



TOWN OF PLAINFIELD, INDIANA ZONING ORDINANCE

Updated 02-2024



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ARTICLE 1 - BASIC PROVISIONS

1.1 TITLE. This ordinance shall hereinafter be known and cited as “Town of Plainfield Zoning Ordinance”.

1.2 AUTHORITY.

- A. This ordinance is adopted pursuant to the authority contained in I.C. 36-7-4 et seq.
- B. Whenever any provision of this ordinance refers to or cites a section of the Indiana Code and that section is later amended or superseded, this ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

1.3 PURPOSE. In adopting this ordinance, the Town Council is acting for the purpose of:

- A. Promoting the public health, safety, comfort, morals, convenience and general welfare;
- B. Guiding the future development of the town;
- C. Securing adequate light, air, convenience of access, and safety from fire, flood and other danger;
- D. Lessening or avoiding congestion in public ways;
- E. Ensuring that the needs of agriculture, industry and business be recognized in future growth;
- F. Ensuring that residential areas provide healthful surroundings for family life;
- G. Ensuring that growth be commensurate with and promotive of the efficient and economical use of public funds; and
- H. Otherwise accomplishing the purposes of I.C. 36-7-4 et seq.

1.4 EFFECTIVE DATE. This ordinance shall be effective at 12:01 a.m., on February 1, 1998.

1.5 REPEALER. The Plainfield Zoning Ordinance for the Town of Plainfield, Hendricks County, Indiana, as adopted by the Town Council on April 10, 1989, as Ord. 8-89, and all amendments thereto, are repealed as of the effective date of this ordinance.

1.6 SEVERABILITY. It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any such section, paragraph, sentence, clause or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any remaining sections, paragraphs, sentences, clauses or phrases of this ordinance because the same would have been enacted without the incorporation into this ordinance of such unconstitutional or invalid section, paragraph, sentence, clause or phrase.

1.7 EXCLUSION. Nothing in this ordinance or in any rules, regulations or orders issued pursuant to this ordinance shall be deemed to restrict or regulate or to authorize any unit of government, legislative body, Plan Commission or Board of Zoning Appeals now or hereafter established, to restrict or regulate the exercise of the power of eminent domain by the state or by any agency of the state, or the use of property owned or occupied by the state or any agency of the state.

1.8 INTERPRETATION. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the health, safety, comfort, morals, convenience and the general welfare of the public. In the case of any conflict or inconsistency between

two or more provisions of this ordinance (e.g., the restrictions set forth in an overlay district versus the restrictions set forth in a primary zoning district) or any other ordinance of the town, the provision which imposes the greater or higher or more restrictive standard of performance shall control.

1.9 JURISDICTION. The Town Plan Commission shall be the duly authorized Plan Commission for the incorporated areas of the town pursuant to the Advisory Planning Law of the Indiana Code, and the ordinance shall apply to all real property located within the corporate boundaries of the town upon:

- A. Adoption of this ordinance by the Town Council; and
- B. The effective date of this ordinance.

1.10 SUBDIVISION OF LAND. The subdivision of land may occur in any and all zoning districts established by this ordinance. Whenever a subdivision occurs, the rules, regulations and procedures of the Town Subdivision Control Ordinance shall apply.

1.11 SCOPE AND APPLICATION. Except as expressly provided otherwise in this ordinance:

- A. No person may use or occupy any land, building, structure or improvement or authorize or permit the use or occupancy of any land, building, structure or improvement under his or her control except in accordance with the applicable provisions of this ordinance; and
- B. No land, building, structure or improvement shall be used and no building shall be erected, reconstructed or structurally altered, which is arranged, intended or designed to be used for any purpose other than a use which is permitted in the zoning district in which such land, building, structure or improvement is located.

1.12 FINDINGS. In adopting this ordinance, the Town Council have paid reasonable regard to:

- A. The general policies and patterns of development set out in the Comprehensive Plan for the town;
- B. Current conditions and the character of current structures and uses in each zoning district;
- C. The most desirable use for which the land in each zoning district is adapted;
- D. The conservation of property values throughout the town; and
- E. The responsible development and growth of the town.

1.13 PRIVATE PROVISIONS. The provisions of this ordinance are not intended to abrogate any easement, covenant or other private agreement or restriction.

1.14 DETERMINATION OF LAND USES NOT LISTED IN THIS ZONING ORDINANCE.

- A. It is recognized that this ordinance may require interpretation to assign all possible land uses to individual zoning districts. Therefore, any land use which is not specifically set forth in this ordinance shall be reviewed by the Director for consistency with the intent set forth in each zoning district and for compatibility with land use characteristics typical of land uses permitted within those districts and the Director shall determine the appropriate zoning district for any use which is not specifically set forth herein. In case of disagreement with the determination of the Director in assigning a land use to an appropriate zoning district, any aggrieved party may file an appeal with the Board of Zoning Appeals pursuant to the provisions of Article X of this ordinance.
- B. If it is:
 1. Determined by the Director and no appeal of the Director's decision is filed with the Board

of Zoning Appeals pursuant to the provisions of Article X of this ordinance; or

2. Determined by the Board of Zoning Appeals that a particular use is not permitted in any agricultural, residential, commercial, industrial or other zoning district provided for in this ordinance, then such use shall be deemed to require the PUD Zoning District and shall be considered to be a permitted use only in a PUD Zoning District in which such use is specifically included and described in a petition for zone map change to the PUD Zoning District.

1.15 SAVING PROVISION. Except as shall be expressly provided for in this ordinance, the adoption of this ordinance shall not:

- A. Abate any action pending under, or by virtue of, any prior zoning ordinance;
- B. Discontinue, abate, modify or alter any penalty accruing or about to accrue under, or by virtue of, any prior zoning ordinance;
- C. Affect the liability of any person, firm or corporation under, or by virtue of, any prior zoning ordinance;
- D. Waive any right of the town under any section or provision of any prior zoning ordinance; or
- E. Vacate or annul any rights obtained by any person, firm or corporation by lawful action of

1.16 TRANSITION RULES.

- A. *Site plan review/improvement location permits.*
 1. Any application for site plan review by the Plan Commission or application for an improvement location permit which has been filed with the Department of Planning and Zoning of the town and which application is full and complete under the provisions of the Plainfield Zoning Ordinance (Ord. 8-89, as amended) prior to the effective date of this ordinance shall continue to be processed to completion pursuant to the terms and conditions of the Plainfield Zoning Ordinance (Ord. 8-89, as amended).
 2. In the case of a site plan review, an application for an improvement location permit shall be filed with the Department of Planning and Zoning of the town within 90 days after final site plan approval by the Plan Commission or such site plan approval shall be deemed null and void. Such application for an improvement location permit shall be full and complete under the provisions of the Plainfield Zoning Ordinance (Ord. 8-89, as amended).
- B. *Zone map amendments.* Any application for zone map amendment which has been filed with the Department of Planning and Zoning of the town and which application is full and complete under the provisions of the Plainfield Zoning Ordinance (Ord. 8-89, as amended) prior to the effective date of this ordinance shall be allowed to continue to be processed to completion pursuant to the terms and conditions of the Plainfield Zoning Ordinance (Ord. 8-89, as amended), provided, however, if the proposed use would no longer be permitted in the proposed zoning classification as a result of changes to that zoning classification resulting from the adoption of this ordinance, such application shall be deemed amended to request the zoning classification of this ordinance in which the proposed use is first permitted.
- C. *Special exception use, variance of use, variance of development standards.* Any application before the Board of Zoning Appeals (i.e., special exception use, variance of use or variance of development standards) which has been filed with Department of Planning and Zoning of the town and which application is full and complete under the provisions of the Plainfield Zoning Ordinance (Ord. 8-89, as amended) prior to the effective date of this ordinance shall be allowed to continue to be processed to completion pursuant to the terms and conditions of the Plainfield Zoning Ordinance (Ord. 8-89, as amended), provided, however:

1. If such application is no longer required by the terms of this ordinance, such application shall be considered dismissed for lack of jurisdiction; or
2. If the proposed use or development requires additional approvals from the Board of Zoning Appeals pursuant to the terms and conditions of this ordinance (and which additional approvals from the Board of Zoning Appeals were not required by the terms and conditions of the Plainfield Zoning Ordinance, Ord. 8-89, as amended), such application shall be deemed amended to include only those additional approvals which are minimally required and within the jurisdiction of the Board of Zoning Appeals to grant for the proposed use or site plan for the development.

1.17 AMENDMENTS. In its continuing administration of the purposes set forth in Article 1.3 above, the Town Council may find it reasonable and necessary to propose and adopt amendments to the text of this ordinance or determine changes to the zone maps incorporated into this ordinance. All such amendments shall be considered and adopted in compliance with I.C. 36-7-4-600 et seq., the provisions of this ordinance and any applicable rules of procedure subsequently adopted by the Plan Commission or the Town Council governing such procedures.

1.18 COMPLIANCE. Compliance with the terms and provision of this ordinance shall be a prerequisite for the use and development of real property within the town. Failure to comply with the terms and provisions of this ordinance shall be deemed to be a civil zoning violation enforceable by the Plan Commission or the Board of Zoning Appeals, as provided for in I.C. 36-7-4 et seq., and Article XII of this ordinance.

1.19 EXEMPTIONS FOR TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, WATER AND SANITARY SERVICES.

- A. Service easements, including, but not limited to, those providing for roadways, railroad lines, pipelines, electric power lines, telephone lines, relay stations, water lines, pumping stations, sewer lines, lift stations and the like, shall be exempt from the provisions of this ordinance.
- B. Bus stations, railway terminals, gas storage tanks, power stations, treatment plants and the like, shall be subject to all use and development standards regulations of this ordinance.

1.20 GENERAL REGULATIONS FOR RESIDENTIAL DISTRICTS.

- A. *Dismantling, repairing or restoring, or performing any work on any motor vehicle, machine, motor or similar device in RR, R-1, R-2, R-3, R-4, R-5, R-6 and R-U Districts.* Notwithstanding any provision in this ordinance to the contrary, no person shall dismantle, repair, restore or otherwise perform any work on any motor vehicle, machine, motor or similar device not owned or leased by that person or a member of that person's family, on any real estate zoned to any RR, R-1, R-2, R-3, R-4, R-5, R-6 or R-U District. In addition, any work performed shall be:
 1. Incidental to a permitted use; and
 2. Completely within an accessory building or garage; or
 3. Completely within an areas wholly enclosed from the view of surrounding lots and rights-of-way by a solid structural barrier (either a wall or fence of ornamental stone, brick, wood or a combination thereof), with a maximum height above grade of not less than six feet, nor greater than eight feet.
- B. *Storing, maintaining or keeping a motor vehicle, machine, motor or similar device in the RR, R-1, R-2, R-3, R-4, R-5, R-6 and R-U Districts.* Notwithstanding any provision in this ordinance to the contrary, no motor vehicle, machine, motor or similar device from which any part material to the operation of the vehicle has been removed, or which is inoperable for any reason, shall be stored, maintained or kept on any property in any RR, R-1, R-2, R-3, R-4, R-

- 5, R-6 or R-U District unless such device is:
1. Owned or leased by the resident of the property on which the device is stored or by a member of that person's family; and
 2. Completely within an accessory building or garage.
- C.** *Parking, storing, maintaining or keeping a commercial motor vehicle or trailer in the RR, R-1, R-2, R-3, R-4, R-5, R-6 and R-U Districts.*
1. Notwithstanding any provision in this ordinance to the contrary, no commercial motor vehicle or trailer shall be parked, stored, maintained or kept on any property in any RR, R-1, R-2, R-3, R-4, R-5, R-6 or R-U District unless the vehicle:
 - a. Has a maximum load capacity of three-quarters of a ton or less;
 - b. Serves as the sole vehicular transportation of a resident of the property upon which it is parked, stored, maintained or kept; and
 - c. Is stored within an accessory building or garage which complies with all the standards and regulations of this ordinance.
 2. Commercial motor vehicles that are in the course of making normal and reasonable service calls are exempt from this provision.
- D.** *Parking, storing, maintaining or keeping of any recreational vehicle including, but not limited to, motor homes, campers, boats, motorcycles, ATVs, jet-skis and the like in the RR, R-1, R-2, R-3, R-4, R-5, R-6 and R-U Districts.* Notwithstanding any provision in this ordinance to the contrary, no recreational vehicle shall be parked, stored, maintained or kept on any property in any RR, R-1, R-2, R-3, R-4, R-5, R-6 or R-U District unless in compliance with the following:
1. Recreational vehicles may be parked or stored:
 - a. Inside an accessory building or garage; or
 - b. Outside in such a manner that no part of any such recreational vehicle shall project into any required side or rear yard or in the front yard of the lot other than on the hardsurfaced area of the driveway or interior access drive.
 2. Not more than two motor homes shall be permitted to be parked or stored in the open on the same lot at any one time; and
 3. Parked or stored motor homes shall not be occupied or used for living, sleeping or housekeeping purposes in any RR, R-1, R-2, R-3, R-4, R-5, R-6 or R-U District.
- E.** *Parking of operable motorized vehicles in the R-1, R-2, R-3, R-4, R-5, R-6 or R-U Districts.* All operable motorized vehicles shall be parked:
1. Inside an accessory building or garage; or
 2. Outside in such a manner that no part of any such operable motorized vehicle shall project into any required side or rear yard or in the front yard of the lot other than on the hardsurfaced parking space, driveway and public or private street where parking on the street is allowed.

ARTICLE 2 - GENERAL USE DISTRICTS

2.1. RR: RURAL RESIDENTIAL DISTRICT

INTENT. The RR: Rural Residential Districts are intended to provide for the development of single-family dwellings compatible with rural and agricultural environs. The development standards and range of permitted uses are designed to provide for residential living at a density of less than one-half dwelling unit per gross acre.

A. PERMITTED USES. See Article 14.1 Land Use Matrix.

B. DEVELOPMENT STANDARDS. See Article 14.2 Development Standards Matrices.

2.2. R-1: LOW DENSITY RESIDENTIAL DISTRICT

INTENT. The R-1: Low Density Residential Districts are intended to protect, promote and maintain areas that are developing or have been developed with single-family dwellings and limited public and institutional uses that are compatible with a low density residential neighborhood. The development standards and range of permitted uses are designed to provide for residential living at a density of approximately 0.5 to 2.0 dwelling units per gross acre.

A. PERMITTED USES. See Article 14.1 Land Use Matrix.

B. DEVELOPMENT STANDARDS. See Article 14.2 Development Standards Matrices.

2.3. R-2: LOW DENSITY RESIDENTIAL DISTRICT

INTENT. The R-2: Low Density Residential Districts are established to protect, promote and maintain the development of single-family dwellings and limited public and institutional uses that are compatible with the surrounding residential neighborhood. The development standards and range of permitted uses are designed to provide for residential living at a density of approximately 1.5 to 3.0 dwelling units per gross acre.

A. PERMITTED USES. See Article 14.1 Land Use Matrix.

B. DEVELOPMENT STANDARDS. See Article 14.2 Development Standards Matrices.

2.4. R-3: MEDIUM DENSITY RESIDENTIAL DISTRICT

INTENT. The R-3: Medium Density Residential Districts are established to promote and maintain the development of single-family dwellings and limited public and institutional uses that are compatible with the surrounding residential neighborhood. The development standards and range of permitted uses are designed to provide for residential living at a slightly higher density of development than that of the R-2 District with a density of approximately 3.0 to 4.0 dwelling units per gross acre.

A. PERMITTED USES. See Article 14.1 Land Use Matrix.

B. DEVELOPMENT STANDARDS. See Article 14.2 Development Standards Matrices.

2.5. R-4: MEDIUM DENSITY RESIDENTIAL DISTRICT

INTENT. The R-4: Medium Density Residential Districts are established to promote and maintain the development of single-family dwellings and limited public and institutional uses that are compatible with the surrounding residential neighborhood. The R-4 District is designed and intended for use primarily in the "Town Center Neighborhoods" as designated in the Town Center Plan. The use of the R-4 District outside of the "Town Center Neighborhoods" shall be justified in

the larger context of the compatibility with Comprehensive Plan and surrounding development. The development standards and range of permitted uses in this District provides housing opportunities with a density of approximately 4.0 to 5.0 dwelling units per gross acre.

A. PERMITTED USES. See Article 14.1 Land Use Matrix.

B. DEVELOPMENT STANDARDS. See Article 14.2 Development Standards Matrices.

2.6. R-5: HIGH DENSITY RESIDENTIAL DISTRICT

INTENT. The R-5: High Density Residential Districts are established to promote and maintain the development of a variety of housing types including single-family and two-family dwellings and limited public and institutional uses that are compatible with the surrounding residential neighborhood. The R-5 District is designed and intended for use primarily in the “Town Center Neighborhoods” as designated in the Town Center Plan. The use of the R-5 District outside of the “Town Center Neighborhoods” shall be justified in the larger context of compatibility with the Comprehensive Plan and surrounding development. The development standards and range of permitted uses in this District provide for a mixture of housing opportunities similar in scale to single-family dwellings with a density of approximately 5.0 to 7.0 dwelling units per gross acre.

A. PERMITTED USES. See Article 14.1 Land Use Matrix.

B. DEVELOPMENT STANDARDS. See Article 14.2 Development Standards Matrices.

2.7. R-6: HIGH DENSITY RESIDENTIAL DISTRICT

INTENT. The R-6: High Density Residential Districts are established to promote the development of multi-family dwellings and limited public and institutional uses that are compatible with the surrounding residential neighborhood. The development standards and range of permitted uses are designed to encourage clustering in order to promote establishing on-site amenities and to allow multi-family dwelling development with a density of up to 8.0 dwelling units per gross acre.

A. PERMITTED USES. See Article 14.1 Land Use Matrix.

B. DEVELOPMENT STANDARDS. See Article 14.2 Development Standards Matrices.

2.8. TC: TOWN CENTER DISTRICT

INTENT. TC: Town Center District is established to promote and maintain the commercial buildings of the original core of the town and to create a special mixed-use area of small-scale pedestrian oriented commercial, retail and office uses in the symbolic center of the town.

A. PERMITTED USES. See Article 14.1 Land Use Matrix.

B. DEVELOPMENT STANDARDS. See Article 14.2 Development Standards Matrices.

2.9. NR: NEIGHBORHOOD RETAIL COMMERCIAL

INTENT. The NR: Neighborhood Retail Commercial Districts are established to promote development of areas for convenience uses which tend to meet the daily needs of the residents of the immediate residential districts. Uses within the NR Districts are regulated in character to assure harmonious development with the residential districts served and are limited in size and scale to promote pedestrian access.

A. PERMITTED USES. See Article 14.1 Land Use Matrix.

B. DEVELOPMENT STANDARDS. See Article 14.2 Development Standards Matrices and below.

1. *Maximum gross floor area.*
 - a. No single use, whether freestanding or contained in an integrated center, shall exceed 8,000 square feet of gross floor area.
 - b. No integrated center shall exceed 24,000 square feet of total gross floor area.

2.10. OD: OFFICE DISTRICT

INTENT. OD: Office Districts are established to promote the development of areas where office uses, compatible office-type businesses, and some public and semi-public uses are developed in close proximity with commercial areas while serving as a buffer or transitional area between commercial areas and existing or future residential areas. Uses within the OD Districts are regulated in character to assure harmonious development with the residential districts which the OD Districts buffers from more intense commercial development.

A. PERMITTED USES. See Article 14.1 Land Use Matrix.

B. DEVELOPMENT STANDARDS. See Article 14.2 Development Standards Matrices.

2.11. GC: GENERAL COMMERCIAL

INTENT. GC: General Commercial Districts are established to provide a location for higher volume and higher intensity commercial uses than the NR District. Activities in this District are often large space users located along a primary arterial street and the perimeter parkway and may include outdoor sales or operations.

A. PERMITTED USES. See Article 14.1 Land Use Matrix and below.

1. *Certain existing uses in operation as of a specified date.* Any of the uses shown in subsection a: below that were legally conforming within this District as of August 10, 2020 shall remain in legal conformance subject to the provisions of subsection b; below. These provisions refer only refer to the use. Any other nonconformances will still remain nonconforming.
 - a. *Uses.*
 - 1) Automobile Sales, New or Used, including Showroom, On-Site Service Department, and Wash / Detail Facilities;
 - 2) Automobile rental services;
 - 3) Automobile repair - major;
 - 4) Automobile repair - minor;
 - 5) Automobile parts sales (new);
 - 6) Car wash (automatic and self);
 - 7) Motor cycle/scooter sales, service and repair;
 - 8) Muffler repair shop;
 - 9) Painting and customizing;
 - 10) Quick lube facilities; and
 - 11) Tire and auto service center.
 - b. *Conditions.* The following conditions could cause the use to lose its conforming status.
 - 1) Abandonment for any amount of time;
 - 2) Discontinuance for more than six (6) months (except when government action impedes access to the premises); or
 - 3) Change of use.

B. DEVELOPMENT STANDARDS. See Article 14.2 Development Standards Matrices.

2.12. I-1: RESEARCH/OFFICE INDUSTRIAL

INTENT. The Research/Office Industrial Districts are established to promote the development of research facilities, testing laboratories and administrative facilities that are office-like in physical appearance and service requirements. This district is used as a transitional use or buffer between residential areas and more intense industrial uses.

A. PERMITTED USES. See Article 14.1 Land Use Matrix.

B. DEVELOPMENT STANDARDS. See Article 14.2 Development Standards Matrices.

2.13. I-2: OFFICE/WAREHOUSE DISTRIBUTION

INTENT. The I-2: Office/Warehouse Distribution Districts are established to encourage the development of office/warehouse, warehouse/distribution, wholesale and assembly business establishments which are: clean, quiet, free of hazardous or objectionable elements such as noise, odor, dust, smoke or glare; operated entirely within enclosed structures; and which require reasonable access to arterial streets or collector streets. This District is designed as a transitional use between manufacturing uses and other less intense business uses.

A. PERMITTED USES. See Article 14.1 Land Use Matrix.

B. DEVELOPMENT STANDARDS. See Article 14.2 Development Standards Matrices.

2.14. I-3: LIGHT MANUFACTURING

INTENT. The I-3: Light Manufacturing Districts are established to encourage development of manufacturing and processing facilities which may require limited amounts of outside storage. These activities require extensive community facilities, and excellent access to arterial streets or collector streets. Permitted uses in this District may have outdoor storage/service areas and may generate heavy traffic, but such operations shall be subject to specific development standards.

A. PERMITTED USES. See Article 14.1 Land Use Matrix.

B. DEVELOPMENT STANDARDS. See Article 14.2 Development Standards Matrices.

2.15. I-4: HEAVY MANUFACTURING

INTENT. The I-4: Heavy Manufacturing Districts are established to encourage development of heavy manufacturing and processing facilities which may require substantial amounts of outside storage. These activities require extensive community facilities, and excellent access to arterial streets or collector streets. Permitted uses in this District may have extensive outdoor storage/service areas and may generate heavy traffic, but such operations shall be subject to specific development standards. The permitted uses provided for in this District should never be located in close proximity to residential areas.

A. PERMITTED USES. See Article 14.1 Land Use Matrix.

B. DEVELOPMENT STANDARDS. See Article 14.2 Development Standards Matrices.

2.16. AG: AGRICULTURE DISTRICT

INTENT. The AG: Agriculture Districts are established to include land being used for agricultural activities, floodplain and other rural uses, located near the periphery of the jurisdictional boundary, which is not expected to develop for intensive urban or suburban uses within the near

future. It is the intent of this District to allow agricultural uses, to conserve the desirable characteristics of the land, to preserve prime agriculture land, and to protect the open area from the encroachment of scatter urban-type uses that may inhibit the overall development of the community in accordance with the Comprehensive Plan.

A. PERMITTED USES. See Article 14.1 Land Use Matrix.

B. DEVELOPMENT STANDARDS. See Article 14.2 Development Standards Matrices.

2.17. R-U: URBAN RESIDENTIAL DISTRICT

INTENT. The R-U: Urban Residential District is established to protect, promote and maintain the development of downtown, urban style dwellings and to provide for limited public and institutional uses that are compatible with a residential neighborhood. The development standards are designed to promote the establishment of residential dwelling projects (including single-family dwelling, two-family dwelling, apartment, townhouse or row house style developments) in developed areas near the Town Center or other appropriate “village” settings and which are served by a full range of public amenities.

A. PERMITTED USES. See Article 14.1 Land Use Matrix.

B. DEVELOPMENT STANDARDS. See Article 14.2 Development Standards Matrices.

2.18. RESERVED

2.19. AC: AUTOMOTIVE COMMERCIAL

INTENT. The AC Automotive Commercial Districts are established to provide a location for uses that cater to the needs of automobiles and automobile users. Activities in this District are often large space users located along a primary arterial street and the perimeter parkway.

A. PERMITTED USES. See Article 14.1 Land Use Matrix.

B. DEVELOPMENT STANDARDS. See Article 14.2 Development Standards Matrices and below.

1. *Lighting.* Maximum height of lighting fixtures is limited based upon abutting properties.
 - a. If any lots zoned or utilized for residential are abutted: Fifteen feet.
 - b. If no lot zoned or utilized for residential are abutted: Twenty feet.

2.20 RF: RESIDENTIAL FLEX

A. Intent. The RF: Residential Flex Districts are established to promote and maintain the ability to mix differing types of residential dwelling unit types within a cohesive development. The intent is not to create enclaves of these types of developments, rather to allow to exist in a more organic, traditional manner.

B. Permitted Uses. See Article 14.1: Land Use Matrix

C. Development Standards. See Article 14.2 Development Standards Matrices

D. Master Plan Requirements. See Article 6.2 and the following: Master Plan Petition must include the following documents:

1. Primary Plat that demonstrates that at least one (1) type of permitted use building that can be built on every lot without requiring relief from the Zoning Ordinance.
2. Listing of standards that have been modified or created in cases where such modification or creation is permitted.

3. Either a Development Plan for the areas without single family residential or a concept plan during the Master Plan Process with the requirement of a development plan approval.

2.16 RI: RESIDENTIAL INFILL (MULTIFAMILY)

- A. Intent.** The RI: Residential Infill (Multifamily) Districts are established to allow for more urbanized, higher density residential uses in both infill lots and also areas where a more spread out development pattern is not desirable. The intent is to create a more vertical development with emphasis placed on the relationship of the development to the built and natural environment.
- B. Permitted Uses.** See Article 14.1: Land Use Matrix
- C. Development Standards.** See Article 14.2 Development Standards Matrices

ARTICLE 3 – OVERLAY AND SPECIAL USE DISTRICTS

3.1. NOISE OVERLAY DISTRICT

- A. **PURPOSE.** The purpose of this District is to establish a Noise Overlay Zoning District within the town.
- B. **RESERVED**
- C. **NOISE COMPATIBILITY ZONES ESTABLISHED.** Noise compatibility zones for the area around Indianapolis International Airport are hereby established based on the Ldn contours for aircraft noise developed for conditions forecast to exist in 1996 with noise abated operating conditions.
 - 1. *N-1 Zone.* The N-1 Zone generally corresponds to the area between the 65 and 70 Ldn contours.
 - 2. *N-2 Zone:* The N-2 Zone generally corresponds to the area within the 70 Ldn contour.
- D. **NOISE OVERLAY ZONE BOUNDARIES.** The boundaries of the Noise Overlay Zones are shown on the official zoning map. The boundaries generally correspond to the 65 and 70 Ldn contours prepared as part of the Indianapolis International Airport Noise Compatibility Plan. The N-1 and N-2 Zones are based on the 65 and 70 Ldn contours, as shown on the official zoning map.
- E. **NOTIFICATION OF NOISE COMPATIBILITY ZONES.** The plat of any subdivision located within the noise compatibility boundaries as described in Article 3.1D, and approved after the effective date of this ordinance, shall contain the following statement:

This subdivision is located within a Noise Compatibility Zone determined pursuant to Federal Aviation Regulation Part 150 with respect to Indianapolis International Airport. This subdivision will experience aircraft overflights and relatively high levels of noise resulting from such overflights.

- F. **USES EXPRESSLY PROHIBITED.** Land uses prohibited in the Noise Overlay Zones are: mobile homes; mobile home parks; hospitals; nursing homes; public and private educational services; auditoriums; concert halls; outdoor music facilities; and amphitheatres.
- G. **USES AVAILABLE AS SPECIAL USES.** Land uses that are allowed in the Noise Overlay Zones only after application for and approval of a special exception in accordance with the requirements for a special exception as provided for in Article 10.3 of this ordinance are: resorts; group camps; and campgrounds, provide, however, that such land uses are indicated as either a permitted use or special exception use in the primary zoning district.
- H. **SOUNDPROOFING REQUIRED.**
 - 1. Soundproofing shall be required for all new residential uses in each of the Noise Overlay Zones. Soundproofing is required and no building permit shall be issued for new single-family, two-family or multi-family dwellings until the builder has demonstrated that the building design is capable of achieving the noise level reduction required in Table 3.1-A, Land Use Compatibility Standards. This requirement can be met in one of two ways as described in the following divisions:
 - a. *Design standards.* The builder may choose to use a design that incorporates the design standards described in Article 3.11, and, if so, the design shall be considered to have met the required soundproofing standard; and
 - b. *Performance standards.* The builder may choose to use design features other than those described in Article 3.11, as long as the final design is capable of achieving the

noise level reduction required in Table 3.1-A, Land Use Compatibility Standards. Such noise attenuation capability shall be certified on the building plans by a registered architect, structural engineer, or acoustician.

2. These soundproofing requirements provided for in Articles 3.1H(1) and 3.1H(2) above are not applicable to buildings that have already been issued a building permit on the effective date of this ordinance nor to room additions, garages, storage buildings or commercial buildings.

I. SOUNDPROOFING DESIGN STANDARDS. The construction methods and materials described in this section shall be considered to satisfy the noise level reduction standards set forth in Table 3.1-A, Land Use Compatibility Standards.

1. *Noise level reduction of 25 decibels (dB).*

- a. If wood frame construction is used, all exterior stud walls shall have interior and exterior surfaces of an approved material at least as massive as one-half inch thick gypsum wallboard, and the intervening space shall contain fibrous thermal insulation at least three inches thick.
- b. The design for a habitable room shall be such that any exterior door or window can be kept closed when the room is in use. Means of ventilation shall be available to afford a minimum of two complete air changes per hour.
- c. Any air duct or connection to out-of-doors shall contain an interior sound absorbing lining acoustically equivalent at least to fiberglass duct liner one inch thick and length greater than five times the diameter of the duct.
- d. The ceiling below an attic space shall include gypsum board or plaster at least one-half inch thick; fibrous thermal insulation at least three inches thick shall be laid between the ceiling joists.
- e. A forced air circulation system shall be provided that will give a minimum of two complete air changes per hour, of which at least one-fifth is fresh air.
- f. A ceiling or exhaust duct shall be provided with a bend in the duct such that there is no direct line of sight through the duct from outside to inside. The bend shall be lined with the equivalent of fiberglass duct liner one inch thick.
- g. There shall be no direct openings, such as mail slots, from the interior to the exterior of the building. All chimneys shall be provided with well-fitted dampers.
- h. Exterior hinged doors shall be solid-core construction. Jalousie windows shall not be permitted. The total area of glass windows and of any exterior door to a sleeping space shall not exceed 20% of the floor area of a room.
- i. Workmanship on doors and operable windows shall be such that the doors and windows are as close fitting as possible or weather stripping seals shall be incorporated on all edges to eliminate gaps. Air gaps and rattling shall be prevented.
- j. Masonry walls, if used, shall be at least equivalent in weight to six inch lightweight concrete blocks, at least one surface of which is painted or plastered.
- k. The roof deck shall weigh at least seven pounds per square foot, containing a solid core at least one and one-half inches thick.

2. *Noise level reduction 30 decibels (dB).*

- a. Window glass shall be set in an elastomer gasket. Double glazing shall be installed, with an air space of at least three inches between the two panes of glass. Windows or dome skylights shall not be permitted, unless they have a sound transmission class of at least 30.
- b. The top-floor ceiling construction shall consist of plaster or gypsum board at least five-eighths inch thick supported on resilient clips or channels. A non-hardening caulking compound shall be provided around the entire perimeter of the suspended ceiling.

- c. The floor of the lowest room or area containing the uses to which those insulation requirements apply shall be a concrete slab, or should be similarly sealed otherwise against exterior noise.
- d. Masonry walls, if used, shall be at least equivalent in weight to eight inch lightweight concrete blocks, at least one surface of which shall be painted or plastered.
- e. The roof deck shall weigh at least 12 pounds per square foot. Wood roof sheathing shall be continuous and at least three-quarters inch thick.

J. LAND-USE COMPATIBILITY STANDARDS. Table 3.1-A presents the levels of Day-Night Sound Level (Ldn) for the N-1 and N-2 Noise Overlay Zones:

<i>Table 3.1-A Land-Use Compatibility Standards</i>			
<i>SLUCM No.</i>	<i>Land-Use Name</i>	<i>Noise Overlay Zones/Levels in Ldn</i>	
		<i>N-1 (65-70)</i>	<i>N-2 (70+)</i>
10	Residential	25 (1)	30 (1)
11	Household units	25 (1)	30 (1)
11.11	Single units - detached	25 (1)	30 (1)
11.12	Single units - semi-attached	25 (1)	30 (1)
11.13	Single units - attached row	25 (1)	30 (1)
11.21	Two units - side by side	25 (1)	30 (1)
11.22	Two units - over-under	25 (1)	30 (1)
11.31	Apartments - walk up	25 (1)	30 (1)
11.32	Apartments - elevator	25 (1)	30 (1)
12	Group quarters	25 (1)	30 (1)
13	Residential quarters	25 (1)	30 (1)
15	Transient lodgings, hotels, motels	Y (2)	Y (3)
16	Other residential	25 (1)	30 (1)
Notes:			
1. All residences in the N-1 Noise Overlay Zone are marginally noise compatible and shall be soundproofed to achieve a 25 dB reduction from outdoor noise levels (NLR). All residences in the N-2 Noise Overlay Zone are marginally noise compatible and shall be soundproofed to achieve a 30 dB NLR. Soundproofing will not eliminate outdoor noise problems. However, building location and site planning, design and use of berms and barriers can help mitigate outdoor noise exposure particularly from ground level sources. Measures that reduce noise at a site should be used wherever practical in preference to measures which only protect interior spaces.			
2. Measures to achieve NLR of 30 shall be incorporated into the design and construction of portions of the following buildings where the public is received: office areas; noise sensitive areas; or where the normal noise level is low.			
Key to Table:			
SLUCM - Standards Land-Use Coding Manual, U.S. Urban Renewal Administration and Bureau of Public Roads, 1965			
Y (Yes) - Land use and related structures compatible without restrictions			
N (No) - Land use and related structures are not compatible and should be prohibited			
NLR - Noise level reduction (outdoor to indoor) to be achieved through incorporation of noise attenuation into the design and construction of the structure			
25 or 30 - Land use and related structures are generally compatible; measures to achieve NLR of 25 or 30 dB must be incorporated into design and construction of the structure			

3.2. P: PARK DISTRICT

INTENT. The P: Park Districts are established to promote and maintain the development of recreational opportunities within the town. The development of new parks or the major expansion of existing parks within the P: Park Districts shall be subject to the approval of a Park Master Plan

to assure that the development of a particular park, whether proposed for active or passive recreational opportunities, is compatible with nearby residential neighborhoods.

A. PERMITTED USES. See Article 14.1 Land Use Matrix

B. DEVELOPMENT STANDARDS. See Article 14.2 Development Standards Matrices.

C. PARK MASTER PLAN APPROVALS. See Article 6.2.

3.3. S: SCHOOL DISTRICTS

INTENT. The S: School Districts are established to promote and maintain the development of public or private school facilities to provide for the education of students within the town. The development of new schools or the major expansion of existing schools within the S: School Districts shall be subject to the approval of a School Master Plan, as provided for in Article 3.3C below, to assure that the development of a particular school and related facilities, is compatible with nearby residential neighborhoods.

A. PERMITTED USES. See Article 14.1 Land Use Matrix.

B. DEVELOPMENT STANDARDS. See Article 14.2 Development Standards Matrices.

C. SCHOOL MASTER PLAN APPROVALS. See Article 6.2.

3.4. REL: RELIGIOUS USE DISTRICT

INTENT. The REL: Religious Use Districts are established to promote and maintain the development facilities for divine worship within the town. The development of religious facilities or the major expansion of existing religious within the REL: Religious Use Districts shall be subject to the approval of a Religious Use Master Plan, as provided for in Article 3.4C below, to assure that the development of a particular worship hall and related facilities, is compatible with nearby residential neighborhoods.

A. PERMITTED USES. See Article 14.1 Land Use Matrix.

B. DEVELOPMENT STANDARDS. See Article 14.2 Development Standards Matrices.

C. RELIGIOUS USE MASTER PLAN APPROVALS. See Article 6.2.

3.5. C-I: COMMERCIAL-INDUSTRIAL DISTRICT

INTENT. The C-I: Commercial-Industrial Districts are established to promote and maintain: gateway developments into the major industrial parks within the town; and the development of support facilities necessary for the effective operation of the industrial parks within the town. The C-I: Commercial- Industrial District provides for a full range of support commercial and industrial operations including service, retail, assembly and manufacturing uses. In order to fulfill the intent of providing a gateway quality development, all sites are required to comply with all architectural and site design regulations of Article 5.5 and all processing, servicing and storage functions shall be located within completely enclosed buildings.

A. PERMITTED USES. See Article 14.1 Land Use Matrix.

B. DEVELOPMENT STANDARDS. See Article 14.2 Development Standards Matrices and below.

1. *Maximum gross floor area.*

a. *General.* No single use, whether freestanding, a part of a multi-tenant building, shall exceed 50,000 square feet of gross floor area.

- b. *General.* No multi-tenant building shall exceed 150,000 square feet of gross floor area.

C. MASTER PLANS. See Article 6.2.

3.6. G: GOLF

INTENT. The G: Golf District is established to specify a land use district applicable and consistent with a public or private golf course and related activities within the town.

A. PERMITTED USES. See Article 14.1 Land Use Matrix.

B. DEVELOPMENT STANDARDS. See Article 14.2 Development Standards Matrices and below.

1. *On-site sewage treatment system.* The Golf Course and its improvements, including, but not limited to, clubhouses, lodge houses and private club facilities, may utilize an on-site sewage waste treatment system that complies with state regulations governing such.
2. *On-site water/well system.* The golf course and its improvements may utilize an on-site water/well system of non-potable water for irrigation purposes that complies with state regulations governing such.

C. GOLF COURSE MASTER PLAN APPROVALS. See Article 6.2.

3.7. A: AIRSPACE OVERLAY DISTRICT

INTENT. An Airspace Overlay District, a secondary zoning district is established to enhance and promote the safe operations of the Indianapolis International Airport. The Airspace Overlay District consists of airport instrument approach surface areas, airport transitional surface areas, airport horizontal surface areas and airport conical surface areas as defined below in this Article 3.7 and indicated on the Airspace Overlay District Map.

A. AIRSPACE OVERLAY DISTRICT REGULATIONS. The following regulations shall apply to all land within the Airspace Overlay District. These regulations shall be in addition to all other primary or secondary zoning district regulations applicable to such land. In case of conflict between these regulations and the regulations of any other primary or secondary zoning district, the provisions which impose the greater or higher or more restrictive standard of performance shall control.

1. *Prohibited uses.* Within that part of the airport instrument approach surface areas and airport transitional surface areas, which extend 10,200 feet from each end of a runway measured horizontally along the extended centerline of such runway, no building, structure or premises shall be erected, relocated or converted for use as a:
 - a. Amusement park;
 - b. Assembly hall;
 - c. Carnival;
 - d. Child caring institution;
 - e. Correctional institution;
 - f. Hospital;
 - g. Public auditorium;
 - h. Public swimming pool;
 - i. School;
 - j. Religious use;
 - k. Residential primary plat;

- l. Sports arena;
 - m. Stadium; or
 - n. Theater.
2. *Height limits.* Except as otherwise provided herein, no structure or tree shall be erected, altered, allowed to grow or be maintained within the Airspace Overlay District to a height in excess of the following height limits herein established for the airport instrument approach surface area, airport transitional surface area, airport horizontal surface area and airport conical surface area, as defined below and designated on the official zoning map. (Such height limits shall be computed from the applicable runway elevation or airport elevation as designated on the Airspace Overlay District Map).
- a. Height limits for the airport instrument approach surface area shall be: one foot in height for each 100 feet in horizontal distance beginning at a point 200 feet from the end of the instrument runway and extending to a distance of 10,200 feet from the end of the runway; thence one foot in height for each 50 feet in horizontal distance to a point 50,200 feet from the end of the runway.
 - b. Height limits for the airport transitional surface area shall be: one foot vertical height for each seven feet of horizontal distance measured from the outer lines of all airport instrument approach surface areas for the entire length of such airport instrument approach surface areas, extending to their intersection with the outer line of the airport conical surface area; and beyond such points of intersection, beginning at the outer lines of all airport instrument approach surface areas and extending a horizontal distance to 5,000 feet therefrom, measured at right angles to the continuation of the runway centerline, one foot vertical height for each seven feet of horizontal distance.
 - c. Height limit for the airport horizontal surface area shall be: 150 feet above the established airport elevation as indicated on the Airspace Overlay District Map.
 - d. Height limit for the airport conical surface area shall be: one foot in height for each 20 feet of horizontal distance beginning at the periphery of the airport horizontal surface area and measured perpendicularly to the periphery of the airport horizontal surface area to a height of 350 feet above the airport elevation. Provided, however, if any area is subject to more than one of the above height limitations, the more restrictive limitation shall control. Provided, further, however, nothing in this Article shall be construed as prohibiting the erection, construction, growth or maintenance of any structure or tree to a height of 50 feet or less above the surface of the land.
3. *Performance standards within the airport conical surface area.* The following performance standards shall apply to all land within the perimeter of the airport conical surface area as defined below and indicated on the Airspace Overlay District Map.
- a. *Interference with communications.* No use shall create interference with any form of communication, the primary purpose of which is for air navigation.
 - b. *Glare; marking and lighting of airspace hazards.*
 - 1) All lights shall be located or shielded in such a manner that they do not interfere with runway, taxi, tower or any other airport lights or result in glare which may interfere with the use of the airport in landing, taking-off or maneuvering of aircraft.
 - 2) Such markers and lights as may be required by the Indianapolis Airport Authority to indicate to air crews the presence of structures or trees constituting airspace hazards shall be permitted.
 - c. *Smoke, dust, particulate matter.*
 - 1) Open burning shall be prohibited.
 - 2) No use shall cause smoke, dust, particulate matter or airborne material of any kind to escape beyond the lot lines in a manner detrimental to or endangering the

visibility of air crews using the airport in landing, taking-off or maneuvering of aircraft.

