of the Administrator and the electrical distribution provider of the town, and which shall be connected to a public electric utility system.

**b.** Electrical underground cables or wires shall, if practicable, be laid in the north and west side of the street. Otherwise, electric distribution lines shall be placed in easements

provided for that purpose.

**c.** The plans for the installation of an electric power distribution system shall be furnished by the subdivider. All plans for the system as built shall be filed with the Administrator upon the completion of the electric system installation.

**d.** All electric services will be installed by the Town and paid for by the developer. An acknowledgement agreement shall be signed before the primary plat is approved.

### **3. Telephone and Gas Utilities.**

**a.** Telephone underground cables and gas lines shall, if practicable, be laid in the south and east side of the street. Otherwise, telephone and gas service lines shall be placed in easements provided for that purpose.

### **4. Sanitary Systems.**

**a. General.** *The phrase “the subdivider shall provide” shall be interpreted to mean that the subdivider shall install the facility referred to, or whenever a private sewage disposal system or an individual water supply is to be provided, that the subdivider shall require, as a condition of the sale of each lot or parcel in the subdivision, that the facilities referred to in these Sections shall be installed by the subdivider of the lots in accordance with these regulations*

#### **b. Public Sanitary Sewer Facilities.**

*i. The subdivider shall provide the subdivision with a complete sanitary sewer system, which shall connect to a sanitary sewer outlet approved by the Fall Creek Regional Waste District.*

*ii. Public sanitary sewers shall be laid in easements provided for that purpose.*

*iii. See the applicable construction standards for the*

*respective sanitary sewer facility provider.*

*iv. Service laterals shall be installed between the street sewer collector and the property line before the street is paved.*

*v. The plans for the installation of a sanitary sewer system shall be provided by the subdivider and approved by the Fall Creek Regional Waste District. The plans for the system as built shall be filed with the PC upon the completion of the sanitary sewer installation.*

### **5. Water Facilities.**

#### **a. General.**

*i. 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.*

*ii. 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 Town Water Company. When such municipal or community water supply is not available, as determined by the Town Water Company and the Administrator, an individual water supply on each lot in the subdivision is required.*

#### **b. Public Water Facilities.**

*i. See the applicable construction standards for the respective water facility provider.*

*ii. 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. Each lot shall be provided with a connection to the water delivery system. The water delivery system shall be designed and constructed in conformance with the standards and specifications of state or local authorities, and in compliance with the rules and regulations of IDEM.*

*iii. Water mains shall, if practicable, be laid in immediately behind the curb. Water meters shall, if practicable, be installed within a two (2) foot easement on the roadway side of the sidewalk. Otherwise, water service shall be laid in easements provided for that purpose.*

*iv. The plans for the installation of a water main supply system shall be provided by the subdivider and approved by IDEM and the Town Water Company. The plans for such systems as built shall be filed with the Administrator upon the completion of the water supply installation.*

**c. Private Water Supply.**

*i. Where a public water supply is not available within three hundred (300) feet of any boundary of the proposed subdivision and/or the PC determines that the connection thereto would create a hardship for the subdivider, the subdivider may provide each lot with a community or individual water supply, provided the installation conforms to the minimum design standards and specifications of the jurisdiction. Said installation shall also conform to the minimum standards or requirements of any other federal or state agency which has jurisdiction over the facility installation.*

*ii. 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) The existing well and pumping unit shall be abandoned and the well properly plugged in accordance with the rules and regulations of IDEM and IDNR.*

*(b) If the homeowner chooses to keep their 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 ABPA.*

**d. Fire Hydrants.**

*i. 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.*

*ii. The local fire authority having jurisdiction over the proposed subdivision shall approve fire hydrants, including their setting, number, and size of outlets.*

*iii. Unless otherwise specified by local fire 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. Adequate water supply as determined by the Administrator shall be provided to all fire hydrants prior to any building construction.*

*iv. Plowable street markers shall be installed where required as approved by the fire chief.*

*v. Dry hydrants may be required in retention/detention ponds. Placement and design must be approved by the Fire Chief.*

vi. *The location of all existing and proposed fire hydrants shall be shown on the Primary Plat and the Construction Drawings. The cost of installing the system shall be borne by the subdivider. The subdivider may be required to provide surety for installing such improvements.*

## **J. Other**

### **1. Subdivision Name.**

a. The PC shall have final authority to approve the name of the subdivision, which shall be determined at primary plat approval.

b. The proposed name of a subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision within the jurisdiction and surrounding areas.

### **2. Monuments and Markers.**

#### **a. General.**

i. *All U.S., State, county, municipal, or other official benchmarks, monuments, or triangulation stations in or adjacent to the property shall be preserved in precise position.*

ii. *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 Madison Zone.*

iii. *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.*

iv. *A permanent monument in each section of a subdivision shall be installed by the subdivider to establish elevation*

*control throughout the subdivision.*

v. *The vertical datum shall be NAVD 88 or the current datum established by the National Geodetic Survey.*

#### **b. Monuments.**

i. *Monuments shall be set:*

(a) *At the intersection of all lines forming angles in the boundary of the subdivision; and*

(b) *At the intersection of street property lines. Not more than two (2) monuments shall be required at an intersection.*

ii. *Monuments shall be concrete with minimum dimensions of four inches by four inches by thirty-six inches (4"x 4"x36"), 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. Monuments shall be at least two and one-half inches (2 ½") 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. Markers shall consist of galvanized or wrought iron pipe or iron or steel bars at least two feet in length, and not less than a half inch (½") in diameter.*

#### **c. Markers.**

i. *Centerline markers shall be five eighth inch (5/8") metal rods, with a length equal to or greater than the thickness of the pavement, with an metal identification cap including Surveyor Firm or identification number. Each Marker shall be detectable by a magnetic locator and installed in such a manner that they will not be dislodged or removed by frost heave. Markers shall be set:*

(a) At the intersections of all street centerlines within the plat; and

(b) At both ends of all curves on the centerlines of all streets within the plat

*ii. At all angles in property lines of lots; and*

*iii. At all other lot corners not established by a monument.*



# CHAPTER SEVEN

## SUBDIVISION ADMINISTRATION





## **A. General Provisions**

### **1. Applicability.**

- a.** A subdivider shall follow the applicable procedures contained in this chapter for the type of subdivision for which approval is sought.
- b.** The specific subdivision classification as defined herein shall be made by the Administrator when the application is reviewed at the time of filing.

### **2. Jurisdiction.**

- a.** The platting of land, when required by the UDO, shall be done in compliance with the provisions of this UDO.
- b.** No land required by the UDO to be platted may be subdivided through the use of any legal description other than with reference to a plat approved by the PC and/or the Administrator in accordance with this UDO.

### **3. Policy.**

- a.** The subdivision of land and the subsequent development of the subdivided plat are subject to the control of the jurisdiction and shall be carried out in accordance with the UDO in order to achieve orderly, planned, efficient, and economic development.
- b.** No building permit shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of this UDO.

### **4. Purpose.** These subdivision standards are adopted for the following purposes:

- a.** To protect and provide for the public health, safety, comfort, morals and general welfare of the jurisdiction.

**b.** To protect the character and the social and economic stability of all parts of the jurisdiction by assuring: timing and sequencing of development; promotion of adequate public facilities; proper urban form and open space separation of urban areas; and protection of environmentally critical areas.

**c.** To protect and conserve property values throughout the jurisdiction and the value of buildings and improvements upon the land.

**d.** To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, and other public requirements and facilities.

**e.** To provide a beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the jurisdiction, having particular regard to the avoidance of congestion in and promoting a safe vehicular and the pedestrian network.

**f.** To establish reasonable standards of design and procedures for subdivisions and re-subdivisions/re-plats in order to further the orderly layout and use of land and to ensure proper legal descriptions and documenting of subdivided land.

**g.** To ensure that public facilities and services are available to support development and will have a sufficient capacity to serve the proposed subdivision.

**h.** To assure the adequacy of drainage facilities; and to encourage the responsible use and management of natural resources throughout the jurisdiction in order to preserve the integrity, stability, and beauty of the community and the value of the land.

**i.** To assist in the preservation of the natural beauty and topography of the jurisdiction and to ensure appropriate development with regard to these natural features.



**j.** To preserve open space through the most efficient design and layout of the land, while encouraging the density of development as established in the UDO.

## **5. Compliance.**

**a.** No owner or agent may sell or lease any lot within a subdivision before such plat has been approved and recorded in the manner prescribed in this UDO.

**b.** No public road shall be laid out or constructed until it is approved as part of a subdivision, except public roads built and maintained by the Town of Pendleton, Madison County, and/or the State of Indiana.

**6. Interpretation.** In the interpretation and application, 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 jurisdiction.

**7. Conflict.** It is not the intent of this UDO to interfere with, abrogate, or amend any existing easements, covenants, or other agreements between parties; nor is it the intent of this UDO to repeal, abrogate, annul, or in any way interfere with any existing provisions of laws or ordinances, or any rules, regulations, or permits previously adopted or issued pursuant to law relating to the use of buildings or premises provided. However, where this UDO imposes a greater restriction upon the use of buildings or premises than is imposed or required by such existing provisions of law or by such rules, regulations, agreements, covenants, or permits, the provisions of this UDO shall control; but where private covenants, permits, agreements, rules, regulations or existing provisions of law impose a greater restriction than is imposed by this UDO, the greater restriction shall control. Enforcement of any such private restrictions shall be between the parties and the Town shall not enforce them.

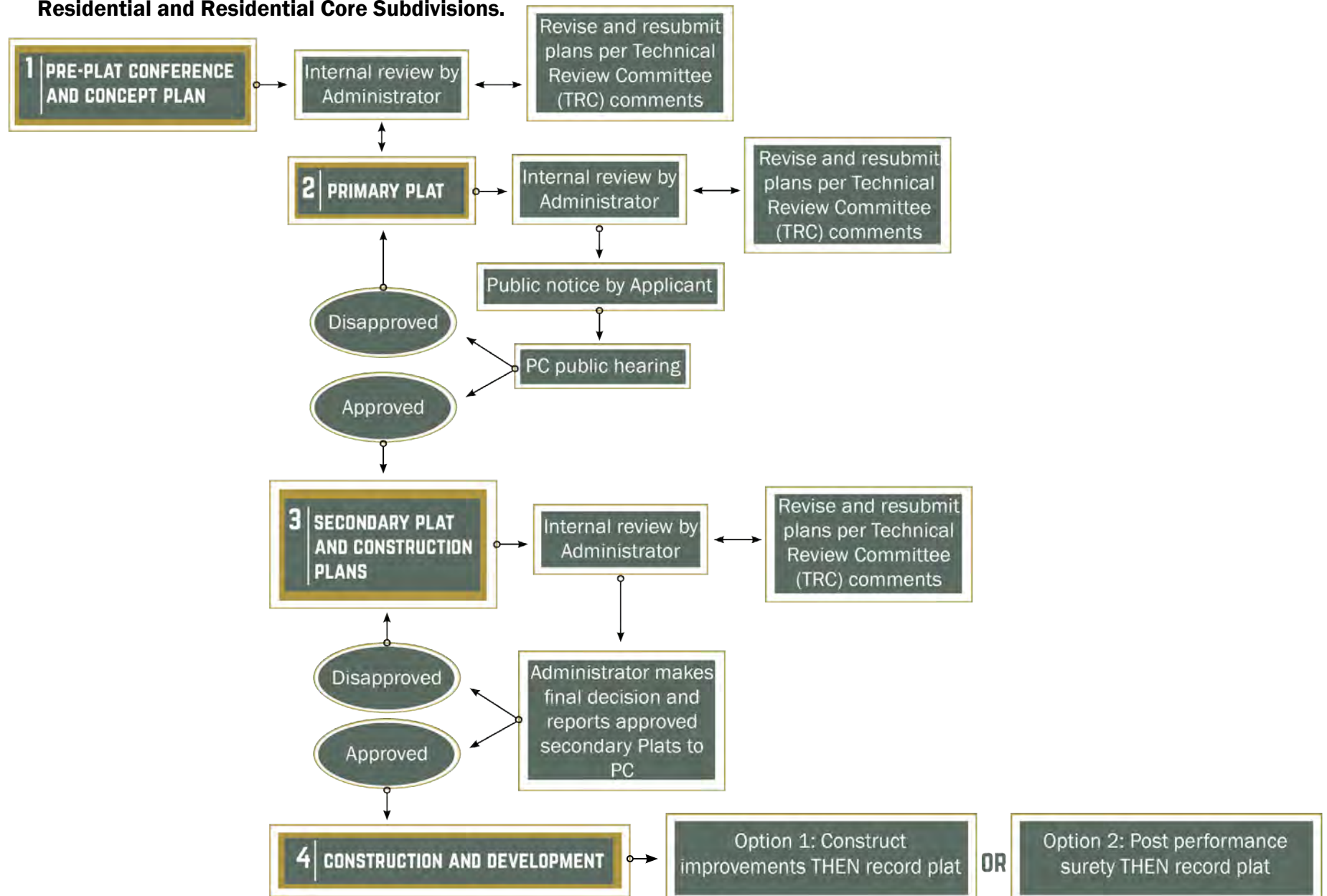
**8. UDO Conformity.** All land subdivided or platted under the terms of this UDO shall comply with the minimum standards prescribed in the UDO. The PC or the Administrator shall not have the authority to approve any subdivision as a buildable lot, unless it complies with said UDO or variances and/or waivers have been granted by the PC or BZA.

**9. Condominiums Exempt.** Pursuant to IC 36-7-4-702, condominiums which are regulated by IC 32-25, or as amended, are exempt from the subdivision process. Condominiums shall follow the Development Plan process outlined in this UDO.

## B. Procedures for Subdivisions

**FIGURE 7.1** - Commercial, Industrial, Major Residential, Traditional Residential and Residential Core Subdivisions.

### 1. Commercial, Industrial, Major Residential, Traditional Residential and Residential Core Subdivisions.



**a. General Provisions.**

*i. Applications for commercial, industrial, suburban residential, and traditional residential subdivisions shall be in accordance with the application packets adopted by the PC as part of the PC Rules and Procedures, including the adopted meeting and submittal deadline calendar.*

*ii. These subdivisions shall be subject to all the requirements of this UDO and the subject zoning district for the project.*

*iii. These subdivisions shall be subject to any additional standards that may have been required by the PC as part of other approvals for the property.*

**b. Pre-Plat Conference.**

*i. The pre-plat conference step is a required part of the subdivision process. This step gives the applicant the opportunity to discuss the procedures for approval with the Administrator as well as the requirements for the general layout of streets, reservations, of land, street improvements, drainage improvements, water and sanitary facility requirements. In addition, the applicant receives feedback from the Technical Review Committee members about their proposal before investing into the primary plat process.*

*ii. Traffic Impact Analysis/Study. At the time of Pre-Plat review, the Administrator may require that a traffic impact analysis or study be required to be submitted with the Primary Plat application for the following subdivisions:*

**(a) Residential.**

*((1)) Subdivisions consisting of detached single-family dwellings and/or two-family dwellings with more than fifty (50) lots in the total development.*

*((2)) Subdivisions consisting of attached single-family dwellings and/or multi-family residential where the expected number of trips exceeds five hundred (500) trips per day or one hundred (100) trips during a peak hour.*

*(b) Commercial and Industrial Subdivisions where the expected number of trips exceeds five hundred (500) trips per day or one hundred (100) trips during a peak hour.*

**d. Primary Plat.**

*i. Application. The subdivider shall submit an application for primary plat in accordance with the application requirements adopted by the PC as part of the PC Rules and Procedures and prepared in accordance with the format described in Chapter 7, Primary Plat.*

*ii. Public File. Once the Administrator determines that an application is complete and in proper form, they shall assign a file number, create a public file, and assign a deadline date for receiving internal review comments from the appropriate Technical Review Committee members. In accordance with IC 36-7-4-705, within thirty (30) days of receiving a complete application, the Administrator shall announce the tentative date for a hearing before the PC.*

*iii. Internal Review.*

*(a) The Administrator shall forward the plans to the appropriate Technical Review Committee members for technical review.*

*(b) After comments are received, the Administrator shall compile a written report for the PC and the public file with the information from the Technical Review Committee members.*

(c) The subdivider shall address all of the comments from the Technical Review Committee members and submit revised plans (if applicable) per the adopted schedule.

*iv. Public Notice.*

(a) Notice of public hearing shall be made in accordance with the PC Rules and Procedures. In the event the hearing has been properly noticed, but the plans are not finished per subsection iii.(c), then the Administrator may have the PC automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the subdivider.

*v. Public Hearing.*

(a) The PC shall consider the primary plat at a public hearing. The subdivider or their representative shall be in attendance to present the plan and address any questions or concerns of the PC.

(b) Decision by the PC.

((1)) Approval. If the PC determines that the primary plat complies with the standards set forth in this UDO, it shall grant primary approval to the plat. 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 PC as a term of its approval.

((a)) Approval of a primary plat by the PC signifies the general acceptability of the layout submitted and that:

((i)) 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;

((ii)) 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;

((iii)) The subdivider has taken all reasonable efforts to mitigate the impact of the proposed subdivision on public health, safety, and welfare.

((b)) In accordance with IC 36-7-4-702, the PC 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:

((i)). The manner in which public ways shall be laid out, graded, and improved; and

((ii)). A provision for other services as specified in this UDO.

((c)). Expiration: Approval of a primary plat shall be effective for four (4) years from the date of the PC decision.

((i)). Failure to receive secondary approval for all or part of the plat before this period ends shall invalidate the primary plat approval.

((ii)). 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.

(((((iii)))) Extension. Upon written request of the subdivider, and no less than thirty (30) days prior to the expiration date of the primary approval, the PC may extend approval of a primary plat up to a maximum of three (3) additional years without further notice, public hearing, or fees.

(((((iv)))) Any secondary plat approval (or a secondary approval of a section of an approved primary plat) shall automatically extend the primary plat approval another three (3) years.

((2)) Disapproval. If the PC disapproves a primary plat, it shall make written notice of disapproval and the Administrator shall notify the subdivider in writing or electronic transmission within ten (10) days of the hearing, stating the specific reasons for disapproval. The petitioner may then resubmit a revised primary plat that addresses the reason for disapproval.

#### **e. Secondary Plat.**

##### *i. Application.*

(a) Application. The subdivider shall submit an application for Secondary Plat in accordance with the application requirements adopted by the PC as part of the PC Rules and Procedures and prepared in accordance with the format described in Chapter 7, Primary Plat and Construction Drawings.

((1)) Residential Subdivisions. In a residential subdivision, the secondary plat may be for the full subdivision or for one (1) or more sections of the subdivision.

(b) Commercial and Industrial Subdivisions. To allow

flexibility for the end user of a commercial or industrial lot, the Secondary Plat for a commercial or industrial subdivision may be done in one of these ways:

((1)) Full Plat. The subdivider may submit the Secondary Plat for the entire subdivision, then seek to amend only the lot lines on the Secondary Plat as may be necessary as individual site users are defined. Any changes other than lot lines will constitute an amendment to the primary plat.

((2)) Individual Lot with Development Plan. The subdivider may submit the Secondary Plat for an individual lot simultaneously with the application for Development Plan.

((3)) Phase/Section. The subdivider may submit the Secondary Plat for a phase or section of lots as laid out on the primary plat which will include all necessary infrastructure serving such lots.

##### *ii. Public File.*

(a) Once the Administrator determines that an application is complete and in proper form, they shall assign a file number, create a public file, and assign a deadline date for receiving internal review comments from the Technical Review Committee members.

##### *iii. Internal Review.*

(a) The Administrator shall forward the plans to the appropriate Technical Review Committee members for technical review. After comments are received, the Administrator shall compile a written report for the public file with the information from the Technical Review Committee members.



(b) Standards. Meet the principles and standards set forth in this UDO.

(c) Decision by the Administrator. 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.

((1)) 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. The Administrator may refer the development to the PC for review and approval for any reason. Public notice is not required for secondary plat brought to PC for review and approval. The President of the PC and the Administrator shall affix their signatures to the plat and all other relevant documents which may also require such signatures prior to recording. The Administrator shall report all approved secondary plats to the PC for informational purposes.

((2)) Disapproval. If the Administrator disapproves the Secondary Plat, it shall make written notice of disapproval and the Administrator shall notify the subdivider in writing or electronic transmission within ten (10) days of the deadline for receiving internal review comments from the Technical Review Committee members, stating the specific reasons for disapproval. The subdivider may then resubmit a revised final plat that addresses the reason for disapproval or appeal the decision to the PC. Public notice is not required for secondary plat appeals.

*iv. Recording of Plat.*

(a) The plat shall be recorded in accordance with

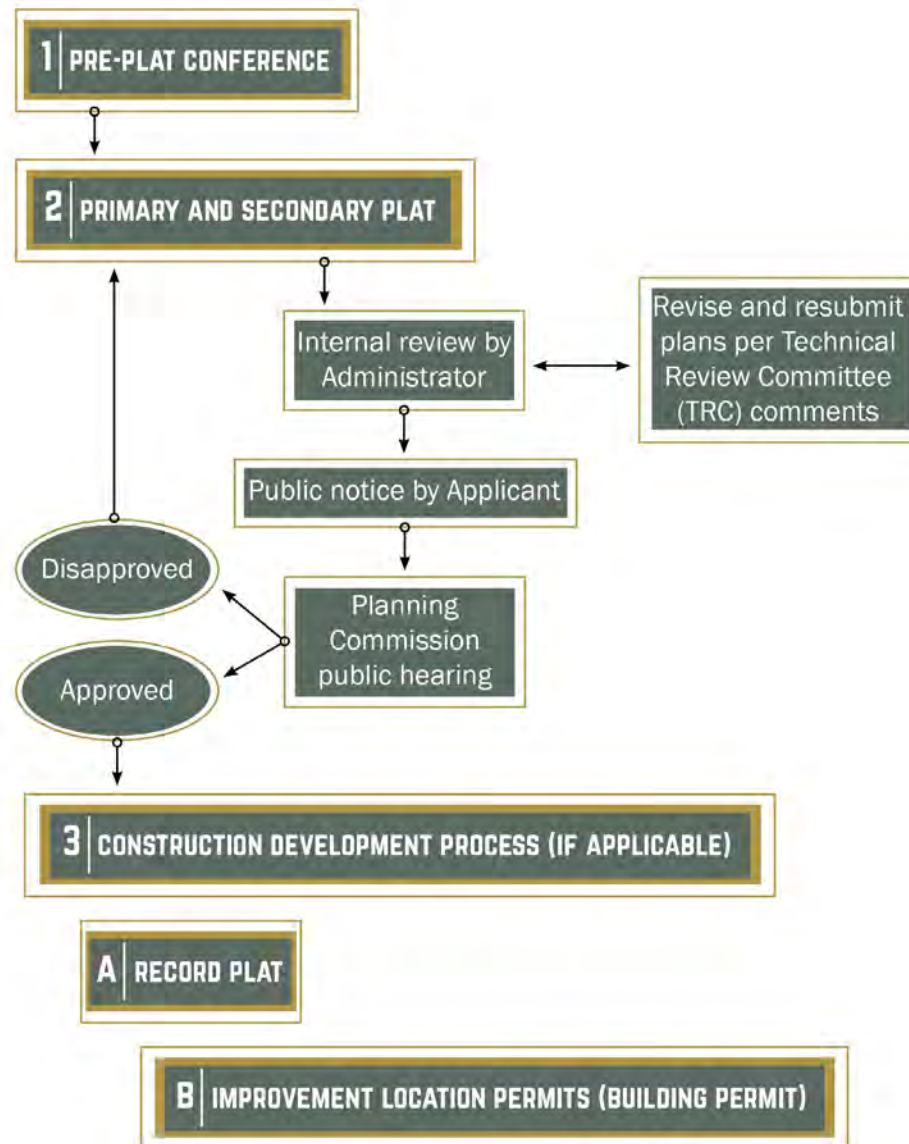
the procedures set forth in Chapter 7, Recording of Secondary Plats.

*v. Installation of Improvements.*

(a) The installation of improvements shall occur in accordance with the procedures set forth in Chapter 7, Construction and Development Process.

## 2. Minor Residential Subdivisions

FIGURE 7.2 - Minor Residential Subdivisions



**a. General Provisions.**

*i. The minor residential subdivision process is an expedited process for single-family residential subdivisions which:*

- (a) Results in the creation of three (3) or fewer lots;*
- (b) Does not involve the opening or creation of new public rights-of-way, extension of public facilities, or creation of any public improvements; and*
- (c) Complies in all other respects with this UDO.*

*ii. Only one (1) minor residential subdivision is permitted per parent parcel that was in existence at the time this UDO was adopted. Any additional subdivisions of the parent parcel are considered a suburban residential or a traditional residential subdivision depending on their design. Any subdivisions which result in the opening or creation of new public rights-of-way, extension of public facilities, or creation of any public improvements are considered a suburban or traditional residential subdivision and shall follow the respective process.*

*iii. Applications for minor residential subdivisions shall be in accordance with the PC Rules and Procedures, including the adopted meeting and submittal deadline calendar.*

*iv. Intent. A minor subdivision, as defined in Chapter 10: Definitions, is intended to allow the subdivision of a buildable tract of land with a reduction of approval time and filing procedure. It is not the intent of the minor subdivision procedure to circumvent the subdivision requirements or the uniform development plans for a parcel of land.*

*v. Further subdivision of an approved minor plat must proceed through the respective suburban or traditional residential subdivision procedures outlined in Chapter 5 and Chapter 7. If the Administrator believes that the*

*circumstances warrant the full review and consideration of a suburban or traditional subdivision, then the applicable process may be required.*

*vi. A minor residential subdivision shall be subject to all the requirements of the UDO and the subject zoning district for the project.*

*vii. A minor residential subdivision shall be subject to all the requirements of this UDO, as well as such additional standards required by the PC.*

**b. Pre-Plat Conference.** The pre-plat conference step is a required part of the subdivision process. This step gives the applicant the opportunity to discuss the procedures for approval with the Administrator as well as the requirements for the reservations of land and sanitary facility requirements. In addition, the applicant receives feedback from the Technical Review Committee members about their proposal before investing time and energy into the primary plat and secondary plat process.

**c. Primary Plat and Secondary Plat.**

*i. For a minor residential subdivision, the Primary Plat and Secondary Plat shall be combined into one (1) single process.*

*ii. Application.*

- (a) The subdivider shall submit an application for both the Primary Plat and the Secondary Plat in accordance with the application requirements adopted by the PC as part of the PC Rules and Procedures and prepared in accordance with the formats described in Chapter 7, Primary Plat, Chapter 7, Secondary Plat, and Chapter 7, Construction Drawings.*

*iii. Public File.*

(a) Once the Administrator determines that an application is complete and in proper form, they shall assign a file number, create a public file, and assign a deadline date for receiving internal review comments from the appropriate Technical Review Committee members. In accordance with IC 36-7-4-705, within thirty (30) days of receiving a complete application, the Administrator shall announce the tentative date for a hearing before the PC.

*iv. Internal Review.*

(a) The Administrator shall forward the plat to the appropriate Technical Review Committee members for technical review.

(b) After comments are received, the Administrator shall compile a written report for the PC and the public file with the information from the TRC members.

(c) The subdivider shall incorporate all of the comments from the Technical Review Committee members and submit revised plans (if applicable) per the adopted schedule.

*v. Public Notice.*

(a) Notice of public hearing shall be in accordance with the PC Rules and Procedures. In the event the hearing has been properly noticed, but the applicant is not able to provide revised plans per subsection iv.(c), then the Administrator may have the PC automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the subdivider.

*vi. Public Hearing.*

(a) The PC shall simultaneously consider the Primary Plat and Secondary Plat at a public hearing. The subdivider or their representative shall be in attendance to present the plan and address any questions or concerns of the PC.

(b) Decision by the PC.

((1)) Approval. If the PC determines that the plats comply with the standards set forth in this UDO, it shall grant approval. 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 PC as a term of its approval.

((a))) In accordance with IC 36-7-4-702, the PC 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:

((i))) The manner in which any shared driveways shall be laid out, graded, and improved;

((ii))) A provision for water supply, sanitary sewer facilities, and other utility services; and

((iii))) A provision for other services as specified in this UDO.

((2)) Disapproval. If the PC disapproves the plat, it shall make a written notice of disapproval and the Administrator shall notify the subdivider in writing or electronic transmission within ten (10) days of the hearing, stating the specific reasons for disapproval.

The subdivider may then resubmit a revised plat that addresses the reason for disapproval or appeal the decision to the PC.

*vii. Recording of Plat.*

(a) The plat shall be recorded in accordance with the procedures set forth in Chapter 7, Recording of Secondary Plats.

## C. Document and Drawing Specifications

### 1. Primary Plat.

**a. General.** The Primary Plat shall be prepared by a Professional Land Surveyor licensed to practice in the State of Indiana. All sheets shall be formatted as 24"x36" and drawn to a convenient scale. The sheet shall be signed by the professional preparing it and shall be tied to state plane coordinates for horizontal controls.

**b.** 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 PC and also disclose to all buyers.

**c. Checklist.** The following checklist of items should be provided for a Primary Plat:

*i. Project Information.*

(a) Name of the project/subdivision followed by "Primary Plat"

(b) Location of the property by street, block, and adjacent subdivisions (with block and lot numbers) or section, township, range, and county if adjacent property if not subdivided.

(c) Total acreage within the project and the number of

lots.

(d) Boundary lines of adjacent tracts of land, showing owners of record and names of adjoining developments.

(e) Existing zoning of the subject property and all adjacent properties.

(f) Name and address of the owner, developer, and land surveyor and/or engineer.

(g) Listing of any covenants on the parcel(s).

(h) A location map with 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.

(i) 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.

(j) Location and description of all monuments with references by distance to bearings to both ¼ section corners, section corners, grant corners, or recorded subdivisions.

(k) A traffic impact analysis or study, if required.

*ii. Site Conditions.*

(a) Existing buildings/structures and their placement on the lots.

(b) 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.

(c) The water elevation at the date of the survey of lakes, stream flow, or designated wetlands within the project or affecting it.

(d) The regulatory flood (100-year flood and 500-year flood) elevation based on NAVD 1988. Also include all FMA floodplain designations in addition to notes about the site's location.

(e) General site conditions, including aerial map, topography, utilities, flood elevations, available mapping, parcel data, etc.

(f) General proposed street layout, general lot layout, and drawn to a scale. Note if driveway closures or additional access points are expected.

(g) 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 are based on sea level datum.

(h) 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, trees (four (4) inches in diameter or greater shall be located and identified), 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 PC or the Administrator for the subject land. Existing site conditions shall include all land within one hundred (100) feet of the proposed project.

*iii. Proposed Development.*

(a) Layout of the proposed project/subdivision showing lot/block lines, lot/block numbers, and streets that show length, width, depth, and area of all lots.

(b) Building and thoroughfare (if applicable) setback lines, showing dimensions.

(c) All lots or blocks/outlots intended for sale or lease shall be designated with boundary lines shall be identified with letters and be in alphabetical order. Lots shall be numbered consecutively within each block.

(d) 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.

(e) Private areas, common areas, or other excluded parcels shall be designated as such and clearly labeled on the plans.

(f) Note stating: 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.

(g) Internal and perimeter sidewalk system/pedestrian circulation plan, if required.

(h) External access and circulation plan, identifying

existing roadways and any future collector or other connecting roadways, in accordance with the Thoroughfare Plan and/or the Access Management and Control Ordinance.

(i) Such other information as may be deemed necessary for proper review of the Primary Plat by the Administrator, the Engineer/Surveyor, or PC.

(j) Perimeter buffer landscape plan only (entire landscape plan due in Secondary Plat phase)

*iv. Title Block.*

(a) The proposed name by which the project shall be legally and commonly known

(b) Date of survey, scale and north point

(c) Revision dates

*v. Endorsements and Explanations. (See Appendix B for exact language)*

(a) Form for endorsement by Owner.

(b) Description of drainage easements, site easements, reservations, etc.

(c) Surveyors Certificate

(d) Deed of Dedication

(e) Description of Real Estate/Property

(f) Stormwater Narrative (*not listed in Appendix B*)

**3. Secondary Plat.**

**a. General.** The plat sheet(s) shall be prepared by a Professional Land Surveyor licensed to practice in the State of Indiana. All sheets shall be formatted as 24"x36" and drawn

to a convenient scale. The sheet shall be sealed and signed by the professional preparing it and shall be tied to state plane coordinates for horizontal controls.

**b.** The plat may be deemed to substantially conform to the preliminary plat if the geometrics of the final 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 PC rather than the Administrator unless such changes were a condition of the preliminary plat approval. The addition or removal of easements to accommodate utilities or drainage shall not constitute a substantial change in conformity.

**c.** Monuments shall be set on all lot corners in accordance with 865 IAC.

**d.** The following checklist of items should be provided for a secondary plat:

*i. Proposed Development.*

(a) Name of the project.

(b) All lots or outlots intended for sale or lease shall be designated with boundary lines and numbered or labeled for identification purposes.

(c) 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.

(d) Private areas, common areas, or other excluded parcels shall be designated as such and clearly labeled on the plat and plans.

(e) Building setback lines, showing dimensions.

(f) Street sign locations and monument sign location,

including dedicated easement or dedicated common area.

(g) Easements.

**ii. Endorsements and Explanations. (See Appendix B for exact language)**

(a) Form of endorsements by PC President and Planning Director

(b) Form for Recording Data

(c) Form for endorsement by every person having a security interest in the property that they are subordinating their liens to all covenants, servitudes, and easements imposed on the property.(d) Notation of any self-imposed restrictions.

(e) Surveyors Certificate

(f) Deed of Dedication

(g) Description of Real Estate/Property

(h) By the Subdivider(s)/applicant(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 lands and the platting of the subdivision is the Subdivider's and/or other owner's voluntary act and deed. The Subdivider(s) and/or owner(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.

**e. Record Drawings.** Record drawings shall be submitted in the current format required by the jurisdiction.

**f. Covenants and Restrictions.** Covenants and restrictions shall be submitted to the Administrator prior to being recorded.

*i. Covenants are not enforced by the Town of Pendleton.*

*ii. If there are conflicts between the covenants and the UDO, the more restrictive regulations shall apply.*

**4. Construction Drawings.**

**a.** The following checklist of items that should be provided:

*i. Project Information. All items required for the Primary Plat in Chapter 7, Section C(c)(i): Project Information.*

*ii. Site Conditions. All items required for the Primary Plat in Chapter 7, Section C(c)(ii): Site Conditions.*

*iii. Proposed Development.*

(a) All items required for the Primary Plat in Chapter 7, Section C(c)(iii): Proposed Development as well as full landscape, signage and lighting plans.

(b) 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; manholes; 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; and

((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/or Town Engineer.

((10)) A set of digital as-builds must be submitted for all public inf. and must be survey accurate

*iv. Title Block. All items required for the Primary Plat in Chapter 7, Title Block.*

**b.** If the subdivision disturbs more than one (1) acre, detailed erosion control and sediment control plans, pursuant to 327 IAC 15-5 (Rule 5), as amended, as administered by IDEM shall be submitted to Madison County Soil and Water Conservation District.

**c.** Drainage plans shall be submitted to the Drainage Board, as applicable. Prior to approving a secondary plat, the Madison County Drainage Board must approve the drainage plans, as applicable.

## **D. Construction and Development Process**

**1. General.** Once primary and secondary plats and the associated construction plans have been approved by the Administrator and/or PC and other required agencies, as appropriate, the construction and development process may commence. 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 Town that require reimbursement must be bonded by developer regardless of which construction option is chosen.

### **a. Construct Improvements then Record Plat. (Option 1)**

*i. Install Infrastructure. Infrastructure shall be installed per the approved construction plans except for the final coat of asphalt on the roadways.*

*ii. Inspect Infrastructure. Once complete, the improvements shall be reviewed and inspected by the Town Engineer to ensure that they have been completed in a satisfactory manner. 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.*

(a) The Town Engineer does not inspect infrastructure not owned or managed by the Town. Town-owned utilities are inspected by each respective utility. All infrastructure improvements and/or utilities required by this UDO shall be installed prior to recording the plat and any inspections of these should be directly coordinated with the respective local providers.

*iii. 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 Town Engineer. Once approved by the Town Engineer, the applicant shall pay cash funds to the Town of Pendleton in an amount equal to one hundred and twenty percent (120%), or amount as approved by the Town, of the approved estimate amount.*

*iv. Execute and Record Plat. The plat shall be executed*

and recorded in accordance with Chapter 7, Section D(2): Recording of Secondary Plats.

v. *Complete Final Coat of Asphalt.* Once development has occurred to the satisfaction of the Town Engineer 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 1 November. A sealant may be used in lieu of a surface course if approved by the Administrator.

vi. *Post Maintenance Surety and Release Funds.* The applicant shall post maintenance surety for the roadways and/or other determined sureties, in accordance with Chapter 7, Section (D)(3): Maintenance Surety. When the final coat of asphalt has been installed on the roadways to the satisfaction of the Town Engineer and Town Council, the applicant can request eighty percent (80%) of the cash funds from the performance surety for the final coat of asphalt be released by the Town and returned to the applicant. The remaining funds will be applied to the Maintenance Surety. The Town Engineer will not release any funds without being requested by the applicant.

**b. Post Performance Surety then Record Plat (Option 2)**

i. *Post Performance Surety.* Once the secondary plat and the associated construction plans have been approved by required agencies, as appropriate, the developer can choose to post performance surety and then immediately record the plat.

ii. *Bond Determination and Cost Estimates.* Developer is required to provide a certified estimate of cost from a professional engineer for the Town to review. It should

include estimated amounts for both performance and maintenance bonds as determined by the bond determination letter.

iii. Once bonds have been determined and cost estimates approved, developer will provide required performance bonds,

iv. *Recording Plat.* The plat shall be signed by 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.

v. 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 PC may extend the time limitation for two (2) years. If the Subdivider fails to record within this time period, plat shall be null and void.

vi. *Post Maintenance Surety and Release Performance Surety.* The applicant shall post maintenance surety for the roadways and/or other determined sureties, in accordance with Chapter 7, Section (D)(3): Maintenance Surety. When the final coat of asphalt has been installed on the roadways to the satisfaction of the Town Engineer and Town Council, the applicant can request eighty percent (80%) of the cash funds from the performance surety for the final coat of asphalt be released by the Town and returned to the applicant. The remaining funds will be applied to the Maintenance Surety. The Town Engineer will not release any funds without being requested by the applicant.



## 2. Recording of Secondary Plats.

**a. Execute Plat.** The plat shall be signed by necessary required parties before being recorded.

**b. Recording Plat.**

*i. It shall be the responsibility of the subdivider to record the signed Secondary Plat with the Recorder's Office.*

*ii. Once recorded, the subdivider shall provide the Administrator with the recorded and stamped Secondary Plat in the format(s) required by the Administrator.*

*iii. 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 PC may extend the time limitation for two (2) years. If the Subdivider fails to record within this time period, plat shall be null and void.*

**c. Recordation Prohibition.** Pursuant to IC 36-7-4-710, a plat of a subdivision for the purposes of development may not be filed with the County Auditor, and the County Recorder may not record it, unless it has been granted secondary approval and signed and certified by the Administrator. The filing and recording of the plat is without legal effect unless approved by the Administrator.

## 3. Maintenance Surety.

**a. General.** Maintenance surety shall be posted by the applicant to ensure that the improvements have been properly installed for the development. The amount of surety shall be approved by the Town Engineer and in a form to the satisfaction of the Town Engineer. After three (3) years, the applicant can request that the Town Engineer release or return the maintenance surety. The Town Engineer will not release any funds without being requested by the applicant.

**b. Form of Surety.** Maintenance surety shall be a bond or cash deposit.

*i. Cash Deposit.*

(a) When the final coat of asphalt has been installed on the roadways to the satisfaction of the Town Engineer, the applicant can request eighty percent (80%) of the cash funds from the performance surety be released by the Town and/or returned to the applicant. The remaining balance will be applied to the Maintenance Surety.

(b) After three (3) years, the remaining balance shall be returned.

(c) The Town Engineer will not release any funds without being requested by the applicant.

**c. Town Use of Funds.** Any monies received by the Town of Pendleton 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 provided for such improvements or installations by the Town as well as the UDO.

## 4. Improvement Location Permits.

**a. Prerequisites.** Before the second ILP (also known as building permit) may be issued within the development, all public improvements shall be installed (where applicable).

**b. Temporary ILP.**

*i. Temporary Use. A temporary ILP may be granted by the Administrator for the construction and use of a permitted temporary use (such as a construction trailer or mobile sales office) within the real estate affected by a subdivision.*

## E. Other Subdivision Procedures

### 1. Appeals of PC Decision.

**a.** Decisions of the PC under this UDO shall be subject to judicial review as provided in IC 36-7-4-715, 36-7-4-1016, and 36-7-4-1600 et seq. Pursuant to those statutes, a person with standing may seek judicial review of certain PC decisions by filing a petition for judicial review in the applicable courts within thirty (30) days after the date of the decision at issue, if the person has exhausted any and all available administrative remedies with the PC. Nothing in this section expands the rights to review provided by Indiana law.

### 2. Plat Amendments and Replats.

**a. Primary Plat Amendment.** At any time after Primary Plat approval, the subdivider may request that an amendment be made to the Primary Plat. The PC shall hold a public hearing on the proposed amendment in accordance with the same requirements for the respective Primary Plat approval process. The public hearing on a proposed amendment shall be limited to the merits of the proposed amendment. The PC shall approve or disapprove any proposed amendment in the manner set forth in Chapter 7, Section (E)(2), as applicable. The subdivider may withdraw the proposed amendment at any time prior to the PC's decision.

**b. Secondary Plat Amendment.** At any time after Secondary Plat approval, the subdivider may request that an amendment be made to the Secondary Plat. The Administrator shall solicit comments from the appropriate Technical Review Committee members on the proposed amendment in accordance with the same requirements for the respective Secondary Plat approval process. The Administrator shall approve or disapprove any proposed amendment in the manner set forth in Chapter 7, (E) (2), as applicable. The subdivider may withdraw the proposed amendment at any time prior to the Administrator's decision.

### c. Replat.

*i. Prerequisites. The Secondary Plat shall have been recorded and all property owners within the area for replat shall provide written consent to the application for re-plat.*

*ii. Whenever an owner of land desires to replat an already approved and recorded Secondary Plat, the owner shall obtain approval for the replat by the same procedures prescribed for the subdivision of land set forth in Chapter 7, Section (E)(2), as applicable. For the purposes of this UDO, a replat shall include:*

- (a) Any change in any street layout or any other public improvement;
- (b) Any change in any lot line; and
- (c) Any change in the amount of land reserved for public use or the common use of lot owners.

### 3. Vacations.

**a. Authority.** Pursuant to IC 36-7-4-711, the PC 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.** As provided in IC 36-7-3-10, if all of the owners of land in the plat agree on a proposed vacation of all or part of the plat, before recording a written instrument to vacate all or part of the plat, the owner(s) must submit the instrument to the PC (or plat committee if applicable) for approval.

*i. The PC (or plat committee) may consider and rule on the proposed instrument without notice or a public hearing.*

*ii. The PC (or plat committee) shall attach its written decision to the instrument before it is submitted for recording.*

iii. *As provided in IC 36-7-3-10, an instrument recorded under this section terminates the effect of the plat or part of the plat declared to be vacated. It also terminates all public rights in the public ways and public places described in the plat or part of the plat. However, a public way that has been improved, or that is part of an improved plat, may be vacated only under IC 37-7-3-12. As provided in IC 36-7-3-16, platted easements may be vacated in this same manner as public ways and places.*

iv. *If the PC (or plat committee) 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 PC's denial, as provided in IC 36-7-3-15.*

**c. Vacations When All Owners Are Not in Agreement.** As provided in IC 36-7-4-711, if not all of the owners of land in a plat agree on a proposed vacation, one or more of the owners may file with the PC a petition to vacate all of the plat or that part of the plat that pertains to land owned by the petitioner(s).

i. *Public Hearing.* At the PC hearing, all other owners of land in the plat shall be allowed to comment on the petition.

(a) Approval. The PC may approve the petition only if it finds that the conditions below are met. The PC may impose reasonable conditions as part of any approval. The PC shall furnish a copy of its approval to the County Recorder for recording.

((1)) Conditions in the platted area have changed so as to defeat the original purpose of the plat;

((2)) It is in the public interest to vacate all or part of the plat; and

((3)) The value of that part of the land in the plat not owned by the petitioner(s) will not be diminished by

the vacation.

(b) Denial. If the PC finds that the applicant does not meet the requirements above, it shall deny the petition. If the PC denies a vacation request under this section, it shall not consider another vacation request which 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.