B. RESERVED

3.8. IG: INSTITUTIONAL (GOVERNMENT)

INTENT. The IG: Institutional (Government) Districts are established to promote and maintain the development facilities for municipal, township, county, state, and federal land uses within the town. The development of these facilities or the major expansion of existing facilities within the IG: Institutional (Government) Districts shall be subject to the approval of a Master Plan, as provided for in Article 6.2 (except where pre-empted by other statutes or laws), to assure that the development of a particular use and related facilities, is compatible with nearby residential neighborhoods.

A. PERMITTED USES. See Article 14.1 Land Use Matrix.

B. DEVELOPMENT STANDARDS. See Article 14.2 Development Standards Matrices.

C. MASTER PLAN APPROVALS. See Article 6.2.

3.9. HB HIGHWAY BUSINESS DISTRICT

INTENT. HB: Highway Business Districts are established to: (1) Provide for a mixture of uses that are conducive to and provided reasonable access and visibility to the Interstate Highway System; and (2) Provide an attractive view of the community from the Interstate 70 and adjacent areas through architectural and signage controls, landscaping, screening, building orientation, and other features; and (3) To provide an integrated Interstate 70 district designed to offer to the motoring public a limited mixture of land uses made mutually compatible through the use of controls and land use standards.

A. PERMITTED USES. See Article 14.1 Land Use Matrix.

B. DEVELOPMENT STANDARDS. See Article 14.2 Development Standards Matrices.

3.10. RESERVED

ARTICLE 4 – REGULATIONS OF GENERAL APPLICABILITY

4.1. ACCESSORY USES AND STRUCTURES

A. **Definition of Districts.** For the purpose of this Article, the following categorizations shall apply:

	Single Family Residential	Multi-Family Residential	Commercial	Industrial	Subject to Master Plan
Districts	RR, R1, R2, R3, R4, R5, AG	R6, RU, RI,	, TC, NR, OD, GC, AC, HB	CI, I1, I2, I3, I4,	P, S, REL, G, , IG, RF

B. Permitted Accessory Uses.

1. *Accessory Uses* shall be permitted in all zoning *Districts as listed in Table 4.1A*, provided, however, that the *Primary Use* which is supported by the *Accessory Use* is a *Permitted Use* within the *District* to which a *Lot* is zoned.
2. *Accessory Uses* shall not be permitted on a *Lot* prior to the erection of the *Primary Building*.

By way of example only, some typical *Accessory Uses* are:

Garages; Carports; Porches; Decks; Awnings; Canopies; Mini-barns; Storage sheds; *Patios*; Outdoor fireplaces; Bathhouses; Cabanas; Children’s playhouses; Swings; *Game Courts*, including tennis or basketball courts; *Parking Areas*; *Signs*; Swimming pools; Hot tubs; Radio sending and receiving antennas; *Satellite Dish Antennas*; and, *Storage Buildings*.

C. **General Development Standards for Accessory Uses.** In addition to specific use or structure regulations listed elsewhere in this Article, the following shall apply for certain district types. In the case of conflict, the stricter standard shall apply.

1. *Accessory Uses* shall comply with all Development Standards of the applicable zoning *District as listed in Table 4.1A* unless an exception is specifically provided for in this Article 4.1. If no *accessory building* development standard is specified, the standard shall be that which is closest to the most comparable zoning district in terms of development standards and density based upon the determination of the Director of Planning and Zoning.
2. *Accessory Uses* shall not encroach upon any platted easements unless specifically authorized by the terms of the easement or by written consent of the agency (or their designee) in whose favor the easement is granted.
3. *Accessory Use Buildings* or *Structures* shall not have a lesser *Front Setback* than the *Primary Use Building* or *Structure* excepting a permitted *Accessory Use* such as a *Freestanding Sign* or *other Accessory Use allowed to encroach into the front setback within the applicable zoning district*.
4. Additional Development Standards for Accessory Buildings in Single Family Residential Districts.

a. Maximum Number and Size of Accessory Buildings

Lot Size (acres)	R-2, R-3, R-4, R-5	RR, R-1	
	Any	< 1.5 acres	>= 1.5 acres
Total of Accessory Buildings Maximum Size (% of Primary Building in square feet) (Maximum)	100%	200%	
Number of Accessory Buildings (Maximum)	2	2	3

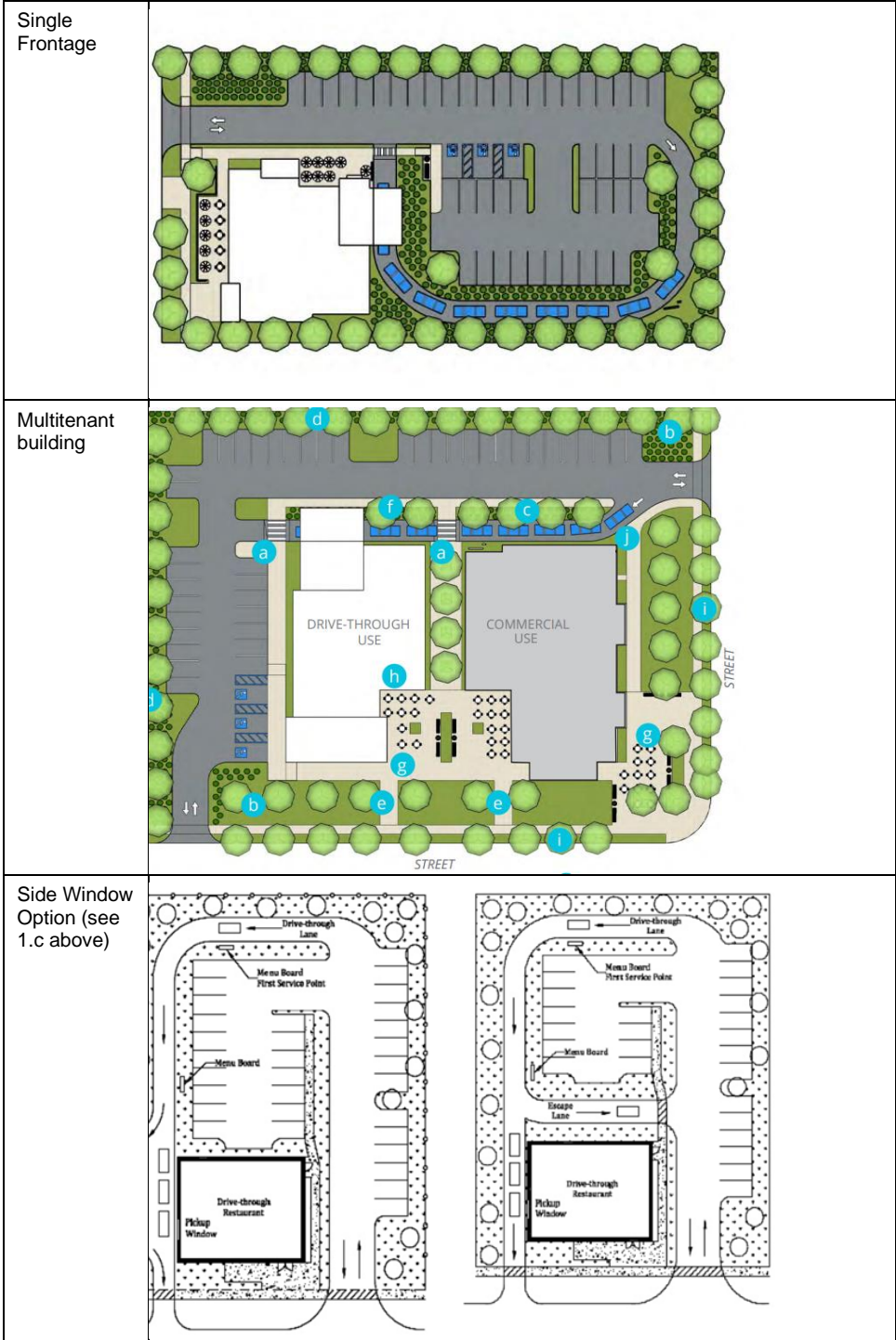
- b. Grade Level Improvements. Unless not allowed in the specific zoning district, *Grade level Improvements* which do not include a foundation shall be permitted as follows:
 - 1) In a required *Front Yard* - stoops, sidewalks, *Driveways* and *Interior Access Drives*.
 - 2) In a required *Side* or *Rear Yard* - stoops, *Patios, Decks*, sidewalks, and *Interior Access Drives*, provided, however that an *Interior Access Drive* located in a required *Side Yard* shall not be less than eight (8) feet in width nor greater than twelve (12) feet in width. *Patios* and *Decks*, which include foundations or are located above *Grade* level are regulated by Article 4.11: *Patios, Patio Covers, and Pergolas*.
- 5. *Accessory Uses, Buildings or Structures for Multifamily Dwellings. Accessory uses, buildings, and/or structures* shall not be placed between the residential Multifamily Dwelling building(s) and a front lot line, *excepting sidewalks, trails, sidepaths, trails, paths, signs, and fences*.
- 6. Additional Development Standards for Accessory Uses in all Commercial and Industrial Districts. No *Accessory Use* or *Structure* shall be permitted in any required *Front, Side* or *Rear Yard* unless specifically authorized by the applicable zoning *District* regulations. In addition, the following *Accessory Uses* shall also comply with the following requirements:
 - a. Compliance with other Articles of the Ordinance.
 - A. *Parking Areas* - shall comply with the *Off-Street Parking* Regulations of Article IV of this Ordinance.
 - B. *Loading Areas* - shall comply with the *Off-Street Loading* Regulations of Article IV of this Ordinance.
 - C. *Signs* - shall comply with the *Sign* Regulations of Article VII of this Ordinance.
 - b. Guard Houses. Guard Houses must be architecturally compatible to the primary building and shall be provided with adequate on-site maneuverability to avoid any interference with through traffic on any public *Right-of-Way*.

D. Drive Through Facilities.

- 1. General Site Design
 - a. Drive-through lanes must provide adequate on-site or off-site maneuverability to avoid any interference with any through traffic on any public *Rights-of-Way*;
 - b. On site circulation must:
 - 1) Separate drive through traffic from site circulation. In addition, for the purposes of Article 4.10D(3) of this ordinance, a drive-through lane shall not be considered an interior access drive.
 - 2) Not impede, impair, or interfere with:
 - a) Access into or out of parking spaces; and
 - b) Required loading and trash storage/collection operational areas.
 - 3) Minimize conflicts between pedestrian and vehicular traffic with physical and visual separation
 - c. The siting of new drive-through facilities including stacking lanes and menu boards must be located behind and screened by the *principal building* unless otherwise specified in this section (See Example 4.1.D.3, below).
 - 1) In the event of multiple frontages, the drive through must be screened by the *building* from at least one of the *streets*. Any drive through not screened by the *building* must have a Level 5 *Plant Unit Value* screening between the drive through and the applicable right-of-way. This screening shall not be eligible to be moved through the utilization of an Alternative Landscape Plan.

- 2) The drive-through lane(s) must be distinctly marked by special striping, pavement markings, or traffic islands. A separate circulation drive must be provided for passage round and escape from the outermost drive-through service lane. (See example 4.1.D.3, below)
 - 3) In the case of multiple frontage lots (through lots) on Main Street, Perry Road, or Quaker Boulevard, the following shall apply:
 - a) A multiple frontage lot on Main Street shall not have a drive through between the building and Main Street.
 - b) A multiple frontage lot on Perry Road north of Stafford Road shall not have a drive through between the building and Perry Road;
 - c) A multiple frontage lot on Quaker Boulevard between Hadley Road/Perry Road and Interstate 70 shall not have a drive through between the building and the parallel frontage road.
 - 4) The drive through shall not wrap around the *primary building*.
 - 5) A service window may be located on the side of a *building* on an interior lot if approved by the Plan Commission through a Development Plan. The drive-through shall not egress directly onto a collector or arterial *street*.
 - 6) An *Interior Access Drive* shall not be located between the *front lot line* and the *building line*.
- d. Design speed for the drive through must not exceed ten (10) miles per hour;
 - e. A drive-through lane shall have a minimum width of ten feet measured from the furthest point of projection of a drive- through facility from the building;
 - f. Layout Examples.





- d. Design speed for the drive through must not exceed ten (10) miles per hour.
- e. Vehicle Stacking. The applicant shall provide evidence that the number and design of waiting spaces are sufficient to prevent circulation congestion on and off site.
 - a. The Approval Authority shall determine whether the waiting spaces provide:
 - 1) Sufficient waiting space(s) prior to the first occurrence of any ordering, pick-up or service facility; and.

- 2) Sufficient room for waiting space(s) after exiting the last pick-up or service facility.
- b. Should the Approval Authority find that the number or design of waiting spaces are insufficient, they may compel the applicant to modify their design.

E. Fences.

- 1. Shall comply with all Article 4.14: Vision Clearance Area requirements of this Ordinance if located on a *Corner Lot*;
- 2. Shall not use barbed wire, razor wire, concertina wire or similar materials.
- 3. Residential Fences include chain link, solid, architectural screen, lattice-work, masonry or Hedges.
- 4. Fence Height. The following maximum height for fences shall apply as stated in Table 4.1.E.4., below

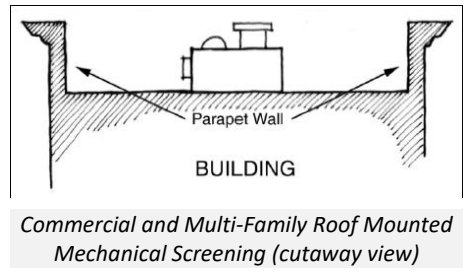
Table 4.1.E.4: Maximum Fence Height (in Inches) Based Upon Required Yard ⁽¹⁾			
Type of District	Type of Required Yard		
	Front	Side	Rear
Residential	48	72	72
Commercial ⁽³⁾	Not allowed	72 ⁽³⁾	72 ⁽³⁾
Industrial ⁽³⁾	72 ⁽³⁾	96 ⁽³⁾	96 ⁽³⁾
Subdivision Perimeter ⁽²⁾	Not Allowed	72	72

- ⁽¹⁾ Shall not exceed the *adjacent Required Yard Height* if located elsewhere on a *Lot*.
- ⁽²⁾ Residential *Subdivision* Perimeter: A common fence may be located along a perimeter *Street* of a recorded, platted residential *Subdivision* where individual *Lots* or *Dwelling Units* do not have direct *Access* to said perimeter *Street*.
- ⁽³⁾ Except when to screen ground mounted mechanical units

F. Game Courts. *Game Courts* shall not be located in any required *Front Yard* or between the established *Front Building Line* and the *Front Lot Line* provided, however, a basketball goal may be located in or adjacent to a *Driveway* on any *Lot* containing a *Single Family Dwelling* or *Two Family Dwelling*.

G. Mechanical Equipment Screening (Commercial, Industrial, and Multi-Family).

- 1. Roof Mounted Mechanicals.
 - a. Commercial and Multi-Family. No roof mounted mechanical equipment shall be visible from any direction based upon an elevation view. This shall be accomplished using architectural or integral building components only. Metal cabinets used to protect and enclose mechanical equipment does not substitute as screening.
 - b. Industrial. All roof mounted mechanical equipment shall be screened based upon a line-of-site view of the *Building* from a point six (6) feet above Grade located at:
 - 1) the centerline of the *Street* immediately in front of the *Building*; or,
 - 2) any *Side Lot Line* or *Rear Lot Line* of a *Bufferyard*.



- 2. Ground Mounted Mechanicals. Ground mounted mechanical units must be screened on all sides by one or more of the following elements:
 - a. The *building* or primary *structure*; and/or

- b. Wing or screen walls constructed of a material identical to or complimentary to the *primary structure*; and/or
 - c. Landscaping of an evergreen or densely twigged *hedge plant* variety of a height at time of planting which is not less than the height of the equipment to be screened.
3. Maintenance of Screening. All screening must be maintained. Such maintenance must not reduce the height or composition of the landscaping to the point at which the mechanical unit becomes visible.

H. Non-Motorized Transportation and Access (Commercial, Industrial, and Multi-Family Districts).

- 1. Intent. The intent of non-motorized transportation pathways is to provide safe, convenient, and standardized connections between businesses, multi-family residences, and civic uses and existing or proposed off-site sidewalks, trails, pathways, or sidepaths.
- 2. Non-Motorized Transportation includes pedestrians, bicycles, as well as electric micromobility devices such as e-bicycles, electric scooters, and personal mobility devices with a top speed under 18 miles per hour.
- 3. Disclaimer. This Article does not supersede more stringent federal, state, or local regulations regarding accessibility for those with various physical or cognitive needs or differing abilities.

4. General Design.

- a. Connectivity. Non-Motorized Transportation Pathways shall functionally connect front doors or primary building entries with:

- 1) All planned, proposed or existing off-site:
 - a) sidewalks, trails, pathways, sidepaths as defined in the current Sidewalk and Trail Master Plan;
 - b) Amenities or Outlots;
 - c) Public and/or private transit stops and stations; and,
 - d) Pedestrian plazas and public spaces; and,
- 2) All on-site, off-street parking area and off-site sidewalks, trails, pathways, sidepaths as defined in the current Sidewalk and Trail Master Plan.



Example 4.1H.4: Examples of potential Non-Motorized Transportation Pathway connectivity and landscaping.

- b. Pedestrian Protection. Non-Motorized Transportation Pathways must be protected from abutting parking and vehicular circulation areas using one or more of the following means:

- 1) Raised paving;
- 2) Raised curbing;
- 3) Landscaping; and/or
- 4) Other means deemed sufficient by the Plan Commission.

c. Standards.

- 1) Maximum Distance from Parking Spaces to Non-Motorized Transportation Pathways. No parking space shall be more than 100' from an on-site Non-Motorized Transportation Pathways;
- 2) Crossing of Interior Access Drives or Interior Access Driveways. Non-Motorized Transportation Pathways are to be identified by pedestrian crossing treatments

wherever said pathway crosses an Interior Access Drive or Interior Access Driveway;

- 3) Width. Non-Motorized Transportation Pathways must be a minimum of five feet in width;
 - 4) Construction. Shall meet Americans With Disabilities Act (ADA) standards for construction;
 - 5) Delineation. Shall be delineated by a paving material that differs from that of the vehicular areas; and,
 - 6) Landscaping. In addition to utilizing landscaping to protect pedestrians, landscape shall be deployed to provide shade to the Non-Motorized Transportation Pathways. (See example 4.1H.4)
5. Maintenance. The owner of the real estate shall be responsible for the perpetual maintenance of any private Non-Motorized Transportation Pathways.

I. Porches, Patio Covers, and Pergolas (Single Family Residential).

1. An unenclosed porch (open on three sides) may encroach into a required front yard up to eight (8) feet but shall not be nearer than five (5) feet to a front lot line.
2. Roofed structures which are attached to or adjoin a primary building shall be permitted in a required rear yard provided that:
 - a. The structure shall not be enclosed with walls, screens, windows, or other type of barrier.
 - b. The structure complies with all other development standards of the applicable zoning district for accessory buildings.

J. Refuse/Reuse Container Enclosures. Includes enclosures for trash bins, dumpsters, recycling bins, donation bins, trash compactors, and similar appurtenances.

1. Location
 - a. Shall not be located between the front facade of the *primary building* and the front lot line except when the lot has multiple *front lot lines* or there is another development constraint which prevents trash containers and enclosures from being located to the side or rear of the *primary building*;
 - b. Shall not be located in any *minimum front yard, minimum side yard, minimum rear yard, or required bufferyard*;
 - c. Gates shall face a side or rear lot line.
2. Construction and other Specifications
 - a. The materials of the three (3) solid-walled sides of the enclosure must be of masonry construction consistent and compatible with the materials of the *Primary Building*. Trash compactors may have a “man-door” in one of the solid-walled sides.
 - b. Shall not be less than six (6) feet in height, nor more than ten (10) feet in height.
 - c. Gates must be located on the non-solid-walled side of the Refuse/Reuse Container Enclosures, and must be covered with cedar, simulated cedar, solid metal, or a similar material painted a compatible color with the *Primary Building*;



Vehicular pull-off at Refuse/Reuse Container Enclosures

- d. If the top of the enclosure is visible from a primary building or adjacent roadway, a roof, cover, or similar approved appurtenance must be provided.
- e. Multi-family enclosures must have a vehicular pull-off area for residents to park while depositing items into the trash collection area.

3. Landscaping. When detailed in Table 4.1J.3, below the Refuse/Reuse Container Enclosure must be provided with foundation landscaping of evergreen *hedge plants* with a minimum height at planting, and maintained at a minimum height, of thirty-six (36) inches. These plants must be spaced not less than three (3) feet on-center.



Solid walled enclosure for trash compactor with foundation landscaping

	Residential		Non-Residential	
	Single Family	Multi-family	Commercial	Industrial
Required	Not Applicable	Yes	When enclosure abuts or adjoins a yard or bufferyard	

4. Operation
- a. Gates must;
 - 1) remain closed when not in use;
 - 2) must be consistently maintained; and
 - 3) must not face a public or private street.
 - b. Users must be able to deposit refuse/reuse material into the container without opening the hauler access gates; and,
 - c. Trash dumpsters, bins, donation bins, and trash compactors must remain inside Refuse/Reuse Container Enclosures at all times except when being emptied or exchanged



Example of compliance with 4.1 J.4. b

K. Satellite Dishes.

- 1. Commercial and Industrial. Subject to Mechanical Equipment Screening Standards in Article 4.1G
- 2. Single Family and Multi-Family Residential—
 - a. The regulations of this Article shall apply to *Satellite Dish Antennas* in all Residential *Districts* which are greater than one meter (39.37”) in diameter. These regulations are intended to allow *Satellite Dish Antennas* to be located in a manner that:
 - 1. does not unreasonably delay or prevent the installation, maintenance or use of the antenna;
 - 2. does not unreasonably increase the cost of installation, maintenance or use of the antenna; or
 - 3. preclude reception of an acceptable quality signal.
 - b. The regulations of this Article are intended to accomplish the following specific and clearly defined health, safety and aesthetic objectives:
 - 1. To promote the public health and safety by providing criteria for the placement of *Satellite Dish Antennas* greater than one meter (39.37”) in diameter which ensure that all such installations are performed in a manner which limits endangerment of life and property on the site and on surrounding properties if the antennas should collapse or are felled by ice or high winds; and,
 - 2. To ensure the aesthetic harmony of residential areas by providing for a

harmonious Streetscape, consistent with the Comprehensive Plan, uncluttered by non-residential Structures, including guy wires, poles, masts, cables or other appurtenances which can create a visual blight offensive to those who reside, work or travel in the Town of Plainfield.

- c. The following regulations are intended to meet the above objectives without unnecessarily burdening the Federal interests in ensuring the availability of satellite services and in promoting fair and effective competition among competing communication service providers. In any Residential *District*, *Satellite Dish Antennas* greater than one meter (39.37") in diameter shall be permitted provided that:
 1. If ground mounted, *Satellite Dish Antennas* shall:
 - a) not be located in any required *Front*, *Side* or *Rear Yard*, or between the established *Front Building Line* and the *Front Lot Line*; and,
 - b) not exceed the *Maximum Building Height* allowed for an *Accessory Structure*.
 2. If roof-mounted, *Satellite Dish Antennas* shall:
 - a) not exceed the *Maximum Building Height* limit allowed for a *Primary Building*;
 - b) not extend beyond the horizontal limits of the roof area; and,
 - c) be installed in accordance with plans certified by a registered engineer that the proposed installation complies with the standards listed in the Indiana Building Code.

L. Swimming Pools or Hot Tubs.

1. A swimming pool or hot tub shall not be located between any *Front Lot Line* and the established *Front Building Line*.
2. All swimming pools or hot tubs must comply with the Indiana Pool Code, the National Safety Code and the National Electrical Code, current editions.
3. Abandoned or unused swimming pools or hot tubs, situated on a premises which are not occupied must be maintained safely in a manner compliant with the Indiana Pool Code.

M. Underground Facilities. Underground facilities shall not be located in or under any required *Front*, *Side* or *Rear Yard*.

4.2. TEMPORARY USES, STRUCTURES AND BUILDINGS

- A. PERMITS REQUIRED.** A temporary use, structure or building which is in compliance with the provisions of this Article, shall be allowed in any district. A temporary use, structure or building which will be converted into a permanent primary or accessory use after the cessation of the temporary use shall be required to obtain an improvement location permit prior the establishment of the use or the construction of any structure or building. A temporary use, structure or building which will be removed from the site upon cessation of the temporary use shall be exempt from the requirements of this ordinance to obtain an improvement location permit.
- B. PERMITTED TEMPORARY USES, STRUCTURES AND BUILDINGS.** By way of example only, permitted temporary uses, structures and buildings include: construction trailers, sales offices, garage sales and seasonal retail sales.
- C. DURATION.** Except as specifically provided otherwise in this Article 4.2, a temporary use, structure or building shall be permitted for a period not to exceed one year. Except as specifically provided otherwise in this Article 4.2, the temporary improvement location permit, if required, may be renewed for an additional one-year period by the Director upon showing of good cause.

- D. COMPLIANCE WITH DEVELOPMENT STANDARDS.** Any temporary use, structure or building shall comply with all applicable development standards and setback requirements in the district in which the temporary use, structure or building is located.
- E. CESSATION OF USE.** All structures, buildings or debris associated with the temporary use shall be removed from the site immediately upon completion or cessation of the temporary use or expiration of the time period set forth above.
- F. ADDITIONAL REGULATIONS FOR GARAGE SALES/YARD SALES.** Notwithstanding any regulations above to the contrary, a garage sale may be conducted only on premises located within an AG, RR, R-1, R-2, R-3, R-4, R-5, R-6, R-U, M-U or PUD District and shall be subject to the following additional regulations.
1. A garage sale may be conducted two times each calendar year and shall not exceed three consecutive days in duration.
 2. A garage sale shall only be conducted during the hours from sunrise to sunset.
 3. All personal property exhibited outdoors during a garage sale shall be placed within a building or structure or otherwise removed from the premises immediately following the end of the garage sale.
 4. No garage sale shall occur unless a permit therefore has been obtained from the Clerk-Treasurer of the town. All garage sale permit applications shall include the name of the owner(s) involved in the garage sale, the address(s) of the garage sale and the date(s) of the garage sale. If an application for a garage sale permit indicates compliance with the provisions of this Article, a garage sale permit shall be issued.
 5. The garage sale permit shall be clearly displayed on the premises of the garage sale for the complete duration of the garage sale.
 6. Garage sale signs shall comply with the applicable provisions of Article VII.
 7. Nothing in this Article shall be construed to prohibit one or more owners from conducting a combined garage sale on one of the premises owned by the participants, provided that all other provisions of this Article are complied with.
- G. ADDITIONAL REGULATIONS FOR TEMPORARY SEASONAL RETAIL SALES USES.** Any temporary seasonal retail sales use, structure or building shall also comply with the following regulations.
1. The use or structure shall comply with all setback requirements for a primary building on the site.
 2. A minimum of three off-street parking spaces shall be provided on-site for the temporary seasonal retail sales use.
 3. The location of the temporary seasonal retail sales use and its required amount of parking spaces shall not interfere with any required parking spaces or safe and efficient flow of vehicular and pedestrian traffic around the parking area for the permanent primary use of the site.
 4. Signs for the temporary seasonal retail sales shall comply with the provisions of the sign regulations for either:
 - a. Freestanding identification signs for a single use site; or
 - b. Freestanding identification signs for out lots in an integrated center, whichever is applicable, and for building identification signs.
 5. One temporary seasonal retail sales use may be allowed on a parcel or lot once a year.
 6. Temporary seasonal retail sales uses shall be inspected every two weeks for compliance with standards of this Article. If the Director finds that the temporary seasonal

retail sales use is not in compliance, the temporary seasonal retail sales use shall be terminated.

7. Notwithstanding the provisions above to the contrary, temporary seasonal retail sales uses shall not exceed 60 continuous days in duration per calendar year.

H. MOBILE CLASSROOMS. Mobile classrooms shall only be permitted as a temporary use in compliance with the following requirements.

1. Mobile classrooms shall be for use by a religious use or school.
2. Mobile classrooms shall be permitted by the grant of a special exception by the Board of Zoning Appeals.
3. Applicants for a special exception shall submit a site plan in compliance with the provisions of Article 5.7 of this ordinance at the time of filing a petition for special exception.
4. Special exceptions for mobile classrooms shall be conditioned upon the applicant making progress towards accomplishing the goals of development indicated the site plan within a reasonable period of time as established by the Board of Zoning Appeals.
5. Special exceptions for mobile classrooms shall be reviewed annually by the Board of Zoning Appeals to determine if the applicant is making progress towards accomplishing the goals of development indicated on the site plan.

I. TEMPORARY SALES TRAILERS AND MODEL HOMES FOR RESIDENTIAL SUBDIVISIONS.

1. Sales trailers for residential subdivisions are allowed subject to the following standards.
 - a. Prior to installation of the sales trailer, a temporary improvement location permit and a construction trailer permit must be issued.
 - b. Must be located on a lot in the development in which the homes are for sale.
 - c. The street providing access to the sales trailer shall be paved.
 - d. The sales trailer must have Level 1 foundation landscaping on all sides.
 - e. At least four off-street parking spaces shall be provided on a paved or gravel surface.
 - f. All signs shall comply with the temporary sign standards of Article VII.
 - g. Hours of operation shall be between 7:00 a.m. and 9:00 p.m. daily.
 - h. Shall be located near a fully functional and operational fire hydrant that complies with the Fire Prevention Code.
 - i. All exterior lighting shall be limited to typical household exterior lighting. The use of ground mounted floodlights and search lights are prohibited.
2. Model homes with or without a sales office are allowed subject to the following standards.
 - a. Prior to construction, a building permit and improvement location permit (ILP), if required, shall be issued.
 - b. Must be located on a lot in the development in which the homes are for sale.
 - c. The street providing access to the model home shall be paved.
 - d. The model home must have Level 1 foundation landscaping along the front and side elevations.
 - e. At least two off-street parking spaces shall be provided on a paved or concrete surface.
 - f. Shall be located within 250 feet of a fully functional and operational fire hydrant.
 - g. All signs shall comply with the temporary sign standards of Article VII.
 - h. Hours of operation shall be between 7:00 a.m. and 9:00 p.m. daily.

- i. All exterior lighting shall be limited to typical household exterior lighting. The use of ground mounted floodlights and search lights are prohibited.
- j. At least one model home shall be the highest model/line offered for that section/phase of the development.

J. TEMPORARY STORAGE UNITS IN ALL DISTRICTS.

1. Shall be located on the site or lot of the primary use for which the temporary storage is required;
2. Shall not be located within any required front, side or rear yard, setback or bufferyard;
3. Shall not be located within any public right-of-way or block a public sidewalk;
4. Shall be located on an impervious surface such as a driveway or an off-street parking area;
5. Under no circumstances shall more than one temporary storage unit be allowed on the site or lot at any time; and
6. Shall not exceed 30 consecutive days in duration per primary use per calendar year unless the duration is extended by the Director.

K. TEMPORARY TENT SALES IN THE GC GENERAL COMMERCIAL DISTRICT.

1. Temporary tent sales may be allowed twice a year with each sale not exceeding 14 consecutive days in duration.
2. Tents used for temporary tent sales may not exceed 1,200 square feet.
3. Tents shall not be located in any required front, side or rear setback, yard or bufferyard.
4. Tents shall be on an impervious surface such as asphalt or concrete.
5. The site must comply with all off-street parking requirements for the primary use.
6. The temporary tent sale must be ancillary to the primary use.
7. A temporary improvement location permit shall be issued by the Director prior to commencement of the temporary tent sale.
8. Additional signs such as banners, flags, pennants, streamers, wind signs, balloons and search lights may be used. If any such additional signs are used, a sign plan for the temporary tent sale must be approved by the Director.
9. Tents must be made of a non-flammable material.
10. Tents, canopies and other membrane structures must comply with the Town Fire Prevention Code.
11. At least one fire extinguisher that complies with the Town Fire Prevention Code must be located in the tent.

4.3. HOME OCCUPATIONS

A. INTENT. It is the intent of this Article to provide for home occupations that conform to the standards set forth below. The standards in this Article are intended to insure compatibility of home occupations with other permitted uses and with the residential character of the neighborhood plus clearly establishing the secondary or incidental status of home occupations in relation to the primary use for dwelling purposes.

B. REQUIRED CONDITIONS. Home occupations shall be permitted in all residential districts subject to the following conditions.

1. Home occupations shall be limited to:

- a. Family members residing within the dwelling and who make the dwelling their primary place of residence; and
 - b. A maximum of one nonresident employee.
2. The use of the dwelling unit for the home occupation shall be incidental and subordinate to the use for residential purposes by the occupants. No more than 20% of the gross floor area of the dwelling unit shall be used in the conduct of the home occupations.
 3. There shall be no structural alterations to the interior of the dwelling to accommodate a home occupation which would render the dwelling undesirable for residential use.
 4. There shall be no structural additions, enlargements or exterior alterations changing the residential appearance of the dwelling or the lot or other visible indications of the conduct of the home occupation.
 5. There shall be no additional or separate entrance to the dwelling for the purpose of conducting the home occupation.
 6. There shall be no internal or external alterations, construction features or use of electrical or mechanical equipment which would change the fire rating of the structure.
 7. There shall be no outside storage of any kind related to the home occupation.
 8. All aspects of the home occupation shall be conducted within the dwelling structure in which the occupant makes his or her residence. No home occupation shall be conducted in any accessory building or detached garages.
 9. There shall be no traffic generated by a home occupation which is greater in volume than that which would be normally expected in the residential area in which the home occupation is located.
 10. There shall be no equipment or process used in the home occupation which creates noise, vibration, glare, smoke, fumes, odors or electrical interference detectable to the normal senses at any point beyond the lot line.
 11. There shall be no electrical or mechanical equipment utilized in the home occupation which will create any visual or audible interference with radio or television reception or which will cause fluctuations in line voltage off the premises.
 12. The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises other than vehicles normally associated with residential home delivery (i.e., postal or united parcel vehicles).
 13. The home occupation shall not involve the use of on-premises signs which call attention to the fact that the dwelling is being used for business purposes.
 14. The dwelling shall not be altered in its appearance and the home occupation shall not be conducted in such a manner as to differentiate the dwelling from the residential character of the area by either use of colors, materials, construction, separate entrances, lighting, signs or other means.
 15. No stock in trade (except for articles produced on the premises by residents of the dwelling) shall be displayed or sold upon the premises.

C. PROHIBITED HOME OCCUPATIONS. The following uses, by the nature of the investment or operation, have a pronounced tendency, once started, to rapidly increase beyond the limits specified above for home occupations and impair the use, value and quiet enjoyment of adjacent residential properties. Therefore, the uses specified below shall not be permitted as home occupations:

1. Auto/vehicle repairs, major or minor;
2. Barber/beauty shop;

3. Dance studio;
4. Dental office or clinic;
5. Medical office or clinic;
6. Painting of vehicles, trailers, boats and the like;
7. Photography studio;
8. Photo developing;
9. Private schools with organized classes;
10. Upholstering;
11. Television or radio repair;
12. Lawn mower or bicycle repair;
13. Appliance repair, large or small;
14. Freight, trucking or shipping;
15. Tooling, welding or machine shop;
16. Antique or gift shop;
17. Tool or equipment rental;
18. Veterinary clinic, kennel or stable;
19. Restaurants, eating or drinking establishments; and
20. Any use not in compliance with the intent and conditions set forth in this Article.

D. PERMITTED HOME OCCUPATIONS. By way of example, the following uses, when conducted in compliance with the conditions set forth above, qualify as permitted home occupations:

1. Art studio;
2. Dressmaking;
3. Office for an architect, engineer, planner, lawyer or accountant;
4. Office for a sales representative;
5. Teaching, including musical instruments or dance when limited to one pupil at a time;
6. Child care for five or less children at any time;
7. Home school; and
8. Other uses that comply with the intent and conditions set forth above in this Article.

E. REGISTRATION OF HOME OCCUPATIONS. All persons conducting home occupations shall register the home occupation with the town on forms provided by the Clerk-Treasurer's office.

4.4. SPECIAL REGULATIONS FOR RESIDENTIAL FACILITIES FOR THE MENTALLY ILL

A residential facility for the mentally ill as defined in this ordinance and by I.C. 12-7-2-167 may not be located within 3,000 feet of another residential facility for the mentally ill, as measured between lot lines.

4.5. SPECIAL REGULATIONS FOR ADULT ENTERTAINMENT BUSINESSES AND EMPLOYEES

PURPOSE AND INTENT.

- A. In adopting this ordinance, the town makes the following statement regarding its intent and makes the following findings.
1. Adult entertainment establishments require special supervision in order to protect and preserve the health, safety, morals and welfare of the town's citizens, the patrons of such establishments and the employees of such establishments.
 2. The town finds that adult entertainment establishments are frequently used for unlawful sexual activities, including prostitution, sexual liaisons of a casual nature and other illegal activities.
 3. The concern over sexually transmitted diseases is a legitimate health concern that demands reasonable regulation of adult entertainment establishments by the town in the specified manner in order to protect the health and well-being of its citizens and the general public.
 4. Minimal regulations enacted by the town are a legitimate and reasonable means of accountability to ensure that operators of adult entertainment establishments comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity, solicitation or other illegal activities.
 5. There is convincing documented evidence that adult entertainment establishments, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, cause increased crime (particularly in the overnight hours) and downgrade property values.
 6. The town desires to minimize and control these adverse secondary effects by regulating adult entertainment establishments in the specified manner. By minimizing and controlling these adverse secondary effects, the town seeks to protect the health, safety and welfare of the citizenry and the general public; protect the citizens and the general public from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods; and deter the spread of urban blight.
 7. The town has determined that current local zoning and other locational criteria do not adequately protect the health, safety and general welfare of its citizens and that expanded regulation of adult entertainment establishments is necessary.
 8. It is not the town's intent in adopting this ordinance to suppress or authorize the suppression of any speech activities protected by the First Amendment to the United States Constitution but to enact content-neutral regulations that address the adverse secondary effects of adult entertainment establishments.
 9. It is not the town's intent to condone or legitimize the distribution of obscene material, and the town recognizes that state and federal law prohibits the distribution of obscene materials and expects and encourages state law enforcement officials to enforce state obscenity statutes against any such illegal activities in this state.
- B. Based on evidence concerning the adverse secondary effects of adult entertainment businesses on communities presented to various courts and cited in the cases of *Township of Littleton, Colorado v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *Township of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *Barnes v. Glen Theater, Inc.*, 501 U.S. 560 (1991); *Township of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 426 U.S. 50 (1976); *California v. LaRue*, 409 U.S. 109 (1972); *Illinois One News, Inc. v. City of Marshall, Illinois*, 477 F.3d 461 (7th Cir. 2007); *G.M. Enter., Inc. v. Town of St. Joseph*, 350 F.3d 631 (7th Cir. 2003); *DLS, Inc. v. Township of Chattanooga*, 107 F.3d 403 (6th Cir.