#### **4. Waivers.**

##### **a. General.**

i. A waiver can be granted for a provision in Chapter 5: Subdivision Types and/or Chapter 6: Subdivision Design Standards when the subdivider can show that practical difficulties and unnecessary hardship would result if strictly adhered to and where, in the opinion of the PC (or Plat Committee, if applicable), because of topographical or other conditions particular to the site, a departure may be made without compromising the intent of such provisions, the PC may authorize a waiver, pursuant to IC 36-7-4-702(c).

ii. Pursuant to IC 36-7-4-702(c), the standards for subdivisions in Chapter 5: Subdivision Types and/or Chapter 6: Subdivision Design Regulations may be waived at the discretion of the PC (or Plat Committee, if applicable). However, to be approved, the plat must still meet all applicable standards prescribed in the UDO. Variations from the standards in Chapter 2: Zoning Districts, Chapter 3: Site Development Standards, and/or Chapter 4: Use Development Standards require by variance by the BZA (See Chapter 8: Zoning Administration and Procedures).

**b. Application.** A petition for a waiver or waiver of conditions shall be submitted in writing by the subdivider at the time when the Primary Plat is filed. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

**c. Basis for Consideration.** The PC (or Plat Committee, if applicable) shall not approve waivers unless it finds, based upon the evidence presented to it in each specific case, that:

- i. Practical difficulties and unnecessary hardship may result from the strict application of this UDO;*
- ii. The purposes and intent of this UDO may be better served by an alternative proposal which meets the intent of the regulation;*
- iii. The granting of the waiver or waiver of conditions will not be detrimental to the public safety, health, or welfare or injurious to other property;*
- iv. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;*
- v. The relief sought will not contravene the other provisions of the UDO or the intent of the Comprehensive Plan;*
- vi. Where the waiver impacts on the design, construction, or maintenance obligations of public facilities, that the appropriate public agency has reviewed and approved the proposed development in writing or electronic transmission to the PC;*
- vii. The request is not solely for the economic benefit of the petitioner;*
- viii. The request allows for the preservation of an existing natural or cultural resource.*

**d. Written Findings.** The PC shall make written determination on all waiver requests to be included on the Primary Plat approval form.

**e. Conditions of Waiver Approval.** The PC may, in approving waivers, require such conditions as will, in its judgment, secure substantially the purposes of said waiver. Such conditions shall be expressly set forth in the order granting the waiver and be in accordance with the PC Rules and Procedures for governing written commitments. Violation of any such condition shall be a violation of this UDO and subject to the provisions of Chapter 7, Enforcement.

**f. Waivers Concerning Public Improvements.**

- i. The PC may defer or waive, 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 PC.*
- ii. Any determination to defer or waive the provision of any public improvement must be made in accordance with this section and the reasons for the deferral or waiver shall be expressly made part of the record.*
- iii. Where improvement or installations are deferred as herein provided, the subdivider shall post a separate surety in an amount determined by the jurisdiction guaranteeing completion of the deferred improvements upon demand of the jurisdiction.*

## 5. Enforcement.

**a. Authority.** The PC or its authorized designee is hereby designated to enforce the terms and provisions of this UDO. For the purposes of this UDO, the term PC as used herein and throughout this UDO shall be inclusive of its authorized designee.

**b. Persons Liable.** The owner, tenant, or occupant of any building or land, or part thereof, and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this UDO may be held responsible for the violation and be subject to the remedies and penalties provided herein and at law.

### **c. Violations.**

*i. No owner or agent of the owner of any parcel of the land located in a proposed subdivision shall transfer, sell, or convey any part of the parcel before a Secondary Plat of the subdivision has been approved by the PC in accordance with the provisions of these regulations and filed with the Recorder's Office.*

*ii. No LAP, ILP, or Final Inspection shall be issued for any building, structure, or improvement unless the location of the building, structure, or improvement conforms to this UDO.*

### **d. Penalties.**

*i. Fines. Any person who violates a provision of these regulations shall be guilty of an ordinance violation and shall be fined no more than two thousand and five hundred dollars (\$2,500.00) per day, per violation. Each day a civil violation remains uncorrected shall be a distinct and separate violation subject to an additional fine. If the jurisdiction is required to institute legal action to enforce*

*this UDO, or to collect a fine there-under, the violator shall also be responsible for the jurisdiction's reasonable attorney fees and all costs related to the enforcement or collection.*

### **e. Nuisance.**

*i. In addition, after the effective date of this UDO, any land within the jurisdiction subdivided in violation of the terms of this UDO is hereby declared to be a common nuisance, which may be restrained, enjoined or abated in any appropriate action or proceeding at law.*

*ii. Other Remedies. The seeking of a civil penalty under this chapter does not preclude the PC from seeking alternative and additional relief from a court of competent jurisdiction in the same action or from seeking any other relief provided by law in a separate action for the enforcement of this UDO.*





# CHAPTER EIGHT

## ZONING ADMINISTRATION



## A. UDO Administration

**1. Administrator.** The Administrator shall be hired by the Town Manager. The Administrator shall have the following duties:

- a.** Administer and enforce the provisions of this UDO in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to this UDO;
- b.** Issue ILPs and Final Inspections;
- c.** Maintain a permanent file of all permits and applications as public records; and
- d.** All other duties as outlined in Administrator's job description.

**2. Administrative Decisions.** Whenever, in the course of administration and enforcement of this UDO, it is necessary to make an administrative decision which is not clearly governed by standards contained herein, such decision shall be made so that the result will not be contrary to the spirit and purpose of this UDO or injurious to the area affected. Any such decision can be appealed to the BZA.

## B. Plan Commission (PC)

**1. Establishment.** The Plan Commission (PC) shall be established in accordance with IC 36-7-4-200 series. The PC shall have membership in accordance with IC 36-7-4-207(b) and IC 36-7-4-214(a) and the qualifications outlined in IC 36-7-4-216.

**2. Jurisdiction.** The PC shall have jurisdiction over all land covered by the jurisdiction of this UDO.

**3. Organization.** The PC shall be organized in accordance with IC 36-7-4-300 series.

- a. Quorum.** In accordance with IC 36-7-4-301, a quorum of the PC consists of a majority of the entire membership of the PC.

**b. Final Official Action.** In accordance with IC 36-7-4-302, action of the PC is not final/official unless it occurs at a regular or special meeting, by a majority of the entire membership of the PC.

**c. Leadership.** In accordance with IC 36-7-4-303, the PC shall elect a president and vice president from its membership at its first regular meeting each year.

**d. Secretary.** In accordance with IC 36-7-4-304, the PC shall elect a secretary which need not be a member of the PC.

### **e. Meetings and Minutes.**

*i. Regular Meetings. In accordance with IC 36-7-4-306, the PC shall fix the time for holding regular meetings each month or as necessary, keep minutes of its proceedings, keep records of its examinations and other official acts, and shall record and vote on all actions taken. All minutes and records shall be filed in the office of the Administrator and shall be a public record.*

*ii. Special Meetings. In accordance with IC 36-7-4-307, a special meeting of the PC may be called by the president or by two (2) members of the PC upon written request to the Administrator.*

**f. Employees.** In accordance with IC 36-7-4-311, the PC may appoint, prescribe the duties, and fix the compensation of employees necessary for the discharge of the duties of the commission. The PC may contract for special or temporary services and any professional counsel.

**4. Duties.** The PC shall have the following duties as authorized in IC 36-7-4-400 series, including the following:

- a. Rules and Procedures.** The PC shall adopt rules for its administration.

**b. Comprehensive Plan.** The PC shall make recommendations to the Town Council concerning the adoption of and amendments to the Comprehensive Plan in accordance with IC 36-7-4-500 series.

**c. Development Plans.** The PC shall make decisions regarding development plans in accordance with Chapter 8, Section (D) (2): Development Plan Procedures and IC 36-7-4-1400 series.

**d. Planned Unit Developments (PUD).** If enabled in this Ordinance, the PC shall make recommendations to the Town Council concerning the adoption of and amendments to a PUD in accordance with Chapter 8 and IC 36-7-4-1500 series.

**e. Streets and Addresses.** The president of the Town Council shall name or rename streets and assign addresses, however this responsibility may be delegated to the PC by ordinance.

**f. Subdivisions.** The PC shall make decisions regarding plats, replats, and amendments to plats in accordance with Chapter 7: Subdivision Administration and Procedures, the PC Rules and Procedures, and IC 36-7-4-700 series, including:

*i. Primary Plat as described in IC 36-7-4-702;*

*ii. Secondary Plat as described in IC 36-7-4-709; and*

**g. Zone Map Changes.** The PC shall make recommendations to the appropriate Town Council concerning changes to the zone map in accordance with Chapter 8, Section (D)(3): Zone Map Change Procedures and IC 36-7-4-600 series.

**5. Powers.** The PC shall have the powers as authorized in IC 36-7-4-400 series, including the following:

**a. Executive Committee.** Per IC 36-7-4-408, the PC may establish an executive committee of three to nine (3-9) persons appointed by the PC from its membership. The establishment of the executive committee, the naming of its members, and

the adoption of rules governing its operation requires a two-thirds (2/3) majority vote of the entire membership of the PC. A majority of the executive committee may act on behalf of the commission, but a dissenting vote by an executive committee member may appeal the decision to the full PC.

**b. Fees.** Per IC 36-7-4-411, the PC may establish a fee schedule to defray the administrative costs associated with PC and BZA petitions, issuing permits, and other permitted actions.

### C. Board of Zoning Appeals (BZA)

**1. Establishment.** The Advisory BZA shall be established in accordance with IC 36-7-4-900 series. The BZA shall have membership in accordance with IC 36-7-4-902(a) and IC 36-7-4-903(a)(2).

**2. Jurisdiction.** The BZA shall have jurisdiction over all land covered by the jurisdiction of this UDO.

#### 3. Organization.

**a. Quorum.** In accordance with IC 36-7-4-910, a quorum of the BZA consists of a majority of the entire membership of the BZA.

**b. Final Official Action.** In accordance with IC 36-7-4-911, action of the BZA is not final unless it is authorized by a majority of the entire membership of the BZA.

**c. Leadership.** In accordance with IC 36-7-4-912, the BZA shall elect a chair and vice chair from its membership at its first regular meeting each year.

**d. Secretary.** In accordance with IC 36-7-4-913, the BZA shall elect a secretary which need not be a member of the BZA.

**e. Meetings and Minutes.** In accordance with IC 36-7-4-915, the BZA shall keep minutes of its proceedings, keep records of its examinations and other official acts, and shall record and vote on all actions taken by making findings of fact. All minutes and records shall be filed in the office of the Administrator and shall be a public record.

*i. Regular Meetings. The BZA shall fix the time for holding regular meetings each month or as necessary, keep minutes of its proceedings, keep records of its examinations and other official acts, and shall record and vote on all actions taken. All minutes and records shall be filed in the Office of the Administrator and shall be a public record.*

*ii. Special Meetings. A special meeting of the BZA may be called by the chairman or by two (2) members of the BZA upon written request to the secretary.*

**4. Duties.** The BZA shall have the following duties as authorized in IC 36-7-4-900 series:

**a. Rules and Procedures.** The BZA shall adopt rules for its administration in accordance with IC 36-7-4-916.

**b. Appeals.** The BZA shall make decisions regarding appeals in accordance with Chapter 8, Section (D)(1): Appeals Procedures and IC 36-7-4-918.1.

**c. Conditional Use.** The BZA shall make decision regarding conditional uses in accordance with Chapter 8, Section (D)(4): Conditional Use Procedures and IC 36-7-4-918.2.

**d. Variance from Development Standards.** The BZA shall make decisions regarding variances in accordance with Chapter 8, Section (D)(4): Variance from Development Standards Procedures and IC 36-7-4-918.5.

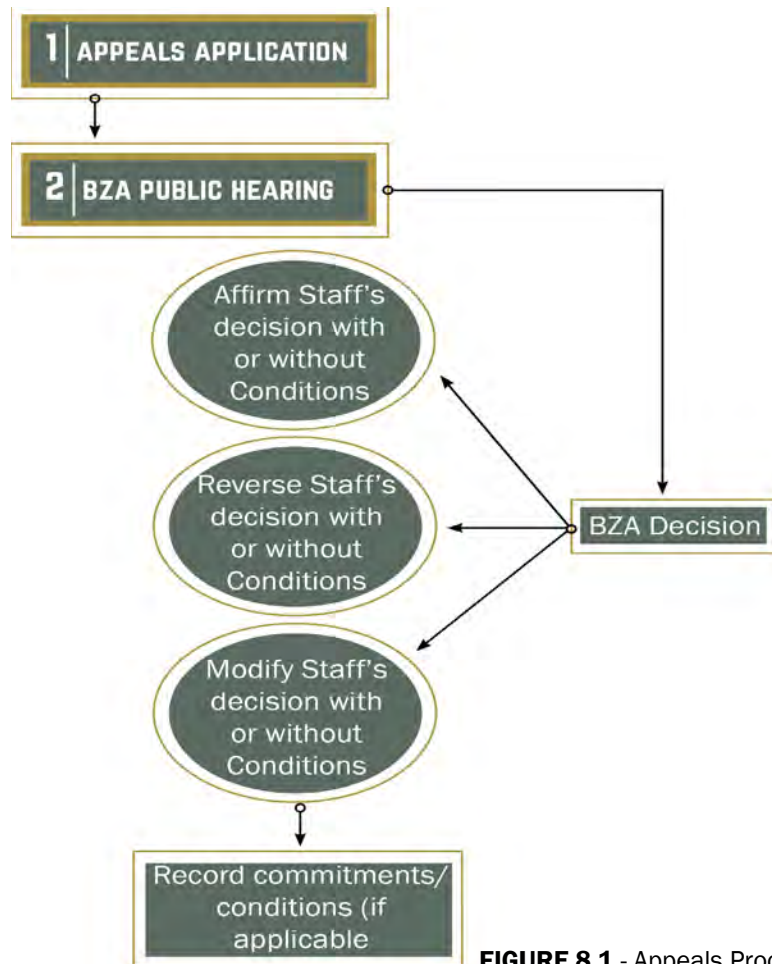
**e. Variance of Use.** The BZA shall make decisions regarding variances of use in accordance with Chapter 8, Section (D)(4):

Variance of Use Procedures and IC 36-7-4-918.4.



## D. Procedures for PC and BZA Duties

### 1. Appeals Procedures.



**FIGURE 8.1** - Appeals Procedures

Procedures, the BZA shall hear and determine appeals from and review the decisions below. In addition, all appeals shall be made pursuant to IC 36-7-4-1000 thru 1020 and all amendments thereto.

**a. Applicability.** The BZA shall hear appeals to any of the following:

- i. Any order, requirement, decision, or determination made by an administrative official, hearing officer, or staff member under the UDO;
- ii. Any order, requirement, decision, or determination made by an administrative board or other body except the PC in relation to the enforcement of the UDO; or
- iii. Any order, requirement, decision, or determination made by an administrative board or other body except the PC in relation to the enforcement of an ordinance adopted under this UDO requiring an ILP or Certificate of Occupancy.

**b. Application.** The applicant shall submit an application for appeal in accordance with the application packet adopted by the BZA as part of the BZA Rules and Procedures and be prepared in accordance with the format described therein. The application shall be submitted within thirty (30) days of the decision/interpretation that is the subject of the appeal.

i. **Public File.** Once the Administrator determines that an application is complete and in proper form, they shall assign a file number, create a public file, and assign a date for public hearing.

ii. **Public Notice.** Public notice is not required for appeals.

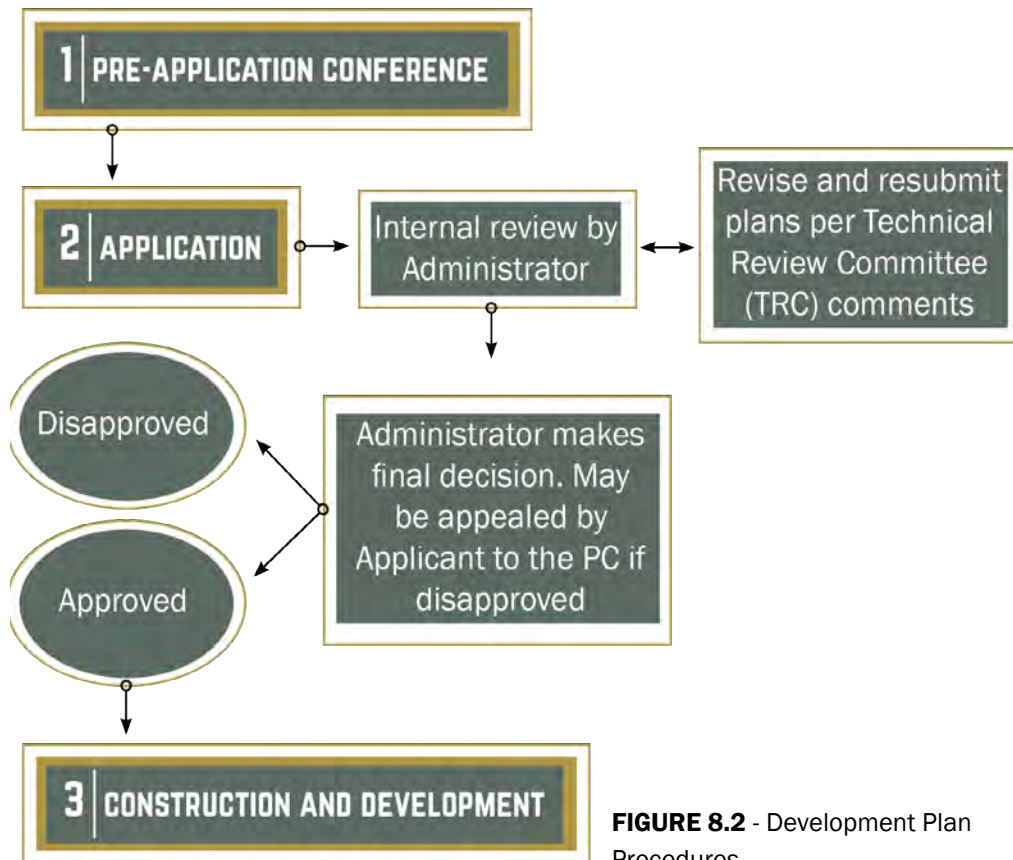
**c. Public Hearing.** The BZA shall consider the appeal at a public hearing. The applicant or their representative shall be in attendance to present their appeal and address any questions or concerns of the BZA.

i. **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 to their decision.

ii. **Appeal.** The decision of the BZA may be appealed to the Circuit or Superior Court of the applicable jurisdiction.



## 2. Development Plan Procedures.



**FIGURE 8.2** - Development Plan Procedures

In accordance with IC 36-7-4-1400 series and the PC Rules and Procedures, the PC shall hear and make decisions regarding development plans.

**a. Applicability.** The development or modification of property for uses other than agricultural uses (excluding confined feeding operations), single-family or two-family residential require development plan approval.

## b. Application.

*i. Pre-Application Conference.* Prior to filing an application for development plan, the applicant shall schedule a required pre-application meeting with the Administrator, which may be held in-person, virtually (video conference), or by phone. This step gives the applicant the opportunity to discuss the procedures for approval with the Administrator as well as the requirements and regulations for development.

*ii. Application.* The applicant shall submit an application for development plan in accordance with the application packet adopted by the PC as part of the PC Rules and Procedures and be prepared in accordance with the format described therein.

*iii. Public File.* Once the Administrator determines that an application is complete and in proper form, they shall assign a file number, create a public file, and assign a deadline date for receiving internal review comments from the appropriate Technical Review Committee.

### iv. Internal Review.

(a) The Administrator shall forward the plans to the Technical Review Committee for technical review. At the discretion of the Administrator, the TRC review may be held in person, virtually (video conference), by phone, or by email. After comments (if any) are received, the Administrator may compile a written report for the public file with the information from the Technical Review Committee.

(b) After the internal review, the applicant shall make the necessary modifications to the plans to satisfy the Administrator and resubmit the plans for review.

(c) Decision by the Administrator.

((1)) Approval. If the revised plans have adequately addressed the valid comments from the Technical Review Committee, the Administrator shall approve the development plan.

((2)) Disapproval. If the revised plans have not adequately addressed the valid comments from the Technical Review Committee, the Administrator may require additional internal review and/or the resubmittal of revised plans before reconsidering the plans.

((3)) PC Public Meeting.

((a)). The Administrator may refer the development to the PC for review and approval for any reason. In addition, if the revised plans have not adequately addressed the comments from the Technical Review Committee because the applicant disagrees with the comment(s), the applicant may submit a request for public meeting in writing along with an explanation of disagreement. Upon receipt of this written request, the Administrator shall set a date for a public meeting by the PC.

((b)). Public Notice. Public notice is not required for development plans.

((c)). Public Meeting. The PC shall consider the development plan at a public meeting. The applicant or their representative shall be in attendance to present their plan and address any questions or concerns of the PC.

((i)). Decision by the PC. The PC shall consider the development and any contested comments before making a final decision on the development plan. The PC shall approve, with

conditions, or deny the development plan.

((ii)). Final 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 PC's decision.

**c. Expiration.** Approval of a development plan shall be valid for three (3) years from the date of Administrator or PC approval. However, if all applicable permits have not been obtained and construction has not commenced within one (1) year of approval of the development plan by the Administrator or PC, the approval shall be void.

**d. Amendment.** An amendment to a development plan may be approved by the Administrator after internal review by the affected Technical Review Committee members, if applicable. The Administrator reserves the right to send the requested amendment to a public meeting of the PC for final approval.

### 3. Zone Map Change.

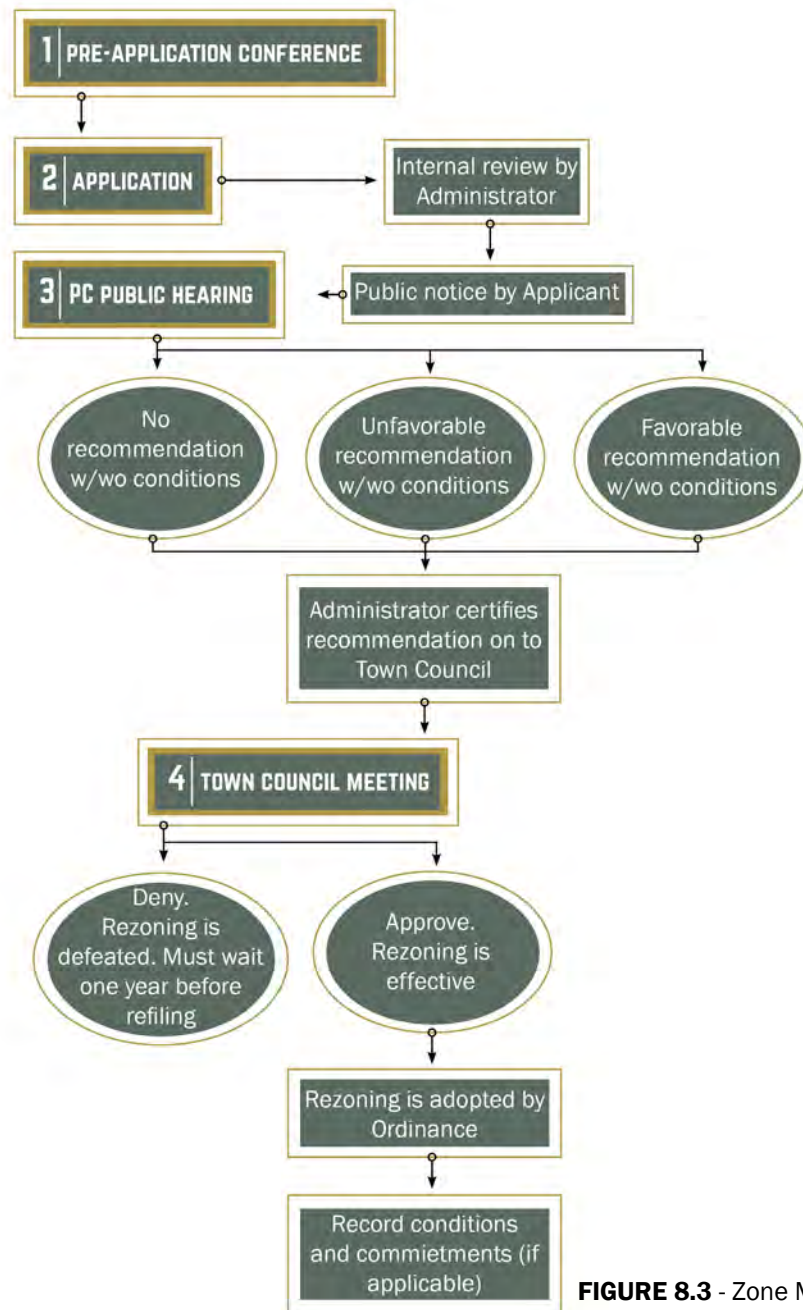


FIGURE 8.3 - Zone Map Change

In accordance with IC 36-7-4-600 series for zone map changes and the PC Rules and Procedures, the PC shall hear and make recommendations regarding zone map changes.

**a. Initiation.** Zone map changes may be initiated by the PC, by the Town Council, or by owners of fifty percent (50%) or more of the area involved in the petition.

#### **b. Application.**

i. *Pre-Application Conference.* Prior to filing an application for a zone map change, the applicant shall schedule a required pre-application meeting with the Administrator, which may be held in-person, virtually (video conference), or by phone. This step gives the applicant the opportunity to discuss the procedures for approval with the Administrator as well as the requirements and regulations for development.

ii. *Application.* The applicant shall submit an application for zone map change in accordance with the application packet adopted by the PC as part of the PC Rules and Procedures and be prepared in accordance with the format described therein.

iii. *Public File.* Once the Administrator determines that an application is complete and in proper form, they shall assign a file number, create a public file, and assign a date for public hearing.

iv. *Public Notice.* Notice of public hearing shall be in accordance with the PC Rules and Procedures.

v. *Public Hearing.* The PC shall consider the zone map change at a public hearing. The applicant or their representative shall be in attendance to present their petition and address any questions or concerns of the PC.

(a) Recommendation by the PC.

((1)) Consideration. When considering a zone map change, the PC shall pay reasonable regard to:

((i)) The Comprehensive Plan;

((ii)) Current conditions and the character of current structures and uses in each district;

((iii)) The most desirable use for which the land in each district is adapted;

((iv)) The conservation of property values throughout the jurisdiction; and

((v)) Responsible development and growth.

((2)) Recommendation. After consideration, the PC shall make a favorable, unfavorable, or no recommendation to the Town Council. Any of the said recommendations may include conditions and/or written commitments in accordance with IC 36-7-4-1015 and Chapter 8, Section (E)(1): Commitments.

((3)) Certification of Recommendation. Within ten (10) business days after the PC determination, the PC shall certify their recommendation to the Town Council.

*vi. Final Action.*

(a) Upon receipt of said certification, the Town Council shall vote on the proposed zone map change within ninety (90) calendar days. Final action by the Town Council shall be in accordance with IC 36-7-4-600 series.

(b) If the proposal is adopted by the Town Council, the PC shall update the zone map accordingly.

(c) If the proposal is denied by the Town Council, the proposal cannot be resubmitted for one (1) year unless

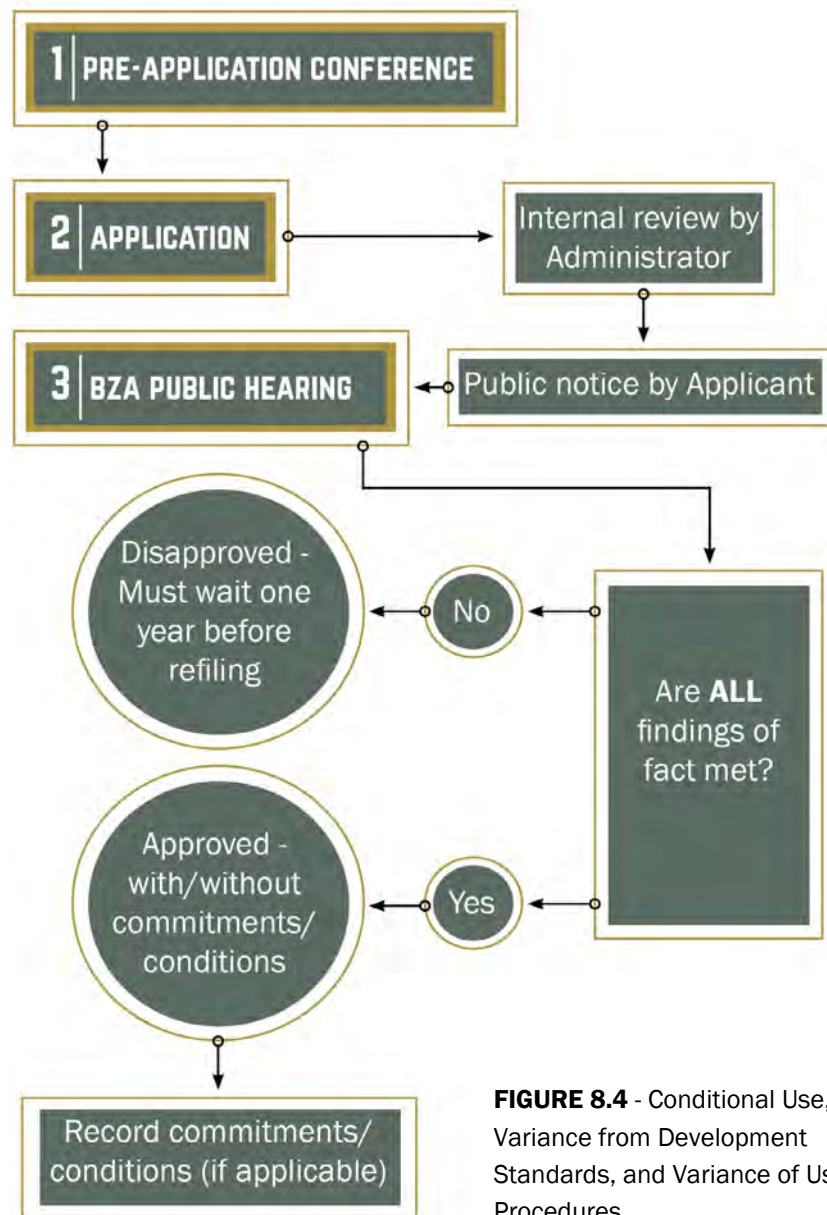
the Administrator determines there is a substantial change to the application.

*vii. Expiration. Approval of a zone map change shall run with the land, unless a condition specifies otherwise.*

*viii. Amendment. Amendment of a zone map change shall be done in accordance with the IC 36-7-4-600 series for zone map changes. An amendment of an applicable condition or commitment shall be done in accordance with IC 36-7-4-1015 and Chapter 8, Section (E)(1): Commitments.*



#### 4. Conditional Uses, Variance from Development Standards, and Variance of Use Procedures.



**FIGURE 8.4** - Conditional Use, Variance from Development Standards, and Variance of Use Procedures

In accordance with IC 36-7-4-918.2 for conditional uses, IC 36-7-4-918.5 for variances from development standards, IC 36-7-4-918.4 for variances of use, and the BZA Rules and Procedures, the BZA shall hear and make recommendations regarding conditional uses, variances from development standards and variances of use. The BZA may require that impact studies be performed at the expense of the applicant prior to deciding upon said conditional use or variance of use.

**a. Applicability.** Uses permitted by conditional use as listed in Chapter 2: Zoning Districts may be permitted by the BZA in the districts indicated in accordance with the procedures set forth in this section. The BZA may vary the development standards or grant a variance of use in accordance with the procedures set forth in this section.

**b. Non-conforming Uses.** Any expansion of a legal non-conforming use, including the enlargement of the structures or land area devoted to such use, shall be subject to the procedures described in this section.

#### **c. Application.**

*i. Pre-Application Conference.* Prior to filing an application for conditional use, variance from development standards or variance of use, the applicant shall schedule a pre-application meeting with the Administrator, which may be held in-person, virtually (video conference), or by phone. This step gives the applicant the opportunity to discuss the procedures for approval with the Administrator as well as the requirements and regulations for development.

*ii. Application.* The applicant shall submit an application for conditional use, variance from development standards or variance of use in accordance with the application packet adopted by the BZA as part of the BZA Rules and Procedures and be prepared in accordance with the format described therein.



iii. *Public File.* Once the Administrator determines that an application is complete and in proper form, they shall assign a file number, create a public file, and assign a date for public hearing.

iv. *Public Notice.* Notice of public hearing shall be in accordance with the BZA Rules and Procedures.

**d. Public Hearing.** The BZA shall consider the conditional use, variance from development standards or variance of use at a public hearing. The applicant or their representative shall be in attendance to present their plan and address any questions or concerns of the BZA.

i. *Standards for Evaluation for Conditional Use.* When considering a conditional use, the BZA shall find that the following standards have all been satisfied:

- (a) The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, or general welfare;
- (b) The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted;
- (c) The establishment of the conditional use will not impede or substantially alter the normal and orderly development and improvement of surrounding property for uses permitted in the district;
- (d) Adequate utilities, access road, drainage, and other necessary facilities have been or are being provided;
- (e) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public roadways; and
- (f) The conditional use will be located in a district where

such use is permitted and all other requirements set forth in this UDO that are applicable to such use will be met.

ii. *Standards for Evaluation for Variance from Development Standards.* Per IC 36-7-4-918.5, when considering a variance, the BZA shall find that the following standards have all been satisfied:

- (a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
- (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
- (c) The strict application of the terms of the ordinance will result in practical difficulties in the use of the property;
- (d) the variance granted is the minimum necessary; and
- (e) the variance granted does not correct a hardship caused by a former or current owner of the property.

iii. *Standards for Evaluation for Variance of Use.* Per IC 36-7-4-918.4, when considering a variance of use, the BZA shall find that the following standards have all been satisfied:

- (a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
- (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
- (c) The need for the variance arises from some condition peculiar to the property involved;
- (d) 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

(e) The approval does not interfere substantially with the Comprehensive Plan.

*iv. Final Decision.*

(a) Approval. If the BZA finds all of the standards have been satisfied, it shall approve or approve with conditions and/or commitments the request. Approval may be in the form of a general statement.

(b) Denial. If the BZA does not find that all of the standards have been satisfied, it shall deny the conditional use and findings shall specify the reason for denial.

**e. Expiration.** Approval of a conditional use, variance from development standards, and variance of use shall run with the land, unless the following apply:

i. If construction of structures or occupancy of existing structures relevant to the approved conditional use or variance has not commenced within three (3) years of approval by the BZA, the approval shall be void; or

ii. If the BZA places a condition upon the approval that identifies an expiration, but such expiration shall not be less than one (1) year.

**f. Amendment.** A conditional use, variance from development standards, or variance of use may only be amended by the BZA by submitting a revised application through the respective application process.

## **E. Additional Procedures**

### **1. Commitments.**

**a. Form.** A commitment must be substantiated by the form set forth in the PC/BZA Rules and Procedures, and must identify any specially affected persons or class of specially affected persons who may enforce the commitment. A commitment must be recorded by the Administrator in the County Recorder's Office.

**b. Recording.** A commitment shall be recorded in the County Recorder's Office and takes effect upon the adoption of the proposal by the Town Council to which it relates. Following the recording of a commitment, the applicant shall return a copy of the original recorded commitment to the Administrator for PC's file.

**c. Persons Bound.** Unless it is modified or terminated by the PC in accordance with this section, a recorded commitment is binding on the owner of the parcel, a subsequent owner of the parcel, and any other person who acquires interest in the parcel. An unrecorded commitment is binding on the owner of the parcel who makes the commitment. An unrecorded commitment is binding on a subsequent owner of the parcel or a person acquiring an interest in the parcel only if the subsequent owner or the person acquiring the interest has actual notice of the commitment.

**d. Modification or Termination by the PC/BZA.** Except for a commitment modified or automatically terminated in accordance with this section, a commitment may be modified or terminated only by a decision of the respective PC or BZA made at a public hearing after notice of the hearing has been given under the PC/BZA Rules and Procedures.

**2. Improvement Location Permit (ILP) Procedures.** The Administrator, or their designee, shall be responsible for the

issuance of ILPs in accordance with IC 36-7-4-800 series.

**a. Applicability.** An ILP, also known as a building permit, shall be required for the erection, alteration, or modification of all structures within the jurisdiction including, but not necessarily limited to:

- i. Primary structures;*
- ii. Accessory buildings and structures as set forth in this UDO;*
- iii. All fences, decks, patios, and slabs as set forth in this UDO;*
- iv. Signs as set forth in this UDO; and*
- v. Wireless communication facilities both free-standing and those co-located upon an existing or pre-approved wireless communication facility.*

**b. Application.** The applicant shall submit an application for an ILP in accordance with the application packet adopted by the PC as part of the PC Rules and Procedures and be prepared in accordance with the format described therein. The filing fee for an ILP shall be paid in accordance with the adopted Fee Schedule. A public record of each ILP shall be retained in the Office of the Administrator in accordance with 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 for a period of eighteen

(18) months from the date of 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.

## **F. Complaints, Violations, and Remedies**

**1. Complaints.** Whenever a violation of this UDO occurs, or is alleged to have occurred, any person may file a written complaint on the form approved by the PC as part of the adopted PC Rules and Procedures. The complaint shall state fully the causes and basis thereof and shall be filed with the Administrator. The Administrator, or their designee, shall investigate the complaint, take immediate action, and may refer the matter to the PC, BZA, or their attorney for review. The Administrator, or their designee, shall have authority to enter upon property at any time to investigate a written complaint.

### **2. Violations.**

#### **a. ILP Violations.**

*i. Any persons or corporation who shall initiate construction prior to obtaining an ILP, Certificate of Occupancy, Letter of Completion, or any other permit or authorization required herein, shall pay the fine as set forth in the Fee Schedule.*

*ii. The owner or tenant 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 prescribed by this section.*

**b. Zoning Ordinance Violations.** The property owner shall be held liable for any person, occupant, tenant, or corporation who violates any of the provisions of these ordinances or fails to fully comply therewith or with any of the requirements thereof (including violations of conditions established in

connection with grants of Variance or Conditional Uses) or who shall build, reconstruct or structurally alter any building in violation of the approved development plan or building plans shall be subject to civil penalties.

**c. Subdivision Control Ordinance Violations.**

*i. It shall be the duty of the Administrator to periodically research the applicable records and perform the other necessary investigations to detect any violations of the subdivision regulations.*

*ii. No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the PC in accordance with the provisions of these regulations and filed with the applicable County Recorder except as outlined in this UDO.*

*iii. No public board, agency, commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by these regulations until the proposed subdivision has been approved by the PC in accordance with these regulations and filed with the applicable County Recorder except as outlined in this UDO.*

*iv. No ILP shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations except as outlined in this UDO.*

*v. The Administrator shall enforce these regulations and bring to the attention of the PC attorney any violations or lack of compliance herewith. The PC attorney shall take steps necessary under the Indiana Code to civilly enjoin any violation of these regulations.*

**3. Penalties.** Any person or corporation who violates any of the

provisions of this UDO; fails to comply with any of the requirements herein; or builds, reconstructs, or structurally alters any building without approval shall, for each violation of non-compliance, be fined according to the Fee Schedule. Each day a violation(s) of non-compliance exists shall constitute a separate offense.

**4. Remedies.** The PC, the BZA, the Administrator, or any designated enforcement official, or any person or persons, firm or corporation, jointly or severally, may institute a suit for injunction in the Circuit or Superior Courts of the applicable jurisdiction to restrain an individual or government unit from violating the provisions of this ordinance. The PC or BZA may also institute the suit for mandatory injunction directing an individual or corporation or a governmental unit to remove a structure erected in violation of the provisions of this ordinance or the requirements thereof, or to enforce any other provision of this ordinance, and said violation being declared to be a common nuisance and as such may be abated in such a manner as nuisances are now or may hereinafter be abated under existing law.

**5. Stay of Work Pending Appeal, Restraining Order, and Enforcement of Stay.**

**a.** 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, by reason 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.

**b.** After notice to the Administrator or BZA and to the owner of the premises affected and after due cause is shown, the Circuit or Superior Court in which the premises affected are located may grant the restraining order.

**c.** After the owner, or a person in charge of the work on the premises affected, has received notice that an appeal has

been filed, the board charged with the enforcement of the ordinance may order the work stayed and may call on the police power of the municipality to give effect to that order.

**d. Attorney's Fees.** Notwithstanding anything contained in this UDO to the contrary or appearing to be to contrary, and in addition and supplementary to other provisions of this UDO, if the BZA or the jurisdiction is required to utilize the services of the respective Attorney or any other attorney in investigating a possible violation of this UDO or enforcing the provisions of this UDO before any board or a court (including appeals), and such investigation results in a determination that a violation has occurred or if the BZA or jurisdiction 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 jurisdiction's reasonable attorney fees and all costs related to the investigation of the violation and/or the enforcement of this UDO, unless such attorney fees or costs are specifically waived by the Town Council.

## **G. Fee Schedule**

**1. Applicability.** Applications and petitions filed pursuant 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 Town of Pendleton.


### **2. Collection of Fees.**

**a. ILP.** Fees will be calculated during the review process and shall be collected when the ILP is issued. Fees associated with re-inspections and additional inspections shall be collected prior to a final inspection or issuance of a certificate of occupancy as applicable. ILP fees are non-refundable.

**b. PC and BZA Applications.** Fees shall be collected at the time the application is filed. PC/BZA Application fees are non-refundable.

**c. Erroneously Paid Fees.** A fee paid in error may be refunded at the discretion of the Administrator.





# CHAPTER NINE

## NON-CONFORMING LOTS, STRUCTURES & USES



## A. General Provisions

1. Within the districts established by this UDO or by amendments that may later be adopted, there exist individually or in combination: legally non-conforming lots; legally non-conforming structures; legally non-conforming site features; legally non-conforming uses of land; and legally non-conforming zoning districts, which were lawful before this UDO was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this UDO or future amendments.
2. It is the intent of this UDO to permit these legal non-conformities to continue until they are removed. It is further the intent of this UDO that non-conformities shall not be enlarged upon, expanded, extended, or intensified, nor be used as grounds for adding other structures or uses which are prohibited elsewhere in the same district.
3. Illegal uses existing at the time this UDO is enacted shall not be validated by virtue of its enactment.
4. The burden of establishing the legality of a non-conformity that is lawfully existing under the provisions of this UDO is upon the property owner of the non-conformity and not upon the jurisdiction.
5. Non-conforming uses are declared by this UDO to be incompatible with permitted uses in the districts in which such uses are located. A non-conforming use of a structure, a nonconforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged after passage of this UDO by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.
6. To avoid undue hardship, nothing in this UDO shall be deemed to require a change in the plans, construction, or designated use

of any building or development on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this UDO and upon which actual building construction has been carried on diligently.

7. Where demolition or removal of an existing building has been substantially begun prior to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried on diligently. Actual construction is hereby defined at a minimum as having a valid ILP upon the initial passage of this UDO.

## B. Non-Conforming Lots of Record

1. **General Provisions.** 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, the lot may be developed so long as it remains otherwise lawful, provided that:

- a. The lot must be in separate record and not of continuous frontage with existing lots. This provision shall apply even though such lots fail to meet the requirements for area or width, or both, that are generally applicable in the district provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.
- b. All other provisions of this UDO are met or a variance from the BZA is obtained.

## C. Non-Conforming Structures

1. **General Provisions.** Where a lawful structure exists at the effective date of adoption or amendment of this UDO that could not now be built under the terms of this UDO by reason of restrictions on area, lot, height, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the

following provisions:

- a.** A non-conforming structure may not be enlarged, altered, or added on to in a way that increases its non-conformity unless a variance is obtained from the BZA. However, any structure or portion thereof may be altered to decrease its non-conformity.
- b.** Should a non-conforming structure or non-conforming portion of structure be destroyed by any means to the extent of more than fifty percent (50%) of its area immediately prior to the damage, it shall not be reconstructed except in conformity with the provisions of this UDO.
- c.** Should such structure be moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- d.** A non-conforming use may be extended throughout any parts of a building, which manifestly arranged or designed for such use at the time of adoption or amendment of this UDO, but no such use shall be extended to occupy any land outside such building.
- e.** If any such non-conforming structure is abandoned for any reason for more than one (1) year, such structure shall be required to conform to the regulations specified by this UDO for the district in which such structure is located unless appropriate developmental standards variances are obtained from the BZA.

## **D. Non-Conforming Sites**

**1. General Provisions.** Where a lawful site feature exists at the effective date of adoption or amendment of this UDO that would not now be permitted by the regulations imposed by this UDO, such site feature may be continued so long as it remains otherwise lawful, subject to the provisions of this section.