1997); *East Brooks Books, Inc. v. Township of Memphis*, 48 F.3d 220 (6th Cir. 1995); *O'Connor v. Township and County of Denver* (10th Cir. 1990); *Sundance Assocs. v. Reno*, 139 F.3d 804 (10th Cir. 1998); *American Library Association v. Reno*, 33 F.3d 78 (D.C. Cir. 1994); *Lady J. Lingerie, Inc. v. City of Jacksonville*, 176 F.3d 1358 (11th Cir. 1998); *Andy's Restaurant and Lounge, Inc. v. City of Gary*, Case No. 2:01-CV-327 (N.D. Ind. 2005); *Harris v. Fitchville Township Trustees*, 99 F. Supp. 2d 837 (N.D. Ohio 2000); and other cases and on reports of secondary effects occurring in and around adult entertainment establishments in Phoenix, Arizona (1984); Minneapolis, Minnesota (1980); Houston, Texas (1983); Indianapolis, Indiana (1984); Amarillo, Texas (1977); Garden Grove, California (1991); Los Angeles, California (1977); Whittier, California (1978); Austin, Texas (1986); Seattle, Washington (1989); Oklahoma Township, Oklahoma (1986); Cleveland, Ohio (1977); Dallas, Texas (1997); St. Croix County, Wisconsin (1993); Bellevue, Washington (1998); Newport News, Virginia (1996); Tucson, Arizona (1990); St. Paul, Minnesota (1988); Oklahoma Township, Oklahoma (1986 and 1992); Beaumont, Texas (1982); New York, New York (1994); Ellicottville, New York (1998); Des Moines, Iowa (1984); Islip, New York (1980); Adams County, Colorado (1987); Manatee County, Florida (1987); New Hanover County, North Carolina (1989); Las Vegas, Nevada (1978); Cattaraugus County, New York (1998); Cleburne, Texas (1997); Dallas, Texas (1997); El Paso, Texas (1986); New York Times Square study (1994); Report to ACLJ on the Secondary Impacts of Sex Oriented Businesses (1996); findings from the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses (June 6, 1989, State of Minnesota); and on testimony to Congress in 136 Cong. Rec. S. 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S. 5636, 134 Cong. Rec. E. 3750; and also on findings from the paper entitled "Stripclubs According to Strippers: Exposing Workplace Sexual Violence", by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; and from "Sexually Oriented Businesses: An Insider's View", by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; and from various other police reports, testimony, newspaper reports, and other documentary evidence, and the town finds:

1. Adult entertainment businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments;
2. Certain employees of adult entertainment businesses, as defined in this ordinance, engage in a higher incidence of certain types of illicit sexual behavior than employees of other establishments;
3. Sexual acts, including masturbation and oral and anal sex occur at adult entertainment establishments, especially those that provide private or semi-private booths or cubicles for viewing films, videos or live sex shows. The "couch dances" or "lap dances" that frequently occur in adult entertainment establishments featuring live nude or semi-nude dancers constitute or may constitute the offense of "engaging in prostitution" under state law;
4. Offering and providing private or semi-private booths or cubicles encourages such activities which creates unhealthy conditions;
5. Persons frequent certain adult theaters, adult arcades and other adult entertainment businesses for the purpose of engaging in sexual activity within the premises of those adult entertainment businesses;
6. Numerous communicable diseases may be spread by activities occurring in adult entertainment businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis salmonella, campylobacter and shigella infections, chlamydial, myoplasmal and ureoplasmal infections, trichomoniasis and chancroid;
7. Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United

States: 600 in 1982, 2,200 in 1983, 4,600 in 1984, 8,555 in 1985 and 253,448 through December 31, 1992;

8. Since 1981 and to the present, there have been an increasing cumulative number of persons testing positive for the HIV antibody test in the state;
9. The number of cases of early (less than one year) syphilis in the United States reported annually has risen. 33,613 cases were reported in 1982, and 45,200 cases were reported through November 1990;
10. The number of cases of gonorrhea in the United States reported annually remains at a high level, with over one-half million cases being reported in 1990;
11. The Surgeon General of the United States in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse and exposure to infected blood and blood components, and from an infected mother to her newborn;
12. According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts;
13. Sanitary conditions in some adult entertainment businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities;
14. The findings noted in divisions (B)(1) to (B)(13) above raise substantial governmental concerns;
15. Adult entertainment businesses have operational characteristics that require or subject them to reasonable government regulation in order to protect those substantial governmental concerns;
16. The adoption of this ordinance will promote the general welfare, health, morals and safety of the citizens of the town;
17. Upon adoption, this ordinance replaces, supersedes, and supplants Ord. 20-97 and Article 4.5 of Ord. 21-97.

II DEFINITIONS. For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADULT ARCADE. Any place to which the public is permitted or invited in which coin-operated, slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and in which the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing specified sexual activities or specified anatomical areas.

ADULT BOOKSTORE, ADULT NOVELTY STORE or ADULT VIDEO STORE.

1. A commercial establishment that, for any form of consideration, has as a significant or substantial portion of its stock-in-trade in, derives a significant or substantial portion of its revenues from, devotes a significant or substantial portion of its interior business or advertising to, or maintains a substantial section of its sales or display space for the sale or rental of any of the following:
 - a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, DVDs, slides or other visual representations, that are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas; or
 - b. Instruments, devices or paraphernalia that are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of self or others.

2. A commercial establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials exhibiting or describing specified sexual activities or specified anatomical areas and still be categorized as an **ADULT BOOKSTORE**, **ADULT NOVELTY STORE** or **ADULT VIDEO STORE**. The existence of other principal business purposes does not exempt an establishment from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, such materials that exhibit or describe specified sexual activities or specified anatomical areas.

ADULT CABARET. A nightclub, bar, juice bar, restaurant, bottle club or similar commercial establishment, whether or not alcoholic beverages are served, that regularly features any of the following:

1. Persons who appear in a state of nudity or semi-nudity;
2. Live performances that are characterized by the exposure of specified anatomical areas or specified sexual activities; or
3. Films, motion pictures, video cassettes, DVDs, slides or other photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.

ADULT ENTERTAINMENT. The sale, rental or exhibition, for any form of consideration, of books, films, video cassettes, DVDs, magazines, periodicals or live performances that are characterized by an emphasis on the exposure or display of specified anatomical areas or specified sexual activity

ADULT ENTERTAINMENT BUSINESS. An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult hotel, escort service, massage parlor, nude or semi-nude model studio, lingerie modeling studio, sexual encounter center, adult motion picture theater or adult theater as defined by in this II Definitions of this ordinance. An establishment in which a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated pursuant to state law and this ordinance is not an **ADULT ENTERTAINMENT BUSINESS** or an adult entertainment establishment.

ADULT MOTEL or **ADULT HOTEL.** A hotel, motel or similar establishment offering public accommodations for any form of consideration which provides patrons, upon request, with closed-circuit television transmissions, films, motions pictures, video cassettes, DVD's, slides or other photographic reproductions that are distinguished or characterized by an emphasis upon the depiction or description of specified anatomical areas or specified sexual activity.

ADULT MOTION PICTURE THEATER. A commercial establishment where films, motion pictures, video cassettes, DVD's, slides or similar photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.

ADULT THEATER. A theater, concert hall, auditorium or similar commercial establishment that, for any form of consideration, regularly features persons who appear in a state of nudity or semi-nudity or live performances that are characterized by their emphasis upon the exposure of specified anatomical areas or specified sexual activities.

COMMERCIAL ESTABLISHMENT. An entity that is open to the public and to which either of the following applies:

1. It has a substantial or significant portion of its stock in trade of the sale, rental or viewing of visual materials or performances (i.e., videos, CD-ROM discs, streaming video or other motion pictures) depicting sexual conduct; or
2. It has as a principal business purpose the sale, rental or viewing of visual materials or performances depicting sexual conduct.

DISTINGUISHED OR CHARACTERIZED BY THEIR EMPHASIS UPON. The dominant or principal character and theme of the object described by this phrase. For instance, when the phrase refers to films **THAT ARE DISTINGUISHED OR CHARACTERIZED BY THEIR EMPHASIS UPON THE**

EXHIBITION OR DESCRIPTION OF SPECIFIED SEXUAL ACTIVITIES OR SPECIFIED ANATOMICAL AREAS, the films so described are those whose dominant or principal character and theme are the exhibition or description of specified sexual activities or specified anatomical areas.

EMPLOYEE. A person who performs any service or work on the premises of an adult entertainment business, including, but not limited to, providing entertainment, performing work of a management or supervisory nature, or performing support functions, on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent, lessee or otherwise, and whether or not said person is paid a salary, wage or other compensation by the operator of said business. **EMPLOYEE** does not include a person on the premises exclusively for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises, nor does employee include a person exclusively on the premises as a patron or customer.

ESCORT. Any person who, for a fee, commission, salary, hire, profit, payment or other consideration accompanies or offers to accompany another person to or about social affairs, entertainments or places of amusement, or consorts or otherwise associates or keeps company with another person about any place or public resort or within any private quarters.

ESCORT SERVICE. A service provided by any person who, for a fee, commission, salary, hire, profit, payment or other consideration furnishes or offers to furnish names of persons, or who introduces, furnishes or arranges for persons, who may accompany other persons to or about social affairs, entertainments or places of amusement, or who may consort with, associate, or keep company with others about any place of public resort or within any private quarters.

LICENSE. A license to act or operate an adult entertainment business issued pursuant to this ordinance.

LICENSEE. A person in whose name a license to operate has been issued, as well as the individual(s) designated on the license application as principally responsible for the operation of the adult entertainment business. With respect to an employee license issued under this ordinance, **LICENSEE** means an employee as defined by in this II Definitions above in whose name a license has been issued authorizing employment at an adult entertainment business.

MASSAGE PARLOR. Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with specified sexual activity or where any person providing such treatment, manipulation or services related thereto exposes specified anatomical areas. However, a **MASSAGE PARLOR** does not constitute an adult entertainment business if the owner, operator and/or employees of the massage parlor have been certified or licensed as a massage therapist(s), under state law, by the Indiana State Board of Massage Therapy.

NUDE OR SEMI-NUDE MODEL STUDIO or LINGERIE MODELING STUDIO. Any place where a person, who regularly appears in a state of nudity or semi-nudity, is provided for money or any other form of consideration to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons. However, a modeling class or studio is not a **NUDE OR SEMI-NUDE MODEL STUDIO** and is not subject to this chapter if it is operated in any of the following ways:

1. By a college or university supported entirely or partly by taxation;
2. By a private college or university that maintains and operates educational programs, the credits for which are transferable to a college or university supported entirely or partly by taxation; or
3. In a structure that has no sign visible from the exterior of the structure and no other advertising indicating that a person appearing in a state of nudity or semi-nudity is available for viewing, if in order to participate in a class in the structure, a student must enroll at least three days in advance of the class and if not more than one nude or seminude model is on the premises at any one time.

NUDITY, NUDE, STATE OF NUDITY. The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or the showing of the female breasts with less than a fully opaque covering of any part of the nipple and areola. **NUDITY**, as used in this section, does not include a woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.

OPERATE. To control or hold primary responsibility for the operation of an adult entertainment business, either as a business entity, as an individual, or as part of a group of individuals with shared responsibility. **OPERATE** or **CAUSE TO BE OPERATED** shall mean to cause to function or to put or keep in operation. **OPERATOR** means any persons on the premises of an adult entertainment business who is authorized to exercise overall operational control or hold primary responsibility for the operation of an adult entertainment business or who causes to function or who puts or keeps in operation the business. A person may be found to be **OPERATING** or **CAUSING TO BE OPERATED** an adult entertainment business whether or not that person is an owner, part owner or licensee of the business.

PATRON. A customer of the adult entertainment business or a person from the general public, not an employee of the business, who is on the premises to obtain, receive or view the products, services or performances offered by the business.

PERSON. An individual, proprietorship, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

REGULARLY FEATURES or **REGULARLY SHOWN.** A consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the adult entertainment establishment.

SEMI-NUDE or **STATE OF SEMI-NUDITY.** A state of dress in which opaque clothing covers not more than the genitals, pubic region and nipple of the female breast, as well as portions of the body covered by supporting straps or devices.

SEXUAL ENCOUNTER ESTABLISHMENT.

1. A business or commercial establishment that, as one of its principal business purposes, offers for any form of consideration a place where either of the following occur:
 - a. Two or more persons may congregate, associate or consort for the purpose of engaging in specified sexual activities; or
 - b. Two or more persons appear nude or seminude for the purpose of displaying their nude or seminude bodies for their receipt of consideration or compensation in any type or form.
2. However, an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated pursuant to state law is not a **SEXUAL ENCOUNTER ESTABLISHMENT**.

SPECIFIED ANATOMICAL AREAS. The cleft of the buttocks, pubic region, anus, male or female genitals, or the female breast.

SPECIFIED CRIMINAL ACTIVITY. Any of the following offenses:

1. Prostitution or promoting prostitution; soliciting; loitering to engage in solicitation; sexual performance by a child; public lewdness; indecent exposure; indecency with a child; sexual assault; molestation of a child; or any similar offenses to those described above under the criminal or penal code of any local jurisdiction, state or country;
2. For which:
 - a. Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense; or
 - b. Less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense.
3. The fact that a conviction is being appealed shall not prevent such conviction from constituting a specified criminal activity as defined in this section.

SPECIFIED SEXUAL ACTIVITY. Any of the following:

1. Sex acts, normal or perverted, or actual or simulated, including intercourse, oral copulation, masturbation, sodomy;

2. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;
3. Flagellation or torture in the context of a sexual relationship;
4. Masochism, erotic or sexually oriented torture, beating, or the infliction of pain;
5. Erotic touching, fondling or other such contact with an animal by a human being; or
6. Excretory functions as a part of or in connection with any of the activities described in divisions (1) through (5) above of this definition.

TRANSFER OF OWNERSHIP OR CONTROL. Of an adult entertainment business, shall mean any of the following:

1. The sale, lease or sublease of the business;
2. The transfer of securities which constitute a controlling interest in the business whether by sale, exchange or similar means; or
3. The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

III LICENSE REQUIRED.

- A. No person shall:
 1. Operate an adult entertainment business as defined by II Definitions without a valid adult entertainment business license issued by the town pursuant to this ordinance; and
 2. In connection with operating an adult entertainment business, retain the services of a person as an employee, as defined in this ordinance, who is not licensed as an adult entertainment business employee by the town pursuant to this ordinance.
- B. Any person who violates subsection (A)(1) above shall be guilty of an infraction.
- C. A violation(s) of subsection (A)(2) above constitutes grounds for the suspension of an adult entertainment business license as provided for in Section IX of this ordinance.
- D. No person shall act as an employee, as defined in this ordinance, on the premises of an adult entertainment business without having secured an adult entertainment business employee license ("employee license") pursuant to this ordinance.
- E. A violation of this section shall be a ground for the suspension of an adult entertainment business employee license as provided for in Section IX of this ordinance.

IV APPLICATION FOR LICENSE.

- A. An original or renewal application for an adult entertainment business license shall be submitted to the Town Manager or his or her designee on a form provided by the Town Manager. The town's application may require and the applicant shall provide such information as reasonably necessary (including fingerprints) to enable the town to determine whether the applicant meets the qualifications established in this ordinance.
- B. A nonrefundable filing fee of \$250 shall be paid at the time of filing the application for the first application for a new license and \$125 for each consecutive year of renewal.
- C. The license fee for an adult entertainment business shall be \$700 for the first year or any part thereof, and \$350 for each consecutive year of renewal.
- D. By filing the application for approval with the Town Manager, the applicant is agreeing to and is submitting himself, herself or itself to the personal jurisdiction of the Town Council, Town Court and County Courts.

- E.** An application for an adult entertainment business license shall identify and shall be signed by the following persons:
1. If the business entity is owned by an individual, that individual;
 2. If the business entity is owned by a corporation, each officer or director of the corporation, any individual owning or controlling more than 50% of the voting shares of the corporation, and any person with an ownership interest in the corporation who will be principally responsible for the operation of the proposed adult entertainment business; or
 3. If the business entity is owned by a partnership (general or limited), a joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization, each partner (other than limited partners); and any other person entitled to share in the profits of the organization, whether or not such person is also obligated to share in the liabilities of the organization, who will be principally responsible for the operation of the proposed adult entertainment business.
- F.** An application for an adult entertainment business license must designate one or more individuals who are to be principally responsible for the operation of the proposed adult entertainment business, if a license is granted. At least one person so designated must be involved in the day-to-day operation of the proposed adult entertainment business. Each person so designated, as well as the business entity itself, shall be considered a license applicant, must qualify as a licensee under this ordinance, and shall be considered a licensee if a license is granted.
- G.** An application for an adult entertainment business license shall be completed according to the instructions on the application form, which shall require the following:
1. If the applicant is:
 - a. An individual, state the legal name and any aliases of such individual;
 - b. A partnership, state the complete name of the partnership and all of its partners and whether the partnership is general or limited, and provide a copy of the partnership agreement, if any;
 - c. A joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization, state the complete name of the organization and provide a copy of the legal document establishing the organization, if any; or
 - d. A corporation, state the complete name of the corporation and the date of its incorporation, provide evidence that the corporation is in good standing under the laws of its state of incorporation, and state the names and capacities of all officers and directors, the name of the registered corporate agent, and the address of the registered office for service of process.
 2. If the applicant intends to operate the adult entertainment business under a name other than that of the applicant, state the fictitious name to be used and submit copies of documentation evidencing the registration of the business name under applicable laws;
 3. State whether any applicant has been convicted of a specified criminal activity as defined in this ordinance, and if so, the specified criminal activity involved and the date, place and jurisdiction of each such conviction;
 4. State whether any applicant has had a previous license under this ordinance or other similar regulation of another jurisdiction denied, suspended or revoked, including the name and location of the adult entertainment business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation; and state whether the applicant has been a partner in a partnership or an officer, or 50% or greater owner of a corporation licensed under this ordinance whose license has previously been denied, suspended or revoked, including the name and location of the business for which the permit was denied, suspended or revoked as well as the date of

denial, suspension or revocation;

5. State whether any applicant holds any other licenses under this ordinance or other similar regulation from this or another jurisdiction and, if so, the names and locations of such other licensed businesses;
6. State the location of the proposed adult entertainment business, including a legal description of the property (i.e., permanent parcel number), street address and telephone number(s), if any;
7. State the physical mailing address and residential address of each applicant and each person signing the application. A post office box does not satisfy this requirement. This address must be updated within 30 days of any address change by the applicant/licensee. By submitting an application, the applicant/licensee represents and agrees that the address provided (as updated) is sufficient to allow for service of process at that address. By submitting an application, the applicant/licensee also agrees that any service attempted, pursuant to state law, at the address provided constitutes sufficient service of process under state law, and he, she, and/or it agrees to waive any challenge to any suit instituted by the town against the applicant/licensee based upon personal jurisdiction and/or insufficient/inadequate service of process made at the address provided. Failure to provide an adequate address or to update timely that address constitutes grounds for denying an application for an adult entertainment license or revoking an adult entertainment license;
8. Submit a recent photograph of each applicant who is a natural person, taken by the town that clearly shows the applicant's face;
9. Submit the fingerprints of each applicant, who is a natural person, recorded by the Town Police Department;
10. For any applicant who is a natural person, describe and identify the location of any tattoos on such person's face, arms or hands, or any other anatomical area that normally would be visible when such person is on the premises of the proposed adult entertainment business;
11. State the driver's license number and Social Security number of each applicant who is a natural person and each person signing the application, or, for an applicant that is not a natural person, the applicant's federally issued tax identification number;
12. Submit proof that each applicant who is a natural person is at least 18 years old;
13. Submit a sketch or diagram showing the configuration of the premises of the adult entertainment business. The diagram shall also designate the place at which the adult entertainment business license will be conspicuously posted, if granted. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches; and
14. The above-required disclosures facilitate the police investigation into the applicant's criminal background regarding crimes of a sexual nature so that the town can determine whether the ordinance's civil disabilities provisions apply. Such provisions exist to combat the sex crimes connected with adult entertainment establishments by temporarily prohibiting those recently convicted of such crimes from employment with those establishments. In addition, the required disclosures ensure continuing compliance with the ordinance's licensing and permitting requirements.

V ISSUANCE OF A LICENSE.

- A. Upon receipt of an application for an adult entertainment business license, the Town Manager or his or her designee shall promptly request that the Town Director of Planning and Zoning review the information provided in the application concerning the criminal background

of the applicant(s) and that the Director of Planning and Zoning transmit the results of the investigation in writing to the Town Manager or his or her designee within five business days of the completion of the investigation.

- B.** Within five business days of receipt of an application for an adult entertainment business, the Town Manager or his or her designee shall notify the Town Fire Chief of such application. In making such notification, the Town Manager or his or her designee shall request that the Fire Chief promptly inspect the premises for which the adult entertainment business license is sought to assess compliance with all applicable regulations under this jurisdiction.
- C.** The Fire Chief shall provide to the Town Manager or his or her designee a written certification of whether the premises are in compliance with the town's fire regulations within ten business days of receipt of notice of the application.
- D.** The Town Director of Planning and Zoning shall commence the inspection of the premises for which an adult entertainment business license is sought promptly upon receipt of the application, and shall complete, within ten business days after receipt of the application, a written certification of whether the premises are in compliance with the town's Zoning Ordinance.
- E.** Within 30 days after receipt of a completed adult entertainment business license application, the Town Manager or his or her designee shall approve or deny the issuance of a license. The Town Manager or his or her designee shall approve the issuance of a license to an applicant unless he or she determines that one or more of the following findings are true:
 - 1. An applicant who is a natural person is under 18 years of age;
 - 2. An applicant has failed to provide all information and documents required for issuance of the license as requested on the application form, or has provided information or documents as requested on the application that are insufficient on their face; provided, however, that no license shall be denied solely on the ground that an applicant has refused to disclose its Social Security number;
 - 3. An applicant has, within the preceding 12 months, been denied an adult entertainment business license by any jurisdiction or has had a license to operate an adult entertainment business revoked by any jurisdiction;
 - 4. An applicant has been convicted of a specified criminal activity as defined in this ordinance;
 - 5. The proposed adult entertainment business would violate or fail to be in compliance with any provisions of this ordinance, the town's Zoning Ordinance, any state statute or regulation, or any federal statute or regulation;
 - 6. The application and investigation fee required by this ordinance has not been paid; and/or
 - 7. An applicant is in violation of or not in compliance with any provision of this ordinance, except as provided in V(F) of this section.
- F.** An adult entertainment business license shall state on its face the name of the applicant, the expiration date and the address of the licensed adult entertainment business. All adult entertainment business licenses shall be posted in a conspicuous place at or near the entrance to the business so that they may be easily read at any time.
- G.** The Town Manager or his or her designee shall advise the applicant in writing within three business days of the decision of the reasons for any license denial. If the Town Manager finds, subsequent to denial, that the basis for the denial of the license has been corrected or abated, the applicant may reapply.

VI EMPLOYEE LICENSE APPLICATION.

- A.** An application for an employee license shall be submitted to the Town Manager or his or her designee on a form provided by it. The application may request, and the applicant shall provide, such information as reasonably necessary (including fingerprints) to enable the Town Manager to determine whether the applicant meets the qualifications established in this ordinance.
- B.** An application for an employee license shall be completed according to the instructions of the application form which shall require the following:
 - 1. State the applicant's name and any other names (including "stage" names) or aliases used by the applicant;
 - 2. State the applicant's date and place of birth;
 - 3. State the applicant's height, weight, and hair and eye color;
 - 4. Submit a recent photograph of the applicant taken by the Town Police Department which clearly shows the applicant's face;
 - 5. Submit the applicant's fingerprints recorded by the Town Police Department;
 - 6. Describe and identify the location of any tattoos on the applicant's face, arms or hands, or any other anatomical area that normally would be visible when the applicant is on the premises of the proposed adult entertainment business;
 - 7. State the applicant's present residence address and telephone number;
 - 8. State the applicant's present or intended business address and telephone number;
 - 9. State the applicant's driver's license number and Social Security number;
 - 10. Submit proof that the applicant is at least 18 years old;
 - 11. Provide a statement detailing the adult entertainment business-related license history of the applicant for the five years immediately preceding the date of the filing of the application, including whether such applicant previously operated or is seeking to operate an adult entertainment business, in this or any other jurisdiction, and whether the applicant has ever had an adult entertainment business-related license, permit or authorization to do business denied, revoked or suspended. In the event of any such denial, revocation or suspension, state the name of the issuing or denying jurisdiction and describe in full the reason for the denial, revocation or suspension. Attach a copy of any order of denial, revocation or suspension;
 - 12. State whether the applicant has been convicted of a specified criminal activity as defined in this ordinance and, if so, the specified criminal activity involved and the date, place and jurisdiction of each such conviction; and
 - 13. The above-required disclosures facilitate the police investigation into the applicant's criminal background regarding crimes of a sexual nature so that the Town Manager can determine whether the ordinance's civil disabilities provisions apply. Such provisions exist to combat the sex crimes connected with adult entertainment businesses and sexually oriented establishments by temporarily prohibiting those recently convicted of such crimes from employment with those establishments. In addition, the required disclosures ensure continuing compliance with the ordinance's licensing and permitting requirements.

VII ISSUANCE OF ADULT ENTERTAINMENT BUSINESS EMPLOYEE LICENSE.

- A.** Upon the filing of a completed application for an employee license, the Town Manager or his or her designee shall issue a license to said applicant immediately.
- B.** Within five business days of receipt of a completed application for an employee license, the

Town Manager or his or her designee shall request that the Town Director of Planning and Zoning initiate an investigation of the information provided in the application concerning the criminal background of the applicant. The Director of Planning and Zoning shall document the results of its investigation in writing within five business days of the completion of its investigation and transmit this writing to the Town Manager or his or her designee.

- C. Within ten business days after completion of the criminal background investigation of the applicant, the Town Manager or his or her designee shall either affirm the prior issuance of the license or revoke the license. The Town Manager or his or her designee shall affirm the prior issuance of a license to an applicant unless he or she determines that one or more of the following findings are true:
 - 1. The applicant has failed to provide all information and documents required for issuance of the license as requested on the application form, or has provided information or documents as requested on the application that are insufficient on their face; provided, however, that no license shall be denied solely on the ground that an applicant has refused to disclose its Social Security number;
 - 2. The applicant is under 18 years of age;
 - 3. The applicant has been convicted of a specified criminal activity as defined in this ordinance;
 - 4. The employee license is to be used for employment in a business prohibited by local, state or federal law, statute, rule or regulation; and/or
 - 5. The applicant has, within the preceding 12 months, been denied an employee license by any jurisdiction or has had an employee license revoked by any jurisdiction.
- D. If the employee license is revoked, the Town Manager or his or her designee shall advise the applicant in writing within three business days of the reason(s) for any such revocation.

VIII EXPIRATION AND RENEWAL OF LICENSE.

- A. Each license issued pursuant to this ordinance shall expire one year from the date of issuance and may be renewed by making application as provided in this section. Application for renewal shall be made no more than 90 days and no less than 30 days before the expiration date. If application is made less than 30 days before the expiration date, the license will not be extended pending a decision on the application but will expire on its normal expiration date.
- B. An application for renewal of an adult entertainment business license shall be submitted to the Town Manager or his or her designee on a form provided by it. The completed renewal application shall describe any changes or additions to, or deletions from, the information provided in the applicant's initial license application pursuant to this ordinance. Copies of any document or material submitted in connection with the initial license application shall accompany the completed renewal application that has been revised or such application shall be revised to reflect any change in circumstances or conditions. Sketches or diagrams submitted with an adult entertainment business license application may be resubmitted with subsequent renewal applications, provided that the applicant certifies in writing that the sketch or diagram still depicts the premises accurately.
- C. The Town Manager or his or her designee shall make determinations concerning the approval of license renewals based on the same criteria and time mandates used to evaluate applications for new licenses under this ordinance.
- D. The Town Manager or its designee shall advise the applicant in writing within three business days of the reason(s) for any denial of a license renewal.
- E. An application for renewal of an employee license shall be submitted to the Town Manager or

his or her designee on a form provided by it. The completed renewal application shall describe any changes or additions to, or deletions from, the information provided in the applicant's initial license application pursuant to this ordinance. Copies of any document or material submitted in connection with the initial license application shall accompany the completed renewal application that has been revised or requires revision to reflect any change in circumstances or conditions.

- F. When the Town Manager denies an application for renewal of a license, the applicant shall not be issued another license for one year from the date of denial. However, if the Town Manager finds, subsequent to denial, that the basis for the denial of the renewal license has been corrected or abated, the applicant may reapply prior to the expiration of the one-year period.

IX SUSPENSION.

- A. The Town Manager shall suspend an adult entertainment business license for a period not to exceed 30 days if it determines that a licensee:
 - 1. Has violated or is not in compliance with any section of this ordinance; or
 - 2. Has knowingly allowed an employee to violate or fail to comply with any section of this ordinance.
- B. The Town Manager shall suspend an adult entertainment business license for a period not to exceed 30 days if he or she determines that a licensee or its employee or agent has refused to allow, or has prohibited or has interfered with, an inspection of the adult entertainment business premises as authorized by this ordinance.
- C. The Town Manager shall suspend an employee license for a period not to exceed 30 days if he or she determines that a licensee has violated or does not comply with any section of this ordinance.
- D. The Town Manager or his or her designee shall advise the licensee in writing within three business days of the reason(s) for any suspension.

X REVOCATION.

- A. The Town Manager or his or her designee shall revoke an adult entertainment business license or employee license if a cause of suspension under this ordinance occurs and the license has been suspended two times within the preceding 12 months.
- B. The Town Manager or his or her designee shall revoke an adult entertainment business license if it determines that:
 - 1. A licensee failed to provide all information and documents required for issuance of the license as requested on the application form, or provided information or documents as requested on the application that are false;
 - 2. The licensee(s) failed to comply with any requirement stated in the license, pursuant to this ordinance, to correct specified deficiencies within 120 days;
 - 3. A licensee has knowingly allowed possession, use or sale of controlled substances on the premises;
 - 4. A licensee has knowingly allowed prostitution, solicitation or the commission of a felony on the premises;
 - 5. A licensee knowingly operated the adult entertainment business during a period of time when the licensee's license was suspended;
 - 6. A licensee has knowingly allowed any act of sexual intercourse, sodomy, oral

copulation, masturbation, or other sex act to occur in or on the licensed premises;

7. A licensee has been convicted of a specified criminal activity, as defined in this ordinance, during the term of the license; or
 8. A licensee is delinquent in payment to the township, county, state or United States government for any taxes or fees that were assessed or imposed in relation to any business.
- C.** The Town Manager or his or her designee shall revoke an employee license if it determines that:
1. The licensee failed to provide all information and documents required for issuance of the license as requested on the application form, or provided information or documents as requested on the application that are false;
 2. The licensee has knowingly acted as an employee on the premises of an adult entertainment business during a period of time when the licensee's license was suspended; or
 3. The licensee has been convicted of a specified criminal activity, as defined in this ordinance during the term of the license.
- D.** The Town Manager or his or her designee shall advise the licensee in writing within three business days of the reason(s) for any revocation.
- E.** When the Town Manager or his or her designee revokes a license pursuant to divisions (A), (B)(3) through (B)(7), (C)(2) or (C)(3) above, the licensee shall not be issued another license for one year from the date the revocation became effective.
- F.** When the Town Manager or his or her designee revokes a license pursuant to divisions (B)(1), (B)(8) or (C)(1) above, the applicant may be granted a license if the basis for the revocation has been corrected or abated and at least 30 days have elapsed since the date the revocation became effective.

XI APPEAL RIGHTS.

- A.** Any denial, suspension or revocation of a license under this ordinance may be appealed to the Town Council by written notice within ten days of such denial, suspension or revocation. Unless the applicant requests a longer period, the Town Council must hold a hearing on the appeal within 21 days and must issue a decision affirming or reversing the denial, suspension or revocation within five days after the hearing. During the time between the date of the denial, suspension or revocation of a license and the date of the Town Council's decision affirming or reversing the denial, suspension or revocation, the status quo of the license holder or applicant shall be maintained.
- B.** In the event that the Town Council affirms the denial, suspension or revocation of a new or renewal license under this ordinance, the applicant may pursue an appeal to the Town Court. The failure of the Town Council to render a decision on the application within the time prescribed above shall be considered an affirmance of the denial, suspension or revocation of the license, and the applicant may pursue an appeal to the Town Court. This appeal provision is intended to comply with the requirement for prompt judicial review stated by the United States Supreme Court in *Township of Littleton, Colorado v. Z.J. Gifts D-4*, 124 S. Ct. 2219 (2004)
- C.** Any licensee lawfully operating an adult entertainment business prior to the denial of a license renewal application, or the suspension or revocation of a license, shall retain said license and all privileges attendant thereto, subject to all other terms of this ordinance, so that the status quo of the licensee is maintained during the pendency of an appeal to the Town Council of a decision rendered under this ordinance and during the entire time required for

the court to rule on the appeal pursuant to division (B) above.

- D. Any licensee lawfully acting as an employee in an adult entertainment business prior to the denial of a license renewal application, or the suspension or revocation of a license, shall retain said license and all privileges attendant thereto, subject to all other terms of this ordinance, so that the status quo of the licensee is maintained during the pendency of an appeal to the Town Council of a decision rendered under this ordinance and during the entire time required for the court to rule on the appeal pursuant to division (B) above.
- E. In the event that any judicial review of the denial of a new or renewal license application or the revocation or suspension of a license is still pending 30 days before the expiration date of any license, the licensee may file a renewal license application with the Town Council or its designee pursuant to this ordinance. In the event that an application for renewal of a license is denied and the applicant seeks judicial review of that denial, the town has the right to consolidate such review with any pending judicial actions in regards to the previous denial, suspension or revocation of a license.
- F. If, during the pendency of any appeal pursued under division (B) above, there are additional denials of a renewal license application or suspensions or revocations of that license, the town has the right to consolidate the appeals for the additional denials, suspensions or revocations with any pending appeal for that same licensee.

XII TRANSFER OF LICENSE.

- A. An adult entertainment business license is not transferable from one licensee to another or from one location to another. Any purported transfer of an adult entertainment business license shall automatically and immediately revoke that license.
- B. An employee license is not transferable from one licensee to another, but the use of the license by the individual to whom it was issued may be transferred from one licensed adult entertainment business to another such licensed establishment during the term of the license, provided that the licensee gives written notice of such transfer to the Clerk-Treasurer of the town or his or her designee within 15 days of such transfer.

XIII ADDITIONAL REGULATIONS CONCERNING THE OPERATION OF AN ADULT ENTERTAINMENT BUSINESS.

- A. *Additional regulation.* Nothing contained in this ordinance is intended or shall be construed to permit or authorize activities which are unlawful under state law or city ordinance. It is unlawful and a violation of this chapter for an operator to knowingly or intentionally violate the provisions of this ordinance or to allow, either knowingly or intentionally, an employee or a patron to violate the provisions of this ordinance. It shall be a defense to prosecution that the person was powerless to prevent the violation.
- B. *Minors prohibited.* No person under the age of 18 years shall be permitted on the premises of an adult entertainment business.
- C. *Hours of operation.* An adult entertainment business shall close no later than 12:00 a.m. (midnight) or not later than the closing time required under its permit to sell alcoholic beverages, whichever is later and shall not reopen earlier than 11:00 a.m.
- D. *Design standards.* No adult entertainment business shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified anatomical areas and/or specified sexual activities by display, decorations, sign, show window or other opening from any public way.
- E. *Distance requirements.* The establishment, relocation, enlargement, reconstruction, resumption or structural alteration of any adult entertainment business are prohibited if such

adult entertainment business is within 1,000 feet of another adult entertainment business or within 600 feet of any existing religious institution, library, school, day care facility, child care facility, park, agricultural district or residential zoning district within the town's corporate limits.

- F. *Measurement of distances.*** The distance between one adult entertainment business and another adult entertainment business shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structural wall of each business. The distance between an adult entertainment business and any religious institution, school, park, library, day care facility, child care facility, agricultural district or residential district shall be measured in a straight line, without regard to intervening structures or objects from the closest exterior structural wall of the adult entertainment business to the nearest lot line of the religious institution, day care facility, child care facility, park, agricultural district or residential zoning district.
- G. *Zoning district.*** No adult entertainment business shall be established, relocated, enlarged, reconstructed, resumed or structurally altered unless the site or proposed site is located in an I-2 Office/Warehouse Distributional Industrial District; an I-3 Light Manufacturing Industrial District; or I-4 Heavy Manufacturing Industrial District, and is approved as a special exception in such zoning district.
- H. *Building limitation.*** Only one type of adult entertainment business may be operated in a single building or structure.
- I. *License requirements.*** No adult entertainment business may be established, relocated, enlarged, reconstructed, resumed or structurally altered unless and until the owner or operator of the adult entertainment business obtains an adult entertainment business license, as set forth in this ordinance, from the town.
- J. *Signs.*** Notwithstanding any other provisions of this ordinance to the contrary, all exterior displays and/or signs for an adult entertainment business shall comply with the following regulations.

 - 1. No adult entertainment business shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decorations, sign, show window or other opening from any public right-of-way.
 - 2. Not more than one business wall sign shall be permitted for an adult entertainment business and the business wall sign shall be permitted only on the front facade of the building or structure. In addition to the one permitted business wall sign, an adult entertainment business may be permitted not more than one pole or ground sign structure if it is permitted by Article 7.4 of this ordinance and any amendments thereto and which meets all of the requirements of the zoning district in which the adult entertainment business is located. All other signs and sign structures are prohibited.
 - 3. The sign surface area of a business wall sign for an adult entertainment business shall not exceed an amount equal to 5% of the front building facade of the first floor elevation (first ten feet) of the premises occupied by the adult entertainment business or 100 square feet, whichever is less. The maximum sign surface area of a ground or pole sign structure, where permitted, shall not exceed one square foot for each lineal foot of frontage of the lot or 36 square feet, whichever is less.
 - 4. Signs and sign structures may be illuminated provided, however, that such illumination shall not be by way of exposed neon, exterior lighting (e.g., spot or flood lights) or any flashing or animated lights, either interior to the sign, on the exterior of the sign, or as a border to the sign.
- K. *Operation.*** An adult entertainment establishment shall be kept in a sanitary condition at all times. As a condition of licensure under this ordinance, the town reserves the right to enter

any licensed premises at any time without notice to ensure compliance with this ordinance. The town shall have the power to determine if such adult entertainment business is being maintained in a sanitary condition. If it determines, after investigation, that an unsanitary condition exists within an adult entertainment business, the town shall suspend the adult entertainment business's license for such premises until such unsanitary condition(s) is rectified.

L. *Loitering.* No owner, operator or licensee under this ordinance or his, her or its employee shall permit persons to congregate within the adult licensed establishment or on parking areas normally used for purposes of parking for the adult entertainment business in a manner that constitutes a breach of the peace as that term is used under state law. A violation of this provision shall constitute sufficient grounds for the town to revoke the adult entertainment business owner's and/or operator's adult entertainment business license.

M. *Sexual activity, live entertainment and performances.*

1. No person shall knowingly or intentionally, in an adult entertainment business, appear before a patron or patrons in a state of nudity, regardless of whether such public nudity is expressive in nature.
2. Any employee appearing on the premises of an adult entertainment business semi-nude or in a state of semi-nudity, as defined by this ordinance, must be on a stage that is at least 24 inches from the floor, and at a distance at least 36 inches from all parts of a clearly designated area in which patrons will be present.
3. All live entertainment and performances in an adult entertainment business must take place on a stage that is at least 24 inches from the floor and a distance of at least 36 inches from all parts of a clearly designated area in which patrons will be present.
4. The stage shall be separated from the area in which patrons may be present.
5. No employee, as defined in this ordinance, appearing on the premises of an adult entertainment business nude, in a state of nudity, semi-nude or semi-nudity, may intentionally or knowingly touch a customer or a customer's clothing or knowingly permit himself or herself to be touched by a customer or a customer's clothing.
6. The provisions of subsections (M)(1) through (M)(3) above shall not apply to an employee's use of any restroom or any single-sex dressing room that is accessible only to entertainers.
7. It shall be unlawful to own, operate or cause to be operated an adult arcade which has individual booths unless the booth meets the following requirements.
 - a. Each booth shall have a rectangular shaped entranceway of not less than two feet wide and six feet high.
 - b. There shall be no door, curtain or other obstruction blocking or closing-off such entranceway so as to obstruct the visibility of a patron 24 inches from the floor of the booth.
 - c. It shall be unlawful for a patron to be present in a booth in an adult arcade unless this patron is visible from 24 inches from the floor of the booth.
 - d. It shall be unlawful for any owner to use or allow to be used a booth in an adult arcade which does not meet the requirements set forth in this section.
 - e. In addition to such other penalties set forth in this ordinance, a violation of this section shall constitute sufficient grounds for the town to revoke an adult entertainment business license of the offending owner or operator.

N. *Other requirements.*

1. A minimum of one public restroom shall be provided for any type of adult entertainment business or the total number as required by the State Building Code.

2. Each adult entertainment business shall have a janitor's closet, which shall be provided for the storage of cleaning supplies. Such closet shall have a mechanical ventilation with two cubic feet per minute per square foot of floor area and a minimum of ten footcandles of illumination. Such closet shall include a mop sink.
3. At least one dressing room shall be provided exclusive of a public restroom that can be locked from the inside and has a minimum of 15 footcandles of illumination.
4. Off-street parking requirements: all adult entertainment businesses as defined in this Article shall provide off-street parking at the rate of one parking space for each 100 square feet of gross floor area.

XIV PENALTIES. Any person, business, owner, operator, patron and/or employee found liable for violating or refusing to comply with any provision(s) of this ordinance shall be fined in an amount of no less than \$250 or no more than \$2,500. Each day that a violation is permitted to exist or occur, and each separate occurrence, shall constitute a separate offense. In addition, any premises, building, dwelling or other structure in which an adult entertainment business is repeatedly operated or maintained in violation of the provisions of this ordinance shall constitute a public nuisance, and the owner and/or operator shall be subject to a loss of his, her, or its adult entertainment business license and shall be subject to civil abatement proceedings initiated in the Town Court. Each day that a violation is permitted to exist or occur shall constitute a separate operation or maintenance of the violation. Violations of this Article shall constitute a nuisance per se, whether or not such violations are repeated or intentional. Where a violation of this ordinance is proven in a court of competent jurisdiction, the costs, including all court costs and attorneys' fees relating to such proof, shall be recoverable from the violator in addition to any other fine, abatement or equitable relief imposed by the court, and a lien against the violator's property may be imposed for failure to pay the fines, costs and/or attorneys' fees.