The phrase site feature shall include landscaping, dumpster enclosures, parking space dimensions, number of parking spaces, signs, vehicle access points and other similar requirements of this Ordinance. Site features shall not include any building setback or other similar requirements that address the structure(s) on a property.

**2. Continuation of Legal Nonconforming Site Features:** The continuation and modification of legal nonconforming site features shall be consistent with the following requirements.

**a. 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.

**b. Property Redevelopment:** The removal and replacement of the primary structure on a lot to the extent that either its use must be discontinued for any period of time or a phased removal and replacement results in a completely new structure shall require all site features to be brought into compliance with all requirements of this Ordinance. For lots containing multiple primary structures this provision shall apply if a structure or structures totaling more than 75% of the pre-demolition building area (cumulative from the effective date of this Ordinance) is removed and replaced with new development.

**c. Use and/or Structure Expansion:** If the use of, or structure present on a property is expanded the corresponding site features shall be required to be modified to an extent which is proportional to the expansion. In addition, the screening of all refuse areas (consistent with Section 6.1(C)(2)) shall be required. Site features that are proportional to use and structures on a property include, but are not limited to, the number of parking spaces, lot interior landscaping, etc.



Parking spaces shall also be brought into compliance with Americans with Disabilities Act standards, as required by the applicable local building code. All modifications to site features shall comply with the applicable requirements of this Ordinance.

**d. Change of Use:** The change of use of a property shall require that all site features that are directly related to use be brought into compliance with this Ordinance. The primary site feature related to use is the number of parking spaces required. However, if the change of use results in a decrease in the extent of the nonconformity, compliance shall not be required. For example, if a new use requires fewer parking spaces than its predecessor, but more than are available on site, that use shall be permitted without additional parking being constructed.

## E. Non-Conforming Uses of Land

**1. General Provisions.** Where, at the time of adoption of this UDO, lawful uses of land exist which would not be permitted by the regulations imposed by this UDO. These uses are considered legally non-conforming. These uses may be continued so long as they remain otherwise lawful, provided that:

- a.** A legally non-conforming use may be continued, but shall not be extended, expanded, or changed to another non-conforming use unless a use variance is obtained from the BZA.
- b.** A legally non-conforming use shall not be enlarged, increased, or intensified, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this UDO except as permitted by the BZA.
- c.** A legally non-conforming use shall not be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or

amendment of this UDO.

**d.** If any such legally non-conforming use of land is discontinued or abandoned for any reason for more than one (1) year, any subsequent use of such land shall conform to the regulations specified by this UDO for the district in which such land is located. There shall be no return to the previous non-conforming use after it is discontinued or abandoned for more than one (1) year unless a use variance is obtained from the BZA.

**e.** No additional structures not conforming to the requirements of this UDO shall be erected in connection with such non-conforming use of land.

**2. Agricultural Uses.** Consistent with IC 36-7-4-616, an agricultural use of land that constitutes an agricultural legally non-conforming use may be changed to another agricultural use of land without losing agricultural nonconforming use status. In addition, an agricultural non-conforming use shall not be restricted or required to obtain a variance or conditional use so long as an agricultural legally non-conforming use has been maintained for three (3) years in a five (5) year period.

## F. Non-Conforming Uses and Structures in Combination

**1. General Provisions.** Where a lawful use occupied by a lawful structure existed prior to the effective date of this UDO, as amended from time to time, where one or the other, or both, do not comply with the requirements imposed by this UDO, non-conforming combination of use and structure may be continued so long as they both remain otherwise lawful. Such a combination shall also be subject to the following provisions:

- a.** Where non-conforming status applies to a structure and land use in combination, neither shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered,

except to change the use from a legally non-conforming use to a conforming use, in which case, such modifications shall be subject to the provisions of this UDO.

**b.** Where non-conforming status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the use, in which case, both the structure and the use shall be brought into conformance with the provisions of this UDO.

## **G. Non-Conforming Zoning Districts**

**1. General Provisions.** At the time of adoption of this UDO, some zoning districts may no longer be listed in the text of the UDO. Unless otherwise noted, property zoned under these districts will continue to be zoned as such until such time as the property is rezoned to a conforming zoning district.





# CHAPTER TEN

# DEFINITIONS



## General Provisions

For the purpose of this UDO, certain terms or words used herein shall be interpreted or defined as follows. Words used in the present tense include the future tense. The term “shall” is always mandatory, and the word “may” is permissive. Any words not defined shall be defined using the most recent version of the Merriam-Webster Dictionary.

**ABANDONED** - Abandonment or cessation of the use of the property for a period of twelve (12) consecutive months, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

**ACCESS** - A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

**ACQUISITION** - The act of taking land from its original owner by another party, with legal rights to take the real property.

**ADDITION** - A structure added to the original structure at some time after the completion of the original, or an extension or increase in floor area or height of a building or structure

**ADMINISTRATOR** - The Planning Director or a person designated by the Planning Director to provide staff support to the Plan Commission (PC) and Board of Zoning Appeals (BZA) and to enforce the UDO under the supervision of the PC.

**ADULT BUSINESS** - See SEXUALLY ORIENTED BUSINESS.

**ADULT DAYCARE** - A non-medical day service providing a safe and accepting environment for patients and family members living with a life altering illness.

**ADULT ENTERTAINMENT** - Any form of entertainment, material, or activity as defined under IC 35-49-1 and which is provided in a place accessible to the public, whether in a play, motion picture, video tape/disk, dance, or other exhibition or presentation and whether in pictures, animated, or live. The term does not include the “legal rental or sale of videos or other media that conforms to this definition and that is to be viewed privately at a location other than the point of purchase,” and does not include a “tavern.”

**AGRICULTURE** - The production, storage, keeping, harvesting, grading, packaging, processing, boarding, or maintenance, for sale, lease, or personal use, of plants, animals useful to humans, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts, and berries;

vegetables; nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program.

**AGRITOURISM** - An accessory activity at an agricultural, horticultural, or agribusiness operation where the general public is allowed or invited to participate in, view, or enjoy the activities for recreational, entertainment, or educational purposes, including farming, ranching, dining, sale of agricultural products, historic and cultural agricultural activities, or natural resource-based activities. Note that a special event facility is not considered an agritourism activity.

**ALLEY** - A right-of-way other than a street or crosswalk designed to provide a secondary means of access to abutting property and not intended for general traffic circulation.

**ALTERATION** - Any change or rearrangement in the supporting members of an existing structure, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a structure, whether horizontally or vertically, or the moving of a structure from one location to another.

**ALTERATION, INCIDENTAL** - Modifications to an existing structure that are of a cosmetic nature, replacement of utilities, or rearrangement of non-load-bearing

or rearrangement of non-load-bearing partitions.

**ALTERATION, STRUCTURAL** - Any change in either the supporting members of a structure, such as bearing walls, columns, beams, and girders, or in the dimensions or configurations of the roof or exterior walls.

**AMBIENT** - With regard to wind energy systems, the sound pressure level exceeded ninety percent (90%) of the time or “L90.”

**ANEMOMETER TOWER** - A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system which is an accessory land use to a utility grid wind energy system.

**ANTENNA** - A device or equipment used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based structures.

**APPEAL** - In accordance with IC 36-7-4-918.1, the appeal of an order, requirement, decision, or determination made by the Administrator in the enforcement of this UDO that, upon application, the BZA may reverse or affirm, wholly or partially.

**APPLICANT** - A person submitting an application to the PC, BZA, or the

Administrator for action or permits that would affect the subject real estate.

**AUDITOR** - The Auditor for Madison County, Indiana.

**AUTOMOBILE** - A self-propelled, free-moving vehicle, with four (4) wheels, usually used to transport not more than six (6) passengers and licensed by the appropriate state agency as a passenger vehicle.

**AUTOMOTIVE REPAIR** - Business that provides service or repair to vehicles. All service must occur within an enclosed structure or not be visible from any public right-of-way.

**BAR** - See TAVERN.

**BED AND BREAKFAST** - With regard to IC 16-41-31-1, an operator occupied residence that meets the following conditions, and does not include hotels, motels, boarding houses, or food service establishments:

1. Provides sleeping accommodations to the public for a fee;
2. Has not more than fourteen (14) guest rooms;
3. Provides breakfast to the guests as part of the fee;
4. Provides sleep accommodations for not more than thirty (30) consecutive days to a particular guest.

**BEEKEEPING** - No more than 5 hives per

allowable beekeeping residences. Odor, noise and unsightly shall comply with the town's applicable ordinances.

**BERM** - A mound of earth or the act of pushing earth into a mound. See MOUND MEASUREMENT.

**BLOCK** - A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

**BREWERY/WINERY** - A licensed building or property whose primary purpose is to produce and sell alcoholic beverages for distribution and may include accessory commercial facilities such as a tasting room, restaurant, and event facilities.

**BUFFERYARD** - A unit of yard together with the planting thereon required to separate land uses from each other and mitigate the impact that a use may have on an adjacent use.

**BUILDING INSPECTOR** - The Administrator or their designee who is empowered to review, approve, and inspect ILPs and LAPs concerning the enforcement of the applicable building codes and the regulations established by this UDO.

**BUILDING LINE** - The line that establishes the minimum permitted distance on a parcel between the front line of a structure and the right-of-way line.



**BUSINESS** - The engaging in the purchase, sale, barter, or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.

**BZA** - The Board of Zoning Appeals for the jurisdiction. An officially constituted body whose principal duties are to hear appeals and, where appropriate, grant variances from the strict application of the zoning provisions of this UDO.

**CAMPGROUND** - A parcel upon which two (2) or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes, whether granted gratuitously or by a rental fee.

**CAMPSITE** - A piece of land, the location, shape and size of which have been established in an approved recreational vehicle park and campground plan, to be rented for occupancy by a tent or recreational vehicle.

**CAMPING UNIT** - Any tent, trailer, RV, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education, or vacation purposes.

**CARGO SHIPPING CONTAINER** - A container intended for multi-modal transportation via sea-going vessel, train, and truck trailer. These containers are self-contained without

axles or wheels.

**CEMETERY** - A parcel used for the burial of the dead (human or animal) and dedicated for cemetery purposes, including columbarium, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

**CHICKEN/POULTRY KEEPING** - No more than 6 total hens, poultry, fowl, turkeys, pheasants or similar type animals per allowable chicken/poultry-keeping residences. No roosters. Odor, noise and unsightly properties shall comply with the town's applicable ordinances.

**CHILD CARE CENTER** - With regard to IC 12-17.2, a non-residential structure where at least one (1) child receives child care from a provider:

1. While unattended by a parent, legal guardian, or custodian;
2. For regular compensation; and
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.

A child care center shall not be considered a home occupation.

**CHILD CARE HOME** - With regard to IC 12-17.2, a residential structure in which at least six (6) children (not including the

children for whom the provider is a parent, step-parent, guardian, custodian, or other relative) at any time receive child care from a provider:

1. While unattended by a parent, legal guardian, or custodian;
2. For regular compensation; and
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.

This definition includes Class I Child Care Homes that serve any combination of full-time and part-time children under the age of seven (7) but not to exceed twelve (12) children at any one time; and Class II Child Care Homes that serve more than twelve (12) children but not more than any combination of sixteen (16) full-time and part-time children under the age of seven (7) at any one time.

A child care home shall not be considered a home occupation.

**CHURCH** - A structure, together with its accessory structures and uses, where persons regularly assemble for religious purposes and related social events and which structures, together with accessory structures and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

**CLINIC** - A structure where patients are admitted for examination and treatment on an outpatient basis by physicians, dentists, other medical personnel, psychologists, or social workers and where such examination and treatment require a stay of less than twenty-four (24) hours.

**CLUB** - A structure or portion thereof or premises owned or operated by a person or group for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests excluding adult or sexually oriented activities. This does not include any use or activity rendering a service usually and ordinarily carried out as a business including restaurants or food service.

**COLLOCATION** - The placement or installation of wireless facilities on existing structures that include a wireless facility or wireless support structure, including water towers, and other structures. The term includes the placement, replacement, or modification of wireless facilities within an approved equipment compound.

**COMMERCIAL MESSAGE** - Any wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

**COMMITMENT** - A covenant concerning the use or development of a parcel of real property which is made in writing by the

owner of that parcel, either voluntarily or in accordance with an order or request of the PC, BZA, or the appropriate legislative body.

**COMMON AREA** - Land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents of the development and their guests and that may include such complementary structures and improvements as are necessary and appropriate.

**COMPREHENSIVE CARE FACILITY** - A licensed facility which admits patients suffering from disease, disabilities or advanced age, requiring medical service and nursing service rendered by or under the supervision of a registered nurse.

**COMPREHENSIVE PLAN** - The Comprehensive Plan for the jurisdiction as approved by the legislative body under IC 36-7-4-500 series and as amended from time to time.

**CONDITIONAL USE** - Permission granted by the BZA in accordance with IC 36-7-4-918.2 to allow a use, designated as being permitted by conditional use in the zoning district, when it is shown that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the UDO.

**CONDOMINIUM** - A structure, or group of structures, in which dwelling units, offices,

or floor area are owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis and subject to IC 32-25.

**COUNTY** - Madison County, Indiana.

**COVENANT** - A restriction on the use of a parcel, usually set forth in the deed. Covenants are binding on subsequent owners and may run for specific periods of time.

**DAY, BUSINESS** - As defined in IC 1-1-9-1, a day other than a Saturday, Sunday, or a legal holiday.

**DAY, CALENDAR** - Any day of the week, including weekends.

**DEDICATION** - Conveyance of land to the Town by deed with map exhibit or some other instrument of conveyance including a duly filed and recorded subdivision plat.

**DEED** - A legal document conveying ownership of real property.

**DENSITY** - The number of dwelling units per unit of land.

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

**DEVELOPMENT PLAN** - Approval granted by the Administrator (or the PC) in accordance with IC 36-7-4-1400 series for a specific



plan for the development of a parcel that:

1. Includes a site plan;
2. Satisfies the development requirements specified in the UDO regulating the development; and
3. Contains the plan documentation and supporting information required by the UDO regulating development.

**DRAINAGE PLAN** - The proposed drainage system designed to manage the amount and rate of the stormwater runoff from a site as well as the quality of the runoff discharged from the site.

**DRIVEWAY** - A private access drive to a street or highway for a single residential parcel.

**DRIVEWAY, SHARED** - A private driveway serving two (2) to five (5) residential parcels and includes a written and recorded road maintenance agreement.

**DUMPSTER** - An exterior waste container designed to be mechanically lifted by and emptied into or carted away by a collection vehicle.

**DUPLEX** - See DWELLING, TWO-FAMILY.

**DWELLING** - A structure, or part of a structure, that is used exclusively for human habitation, but not including a hotel, motel, lodging house, boarding house, or bed and breakfast as defined in this UDO.

**DWELLING UNIT** - A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family and its household employees, including provisions for living, eating, sleeping and cooking. The term shall include manufactured homes but shall not include RVs.

**DWELLING, ACCESSORY** - An attached or detached dwelling unit that is smaller than the existing single-family structure and provides complete independent living facilities for one (1) or more persons. An accessory dwelling unit provides permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the primary single-family dwelling unit.

**DWELLING, MULTI-FAMILY** - A dwelling designed for three (3) or more dwelling units, with the number of families in residence not exceeding the number of dwelling units provided. (Also see TOWNHOUSE).

**DWELLING, SINGLE-FAMILY DETACHED-** A dwelling containing one (1) dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space or yards.

**DWELLING, SINGLE-FAMILY ATTACHED-** A housing unit connected side by side to another housing unit, generally with a shared wall, that provides living space for one household/family and is separately owned. Attached houses are considered single-family houses as long as they are not divided into more than one housing unit and

they have an independent outside entrance. (Also see TOWNHOUSE).

**DWELLING, TWO-FAMILY** - A dwelling on a single parcel containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extended from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

**EASEMENT** - A grant of one (1) or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

**EASEMENT, UTILITY** - The right-of-way acquired by a utility or governmental agency to locate utilities, including all types of pipelines, telephone and electric cables, and towers.

**EIFS** - A general class of non-load bearing building cladding systems that provides exterior walls with an insulated, water-resistant, finished surface in an integrated composite material system.

**ESTABLISHMENT OF A BUSINESS** - Any of the following:

1. The opening or commencement of any use as a new business;
2. The conversion of an existing business to any other business;
3. The addition of any business other

than the existing business; or

**4.** The relocation of any business.

**EXOTIC ANIMAL** - A rare or unusual animal or game, of a non-domesticated species, and not commonly thought of as a pet. Examples of exotic animals include, but are not limited to, large cats, coyotes, wolves, bears, primates, elephants, and poisonous reptiles.

**FALL ZONE** - The minimum distance from the base of any tower to any property line, road, dwelling, business, institution, or public recreational area.

**FARM** - A parcel used for agricultural activities.

**FARM, HOBBY** - A small-scale farm, including crops and/or the keeping of farm animals or livestock that is primarily for pleasure and is not a business venture or a primary source of income for the owner.

**FARMERS MARKET** - The seasonal selling or offering for sale at retail of vegetables or produce, animal products (not including live animals), flowers, orchard products, and similar non-animal agricultural products, occurring in a predesignated area, where the vendors are individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.

**FENCE** - An artificially constructed barrier of any material or combination of materials erected to enclose an area, mark a boundary,

control access, or prevent escape.

**FENCE, SOLID** - A fence constructed of a substantial material, such as wood or vinyl, that prevents viewing from one side to the other. For purposes of this UDO, a chain link fence with slat inserts or a shadowbox fence is not considered a solid fence.

**FLOOR AREA, GROSS (GFA)** - The sum of the gross horizontal areas of all enclosed floors of a structure, including cellars, Basements, mezzanines, penthouses, corridors, and lobbies from the exterior walls, or from the centerline of a common wall separating two (2) buildings, but excluding any space with a floor-to-ceiling height of less than six and a half (6.5) feet.

**FLOOR AREA, USABLE (UFA)** - Where usable floor area is specified, the area included in the calculations shall apply to all areas within the structure, excluding any floor area used for incidental service, storage, mechanical equipment rooms, restrooms and other similar areas. Where these areas are not yet defined, usable floor area shall be considered to be 85% of the gross floor area. Types of buildings where usable floor space may be undefined include: Flexible rental space; “spec” buildings; and similar buildings where the interior layout requirements of the tenants are unknown prior to construction and/or leasing.

**FOUNDATION** - The supporting member of a wall or structure below or at ground level

and includes footings.

**FRONTAGE** - That side of a parcel that abuts and has direct access to a dedicated street.

**FRONTAGE, DOUBLE** - Non-corner lots that have two frontage streets, and therefore two front yards, also known as through lots.

**FRONTAGE STREET** - A street that is parallel to and adjacent to a thoroughfare and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the thoroughfare so that it is not impeded by direct driveway access from a large number of abutting properties.

**FUNERAL HOME** - A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

**GARAGE SALE** - The sale or offering for sale to the general public of items of personal property by the owner or tenant of an improved residential lot or in a residential district, whether within or outside any building, occurring for no more than three (3) consecutive days and a maximum of four (4) times in a calendar year. Anything more is considered a commercial use.

**GARAGE, PARKING** - Any garage, other than private garage, for the parking of vehicles.

**GARAGE, PRIVATE** - An accessory structure that is incidental to a primary structure and

that is used for the parking and storage of vehicles owned and operated by the residents or occupants thereof and that is not a separate commercial enterprise available to the general public.

**GRADE** - The average elevation of the land around a building or the percent of rise or descent of a sloping surface.

**GRADE, FINISHED** - The final elevation of the average ground level adjoining a building at all exterior walls after development.

**GROUND FLOOR AREA** - The sum in square feet, at grade, computed from the outside dimensions of the ground floor of the structure. It does not include garage area, crawl space, attic area, porches, patios, elevator shafts, display windows, etc.

**GROUP HOME** - A non-profit or for-profit group home regulated under IC 31-27 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.

**HARDSHIP** - A perceived difficulty with regard to one's ability to improve land stemming from the application of the development

standards of this UDO, which may or may not be subject to relief by means of variance. In and of themselves, self-imposed situations and claims based on a perceived reduction of or restriction on economic gain shall not be considered hardships. Self-imposed situations include: the purchase of land with actual or constructive knowledge that, for reasons other than physical characteristics of the property, the development standards herein will inhibit the desired improvement; any improvement initiated in violation of the standards of this UDO; any result of land division requiring variance from the development standards of this UDO in order to render that site buildable.

**HAZARDOUS WASTE** - A waste or combination of wastes that, because of its quantity, concentration, or physical, chemical, and/or infectious characteristics, may:

1. Cause or significantly contribute to an increase in mortality or increase in serious irreversible, or incapacitating reversible illness; or
2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**HISTORIC STRUCTURE** - Any structure that is:

1. Listed individually on the National

Register of Historic Places (a listing maintained by the Department of the Interior) or determined by the United States Secretary of the Interior as eligible for individual listing on the National Register; or

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district; or

3. Listed on or determined eligible for the National Register of Historic Places as contributing to the significance of a historic district; or

4. Individually listed on the Indiana Register of Historic Sites and Structures; or

5. Located in an area designated as a local historic district.

**HOBBY FARM** - See FARM, HOBBY.

**HOME OCCUPATION** - Any activity carried out for gain by a resident and conducted in the resident's dwelling unit.

**HOMEOWNERS ASSOCIATION** - A community association, other than a condominium association, that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common area or facilities.

**HOSPITAL** - An institution providing primary

health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal 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.

**HOTEL** - A facility offering transient lodging accommodations to the general public and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities.

**HOUSEHOLD PET** - An animal residing within a dwelling unit, not raised for the production of products or for sale, and limited to dogs, cats, rabbits, hamsters, gerbils, and guinea pigs.

**HYBRID HOME** - Also known as an “on-frame modular home,” a hybrid home has a permanent steel frame underneath. Unlike a manufactured home, a hybrid home is similar to a modular home and is built to state and local building codes instead of the Federal HUD Code.

**ILP** - An improvement location permit which is written permission issued by the Administrator for the construction, repair, alteration, or addition to a structure that complies with the applicable building codes and the regulations established by this UDO.

**IMPERVIOUS SURFACE** - A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

**INDUSTRIAL, HEAVY** - Industrial uses that meet the performance standards, bulk controls, and other requirements of this UDO and where said uses are performed either within enclosed structures or outside of enclosed structures.

**INDUSTRIAL, LIGHT** - Industrial uses that meet the performance standards, bulk controls, and other requirements of this UDO and where said uses are performed entirely within enclosed structures and for which all loading and unloading facilities are enclosed.

**INFRASTRUCTURE** - Facilities and services needed to sustain all land use activities.

**INOPERATIVE VEHICLE** - Any vehicle at present inoperable, but capable of being repaired to place it in operating condition without exceeding its present estimated value and repair cost.

**INSTITUTIONAL USE** - A nonprofit, religious, or public use, such as a religious structure, library, public or private school, hospital, or government-owned or government-operated structure, or parcel used for public purpose.

**IRREVOCABLE** - Not able to be changed, reversed, or recovered.

**JUNK** - Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed of, or for other use or disposition. Examples of junk include unregistered and inoperative vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, machinery, brush, wood, and lumber.

**JUNKYARD** - Any lot, land, parcel, structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk.

**JURISDICTION** - The Town of Pendleton, Indiana, and the area of extended jurisdiction.

**KENNEL, PRIVATE** - The keeping, breeding, raising, showing, or training of four (4) or more dogs over six (6) months of age for personal enjoyment of the owner or occupant of the property.

**KENNEL, PUBLIC** - An establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, and/or sold for a fee or compensation.

**LAND ALTERATION PERMIT (LAP)** - Written permission issued by the Administrator to begin site work in preparation for an approved development plan or an approved subdivision, prior to the issuance of a building permit.



**LANDFILL** - A disposal site in which refuse and earth, or other suitable cover material, are deposited and compacted in alternating layers of specified depth in accordance with an approved plan and regulated by the applicable sections of 40 CFR.

**LANDFILL, SANITARY** - A solid waste land disposal facility designed to accommodate general types of solid waste as elsewhere defined in this ordinance, excluding waste regulated by 329 IAC 3, and operated by spreading the waste in thin layers, compacting it to the smallest practical volume, and covering it with cover material at the end of each working day. This definition does not include a clean fill site, or a construction/demolition site, which are defined elsewhere in the ordinance.

**LEASE UNIT BOUNDARY** - With regard to wind energy system standards, the boundary around property leased for purposes of a wind energy system, including adjacent parcels to the parcel on which the wind energy system tower or equipment is located. For purposes of setback, the lease unit boundary shall not cross road rights-of-way.

**LEGISLATIVE BODY** - The Town Council for Pendleton, Indiana.

**LIGHTING PLAN** - A plan showing the location, height above grade, type of illumination, type of fixture, the source lumens, and the luminous area for each

source of light proposed.

**LOADING AREA** - An off-street space or berth used for the loading or unloading of cargo, products, or materials from vehicles.

**LOT AREA** - The total area within the lot lines of a parcel, excluding any rights-of-way.

**LOT COVERAGE** - That part of the parcel that is covered by impervious surfaces.

**LOT DEPTH** - The average horizontal distance between the front lot line and rear lot line.

**LOT LINE** - A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

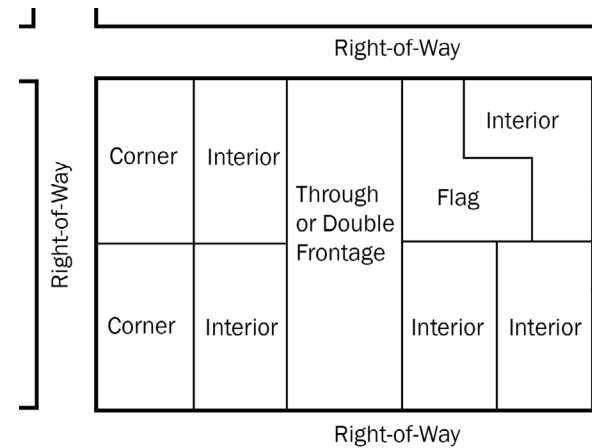
**LOT LINE, FRONT** - Any property line separating the lot from a street, or on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

**LOT LINE, REAR** - The lot line opposite and most distant from the front lot line. A lot bounded by only three (3) lot lines will not have a rear lot line.

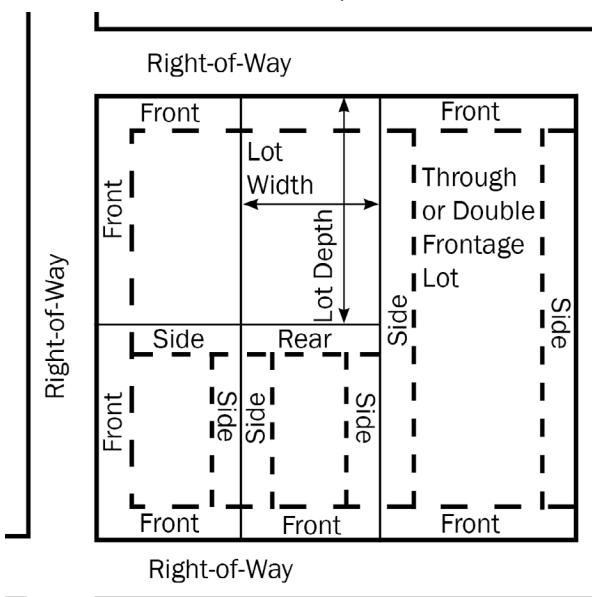
**LOT LINE, SIDE** - Any lot boundary-line other than a front lot line or rear lot line.

**LOT OF RECORD** - A lot that exists as shown or described on a plat or deed in the records of the County Recorder.

**FIGURE 10.1- Lot Types**



**FIGURE 10.2- Lot Width, Depth, Front, Side, Rear**





**LOT WIDTH** - The horizontal distance between side lot lines of a lot, measured at the required front setback line.

**LOT, CORNER** - A lot or parcel of land at the junction of or abutting two (2) or more intersecting streets. Corner lots have two (2) front yard setbacks and two (2) side yard setbacks.

**LOT, THROUGH** - A parcel that fronts on two (2) parallel streets or that fronts on two (2) streets that do not intersect at the boundaries of the parcel.

**MANUFACTURED HOME** - Formerly known as a mobile home, a manufactured home is built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable section. A manufactured home was constructed after June 15, 1976, and is defined in IC 16-41-27-3.5, as a structure, transportable in one (1) or more sections, which, in traveling mode, is eight (8) 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 a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except

the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and compiles with the standards established under the cited Federal chapter; and except that such term shall not include any self-propelled RV.

**MANUFACTURED HOME PARK** - As defined in IC 16-41-27-5, a manufactured home community on one (1) or more parcels of land that:

1. Contain individual lots that are leased or otherwise contracted;
2. Are owned, operated, or under the control of one (1) or more persons; and
3. On which a total of at least five (5) manufactured homes are located for the purposed of being occupied as principle residences.

The term includes the following:

1. All real and personal property used in the operation of the manufactured home community;
2. A single parcel of land;
3. Contiguous but separately owned parcels of land that are jointly operated;
4. Parcels of land jointly operated and connected by a private street;
5. One (1) or more parcels of land, if at

least two (2) of the manufactured homes or manufactured homes located on the land are accessible from a private street or interconnected private streets, served by a common water distribution system, or served by a common sewer system or SEPTIC system.

## **MANUFACTURED - HOUSING , CONSTRUCTION AND SAFETY STANDARDS**

**CODES** - Title VI of the 1974 Housing and Community Development Act (42 USC 5401 et sequential), as amended (previously known as the Federal manufactured home Construction and Safety act), rules and regulations adopted there under (including information supplied by the home manufacturer, which has been stamped and approved by a Design Approval Primary Inspection Agency, an agent of the U.S. Department of Housing and Urban Development pursuant to HUD rules), and regulations and interpretations of said code by the Indiana Department of Fire and Safety, all of which became effective for manufactured home construction on June 15, 1976.

**MANUFACTURING, HEAVY** - An establishment engaged in basic processing and manufacturing of materials or products predominately from extracted or raw materials into new products, including assembling, converting, altering, finishing of component parts, or the manufacture of such products, and the storage and/or blending of large volumes of materials of a

heavy nature, including but not limited to metal, concrete, plastic, petrochemicals, and heavy machinery. These uses can include highly flammable, toxic, or explosive materials needed in the process. Heavy manufacturing uses processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare or health and safety. Uses can include animal by-products processing; ammunition storage; asphalt production; automobile, truck, or tire assembly; ammonia or chlorine manufacturing; metal casting or foundries; concrete batch plants; fabricating facility; feed and fertilizer production; foundry, grain milling or processing; machine shop; meat processing; metal or metal ore production; milling, refining, smelting, or alloying; boat, pool, and spa manufacturing; glass manufacturing; paper manufacturing; wood or lumber processing.

**MANUFACTURING, LIGHT** - An establishment engaged in the transformation of finished products or parts into new products, including assembling, converting, altering, and finishing of component parts; or the manufacturer of products and the blending of materials of a light nature, including paper, wood, or food products and light machinery. Light manufacturing is limited to manufacturing items from predominantly previously prepared or finished products or

parts, including, electronic goods, food and bakery products; non-alcoholic beverages; paper imprinting and publishing; household appliances assembly; and clothing apparel. All activities must take place within an enclosed building and does not include any use that produces noise, fumes, smoke, odors, glare, or health and safety concerns outside of the building or lot where such processes occur. Light manufacturing does not include industrial processing.

**MARKER or MONUMENT** - A pipe, rod, nail, or any other object which is intended to be a permanent survey point for record purposes.

**METES AND BOUNDS** - A method of describing the boundaries of land by distances (metes) and directions (bounds) from a known point of reference.

**MICROBREWERY** - A small brewery concentrating on limited quantity, high quality beer, that generally produces fewer than 15,000 barrels of product annually. Most product is sold for consumption on the premises, and may also include an on site tasting room(s), bar, and/or restaurant.

**MINERAL EXTRACTION** - Any and all quarrying or mining of any and all natural resources, including, but not limited to, coal, rock, stone, limestone, oil, clay and any other mineral where extraction requires the removal or movement of earth.

**MOBILE HOME** - Now known as a

manufactured home, a mobile home is a structure constructed prior to June 15, 1976, and even with modifications, does not meet the HUD standards and cannot be accepted as compliant with the HUD Code. A mobile home is defined in IC 16-41-27-4 as a dwelling, including the equipment sold, that is a dwelling, that is:

1. Factory assembled;
2. Transportable;
3. Intended for year-round occupancy;
4. Designed for transportation on its own chassis; and
5. Was manufactured before the effective date of the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.).

**MODULAR HOME** - A unit which is fabricated in one or more modules at a location other than the home site, by assembly-line type production techniques or by other construction methods unique to an off-site manufacturing process, designed for occupancy by one family unit. Every module shall bear the Indiana Modular seal certifying that it was built in compliance with the Rules of the Indiana Fire Prevention and Building Safety Commission. A modular home is placed on a permanent foundation and is built to the Indiana One- and Two-Family Dwelling Code.

**MOUND MEASUREMENT** - Minimum mound height requirements established herein are measured at the lowest elevation of the "valley" of an undulating (see **UNDULATING**) mound. The maximum mound height requirements are measured at the "peak" of the mound All mound heights are measured from the highest of: 1) adjacent road centerline grad; 2) natural adjacent grade; or 3) neareast lot pad grade

**MURAL** - A picture, scene, diagram, or graphic applied on the exterior of a building, wall, or structure generally for the purposes of decoration or artistic expression, including but not limited to painting, fresco, or mosaic which may display as artwork or depicts a scene or event of natural, social, cultural, or historic significance. Murals printed on a textile or vinyl and installed on a frame or wrapping the exterior of a building are also considered murals. Any murals on structures within the HPC's designated jurisdiction must use a removable vinyl, canvas or similar material and cannot be painted onto structure (COA required). A mural that does not function as a sign is not regulated by this Ordinance.

**NONCONFORMING LOT** - A parcel, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the UDO, but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

**NONCONFORMING STRUCTURE** - A structure, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the UDO but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the UDO.

**NONCONFORMING USE** - A use or activity that was lawful prior to the adoption, revision, or amendment of the UDO but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the district.

**NUISANCE** - A condition or situation that results in an interference with the enjoyment and use of property.

**OPEN SPACE** - Common area that provides light and air and is designed for environmental, scenic, or recreational purposes. Cropland, forested areas, or pastureland qualifies as open space. Open space may include turf areas, decorative plantings, walkways, active and passive recreation areas, playgrounds, and wooded areas. Open space shall comprise Primary Conservation Areas and Secondary Conservation Areas. Open space shall not include areas devoted to public or private streets or rights-of-way.

**OUTDOOR STORAGE** - The keeping, in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24)

hours.

**OVERLAY DISTRICT** - A zoning district that encompasses one (1) or more underlying zones and that imposes additional requirements above that required by the underlying zone.

**PARCEL** - See LOT.

**PARCEL, PARENT** - The parcel of land for which approval is sought to subdivide it into at least two (2) parcels, or other divisions of land for sale, development or lease.

**PARKING AREA** - Any public or private area, under or outside of a structure, designed and used for parking and maneuvering motor vehicles including garages, private driveways, and legally designated areas of public streets.

**PARKING LOT** - An off-street, ground-level open area that provides temporary storage for motor vehicles.

**PARKING SPACE** - A space other than on a street or alley designed for use or used for the temporary parking of a motor vehicle.

**PC** - The Advisory Plan Commission for the jurisdiction.

**PERMANENT** - For purposes of sign standards and regulation, a building, foundation, or support that is designed, planned, and constructed for long-term use and intended to remain at one location.

**PLACE OF WORSHIP** - Defined as:

1. A church, synagogue, temple, mosque, or other facility that is used for prayer by persons of similar beliefs;
2. A special-purpose building that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis.

**PLANT 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.

**PLAT** - A map or chart indicating the subdivision or re-plat of land intended to be filed for record.

**PLAT, PRIMARY** - A drawing indicating the subdivision or re-subdivision of land, prepared in accordance with the requirements of this UDO and submitted by the subdivider as part of the subdivision plan.

**PLAT, SECONDARY** - A map indicating the subdivision of land, intended to be recorded and prepared in accordance with the requirements of this UDO.

**POND** - A body of standing water having a depth greater than two (2) feet and an area greater than two hundred twenty-five (225) square feet. For the purposes of this UDO,

a pond and a lake are considered to be the same.

**PORTABLE STORAGE CONTAINER** - A self-storage container which is delivered to and retrieved from a home or business for off-site or on-site storage. Portable On Demand Storage (PODS) is a familiar trade name for such containers. These containers are not on a chassis and do not have axles or wheels.

**PRODUCE STAND** - A temporary activity where a single vendor/property owner sells agricultural products (not including live animals) that are produced on the same property in an area that does not exceed two hundred (200) square feet.

**PROFESSIONAL/BUSINESS OFFICES** - Uses whose primary purpose is professional and/or business offices, and limited customers are accessing the business, including accounting/tax; advertising; appraising; architectural/engineering; attorney/legal; bookkeeping; broker; communication/marketing agency; computer system repair; employment agency; insurance agency; investment firm; professional consulting; real estate agency; social service agency; trade association office; travel agency; and similar uses not defined elsewhere in this UDO. This use does not include General Retail, Healthcare/Medical Offices, Service-Oriented Retail, or Sexually-Oriented Businesses.

**PUBLIC AREA** - Parks, playgrounds, trails, paths, and other recreational areas and open spaces; scenic and historic sites; schools and other structures; and other places where the public is directly or indirectly invited to visit or permitted to congregate.

**PUBLIC HEARING** - A meeting announced and advertised in advance and open to the public, with public given an opportunity to talk or participate.

**PUBLIC IMPROVEMENT** - Any improvement, facility, or service, together with its associated site or right-of-way, necessary to provide transportation, drainage, utilities, or similar essential services and facilities and that is usually owned and operated by a governmental agency.

**PUBLIC MEETING** - A meeting announced and advertised in advance and open to the public, where the public is not necessarily required to be given an opportunity to talk or participate.

**PUBLIC SAFETY SERVICES** - Those services including, but not limited to Police, Fire, EMS, and Public Works departments.

**QUALITY OF LIFE** - The attributes or amenities that combine to make an area a desirable place to live.

**RECREATION AREA** - An area designated, designed, and equipped for the conduct of sports and leisure-time activities.



**RECREATIONAL VEHICLE (RV)** - A vehicular-type portable structure without a permanent foundation that can be towed, hauled, or driven and is designed as a temporary living accommodation for recreational and camping purposes. A recreational vehicle shall not be used as a primary residence or for permanent occupancy.

**RECYCLING** - A process by which materials that would otherwise become solid waste are collected, separated or processed, and converted into materials or products for reuse or sale.

**REDEVELOPMENT** - The removal and replacement, rehabilitation, or adaptive reuse of an existing structure or structures, or of land from which previous improvements have been removed.

**REGULARLY** - The consistent and repeated doing of the act so described.

**RE-PLAT** - Defined as:

1. The further division of lots or the relocation of lot lines of any lot or lots within a subdivision previously approved and recorded according to law;
2. The alteration of any streets or rights-of-way or the establishment of any new streets or rights-of way within any subdivision made and approved or recorded according to law, but not including conveyances made so as to combine existing lots by deed or other instrument.

**RESIDENTIAL HOME FOR THE DISABLED** - A residential facility for individuals with a developmental disability as defined in IC 12-7-2-166 or a mental illness as defined in IC 12-7-2-130

**RESTAURANT** - Establishment that provides food service with the majority of sales being food (versus alcohol) and is open to all ages, and can include drive-thru and/or dine-in services.

**RETAIL, GENERAL** - Uses whose primary purpose is the sale of goods and merchandise, including antique stores; art galleries; art supply stores (including framing services); auction houses; book/magazine/stationary/newspaper stores/stands; billiard/arcade room; bowling alley; bakery (retail); cameras and photography supply stores; car wash; candy store; clothing/apparel/shoes stores; collectible stores (cards, coins, comics, stamps, etc.); consignment/thrift store; convenience stores/gas stations; department stores; drug stores/pharmacies; electronic/appliance store; fabrics and sewing supply stores; floor covering stores; farm stand/farmers market; furniture store; florists; gift store; greenhouse/nursery; grocery/meat/fish market; hardware stores; hobby shop; jewelry stores; luggage and leather goods stores; music/musical instrument stores; self-storage (indoor); office supply store; oil change/tire change facility; optic stores (no medical exams); orthopedic supply stores; paint store; pet store; travel center; sporting

goods and recreation equipment stores; bicycle and kayak rentals/stores; religious good stores; specialty shops; storage units; toy stores; variety stores; video/game store; and similar uses not defined elsewhere in this UDO. This use does not include Automotive Repair; Automotive Sales (New & Used); boat/motorcycle/recreational vehicle sales & service; farm equipment sales & service; Healthcare/Medical Offices; Professional/Business Offices; Service-Oriented Retail; or Sexually-Oriented Businesses.

**RETAIL, SERVICE-ORIENTED** - Uses whose primary purpose is to provide a retail service rather than goods and merchandise (non-sexually oriented business), and the majority of people accessing the business are customers rather than employees, including beauty/barber shop; catering (off-site); shoe repair; tailoring/dressmaking; dry cleaning/laundry receiving station (storefront only); employment services; print shop/copy shop; bank/credit union/ATM; dance/gymnastics/martial arts studio; fitness center/gym; art studio; laundromat; nail/tanning salon; photography studio; educational support services; restaurant; drive-thru establishment; and similar uses not defined elsewhere in this UDO. This use does not include Adult Day Care facility; Bed and Breakfasts; Child Care Center/day care center/facility; Child Care Home (in-home child care); Children's Home; crematorium; cemetery/columbaria/mausoleum; funeral homes; General Retail; Healthcare/Medical Offices; Home Occupations; Hotels/



Motels; mortuary; preschool/kindergarten; Professional/Business Offices; Sexually-Oriented Businesses; or Short-term Rentals.

**REZONE** - See ZONE MAP CHANGE.

**RIGHT-OF-WAY** - Defined as:

1. The area of land acquired for public use by reservation, dedication, prescription, or condemnation and intended for use such as a sidewalk, multi-use path, trail, driveway, alley, street, or highway or for any drainage or public utility purpose or other similar public uses or purposes.

2. Generally, the right of one to pass over the property of another.

**RIGHT-TO-FARM** - As established in IC 32-30-6, public policy designed to protect farmers against private nuisance suits and unnecessary constraints on essential agricultural management practices, if these practices are consistent with federal and state law and are not a threat to the public health and safety.

**ROAD, PUBLIC** - Any vehicular way that is:

1. An existing state, county, or municipal roadway;
2. Shown upon a plat approved pursuant to law;
3. Approved by other official action;
4. Shown on a plat duly filed and recorded in the Records Office;

5. Shown on the official map or adopted master plan.

This includes the land between the street lines, whether improved or unimproved.

**ROAD, PRIVATE** - A private roadway that serves more than six (6) parcels pursuant to access easements and written and recorded maintenance agreements.

**ROADSIDE PRODUCE STAND** - A temporary structure designed or used for the seasonal display or sale of agriculture-related products.

**ROTOR** - An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

**RULES AND PROCEDURES** - The principles and regulations governing the conduct, action, procedures, arrangements, etc. of the PC and BZA.

**RUNWAY** - A defined area on an airport prepared for landing and takeoff of aircraft along its length.

**RV PARK** - See CAMPGROUND.

**SCHOOL** - Any building or part thereof that is designed, constructed, or used for education or instruction in any branch of knowledge.

**SEPTIC SYSTEM** - An underground system with a septic tank used for the decomposition of domestic wastes.

**SETBACK** - The distance between the foundation of the structure and any lot line.

**SETBACK LINE** - The line that is the required minimum distance from any lot line and that establishes the area within which a primary structure or accessory structure may be erected or placed.

**SEWAGE TREATMENT PLANT, CENTRALIZED** - Any sewage treatment facility that requires an NPDES permit from the Indiana Department of Environmental Management (IDEM) to discharge treated effluent.

**SEWER** - Any pipe or conduit used to collect and carry away sewage or stormwater runoff from the generating source to treatment plants or receiving water bodies.

**SEWER AND WATER SYSTEM, PUBLIC** - Any system other than an individual septic tank, tile field, or individual well, that is operated by a municipality, governmental agency, or a public utility for the collection, treatment, and disposal of wastes and the furnishing of potable water.

**SEWER, SANITARY** - A system of pipes that carry domestic or commercial sanitary sewage and into which storm, surface, and ground waters are not intentionally admitted.