XV SEVERABILITY CLAUSE. If any section, subsection, paragraph or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, paragraphs, and clauses shall not be affected.

XVI EFFECTIVE DATE. This ordinance becomes effective upon its adoption by the Town Council and supersedes any ordinance or prior ordinance in conflict with the provisions of this ordinance.

4.6. SPECIAL REGULATIONS FOR WIRELESS TELECOMMUNICATIONS FACILITIES

A. APPLICATION. Notwithstanding any other provision of this ordinance and in addition to other applicable provisions, wireless telecommunications facilities, when such are permitted by federal law and the laws of the state, shall be regulated and governed by the use regulations and requirements of this Article. However, this Article shall not apply nor be construed to apply to amateur radio operators who are licensed to operate a radio or transmitter by the Federal Communications Commission under Part 97 of the Federal Communications Commission's Rules.

B. RESERVED

C. PROCEDURES.

1. Wireless telecommunication facilities are hereby declared special exception uses in all districts contained in this ordinance.
2. The applicant for a wireless telecommunication facility special exception shall demonstrate that they have exhausted all efforts to locate the proposed telecommunications antennas upon existing buildings or structures in the geographical area of the proposed telecommunications antennas. The applicant shall submit a Master Plan for its wireless telecommunication facilities throughout the town. The Master Plan shall demonstrate efforts to minimize the size and number of telecommunications

antenna locations throughout the geographical area, taking into consideration existing technology.

3. The placement of telecommunications antennas upon existing telecommunications towers may be administratively approved by the Director of the Department of Planning and Zoning.

D. DEVELOPMENT STANDARDS.

1. In addition to complying with the requirements for a special exception use for the zoning district of the property, all wireless telecommunications facilities shall comply with the following additional requirements.
 - a. The maximum height of a telecommunications tower, including antenna array, shall not exceed 120 feet above grade.
 - b. No new telecommunications towers shall be located within 5,000 feet from another telecommunications tower.
 - c. All guys and guy anchors shall be located within the buildable area of the lot and shall not be located within any front, side or rear yard setback or front, side or rear bufferyard setback and, in any event, no closer than five feet to any lot line.
 - d. The base of a telecommunications tower shall be enclosed by security fencing.
 - e. Equipment buildings must be similar in color and character to the main or adjoining building or structure or blend with the landscaping and other surroundings immediately adjacent to the equipment building and shall be screened by a chain link or wrought iron fence with landscaping installed in compliance with the provisions of Article IV for Level 3 perimeter landscaping requirements.
 - f. All applications shall be reviewed by the Design Review Committee with the recommendations of the Design Review Committee becoming part of the record of the proceedings before the Board of Zoning Appeals and shall be considered by the Board of Zoning Appeals as conditions recommended to be imposed on the special exception use by the Board of Zoning Appeals if the special exception is granted and which conditions, if imposed, shall be satisfied before an improvement location permit is issued.
 - g. A telecommunications tower shall be erected and operated in compliance with the most current Federal Communication Commission and Federal Aviation Administration rules and regulations and other applicable federal and state standards.
 - h. A telecommunications tower must be:
 - 1) Used by three or more wireless communications providers; or
 - 2) Designed and built so as to be capable of use by three or more wireless communications providers including providers such as cellular or PCS providers using antenna arrays of nine to 12 antennas each within 15 vertical feet of each other with no more than three degrees of twist and sway at the top elevation and the owner of the telecommunications tower and the property on which it is located must certify to the town that the antenna is available for use by another wireless telecommunications provider on a reasonable and non-discriminatory basis and at a cost not exceeding the market value for the use of the facilities. If a portion of the telecommunications tower is to be leased to other wireless communications providers, the portions of the actual or proposed lease that demonstrate compliance with the requirements of this division shall be submitted with the application for special exception.
 - i. All telecommunications towers shall be of a tapering monopole construction, except that another type telecommunications tower may be allowed upon showing that the alternate type of telecommunications tower would cause less visual impact on surrounding property than a similar monopole structure.

- j. No lettering, symbols, images, trademarks, signs or advertising shall be placed on or affixed to any part of a telecommunications tower, antenna array or antenna, other than as required by FCC regulations regarding telecommunications tower registration or other applicable law.
- k. The need for the requested site and the nature of any existing sites shall be documented and the manner in which the placement will promote the town telecommunications policies shall be demonstrated.
- l. Telecommunications towers shall be constructed to minimize potential safety hazards. Telecommunications towers shall be constructed so as to meet or exceed the most recent EIA-222 standards, and prior to issuance of a building permit, the Building Inspector shall be provided with an engineer's certification that the telecommunications tower's design meets or exceeds those standards. Guyed telecommunications towers shall be located in such a manner that if the telecommunications tower should fall along its longest dimension, the telecommunications tower will remain within the lot lines and avoid habitable structures, public streets, utility lines and other telecommunications towers.
- m. Telecommunications towers and equipment buildings shall be located: to minimize their number, height and obtrusiveness; to minimize visual impacts on the surrounding area; and in accordance with the following town telecommunications policies:
 - 1) Ensure that the height of telecommunications towers have the least visual impact and is no greater than required to achieve service area requirements and potential collocation, when visually appropriate;
 - 2) Demonstrate that the selected site for a new telecommunications tower provides the least visual impact on residential areas or the public way and illustrate that the selected site provides the best opportunity to minimize the visual impact of the proposed facility;
 - 3) Site telecommunications towers to minimize being visually solitary or prominent when viewed from residential areas or the public way. The telecommunications tower should be obscured by vegetation, treecover, topographic features and buildings or other structures to the maximum extent feasible;
 - 4) Place telecommunications towers to ensure that historically significant landscapes are protected. The views of and vistas from architecturally or historically significant structures should not be impaired or diminished by the placement of telecommunications towers; and
 - 5) The Board of Zoning Appeals may grant a special exception which does not fully comply with the telecommunications policies contained herein for telecommunications towers when the Board of Zoning Appeals determines that such a grant better accomplishes the telecommunications policies set out in this division than would a strict application of these telecommunication policies. Such deviations from the town telecommunications policy shall be no greater than necessary to accomplish those policies.
- n. No signals or lights or illumination shall be permitted on telecommunications towers unless required by the Federal Communications Commission, the Federal Aviation Administration or the town.
- o. If any additions, changes or modifications are to be made to a telecommunications tower, the Building Inspector shall have the authority to require proof, through the submission of engineering and structural data, that the addition, change or modification conforms to structural wind load and all other requirements of the current Building Code adopted by the town.
- p. Telecommunications towers which have not been used for a period of one year shall be removed. The last telecommunication service provider to use a telecommunications tower shall notify the Director or his or her designee within 30

days that use of a telecommunications tower has been discontinued.

- q. All telecommunications towers shall comply with all ordinances of the town not in conflict with this section.
2. Antennas mounted on existing buildings or structures.
 - a. Roof-mounted telecommunications antennas are allowed on nonresidential buildings in all zoning districts without further zoning proceedings, provided a non-whip antenna does not exceed the height of the building by more than ten feet and is screened from view from any adjacent public right-of-way and provided a whip antenna does not exceed the height of the building by more than 15 feet and is located no closer than 15 feet to the perimeter of the building. Prior to installation of a roof-mounted telecommunications antenna, the Building Inspector shall be provided with an engineer's certification that the roof will support the proposed telecommunications antenna and associated roof-mounted equipment. Roof-mounted telecommunications antenna and associated equipment shall be screened with enclosures or facades having an appearance that blends with the building on which they are located or by locating them so that they are not visible from an adjacent public right-of-way.
 - b. Building-mounted telecommunications antennas of the non-whip antenna type are allowed on nonresidential buildings in all zoning districts without further zoning proceedings, provided the non-whip antenna is mounted flush with the exterior of the building so that it projects no more than 30 inches from the surface of the building to which it is attached and the non-whip antenna's appearance is such as to blend with the surrounding surface of the building.
 - c. Associated equipment shall be placed either within the same building or in a separate building which matches the existing building in character and building materials or blends with the landscaping and other surroundings immediately adjacent to the separate building housing the equipment. Associated equipment for roof-mounted telecommunications antennas may be located on the roof of the building if it is screened from view from any adjacent public right-of-way.
 - d. Telecommunications antennas are allowed without further zoning proceeding on existing utility, lighting, telecommunications towers and sign structures exceeding 50 feet in height above grade, provided that the telecommunications antenna does not exceed the height of the structure by more than ten feet if a non-whip antenna or 15 feet if a whip antenna. Existing structures may be rebuilt if necessary to support the load of the new telecommunications antenna without further zoning proceedings if the rebuilt structure is substantially similar in appearance to the existing structure it replaces.
 - e. Telecommunications antennas located on existing buildings or structures are not subject to the 5,000 foot separation requirement.
 - f. When an application for an improvement location permit to locate a telecommunications antenna on an existing building or other structure is made, the Director shall be provided with color photo simulations showing the site of the existing structure with a photo-realistic representation of the proposed telecommunications antenna and the existing structure or any proposed reconstruction of the structure as it would appear viewed from the closest residential property and from adjacent public right-of-way. The applicant shall also submit photographs of the same views showing the current appearance of the site without the proposed telecommunications antenna.
 3. Telecommunications antennas shall not be constructed or used within the town without all approvals and permits first having been secured.
 4. Within 30 days of the enactment of this ordinance, and during each January thereafter, providers of personal wireless services, as that term is defined by federal law, operating

in the town shall provide the town with their respective Master Plan for wireless telecommunications facilities, including detailed maps, showing the precise locations and characteristics of all telecommunications antennas and telecommunications towers serving any portion of the town and indicating coverage areas for current and future telecommunications antennas and telecommunications towers and shall provide the town with any updates to the above documents. Updated documents shall be provided to the town within three months of their creation.

E. DEVELOPMENT STANDARDS FOR TOWERS SHORTER THAN FORTY FEET ABOVE GRADE.

1. *General standards.*

a. *Permits.* A person that provides wireless communications services or otherwise makes available infrastructure for wireless communications services may apply for a permit to: locate a wireless facility or wireless support structure; perform a substantial modification; or collocate wireless facilities on existing structures in the ROW Overlay District.

- 1) An applicant shall demonstrate that the proposed wireless facility, wireless support structure, or substantial modification thereof complies with the requirements of this ROW Overlay District.
- 2) The following require a special exception to be granted or modified by the Board of Zoning Appeals prior to administrative appeal of the permit application.
 - a) Locating or constructing a new wireless facility or wireless support structure.
 - b) Perform a substantial modification on an existing wireless facility or wireless support structure.
- 3) The following may be approved administratively.
 - a) Collocate wireless facilities on an existing structure in the ROW Overlay District.

b. *Collocation preference.*

- 1) At a minimum, new wireless facilities shall be a monopole constructed to support the initial user plus the anticipated loading or one additional user.
- 2) The site of the initial wireless facility at any location shall be of sufficient area to allow for the location of one additional wireless facility.
- 3) Any proposed wireless support structure shall be designed, and engineered structurally, electrically, and in all other respects, to accommodate both the initial wireless facility and one additional wireless facility. The wireless support structure shall be designed to allow for the future rearrangement of cellular communications equipment and antennas upon the structure and to accept cellular communications equipment and antennas mounted at varying heights.
- 4) A proposal for a new wireless support structure shall not be approved unless the person submits an affidavit that the telecommunication equipment planned for the proposed wireless support structure cannot be accommodated on an existing or approved utility pole or electrical transmission tower or other structure due to one or more of the following reasons:
 - a) The planned telecommunication equipment would exceed the structural capacity of the existing or approved utility pole or electrical transmission tower, buildings, or structures as documented by a qualified and licensed professional engineer, and the existing or approved utility pole or electrical transmission tower, buildings, or structures cannot be reinforced, modified, or replaced to accommodate the planned telecommunication equipment at a reasonable cost; or
 - b) The planned telecommunication equipment would cause interference impacting the usability of other existing telecommunications equipment at the

- site if placed on existing structures. Supportive documentation by a qualified and licensed professional engineer indicating that the interference cannot be prevented at a reasonable cost; or
- c) The existing or approved utility pole or electrical transmission tower, buildings, or structures within the search radius cannot accommodate the planned telecommunications equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer; or
 - d) The person has been unable to enter a commonly reasonable lease term with the owners of existing utility pole or electrical transmission tower, buildings, or structures.
- c. *Specifications.* Beginning on the effective date, new wireless facilities and wireless support structures shall meet the following specifications:
- 1) Overall maximum antenna and tower height: Forty feet from grade.
 - 2) Minimum tower separation: One thousand feet between any other wireless support structure primarily used for telecommunications, measured in any direction between wireless support structures, not necessarily in a dimension measured parallel to a road right-of-way.
 - 3) Wireless support structures must be metal or fiberglass poles matching the town's approved street light poles, per engineering specifications as may be amended from time to time by the Town Council. Support structures shall include luminaires that match the town's specifications for lighting and be maintained in good working order at the cost of the applicant, including the cost of electricity. Any antenna equipment mounted to the support structures (antenna or other permitted equipment) shall also be matching in color to the support structure.
 - 4) All facility equipment at a single facility with the exception of the antenna itself shall be mounted in one of these three manners in order of preference:
 - a) In an underground vault no greater than 50 cubic feet flush mounted at grade.
 - b) Ground mounted in a cabinet having an area not to exceed 40 cubic feet and no greater than 48 inches in overall height.
 - c) Pole-mounted equipment may be permitted within a cylindrical cabinet or an approved town street identification monolith, subject to the following requirements:
 - (1) *Cabinet.*
 - (a) Cabinet shall be mounted flush with the grade and shall not exceed five feet in height;
 - (b) The cabinet must not extend more than two feet from the pole. The pole structure need not extend to the ground if the cylindrical cabinet has sufficient structural integrity to support the weight of the pole and equipment;
 - (c) The cabinet must be painted to match the approved pole;
 - (d) All equipment must be placed within the cabinet in a manner so that it is not visible from any point on the public rights-of-way;
 - (e) The top of the cylinder must taper back to the pole in a manner that minimizes the visual impact of the cylinder. This tapered section may extend one foot above the cylinder; and
 - (f) The owner of the structure is responsible for all maintenance of the structure and cabinets.
 - (2) *Town identification monolith.*
 - (a) Monolith style equipment cabinets shall not be allowed more than

- 100 feet from an intersection;
 - (b) Monolith shall be mounted flush with the grade and shall not exceed ten feet in height;
 - (c) Monolith sides shall not exceed four feet in width;
 - (d) The information panel must use the logo, typeface, and colors approved in the town graphic standards and the message must be approved by the Plan Commission;
 - (e) Streets and not-for-profits/government facilities (i.e. Plainfield/Guilford Township Public Library, Richard A. Carlucci Rec Center, Plainfield Baptist Church, Plainfield High School);
 - (f) All equipment must be placed within the monolith in a manner so that it is not visible from any point on the public rights-of-way; and
 - (g) The owner of the structure is responsible for all maintenance of the structure, monolith, and approved information panels on the monolith.
- 5) All support structures shall have a plaque identifying the structure, the owner, and the owner's contact information; said plaque shall not exceed 0.25 square feet.
- 6) All wiring and fiber shall be concealed within the support structure and all conduit, wiring, and fiber shall be buried between structures and/or structures and ground mounted cabinets. All service lines (e.g. electric lines) to the support structure must also be buried unless service lines in the area of the support structure are aerial. The service lines to the support structure can also be aerial, except for any service drop crossing street or roadway which would need to be bored and placed under such street or roadway.
- 7) Wireless support structures and wireless facilities shall be designed to blend into the surrounding environment through the use of color, camouflaging, and architectural treatment and the entire facility shall be aesthetically and architecturally compatible with its environment. The use of materials compatible with the surrounding environment is required for associated support structures, which shall be designed to architecturally match the exterior of residential or commercial structures within the neighborhood or area. Specific requirements for aesthetics of the wireless support structures and facilities shall be in accordance with the standards established by the Plainfield Town Council, from time to time.
- d. *Continued operation.* A person receiving a permit for a new construction of a new wireless support structure; substantial modification of a wireless support structure; or collocation of wireless facilities on an existing structure inherently agrees that if the wireless support structure or wireless facilities are not used for six consecutive months, they will be removed by the facilities owner at its expense. Should owner fail to remove the wireless support structure or wireless facilities after 30 business days from the date a notice of violation is issued by the town, the town may remove such structure or facilities and bill the owner for the costs of removal and cleanup of the site. The owner of any facility shall annually file a copy of any inspections completed on such wireless support structure or wireless facilities with the permit authority for continued operation and use of the wireless support structure or wireless facilities.
- e. *Confidential information.* All confidential information submitted by an applicant shall be maintained to the extent authorized by I.C. 5-14-3 et seq.
2. *Application and procedure.* The following shall be required for all new wireless support structures, substantial modifications, or collocation.
- a. *Contents of application.* An application for a permit shall include the following:

- 1) The name, business address, and point of contact for the applicant;
 - 2) The location address, and latitude and longitude of the proposed or affected wireless support structure or wireless facility, and identify all small cell facilities within 1,500 feet of the proposed new support structure;
 - 3) A construction plan, as defined herein, that describes the proposed wireless support structure and all equipment and network components, including antenna, transmitters, receivers, base stations, power supplies, cabling, and related equipment sufficient to determine compliance with these standards; and
 - 4) Evidence supporting the choice of location, including, without limitation:
 - a) Maps of plats showing the proposed location (s) of the applicant's proposed wireless support structure; and
 - b) 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.
- b. *Single application.* An applicant may submit one application for up to three wireless service facilities that are located with ROW Overlay District. The permit authority may issue a single permit for all wireless support structures and service facilities included in the applicant rather than individual permits for each wireless support structure and service facility. Each individual facility will be assessed a fee as if the applications had been submitted separately.
- c. *Variances.* If the proposed wireless support structure is not a permitted use under an applicable zoning ordinance, the applicant shall additionally submit evidence showing the application complies with the criteria for a variance of use from the terms of the zoning ordinance.
- d. *Procedure.*
- 1) *Determination of completion/defects.* Within ten business days of receipt of an application, the permit authority shall review the application to determine if the application is complete. If the permit authority determines that an application is not complete, the permit authority shall notify the applicant in writing of all defects in the application. An applicant that receives a written notice of incompleteness may cure the defects and resubmit the application within 30 business days of receiving the notice. If an applicant is unable to cure the defects within the 30-day period, the applicant shall notify the permit authority of the additional time the applicant requires to cure the defects.
 - 2) *Decision by the permit authority.* Not more than 14 business days after the permit authority makes an initial determination of completeness, the permit authority shall:
 - a) Review the application to determine if it complies with the applicable requirements of this Article;
 - b) Review the application to determine if it complies with the standards as required as established by the permit authority; and
 - c) Notify the applicant in writing whether the application is approved or denied. However, if the applicant requested additional time to cure defects in the application, the 14 business days shall be extended for a corresponding, reasonable amount of time.
- e. *Written determination.* A written determination shall clearly state the basis for the decision to approve or deny an application. If the permit authority denies an application, the written notice must include substantial evidence in support of the denial. A notice is considered written if it is included in the minutes of a public meeting of the permit authority.
3. *Construction requirements.* All antennas, telecommunications towers, accessory

structures, and any other wiring constructed shall comply with the following requirements:

- a. All applicable provisions of the Zoning Ordinance and the Building Code of the State of Indiana, as amended, and the Federal Communications Commission (FCC) when applicable;
- b. All wireless facilities and support structures shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the Uniform Building Code, as amended, and the Electronics Industry Association;
- c. All wireless facilities and support structures shall be designed to conform with the accepted electrical engineering methods and practices and to comply with the provisions of the National Electric Code, as amended;
- d. All wireless facilities and support structures shall be constructed to conform with the requirements of the Occupational Safety and Health Administration (OSHA); and
- e. All wireless facilities and wireless support structures shall be designed and constructed to all applicable standards of the American National Standards Institute (ANSI) manual, as amended.

4.7. LANDSCAPE PROVISIONS

A. **Intent.** Landscaping of required *Yards* and required *Bufferyards* is an essential element of the design of a site with respect to promoting the public health, safety, comfort, convenience and general welfare of the Town of Plainfield. Landscaping is intended to lessen the impact of development on the environment by reducing glare and heat buildup, promoting the creation landscape islands for pedestrian safety, to break up large expanses of pavement, and to reduce storm water run-off. Landscaping provides a critical buffering effect between higher intensity *Districts* and lower intensity *Districts* (e.g., typically between commercial or industrial *Districts* and residential *Districts*).

B. Plant Unit Value.

1. Plant Unit Value (PUV) is denoted either by the size of the planting at time of planting or, if preserved (if applicable). The following standards shall apply.

Type	Size	PUV-Time of Planting				Preserved PUV Bonus
		Comm ⁽¹⁾	Ind ⁽²⁾	Res ⁽³⁾	MP ⁽⁴⁾	
Overstory	Less than 2" caliper	0.00	0.00	0.00	0.00	Not applicable
	2" – 4" caliper	0.50	0.25	0.50	0.50	Not applicable
	4" – 6" caliper	0.75	0.50	0.75	0.75	+0.25
	> 6" caliper	1.00	0.75	1.00	1.00	+0.25
Understory/ Ornamental	Less than 3" caliper	0.00	0.00	0.00	0.00	Not applicable
	3" – 5" caliper	0.25	0.50	0.25	0.25	Not applicable
	> 5" caliper	0.50	0.75	0.50	0.50	+0.25
	1" – 3" caliper	0.75	1.00	0.75	0.75	+0.25
Evergreen	Size (time of planting)	Comm ⁽¹⁾	Ind ⁽²⁾	Res ⁽³⁾	MP ⁽⁴⁾	Preserved PUV Bonus
Tree	Less than 6' high	0.00	0.00	0.00	0.00	Not applicable
	6' high	0.50	0.75	0.50	0.50	Not applicable
	12' high	0.75	1.00	0.75	0.75	+0.25
	> 12' high	1.00	1.25	1.00	1.00	+0.25
Narrow spread	Less than 4' high	0.00	0.00	0.00	0.00	Not applicable
	4' -6' high	0.25	0.50	0.25	0.25	Not applicable
	6'-10' high	0.50	0.75	0.50	0.50	+0.25
	> 10' high	0.75	1.00	0.75	0.75	+0.25
Non-Tree	Size (time of planting)	All Districts				Preserved PUV Bonus
Hedge or Shrub	18" (foundation only)	0.025				Not applicable
	24"	0.050				Not applicable
	36"	0.100				Not applicable

Notes:

- ⁽¹⁾ Comm—Commercial Districts (OD, NR, GC, AC, HB)
- ⁽²⁾ Ind—Industrial/Distribution Districts (I-1, I-2-3, I-4)
- ⁽³⁾ Res—Residential Districts (RR, R-1, R-2, R-3, R-4, R-5, R-6, R-U)
- ⁽⁴⁾ MP--Master Plan Districts (P, IG, REL, S, RI, RF, G)

Table 4.7.B.1.b: Plant Unit Value—Fences and Walls

Fence or Wall	Required Yard or Bufferyard	Sight Barrier	Height (feet)		PUV per 100 foot increment
			Minimum	Maximum	
	Front	Solid	2.5	3	0.50
		>50%	5	6	
	Side/Rear	Solid	4	6	0.75
		>50%	6	10	

Table 4.7.B.1.c: Plant Unit Value—Berms

Berm Height (in feet)	Available to be utilized in required yard and Bufferyards						PUV per 100 foot increment
	Residential		Commercial		Industrial		
	Front	Side/Rear	Front	Side/Rear	Front	Side/Rear	
3	Yes	Yes	Yes	Yes	Yes	Yes	0.50
6	Yes	Yes	Yes	Yes	Yes	Yes	0.75
10	No	No	No	Yes	Yes	Yes	1.00
15	No	No	No	No	Yes	Yes	1.50

a. Credit for Preservation of Existing Trees. To encourage the preservation of existing stands of trees or tree rows and to enhance the quality of the built environment, the *Director* may approve an alternative landscape plan which utilizes the designation of a Tree Save Area in lieu of new plantings within a required *Yard*, a required *Bufferyard*, foundation plantings or interior landscape islands in *Parking Lots*

provided that such alternative landscape plan:

- 1) provides for the saving of trees in the Tree Save Area at or in excess of the rate specified in Table 4.7.B for new plantings in the required *Yard*, required *Bufferyard*, foundation plantings or interior landscape islands in *Parking Lots*;
 - 2) provides that all trees which are to be preserved in a Tree Save Area shall be maintained without injury and with sufficient area for the root system to sustain the tree;
 - 3) provides that protective care and physical restraint barriers at the drip line, such as temporary protective fencing, shall be provided in the Tree Save Area to prevent alteration, compaction or increased depth of the soil in the root system area prior to and during groundwork and construction; and
 - 4) provides that, in the event trees designated for saving in the Tree Save Area are damaged during construction or die within three (3) years of completion of construction on the site, identical type replacement tree(s) shall be planted in the designated Tree Save Area at a rate equal to the PUV of the tree(s) that was damaged or which died.
- b. Plants listed by the Indiana Department of Natural Resources as invasive plants, restricted under other rules, and/or on State or Federal regulations as noxious weeds are prohibited from use as landscaping.
 - c. A plant cannot be credited to more than one type of landscaping element (e.g. an individual tree cannot be counted toward a parking lot requirement and a foundation requirement.)
 - d. Fences and Walls. In addition to living vegetation required above, landscaping in a required *Yard* or a required *Bufferyard* may include an ornamental, decorative fence or masonry wall as detailed in Table 4.7.B
 - e. Plants shall not be placed within the Vision Clearance Area (see Article 4.14) or in a manner deemed by the Director to unduly impair vehicular or pedestrian safety.
 - f. Berms
 - 1) Construction of Berms. A berm used as a landscaping element shall be constructed in accordance with the following regulations:
 - a) *Each berm shall have a minimum crown width of two (2) feet;*
 - b) *Each berm shall have a side slope of not greater than three feet horizontal to one foot vertical (3:1);*
 - c) *Each berm shall be planted and covered with live vegetation; and,*
 - d) *A retaining wall may be used on the side of the berm facing away from the Public Right-of-Way.*
 - 2) Plant Unit Value for Berms. See Table 4.7.B

C. Landscaping of Required Front, Side and Rear Yards and Required Front, Side and Rear Bufferyards in All Districts. All required *Yards* and all required *Bufferyards* shall be landscaped in compliance with the requirements in Table 4.7.B, Table 4.7.C-1, and Table 4.7.C-2.

Table 4.7.C-1 Levels of Perimeter Plantings and Percentage of Material Types								
Development Type	Plant Type	Unit	Plant Unit Value Level					
			1	2	3	4	5	>5
Commercial	Deciduous Overstory	(%)	25	25	50	50	75	75
Industrial	Evergreen Tree	(%)	40	40	60	60	80	80

Table 4.7.C-2 Perimeter Landscape Yards								
Adjacent Property	Zoning of Subject Property							
	AG	Res ^(a)	TC	Inst ^(b)	Comm ^(c)	Dist ^(d)	Ind ^(e)	PUD
AG	NA	5 ⁽³⁾	⁽¹⁾	TBD	1-3	1-2	3-4	⁽²⁾

Res ^(a)	NA	NA	⁽¹⁾	TBD	2-4	3-4	4-5	⁽²⁾
MU	NA	5 ⁽³⁾	⁽¹⁾	TBD	1-2	2-3	3-4	⁽²⁾
TC	NA	5 ⁽³⁾	⁽¹⁾	TBD	1	1	1-2	⁽²⁾
Inst ^(b)	TBD	TBD ⁽³⁾	TBD	TBD	TBD	TBD	TBD	TBD
Comm ^(c)	NA	5 ⁽³⁾	⁽¹⁾	TBD	1	1	1-2	⁽²⁾
Dist ^(d)	NA	5 ⁽³⁾	⁽¹⁾	TBD	1	1	1-2	⁽²⁾
Ind ^(e)	NA	5 ⁽³⁾	⁽¹⁾	TBD	1	1	1-2	⁽²⁾
LA ^(f)	NA	5 ⁽³⁾	⁽¹⁾	TBD	2	1	2-3	⁽²⁾
Key								
^(a) Res (RR, R-1, R-2, R-3, R-4, R-5, R-6, R-U)				NA = Screening not required.				
^(b) Inst (P, IG, REL, S)				1 = Level 1.				
^(c) Comm (OD, NR, GC, AC)				2 = Level 2.				
^(d) Dist (I-1, I-2)				3 = Level 3				
^(e) Ind (I-3, I-4)				4 = Level 4.				
^(f) LA: Limited Access Right-of-Way				5 = Level 5.				
When a requirement is shown having two numbers with a hyphen separating them, the first number provides the requirement for the front perimeter and the number after the hyphen denotes the requirement for side and rear perimeters. (e.g. "1-3" would refer to a Level 1 for the Front Perimeter and Level 3 for the side and rear perimeters.								
i. = Landscaping shall be provided as required by Article 2.8, B., 8.								
ii. = Landscaping shall be provided as required by Article 2.8, B., 8								
iii. = Front perimeter only. See Article D, below.								

D. Perimeter Landscaping Required for Residential Subdivisions in All Residential Districts. All required front yard along a Primary Arterial, Secondary Arterial or Collector Street shall be landscaped in compliance with the requirements in Table 4.7.B, Table 4.7.C-1, and Table 4.7.C-2. subject to the following:

Table 4.7.D: Perimeter Landscaping Required for Residential Subdivisions			
Perimeter	PUV Level	Landscape Easement With Berms	Fence or Wall
Front ⁽¹⁾	5	20 feet ⁽²⁾	Permitted

- ⁽¹⁾ along a Major Thoroughfare (*Primary Arterial, Secondary Arterial or Collector Street*).
- ⁽²⁾ See Article 4.7.B.3 for more details on Berms.

1. If a fence or wall is incorporated, all plant material shall be located on the outside of the fence or wall.
2. Existing trees may be used and given credit per Article 4.7.B.1.b, if it is determined the trees are an appropriate species and healthy.

E. Foundation Planting in the R-6 District, R-U District, All Commercial Districts and All Industrial Districts.

1. Foundation Planting Areas Required. Foundation planting areas shall be required for all new *Buildings* and *Building* additions in the R-6 *District*, the R-U *District* for *Multifamily Dwellings* or any *Special Exception Use*, all *Commercial Districts* and all *Industrial Districts* as follows:
 - a. In the case of a *Single Use Site* or a *Primary Building* in an *Integrated Center* located in a *Commercial District*, foundation planting areas are required along the front and each side of the *Building*.
 - b. In the case of a *Building* located in the R-6 *District*, R-U *District*, on an *Out Lot* in a *Commercial District* or any *Building* located in an *Industrial District*, the front, side and rear of the *Building* shall have foundation planting areas.
2. Foundation planting areas shall be subject to the following requirements:
 - a. Location – Foundation planting areas shall be calculated individually for each applicable front, side or rear of a *Building* and shall be located along such front, side or rear of a *Building* (except for those portions of the front or side of a *Building* devoted to pedestrian ingress/egress, vehicular ingress/egress, loading or drop-off zones);

- b. Area – Foundation planting areas shall have a total area in square feet of not less than two (2) feet times the length of the wall (2' X length of wall = area for foundation planting) to which the foundation planting is oriented;
- c. Relationship to *Buildings* – Foundation planting areas shall be located:
 - 1) adjacent to the *Building*; or
 - 2) so as to begin within fifteen (15) feet of the *Building* (in the case of a sidewalk which runs adjacent to the *Building*);
- d. Minimum Dimension – Foundation planting areas shall maintain a minimum depth in the smallest dimension of six (6) feet;
- e. Plant Unit Value – Foundation planting areas shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials and maintained as a foundation planting strip in compliance with the requirements for a Level 1 Plantings as set forth in Table 4.7-B; and,
- f. Overlap with Perimeter Yards – Foundation planting areas may overlap required perimeter yards landscaping provided that the *Plant Unit Value* in such perimeter yard landscaping is equal to or greater than the total *Plant Unit Value* required for the perimeter yard plus the overlapping foundation landscaping area.

F. Parking Lot Landscaping in the R-6 District, R-U District, All Commercial Districts and All Industrial Districts.

- 1. General Regulations:
 - a. Any new surface, *Off-Street Parking Areas* and expanded surface *Off-Street Parking Areas* located in any: R-6 *District* or R-U *District* for *Multifamily Dwellings* or any *Special Exception Use*; *Commercial District*, or *Industrial District*, shall be subject to the regulations of this Article 4.7, E.
 - b. *Off-Street Parking Areas* shall include areas used for the parking or display of automobiles, boats, trucks or farm equipment associated with a dealership or leasing business.
 - c. *Off-Street Parking Areas* shall not include areas uses for semi-truck *Loading Areas*, semi-truck maneuvering areas and semi-truck *Parking Areas*.
- 2. Interior *Parking Lot* Landscaping in the R-6 *District*, the R-U *District* for *Multifamily Dwellings* or any *Special Exception Use*, all *Commercial Districts* and all *Industrial Districts*.
 - a. All new surface *Parking Lots* and expanded surface *Parking Lots* located in any R-6 *District*, any R-U *District*, any *Commercial District* or any *Industrial District* shall include at least one interior landscape island measuring eight feet by eighteen feet (8' X 18') minimum for every fifteen (15) *Parking Spaces*. Each interior landscape island shall contain at least one Deciduous Shade (Overstory) Tree, or Deciduous Ornamental (Understory) Tree All trees shall comply with the size at time of planting as indicated in Table 4.7-B.
 - b. Space devoted to interior landscape islands shall be in addition to any required *Front, Side* or *Rear Yards*, required front, side or rear *Bufferyards*, or required foundation plantings.
 - c. The area devoted to interior landscape islands may be located individually in the interior of the *Parking Lot* or may be aggregated into one or more landscape areas. When located individually, interior landscape islands shall be located so as to define vehicular and pedestrian traffic patterns. When aggregated into one or more landscape areas, interior landscape islands shall function to: preserve existing trees, create boulevard treatments, create landscape features, create common open space areas for passive recreational activities, or define vehicular and pedestrian traffic patterns.
- 3. Perimeter Landscaping of *Parking Lots* in the R-6 *District*, the R-U *District*, All

Commercial Districts and All Industrial *Districts*. In addition to landscaping provided in required *Yards* and required *Bufferyards*, if a *Parking Area* is located between a *Building* and a required *Front Yard* or between a *Building* and a required front, side or rear *Bufferyard*, the side of the *Parking Area* facing the *Front Yard* or the front, side or rear *Bufferyard* shall be screened by:

- a. a compact hedge row located between the *Front Yard* or a *Bufferyard* and the edge of the *Parking Area* planted three feet on-center (3' o.c.) and between twenty-four and thirty inches (24" - 30") in height at the time of planting; or
- b. hedge plants in combination with: an ornamental, decorative fence or masonry wall or earthen berm provided that the *Plant Unit Value* of the hedge, wall and/or berm equals 1.5.

G. Ground Cover Within Required Landscaping. All landscaping required above shall, at a minimum, consist of living vegetation (i.e., trees and shrubs) and grasses or ground cover materials, or preserved existing natural vegetation (i.e., thickets). Loose stone, rock or gravel may be used as a landscaping accent but shall not exceed twenty (20) percent of the area of the required landscape area in which it is used.

H. Installation of Landscaping. All landscaping required by this Article shall be:

1. installed prior to commencement of the use on the real estate; or,
2. if seasons and weather conditions are not appropriate for the installation of landscaping immediately prior to commencement of the use, all landscaping required by this Article shall be installed by the end of the next planting season after the use is commenced.

I. Maintenance of Landscaping. The owner or property manager shall:

1. Maintain all required landscaping by keeping lawns mowed, all plants maintained as disease-free, and planting beds groomed (except in areas of preserved existing natural vegetation (i.e., thickets); and,
2. Replace any required planting which is removed or dies after the date of planting. Such replacement shall occur during the next planting season.

J. Alternate Landscape Plan Approval.

1. Intent of Alternate Landscape Plan – *Director*, upon request by an applicant, shall have the authority to modify the landscape requirements of this Article IV pertaining to required *Yards* and approve an alternative landscape plan so long as the alternative plan:
 - a. maintains the total *Plant Unit Value* otherwise required;
 - b. is appropriate to the site and its surroundings; and,
 - c. is consistent with the intent and purpose of this Article IV.
2. Allowed Alternative Landscape Plans – Such alternative landscape plan approval shall be limited to:
 - a. a redistribution of plant materials required for required *Yards* to other locations on the *Lot*;
 - b. allowing the alternatives listed in Table 4.7B.1.b and/or Table 4.7B.1.c to be used for the screening of *Parking Areas* provided that the total *Plant Unit Value* installed for such screening purposes shall equal or exceed the total *Plant Unit Value* required based upon the value of the required hedge row; or,
3. Limitations – The *Director* shall not have the authority to modify the landscape requirements of this Article IV to:
 - a. reduce landscaping levels in required *Bufferyards*; or,
 - b. relocate foundation landscaping to a required Rear Yard.
4. DRC Review – *Director* may, at its discretion, forward such proposed alternative

landscape plan to the Design Review Committee for review and advise.

4.8. PERFORMANCE STANDARDS

A. SCOPE AND APPLICABILITY. All new uses established after the effective date of this ordinance shall comply with the following performance standards. Any use in existence prior to the date of this ordinance shall not be altered or modified so as to conflict with the following performance standards.

B. PERFORMANCE STANDARDS.

1. *Vibration.* No use shall cause earth vibration or concussions detectible beyond the lot lines without the aid of instruments.
2. *Smoke, dust and particulate matter.* Smoke, dust and particulate matter and any other airborne material shall not exceed the limits established by the Indiana Department of Environmental Management Rules regarding fugitive dust.
3. *Noxious matter.* No use shall discharge across lot lines any noxious, toxic or corrosive matter, fumes or gases in such concentration as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
4. *Odor.* No use shall emit across lot lines odors in such quantities as to be readily detectible at any point along the lot lines and as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
5. *Noise.* No use shall produce noise in such a manner as to endanger the public health, safety or welfare or cause injury to property. Operational or production noise shall be muffled so as not to become detrimental due to intermittence, beat frequency, shrillness or vibration.
6. *Heat.* No use shall produce heat creating a hazard perceptible from any point beyond the lot lines.
7. *Glare.* No use shall produce glare creating a hazard perceptible from any point beyond the lot lines.
8. *Waste.* No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the County Health Department, the Indiana State Board of Health, the Stream Pollution Control Board of the state, in such a manner as to endanger the public health, safety or welfare or cause injury to property.

4.9. LIGHTING STANDARDS

A. Intent. It is the intent of lighting standards to provide for illumination levels on individual lots which are adequate for the safe and efficient movement of individuals or vehicles to and from a lot and within a lot. Light intensity shall not be so great as to cause objectionable glare beyond any lot line.

B. Definition of Districts. For the purpose of this Article, the following categorizations shall apply:

	Single Family Residential	Multi-Family Residential	Commercial	Industrial	Subject to Master Plan
Districts	RR, R1, R2, R3, R4, R5, AG, RF	R6, RU, RI	MU, TC, NR, OD, GC, AC, HB	CI, I1, I2, I3, I4,	P, S, REL, G, IG

C. General Regulations

1. Light standards and fixtures on a lot, including freestanding light fixtures and those attached to buildings, security lights and architectural lights, shall be of consistent design and materials.
2. All freestanding, canopy, pathway, and wall mounted lights shall be of either: a “down lighting” style with the light element completely shielded on all sides and the top; or be equipped with a refractor to direct light downward onto the lot.
3. Excepting architectural, pathway, or landscape lighting, all lights shall be LED (light emitting diode) unless approved by the Plan Commission as a part of a Development Plan.
4. All freestanding, pathway and wall pack light fixtures shall be mounted parallel with the horizon and shall utilize a rigid mounting arm with no built-in up-tilt and no adjustment feature.
5. All lights mounted at a height equal to or exceeding four (4) feet in height above grade shall be a shoe-box style fixture.
6. Lighting shall be so directed and shielded that the light element is not visible from any point along an adjacent public right-of-way or adjacent properties.
7. Lighting shall not cause illumination beyond any lot line, except for common lot lines in commercial or industrial areas which utilize the development incentive for the use of required yards in integrated centers or industrial parks;
8. Low height lighting of areas to be utilized by non-motorized transportation is encouraged.

D. Maximum Height of Fixtures by Type of Use. If the subject property abuts any of the property types below, the most restrictive of light fixture height requirements shall apply to all fixtures on the site.

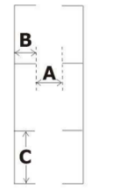
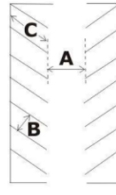
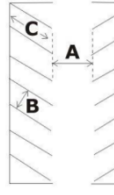
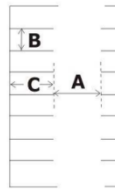
Subject Property	Adjacent Property			
	Single Family Residential	Multi-Family Residential	Commercial	Industrial
Single Family Residential	12	12	12	12
Multi-Family Residential	12	12	15	15
Commercial	12	12	15	20
Industrial	12	12	15	20
Master Plan Development	(1)	(1)	(1)	(1)
Planned Unit Development	(1)	(1)	(1)	(1)

(1) Subject to review and approval by the Plan Commission in the Master Plan or Planned Unit Development process.

4.10. OFF-STREET PARKING REGULATIONS

- A. Intent.** The Intent of this Article is to provide flexibility in the number and location of Off-Street Parking spaces to ensure that land is used efficiently, individual parking spaces are adequate for use, safe pedestrian paths are available between the vehicle and desired land use, and that adequate parking provisions for the motoring public are available. Provisions for electric car charging stations, either for immediate use or future development, are encouraged.
- B. Parking for Building, Structures or Uses.** All new development, *Building* additions or conversions of use for which an *Improvement Location Permit* is required by this Ordinance shall provide required *Off-Street Parking Areas* in accordance with the following regulations.
- C. Location.** *Off-Street Parking Areas* shall be located:
1. For new development or redevelopment, behind or to the side of buildings for all single-use commercial sites or Outlots in an Integrated Center unless deemed impractical by the Plan Commission due to site-specific reasons. In the case of multiple frontage lots (through lots) on Main Street, Perry Road north of Stafford Road, or Quaker Boulevard between Hadley Road/Perry Road and Interstate 70, the following shall apply:
 - a) A multiple frontage lot on Main Street shall not have parking between the building and Main Street;
 - b) A multiple frontage lot on Perry Road north of Stafford Road shall not have parking between the building and Perry Road;
 - c) A multiple frontage lot on Quaker Boulevard between Hadley Road/Perry Road and Interstate 70 shall not have a parking between the building and the parallel frontage road.
 2. on the same *Lot*;
 3. within the same *Integrated Center*; or,
 4. Within a defined Parkingshed.
- D. Design and Construction.** The following standards shall apply to the design of *Off-Street Parking Areas* required by this Ordinance in all *Districts* (except for the AG and RR *Districts*).

1. Standard Parking Geometrics. The layout of all *Parking Areas* shall be in compliance with the requirements set forth in Table 4.10.D.1 - Parking Lot Geometrics.

Table 4.10.D.1. Standard Parking Geometrics (in feet)		Angle of Parking Space (in degrees)			
		0° (Parallel)	45°	45-60°	61-90°
					
Symbol	Description				
A	Drive Aisle (one way)	12	15	18	24
	Drive Aisle (two way)	24	24	24	24
B	Parking Space Width	8	8.5	9	9
C	Parking Space Depth	22	18	18	18

2. Surface of Parking Areas.
 - a. All *Off-Street Parking Areas* and the ingress/egress to and from such *Off-Street Parking Areas* shall be hard-surfaced with one or more of the following materials:
 - 1) Asphalt
 - 2) Concrete
 - 3) Permeable Asphalt or Concrete (subject to additional administrative review)

- b. The following materials are not allowable for *Off-Street Parking Areas* and the ingress/egress to and from such *Off-Street Parking Areas* unless approved by the *Plan Commission*:
 - 1) Gravel/Stone/Stone Dust
 - 2) Asphalt millings or concrete chunks
 - 3) Pavers
 - 4) Other materials not listed in section 4.10.D.2.a.
- 3. Distance from Buildings in Commercial and Industrial Districts. All *Parking Spaces*, *Parking Areas* and *Interior Access Drives* located in any Commercial and Industrial *District* shall maintain a minimum five (5) foot separation from the wall of a *Building* and be accessible from a sidewalk connecting to the entrance of the building.
- 4. **Non-Motorized Transportation and Access. See Article 4.1H.**
- 5. The use of Low Impact Design/runoff reducing elements such as bioswales is encouraged.
- 6. Definition of *Parking Spaces*. All *Parking Spaces* shall be provided with curbing to ensure that motor vehicles do not encroach beyond the *Parking Area* or into a required *Yard*. Wheel stops may be utilized when curbing would conflict with an approved bio swale.
- 7. *Off-Street Parking Area* Cross Access Connection.
 - a. The following situations shall require the provision for at least one (1) interior access driveway connecting lots with uses described in Table 4.10.D.5.a: Required Cross Access Connection.

Table 4.10.D.5.a: Required Cross Access Connection	Subject Property Use	
	Commercial	Multi-Family
Adjacent Property		
Commercial Use	Yes	Yes
Multi-Family Use	Yes	Yes
Commercial Zoned Property ⁽¹⁾	Yes	Yes
Multi-Family Zoned Property ⁽¹⁾	Yes	Yes
Property Designated for Commercial Use in the Comprehensive Plan ⁽¹⁾	Yes	Yes
Property Designated for Multi-Family Use in the Comprehensive Plan ⁽¹⁾	Yes	Yes

⁽¹⁾ Vacant or developed

- b. Where *Off-Street Parking Areas* connect, or are planned for connection, a cross-access easement the width of the maneuvering aisle shall be established and recorded.

E. Required Bicycle Parking. Non-Residential and Multi-family developments shall provide bicycle parking at the rate of one (1) bicycle parking space for public access door.

- 1. All bicycle parking requirements (short and long-term) shall be demonstrated on the Development Plan or Improvement Location Plan.
- 2. A bicycle rack, bicycle loops or other device as approved by the *Director* shall be installed to secure bicycles within the *Bicycle Parking Area*.
- 3. The *Bicycle Parking Area* shall be located near or inside the main entrance of the Primary Structure.
- 4. The location of the *Bicycle Parking Area* when fully occupied shall not obstruct any pedestrian way and a five (5) foot wide pedestrian path shall be maintained at all times.
- 5. A *Bicycle Parking Area* may not be located in any *Minimum Front, Side or Rear Yard* or *Bufferyard*.

F. Market Based Vehicle Parking

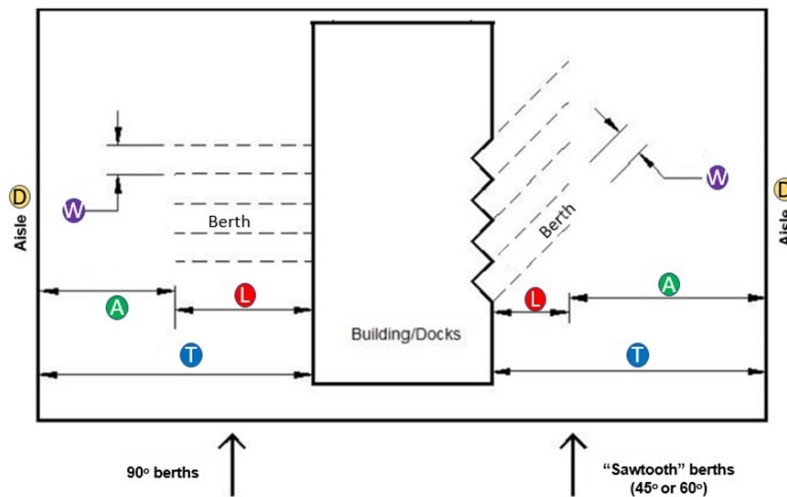
1. ADA Compliance. Every *Parking Lot* and *Parking Garage* available to the public shall have *Parking Spaces* reserved for the use of physically handicapped persons according to the current edition of the “ADA Standards for Accessible Design” as published by the United States Department of Justice.
2. Considerations for Market Based Parking Review. In the process of reviewing a request by an applicant for Market Based Parking, consideration shall be given to the following:
 - a. Applicant’s narrative and experience with similar facilities;
 - b. Use and intensity of use, including whether goods or services are delivered to consumers who remain in their vehicles;
 - c. Availability of scheduled transit;
 - d. Adjacency to public trails;
 - e. Parkingshed considerations, including but not limited to:
 - 1) Availability of publicly maintained parking;
 - 2) Location within an Integrated Center;
 - 3) Walkability to nearby land uses; and/or,
 - 4) Availability of a legal agreement with another nearby underutilized private parking areas deemed by the Commission to be unimpeded by conditions including, but not limited to:
 - a) Collector or higher level roadways;
 - b) Hazardous or impassible terrain; and/or
 - c) Obstructive structures such as fences, retaining walls, or similar.
 - f. Other considerations not listed above.
3. Modification of Existing Parking Areas. *Off-Street Parking Areas* shall not be reduced or increased by more than twenty five percent (25%) of the existing number of parking spaces without approval of the Plan Commission. Reductions or increases of less than twenty-five percent (25%) may be approved administratively by the Director.
4. Creation of new Parking Areas.
 - a. As a part of the Development Plan process, the applicant shall provide a justification explaining the rationale behind the number of parking spaces proposed and the location within the site for the proposed parking spaces.
 - b. Staff will review the number and location of proposed parking spaces and provide an analysis and recommendation to the Plan Commission.
 - c. The Plan Commission may do one of the following regarding the provision of parking spaces:
 - 1) Approve the proposed number and locations of parking spaces;
 - 2) Require the applicant to revise the proposed number and/or location of parking spaces;
 - 3) Require the “land banking” of spaces either greater than or less than the number of spaces determined sufficient by the Commission.
 - a) The owner shall provide a recorded site plan that identifies the *Land-Banked Area* as a “No-Build Area” prohibiting any permanent or temporary structure from being built within the so denoted area. Only landscaping may be allowed within the “No-Build Area”.
 - b) A drainage plan in full compliance with Town of Plainfield standards for on-site stormwater management for the total potential number of *Off-Street Parking Spaces* as required per the approval of the Commission for the use or uses shall be approved prior to issuance of an *Improvement Location Permit* (ILP) for a site plan with the reduced parking.

- c) If the *Director* finds that insufficient parking is provided for the use or uses and vehicles are parking in the designated “No-Build” or *Land-Banked Areas* on a periodic or continued basis, a violation notice shall be served and the owner shall have six (6) months from the date of notice to install the total amount of *Off-Street Parking Spaces* required for the use or uses per the approval of the Commission

4.11. OFF-STREET LOADING REGULATIONS

4.11 INTENT. These off-street loading regulations are intended to provide for the provision of off-street loading areas which are adequate to support the needs of the proposed use and future uses of a site while at the same time assuring that the design and construction of such off-street loading areas meet minimum design standards necessary to provide efficient circulation and prevent undue traffic congestion.

- A. LOADING FOR BUILDINGS, STRUCTURES OR USES.** All commercial or industrial development or conversions of use for which an improvement location permit is required by this ordinance shall provide off-street loading areas in accordance with the following regulations.
- B. DESIGN AND CONSTRUCTION OF LOADING AREAS.** The following standards shall apply to the design of off-street loading areas.



Truck Size	Dock Angle	Berth		Apron A	Total Offset T	Drive Aisle Width D
		Length L	Width W			
Large (WB-65D)	90°	55	12	50	105	35
	60°	62	12	50	104	35
	45°	68	12	46	94	35
Medium (WB-40)	90°	35	12	43	78	35
	60°	32	12	43	75	35
	45°	26	12	43	69	35
Small (Box Truck)	90°	20	10	32	52	35
	60°	18	10	24	42	35
	45°	17	10	20	37	35

C. LOCATION OF OFF-STREET LOADING SPACES.

1. All loading spaces shall be located on the same lot as the use served.
2. All loading spaces shall be oriented toward a side or rear lot line.

3. No loading space shall be located between the front lot line and the front line of any portion of the building served unless the orientation of loading space approval is granted by the Plan Commission noted in Article 4.11F below.
4. No loading space shall be located in a required side or rear yard or required side or rear bufferyard.
5. Office, professional services, retail or other non-industrial uses may provide one required loading space per building in a “pull-off” loading area located adjacent to an interior access drive. A “pull-off” loading area shall not be subject to the prohibition against being located between the front lot line and front facade of any portion of the building served set forth in Article 4.11E(3) above.
6. Each off-street loading area shall be designed and located in a manner which will not interfere with traffic movements and will not result in any vehicle, or part thereof, encroaching into any sidewalk, alley, street or public right-of-way.
7. No loading spaces shall be permitted to face a Gateway Corridor or other street where a residential district exists on the opposite side of said street.
8. In the Town Center District, off-street loading facilities shall be located at the rear of the building or at the rear of the lot.



Pull-Off Loading Area

D. SURFACE OF LOADING AREAS. All off-street loading areas and the ingress/egress to and from such off-street loading areas shall be hard surfaced with asphalt, concrete or other material to provide a dust-free surface.

E. MINIMUM NUMBER OF OFF-STREET LOADING SPACES. Off-street loading spaces for all uses shall be provided in accordance with the minimum requirements set forth in Table 4.11-A.

Table 4.11-H: Required Off-Street Loading			
Use	Gross Floor Area of Building (Square Feet)*	Required Number of Loading Spaces	
		Minimum	Maximum
Industrial	< 10,000	0	N/A
	10,000—40,000	1	N/A
	40,000—100,000	2	N/A
	100,000—200,000	3	N/A
	Each additional 200,000 or portion thereof	1 additional	N/A
Office/professional service	< 20,000	0	1
	20,000—100,000	1	2
	100,000—200,000	2	3
	Each additional 200,000 or portion thereof	1 additional	
Other nonresidential	< 10,000	0	1
	10,000—100,000	1	2
	Each additional 100,000 or portion thereof	1 additional	
Retail	< 10,000	0	1
	10,000—25,000	1	2
	25,000—60,000	2	3
	60,000—120,000	3	4

	Each additional 100,000 or portion thereof	1 additional
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4.12. ADDITIONAL FRONT, SIDE AND REAR SETBACK PROVISIONS

A. ADDITIONAL FRONT SETBACK PROVISIONS.

1. *Public streets.*
 - a. In the case where the Thoroughfare Plan does not include a proposed right-of-way, or where the existing right-of-way is greater than the proposed right-of-way, the existing right-of-way line shall be used for setback measurement.
 - b.
 - 1) The setback provisions of this Article are subject to the following modification.
 - 2) In any block in any district contained in this ordinance in which an existing front yard setback is established by existing, legally established buildings or structures on more than 60% of the total number of lots within the same block face fronting on the same public street, the minimum required front yard setback for any new building, structure or addition along such block face shall be the average of such established front yards if such dimension is less than the minimum front yard setback established by this ordinance.
 - c. Any development permitted within a required front yard or required front bufferyard shall be those specified in the "Use of Minimum Yards and Bufferyards" sections of the applicable district.
2. *Private streets.* The minimum front yard and minimum building setback from the right-of-way line of a private street shall be the same as for a local public street in the applicable district. Provided, however:
 - a.
 - 1) The setback provisions of this Article are subject to the following modification.
 - 2) In any block in any district contained in this ordinance in which an existing front yard setback is established by existing, legally established buildings or structures on more than 60% of the total number of lots within the same block face fronting on the same private street, the minimum required front yard setback for any new building, structure or addition along such block face shall be the average of such established front yards if such dimension is less than the minimum front yard setback established by this ordinance.
 - b. Any development permitted within a required front yard or required front bufferyard shall be those specified in the "Use of Minimum Yards and Bufferyards" sections of the applicable District.
3. *Double frontage lots.*
 - a. *Limited access street rights-of-way.* That portion of a double frontage lot located in a residential district which abuts any limited access street right-of-way shall be subject to setback and other requirements of this ordinance applicable to minimum rear yards.
 - b. *All other streets.* That portion of a double frontage lot which abuts any perimeter street in which a "non-access easement" is provided for by a properly approved and recorded plat shall be subject to setback and other requirements of this ordinance applicable to minimum rear yards.

B. SIDE AND REAR YARD EXCEPTIONS. The minimum side and rear yard setback requirements for a lot containing a single-family or two-family dwelling in a residential district shall be subject to the following exceptions.

1. A legally established nonconforming, detached, accessory garage may be reconstructed on an existing foundation even though such reconstruction would not comply with required side or rear yards, provided such reconstruction does not interfere with a vision

clearance area or encroach into any right-of-way.

2. A legally established nonconforming single-family or two-family dwelling may be enlarged or extended one time (except where the provisions in Article 9.1M would apply) along a legally established nonconforming side yard provided that the lineal footage of such enlargement or extension does not exceed 50% of the lineal footage of the original dimension of the single-family or two-family dwelling along that side setback, also provided such enlargement or extension does not interfere with a vision clearance area or encroach into any right-of-way.

C. SETBACK EXCEPTION; Laterally-SUPPORTED EXTENSIONS. Laterally-supported extensions, such as canopies, eaves, cornices, bay windows or roof overhangs, may extend a maximum of 24 inches into any required front, side or rear yard or required front, side or rear bufferyard.

D. EXCEPTIONS FOR SETBACKS ALONG ALLEYS. All setbacks from alleys shall be equivalent to the side setback for the appropriate district.

4.13. REQUIREMENTS FOR ALL PRIVATE STREETS AND PRIVATE ALLEYS

All private streets and private alleys, when specifically authorized for use by grant of variance, grant of development incentive or subdivision waiver, shall be developed to the following standards.

Pavement width for private streets and alleys. Minimum pavement width available for through traffic (i.e., exclusive of

Table 4.13.A: Pavement Width for Private Streets and Alleys (in feet)		
Private Streets	Residential Districts	Commercial or Industrial Districts
1-way traffic, no parking	12 ft.	18
1-way traffic, parking on one or both sides	24 ft.	30
2-way traffic, no parking	20 ft.	24 ft.
2-way traffic, parking on one or both sides	24 ft.	36 ft.
Private Alleys	Residential Districts	Commercial or Industrial Districts
Private Alleys	15 ft.	18 ft.

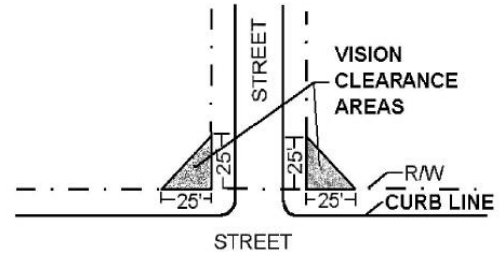
B. Depth and materials. Minimum pavement depth and materials for through traffic widths as noted in Article 4.13 above, exclusive of parking areas, shall be those required by the town standards for public streets, provided, however, curbing shall not be required.

C. Emergency vehicles. The geometric design of private streets or private alleys shall provide for either the through movement or turn-around movement of emergency vehicles. Turn-around design may include cul-de-sac, hammerhead or other design approved by the Town Engineer and Fire Marshal of the town.

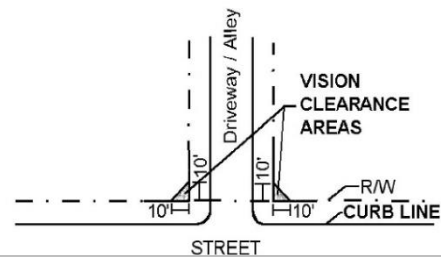
D. Maintenance/services. Prior to the issuance of an improvement location permit or obtaining secondary plat approval, the developer or subdivider shall file documentary assurances with the town that all lots served by the private streets or private alleys shall be provided with the Required Services for Private Streets and Drives. Such services shall be provided in accordance with the specifications approved by the Plan Commission, which shall include the establishment of a maintenance fund or escrow account by the developer or subdivider, which may be supplemented by regular or special assessments against each lot owner provided such assessments are at reasonable and non-discriminatory rate of charge. Such documentary assurances shall be incorporated into the applicable final plat that is recorded in the office of the Recorder of the county, or otherwise provided for through legally binding perpetual agreements as approved by the Plan Commission.

4.14. VISION CLEARANCE AREAS

- A.** No building, structure or improvement, including landscaping, shall be erected, placed, planted or maintained so as to interfere with a vision clearance area located between the heights of two and one-half feet and nine feet above the crown of a street, driveway or alley.
- B.** A vision clearance area shall be established for all streets, whether public or private, in one of the following manners:
- At the intersection of streets, vision clearance areas are formed at each corner by the street right-of-way lines and a line connecting points on the right-of-way lines located 25 feet away from the intersection of such street right-of-way lines. In the case of a round or corner-cut right-of-way, the measurement shall be taken from the intersection of the right-of-way lines extended; or
 - At the intersection of a street with a driveway or alley, vision clearance areas shall be formed by the intersection of the street right-of-way line and the driveway surface edge or the right-of-way of the alley and a line connecting points ten feet street right-of-way line and the driveway surface from the intersection of such edge or alley right-of-way.



Vision Clearance Area, Street Intersection



Vision Clearance Area, Driveway/Alley Intersection

4.15. RESERVED

4.16. OUTDOOR OPERATIONS

- A. Intent.** The purpose of this Article is to consolidate standards for outdoor operations and uses across multiple zoning districts to ensure equitable treatment of these uses and ensure the public health, safety, and general welfare.
- B. General Rules.**
- All operations, except as detailed below, shall be conducted completely within enclosed buildings.
 - The creation of outdoor operations areas is subject to the issuance of an Improvement Location Permit (ILP).
 - Excepting Outdoor Seating and Dining (see Article 4.16E) or Outdoor Display (see Article 4.16D) in the TC: Town Center and MU: Mixed Use districts, no Outdoor Operations shall be permitted in a required yard or public rights-of-way.
 - Excepting Outdoor Seating and Dining (see Article 4.16E), no Outdoor Operations shall be permitted in a required front yard.
 - Outdoor Operations shall not be located between a building line and a bufferyard.
 - Outdoor Operations shall not block, interfere with, or impede the following:
 - Pedestrian Access.** A pathway, walk, or aisle of no less than five (5) feet shall be maintained for pedestrian access free from merchandise and debris

- b. Vehicular parking, required loading areas, interior access drives, driveways, interior access driveways. Required drive widths, loading areas, and parking areas shall be maintained at all times free from merchandise and debris.
 - c. Required landscaping or plantings.
 - d. Ingress or egress to any building or accessory structure and/or use.
7. Outdoor Operations does not include vehicles displayed for sale at a Vehicle Sales use.
 8. Excepting off-street parking, automated teller machines, and gasoline pumps, Outdoor Operations shall only be permitted adjacent to the primary structure, business tenant bay, and/or storefront façade.
 9. No outside storage or display shall be permitted between an established building line and the right-of-way of a Gateway Corridor or other street where a residential district exists on the opposite side of the street.

C. Types of Outdoor Operation.

Table 4.16C: Outdoor Operations Types by Zoning Classification											
Outdoor Display (see Article 4.16D)	TC	AC	GC	HB	NR	OD	CI	I1	I2	I3	I4
Outdoor display or sales of merchandise	N	Y	Y	N	Y	N	N	N	N	N	N
Outdoor Seating and Dining (see Article 4.16E)	TC	AC	GC	HB	NR	OD	CI	I1	I2	I3	I4
Walk-up customer service windows	Y	Y	Y	Y	Y	Y	N	N	N	N	N
Drive through customer service windows	Y	Y	Y	Y	Y	Y	N	N	N	N	N
Outdoor seating and dining areas	Y	Y	Y	Y	Y	N	N	N	N	N	N
Outdoor Accessory Uses (see Article 4.16F)	TC	AC	GC	HB	NR	OD	CI	I1	I2	I3	I4
Automated Teller Machine (see Article 4.16F)	Y	Y	Y	Y	Y	Y	N	N	N	N	N
Gasoline Pumps (see Fueling Station and Truck Fueling Standards)	N	Y	N	Y	N	N	N	N	N	N	N
Off-street loading (see Article 4.11)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Off-street parking (see Article 4.10)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Vending Machine	N	N	N	N	Y	N	N	N	N	N	N
Outdoor Storage (see Article 4.16G)	TC	AC	GC	HB	NR	OD	CI	I1	I2	I3	I4
Outdoor Storage of Non-retail Material	N	N	N	N	N	N	N	N	Y	Y	Y
Key:											
Y-Allowed, See Additional Regulations; N-Not Allowed:											

D. Outdoor Display.

1. General Rules
 - a. Outdoor display must be accessory to the primary use;
 - b. No outdoor storage of semi-trailers, portable storage units or materials deemed not available for immediate sale is permitted.
 - c. No Outdoor Display is permitted in areas not approved in the development plan or improvement location permit in an area noted in an approved development plan or improvement location permit as “temporary display area”
 - d. Outdoor Display areas must be clearly demarked through the use of architectural features such as building modulation, landscaping, different type or style of paving, or as deemed sufficient by the Plan Commission.
 - e. Outdoor Display Items must be moved indoors at or prior to the daily close of business unless previously noted otherwise during the approval of the development plan or improvement location permit;
 - f. The maximum height of merchandise either stacked on pallets or freestanding shall be five feet.
 - g. Stacked items shall be kept in an orderly and neat fashion at all times;

- h. The total area allocated for outdoor display for either the permanent display of merchandise or for temporary seasonal sales items cannot exceed more than 10% of the gross floor area (GFA) for the primary structure;
- 2. Proximity to Primary Structure. The following proximity regulations apply to outdoor sales and display.

Table 4.16D.2: Proximity to Primary Structure	
Front Yard	Maximum Feet from the Foundation
No Wall	12
24-36 inch tall wall ⁽¹⁾	20
Side/Rear Yard	Maximum Feet from the Foundation
8 foot tall wall ^{(1) (2)}	Adjacent

⁽¹⁾ Wall shall be constructed of the same primary building material of the primary structure.

⁽²⁾ Any merchandise that can be seen above the wall shall be screened by an opaque surface

E. Outdoor Seating and Dining.

- 1. General Rules
 - a. Drive Through and Walk-Up Customer Service Windows must be set flush with the façade of the building.
 - b. All outdoor seating/dining areas are subject to review and approval by the Design Review Committee and the Plan Commission.
- 2. Drive Through Customer Service Windows.
- 3. Outdoor Seating and Dining Areas (non-TC: Town Center)
 - a. Barriers. An outdoor seating/dining area shall be within an enclosed area delineated by a detectable barrier on an impervious surface. Height standards are listed in the table below:

Table 4.16E.3.a: Height Standards for Barriers	
Minimum height (inches)	36
Maximum clearance from ground (inches)	6

- 1) Fence. The fence material shall be metal.
- 2) Wall. Walls must brick or other masonry type product matching the primary building in material and color.
- 3) Planters. Plants may not exceed a height of eight feet.
- 4) Prohibited barrier types.
 - a) Rope or chain barriers
 - b) Fabric inserts and chain-link fences are not permitted barrier types.
 - c) Materials not specifically manufactured for fencing or pedestrian control are not allowed (i.e., buckets, tree stumps, food containers and the like).
- b. Access
 - 1) Outdoor seating/dining areas shall not impede pedestrian traffic. A five foot wide, clear pedestrian path shall be maintained at all times.
 - 2) Outdoor seating/dining shall not interfere with entrances or means of ingress/egress to the primary building.
 - 3) More than one unobstructed means of egress from the outdoor seating/dining area, at least 44 inches in width, shall be maintained at all times.
- c. Furniture
 - 1) Furniture shall be of a high quality and kept clean and in good condition at all times.
 - 2) Furniture must be freestanding and not secured to trees, fixtures or infrastructure.

- 3) Only tables, chairs and umbrellas are allowed within outdoor seating/dining areas. No service stations, bars, counters, shelves, racks, sofas and the like are allowed.
 - 4) All tables, chairs and umbrellas used for outdoor seating/dining must be located entirely within the demarcated outdoor seating/dining area as delineated by barriers.
 - 5) No tables or chairs may be stored or stacked within outdoor seating/dining areas.
 - 6) Umbrellas:
 - a) Umbrellas must be entirely within defined outdoor seating/dining areas and not allowed to overhang such area.
 - b) Umbrellas must maintain a height of seven feet when extended and cannot be higher than ten feet.
 - c) No lettering or logos are permitted on the umbrellas
 - 7) At least one trash receptacle shall be located within the outdoor seating/dining area and shall be emptied as needed and never allowed to overflow.
 - 8) The use of heating devices, the number and their locations must be approved by the town's Fire Marshal.
- d. Additional TC: Town Center District Rules
- 1) If located in a public right-of-way, be subject to the approval of the applicable agency for activity in a public right-of-way. Within the Town's rights-of-way, the following shall apply.
 - a) No outdoor seating/dining shall be allowed without the issuance of a license agreement as required by ordinance if to be located in the TC Town Center District and to be located within the town's right-of-way for pedestrian access (sidewalk) or an alley.
 - b) License agreements required for areas in the TC Town Center District shall be renewed on an annual basis.
 - c) License agreements are subject to review and approval by the Town Council.
 - 2) No outdoor seating/dining area may be located closer than five feet from the curb.
 - 3) Outdoor seating/dining areas may not be located within pedestrian clear zones at corners of street intersections. Clear zones are areas measured 25 feet in each direction at the corner of the intersection from the mid-radius of the curb.
 - 4) For areas along Main Street, the maximum number of tables allowed within the rights-of-way is two per establishment.
 - 5) The maximum number of chairs allowed per table is four.
 - 6) The outdoor seating/dining area can be no more than 10% of the total gross floor area of the business.
 - 7) The floor of the outdoor seating/dining area shall be uncovered sidewalk.
 - 8) Umbrellas are not permitted adjacent to Main Street within the public rights-of-way.
 - 9) Heating devices are not allowed adjacent to Main Street.
4. Walk-up Customer Service Windows

F. Outdoor Accessory Uses.

1. Automated Teller Machines. Such facilities shall not be freestanding and are to be set flush with the facade of the building or canopy.
2. Gasoline Pumps. See Article 4.18

3. Off-Street Loading. See Article 4.11
4. Off-Street Parking. See Article 4.10
5. Vending Machines. Items such as vending machines, which include, but are not limited to, similar items such as ice machines and propane displays shall abut and be flush with the facade of the primary or accessory structure on an impervious surface such as asphalt or concrete.

G. Outdoor Storage. All operations, servicing, and processing must be conducted within completely enclosed buildings except as noted below. Outdoor storage shall only be permitted in the I-2, I-3, and I-4 zoning districts subject to the following minimum standards.

1. All storage of materials or products within 600 feet of a residential district boundary or Gateway Corridor shall be either:
 - a. Within completely enclosed buildings; or
 - b. Effectively screened within a chain link, lattice or similar type fenced area, with ornamental, non-solid or chain link gates. The height of said fence shall be at least six feet and shall not exceed eight feet.

2. Landscaping. The storage area shall be surrounded by landscaping installed in compliance with the provisions of Article 4.7: Landscape Provisions as shown below

Outdoor Storage	I2	I3	I4
Storage Area Landscaping (Plant Unit Value)	3	3	4

3. Maximum Amount of outside storage and operations. The total area devoted to outside storage and operations shall not exceed the percentage of the gross floor area of enclosed structures or buildings on the lot as denoted in the table below:

Outdoor Storage	I2	I3	I4
Maximum amount of outdoor storage (percent)	10	25	50

4.17. RESERVED

4.18 ARCHITECTURAL STANDARDS FOR FUELING STATIONS AND TRUCK FUELING STATIONS

INTENT. To promote innovation and creativity in the design of the built environment, increase the quality standards for commercial and industrial development while mitigating any possible negative impacts upon residential development.

A. DEVELOPMENT REQUIREMENTS.

1. *Corporate identity.* The intent and purpose of the architectural standards supersede corporate identity designs. When a corporate identity design does not meet the intent and purpose of the architectural standards, the corporate identity design must be limited and/or modified as prescribed by the Plan Commission.
2. *Exterior design standards.* Building exteriors must be subject to the following standards:
 - a. *Classes of materials.* For the purposes of this subsection, materials must be divided into class I, class II, class III, and class IV categories as follows:
 - 1) Class I—(Materials with a physical texture or materials with a visual texture that changes due to environment.)
 - a) Conventional brick, nominal four-inch width;
 - b) Natural or cultured stone; and
 - c) Copper.
 - 2) Class II—(Materials of a more ornamental nature and/or higher aesthetic qualities.)
 - a) Ornamental or architectural metal;
 - b) Fiber-cement exterior siding;
 - c) Thin brick veneer;
 - d) Ceramic; and
 - e) Glass.
 - 3) Class III—(Materials with a medium aesthetic quality.)
 - a) Exterior insulation and finish system (EIFS);
 - b) Specialty concrete block such as textured, burnished, or rock faced block;
 - c) Architecturally precast textured concrete or brick panels;
 - d) Opaque panels; and
 - e) Masonry stucco.
 - 4) Class IV—(Materials with a low aesthetic quality. Must not exceed 10% of the facade.)
 - a) Smooth concrete block;
 - b) Smooth scored concrete block;
 - c) Smooth concrete tip-up panels;
 - d) Glass block; and
 - e) Wood.
 - 5) Other materials not listed above will require further review, justification, and approval by the Plan Commission through the waiver process.
 - b. *Incorporation of material classes.*
 - 1) Utilizing the formula below, the following facade point requirements must apply per facade on specified land uses.

	FACADE POINTS PER FACADE		
	<i>Front</i>	<i>Side</i>	<i>Rear</i>
Commercial	3.25	3.0	2.5

Industrial (Gateway)	3.0	2.5	2.5
Industrial (non-Gateway)	2.5	2.0	2.0

Formula for Material Classes					
Class I	Class II	Class III	Class IV	Sum of Classes	Facade Points
% x 8	% x 6	% x 2	% x 1		
%- Percent of Applicable Facade utilizing that Material Class					

- 2) The use of class II, III, or IV materials must be distributed throughout the facade of a building unless the Design Review Committee and the Plan Commission agrees that materials consolidated on more visible locations provides the most positive architectural appeal to the general public.
 - 3) Buildings may be constructed primarily of one specific class I material provided the design is obviously superior to the general intent of this article, provides variation in detailing, footprint of the structure, or derivations in long wall sections to provide visual interest.
 - 4) The material classes must be supplemented with the use of multiple colors, textures (e.g. rough, smooth, striated, etc.), and/or architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.) on each applicable facade.
 - 5) Garage doors, windows and doors, window and door trim, flashing accent items and the like must not constitute required materials that make up the exterior of the building.
3. *Facade modulation and articulation.*
- a. Building articulation must be used (in areas open to public view) to enhance the visual interest of buildings. Building articulation must be designed to be appropriate to the way in which the building is viewed: at a walking pace, a driving view, or a set view in the distance. Each of these views must be considered and addressed in the building's design. The following guidelines must be considered.
 - 1) Facade length of less than 50 feet: Articulation used to break large wall expanses into smaller, more human-scaled pieces every 20 feet.
 - 2) Facade length of 50 feet or greater: Buildings viewed from such distances and speeds should have building elements at a horizontal spacing of 20 to 40 feet.
 - 3) Viewing at distance. Buildings must exhibit a visually coherent plan to integrate multiple viewing distances. Buildings must include a hierarchy of more closely spaced articulation at the lower floors/elevations with floors above the second story using a less closely spaced articulation scheme.
 - b. Multi-story buildings or buildings exceeding 50 feet in length must always consider facade modulation and articulation as viewed from all three viewing scenarios.
 - c. Windows and doors provide visual enhancement to articulation, however they will not be considered as modulation or articulation except in conjunction with other elements as noted below
 - d. *Acceptable modulation or articulation.*
 - 1) Facade modulation. Stepping portions of the facade to create shadow lines and changes in volumetric spaces;
 - 2) Use of engaged columns or other expressions of the structural system;
 - 3) Horizontal and vertical divisions by use of textures or materials, usually combined with facade modulation;
 - 4) Dividing facades into storefronts with visually separate display windows;
 - 5) Providing projections such as balconies, cornices, covered entrances, porte-

cocheres, trellis, pergolas, arcades and colonnades, providing such trellis and awnings extend outward from the underlying wall surface at least 36 inches;

- 6) Variation in the rooflines by use of dormer windows, overhangs, arches, stepped roofs, gables, or other similar devices;
 - 7) Alternative methods, such as angled or curved facade elements, off-set planes, wing walls and terracing, will be considered, provided that the intent of this section is met.
4. *Screening of mechanical equipment. See Article 4.1G: Mechanical Equipment Screening*
 - c. *Trash enclosures. See Article 4.1J: Refuse/Reuse Container Enclosures*
 5. *Outdoor storage and display.*
 - a. No outside storage and/or display must be permitted between an established building line and the right-of-way of a Gateway Corridor or other street where a Residential District exists on the opposite side of said street.
 - b. No outdoor storage of semi-trailers, portable storage units or materials deemed not available for immediate sale must be permitted in areas not approved in the development plan or improvement location permit.
 - c. Temporary display of items available for immediate sale (e.g. mulch, salt) may be allowed in display areas between the established building line and the right-of-way of a Gateway Corridor or other street where a residential district exists on the opposite side of said street if such temporary displays are:
 - 1) In an area noted in an approved development plan or improvement location permit as “temporary display area”;
 - 2) Moved indoors at or prior to the daily close of business unless previously noted otherwise during the approval of the development plan or improvement location permit;
 - 3) Does not block ingress or egress to the primary or other structures or pose a hazard to the health, safety, or welfare of those on premise;
 - 4) In an area clearly demarked, through the use of architectural features such as building modulation, landscaping, different type or style of paving/ground cover, or other means deemed sufficient by the Plan Commission; and
 - 5) Vending machines for storage of items such as portable propane tanks must abut the primary building in such a manner that a five-foot pedestrian path is maintained around such items.
 6. *Non-motorized transportation and access. See Article 4.1H*
 7. *Lighting. See Article 4.7:*

B. WAIVERS AND FINDINGS. In order to encourage redevelopment and renovation of existing legal non-conforming fueling stations and truck fueling stations, innovative building and site designs capable of enhancing the quality of the built environment along a Gateway Corridor or adjoining a Residential District, the Plan Commission or the Director (in matters delegated to the Director) may grant a waiver of the: landscaping; lighting; sign; building orientation and site design; or, building materials along a Gateway Corridor, development requirements specified in Article 5.5 of this ordinance for Architectural and Site Design Review upon finding that the proposed development:

1. Represents an innovative use of building materials, lighting, signs, site design features or landscaping which will enhance the use or value of area properties;
2. Is consistent with and compatible with other development located along the Gateway Corridor or within 600 feet of a Residential District; and
3. Is consistent with the intent and purpose of this ordinance.

4.19 RESERVED

4.20 STANDARDS FOR COMMERCIAL INDOOR LODGING FACILITIES

Intent: To establish physical and design requirements of Commercial Indoor Lodging facilities

A. Types of Commercial Indoor Lodging facilities. This ordinance differentiates between two (2) types of Commercial Indoor Lodging facilities as stated in the requirements below:

1. Transient Commercial Indoor Lodging
2. Extended stay Commercial Indoor Lodging

B. General Requirements. All Commercial Indoor Lodging facilities shall comply with the following requirements, except where differentiated below.

1. Operations Standards
 - a. No operator, owner, keeper, or proprietor of any Commercial Indoor Lodging shall rent or provide a room for any number of persons greater than the sleeping accommodations provided within the particular rental unit
 - b. No operator, owner, keeper, or proprietor, patron, visitor, or guest of any Commercial Indoor Lodging shall be allowed to congregate within any room or single rental unit a number of persons which is greater than two (2) times the number of persons for whom sleeping accommodations are provided within the single room or rental unit except when temporarily designated as a hospitality suite by the Commercial Indoor Lodging.
 - c. The utilization of clotheslines or other clothes-drying equipment or facilities outside of a room that are located on or are visible from the outside of a room of Commercial Indoor Lodging are prohibited.
 - d. Excepting dwelling units for an onsite manager/maintenance/security employee, Commercial Indoor Lodging facilities are not to serve as a residence.
 - e. No occupational tax certificate shall be issued for the purpose of conducting business from a guest room of a Commercial Indoor Lodging facility.

Table 420.B.1 Operations Standards		
	Transient	Extended Stay
Duration of Stay	No more than 30 nights	Up to and more than 30 nights
Housekeeping	Required and included within standard room rate	Available and may be included at an extra charge

2. Building / Facility Amenities
 - a. Room Access. Primary access to each guest room shall be through an inside lobby which is supervised at all hours the facility is open. Private balconies/patios are allowed.

Table 420.B.2 Building/Facility Amenities Differentiated by Types of Commercial Indoor Lodging		
	Transient	Extended Stay
Minimum Height (in stories)	2	3
Required Facility Amenities	Transient	Extended Stay
24-hour desk staffing;	Optional	Yes
Prohibition of storage of any personal possessions within shared common areas or exterior balconies of the building and/or site;	Yes	Yes
In-room or common area (5 washer/dryer units per 100 rooms or portion thereof) laundry facilities	Optional	Yes
Optional Facility Amenities	Transient	Extended Stay
Business center of a size at least 120 square feet	Optional	(1)
Fitness center of at least 350 square feet for every 200 rooms or portion thereof	Optional	(1)

Swimming pool at least 375 sf x 4 feet of depth	Optional	(1)
Meeting areas or conference rooms	Optional	(1)
On-site restaurant or other available food options (such as room service on an on-site convenience retail store.)	Optional	(1)
Other options as approved by the Plan Commission	Optional	(1)
(1) At least four (4) of the optional amenities which must be maintained to retain Extended Stay status.		