**SEXUALLY ORIENTED BUSINESS** - An adult entertainment or service business that is part of the sex industry and is a site of erotic performance, erotic paraphernalia sales,

and/or other sexually oriented places. Sexually oriented businesses may include an adult bookstore, adult cabaret, adult mini motion picture theater, adult motion picture theater, adult service establishment, semi-nude model studio, sexual device shop, or a sexual encounter center as defined in this ordinance. The term “sexually oriented business” shall also include adult drive-in theater, adult live entertainment arcade, and adult motion picture arcade.

**SHADOW FLICKER** - Alternating changes in light intensity caused by the moving blades of a wind energy system casting shadows on the ground and stationary objects, such as but not limited to a window at a dwelling.

**SHORT-TERM RENTAL** - In accordance with IC 36-1-24-6, the rental of a single-family home, an accessory dwelling, a duplex, a multi-family dwelling, or a condominium for terms of less than thirty (30) days at a time through a short-term rental platform.

**SHORT-TERM RENTAL PLATFORM** - In accordance with IC 36-1-24-7, an entity that provides an online platform through which unaffiliated parties offer to rent a short-term rental to an occupant and collects fees for the rental from the occupant.

**SIDEWALK** - A paved, surfaced, or leveled area, paralleling and usually separated from the traveled way, used as a pedestrian walkway.

**SIGHT TRIANGLE** - A triangular-shaped

portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

**SIGN** - Any name, number, symbol, identification, description, display, graphic, or illustration which is affixed to, painted on, or is represented directly or indirectly upon a structure or parcel, visible from any public right-of-way which directs attention to an object, product, place, activity, person, institution, organization, or business. Religious symbols on places of worship or structures owned and operated by religious organizations shall not be considered a sign unless accompanied with text.

For purposes of this ordinance, signs are further categorized into two (2) types: Permanent Signs and Temporary Signs.

**1. Permanent Sign.** A sign permanently attached to a permanent foundation or a permanent support. For purposes of this UDO, types of permanent signs include:

*a. Awning Sign: A sign that is attached to an awning or other fabric that serves as a structural protective cover over a window, door, or outdoor service area.*

*b. Billboard Sign: A type of large pole sign, typically greater than four hundred (400) square feet.*

*c. Directional Sign: A sign denoting locations for/prohibiting ingress or egress that do not contain advertising.*

*d. Ground Sign: A sign anchored directly to the ground or supported by posts, columns, or other vertical structures or supports, and not attached to, or dependent for support, from any building.*

*e. Monument Sign: A sign in which the bottom edge of the sign is permanently affixed to the ground by masonry, stone, block, brick, EIFS, concrete, or other similar hard, aggregate materials.*

*f. Mural Sign: A mural painted on the side of a building, wall, or structure that has a commercial message, including the display of a brand logo, graphic, or type with the intent to sell a product, good or service. Murals that contain a commercial message and function as a sign are regulated in this Ordinance as a Mural Sign. Artistic murals without a commercial message are not regulated as signs.*

*g. Pole Sign: A type of freestanding sign on a staged pole sometimes referred to as a pylon sign.*

*h. Post Sign: A sign that has two or more posts, columns or other vertical structures that supports a sign face that is typically double sided.*

i. *Projecting Sign:* A sign attached to, extending outward from, a building face, typically on a support arm or anchor system.

j. *Roof Sign:* A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top edge or roof line of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

k. *Suspended Sign:* A sign that is suspended from the underside of a horizontal plane/structure surface and is supported by such plane/surface.

l. *Swing Sign:* A sign supported by the extended arm of a single post.

m. *Wall Sign:* Any sign attached to or erected against the wall façade, or exterior of a structure with the exposed display surface of the sign in a plane parallel (or relatively parallel) to the plane of the structure.

n. *Window Sign:* Any sign directly attached to the window of a structure or erected on the inside or outside of the window, which at the determination of the Administrator, is legible from any part of a public right-of-way or adjacent property. For purposes of this window sign definition, a “window” is defined

as an opening in the wall or roof of a structure that is fitted with glass or other transparent material in a frame to admit light or air and to allow people inside to see out.

**See permanent sign examples on the following pages.**



**Awning**



**Monument**





Post



Projecting





**Suspended**



**Swing**





Wall



Window



**2. Temporary Sign.** A sign not fixed to a permanent foundation or support. For purposes of this UDO, types of temporary signs include:

a. *Attention-seeking Sign:* Any flag, streamer, spinner, pennant, costumed character, inflatable static balloon, continuous string of pennants, flags, or fringe, or similar devices or signs for ornamentation used primarily for the purpose of attracting attention for promotion or advertising a business or commercial activity which is visible by the general public from any public right-of-way or public area. All Attention-seeking Signs are considered Temporary Signs.

b. *Balloon Sign:* Hot-air or gas-filled balloons which are not designed or approved for navigable flight.

c. *Banner Sign:* A sign made of flexible materials and supported by any combination of staples, tape, wires, ropes, strings, poles, posts or rods or other materials that are not built as a permanent foundation for the sign.

d. *Bench Sign:* A type of portable sign painted on, located on, or attached to any part of the surface of a bench, seat, or chair.

e. *Flag Sign:* Any fabric or other flexible material attached to or designed to be flown from a pole or similar device

designed and fashioned in such a manner as to move when subjected to wind pressure.

f. *Inflatable Sign:* Any display capable of being expanded by air or other gas, with or without movement.

g. *Portable EVMS:* An EVMS that is mounted upon a trailer, bench, wheeled carrier, or other non-motorized mobile structure with or without wheels.

h. *Portable Sign:* Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T-frames; menu board signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in normal day-to-day operations of the business.

i. *Sandwich Board Sign:* A type of Portable Sign constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top.

j. *Site Sign:* A sign whose principal supporting structure is intended, by design and construction, to be used by resting upon the ground for support and may be easily moved or relocated for reuse.

k. *Streamer Sign:* Any display of thin strips of cloth, fabric, or other lightweight material designed and fashioned in such a manner as to move when subjected to wind pressure.

l. *Swing Sign:* A sign supported by the extended arm of a single post.

m. *Yard or Lawn Sign:* Small signs, typically under waist height that are usually supported by metal wire or small stakes driven directly into the ground.

n. *Wave Banner Sign:* Any fabric or other flexible material attached to or designed to be flown from a pole or similar device designed and fashioned in such a manner as to move when subjected to wind pressure.

**SIGN, OTHER** - Other signs that require definitions:

**1. Animated.** Any sign that uses movement or change of artificial and natural lighting or noise to depict action or create a special effect or scene. This includes any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever. Different from an "electronic sign," an animated sign produces the illusion of movement by means of electronic, electrical, or electro-mechanical input and/or illumination capable of simulating movement through using the characteristics of one (1) or



both of the following classifications:

a. *Flashing, animated, or animated portions of a sign where the cyclical period between on-off phases of illumination is less than four (4) seconds;*

b. *Patterned illusionary movement in which animated signs or portions of signs whose illumination is characterized by simulated movement.*

c. *Wayfinding Sign. A permanent or temporary sign erected or promoted by a political jurisdiction or approved by the Town for a multi-tenant development or institutional use that displays necessary identification information for the convenience, direction, and safety of residents and visitors and contains no advertising. These signs provide identification, functional, and/or directional information.*

d. *Electronic Variable Message Sign (EVMS). A sign, or component of a sign, such as an electrically or electronically controlled message center, where the characters, letters, or illustrations can be changed or rearranged either in the field, or from a remote location, without physically altering the face or the surface of the sign.*

e. *Vehicle Sign. A sign that is permanently affixed to the body of, an*

*integral part of, or a fixture of a motor vehicle that is parked or left standing so that it is visible from a public right-of-way for a period of more than seventy-two (72) continuous hours and for the intent of being used as advertisement. For the purpose of this definition, “permanently affixed” shall mean any of the following:*

i. *Painted directly on the body of a vehicle;*

ii. *Applied as a decal on the body of a vehicle; and/or*

iii. *Placed in a location on the body of the vehicle that was specifically designed by a vehicle manufacturer.*

**SIGN AREA** - The entire face of a sign, including the advertising surface and any framing, trim, or molding, but not including the supporting structure.

**SIGN FACE** - The surface intended for the display of information on the sign.

**SIGN HEIGHT ABOVE GROUND** - The vertical measurement from the ground to the top of the sign. The height of all signs shall be measured from the established grade line at the pole or base of the sign structure to the highest point of the sign or its frame/support.

**SIGN STRUCTURE** - The supporting unit of a sign face, including but not limited to frames, braces cabinets, and poles.

**SIGN, ABANDONED** - A sign that is:

1. Associated with an abandoned use;
2. Remains after the termination of the business; and/or
3. On its immediate premises but not adequately maintained or repaired.

**SIGN, ILLUMINATED** - Any sign lighted by or exposed to artificial lighting either by light on or in the sign or directed toward the sign. See also Electronic Variable Message Sign.

**SIGN, LEGAL NON-CONFORMING** - A pre-existing, legally permitted sign, or portion thereof, which was designed, erected, or structurally altered such that it does not conform to the regulations of the zoning district in which it is located.

**SITE PLAN** - A plan for one (1) or more parceled on which is shown 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 in order for an informed decision to be made by the approving authority.

**SOLAR ENERGY SYSTEM** - Any device or combination of devices or elements which rely upon sunlight as an energy source and is for the purpose of the collection, storage, and distribution of solar energy.

**SOLAR ENERGY SYSTEM, ACCESSORY** - A solar energy system whose primary purpose is to offset part or all of the beneficiary's utility needs, and is an accessory use to the principle structure or use.

**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.

**SOUND PRESSURE** - With regard to a wind energy system, the average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

**SPECIAL EVENT FACILITY** - A facility where special events are permitted to occur generally with a use agreement between a private group or individual and the facility owner. For purposes of this definition, a special event may include a celebration, ceremony, wedding, reception, corporate function, or similar activity for the benefit of someone other than the property owner that takes place on a periodic basis, involving the gathering of individuals assembled for the common purpose of attending a special event.

**STATE** - The State of Indiana.

**STORY** - The portion of a structure between the surface of a floor and the ceiling immediately above; or if there is a floor above, the portion of a structure between the surface of any floor and the surface of the next floor above. A basement shall not be counted as a story.

**STREET** - See ROAD.

**STREET CLASSIFICATIONS** - Street classifications are determined by the Thoroughfare Plan.

**STRUCTURE** - A combination of materials that form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water. Furthermore, any enclosed structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind.

**STRUCTURE HEIGHT** - The vertical distance measured from lowest ground level adjacent to the building to the highest point of the roof or peak. Structure height does not include antennas, chimneys, or steeples.

**STRUCTURE, ACCESSORY** - A structure detached from a primary structure (not attached to the foundation of the primary structure) located on the same parcel and customarily incidental and subordinate to the primary structure or use.

**STRUCTURE, AGRICULTURAL** - A structure

on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products grown or raised on the premises, but not including dwellings used for human occupancy.

**STRUCTURE, ATTACHED** - A structure which has any part of its exterior or bearing wall in common with another building or which is connected to another building by a roof.

**STRUCTURE, DETACHED** - A structure having no structural connection with another structure.

**STRUCTURE, PORTABLE** - Any structure not permanently attached to the ground or other permanent structure that is designed to be moved or transported by means of wheels or other mechanisms that are attached to the structure or the structure is mounted/placed upon.

**STRUCTURE, PRIMARY** - A structure in which the primary use of the lot or premises on which it is located is conducted, including a structure that is attached to such a structure in a substantial way, such as by a roof. With respect to residential uses, the primary structure shall be the main dwelling.

**STRUCTURE, TEMPORARY** - A structure that is erected without any foundation or footings and is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased. A temporary use usually does



not involve the construction or alteration of any permanent structure, although the authorization of the temporary use does not necessarily preclude such construction.

**SUBDIVIDER** - Any person having an interest in land that is the subject of an application for subdivision. Also, a person submitting an application for subdivision.

**SUBDIVISION** - The division of a lot or parcel of land into two (2) or more lots, parcels, or other divisions of land for sale, development, or lease. Subdivisions are further classified as commercial or industrial subdivision, major residential subdivision, traditional residential subdivision, minor residential subdivision, and exempt subdivision.

**SUBDIVISION, COMMERCIAL or INDUSTRIAL** - Approval granted by the PC in accordance with IC 36-7-4-700 series for the subdivision of a parcel of land into two (2) or more lots for commercial or industrial development as described in Chapter 5: Subdivision Types.

**SUBDIVISION, MINOR RESIDENTIAL** - Approval granted by the PC in accordance with IC 36-7-4-700 series for the division of a parcel of land into three (3) or less lots exclusively for single-family residential uses as described in Chapter 5: Subdivision Types.

**SUBDIVISION, MAJOR RESIDENTIAL** - Approval granted by the PC in accordance with IC 36-7-4-700 series for the subdivision

of a parcel of land into four (4) or more lots for single-family, two-family, and multi-family residential uses as described in Chapter 5: Subdivision Types.

**SUBDIVISION, TRADITIONAL RESIDENTIAL** - Approval granted by the PC in accordance with IC 36-7-4-700 series for the subdivision of a parcel of land zoned SF-4 or RC into four (4) or more lots for single-family, two-family, and multi-family residential uses as described in Chapter 5: Subdivision Types.

**SUBDIVISION, EXEMPT** - Divisions of existing parcels of land that are exempt from this UDO as determined by the Administrator.

**SWIMMING POOL** - A self-contained body of water at twenty-four (24) inches in depth used for recreational purposes. Such body of water may exist in a metal tank, plastic lined, or masonry structure located either above-ground or below-ground level. Swimming pools may be either public or private in use. A private pool is considered an accessory structure.

**TAVERN** - An establishment in which alcoholic beverages are served, primarily by the drink and where food or packaged liquors may also be served or sold.

**TECHNICAL REVIEW COMMITTEE (TRC)** - A committee that, because of their specialized knowledge and experience in their field of expertise, may review the technical aspects of a project and assist the Administrator, PC,

and BZA by providing technical and expert advice with regard to proposed development within the jurisdiction. Checkpoint agencies may include the Administrator, Town Engineer, County Health Department, Fire Department, Water Utility, Sewer Utility, public school district(s), and others when applicable.

**TEMPORARY STORAGE STRUCTURE** - A portable storage unit which does not have permanent foundation or footing and which includes cargo containers, portable storage containers, truck trailers, and bulk solid waste containers. Such structures shall not be considered a building.

**THOROUGHFARE PLAN** - The transportation plan or study included as part of the most recently adopted Comprehensive Plan under IC 36-7-4-506.

**TOWNHOUSE** - See DWELLING, SINGLE-FAMILY ATTACHED if single unit in single structure. See DWELLING, MULTI-FAMILY if multiple units within one structure.

**TRACT** - See LOT.

**TRANSPORTATION FACILITY** - Includes sidewalks, multi-use paths, trails, driveways, alleys, streets, highways, or another type of facility that moves people and/or goods from one place to another.

**TRUCK STOP** - A gas station, usually at the side of a major highway, where truck drivers stop for fuel, and may include a restaurant,

sleeping and showering rooms, a store selling basic items, mechanical services, overnight truck parking etc.

**TRUCK TERMINAL** - Similar to distribution center and warehouses, truck terminals usually serve many manufacturing firms and are owned and operated by trucking companies. They usually include the area and building where trucks load and unload cargo and freight and transferred to other vehicles or modes of transportation. Freight may be stored on the site for longer periods of time, and truck terminals typically generate more truck traffic than warehouses or distribution centers.

**UNIFIED DEVELOPMENT ORDINANCE (UDO)** - A unified development ordinance combines the jurisdiction's zoning and subdivision control ordinances into a single, legal document that is enabled by IC 36-7-4-610 and adopted by the legislative body and which may be amended from time to time.

**UNDULATING** - Having a smoothly rising and falling form or outline.

**USE** - The specific purpose or activity for which land and/or a structure is designated, arranged, intended, or for which it is or may be occupied or maintained.

**USE, ACCESSORY** - A use that:

1. Is clearly incidental and customarily found in connection with a primary

structure or use;

2. Is subordinate to and serves the primary use;

3. Is subordinate in area, extent, or purpose to the primary use served;

4. Contributes to the comfort, convenience, or necessity of occupants, business, or industry of the primary use served; and

5. Is located on the same parcel as the primary use served.

**USE, PRIMARY** - The predominant use of any lot or parcel or as determined by the primary structure.

**USE, TEMPORARY** - A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

**UTILITY** - Defined as:

1. Any agency that, under public franchise or ownership, or under certificate of convenience and necessity, or by grant of authority by a governmental agency, provides the public with electricity, gas, heat, steam, communication, transportation, water, sewage collection, or other similar service;

2. A closely regulated enterprise with a franchise for providing a needed service.

**UTILITY, PUBLIC** - As regulated by IC 8-1-2,

every corporation, company, partnership, limited liability company, individual, association of individuals, their lessees, trustees, or receivers appointed by a court, that may own, operate, manage, or control any plant or equipment within the state for the:

1. The conveyance of telegraph and telephone messages;

2. The production, transmission, delivery, or furnishing of heat, light, water, or power; or

3. Collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste. The term does not include a municipality that may acquire, own, or operate any of the foregoing facilities.

**VARIANCE** - Permission granted by the BZA in accordance with IC 36-7-4-918.5 to depart from specific development standards for a zoning district within this UDO.

**VARIANCE OF USE** - Permission granted by the BZA in accordance with IC 36-7-4-918.4 to allow a specific use that is not otherwise permitted in a zoning district.

**VEHICLE SALES/SERVICE** - Uses associated with new and pre-owned passenger and commercial vehicles, trucks, trailers, motorcycles, boats, and recreational vehicles. This includes sale and leasing,

incidental displays and/or storage, and service departments where service work is carried on entirely within the building.

**VEHICLE, INOPERABLE** - As defined by IC 9-13-2-1, or any vehicle that is partially disassembled, inoperable, or unlicensed, on any property in location visible from public property or adjoining private property for more than twenty (20) calendar days or on public property without being moved for three (3) calendar days. This shall not include tractors, combines, pickers, disks, plows, or other similar farm machinery that is owned by a farm operator, that is parked in areas zoned AG, and is used for parts replacement for machinery currently being used in the farming operation.

**WAIVER** - Permission to depart from specific development standards of the subdivision regulations and as specifically identified in the UDO.

**WAREHOUSING / DISTRIBUTION** - An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials, including transshipment by boat, rail, air, or motor vehicle. Uses typically breakdown large orders from a single source into smaller orders and consolidation of several orders into a single large order for distribution to several recipients. Retail sales (on-site), assembly, or product processing are not considered distribution or warehousing. This does not include truck terminal.

**WIND ENERGY SYSTEM** - A 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. This does not include wiring to connect the wind energy system to the electric utility grid. See also onsite wind energy system and utility grid wind energy system.

**WIND ENERGY SYSTEM, ON SITE** - 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, UTILITY GRID** - A land use for generating electric power by use of wind at one or multiple tower locations in a community, including accessory uses such as but not limited to a SCADA tower and an electric substation. A utility grid wind energy system is designed and built to provide electric power to the electric utility grid rather than the electric power consumer on site.

**WIRELESS COMMUNICATION FACILITY** - Any towers, poles, antennas or other structures intended for use in connection with transmission or receipt of radio or television signals, or any other spectrum-based transmissions/receptions.

**YARD** - A space on the same parcel as the primary structure that is open, unoccupied, and unobstructed by structures, except as otherwise provided in this ordinance.

**YARD, FRONT** - A space extending across the full width of the parcel between any structure and the front lot line measured perpendicular to the structure at the closest point to the front lot line.

**YARD, REAR** - A space extending across the full width of the parcel between the primary structure and the rear lot line and measured perpendicular to the structure to the closest point of the rear lot line.

**YARD, SIDE** - A space extending from the front yard to the rear yard between the primary structure and the side lot line and measured perpendicular from the side lot line to the closest point of the primary structure.

**ZONE MAP CHANGE** - Approval granted through the PC and the legislative body in accordance with IC 36-7-4-608 to change the zoning classification of a particular parcel.

**ZONING DISTRICT** - A specified zoning district within the jurisdictional area or extended jurisdiction for which uniform regulations governing the use, height, size, and intensity of use of structures and land, and open spaces around structures, are herein established.

**ZONING MAP** - The map or maps that are a part of the UDO and delineate the boundaries of zoning districts and any amendments thereto of the jurisdictional area of the PC.





# APPENDIX A LAND USE MATRIX

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<b>ACCESSORY USES</b>	R/OS	A-1	A-2	RR	SF-1	SF-2	SF-3	SF-4	RC	MF-1	MF-2	I	DB	NB	GB	HB	LI	HI	FWO
*AGRITOURISM	C	P	C																
ATM MACHINE													P	C	P	P	P	P	
BEEKEEPING & CHICKEN/POULTRY KEEPING	P	P	P	P	P	P	C	C	C										
*DWELLING, ACCESSORY		P	P	P	P	P	P	P	P										
FARM EQUIPMENT REPAIR		P														P	P	P	
FARMERS MARKET	P	P	P	C								P							
FOOD TRUCK													P	P	P	P			
*HOBBY FARM	P	P	P	P	P							C							
*HOME OCCUPATION		P	P	P	P	P	P	P	P	P									
ROADSIDE PRODUCE STAND	P	P	P	P															
*SHORT TERM RENTAL (NOT OWNER OCCUPIED)		C	C	C	C	C	C	C	C				C						
*SHORT TERM RENTAL (OWNER OCCUPIED)		P	P	P	P	P	P	P	P				C						
*SOLAR ENERGY SYSTEM, ACCESSORY	P	P	P	P	P	P	P	P	P	P	P	P	P**	P	P	P	P	P	
*WIND ENERGY SYSTEM, ACCESSORY		C	C	C															

  (P) Permitted    
   (C) Conditional Use    
   Not Permitted

\* Indicates use has specific development standards that apply. See Chapter 4: Use Development Standards.

\*\* Accessory Solar systems in the Local Historic District are subject to approval from the Historic Preservation Commission.