3. Room Standards. All Commercial Indoor Lodging facilities shall comply with the following requirements, except where differentiated in Table 4.20.B.3
 - a. Every operator, owner, keeper, or proprietor of any Commercial Indoor Lodging shall keep and maintain in each rental unit, a telephone equipped to place a direct call to 911.
 - b. Guest Room Amenities

Table 420.B.3 Guest Room Amenities		
Required Amenities	Transient	Extended Stay
Room or space in which people sleep	Yes	Yes
Water Closet with bathtub and/or shower	Yes	Yes
Closet (enclosed or open)	Yes	Yes
Kitchen Facilities (which may not be located in the bedroom or bathroom) including a refrigerator, cooktop, dedicated sink, and cabinets for cooking/dining supplies.	Optional	Yes
Each guest room of an Extended Stay Commercial Indoor Lodging shall be equipped with a sprinkler system and hard-wired smoke detector approved by the fire marshal.	Optional	Yes

C. Compliance

1. The common areas and unoccupied rooms of an extended stay Commercial Indoor Lodging facility are subject to inspection by the Town of Plainfield.
2. No extended stay Commercial Indoor Lodging shall be initially constructed or thereafter operated, and no transient Commercial Indoor Lodging may be converted to be and operated as extended stay Commercial Indoor Lodging unless in full compliance with each of the above provisions.
3. An extended stay Commercial Indoor Lodging facility that fails to meet the requirements of this ordinance is then classified as transient and is thus prohibited from offering any extended stay Commercial Indoor Lodging in more than two (2) of its guest rooms.
4. Any Commercial Indoor Lodging operated, conducted, or maintained contrary to the provisions of this article may be declared to be unlawful and a violation of the Unsafe Building Ordinance. The Town may, in addition, or in lieu of all other remedies, commence actions or proceedings for abatement, removal or enjoinder thereof, in the manner provided by state law and this Code.

ARTICLE 5 – DEVELOPMENT PLAN APPROVALS

5.1. DEVELOPMENT INCENTIVES

A. INTENT. It is the intent of this Article to provide incentives to developers which encourage: creativity and imagination in the process of development; efficient, aesthetic and desirable use of open space; variety in physical development patterns; and special considerations for property with outstanding features (i.e., historical significance, unusual topography, landscape amenities, size and shape).

B. GENERAL PROCEDURES.

1. Within each zoning district contained in this ordinance which refers to development incentives, there shall be two opportunities available for development:
 - a. Any development which demonstrates full compliance with the permitted use and development standards section of that district shall be entitled to the issuance of an improvement location permit; or
 - b. Any development which desires to take advantage of the development incentives set forth in this Article, shall file for and obtain development plan approval from the Plan Commission or Director, as specified for each development incentive, prior to the issuance of an improvement location permit.
2. If, at any point in the approval process of a development plan, the petitioner elects to forgo the pursuit of development plan approval, the petitioner shall be allowed to withdraw the application for development plan approval and apply for an improvement location permit in full compliance with the permitted use and development standards section of that district and the Subdivision Control Ordinance.

C. WAIVER OF DEVELOPMENT REQUIREMENTS.

1. To accomplish the purpose of this Article, the Plan Commission or Director, as appropriate, may approve a waiver of the development requirements specified for that district to the extent provided for in this Article.
2. All development requirements and development standards of this ordinance and the Subdivision Control Ordinance for which a waiver provision is not provided for in this Article shall remain applicable unless a variance of this ordinance is granted by the Board of Zoning Appeals or waiver of the Subdivision Control Ordinance is granted by the Plan Commission.

5.2. DEVELOPMENT INCENTIVES IN R-1, R-2 AND R-3 DISTRICTS

(A) The following development incentives are available for the development of single-family dwelling subdivisions in the R-1, R-2 and R-3 Districts. The following development incentives are not available for the development in the R-4 or R-5 Districts.

(B) All development plans which utilize the development incentives specified below in the R-1, R-2 and R-3 Districts shall be filed for review and approval by the Plan Commission.

A. DEVELOPMENT REQUIREMENTS.

1. *Project area (minimum size of overall subdivision).* The minimum acreage for any overall subdivision to be developed utilizing the provision of this Article shall be five acres.
2. *Project density.* The overall maximum number of lots within an overall subdivision to be

developed pursuant to this Article shall remain the same as that permitted by developing the same real estate into developable lots in full compliance with all zoning, health, flood control and subdivision laws, ordinances and regulations applicable to such real estate.

3. *Water and sewer availability.* Attachment to public water and sanitary sewer facilities shall be mandatory for any overall subdivision to be developed pursuant to this Article.
4. *Public streets/individual lot access.* Each lot within an overall subdivision developed pursuant to this Article shall be served by:
 - a. Public streets; or
 - b. Private streets, where each such private street:
 - 1) Is designed and built to town standards for depth and materials;
 - 2) Is designed so as to provide adequate maneuverability and access for school buses, fire trucks and other emergency vehicle access; and
 - 3) Is approved by the Plan Commission as a waiver of the Subdivision Control Ordinance.
5. *Project open space.* The amount of permanent open space created by the development of an overall single-family dwelling subdivision pursuant to this Article shall be equivalent to, or more than, the total reduction in area contained within developable lots based upon a comparison of Sketch Plan One and Sketch Plan Two as required by Article 5.2E below.
6. *Compliance with Residential Design Guidelines.* Each subdivision shall demonstrate compliance with the following provisions of the *Town of Plainfield Residential Design Guidelines*:
 - a. Section 2 - Single-Family and Two-Family Guidelines;
 - b. Section 4 - Open Space;
 - c. Section 5 - Vehicular Design and Pedestrian Circulation; and
 - d. Section 7 - Building Materials and Craftsmanship.
7. *Compliance with other applicable laws.* Each subdivision shall demonstrate compliance with all applicable development standards of the zoning district and Subdivision Control Ordinance for which a waiver is not otherwise provided for in this Article.

B. WAIVER OF DEVELOPMENT REQUIREMENTS IN R-1, R-2 AND R-3 DISTRICTS.

Individual lots within an overall subdivision that receives development plan approval from the Plan Commission to be developed pursuant to this Article may be granted a waiver of the development requirements specified in this ordinance to the extent permitted below:

1. *Minimum lot area, except as provided below.*
 - a. The minimum lot area requirements shall remain applicable to all lots which abut the perimeter of a subdivision section.
 - b. The minimum lot area for all lots which do not abut the perimeter of a subdivision section may be reduced in area up to the extent provided for below:

<i>District</i>	<i>Minimum Lot Area</i>
R-1	20,000 sq. ft.
R-2	10,000 sq. ft.
R-3	7,000 sq. ft.

- c. When a minimum lot area requirement is reduced as provided for in this Article for the first tier of lots in from the perimeter of a subdivision, a provision shall be made for a landscape and buffering area of not less than:
 - 1) Fifty feet in dimension between said first tier of lots and any perimeter street; or
 - 2) Thirty feet in dimension between said first tier of lots and the perimeter of that portion of the overall subdivision for which this waiver is being requested, with

landscaping and buffering details equivalent to a Level 5 (see Article 4.7 - Landscape Provisions) and as approved by the Plan Commission in connection with the approval of a development plan pursuant to this Article.

2. *Minimum lot width, except as provided below.*

- a. The minimum lot width requirements shall remain applicable to all lots which abut the perimeter of a subdivision section.
- b. The minimum lot width for all lots which do not abut the perimeter of a subdivision section may be reduced in area up to the extent provided for below:

<i>District</i>	<i>Minimum Lot Width</i>
R-1	80 ft.
R-2	70 ft.
R-3	60 ft.

- c. When a minimum lot width requirement is reduced as provided for in this Article for the first tier of lots in from the perimeter of a subdivision, a provision shall be made for a landscape and buffering area of not less than:
 - 1) Fifty feet in dimension between said first tier of lots and any perimeter street; or
 - 2) Thirty feet in dimension between said first tier of lots and the perimeter of that portion of the overall subdivision for which this waiver is being requested, with landscaping and buffering details equivalent to a Level 5 (see Article 4.7 - Landscape Provisions) and as approved by the Plan Commission in connection with the approval of a development plan pursuant to this Article.

3. *Minimum front yard, except as provided below.*

- a. The minimum front yard requirements may be reduced as follows:
 - 1) To 25 feet for any portion of a structure with a front loading garage; or
 - 2) To 15 feet for any portion of a structure containing finished floor area or a side-loaded garage.
- b. In those subdivisions where, in the determination of the Plan Commission, the product type may present a similar or repetitive appearance from lot to lot, a provision shall be provided on the plat or through other legally binding documents satisfactory to the Plan Commission, to:
 - 1) Create a variable build-to line; or
 - 2) Assure significant variation will exist in the design and appearance of adjacent single-family dwelling units;

4. *Maximum lot coverage, except as provided below.* The maximum lot coverage may not exceed:

<i>District</i>	<i>Maximum % of Lot Coverage</i>
R-1	30%
R-2	35%
R-3	40%

5. *Minimum side yard and aggregate side yard requirements.*

- a. The minimum side yard and aggregate side yard requirements may be reduced in compliance with the following:

<i>District</i>	<i>Minimum Side Yard</i>	<i>Aggregate Side Yard</i>
R-1	5 ft.	20 ft.
R-2	5 ft.	15 ft.
R-3	0 ft.	15 ft. (between buildings)

- b. Provided, however, where a minimum side yard of less than five feet is approved, a procedure shall be provided, recorded and maintained as part of the secondary plat

for the continual maintenance of that portion of any structure that is located within five feet of the side yard.

6. *Minimum rear yard requirements.* The minimum rear yard requirements of the applicable zoning district shall remain applicable to all lots.
7. *Lot frontage on a public street.* The requirement for lot frontage on a public street and for each lot to gain direct access from said public street or an abutting alley may be waived to allow for direct access from a lot to a private street or private alley.
8. *Compliance.* The requirement for each single-family dwelling to demonstrate compliance with the *Town of Plainfield Residential Design Guidelines* may be waived to allow for the provision of: alternate architectural embellishments or building design features; alternate open space accommodations; alternate vehicular design and pedestrian circulation accommodations; or alternate building materials which are determined by the Plan Commission to be superior to the recommendations of the *Town of Plainfield Residential Design Guidelines*.

C. GENERAL REQUIREMENTS FOR PROJECT OPEN SPACE.

1. The open space created by any development which utilizes the provisions of this Article shall be:
 - a. Preserved in its naturally occurring state;
 - b. Developed only to the extent required to provide for:
 - 1) The passive recreational activities of walking, biking, hiking, picnicking;
 - 2) Developed and maintained as landscape features including, but not limited to, common areas, landscape easements and boulevard entry ways; and
 - 3) Other recreational or amenity features approved by the Plan Commission.
 - c. Developed into an active recreational area; and
 - d. If the project is located adjacent to any portion of the Greenway Plan as set forth in the Comprehensive Plan, a direct linkage to such greenway from the open space shall be provided.
2. The development of such open space shall be subject to the following additional requirements:
 - a. Land area devoted to a perimeter landscape and buffering area as required above by Article 5.2B(1) for a lot area waiver or by Article 5.2B(2) for a lot width waiver, shall not qualify as open space under this Article 5.2C - General Requirements for Project Open Space or under Article 5.2D - Calculation of Open Space.
 - b. At least 75% of the total open space created by development pursuant to this Article shall consist of tracts of land at least 50 feet wide in its smallest dimension;
 - c. The open space shall be accessible to all owners or residents within the subdivision or project, and their guests, by way of sidewalk, footpath or combined walkway/bikeway; and
 - d. At least 50% of the open space created by the development of an overall subdivision pursuant to this Article shall be either:
 - 1) Preserved in its natural state;
 - 2) Utilized for passive recreational activities; or
 - 3) Maintained as landscape features.

D. CALCULATION OF OPEN SPACE. Open space shall be calculated by taking the total land area within lots contained in Sketch Plan One (as defined below) and subtracting the total land area within lots contained in Sketch Plan Two (as defined below).

E. PLAN DOCUMENTATION AND SUPPORTING INFORMATION. All requests for

development plan approval within the R-1, R-2 and R-3 Districts pursuant to this Article shall include the following:

1. *Sketch Plan One.* Sketch Plan One shall depict the development of the overall subdivision in full compliance with all use and development standards of the applicable zoning district and all other applicable health, flood control and subdivision laws, ordinances and regulations of the town.
2. *Sketch Plan Two.* Sketch Plan Two shall depict the development of the overall subdivision pursuant to this Article.
3. *Development plans.*
 - a. Development plans shall contain a proposed breakdown of sections to be contained in the overall subdivision.
 - b. Section One of such overall subdivision shall include an amount of open space equivalent to, or more than, the total reduction in lot area contained within developable lots within that Section One of the overall subdivision and shall be the first section of the subdivision to be developed.
 - c. Any subsequent section of the subdivision may utilize the “excess” permanent open space created and existing in Section One (and all prior sections) of such subdivision to provide for lot area reductions within that subsequent section provided that the total amount of open space remains equivalent to, or more than, the total reduction in lot area contained within developable lots within all approved sections of the subdivision (including the section in question).
4. *Open space.* Documentary evidence of the provision of open space in a manner and amount equal to or in excess of that required by this Article shall be provide either in written format or in tabular format incorporated into Sketch Plan Two above.
5. *Residential design guidelines.* Documentary evidence, through the provision of: typical building elevations; typical building renderings; photographic and text explanations of architectural details; overall site plan; material samples; manufacturer specifications; written commitments; or proposed covenants, to demonstrate compliance with the *Town of Plainfield Residential Design Guidelines*.

F. MAINTENANCE OF COMMON OPEN SPACE. Prior to obtaining secondary plat approval, the petitioner shall file documentary assurances with the town that the permanent dedication and continuous maintenance of open space shall be made in accordance with the development plan approved by the Plan Commission, and that the common areas and recreation areas shall be made available to the residents of the overall subdivision at a reasonable and non-discriminatory rate of charge. Such documentary assurances shall be incorporated into the secondary plat that is recorded in the office of the County Recorder or otherwise provided for through legally binding perpetual agreements as approved by the Plan Commission. Such open space shall perpetually run with the subdivision section and shall not be developed or separated from the subdivision section at a later date (unless no development of any portion of the overall subdivision which utilizes the open space contained within that subdivision section for the purpose of lot area reductions has occurred and the entire area subject to the subdivision section is presented for replat).

G. SERVICES FOR PRIVATE DRIVES. Prior to obtaining secondary plat approval, the petitioner shall file documentary assurances with the town that all residences served by private drives shall be provided with the following services: regular trash pick-up; leaf pick-up; snow removal; daily mail delivery service; roadway maintenance and repair, including, but not limited to, driving surface, roadway subgrade, subsurface drainage, roadside drainage, curbs, sidewalks, street lights, street name signs, traffic control signs, and traffic control signals; and powers to enforce speed control and parking regulations. Such services shall be provided in accordance with the specifications approved by the Plan Commission, which shall include the establishment of a maintenance fund or escrow account by the petitioner, which may be

supplemented by regular or special assessments against each lot owner provided such assessments are at reasonable and non-discriminatory rate of charge. Such documentary assurances shall be incorporated into the secondary plat that is recorded in the office of the County Recorder or otherwise provided for through legally binding perpetual agreements as approved by the Plan Commission.

H. FINDINGS. The Plan Commission may approve a development plan (and thereby grant the waivers requested by the petitioner) indicating compliance with this Article only upon finding that:

1. The use or value of area properties will not be adversely affected;
2. The proposed development will be in compliance with the applicable development requirements and general requirements for project open space;
3. The proposed development has demonstrated the use of building design features and site layout consistent with the intent and recommendations of the *Town of Plainfield Residential Design Guidelines*;
4. The proposed development is appropriate to the site and its surroundings; and
5. The proposed development is consistent with the intent and purpose of this ordinance.

5.3. DEVELOPMENT PLANS REQUIRED FOR ARCHITECTURAL AND SITE DESIGN REVIEW IN THE R-6 DISTRICT

In order to promote innovation and creativity in the design of the built environment and to mitigate the impacts of high density multi-family dwelling projects, all development located within the R-6 District shall be subject to the approval of a development plan by the Plan Commission.

A. PROJECTS WITH A GROSS DENSITY OF UP TO 8.0 DWELLING UNITS PER ACRE. Any proposed multi-family dwelling project located in the R-6 District which contains up to 8.0 dwelling units per acre shall provide the architectural and site design features specified in this Article 5.3A.

1. *Plan documentation and supporting information.* All requests for development plan approval submitted under the Article 5.3A shall include a site plan, building elevations, landscape plan, sign plan and lighting plan as specified in Article 5.7 below, demonstrating compliance with the provisions of this Article.
2. *Development requirements.* All multi-family dwelling projects in the R-6 District which are proposed comply with the development standards set forth in Article 2.7B shall provide architectural and site design features as specified below:
 - a. *Required multi-family dwelling architectural features.*
 - 1) *Required architectural features.* All buildings, including community building/club house, storage buildings, maintenance buildings, garages, carports and buildings containing dwelling units shall utilize a minimum of two of the following five architectural features:
 - a) Building materials shall comply with the following:
 - (1) All brick or stone veneer supplemented with significant use of architectural elements (e.g., quoins, pilasters, soldier courses, friezes, cornices, dentils and the like);
 - (2) Multiple building materials with the primary building material being brick, fieldstone, limestone, marble, granite and comprising a minimum of:
 - (a) Eighty-five percent of the area of each elevation for a one-story elevation;
 - (b) One hundred percent of the area of the first floor of each elevation

for a two-story elevation; or

- (c) One hundred percent of the area of the first floor of each elevation and 60% of the total area of each elevation for more than two-story elevations. (Note: elevation wall area is exclusive of window or door areas.)

(3) In the case of multiple building materials, secondary building should comprise a minimum of 10% of the elevation area. Recommended secondary materials include: textured block, architectural pre-cast concrete, concrete composite siding, wood clapboard siding, wood beaded siding, stucco, E.F.I.S. and the like.

- b) Multiple surface textures (e.g., rough, striated, imprinted and the like);
- c) Facade or elevation modulations (e.g., building offsets of at least two feet in depth for every 40 feet of building wall length);
- d) Architectural elements (e.g., quoins, pilasters, soldier courses, friezes, cornices, dentils and the like); or
- e) Multiple colors (i.e., the use of a maximum of three discernable colors, with primary color constituting a minimum of 60% of the applicable elevation and the secondary color constituting a minimum of 10% of the applicable elevation) on each exterior wall surface.



**Multi-Family
Townhouse with
Covered Front
Porch**

2) *Additional architectural features for multi-family townhouses.* Townhouse developments shall utilize the following architectural features:

- a) (1) The roof of each dwelling unit shall be distinct from the roof of adjacent dwelling units either through: separation of roof pitches; varying the direction of roof pitches; inclusion of dormers; or other variation in roof design; or
- (2) Each dwelling unit is designed with a covered front porch occupying a minimum of 50% of the overall width of the dwelling unit.

b) All garages, carports or other off-street parking areas reserved for the owners or occupants of the townhouse dwelling units, whether attached or detached, shall be provided with rear access from an adjoining public or private alley.

3) *Mechanical equipment.* See Article 4.1G Mechanical Equipment Screening.

b. *Site design features required.* The site design features listed below shall be utilized in all multi-family dwelling projects in the R-6 District which are not requesting any development incentives regarding gross density, use of interior yards or perimeter yards, maximum building height or the number of stories containing dwelling units:

- 1) The project shall include a community building/club house featuring two or more common recreational facilities including, but not limited to, a swimming pool, hot tub, tennis court, basketball court, lounge area, multi-purpose room, game room and the like which are appropriate to the project;



**Multi-Family Townhouses with Roof Line
Changes**



Alley Access to Townhouse Garages

- 2) Non-Motorized Transportation Access. See Article 4.1H.
 - 3) The provision of parking spaces and dwelling units accessible to individuals with disabilities, as defined in Title III of the Americans with Disabilities Act, in excess of the minimum requirements specified by applicable federal rule.
3. *Waiver of development requirements.* In order to encourage innovative building and site designs capable of enhancing the quality of the built environment within the R-6 District, a waiver of any of the architectural features and site design features specified in this Article 5.3A may be heard and determined in connection with the approval of a development plan for architectural and site design review.
 4. *Findings required for the approval of a waiver of development requirements of this Article 5.3A.* A waiver of the architectural features and site design features specified in this Article 5.3A may only be granted upon the finding that:
 - a. 1) The proposed development represents an innovative use of building materials, site design features or landscaping which will enhance the use or value of area properties beyond the enhancement that would otherwise occur under the strict application of the architectural and site design requirements set forth in the R-6 District; or
 - 2) The strict application of the terms of the architectural features or site design features set forth in Article 5.3A represents an inappropriate pattern of development given the specific location and surroundings of the proposed development.
 - b. The proposed development is consistent with and compatible with other development located within the R-6 District and the surrounding area; and
 - c. The proposed development is consistent with the intent and purpose of this ordinance.

B. PROJECTS WITH A GROSS DENSITY OF BETWEEN 8.0 DWELLING UNITS PER ACRE AND 12.0 DWELLING UNITS PER ACRE.

1. *Development incentives.* Multi-family dwelling projects shall be eligible to receive development plan approval from the Plan Commission to be developed pursuant to this Article 5.3B and may be granted a waiver of the development requirements specified in this ordinance to the extent permitted below:
 - a. *Maximum project gross density.* Maximum project gross density may be increased by the Plan Commission up to a maximum of 12 dwelling units per acre;
 - b. *Minimum interior yards.* In projects containing two or more buildings, interior yard requirements may be waived by the Plan Commission to provide for interior yards as follows:
 - 1) The requirements for yards around buildings containing dwelling units and requirement that the a minimum distance between buildings shall be the sum of each applicable minimum interior yard may be modified to provide a minimum distance between buildings of 20 feet; or
 - 2) Interior yards may be modified to provide for the overlap of interior yards with required perimeter yards.
 - c. *Maximum building height.* The maximum building height may be waived by the Plan Commission to provide for a maximum building height of 50 feet, but not to exceed three stories containing dwelling units.
2. *Plan documentation and supporting information.* All requests for development plan approval submitted under the Article 5.3B shall include the following:
 - a. *Sketch Plan One.* Sketch Plan One shall depict the development in full compliance with all use and development standards of the applicable zoning district and all other applicable health, flood control and subdivision laws, ordinances and regulations of

the town;

- b. *Sketch Plan Two.* Sketch Plan Two shall depict the development pursuant to this Article; and
 - c. *Other supporting information.* A site plan, building elevations, landscape plan, sign plan and lighting plan as specified in Article 5.7 below, demonstrating compliance with the provisions of this Article.
3. *Development requirements.* All multi-family dwelling projects in the R-6 District which are proposed to be in excess of eight dwelling units per acre, proposed to contain buildings which are over 35 feet in height or are proposed to contain buildings with more than two stories containing dwelling units shall provide architectural features and site design features as specified below:
- a. *Required multi-family dwelling architectural features.*
 - 1) *Required architectural features.* All buildings, including community building/club house, storage buildings, maintenance buildings, garages, carports and buildings containing dwelling units shall utilize a minimum of four of the following five architectural features:
 - a) Building materials shall comply with the following:
 - (1) All brick or stone veneer supplemented with significant use of architectural elements (e.g., quoins, pilasters, soldier courses, friezes, cornices, dentils and the like); or
 - (2) Multiple building materials with the primary building material being brick, fieldstone, limestone, marble, granite and comprising a minimum of:
 - A. Eighty-five percent of the area of each elevation for a one-story elevation;
 - B. One hundred percent of the area of the first floor of each elevation for a two-story elevation; or
 - C. One hundred percent of the area of the first floor of each elevation and 60% of the total area of each elevation for more than two-story elevations. (Note: Elevation wall area is exclusive of window or door areas.)
 - (3) In the case of multiple building materials, secondary building should comprise a minimum of 10% of the elevation area. Recommended secondary materials include: textured block, architectural pre-cast concrete, concrete composite siding, wood clapboard siding, wood beaded siding, stucco, E.F.I.S. and the like.
 - b) Multiple surface textures (e.g., rough, striated, imprinted and the like);
 - c) Facade or elevation modulations (e.g., building offsets of at least two feet in depth for every 40 feet of building wall length);
 - d) Architectural elements (e.g., quoins, pilasters, soldier courses, friezes, cornices, dentils and the like); or



Examples of Multiple Building Materials, Multiple Textures, Facade Modulation, Architectural Elements, and Multiple Colors

- e) Multiple colors (i.e., the use of a maximum of three discernable colors, with primary color constituting a minimum of 60% of the applicable elevation and the secondary color constituting a minimum of 10% of the applicable elevation) on each exterior wall surface.

2) *Additional features.* Each dwelling unit shall provide a minimum of two of the following three items:

- a) Amenities such as fireplaces, private patios or private balconies;
- b) Minimum floor area of 1,100 per dwelling unit; or
- c) Laundry facility hook-ups in each dwelling unit.



Multi-Family Townhouse with Covered Front Porch

3) *Additional architectural features for multi-family townhouses.* Multi-family townhouse developments shall utilize the following architectural features:

- a) (1) The roof of each dwelling unit shall be distinct from the roof of adjacent dwelling units either through: separation of roof pitches; varying the direction of roof pitches; inclusion of dormers; or other variation in roof design; or

- (2) Each dwelling unit is designed with a covered front porch occupying a minimum of 50% of the overall width of the dwelling unit.

- b) All garages, carports or other off-street parking areas reserved for the owners or occupants of the townhouse dwelling units, whether attached or detached, shall be provided with rear access from an adjoining public or private alley.



Multi-Family Townhouses with Roof Line Changes

4) *Mechanical equipment.* See Article 4.1G: Mechanical Equipment Screening.

b. *Site design features required.*

1) Each multi-family dwelling project which proposes to be developed under the development incentives of this Article 5.3B shall provide site design features as specified below:

- a) A minimum of two site design features shall be utilized for each additional dwelling unit per acre, or fraction thereof, above eight dwelling units per acre;
- b) A minimum of two site design features shall be utilized for any increase in maximum building height above 35 feet or two stories containing dwelling units;
- c) A minimum of two site design features shall be utilized for an overlap of interior yards or an overlap of interior yards with required perimeter yards; and
- d) Each site design feature selected shall be considered separate from and in addition to the other site design features listed below and in no event shall one site design feature be credited toward compliance with any other site design feature.

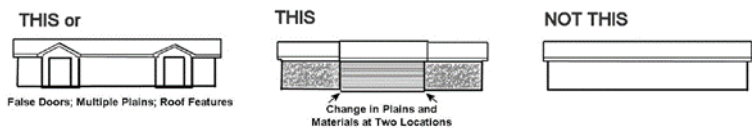


Alley Access to Townhouse Garages

2) *Site design features.*

- a) Recreational opportunities are provided in manner and amount which:
 - (1) Exceed the minimum requirements of the R-6 District by at least 50% in area;

- (2) Are superior in design and layout from minimum requirements; and
- (3) Are appropriate to the anticipated resident profile of the project.
- b) The project includes a community building/club house featuring four or more common recreational facilities including, but not limited to, a swimming pool, hot tub, tennis court, basketball court, lounge area, multi-purpose room, game room and the like which are appropriate to the project;
- c) Centralized Trash Collection. See Article 4.1J Refuse/Reuse Container Enclosures.
- d) The provision of perimeter yard landscaping which is, at a minimum, two times greater than the minimum required plant unit value for a perimeter yard;
- e) The provision of foundation landscaping for all buildings equivalent to a Level 2;
- f) The provision of a fenced pet run;
- g) On-site covered parking, subject to the following requirements:
 - (1) Parking spaces may be in garages or carports;
 - (2) The total number of parking spaces in garages or carports should not be less than 40% of the total number of dwelling units;
 - (3) If a garage or carport is located between a primary building containing dwelling units and a front yard, side yard or rear yard, any elevation located parallel to or within 30 degrees of being parallel to such front yard, side yard or rear yard shall include at least two of the following:
 - (a) Facade modulation of at least six inches for every 30 feet of wall length;
 - (b) Multiple building materials (e.g., brick, fieldstone, limestone, marble, granite, textured block, architectural pre-cast concrete, concrete composite siding, wood clapboard siding, wood beaded siding, stucco, E.F.I.S., vinyl siding, aluminum siding and the like);
 - (c) Multiple surface textures (e.g., rough, striated, imprinted and the like) or patterns;
 - (d) Separation in roof pitch, variation in direction of roof pitches, inclusion or dormers, or other variation on roof design; or
 - (e) Use of false door or window openings, defined by frames, sills and lintels.



Example of Architectural Features for On-Site Garages

- h) Centralized, on-site self-storage units, in addition to any storage closets that may be provided on any patios or balconies, in an amount not less than 20% of the total number of dwelling units;
- i) On-site area set-aside as a car wash facility, either covered or open, available to residents;



Example of On-Site Self Storage Units

- j) Any multi-family dwelling project shall include a walkway or pedestrian/bikeway system complying with the following requirements as part of the site design:
- 1) Shall functionally connect front doors or primary building entries with planned or existing public sidewalks on each public street frontage of the multi-family dwelling project;
 - 2) Shall provide a direct linkage to any planned or existing town greenway which abuts or is adjacent to the multi-family dwelling project;
 - 3) Shall provide a direct and functional connection from the front doors or primary building entries to any on-site, off-street parking area;
 - 4) Shall provide for identifiable pedestrian crossing treatments along functional pedestrian routes wherever a private walkway or pedestrian/bikeway system crosses an interior access drive or interior access driveway; and
 - 5) Shall functionally connect to the various required open space elements within the multi-family dwelling project.
 - 6) The owner of the real estate shall be responsible for the perpetual maintenance of any private walkways or pedestrian/bikeway systems.
- k) The provision of parking spaces and dwelling units accessible to individuals with disabilities, as defined in Title III of the Americans with Disabilities Act, which exceed of the minimum requirements specified by applicable federal rule by 50% or more; and
- l) A fire protection system which includes a sprinkler system and which provides access to all buildings over an improved driving surface (grass-crete or similar surfaces may be used in yards between buildings).
4. *Waiver of architectural and site design requirements.* In order to encourage innovative building and site designs capable of enhancing the quality of the built environment within the R-6 District, a waiver of any of the architectural features and site design features specified in this Article 5.3B may be heard and determined in connection with the approval of a development plan for architectural and site design review.
5. *Findings required for the approval of a waiver of architectural and site design requirements of this Article 5.3B.* A waiver of the architectural and site design requirements specified in this Article 5.3B may only be granted upon the finding that:
- a. 1) The proposed development represents an innovative use of building materials, site design features or landscaping which will enhance the use or value of area properties beyond the enhancement that would otherwise occur under the strict application of the architectural features and site design features set forth in Article 5.3B; or
 - 2) The strict application of the terms of the architectural features and site design features set forth in Article 5.3B, represents an inappropriate pattern of development given the specific location and surroundings of the proposed development.
 - b. The proposed development is consistent with and compatible with other development located within the R-6 District and the surrounding area; and
 - c. The proposed development is consistent with the intent and purpose of this ordinance.



5.4. DEVELOPMENT INCENTIVES FOR ALL COMMERCIAL AND INDUSTRIAL DISTRICTS (EXCEPT TC: TOWN CENTER DISTRICT)

(A) The following development incentives are provided in order to encourage flexibility and creativity in the design of commercial and industrial sites.

(B) All development plans which utilize the development incentives specified below in the commercial or industrial districts shall be filed for review and approval by the Plan Commission or the Director, as specified below.

A. DEVELOPMENT REQUIREMENTS. Each commercial or industrial site shall demonstrate compliance with all applicable development standards of the commercial or industrial district in which the lot is located and all applicable provisions of the Subdivision Control Ordinance for which a waiver is not otherwise provided for in this Article.

B. WAIVER OF DEVELOPMENT REQUIREMENTS IN COMMERCIAL OR INDUSTRIAL DISTRICTS.

1. *Reserved*

2. *Reserved*

3. *Depth of required yards and required bufferyards.*

a. *Purpose.* In order to facilitate urban development and improve quality of landscaping in the built environment, the depth of a required yard or a required bufferyard may be reduced as follows:

- 1) A required front yard or front bufferyard may be reduced by up to 50% of its normally required depth, provided, however, that any required front yard or front bufferyard along a primary arterial street, secondary arterial street, collector street, local street or cul-de-sac street shall not be reduced to a depth of less than 20 feet; or
- 2) A required side or rear yard or required side or rear bufferyard may be reduced by up to 50% of its normally required depth.

b. *Plan documentation and supporting information.* All requests for development plan approval for reduction of depth of required yards and required bufferyards pursuant to this Article shall include the following:

- 1) *Sketch Plan One.* Sketch Plan One shall depict the development in full compliance with all use and development standards of the applicable zoning district and all other applicable health, flood control and subdivision laws, ordinances and regulations of the town;
- 2) *Sketch Plan Two.* Sketch Plan Two shall depict the development pursuant to this Article; and
- 3) *Site plan.* A site plan and landscape plan as specified in Article 5.7 below.

c. *Findings.* The Director may approve such depth of yard and required bufferyard reduction upon a finding that:

- 1) a) The plant unit value to be provided in the required yard or required bufferyard exceeds the normal standard for such yard by a multiple of 2.0 or more; or
- b) For any building wall which is located completely or partially within a reduced yard or bufferyard, the entire length of such building wall shall be screened by foundation landscaping which has been increased by a multiple of 2.0 or more, and the site will be so designed and building placement so oriented that all parking areas, interior access drives, loading areas, outside storage and operations, or outdoor display areas shall be located so as to comply with the minimum setback requirements, use of minimum yards and bufferyards requirements, and landscaping requirements otherwise

applicable to the site;

- 2) The proposed development is appropriate to the site and its surroundings; and
- 3) The proposed development is consistent with the intent and purpose of this ordinance.

4. *Orientation of loading spaces.*

- a. *Purpose.* In order to facilitate urban development and to enhance the quality of landscaping in the built environment, the Plan Commission may approve the orientation of loading spaces toward a front lot line that faces a street classified as a collector or above or non-industrial district. In addition, the Plan Commission may approve the location of loading spaces between a front lot line that is located along a street classified as a collector or above or a street bordering directly on a non-industrial district and the front line of the building served.
- b. *Plan documentation and supporting information.* All requests for development plan approval for the front orientation or location of loading spaces pursuant to this Article shall include the following:
 - 1) *Sketch Plan One.* Sketch Plan One shall depict the development in full compliance with all use and development standards of the applicable zoning district and all other applicable health, flood control and subdivision laws, ordinances and regulations of the town;
 - 2) *Sketch Plan Two.* Sketch Plan Two shall depict the development pursuant to this Article; and
 - 3) *Supporting information.* A site plan and landscape plan as specified in Article 5.7 below.
- c. *Findings.* The Plan Commission may approve such loading space orientation or location upon a finding that:
 - 1) a) The required front yard or required front bufferyard is effectively screened with a plant unit value which exceeds the standard for such yard by adding a plant unit value of 4.0 to the total plant unit value otherwise required by this ordinance or other development incentive (e.g., a plant unit value of 5.0 would be required as a base minimum [Level 1 + 4.0 = 5.0]; or a plant unit value of 6.0 would be required if another development incentive would require a multiple of 2.0 or more over a Level 1 [Level 1 X 2.0 = 2.0 + 4.0 = 6.0]; and so on); or
b) The required front yard or required front bufferyard is effectively screened by the use of an architectural wall or screen which is in harmony with the character of the building and surrounding area and of sufficient height to screen the loading spaces, that said yards will contain, at a minimum, the standard plant unit value required for said yard, and that the architectural wall or screen shall be provided with foundation plantings as required for a building in such district;
 - 2) The proposed development is appropriate to the site and its surroundings; and
 - 3) The proposed development is consistent with the intent and purpose of this ordinance.

5. *Use of required yards in integrated centers or industrial parks.*

- a. *Purpose.* In order to facilitate urban development and to enhance the quality of landscaping in the built environment, the Plan Commission may approve the use of required side and rear yards which abut other required side or rear yards of lots located within the same integrated center or industrial park for parking areas, loading areas, interior drives, interior access drives or outdoor storage.
- b. *Plan documentation and supporting information.* All requests for development plan approval for the use of required yards in integrated centers or industrial parks pursuant to this Article shall include the following:

- 1) *Sketch Plan One.* Sketch Plan One shall depict the development in full compliance with all use and development standards of the applicable zoning district and all other applicable health, flood control and subdivision laws, ordinances and regulations of the town;
 - 2) *Sketch Plan Two.* Sketch Plan Two shall depict the development pursuant to this Article; and
 - 3) *Supporting information.* A site plan, overall plan and landscape plan as specified in Article 5.7 below.
- c. *Findings.* The Director may approve such use of required side and rear yards upon finding that:
- 1) The required plant unit value in all required front yards and required front bufferyards, whether located on a street internal to the integrated center or industrial park or on the perimeter of the integrated center or industrial park has been increased by a multiple of 2.0 or more;
 - 2) The required plant unit value in all required side or rear yards and required side or rear bufferyards on the perimeter of the integrated center or industrial park has been increased by a multiple of 2.0 or more;
 - 3) The area of required foundation planting areas located along the building has been increased by a multiple of 2.0 or more;
 - 4) The plant unit value contained in such enlarged foundation planting areas has been increased by a multiple of 2.0 or more;
 - 5) The proposed development is appropriate to the site and its surroundings; and
 - 6) The proposed development is consistent with the intent and purpose of this ordinance.
6. *Private streets in integrated centers or industrial parks.*
- a. *Purpose.* In order to encourage desirable, efficient and well planned integrated centers and industrial parks, the Plan Commission may approve lot frontage on private streets on the interior of an integrated center or industrial park.
 - b. *Plan documentation and supporting information.* All requests for development plan approval for the development of private streets in integrated centers or industrial parks pursuant to this Article shall include the following:
 - 1) *Sketch Plan One.* Sketch Plan One shall depict the development in full compliance with all use and development standards of the applicable zoning district and all other applicable health, flood control and subdivision laws, ordinances and regulations of the town;
 - 2) *Sketch Plan Two.* Sketch Plan Two shall depict the development pursuant to this Article; and
 - 3) *Overall plan.* An overall plan as specified in Article 5.7 below.
 - c. *Findings.* The Plan Commission may approve such private streets upon finding that:
 - 1) Such private streets shall be constructed to town standards for depth and materials;
 - 2) Adequate provisions have been made for the maintenance of such private streets and for the provision of services along the private streets by the owner or owners thereof. Services shall, include, but not limited to: regular trash pick-up; leaf pick-up; snow removal; daily mail delivery service; roadway maintenance and repair, including, but not limited to, driving surface, roadway subgrade, subsurface drainage, roadside drainage, curbs, sidewalks, street lights, street name signs, traffic control signs, and traffic control signals; and powers to enforce speed control and parking regulations;
 - 3) The use of private streets results in design elements in access control and traffic circulation consistent with the intent and purpose of this ordinance;

- 4) The proposed development is appropriate to the site and its surroundings; and
 - 5) The proposed development is consistent with the intent and purpose of this ordinance.
7. *Depth of yards along private streets in integrated centers or industrial parks.*
- a. *Purpose.* In order to encourage desirable, efficient and well planned integrated centers and industrial parks, the Plan Commission may approve a reduction in the depth of the required front yard along private streets of up to 50% in integrated centers or industrial parks.
 - b. *Plan documentation and supporting information.* All requests for development plan approval for the reduction of required depth of yards along private streets in integrated centers or industrial parks pursuant to this Article shall include the following:
 - 1) *Sketch Plan One.* Sketch Plan One shall depict the development in full compliance with all use and development standards of the applicable zoning district and all other applicable health, flood control and subdivision laws, ordinances and regulations of the town;
 - 2) *Sketch Plan Two.* Sketch Plan Two shall depict the development pursuant to this Article; and
 - 3) *Supporting information.* An overall plan, landscape plan and sign plans as specified in Article 5.7 below.
 - c. *Findings.* The Director may approve such reduction of required front yard depth along private streets upon finding that:
 - 1) a) The required plant unit value in all required front yards along such private street been increased by a multiple of 2.0 or more; or
 - b) Adequate provision has been made for the development of common or combined driveways between adjacent lots so as to reduce the number of curb cuts and enhance the effectiveness of the required front yard landscaping;
 - 2) The proposed development is appropriate to the site and its surroundings; and
 - 3) The proposed development is consistent with the intent and purpose of this ordinance.

5.5. DEVELOPMENT PLANS REQUIRED FOR ARCHITECTURAL AND SITE DESIGN REVIEW FOR ALL DEVELOPMENT LOCATED IN ALL COMMERCIAL DISTRICTS (EXCEPT TC: TOWN CENTER DISTRICT) AND ALL INDUSTRIAL DISTRICTS WHEN LOCATED WITHIN 600 FEET OF A GATEWAY CORRIDOR OR WITHIN 600 FEET OF A RESIDENTIAL DISTRICT

INTENT. In order to: promote innovation and creativity in the design of the built environment along the major corridors within the town; protect residential neighborhoods from the potential negative impacts of nearby commercial or industrial development; minimize the negative impacts on the town associated with strip commercial development, service facilities, loading facilities, storage facilities; minimize sign clutter and the intrusion of signs on the landscape; and minimize the use of incompatible building design features, all development located within 600 feet of the right-of-way of any Gateway Corridor or within 600 feet of a residential district shall be subject to the approval of a development plan by the Plan Commission or by the Director, as specified below.

A. APPLICABILITY AND REVIEW AUTHORITY.

1. *Gateway Corridors.* All development located in any commercial district (except the TC: Town Center District, District) and any industrial district when located within 600 feet of a Gateway Corridor shall be subject to the filing of a development plan for architectural and

site design review as set forth in Table 5.5-A: Gateway Corridor Development Plans.

2. *Adjoining residential districts.* All development located in any commercial district (except the TC: Town Center District District) and any industrial district when located within 600 feet of a residential use which is not legal nonconforming shall be subject to the filing of a development plan for architectural and site design review as set forth in Table 5.5-B: Commercial and Industrial Development Plans Within 600 Feet of a Residential Use Which Is Not Legal Nonconforming.
3. *Development plans review authority.*
 - a. *Review.* All development shall be subject to the filing, review and appeal procedures set forth in Article 5.8 - Procedures for Submission and Review of Development Plans.
 - b. *Limitation on Director's authority.* Notwithstanding anything in Table 5.5-A or Table 5.5-B to the contrary, any development which requires a waiver of any development requirement of this Article shall be required to file a development plan for review and determination by the Plan Commission.

Table 5.5-A: Gateway Corridor Development Plans		
Development Activity		Approval Authority
a.	New construction of a primary use building on lot with existing development *	Plan Commission
b.	Major building additions (greater than 10,000 sq. ft. or in excess of 20% of gross floor area of existing building(s)) *	Plan Commission
c.	New outdoor display area, outdoor operations (i.e., outdoor seating/dining areas; processing; servicing; and the like), outside storage area, off-street parking area or off-street loading area	Director
d.	Minor building additions (less than 10,000 sq. ft. and less than 20% of gross floor area of existing building(s))	Director
e.	Exterior building renovations (i.e., change in exterior building materials, substantial change in exterior color, increase or decrease in facade fenestration in excess of 10%)	Director
f.	Accessory buildings/structures (new or additions) - including by way of example: trash enclosures; storage sheds; drive-through facilities; ATMs and the like	Director
g.	Expanded or relocated outdoor display area, outdoor operations (i.e., outdoor seating/dining areas; processing; servicing; and the like), outside storage area, off-street parking areas or off-street loading area (unless subject to Article 5.4B(4))	Director
h.	All signs, including: ground signs; building signs (wall, awning, canopy or marquee signs); incidental signs (ground, projecting or wall signs); suspended signs; or outdoor display area signs.	Director
i.	Landscaping	Director
j.	Lighting	Director
k.	Fences	Director
* Includes complete review of site, landscape, lighting, sign and building elevation plans		
Plan Commission = Determination by Plan Commission as set forth in Article 5.8A(1)		
Director = Administrative determination by Director as set forth in Article 5.8A(2) or Article 5.8E(3) and subject to compliance with the development requirements of this Article 5.5		

Table 5.5-B: Commercial/Industrial Development Plans Within 600 Feet of a Residential Use Which Is Not Legal Nonconforming		
Development Activity		Approval Authority
a.	New construction of a primary use building on lot with existing development *	Plan Commission
b.	Major building additions (greater than 10,000 sq. ft. or in excess of 20% of gross floor area of existing building(s)) *	Plan Commission

c.	New outdoor display area, outdoor operations (i.e., outdoor seating/dining areas; processing; servicing; and the like), outside storage area, off-street parking area or off-street loading area	Director
d.	Minor building additions (less than 10,000 sq. ft. and less than 20% of gross floor area of existing building(s))	Director
e.	Exterior building renovations (i.e., change in exterior building materials, substantial change in exterior color, increase or decrease in facade fenestration in excess of 10%)	Director
f.	Accessory buildings/structures (new or additions) - including by way of example: trash enclosures; storage sheds; drive-through facilities; ATMs and the like	Director
g.	Expanded or relocated outdoor display area, outdoor operations (i.e., outdoor seating/dining areas; processing; servicing; and the like), outside storage area, off-street parking areas or off-street loading area (unless subject to Article 5.4B(4))	Director
h.	All signs, including: ground signs; building signs (wall, awning, canopy or marquee signs); incidental signs (ground, projecting or wall signs); suspended signs; or outdoor display area signs	Director
i.	Landscaping	Director
j.	Lighting	Director
k.	Fences	Director
* Includes complete review of site, landscape, lighting, sign and building elevation plans		
Plan Commission = Determination by Plan Commission as set forth in Article 5.8A(1)		
Director = Administrative determination by Director as set forth in Article 5.8A(2) or Article 5.8E(3) and subject to compliance with the development requirements of this Article 5.5		

B. IDENTIFICATION OF GATEWAY CORRIDORS. Gateway Corridors include all land areas lying within the corporate limits of the town which are within 600 feet of the greater of the existing right-of-way or the proposed right-of-way of any of the following street segments:

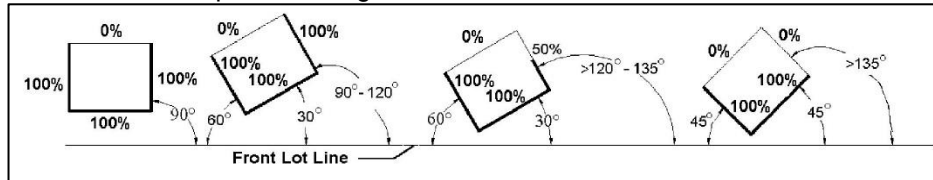
1. S.R. 267 (Quaker Boulevard) from the south right-of-way of U.S. 40 to the southern corporate limits of the town;
2. U.S. 40 from the eastern corporate limits of the town to the western corporate limits of the town;
3. I-70 from the eastern corporate limits of the town to the western corporate limits of the town;
4. Stafford Road from the eastern right-of-way of S.R. 267 (Quaker Boulevard) to the eastern corporate limits of the town;
5. North-South Corridor from the northern corporate limits of the town to the southern corporate limits of the town;
6. Perimeter Parkway, entire length, as identified in the Thoroughfare Plan segment of the Comprehensive Plan; and
7. Metropolis Parkway from the eastern right-of-way of new S.R. 267 to the western right-of-way of Ronald Reagan Parkway.

C. DEVELOPMENT REQUIREMENTS. The development requirements specified below shall be satisfied prior to the approval of a development plan for architectural and site design review for any development located along a Gateway Corridor or located within 600 feet of a residential district.

1. Each site shall demonstrate compliance with all applicable development standards of the district in which the site is located and all applicable provisions of the Subdivision Control Ordinance for which a waiver is not provided for in this Article.
2. Submission of a site plan, landscape plan, lighting plan, sign plan and building elevations,

as set forth in Article 5.7.

3. Building materials along a Gateway Corridor or located within 600 feet of a residential district: the following building material regulations shall apply to all lots located along a Gateway Corridor or located within 600 feet of a residential district.
 - a. *New construction, new primary use buildings and major building additions.* In order to create variation and interest in the built environment, all new construction, new primary use buildings and major building additions located along a Gateway Corridor or located within 600 feet of a residential district shall use the exterior building materials specified below for each facade oriented to any street if the lot is located along a Gateway Corridor or within 600 feet of a residential district.
 - 1) *Determination of facade orientation.* A facade shall be considered to be oriented toward a street if the lot is located along a Gateway Corridor or within 600 feet of a residential district, pursuant angle of the facade as set forth below:



Facades Subject to Building Material Requirement

- a) One-hundred percent of any facade which is located parallel to or up to 120 degrees from being parallel to the front lot line;
- b) Fifty percent of the depth of any facade, beginning at the point which is closest to the front lot line, of any facade which is located more than 120 degrees or up to 135 degrees from being parallel to the front lot line;
- c) The determination of being parallel to the front lot line, or the number of degrees from a line being parallel to the front lot line, shall be determined from a line which is perpendicular to a line which represents the minimum setback of a building to a front lot line; and
- d) The determination shall apply to the full length of a facade based upon an elevation view of the building.



Fifty Percent Depth of Facade

- 2) *Commercial districts.*
 - a) All brick (excluding window, door, roofing, fascia and soffit materials). The brick used on each applicable facade shall include:
 - (1) At least two architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves and the like); or
 - (2) At least two colors of brick (any secondary color shall constitute a minimum of 10% of the facade area, exclusive of color variation resulting from windows, doors, roofing and soffit materials).
 - b) Two or more building materials on each applicable facade (excluding window, door, roofing and soffit materials) provided:
 - (1) The primary building material shall be either brick, stone (limestone, granite, fieldstone and the like), architectural pre-cast (if the surface looks like brick or stone), or EIFS (exterior insulation and finish system or comparable material) and shall constitute a minimum of 50% of each applicable facade;
 - (2) Any secondary building material shall constitute a minimum of 20% of the facade. Glass used as a curtain wall (above transom level) or a

faux window may qualify as a secondary building material. If EIFS is used as the primary building material, the secondary building material shall be brick, stone (limestone, granite, fieldstone and the like) or architectural pre-cast (if the surface looks like brick or stone); and

- (3) The exterior building material selection shall be supplemented with the use of multiple colors, textures (e.g., rough, smooth, striated and the like) or architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves and the like) on each applicable facade.
 - c) Exterior building materials, whether as a primary building material, a secondary building material, or an accent material, shall not include vinyl or aluminum horizontal lap siding.
 - 3) *Industrial districts.* The primary building material (excluding window, door, roofing and soffit materials) used on each applicable facade shall be brick or other masonry material. If a masonry material other than brick is utilized, it shall include at least two textures (e.g., rough, smooth, striated and the like) or at least two colors with the secondary texture or color constituting a minimum of 10% of the facade (exclusive of texture or color variation resulting from windows, doors, roofing and soffit materials).
 - b. *Additions to an existing building.* All additions to an existing buildings shall utilize building materials with a style, color, texture and architectural detailing which is compatible and harmonious with the materials used on the existing building.
 - c. *Exterior building facade renovations with no building additions or minor building additions.*
 - 1) Exterior building facade renovations which involve no building additions or only minor building additions shall demonstrate reasonable efforts to incrementally bring the exterior facade, which is being renovated or added to, into compliance with the provisions for new construction specified above. Full compliance with the provisions for new construction shall not be a requirement for approval.
 - 2) Exterior building facade renovations shall not include the painting of brick, stone, architectural pre-cast or other natural exterior wall or siding products.
 - d. *Exterior building facade renovation with major building additions.* Exterior building facade renovations performed in connection with a major building addition as described herein shall comply with the provisions for new construction specified above.
4. *Building orientation and site design.*
- a. *Building facades.* All building facades facing a Gateway Corridor or a residential district shall be a finished facade in compliance with the building materials requirements set forth above.
 - b. *Loading spaces.* No loading spaces shall be permitted to face a Gateway Corridor or other street where a residential district exists on the opposite side of said street.
 - c. *Outside storage.* No outside storage shall be permitted between an established building line and the right-of-way of a Gateway Corridor or other street where a residential district exists on the opposite side of said street.
 - d. *Mechanical equipment.* See Article 4.1G: Mechanical Equipment Screening.
 - e. *Trash enclosures.* See Article 4.1J: Refuse/Reuse Container Enclosures
 - f. *Trash compactors.* See Article 4.1J: Refuse/Reuse Container Enclosures
 - g. *Pedestrian connectivity.* See Article 4.1H: Non-Motorized Transportation Access.
 - h. *Grading.* In order to ensure that Gateway Corridors have a neat and kept appearance, the temporary storing of topsoil and grading shall comply with the following development requirements:
 - 1) The mounding of topsoil shall not have a slope greater than three to one;

- 2) Topsoil mounds shall be sowed with an appropriate ground cover that can be mowed to prevent erosion; and
 - 3) Topsoil mounds shall not be located within a front or side yard setback and shall be located adjacent to the rear yard setback.
5. *Landscaping.* Front yards and front bufferyards shall be landscaped in compliance with the provisions of Article IV, provided, however, that at least 50% of the required plant unit value shall be made up of deciduous shade (overstory) trees, deciduous ornamental (understory) trees or evergreen trees, unless such yard is subject to a stricter requirement for bufferyards, in which case the requirements for bufferyards shall control.
 6. *Lighting.* Site lighting shall comply with the following development requirements.
 - a. *Pole lights.* All pole light fixtures used to illuminate off-street parking areas, off-street loading areas, delivery areas or service areas shall be a “shoebox” style light (which may be square, rectangular or round in shape).
 - b. *Wall mounted light fixtures.* All wall pack light fixtures on a building facade visible from a Gateway Corridor or a residential district shall be a “shoebox” style light (except for low level architectural lighting for buildings, structures, signs, sidewalks or landscape features and approved as part of a development plan).
 - c. *All light fixtures.* All exterior lighting, including pole lights and wall pack lights, shall be of metal halide or LED (light emitting diode) (except for low level architectural lighting for buildings, structures, signs, sidewalks or landscape features, which may be incandescent or other type of lighting deemed appropriate and approved as part of a development plan).
 - d. *Pole and wall pack light fixtures.* All pole light fixtures and wall pack light fixtures with a wattage of 400 watts or above, shall be equipped with a flat lens that does not protrude below the bottom edge of the “shoebox”.
 - e. *Pole and wall pack light fixtures.* All pole light fixtures and wall pack light fixtures shall be mounted parallel with the horizon and shall utilize a rigid mounting arm with no built-in up-tilt and no adjustment feature.
 - f. *Vehicular canopy light fixtures.* All vehicular canopy light fixtures, including, but not limited to, gasoline service station canopies and bank drive-through canopies, regardless of wattage, shall be equipped with a flat lens that does not protrude below the bottom edge of the light fixture.
 7. *Signs.* See Article 7: Sign Regulations

D. PERMITTED USES. All uses which are permitted in a given site’s underlying primary zoning district, except those uses expressly excluded in Article 5.5E of this ordinance, are permitted within 600 feet of a Gateway Corridor or residential district.

E. EXCLUDED USES.

(A) The following uses shall be prohibited in all zoning districts within 600 feet of Gateway Corridor or residential district.

(B) Prohibited uses:

1. Antique mall;
2. Discount retailer; and
3. Flea market.

F. LEGALLY ESTABLISHED NONCONFORMING BUILDINGS OR STRUCTURES. Where a legally established nonconforming building or structure located within 600 feet of a Gateway Corridor or residential district exists on the effective date of this ordinance that was not constructed in compliance with the terms of this ordinance with regards to development requirements of Article V, the use of the building or structure may continue to exist so long as

it remains otherwise lawful, subject to compliance with the following provisions:

1. The use was not discontinued or abandoned for a period of six months or more; and
2. In the event the building or structure has lost its legally established nonconforming status based on the above provisions, prior to the reuse of the building or structure, the owner shall make application for an improvement location permit (ILP) for compliance with the development requirements of Article V of this ordinance.

G. FINDINGS. The Plan Commission or the Director may approve a development plan for architectural and site design review upon a finding that:

1. The development plan complies with all applicable development standards of the district in which the site is located;
2. The development plan complies with all applicable provisions of the Subdivision Control Ordinance for which a waiver has not been granted;
3. The development plan complies with all applicable provisions for architectural and site design review for which a waiver has not been granted;
4. The proposed development is appropriate to the site and its surroundings; and
5. The proposed development is consistent with the intent and purpose of this ordinance.

H. WAIVERS AND FINDINGS. In order to encourage innovative building and site designs capable of enhancing the quality of the built environment along a Gateway Corridor or adjoining a residential district, the Plan Commission or the Director (in matters delegated to the Director) may grant a waiver of the: landscaping; lighting; sign; building orientation and site design; or building materials along a Gateway Corridor, development requirements specified in this Article 5.5 for architectural and site design review upon finding that the proposed development:

1. Represents a innovative use of building materials, lighting, signs, site design features or landscaping which will enhance the use or value of area properties;
2. Is consistent with and compatible with other development located along the Gateway Corridor or within 600 feet of a residential district; and
3. Is consistent with the intent and purpose of this ordinance.

5.6. DEVELOPMENT PLANS REQUIRED FOR ARCHITECTURAL AND SITE DESIGN REVIEW AND DEVELOPMENT INCENTIVES IN THE TC: TOWN CENTER DISTRICT, THE R-U: URBAN RESIDENTIAL DISTRICT

In order to: assure the continued development and redevelopment of the downtown area of the town as the “center place” of the community which provides a high character “sense of place” in the style of a traditional downtown; provide and enhance the quality and character of the downtown area; and provide for interconnectivity of downtown neighborhoods with the commercial downtown area, all development located in the TC: Town Center District and the R-U: Urban Residential District shall be subject to the approval of a development plan by the Plan Commission.

A. APPLICABILITY AND REVIEW AUTHORITY.

1. *TC: Town Center District.* Development located within the TC: Town Center District shall be subject to the filing of a development plan for architectural and site design review as set forth in Table 5.6-A: Town Center Development Plans.
2. *R-U District.* Development located within the R-U: Urban Residential District when located within the “Town Center Neighborhood” as designated in the Town Center Plan

shall be subject to the filing of a development plan for architectural and site design review as set forth in Table 5.6-B: R-U: Urban Residential District Development Plans.

3. *Residential uses in TC District.* Notwithstanding anything above to the contrary, any single-family dwelling, two-family dwelling or multi-family dwelling located in the TC: Town Center District shall be subject only to the development requirements contained in Section 5.6C below, for single-family dwelling, two-family dwelling or multi-family dwelling development located within the R-U: Urban Residential District.
4. *Nonresidential uses in RU District.* Notwithstanding anything above to the contrary, any nonresidential use located within the R-U: Urban Residential District when located within the “Town Center Neighborhood” as designated in the Town Center Plan shall be subject to the development requirements for development within the TC: Town Center District set forth in:
 - a. Section 5.6B(5) - Architectural Design;
 - b. Section 5.6B(7) - Lighting;
 - c. Section 5.6B(8) - Accessory Structures and Facilities;
 - d. Section 5.6B(9) - Additions to an Existing Building;
 - e. Section 5.6B(10) - Exterior Building Facade Renovations With No Building Additions or Minor Building Additions; and
 - f. Section 5.6B(11) - Exterior Building Facade Renovation With Major Building Additions below.
5. *Multi-family dwelling projects in the RU: Urban Residential District.* All multi-family dwelling projects on all Lots in the RU: Urban Residential District, when located elsewhere in the town and not located within the “Town Center Neighborhood” as designated in the Town Center Plan shall be subject only to the development requirements contained in Article 5.6C(2) below, for multi-family dwellings.
6. *Development plan review authority.*
 - a. *Procedures.* All development shall be subject to the filing, review and appeal procedures set forth in Article 5.8 - Procedures for Submission and Review of Development Plans.
 - b. *Limitation on Director’s authority.* Notwithstanding anything in Table 5.6-A or Table 5.6-B to the contrary, any development which requires a waiver of any development requirement of this Article shall be required to file a development plan for review and determination by the Plan Commission.

Table 5.6-A: TC: Town Center District Development Plans		
Development Activity		Approval Authority
a.	New construction *	Plan Commission
b.	New construction of a primary use building on lot with existing development *	Plan Commission
c.	Major building additions (greater than 10,000 sq. ft. or in excess of 20% of gross floor area of existing building(s)) *	Plan Commission
d.	New outdoor display area, outdoor operations (i.e.: outdoor seating/dining areas; processing; servicing; and the like), outside storage area, off-street parking area or off-street loading area	Director
e.	Minor building additions (less than 10,000 sq. ft. and less than 20% of gross floor area of existing building(s))	Director
f.	Exterior building renovations (i.e., change in exterior building materials, substantial change in exterior color, increase or decrease in facade fenestration in excess of 10%)	Director
g.	Accessory buildings/structures (new or additions) - including by way of example: trash enclosures; storage sheds; drive-through facilities; ATMs and the like	Director

h.	Expanded or relocated outdoor display area, outdoor operations (i.e.: outdoor seating/dining areas; processing; servicing; and the like), outside storage area, off-street parking areas or off-street loading area (unless subject to Article 5.4B(4))	Director
i.	All signs, including: ground signs; building signs (wall, projecting, awning, canopy or marquee signs); incidental signs (ground or wall signs); suspended signs; or outdoor display area signs	Director
j.	Landscaping	Director
k.	Lighting	Director
l.	Fences	Director
* Includes complete review of site, landscape, lighting, sign and building elevation plans		
Plan Commission = Determination by Plan Commission as set forth in Article 5.8A(1)		
Director = Administrative Determination by Director as set forth in Article 5.8A(2) or Article 5.8E(3) and subject to compliance with the Development Requirements of this Article 5.6		
Table 5.6-B: R-U: Urban Residential District Development Plans		
Development Activity		Approval Authority
a.	New construction (excluding individual single-family dwellings and two-family dwellings) *	Plan Commission
b.	New construction of a primary use building on lot with existing development (excluding individual single-family dwellings and two-family dwellings) *	Plan Commission
c.	Major building additions (greater than 10,000 sq. ft. or in excess of 20% of gross floor area of existing building(s)) (excluding individual single-family dwellings and two-family dwellings) *	Plan Commission
d.	New outdoor display area, outdoor operations (i.e., outdoor seating/dining areas; processing; servicing; and the like), outside storage area, off-street parking area or off-street loading area	Director
e.	Individual single-family dwellings and two-family dwellings	Director
f.	Minor building additions (less than 10,000 sq. ft. and less than 20% of gross floor area of existing building(s))	Director
g.	Exterior building renovations (i.e., change in exterior building materials, substantial change in exterior color, increase or decrease in facade fenestration in excess of 10%)	Director
h.	Accessory buildings/structures (new or additions) - including by way of example: trash enclosures; storage sheds; drive-through facilities; ATMs; detached garages; and the like	Director
i.	Expanded or relocated outdoor display area, outdoor operations (i.e.: outdoor seating/dining areas; processing; servicing; and the like), outside storage area, off-street parking areas or off-street loading area (unless subject to Article 5.4B(4))	Director
j.	All signs, including: ground signs; building signs (wall, projecting, awning, canopy or marquee signs); incidental signs (ground or wall signs); suspended signs; or outdoor display area signs	Director
k.	Landscaping	Director
l.	Lighting	Director
m.	Fences	Director
* Includes complete review of site, landscape, lighting, sign and building elevation plans		
Plan Commission = Determination by Plan Commission as set forth in Article 5.8A(1)		
Director = Administrative Determination by Director as set forth in Article 5.8A(2) or Article 5.8E(3) and subject to compliance with the development requirements of this Article 5.6		

B. DEVELOPMENT REQUIREMENTS IN THE TC: TOWN CENTER DISTRICT. The development requirements specified below shall be satisfied prior to the approval of a development plan for architectural and site design review for any development located in the TC: Town Center District:

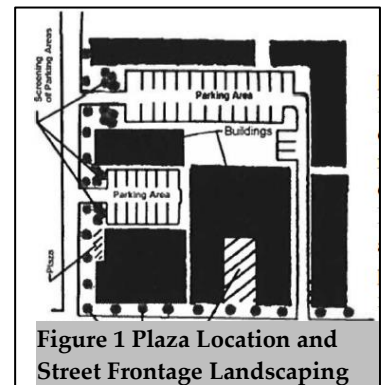
1. *Compliance.* Each site shall demonstrate compliance with all applicable development

standards of the TC: Town Center District and all applicable provisions of the Subdivision Control Ordinance for which a waiver is not provided for in this Article;

2. *Submission.* Submission of a site plan, landscape plan, lighting plan, sign plan and building elevations, as set forth in Article 5.7;
3. *Town Center context.* Development shall incorporate references to the “Old National Road” design theme into the overall development through building design and detailing, and sign design (including graphics);
4. *Site layout.*
 - a. *Entrances.* Major building entrances shall be oriented toward the front lot line;
 - b. *Building Placement in the TC: Town Center District.* Building placement for all new construction on any lot shall be in compliance with the following provisions:
 - 1) *For sites containing one building.* In elevation view from the front lot line, at least 75% of the length of the facade of the building facing a street shall be located between the front lot line and the lesser of a five foot setback or the established setback in the same block face;
 - 2) *For sites containing multiple buildings.* In elevation view from the front lot line, at least 75% of the visible facades of the buildings facing a street shall be located between the front lot line and the lesser of a five foot setback or the established setback in the same block face; and
 - 3) *Corner lots.* On corner lots a finished facade of the building shall be oriented toward each front lot line.

- c. *Plazas.* Plazas shall be provided along all non-building portions of a front yard in the TC: Town Center District in compliance with the following requirements:

- 1) Plazas shall be located adjacent to a building;
- 2) Plazas shall be surfaced with concrete, brick or other form of hardsurface pavers appropriate for the proposed development, except for those areas used for trees, foundation landscaping or planters;
- 3) Plazas shall maintain surface areas at a slope of less than 3%, surface areas may be stepped, where appropriate, as necessary to accommodate natural topography; and
- 4) That portion of the plaza perimeter located adjacent to a front lot line shall include shade or ornamental trees planted with a maximum spacing of 25 feet on-center or as specified in a Downtown Streetscape Master Plan adopted by the Plan Commission. If plaza trees have already been installed on an abutting lot, the on-center spacing shall be measured from the existing plaza trees. Overall plazas tree location within each TC District shall begin in any block with a measurement from the edge of the nearest vision clearance area.



- d. *Landscaping.*
 - 1) *Front yards.* All non-building or non-plaza portions of front yards and non-building or non-plaza portions of front bufferyards shall be landscaped as follows:
 - a) *Depth of landscaping.* A planting bed with a minimum depth of five feet measured from the front lot line shall be provided along all non-building portion of the front lot lines;
 - b) *Screen wall required.* Any non-building portion of a front yard or non-building portion of a front bufferyard shall be screened by a low masonry wall or combination of masonry piers and wrought iron fencing located adjacent to the front lot line.

- c) *Trees required.* On the lot side of the screen wall, a shade tree or ornamental tree planted every 25 feet on-center.
- d) *Size of plant materials.*
 - (1) All shade trees shall be a minimum size of two and one-half inch caliper at time of planting; and
 - (2) All ornamental trees shall be a minimum of one and one-half inch caliper at time of planting.
- 2) *Side lot lines and rear lot lines.* All non-building portions of side yards, rear yards, side bufferyards or rear bufferyards shall be landscaped as follows:
 - a) *Plantings.* All planting beds shall include a continuous hedge row with hedge plants planted three feet on-center and a shade tree or ornamental tree planted every 25 feet on-center; and
 - b) *Size of plant materials.*
 - (1) All hedge plants shall be a minimum size of 24 inches at time of planting;
 - (2) All shade trees shall be a minimum size of two and one-half inch caliper at time of planting; and
 - (3) All ornamental trees shall be a minimum of one and one-half inch caliper at time of planting.
- e. *Trash enclosures.* See Article 4.1J: Refuse/Reuse Container Enclosures
- f. *Minimum lot coverage.* The minimum lot coverage shall not be less than 50%;
- g. *Pedestrian and vehicular circulation.* See Article 4.1H. Non-Motorized Transportation and Access
- h. *Site access.* Driveways shall not provide direct access to Main Street (U.S. 40). Access to Main Street (U.S. 40) shall occur via side streets or public alleys;
- i. *Off-street parking.* Off-street parking areas shall be located to the side or rear of a building, provided however, in no case shall an off-street parking area be located within five feet of a front lot line;
- j. *Drive-through facilities.* See Article 4.1D: Drive Through Facilities and the following: Drive-through facilities shall be located at the rear of the building or at the rear of the lot; and
- k. *Off-street loading.* Off-street loading facilities shall be located at the rear of the building or at the rear of the lot.
- 5. *Architectural design.*
 - a. *Materials.*
 - 1) Brick shall be utilized as the primary exterior building material on each facade oriented toward a public street; and
 - 2) Each facade oriented toward a side lot line or rear lot line and which intersects a front facade shall incorporate a minimum 24 inch brick return. The remaining portion of such facade shall be recessed from the brick return by a minimum of three inches.
 - b. *Minimum front facade height.* In the TC: Town Center District, in the elevation view from the front lot line, the minimum front facade height shall be not less than 27 feet with a minimum of two stories capable of being occupied.
 - c. *Articulation.* In order to assure that new development in the Town Center maintains a scale and relationship to the street and sidewalk which can promote pedestrian activity in the downtown area, all buildings shall comply with the following design features:
 - 1) *Human scale.* Architectural elements such as colonnades, canopies, awnings, display windows, lighting and variation in building materials may be used to

- create a human scale to buildings;
- 2) *Detailing.* Architectural detailing (i.e., variation in building materials, surface recesses, protrusions, cornices and the like) shall be used to distinguish the ground floor from upper levels of a building. Such architectural detailing used to distinguish the ground floor from upper levels shall be no lower than 18 feet above grade;
 - 3) *Vertical rhythm.* The vertical rhythm of architectural detailing on a building shall be consistent or compatible with the pattern established on adjacent buildings located within the same block face;
 - 4) *Building entrances.* All buildings which front on Main Street (U.S. 40) shall orient a main entrance to Main Street (U.S. 40); and
 - 5) *Mechanical equipment.* See Article 4.1G: Mechanical Equipment Screening.
- d. *Fenestration.*
- 1) *Ground floor.* Window openings on the ground floor of a building shall occupy a minimum of 60% of the ground floor facade area (i.e., that portion of the facade located below 18 feet above grade);
 - 2) *Upper floors.* Window openings on the upper floors of buildings shall occupy no more than 40% of the entire upper floor facade area (i.e., that portion of the facade located above 18 feet above grade), provided however, the Plan Commission may approve a greater percentage of window openings in the facade area of floors four or five which are either: authorized through an approved maximum building height development incentive; or which have an elevation off-set of not less than five feet per story from the main facade;
 - 3) *Nonresidential building.* Any nonresidential building taller than 20 feet shall have windows (or faux windows) on the upper facade (i.e., that portion of the facade located below 18 feet above grade);
 - 4) *Window size and shape.* Window size and shape shall be compatible with those of adjacent buildings and shall have a generally vertical orientation; and
 - 5) *Windows, doors, eaves and parapets.* Windows, doors, eaves and parapets on a building shall be proportional and shall relate to one another.
6. *Signs.* See Article 4.7: Sign Regulations
 7. *Lighting.* The design of outdoor light fixtures and the supports for such outdoor light fixtures shall be architecturally compatible with the building;
 8. *Accessory structures and facilities.*
 - a. Reserved.;
 - b. *Accessory structures.* Brick, with color and architectural detailing consistent with the primary building, shall be used on all accessory structures or drive-through facilities; and
 - c. *Planting bed.* A three foot planting bed located between any sidewalk or off-street parking area and any accessory structures or drive-through facility.
 9. *Additions to an existing building.* All additions to an existing building shall utilize building materials with a style, color, texture and architectural detailing which is compatible and harmonious with the materials used on the existing building;
 10. *Exterior building facade renovations with no building additions or minor building additions.* Exterior building facade renovations which involve no building additions or only minor building additions shall demonstrate reasonable efforts to incrementally bring the exterior facade of the entire building into compliance with the provisions of Articles 5.6B(3) through 5.6B(8) specified above. Full compliance with the provisions of Articles 5.6B(3) through 5.6B(8) specified above shall not be a requirement for approval of a development plan; and

11. *Exterior building facade renovation with major building additions.* Exterior building facade renovations performed in connection with a major building addition as described herein shall comply with the provisions Articles 5.6B(3) through 5.6B(8) specified above.
12. *Minimum required items.* Each dwelling unit shall provide a minimum of two of the following three items:
 - a. Amenities such as fireplaces, private patios or private balconies;
 - b. Minimum floor area of 1,100 per dwelling unit; or,
 - c. Laundry facility hook-ups in each dwelling unit.

C. DEVELOPMENT REQUIREMENTS IN THE R-U: URBAN RESIDENTIAL DISTRICT WHEN LOCATED WITHIN THE “TOWN CENTER NEIGHBORHOOD” AS DESIGNATED IN THE TOWN OF PLAINFIELD, IN, TOWN CENTER PLAN AND MULTI-FAMILY DWELLING PROJECTS IN THE R-U URBAN RESIDENTIAL DISTRICT NOT WITHIN THE “TOWN CENTER NEIGHBORHOOD”. The development requirements specified below shall be satisfied, based upon the use of the proposed building or structure, prior to the approval of a development plan for architectural and site design review for any development located in the R-U: Urban Residential District when located within the “Town Center Neighborhood” as designated in the Town Center Plan, and for multi-family dwelling projects in the RU: Urban Residential District when located elsewhere in the town and not in the “Town Center Neighborhood”:

1. *Single-family dwellings and two-family dwellings.*
 - a. Each site shall demonstrate compliance with all applicable development standards of the R-U: Urban Residential District and all applicable provisions of the Subdivision Control Ordinance for which a waiver is not provided for in this Article 5.6;
 - b. Submission of a site plan and building elevations, as set forth in Article 5.7;
 - c. All new construction and major building additions shall reflect the prevailing visual character of adjacent properties within the same block face;
 - d. Entrances and windows shall be the dominant element of the front facade of each dwelling (rather than garages). Where a front loaded attached or detached garage is provided, the front facade of the garage shall be off-set and stepped back from the front building line of the living area by a minimum of five feet;
 - e. Roof forms on all parts of a dwelling, including any attached or detached garage, shall be consistent in form and pitch; and
 - f. Each front, side and rear facade of a dwelling shall utilize a coherent architectural composition with graceful transitions.
2. *Multi-family.* All multi-family in the R-U: Urban Residential District (when not located in the “Town Center Neighborhood” as designated in The Town Center Plan) shall be subject to the development requirements set forth below:
 - a. Each site shall demonstrate compliance with all applicable development standards of the R-U: Urban Residential District and all applicable provisions of the Subdivision Control Ordinance for which a waiver is not provided for in this Article 5.6;
 - b. Submission of a site plan, landscape plan, lighting plan, sign plan and building elevations, as set forth in Article 5.7;
 - c. All buildings shall comply with the following architectural features:
 - 1) All buildings, including community building/club house, storage buildings, maintenance buildings, garages, carports and buildings containing dwelling units shall utilize a minimum of four of the following five architectural features:
 - a) Building materials shall comply with the following:
 - (1) All brick or stone veneer supplemented with significant use of architectural elements (e.g., quoins, pilasters, soldier courses, friezes, cornices, dentils and the like); or

- (2) Multiple building materials with the primary building material being brick, fieldstone, limestone, marble, granite and comprising a minimum of:
 - (a) Eighty-five percent of the area of each elevation for a one-story elevation;
 - (b) One hundred percent of the area of the first floor of each elevation for a two-story elevation; or
 - (c) One hundred percent of the area of the first floor of each elevation and 60% of the total area of each elevation for more than two-story elevations. (Note: elevation wall area is exclusive of window or door areas.)

- (3) In the case of multiple building materials, secondary building should comprise a minimum of 10% of the elevation area. Recommended secondary materials include: textured block, architectural precast concrete, concrete composite siding, wood clapboard siding, wood beaded siding, stucco, E.F.I.S. and the like;



Example of Multiple Building Materials, Multiple Textures, Facade Modulation, Architectural Elements, and Multiple Colors

- b) Multiple surface textures (e.g., rough, striated, imprinted and the like);
- c) Facade or elevation modulations (e.g., building off-sets of at least two feet in depth for every 40 feet of building wall length);
- d) Architectural elements (e.g., quoins, pilasters, soldier courses, friezes, cornices, dentils and the like); or
- e) Multiple colors (i.e., the use of a maximum of three discernable colors, with primary color constituting a minimum of 60% of the applicable elevation and the secondary color constituting a minimum of 10% of the applicable elevation) on each exterior wall surface.



Multi-Family Townhouse with Covered Porch

- 2) Each dwelling unit shall provide a minimum of two of the following three items:
 - a) Amenities such as fireplaces, private patios or private balconies;
 - b) Minimum floor area of 1,100 per dwelling unit; or
 - c) Laundry facility hook-ups in each dwelling unit.
- 3) Additional architectural features for multi-family townhouses: multi-family townhouse developments shall utilize the following architectural features:
 - a) (1) The roof of each dwelling unit shall be distinct from the roof of adjacent dwelling units either through: separation of roof pitches; varying the direction of roof pitches; inclusion of dormers; or other variation in roof design; or
 - (2) Each dwelling unit is designed with a covered front porch occupying a minimum of 50% of the overall width of the dwelling unit.



Multi-Family Townhouse with Roof Line Changes

- b) All garages, carports or other off-street parking areas reserved for the owners or occupants of the townhouse dwelling units, whether attached or detached, shall be provided with rear access from an adjoining public or

private alley.

4) *Mechanical equipment. See Article 4.1G: Mechanical Equipment Screening.*

- d. All first floor dwelling units shall have direct pedestrian ingress and egress from adjoining streets or common areas;
- e. Off-street parking areas shall be screened and landscaped in compliance with Article 4.7D;
- f. Each dwelling unit shall be provided with both common open space and private open space; and
- g. All outdoor light fixtures shall utilize a common theme or style for wall mounted lights and pole mounted lights. Pole mounted lights shall not exceed an overall height of 15 feet above grade.



Alley Access to Townhouse Garages

- 3. *Nonresidential uses and mixed-use or multi-family use in the MU District within the Town Center Neighborhood.* Any nonresidential use located within the R-U: Urban Residential District when located within the “Town Center Neighborhood” as designated in the Town Center Plan shall be subject to the development requirements for development within the TC: Town Center District set forth in:
 - a. Section 5.6B(4) - Site Layout; except as set forth below: building placement for in the R-U: Urban Residential.
 - 1) For sites containing one building - in elevation view from the front lot line, at least 50% of the length of the facade of the building facing a street shall be located between the front lot line and the lesser of a 20-foot setback or the established setback in the same block face; and,
 - 2) For sites containing multiple buildings - in elevation view from the front lot line, at least 50% of the visible facades of the buildings facing a street shall be located between the front lot line and the lesser of a 20-foot setback or the established setback in the same block face;
 - b. Section 5.6B(5) - architectural design; except as set forth below: In the MU: Mixed Use District, in the elevation view from the front lot line, the minimum front facade height shall be not less than 22 feet.
 - c. Section 5.6(B)(7) - Lighting;
 - d. Section 5.6(B)(8) - Accessory Structures and Facilities;
 - e. Section 5.6(B)(9) - Additions to an Existing Building;
 - f. Section 5.6(B)(10) - Exterior Building Facade Renovations With No Building Additions or Minor Building Additions; and
 - g. Section 5.6B(11) - Exterior Building Facade Renovation With Major Building Additions, above.

D. FINDINGS. The Plan Commission shall grant development plan approval for architectural review in the TC: Town Center District, R-U: Urban Residential District, upon finding that the proposed development:

- 1. Represents a use of building materials, site design features, architectural design, signs, lighting or other features which will enhance the use or value of area properties;
- 2. Is consistent with and compatible with development located in the vicinity; and
- 3. Is consistent with the intent and purpose of this ordinance.

E. WAIVERS.

- 1. *Authorized waivers of development requirements.* In order to encourage innovative

building and site designs capable of enhancing the quality of the built environment within the historic downtown portion of the town, the Plan Commission may grant a waiver of the following development requirements to the extent specified:

- a. Development requirements in the TC: Town Center District which may be waived:
 - 1) *Town Center context*. All provisions of Article 5.6;
 - 2) *Site layout*. All provisions of Article 5.6;
 - 3) *Architectural design*. All provisions of Article 5.6;
 - 4) *Signs*.
 - a) All provisions of Article 5.6 and the provisions of Article 7.5B regarding the total sign surface area of building identification signs to allow a maximum sign surface area of up to 40% of the applicable facade; or
 - b) The provisions of Article 7.8D(2) so as to not include graphics, letters, logos or text which is ten inches or less in overall height in the calculation of sign surface on an awning or canopy.
 - 5) *Lighting*. All provisions of Article 5.6;
 - 6) *Accessory structures and facilities*. All provisions of Article 5.6;
 - 7) *Additions to an existing building*. All provisions of Article 5.6;
 - 8) *Exterior building facade renovations with no building additions or minor building additions*. All provisions of Article 5.6; or
 - 9) *Exterior building facade renovation with major building additions*. All provisions of Article 5.6.
 - b. Development requirements in the R-U: Urban Residential District which may be waived:
 - 1) *Single-family dwellings and two-family dwellings*. All provisions of Article 5.6;
 - 2) *Multi-family*. All provisions of Article 5.6; or
 - 3) *Nonresidential uses*. All applicable provisions of Article 5.6.
2. *Findings required to grant a waiver of development requirements*. A waiver of development requirements, to the extent specified in this Article 5.6 for architectural and site design review, shall only be granted upon finding that the proposed development:
 - a. Represents an innovative use of building materials, site design features, architectural design, landscaping, signs, lighting or other features which will enhance the use or value of area properties;
 - b. Regarding building identification signs, the building demonstrates exceptional compliance with the "Old National Road" theme and exceptional compliance with the site layout, architectural design, sign and lighting development requirements of Article 5.6,B of this ordinance;
 - c. Is consistent with and compatible with other development located within and near the TC: Town Center District; and
 - d. Is consistent with the intent and purpose of this ordinance.