<b>AGRICULTURAL USES</b>	R/OS	A-1	A-2	RR	SF-1	SF-2	SF-3	SF-4	RC	MF-1	MF-2	I	DB	NB	GB	HB	LI	HI	FWO
AGRICULTURAL PRODUCT SALES		P	P																
GRAIN STORAGE	P	P	P																
GREENHOUSE	C	P	C	C										P					
LIVESTOCK PRODUCTION (NOT REQUIRING IDEM PERMIT)		P	P																
LIVESTOCK RAISING	C	P	P	C															
ORCHARD	P	P	P																
PLANT NURSERY	C	P	C	C	C									C			P		
ROW CROP PRODUCTION	P	P	P	P															
*SOLAR ENERGY SYSTEM, COMMERCIAL	C	C	C									C							
VINEYARD	P	P	P																
WILDLIFE/NATURE PRESERVE	P	P	P	P								C							

COMMERCIAL USES	R/OS	A-1	A-2	RR	SF-1	SF-2	SF-3	SF-4	RC	MF-1	MF-2	I	DB	NB	GB	HB	LI	HI	FWO
AUTOMOBILE AND VEHICLE STORAGE (NO JUNK OR SALVAGE)																C	C	C	
AUTOMOBILE SALES															P	P			
AUTOMOTIVE PARTS AND SUPPLY (NEW)															P				
GARDEN AND LAWN EQUIPMENT STORE															P	P			
GUN SALES															P	P			
KENNEL, PUBLIC	C	P	P	C										C	C				
LIQUOR STORE													P	P	P	P			
MICROBREWERY													P	P					
MONUMENT STORE														C		P			
NIGHTCLUB/TAVERN														C					
PARKING STRUCTURE													C	C			P		
PET SALES														P		P			
PLUMBING, HEATING AND AC SERVICE/EQUIPMENT																	P	P	
RESTAURANT, DRIVE-THRU														C	P	P			
RESTAURANT, SIT-DOWN WITH ALCOHOLIC BEVERAGES													P	P	P	P			
RESTAURANT, SIT-DOWN WITHOUT ALCOHOLIC BEVERAGES													P	P	P	P			

<b>COMMERCIAL USES (CONT.)</b>	R/OS	A-1	A-2	RR	SF-1	SF-2	SF-3	SF-4	RC	MF-1	MF-2	I	DB	NB	GB	HB	LI	HI	FWO
RETAIL, GENERAL - LARGE/ INTENSE (>=40,000 SQFT FLOOR AREA)															C	P			
RETAIL, GENERAL - MEDIUM (6,001-39,000 SQFT FLOOR AREA)														P	P				
RETAIL, GENERAL - SMALL (<=6,000 SQFT FLOOR AREA)													P	P	P				
SEXUALLY ORIENTED BUSINESS																C	P		
*SPECIAL EVENT FACILITY (WEDDINGS, BANQUETS)	C	C	C	C															
TOBACCO/VAPE PRODUCT SALES														C	P	P			
WINERY/BREWERY	C	C	C										C	C					
<b>BUSINESS USES</b>	R/OS	A-1	A-2	RR	SF-1	SF-2	SF-3	SF-4	RC	MF-1	MF-2	I	DB	NB	GB	HB	LI	HI	FWO
LOCAL, REGIONAL, STATE AND FEDERAL AGENCY												P	P	P	P	P			
PROFESSIONAL/ BUSINESS OFFICE													P	P	P	P			

<b>INDUSTRIAL USES</b>	R/OS	A-1	A-2	RR	SF-1	SF-2	SF-3	SF-4	RC	MF-1	MF-2	I	DB	NB	GB	HB	LI	HI	FWO
AUTOMOBILE STORAGE (JUNK AND DAMAGED)																		C	
DISTRIBUTION FACILITY, WHOLESALE																	P	P	
JUNK AND SALVAGE YARD/FACILITY																		C	
LANDFILL, REFUSE DISPOSAL, DUMP																		C	
MANUFACTURING, HEAVY																		P	
MANUFACTURING, LIGHT														C			P	P	
TRUCKING AND FREIGHT YARD																		P	

<b>RESIDENTIAL USES</b>	R/OS	A-1	A-2	RR	SF-1	SF-2	SF-3	SF-4	RC	MF-1	MF-2	I	DB	NB	GB	HB	LI	HI	FWO
DWELLING, DOWNTOWN (UPPER FLOORS ONLY)													P	C					
DWELLING, MULTI-FAMILY								P	P	P	P								
DWELLING, SINGLE-FAMILY		C	C	P	P	P	P	P	P	C	C								
DWELLING, TWO-FAMILY						C	P	P	P	P	P		C						
*MANUFACTURED HOME PARK										C	C								
RESIDENTIAL HOME FOR THE DISABLED		C	C	P	P	P	P	P	P	P	P								

INSTITUTIONAL USES	R/OS	A-1	A-2	RR	SF-1	SF-2	SF-3	SF-4	RC	MF-1	MF-2	I	DB	NB	GB	HB	LI	HI	FWO
AIRPORT																		C	
CEMETERY	C	C	C	C	C					C	C	P							
CHURCH OR PLACE OF WORSHIP		C		C	C			P	P			P	P	P	P				
COMMUNITY CENTER	P			C	C	C	C	C	C	C	C	P	C	P					
COMPREHENSIVE CARE FACILITY								C	C	C	C	P	C	C					
CONVENT/PARISH HOUSE				C	C			C	C	C		P							
FIRE STATION												P							
HOSPITAL												P							
LABORATORY												P	C				P	P	C
LIBRARY/MUSEUM/ART GALLERY	C			C	C	C	C	C	C	C	C	P	P	C	P	P			
MENTAL HEALTH CENTER												P							
PARK, DOG	P	P	P	P	P	P	P	P		P	P	P	P	P					
PARK, PUBLIC	P	P	P	P	P	P	P	P	P	P	P	P	P	P					
POST OFFICE												P	P						
REHABILITATION CENTER/ PENITENTIARY												C							
SCHOOL, COLLEGE AND UNIVERSITY												P							
SCHOOL, PRIMARY AND SECONDARY												P							
UTILITY FACILITY, PUBLIC AND PRIVATE		C	C										C	C	P	P			
*WIRELESS COMMUNICATION FACILITY	C	C	C	C												C	C	C	



ENTERTAINMENT USES	R/OS	A-1	A-2	RR	SF-1	SF-2	SF-3	SF-4	RC	MF-1	MF-2	I	DB	NB	GB	HB	LI	HI	FWO
ATHLETIC FACILITY	P												C	C	P	P	P		
BATTING AND DRIVING RANGE	P														P	P			
BILLIARD HALL													C	C	P	P			
BOWLING ALLEY													C	C		P			
*CAMPGROUND, PUBLIC OR PRIVATE	P	P	P																
CLUB/LODGE													P	P					
GAME ARCADE													C	C	P				
GOLF COURSE, DRIVING RANGE	P	C	C	C	C					C									
MINIATURE GOLF	P														P	P			
RECREATION CENTER	P												C	C	P				
SHOOTING RANGE, INDOOR PRIVATE	C																		
SHOOTING RANGE, INDOOR PUBLIC	C																		
SHOOTING RANGE, OUTDOOR PRIVATE	C																		
SHOOTING RANGE, OUTDOOR PUBLIC	C																		
SKATING RINK	P													C		P			
STUDIO-ART, MUSIC, DANCE													P	P	P	P			
THEATER, LIVE													C	C	P	P			
THEATER, MOVIE													P	P	P	P			

SERVICE USES	R/OS	A-1	A-2	RR	SF-1	SF-2	SF-3	SF-4	RC	MF-1	MF-2	I	DB	NB	GB	HB	LI	HI	FWO
*ADULT DAY CARE FACILITY				C	C	C						P	C	C					
AUCTION HOUSE																P	P	P	
AUTOMOBILE SERVICE AND GAS STATION													C	C	P	P	P	P	C
AUTOMOTIVE REPAIR													C	C	P	P	P	P	C
BED AND BREAKFAST, TOURIST HOME		C		C	C			C	C				C						
CAR WASH														C	P	P	P	P	
CARPET CLEANER															P				
CHILD CARE CENTER				C	C	C	C	C	C	C	C	P	C	P	P				
CHILD CARE HOME				C	C	C	C	C	C	C	C	P		P					
CLINIC												P	C	C	P	P			
CONTRACTOR FACILITY															P		P	P	
CREMATORY															P		P		
EQUIPMENT RENTAL														C	P	P	P	P	C
FROZEN FOOD LOCKERS																	P	P	
FUNERAL HOME													C	C	P	P			
HOTEL/MOTEL	C												C	P	P	P			
JANITORIAL SERVICE															P		P		
LAWN MAINTENANCE SERVICE (NO BULK CHEMICAL STORAGE)		C														P	P	P	
MINI-WAREHOUSING/ STORAGE FACILITY																C	P		

SERVICE USES	R/OS	A-1	A-2	RR	SF-1	SF-2	SF-3	SF-4	RC	MF-1	MF-2	I	DB	NB	GB	HB	LI	HI	FWO
MOVING AND SHIPPING BUSINESS																	P	P	
PAWNBROKER														C					
PEST CONTROL (NO BULK CHEMICAL STORAGE)		C														P	P		
RECYCLING CENTER																		P	
RESORT		C												C	P				
RETAIL, SERVICE-ORIENTED-LARGE/ INTENSE (>=40,000 SQFT FLOOR AREA)															C	P			
RETAIL, SERVICE-ORIENTED-MEDIUM (6,001-39,000 SQFT FLOOR AREA)														P	P				
RETAIL, SERVICE-ORIENTED-SMALL(<=6,000 SQFT FLOOR AREA)													P	P	P				
TAXICAB FACILITY													C	C			P		
TELEPHONE AND EXPRESS OFFICE														C			P		
TOWING BUSINESS															P	P	P	P	
TRUCK STOP																C	C	C	
VETERINARIAN		C	C											C	P				
WELL-DRILLING BUSINESS		C																P	



# APPENDIX B

## PLAT LANGUAGES





## Languages for Plats

All language used on primary and secondary plats must meet or exceed this document.

### **(A) Professional Surveyor's certificate. (primary and secondary)**

#### **Primary**

I, **(name)** , hereby certify that I am a registered land surveyor, licensed in compliance with the laws of the State of Indiana. That this plat correctly represents a survey completed by me on **(date)** ; that all the monuments shown thereon actually exist; and that all other requirements specified herein, done by me, have been met.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law. **(surveyors name)**

Prepared by:

*(Signature)*                      *(Date)*

*(SEAL)*

#### **Secondary**

Cross reference is made to am ALTA/NSPS Land Title Survey recorded as instrument number **(#####)** in the Office of the Recorder of Madison County, Indiana.

I, **(name)** , hereby certify that I am a registered land surveyor, licensed in compliance with the laws of the State of Indiana. That this plat correctly represents a survey completed by me on **(date)** ; that all the monuments shown thereon actually exist; and that all other requirements specified herein, done by me, have been met.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law. **(surveyors name)**

This subdivision consists of **(#)** lots, numbered **(#)-(##)** and **(#)** common areas, designated on the plat as **(name or initials of common space names designation)** together with Streets, Easements and Public Ways as shown on the within Plat.

The size of the Lots and Widths of Streets and Easements is/ are show in figures denoting feet and decimal parts thereof;

Total acreage of Lots and Common Areas is **(00.000 \*use to 3 decimal places)** acres.

Total acreage of Streets is **(0.000\*use to 3 decimal places)** acres.

Prepared by:

*(Signature)*                      *(Date)*

*(SEAL)*

### **(B) Plan Commission certificate for primary plat approval. (secondary)**

Under authority provided by the Indiana Advisory Planning Law, I.C. 36-7-4, enacted by the General Assembly of the state, and all acts amendatory thereto, and an ordinance adopted by the Pendleton Town Council, this plat was given primary approval by the Pendleton Planning Commission as follows: Approved by the Pendleton Planning Commission at a meeting held **(date)**.

PENDLETON PLANNING COMMISSION

*(PC President Signature)*                      *(Date)*

*(Name of current PC President)*



### **(C) Certificate for secondary approval. (secondary)**

Under authority provided by the Indiana Advisory Planning Law, I.C. 36-7-4, enacted by the General Assembly of the state, and all acts amendatory thereto, and an ordinance adopted by the Pendleton Town Council, this plat was given secondary approval by the Pendleton Planning Department per the Town's Unified Development Ordinance.

*(Planning Director Signature)*      *(Date)*

*(Name of current Planning Director)*

### **(D) Deed of Dedication Language (primary and secondary)**

Each record plat submitted to the Pendleton Planning Commission for approval shall carry a deed of dedication in substantially the following form:

"We the undersigned **(Names)**, owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and hereby lay off, plat and subdivide, said real estate in accordance with the within plat. We do further certify that this plat is made and submitted with our free consent and desires.

This subdivision shall be known and designated as **(Name)**, an addition to **(Name)**. All streets and alleys shown and not heretofore dedicated, are hereby dedicated to the public. Front yard building setback lines are hereby established as shown on this plat, between which lines and the property lines of the street, there shall be erected or maintained no building or structure.

A perpetual easement is hereby granted to any private or public utility or municipal department, their successors and assigns, within the area shown on the plat and marked "Utility

Easement," to install, lay, construct, renew, operate, maintain and remove conduits, cables, pipes, poles and wires, overhead and underground, with all necessary braces, guys, anchors and other equipment for the purpose of serving the subdivision and other property with telephone, electric and gas, sewer and water service as a part of the respective utility systems; also is granted (subject to the prior rights of the public therein or other governing codes and ordinances) the right to use the streets and lots with aerial service wires to serve adjacent lots and street lights, the right to cut down and remove or trim and keep trimmed any trees or shrubs that interfere or threaten to interfere with any of the said private or public utility equipment, and the right is hereby granted to enter upon the lots at all times for all of the purposes aforesaid. No permanent structures, fences or trees shall be placed on said area as shown on the plat and marked "Utility Easement," but same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the aforesaid user or the rights herein granted.

"Drainage swales (ditches) along dedicated roadways 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 Drainage Board and/or the Town per jurisdiction. 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 so that said drainage swales or ditches will not be damaged by such water. Driveways may be constructed over these swales or ditches only when appropriately sized culverts are installed in accordance with this UDO."

"A property owner altering, changing, or damaging these drainage swales or ditches will be held responsible for such action and will be given ten (10) days' notice by certified mail to repair said damage, after which time, if no action is taken,

the jurisdiction will cause said repairs to be accomplished, and the costs for such repairs will be billed to the affected property owners for immediate payment.”

“No sanitary structures, drainage structures, or water line appurtenances shall be located within driveway limits or sidewalks. No sump pump drains or other drains.”

“No fence, wall, hedge, tree or shrub planting which obstructs sight lines with elevations between two and one-half feet (2.5’) and eight feet (8’) 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 feet (40’) from the intersection of said street right-of-way lines for neighborhood and local streets, and seventy-five feet (75’) 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 feet (10’) 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 seventy feet (70’) of the intersection of two (2) street right-of-way lines.”

***(Additional dedications and protective covenants, or private restrictions would be inserted here upon the petitioner’s initiative or the recommendations of the Plan Commission; important provisions are those specifying the use to be made of the property and, in the case of residential use, the minimum habitable floor area.)***

The foregoing covenants, (or restrictions), are to run with the land and shall be binding on all parties and all persons claiming under them for a period of twenty-five (25) years from the (date) day of (month), (year), at which time said covenants, (or restriction), shall be automatically extended for successive periods of ten (10) years unless changed by vote of a majority of the then owners of the lots covered by these covenants, or

restrictions, in whole or in part. Invalidation of any one of the foregoing covenants, or restrictions, by judgment or court order shall in no way affect any of the other covenants or restrictions, which shall remain in full force and effect.

The right to enforce these provisions by injunction, together with the right to cause the removal, by due process of law, of any structure or part thereof erected, or maintained in violation hereof, is hereby dedicated to the public, and reserved to the several owners of the several lots in this subdivision and to their heirs and assigns.”

Witness our Hands and Seals this \_(#)\_ day of \_(month)\_(year).

*(Signature)*

*(Signature)*

*State of Indiana )*

*County of Hancock)*

Before me the undersigned Notary Public, in and for the County and State, personally appeared **(Name-s)** , and each separately and severally acknowledge the execution of the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed. Witness my hand and notarial seal this \_(#)\_ day of \_(month)\_(year).

*(Signature of Notary)*

*(Printed name of Notary)*

*(County)*

*(My Commission Expires-date)*

**(E) Recording Data (secondary)**

Duly entered for taxation this \_(#)\_ day of \_(month)\_(year).

*(Signature of Auditor)*

*(Printed name of current auditor, Auditor of Madison County, Indiana)*

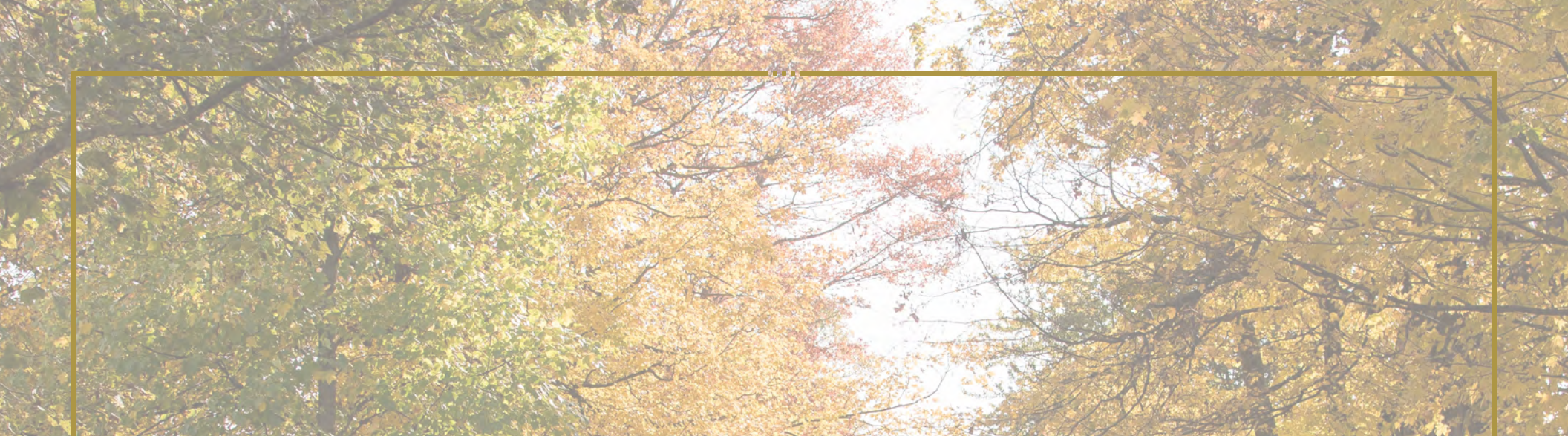
Recieved for recording this \_(#)\_ day of \_(month)\_(year).

In plat book\_\_\_\_\_ pages\_\_\_\_\_ as instrument # \_\_\_\_\_.

*(Signature of Recorder)*

*(Printed name of current recorder, Recorder of Madison County, Indiana)*





# APPENDIX C

## ADDITIONAL SOLAR PANEL STANDARDS IN HISTORIC DISTRICTS & RC ZONING



## Additional Solar Panel Standards for Historic Districts and Residential Core Conservancy (RC) Zoning

When planning the installation of solar panels the overall objective is to preserve character defining features and historic fabric while accommodating the need for solar access to the greatest extent possible. All solar panel installations must be considered on a case by case basis, recognizing that the best option will depend on the characteristics of the property under consideration. Some guidelines apply to virtually all installation options and are repeated in Chapter 4, Use Development Standards. All solar panel installations should conform to the Secretary of the Interior's Standards for Rehabilitation in Historic Districts and Residential Core Conservancy zoning.

### Applicable Standards are:

*Standard Two:* The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

*Standard Nine:* New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

**1. Primary Elevations.** For most properties, locating solar panels on the primary facade is the least desirable option because it will have the greatest adverse effect on the property's character defining features. All other options shall be thoroughly explored.

- a.** Utilization of low-profile solar panels is required. Solar shingles laminates, glazing, or similar materials shall not replace original or historic materials. Use of solar systems in

windows or on walls, siding, and shutters shall be avoided.

- b.** Panels shall be installed flat and not alter the slope of the roof. Installation of panels must be reversible and not damage to the historic integrity of the resource and district.

- c.** Solar panels shall be positioned behind existing architectural features such as parapets, dormers, and chimneys to limit their visibility.

- d.** Use solar panels and mounting systems that are compatible in color to established roof materials. Mechanical equipment associated with the photovoltaic system shall be treated to be as unobtrusive as possible.

## 2. Secondary Elevations.

- a.** Solar panels shall be installed on rear slopes or other locations not easily visible from the public right-of-way. Panels shall be installed flat and not alter the slope of the roof. Installation of panels must be reversible and not damage the historic integrity of the resource and district.

- b.** Flat roof structures shall have solar panels set back from the roof edge to minimize visibility. Pitch and elevation shall be adjusted to reduce visibility from public right-of-way.

- c.** Solar panels shall be positioned behind existing architectural features such as parapets, dormers, and chimneys to limit their visibility.

- d.** Use solar panels and mounting systems that are compatible in color to established roof materials. Mechanical equipment associated with the solar panel system shall be painted or treated to be as unobtrusive as possible.

- e.** Use of solar systems in non-historic windows or on walls, siding, or shutters shall be installed as to limit visibility from the public right of way.



### 3. Historic Accessory Structures

- a.** Utilization of low-profile solar panels is required. Solar shingles laminates, glazing, or similar materials shall not replace original or historic materials. Use of solar systems in windows or on walls, siding, and shutters shall be avoided.
- b.** Flat roof structures shall have solar panel installations set back from the roof edge to minimize visibility. Pitch and elevation shall be adjusted to reduce visibility from public right-of-way.
- c.** Solar panel installations shall be positioned behind existing architectural features such as parapets, dormers, and chimneys to limit their visibility.
- d.** Use solar panels and mounting systems that are compatible in color to the property's roof materials. Mechanical equipment associated with the photovoltaic system shall be as unobtrusive as possible.
- e.** Use of solar systems in non-historic windows or on walls, siding and shutters shall be installed as to limit visibility from the public right of way.

### 4. Freestanding or Detached

- a.** Freestanding or detached on-site solar panels shall be installed in locations that minimize visibility from the public right of way. These systems should be screened from the public right of way with materials elsewhere in the district such as fencing or vegetation of suitable scale for the district and setting.
- b.** Placement and design shall not detract from the historic character of the site or destroy historic landscape materials. Freestanding solar panels shall be installed in locations that minimize visibility from the public right of way. Consideration to the visibility of solar panels from neighboring properties

shall be taken, without infringing upon the required solar access.