F. DEVELOPMENT INCENTIVES IN THE TC: TOWN CENTER DISTRICT. Projects in the TC: Town Center District shall be eligible to receive development plan approval from the Plan Commission to develop pursuant to this Article 5.6F, and may be granted a waiver of the development requirements specified in this ordinance to the extent permitted below:

1. *Development incentives*. In order to provide for the development of higher density projects, consistent with the Town of Plainfield Comprehensive Plan, that contribute to the vitality of the downtown area as the symbolic center of the town, the following waivers may be considered:
 - a. *Maximum building height*. The maximum building height in the TC: Town Center District may be waived by the Plan Commission so as to increase the maximum

- building height of a primary structure from 50 feet, not to exceed four stories, to a maximum building height of 75 feet, including any parapet, not to exceed five stories; or
- b. *Dwelling units on the ground floor.* The requirement that dwelling units shall not be allowed on the ground floor in the TC: Town Center District may be waived by the Plan Commission.
2. *Plan documentation and supporting information.* All requests for development plan approval submitted under this Article 5.6, F, shall include the following:
 - a. *Sketch plan one.* Sketch plan one shall depict the development in full compliance with all use and development standards of the TC: Town Center District and all other applicable health, flood control and subdivision laws, ordinances and regulations of the town.
 - b. *Sketch plan two.* Sketch plan two shall depict the development pursuant to this Article.
 - c. *Elevation drawings.* Elevation drawings and/or renderings depicting the various building elevations in compliance with existing regulations and as proposed.
 3. *Findings.* The Plan Commission may approve an increase in maximum building height or the location of dwelling units on the ground floor upon a finding that:
 - a. The maximum building height provides an elevation off-set, or increased set back for all enclosures or walls (exclusive of architectural embellishment features approved by the Plan Commission), in an amount of not less than one foot horizontal for each two feet in vertical height for that portion of the building(s) over four stories or fifty feet in height;
 - b. For each 5,000 additional square feet of usable floor area created by additional stories over four stories or an increased maximum building height, including any parapet, the proposed development provides a minimum of one of the amenities selected from either of the dwelling unit amenities or project amenities lists (see below) so as to enhance the proposed development and surrounding properties;
 - c. For every five ground floor dwelling units, or portion thereof, the proposed development provides a minimum of one of the amenities selected from either of the dwelling unit amenities or project amenities lists (see below) so as to enhance the proposed development and surrounding properties;
 - d. The proposed development will provide a higher density project that will contribute to the vitality of the downtown area as the symbolic center of the Town of Plainfield while enhancing surrounding properties;
 - e. The proposed development is appropriate to its site and its surroundings; and
 - f. The proposed development is consistent with the intent and purpose of this ordinance.

Dwelling Unit Amenities (in addition to those amenities already provided to comply with Article 5.6B (12), above):	
<ul style="list-style-type: none"> • Fireplaces • Private Patios • Private Balconies 	<ul style="list-style-type: none"> • Washer / Dryer • Other In-Unit Amenity Approved by the Plan Commission
Project Amenities:	
<ul style="list-style-type: none"> • Pool • Hot Tub • Sun Deck • Garden • Game Court • Outdoor Fire Pit /Fireplace • Terrace 	<ul style="list-style-type: none"> • Central Laundry Facility • Recreation / Workout Area • Ground floor, outdoor public use open space or gathering area • Public Art • Electric Vehicle Charging Stations

<ul style="list-style-type: none"> • Lounge • Seating / Dining Area • Grilling Area • Dog Park • Dog Wash • Bicycle Storage Area • Bicycle Work/ Repair Area 	<ul style="list-style-type: none"> • Other Project Amenity deemed appropriate for the proposed use or mix of uses and Approved by the Plan Commission
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5.7. PLAN DOCUMENTATION AND SUPPORTING INFORMATION

In any case where the plan documentation and supporting information for a development plan requires the submission of a site plan, overall plan, landscape plan, building elevations, sign plan or lighting plans, such plans and elevations shall be submitted in compliance with the following requirements.

A. SITE PLAN.

(A) A site plan filed in connection with the submission of a development plan shall be drawn to scale of not more than one inch equals 100 feet and shall include the following items:

1. North arrow and scale;
2. Address of the site;
3. Proposed name of the development;
4. Area map insert showing the general location of the site referenced to major streets and section lines;
5. Legal description of the real estate;
6. Boundary lines of the site including all dimensions of the site;
7. Names, centerlines and right-of-way widths of all streets, alleys and easements;
8. Layout, number and dimension of all lots and out lots with zoning setback lines or building setback lines;
9. Location and dimensions of all existing structures, including paved areas;
10. Location and dimensions of all proposed structures, including paved areas, and indicated by cross-hatching;
11. Location and name of all existing and proposed public or private streets, access easements and rights-of-way within 200 feet of the real estate;
12. Location of all floodway and floodway fringe areas within the boundaries of the site;
13. Location of all existing and proposed utility facilities and easements, including, but not limited to: sanitary sewer, water, storm water management, electric, gas, telephone and cable;
14. Use of each structure by labeling including approximate density or size of all proposed uses and structures on the site (e.g. parking - number of parking spaces required and provided, residence - number of dwelling units per acre, office - gross floor area);
15. Structures proposed for demolition should be indicated as such;
16. Distance of all structures from front, rear and side lot lines. (This distance is measured as a line from the point where the structure is closest to the lot line. This line is perpendicular to the lot line);
17. Location of any proposed or existing driveway and its width at the lot line. (Any

- connection to an alley must also be indicated);
18. All improvements to street system on-site and off-site;
 19. Sidewalk plan or alternate plan for pedestrian ways;
 20. Measurement of curb radius and/or taper;
 21. Names of legal ditches and streams on or adjacent to the site;
 22. Location, dimensions, and type (e.g. ground, pole, wall) of all signs on the site. Include separate elevations of proposed sign structures with all dimensions drawn to scale;
 23. Location, size and species of all proposed and existing trees over six inches in caliper at four and one-half feet above grade and all proposed and existing landscaping;
 24. Areas reserved for park, recreation, conservation, wetland, common area, lake or other similar uses;
 25. Building elevations, including building materials and colors; and
 26. Any other information requested in writing by the Plan Commission or Director.
- (B) The Director, in his or her sole discretion, may waive or relax any of the site plan requirements listed above, as circumstances dictate.

B. OVERALL PLAN.

- (A) An overall plan filed in connection with the submission of a development plan shall be drawn to scale of not more than one inch equals 100 feet and shall include the following items:
1. North arrow and scale;
 2. Address of the site;
 3. Proposed name of the development;
 4. Area map insert showing the general location of the site referenced to major streets and section lines;
 5. Legal description of the real estate;
 6. Boundary lines of the site including all dimensions of the site;
 7. Names, centerlines and right-of-way widths of all streets, alleys and easements;
 8. Layout, number and dimension of all lots and out lots with zoning setback lines and/or building setback lines;
 9. Location and name of all existing and proposed public or private streets, access easements and rights-of-way within 200 feet of the real estate;
 10. Location of all floodway and floodway fringe areas within the boundaries of the site;
 11. Location of all existing and proposed utility facilities and easements, including, but not limited to: sanitary sewer, water, storm water management, electric, gas, telephone and cable;
 12. All improvements to street system on-site and off-site;
 13. Sidewalk plan or alternate plan for pedestrian ways;
 14. Location, dimensions, and type (e.g. ground, pole, wall) of all signs on the site. Include separate elevations of proposed sign structures with all dimensions drawn to scale;
 15. Areas reserved for park, recreation, conservation, wetland, common area, lake or other similar uses; and

16. Any other information requested in writing by the Plan Commission or Director.

(B) The Director, in his or her sole discretion, may waive or relax any of the overall plan requirements listed above, as circumstances dictate.

C. BUILDING ELEVATIONS.

(A) Building elevations filed in connection with the submission of a development plan shall be drawn to scale and shall include the following items:

1. Address of the site;
2. Proposed name of the development;
3. Scale;
4. Elevations for each facade of the building;
5. Specification or sample of the type and color of building materials to be used for all wall, window, roof and other architectural features;
6. A separate true color rendering of the proposed building, including any proposed wall sign;
7. Placement, size, color and illumination details for any proposed wall sign;
8. Details of any exterior architectural lighting proposed on or around the building; and
9. Any other information requested in writing by the Plan Commission or Director.

(B) The Director, in his or her sole discretion, may waive or relax any of the building elevation requirements listed above, as circumstances dictate.

D. SIGN PLAN.

(A) Sign plans filed in connection with the submission of a development plan shall be drawn to scale and shall include the following items:

1. Address of the site;
2. Proposed name of the development;
3. Scale;
4. A site plan indicating the location of any existing or proposed freestanding signs;
5. A site plan indicating the location of any building upon which a sign is to be mounted, with the location of the signs indicated;
6. Elevation of proposed signs including size, materials and color;
7. A true color rendering of the proposed signs;
8. Illumination details for proposed signs;
9. Placement, size, color and illumination details for any proposed wall sign; and
10. Any other information requested in writing by the Plan Commission or Director.

(B) The Director, in his or her sole discretion, may waive or relax any of the sign plan requirements listed above, as circumstances dictate.

E. LANDSCAPE PLAN.

(A) Landscape plans filed in connection with the submission of a development plan shall be drawn to scale of not more than one inch equals 100 feet and shall include the following items:

1. Address of the site;

2. Proposed name of the development;
3. Scale;
4. The location of any existing or proposed freestanding signs;
5. Outline of all existing or proposed buildings or structures, including parking and loading areas;
6. Boundary lines of the site;
7. Location of all floodway and floodway fringe areas within the boundaries of the site;
8. All existing elevations and proposed land contour lines having at least two-foot intervals;
9. Proposed sidewalk or alternate plan for pedestrian ways;
10. Size, species and spacing (on center) of all proposed trees, landscaping and ground cover;
11. Survey of existing trees in required yards and required bufferyards, indicating exact location or existing trees over six inch caliber at four and one-half feet above grade and all flowering trees, shrubs and evergreens over six feet in height;
12. Description of methods to preserve trees without injury and with sufficient area for the root system to sustain the tree;
13. Description of protective care and physical restraint barriers at the drip line to prevent alteration, compaction or increased depth of the soil in the root system area prior to and during groundwork and construction; and
14. Any other information requested in writing by the Plan Commission or Director.

(B) The Director, in his or her sole discretion, may waive or relax any of the landscape plan requirements listed above, as circumstances dictate.

F. LIGHTING PLANS.

(A) Lighting plans filed in connection with the submission of a development plan shall be drawn to scale of not more than one inch equals 100 feet and shall include the following items:

1. North arrow and scale;
2. Address of the site;
3. Proposed name of the development;
4. Boundary lines of the site including all dimensions of the site;
5. Location and dimensions of all existing structures, parking areas and walkways;
6. Type and location of all exterior of lighting fixtures, including, wattage and type of light;
7. Intensity of lighting at base of light structure and at the lot line measured in footcandles; and
8. If architectural building lighting is proposed, elevations for each facade of the building indicating the location, type and intensity of lighting on each building facade and the intensity of such lighting at the lot line measured in footcandles.

(B) The Director, in his or her sole discretion, may waive or relax any of the lighting plan requirements listed above, as circumstances dictate.

5.8. PROCEDURES FOR SUBMISSION AND REVIEW OF DEVELOPMENT PLANS

A. APPLICATION.

1. Application for development plan approval by the Plan Commission shall be in compliance with the Rules of Procedure of the Plan Commission.
2. Application for development plan approval by the Director shall be accomplished in compliance with the following procedures.
 - a. Contact the Director to make an appointment to deliver the required plans and provide a brief explanation of the proposed development plan.
 - b. The Director shall have a period of not more than 15 days in which to review the proposed development plan and either make a decision concerning the development plan or request, in writing, additional information from the applicant.
 - c. The Director may seek the advice and comment of members of the Technical Advisory Committee or the Design Review Committee prior to making a decision.
 - d. Any development plan approval which has been delegated to the Director may occur without public notice and without a public hearing and shall be submitted as an improvement location permit (ILP).
 - e. Any decision of the Director under this Article, may be appealed by any interested party to the Plan Commission within 30 days of such decision by filing a letter with the Plan Commission requesting a hearing by the Plan Commission. Said appeal shall be heard by the Plan Commission at the Plan Commission's next regularly scheduled public hearing for which published notice of the appeal pursuant to I.C. 5-3-1 can be provided.

B. FEES. In order to defray administrative costs, the fees as set forth in the fee schedule as approved by the Plan Commission and the Town Council for development plan approval by Director and for development plan approval by the Plan Commission, are to be paid by the applicant at the time of filing an application for development plan approval or upon receipt of an invoice for payment.

C. NOTICE.

1. All notices for public hearings regarding a development plan approval before the Plan Commission shall be provided in accordance with the requirements set forth in the rules of procedure of the Plan Commission.
2. Notice shall not be required for development plan approvals delegated to Director.

D. HEARINGS. All public hearings regarding a development plan approval before the Plan Commission shall be conducted in accordance with the procedures set forth in the rules of procedure of the Plan Commission.

E. AMENDMENTS.

1. *Amendments to development plans pending determination by the Plan Commission.* Amendments to development plans pending determination by the Plan Commission may be made by the applicant at any time prior to a vote being called for by the Plan Commission. If, in the sole discretion of the Plan Commission, the proposed amendment is of such a nature that additional time is needed for review, the Plan Commission may continue the consideration of such amended development plan to the next meeting of the Plan Commission.
2. *Amendments to development plans pending determination by the Director.* Amendments to development plans pending determination by the Director may be made by the applicant at any time prior to a determination being made by the Director. If, in the sole discretion of the Director, the proposed amendment is of such a nature that additional time is needed for review, the amended development plan shall be reviewed within the time frames set forth above for the review of development plans by the Director.

3. *Amendments to approved development plans.*
 - a. *Applicability.* The amendment procedures of this Article 5.8E(3) shall apply to:
 - 1) Minor amendments to any development plan which has already received approval from the Plan Commission or the Director; and
 - 2) Minor additions to sites which include existing development authorized prior to the effective date of this ordinance.
 - b. *Determination of minor amendments or minor additions.*
 - 1) Those projects listed in:
 - a) Table 5.5-A: Gateway Corridor Development Plans;
 - b) Table 5.5-B: Commercial/Industrial Development Plans Within 600 Feet of a Residential District;
 - c) Table 5.6-A: TC: Town Center District Development Plans; or
 - d) Table 5.6-B: R-U: Urban Residential District Development Plans, as having an “approval authority” of “Director” shall be eligible for review and determination through the improvement location permit process as a minor amendment or a minor addition without the filing of a development plan.
 - 2) All projects listed on said Tables as having an “approval authority” of “Plan Commission” shall file a development plan for review and determination by the Plan Commission.
 - c. *Director’s authority.*
 - 1) The Director is hereby authorized to approve minor amendments to development plans or minor additions to sites which include existing development through the improvement location permit process and without a public hearing if, in the determination of the Director, the requested minor amendments or minor additions:
 - a) Do not adversely impact the purpose or intent of the overall development;
 - b) Do not include a substantial increase in intensity of any land use relative to the previous land use on the real estate; and
 - c) Comply with the applicable development requirements specified in Article 5.2, Article 5.3, Article 5.4, Article 5.5 or Article 5.6.
 - 2)
 - a) If the Director determines that a request for minor amendment to a development plan or a minor addition to an existing development does not comply with the requirements set forth above, the Director may:
 - (1) Deny the request; or
 - (2) Refer to the request to the Plan Commission for determination.
 - b) Any request referred to the Plan Commission for determination shall be accompanied by an application for development plan approval and shall be subject to all application, fee, notice and hearing requirements specified above for new development.
 - d. *Reporting.* Minor amendments or minor additions authorized by the Director shall be reported, in writing, to the Plan Commission at the next regular meeting of the Plan Commission.
 - e. *Appeal.*
 - 1) Any decision of the Director regarding a minor amendment of a development plan or a minor addition may be appealed by any interested party as follows:
 - a) An appeal of the interpretation of a development standard of the applicable district shall be to the Board of Zoning Appeals;
 - b) An appeal of the interpretation of any other development requirement

specified in this Article V shall be to the Plan Commission; and

c) An appeal of a determination to approve or deny a minor amendment of a development plan or a minor addition shall be to the Plan Commission.

2) All appeals shall be filed within 30 days of such determination.

F. FINDINGS. All findings specified above for the approval of a development plan shall be reduced to writing and signed by the Director of the Department of Planning and Zoning in the case of a determination by the Director, or by the President of the Plan Commission in the case of a determination by the Plan Commission, and retained as a part of the permanent record of the determination.

G. DURATION OF DEVELOPMENT PLAN APPROVAL. Any development plan authorized by Article 5 - Development Plan Approvals shall be subject to the following duration provisions.

1. Any development plan which has been approved by the Plan Commission or the Director pursuant to this Article shall be valid for a period not to exceed three years from the date of approval of such development plan.
2. In the case of a development plan approved by the Plan Commission, a complete improvement location permit application shall be filed with the Department of Planning and Zoning prior to the expiration of such three-year period and shall be subject to the provisions of Article 11.2 -Improvement Location Permits.
3. In the case of a development plan approved by the Director in the form of an improvement location permit, notwithstanding the one year duration specified in Article 11.2B(1) the duration of such improvement location permit shall be three years. The improvement location permit shall comply with all current development standards and requirements. All other provisions of Article 11.2 - Improvement Location Permits shall apply.
4. If an improvement location permit has not been filed with the Department of Planning and Zoning within one year of approval of the development plan, the development plan shall be reviewed on an annual basis by the Director for compliance with current development standards and requirements.

ARTICLE 6 – ZONE MAP AMENDMENTS, PLANNED UNIT DEVELOPMENTS, AND MASTER PLANS

6.0 GENERAL PROCEDURES FOR ZONE MAP AMENDMENT

- A. Purpose & Intent.** The purpose of this section is to outline the procedure employed by the Town, when considering a petition for the rezoning or initial zoning of real property within the jurisdictional area of the Commission. Further, the intent of the Zone Map Amendment section is to ensure that the statutory requirements established in the Indiana Code for the zoning of real property are met.
- B. Initiation.** The following shall have standing to initiate a petition for initial zoning or Zone Map Amendment.
1. The Town Council of the Town of Plainfield Indiana,
 2. The Plan Commission of the Town of Plainfield, Indiana, or;
 3. Owners of the property seeking Zone Map Amendment or those who have provided authorization from the owners of the property to seek Zone Map Amendment.
- C. Applicability.** The Zone Map Amendment section is applicable to proposals to establish a zoning district on real property that has not previously been zoned (initial zoning) or to change the Zoning District classification of a parcel of real property to a different Zoning District classification. (rezoning).
- D. Application.** Applications for a Zone Map Amendment shall be filed in a manner outlined within the Rules of Procedure. Additional petitions may be requested by the Director or Plan Commission, including, but not limited to:
1. Development Plan or Final Detailed Plan; and/or,
 2. Primary Plat.
- E. Application Decision** An application for a Zone Map Amendment shall be reviewed and considered by the Department, Commission and Council.
1. Department. The Department shall review a Zone Map Amendment application upon receipt of a complete application, supportive documents, and the appropriate fees. The Department shall prepare a written report to the Commission outlining its findings with respect to the Zone Map Amendment proposal.
 2. Commission. The Commission shall hold a public hearing in accordance with the Commission Rules of Procedures for a proposed Zoning Map Change. As part of the review, the Commission shall pay reasonable regard to:
 - a. The Comprehensive Plan;
 - b. Current conditions and the character of current structures and uses in each zoning district;
 - c. The most desirable use for which the land in each zoning district is adapted;
 - d. The conservation of property values throughout the jurisdiction; and
 - e. Responsible development and growth.
 3. Commission Action. After reviewing holding the public hearing, the Commission shall certify and forward the proposal to the Council with:
 - a. A favorable recommendation with or without commitments and conditions of approval;
 - b. An unfavorable recommendation;

- c. No recommendation; or,
 - d. The Commission may continue the proposal to a definite future meeting date.
4. Council. The Council shall vote on the proposal within 90 days of certification by the Commission in accordance with [IC 36-7-4-608](#). In reviewing the proposed Zone Map Amendment application, the Council shall pay reasonable regard to:
- a. The Comprehensive Plan;
 - b. Current conditions and the character of current structures and uses in each zoning district;
 - c. The most desirable use for which the land in each zoning district is adapted;
 - d. The conservation of property values throughout the jurisdiction; and
 - e. Responsible development and growth.
5. The Council shall make the final determination on a Zone Map Amendment proposal. If the Council returns a proposal, the Commission shall consider the rejection or amendment, and shall vote on the proposal within 45 days in accordance with the provisions of [IC 36-7-4-608](#).
- F. Commitments.** In conjunction with its recommendation to the Council regarding Zone Map Amendment, the Commission may recommend that the Council permit or require the petitioner to make written commitments concerning the use or development of the parcel.
- G. Conditions of Approval.** In conjunction with its recommendation to the Council regarding a Zone Map Amendment, the Commission may recommend that the Council impose conditions of approval concerning the use or development of the parcel.

6.1. PLANNED UNIT DEVELOPMENT DISTRICT

A. INTENT.

1. The Planned Unit Development (PUD) District is designed to: encourage creativity and innovation in the design of developments; provide for more efficient use of land including the reduction of land area disturbed for utility lines and motor vehicle access; permit special consideration of property with outstanding natural or topographical features; facilitate use of the most appropriate construction techniques in the development of land; and to provide for any individual land use not otherwise specified elsewhere in this ordinance. The PUD District provides flexibility in land use regulations by allowing for the consolidation of the subdivision and zone map change procedures as set forth below. The PUD District encourages imaginative uses of open space, promotes high standards in design and construction, and furthers the purposes of the Comprehensive Plan.
2. The PUD District is not intended for the development of residential subdivisions or other developments which are provided for as a matter of right within any individual district of this ordinance.

B. PERMITTED USES AND DEVELOPMENT REQUIREMENTS.

1. *Permitted uses.*
 - a. Primary uses in the PUD District shall be any use or range of uses specified in the PUD District ordinance establishing such District and shall be the same as those specified in the petition for zone map change, either in text form or as noted in the preliminary plan filed with the petition for zone map change. Primary uses, by way of example, may include any residential, commercial or industrial land use, or any individual land use or combination of land uses deemed appropriate for the real estate.
 - b. Accessory uses, home occupations or temporary uses, unless otherwise specified in the PUD District ordinance and the petition for zone map change, shall be permitted

in a manner customarily associated with the primary use specified in the PUD District ordinance.

2. *Development requirements.* Development requirements applicable to a PUD shall be those development standards and other requirements specified in the PUD District ordinance establishing such District and shall be the same as those specified in the petition for zone map change, either in text form or as noted on the preliminary plan filed with the petition for zone map change. Every petition for zone map change to the PUD District shall specify development standards applicable to each permitted use in the development and, at a minimum, shall adopt or include a variation of each development standard that is applicable to each such use in a district in which each such use is listed as a primary use. In any case in which an applicable development requirement or development standard has not been specified in the petition for zone map change, the applicable development requirement or development standard shall be that which is specified in the district which lists such use as a primary use and which imposes the highest standard for site development (i.e., minimum yards, minimum bufferyards, landscaping, lighting, architectural and site design requirements and the like). If the petitioner does not want an otherwise applicable development requirement or development standard for any permitted use in the development to be applicable, then the petition for zone map change shall contain a statement to such effect.

C. PROCEDURE FOR APPROVAL OF A PLANNED UNIT DEVELOPMENT.

1. *Overview.*
 - a. The complete review and approval process for a PUD consists of three elements:
 - 1) Concept plan design review;
 - 2) Zone map change, including a preliminary plan; and
 - 3) Secondary review of a final detailed plan.
 - b. To facilitate the use of this PUD District, after completion of the concept plan review, a petitioner may elect to proceed with the zone map change, including a preliminary plan, approval of a final detailed plan, and primary plat approval separately or may elect to combine any or all of those elements for joint approval. If a petitioner elects to combine any or all of those elements, all elements elected to be combined shall be docketed before the Plan Commission for a joint hearing.
 - c. If filed separately, the procedure for filing for approval of a zone map change including a preliminary plan shall be the same as that required for any other petition for zone map change before the Plan Commission, except as otherwise provided for in this Article. The procedure for filing for approval of a final detailed plan is set forth in Article 6.1D.
2. *Filing for concept plan review.*
 - a. The petitioner shall submit a concept plan consisting of:
 - 1) A written description of the proposed preliminary PUD; and
 - 2) A sketch plan for the proposed development, for review by the staff prior to filing a petition for zone map change to the PUD District.
 - b. Staff shall review the proposed concept plan taking into consideration information regarding the terrain of the site and any unique natural features of the site. In doing so, the staff's review may include, but not be limited to, the following:
 - 1) Protection of unique topographical features on the site, including, but not limited to, slopes, streams and natural water features;
 - 2) Protection and preservation of wooded areas, individual trees of significant size, wetlands or other environmentally sensitive features;
 - 3) Development of common open space and recreational areas (passive or active) accessible to the residents or users of the PUD by way of sidewalks, footpaths or

- combined walkways/bikeways;
 - 4) A more efficient use of the land including the reduction of land area disturbed for utility lines and motor vehicle access;
 - 5) Creation of innovative residential and business environments;
 - 6) Minimize the alteration of the natural site features through the design and situation of individual lots, streets and buildings;
 - 7) Diversity and originality in lot layout;
 - 8) Utilization of individual building designs which achieve an enhanced relationship between the development and the land; and
 - 9) Relationship to surrounding properties.
 - c. The Director shall notify the petitioner of any staff comments related to the proposed concept plan within 15 days of the submittal.
 - d. The petitioner may modify the proposed concept plan and file a petition for zone map change, including a preliminary plan, after the earlier of:
 - 1) Receipt of comments from the staff; or
 - 2) The expiration of the 15-day period referred to above.
 - e. Notwithstanding anything contained in this ordinance to the contrary, neither the staff's review of the proposed concept plan submitted for review nor staff's comments to the petitioner relating thereto shall be considered a denial, approval or decision concerning the proposed concept plan.
3. *Filing for zone map change, including a preliminary plan, with the Plan Commission.*
- a. *Filing deadline.* All petitions for zone map change, including a preliminary plan, shall be filed at least 45 days prior to the initial public hearing at which they are to be considered by the Plan Commission.
 - b. *Petition.* After completion of the concept plan review, an application for zone map change to the PUD District, which includes a preliminary plan, may be filed with the Plan Commission. All petitions for zone map change to the PUD District shall contain a preliminary plan that satisfies the requirements of set forth below, and shall specify in either general terms or detailed terms the development requirements that will apply to the real property that is included in the petition.
 - c. *Detailed terms.*
 - 1) For a preliminary plan to be deemed to have expressed development requirements in detailed terms, said preliminary plan shall include site plans, building elevations, landscape plans, lighting plans, sign plans or any other plan required by this ordinance in sufficient detail to fulfill the requirements for the issuance of an improvement location permit.
 - 2) If the preliminary plan expresses development requirements in detailed terms, the petitioner may also request approval of a final detailed plan in connection with the approval of the zone map change, provided that any such approval shall be conditioned upon the Town Council adopting the zone map change to the PUD District. The requirements for approval of a final detailed plan are set forth in Article 6.1D below.
 - d. *General terms.* All preliminary plans or submittals which do not comply with the requirements above for detailed terms shall be deemed to have expressed the development requirements that apply to the proposed PUD in general terms only and shall be required to file for and obtain approval of a final detailed plan from the Plan Commission, as set forth below, prior to the issuance of an improvement location permit.
 - e. *Preliminary plan.* A preliminary plan filed with the Plan Commission shall satisfy the following requirements:

- 1) A preliminary plan shall include:
 - a) A sketch plan which depicts the location of proposed land uses and maximum land use densities (i.e., lot area, floor area, ratio of floor area to lot area, identification of areas in which buildings may be located, open space, setback lines, distance between buildings, height of structures, signs, parking areas, loading areas and landscaping);
 - b) Proposed layout of streets, open space and other basic elements of the development;
 - c) Proposals for handling traffic, parking, sewage disposal, drainage, tree preservation and removal, and other pertinent development features;
 - d) The current zoning of the area proposed to be developed as well as the current zoning of the adjacent land;
 - e) A proposed breakdown of sections to be contained in the overall development along with a statement as to the order and timing of development;
 - f) All public and private streets and pedestrian ways within 200 feet of the site;
 - g) North arrow, written and graphic scale, general location map; and
 - h) Percentage of site devoted to open space.
- 2) The preliminary plan, which may be a sketch plan, shall be drawn to a scale of not more than one inch equals 100 feet.
- f. *Primary plat.* If desired, the petitioner may also file for primary plat approval before the Plan Commission in the manner set forth in the Subdivision Control Ordinance, provided that any such approval shall be conditioned upon the Town Council adopting the zone map change to the PUD District. Said primary plat approval shall be set for a joint hearing before the Plan Commission with the petition for zone map change, including a preliminary plan, and, notwithstanding anything in the Subdivision Control Ordinance to the contrary, shall comply with the 45 filing deadline set forth above.
4. *Determination by the Plan Commission.* In its determination of the appropriateness of the proposed PUD and whether to recommend approval of the zone map change, including a preliminary plan, to the Town Council, the Plan Commission shall be guided by the extent to which the proposal:
 - a. Accomplishes the intent set forth in Article 6.1A above; and
 - b. Provides for the protection or provision of the site features and amenities outlined in Article 6.1C(2) above.
5. *Commitments, conditions or surety.*
 - a. *Commitments.* The Plan Commission may require or permit the owner of a parcel of property to make written commitments concerning the use or development of the subject property in connection with the recommendation of approval of a PUD or a final detailed plan secondary approval pursuant to Article 4.15 of this ordinance.
 - b. *Conditions.* Conditions may be imposed on the approval of a PUD District which are reasonably necessary to assure compliance with the permitted use, development requirements, development standards and other minimum requirements of the PUD District Ordinance.
 - c. *Surety.* Bonds or other written assurance may be required which are reasonably necessary to guarantee the timely completion of a public improvement required by the proposed by the PUD District ordinance. Such bond or other written assurance shall be of a form and substance approved by the Town Engineer.

D. SECONDARY REVIEW - FINAL DETAILED PLAN.

1. *Secondary review required.* Secondary review of a final detailed plan is required in the

PUD District as a prerequisite to the issuance of an improvement location permit for development of any real property in such district. The Plan Commission shall approve or disapprove each detailed final plan submitted to it for review pursuant to this Article.

2. *Single-family dwelling and two-family dwelling exception.* The provisions of this Article regarding final detailed plans for single-family dwelling and two-family dwelling portions of a PUD shall be deemed to have been fulfilled through the review and approval of a primary plat and secondary plat in conformance with the procedures set forth in the Subdivision Control Ordinance and compliance with the terms of any commitments, conditions or surety required by the Plan Commission.
3. *Time limit for approval of a final detailed plan.* If a final detailed plan is not approved by the Plan Commission in a joint hearing with the petition for zone map change, petitioner shall have a period of up to three years from the date of the approval of the petition for zone map change in which to file for approval of a final detailed plan, in total or in phases, for approval by the Plan Commission. The Plan Commission shall review the final detailed plan for consistency with the preliminary plan approved by the Town Council in connection with the petition for zone map change. If a request for approval of a final detailed plan is filed for in phases, each subsequent phase shall be filed for within three years of the approval of the prior phase.
4. *Public hearing.* A determination by the Plan Commission on whether or not to approve a final detailed plan shall be made at a public hearing of the Plan Commission. The nature and type of application, and any other relevant matters for the review and approval of a final detailed plan shall be in accordance with the procedures set forth in Article 5.8A and as specified in the rules of the Plan Commission for a development plan petition submitted for architectural and site design review. Fees shall be in accordance with the schedule adopted pursuant to Article 10.2C(20) of this ordinance.
5. *Expiration of preliminary plan.* In the event that approval of a final detailed plan is not obtained for all or a portion of the PUD within the time frames outlined above, the preliminary plan shall be deemed to have expired for that portion of the PUD that has not received approval of a final detailed plan, except for the location and density of proposed land uses depicted on such preliminary plan. Once a preliminary plan has expired for any portion of the PUD, no development shall occur within the expired portions of the PUD until:
 - a. A new preliminary plan is approved by the Plan Commission at a public hearing, notice of which shall be given in the same manner as for a petition for zone map change; and
 - b. Approval of a final detailed plan as required by this Article has been obtained.
6. *Expiration of final detailed plan.*
 - a. A final detailed plan shall expire upon the later of:
 - 1) Three years after the date of approval by the Plan Commission; or
 - 2) The expiration of a building permit issued for the use or development of the property.
 - b. Once a final detailed plan has expired for any portion of the PUD, no development shall occur within the expired portions of the PUD until a new final detailed plan as required by this Article has been approved by the Plan Commission.
7. *Final detailed plan requirements.* Before the Plan Commission approves a final detailed plan, the petitioner must submit a final detailed plan consisting of the following:
 - a. Area map insert showing the general location of the proposed development referenced to major streets and section lines;
 - b. Location map showing the names of all metes and bounds property owners, boundary lines of recorded subdivisions, zoning and land uses of adjacent properties;

- c. Proposed name of the PUD;
 - d. Legal description of the real estate;
 - e. Boundary lines of the proposed PUD;
 - f. Location and name of all existing and proposed public or private roads, access easements and rights-of-way within 200 feet of the real estate;
 - g. Location of all existing and proposed utility facilities and easements, including, but not limited to: sanitary sewer, water, storm water management, electric, gas, telephone and cable;
 - h. Layout, number and dimension of all lots and out lots with zoning setback lines;
 - i. Location, delineation and elevation of all floodway and floodway fringe areas within the boundaries of the PUD;
 - j. Drainage plan for all watersheds in and around the proposed PUD, indicating the general drainage pattern of lots, the location of all drainage channels and sub-surface drainage structures, the proposed method of disposing of all storm water runoff including data to show that the proposed outlet(s) are adequate to accommodate the drainage requirements of the PUD, and all existing and proposed detention facilities;
 - k. An erosion control plan for all areas of site disturbance;
 - l. Topographic contour every five feet superimposed upon the proposed final detailed plan;
 - m. Proposed elevation of all building pads within the proposed development;
 - n. All improvements to street system on-site and off-site;
 - o. Sidewalk plan or alternate plan for pedestrian ways;
 - p. Plans and specifications for all infrastructure improvements required or proposed in the PUD;
 - q. Areas reserved for park, conservation, wetland, common area, lake or other similar uses;
 - r. Proposed covenants, conditions and restrictions;
 - s. The character and approximate density of all proposed uses and structures in the plan area; and
 - t. Any other information requested in writing by the Plan Commission or staff.
8. *Findings.*
- a. The Plan Commission may approve a final detailed plan only upon a finding that:
 - 1) The final detailed plan satisfies the development requirements and development standards specified in the PUD District ordinance establishing such District;
 - 2) The final detailed plan accomplishes the intent set forth in this Article VI; and
 - 3) The final detailed plan provides for the protection or provision of the site features and amenities outlined in Article 6.1C(2) above.
 - b. The Plan Commission shall specify any plan documentation or supporting information in addition to that required by this Article that must be supplied before an improvement location permit may be issued for the development of any real estate located in the PUD District.
 - c. The Plan Commission shall make written findings concerning each decision to approve or disapprove a final detailed plan, and each such written finding shall be signed by the President of the Plan Commission.
9. *Plan Commission seal.* Said final detailed plan, upon approval, shall be sealed with the Plan Commission seal and retained in the office of the Plan Commission to be used in its continuing administration of the PUD.

E. MODIFICATION OF PRELIMINARY PLAN.

1. Minor modifications to an approved PUD District ordinance which do not involve an increase in intensity of land uses or the designation of additional land uses may be authorized by the Director without a public hearing in its continuing administration of the PUD if, in the determination of the Director, the requested modifications do not adversely impact the purpose or intent of the overall development.
2. If the Director determines that the proposed modification is of such a nature as to adversely impact the purpose or intent of the overall development, or if the proposed modification includes an increase in intensity of any land use or if the proposed modification includes the designation of an additional land use(s), petitioner shall be required to file a new petition for zone map change.
3. Any decision of the Director under this Article 6.1E may be appealed by the petitioner to the Plan Commission within 30 days of being notified of such determination.
4. The Plan Commission is delegated the authority to establish rules governing the nature of proceedings and notice required to make a modification under this Article.

F. SECONDARY PLAT APPROVAL. Secondary plat approval for any development pursuant to this PUD ordinance shall be issued in a manner consistent with that for any other subdivision under the jurisdiction of the Plan Commission in compliance with the procedures set forth in the Subdivision Control Ordinance and with any additional requirements or commitments entered into in connection with the approval of the final detailed plan pursuant to this PUD ordinance.

G. MAINTENANCE OF COMMON OPEN SPACE. In those PUDs in which common areas or recreation areas are provided for the use and enjoyment of residents or users of the PUD, the petitioner shall file documentary assurances with the Plan Commission that the permanent dedication and continuous maintenance of open space shall be made in accordance with the preliminary plan and final detailed plan approved by the Plan Commission, and that the common areas and recreation areas shall be made available to the residents and users of the overall PUD at a reasonable and non-discriminatory rate of charge, prior to obtaining secondary plat approval. Such documentary assurances shall be incorporated into the secondary plat that is recorded in the office of the County Recorder or otherwise provided for through legally binding perpetual agreements as approved by the Plan Commission. Such open space shall perpetually run with the PUD and shall not be developed or separated from the PUD at a later date (unless no development of any portion of the PUD which is benefitted by the common areas or recreation areas has occurred and the entire area subject to the PUD is presented for zone map change).

H. EXTENSIONS. Extensions of time, in six month increments not to exceed a total of two years, for obtaining approval of a final detailed plan may be granted by the Director for good cause shown. In the event that the Director disallows a requested extension, the petitioner may appeal said determination to the Plan Commission within 30 days of being notified of such determination.

6.2. MASTER PLAN

A. Approval of Master Plans. The following shall be deemed to be approved Master Plans:

1. A Master Plan submitted for Plan Commission approval as part of a requested petition for zone map change or submitted for Plan Commission approval as part of a Development Plan;
2. In the event of a legally established nonconforming development for which there has been no Plan Commission approval of a Master Plan, the Master Plan shall be

interpreted as being the buildings, structures, accessory uses and physical development of the site in existence on the date of adoption of this ordinance.

B. Procedure and Filing Requirements. Notwithstanding anything in this ordinance to the contrary, unless filed as part of a petition for zone map change, a Master Plan shall be filed as a development plan under same procedures as set forth in Article 5.8 of this ordinance for architectural and site design review.

C. Phases. A Master Plan may be submitted as follows:

1. Master Plan approvals may be obtained for a total project at one time or in phases. Phases may include physical areas of development (i.e., portions of an overall site) or elements of a development (i.e., building elevations, a sign program, landscaping, parking, athletic fields or stadiums and the like).
2. If phases are of physical areas of development, the initial phase shall be depicted on an overall plan for the entire site. As the approval of each subsequent phase is requested, an updated overall plan which incorporates the prior approved phases and the proposed phase, shall be required.
3. Any initial Master Plan or subsequent phases of approval may include a request for waivers as authorized by Article 6.2.G below.

D. Applicability

1. *New development.* A Master Plan shall be approved by the Plan Commission prior to any new development requiring a Master Plan.
2. *Major expansions.* A Master Plan shall be approved by the Plan Commission prior to any major expansion (i.e., greater than 10,000 square feet or in excess of 20% of gross floor area of existing buildings) or the development of additional real estate at an existing site.
3. *Minor expansions.* Minor expansions of existing facilities (i.e., less than 10,000 square feet and less than excess of 20% of gross floor area of existing buildings) and the addition of accessory uses or temporary uses shall be subject only to Director's review of an improvement location permit application for compliance with the provisions with the approved Master Plan.
4. *Amendments.* Amendments to Master Plans shall be determined in compliance with the process outlined in Article 5.8E(3), applicable to commercial/industrial development within 600 feet of a residential district.

E. After Approval. After a Master Plan has been approved for a particular site by the Plan Commission pursuant to this Article, all development within that site shall be subject only to Director's review of improvement location permit applications for individual improvements for:

1. Compliance with the approved permitted uses of the Master Plan;
2. Compliance with the development standards of underlying zoning District;
3. Substantial compliance with an approved Master Plan; and
4. Compliance with any waivers which may have been granted by the Plan Commission pursuant to Article 6.2.G below.

F. Development Requirements

1. Development requirements for Master Plan shall include the development standards of the underlying zoning district, and the additional development requirements specified below.

2. The additional development requirements which shall be satisfied prior to the approval of a development plan for architectural and site design review for any development within a Master Plan include the following:
 - a. A Master Plan, which shall include, at a minimum, general guidelines for the improvement of a site, including, but not limited to:
 - 1) The types of uses proposed;
 - 2) The size of the types of uses proposed;
 - 3) The overall layout and design of the site (i.e., location, size and scope of buildings or structures, off-street parking areas and signs);
 - 4) Conceptual building elevations for major buildings or structures;
 - 5) Proposed site lighting; and
 - 6) Conceptual landscape plans;
 - b. Each Master Plan shall demonstrate compliance with all applicable development standards of the underlying zoning for which a waiver is not provided for in this Article; and
 - c. Each Master Plan shall demonstrate compliance with all applicable provisions of the Subdivision Control Ordinance for which a waiver has not been granted.

G. Findings. The Plan Commission may approve a development plan for architectural and site design review as proposed by a Master Plan upon finding that:

1. The development plan complies with all applicable development standards of the underlying District for which a waiver has not been granted;
2. The development plan complies with all applicable provisions of the Subdivision Control Ordinance for which a waiver has not been granted;
3. The proposed development is consistent with the Comprehensive Plan;
4. The proposed development is appropriate to the site and its surroundings; and
5. The proposed development is consistent with the intent and purpose of this ordinance.

H. Waivers. To encourage creativity in the design of Master Plan Developments, the Plan Commission may grant a waiver of any of the development standards in the underlying zoning District; off-street parking; signs; landscaping; lighting; and building materials, upon finding that the proposed Master Plan use development:

1. Represents an innovative and appropriate development of a Master Plan use, including site design features, building materials, lighting and landscaping which will enhance the use or value of area properties and the safety and functionality of the Master Plan use;
2. Is consistent with and compatible with development located in the immediately surrounding area; and
3. Is consistent with the intent and purpose of this ordinance.

ARTICLE 7 – SIGN REGULATIONS

7.1 Intent and Application

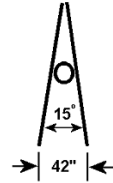
- A. Intent.** This Article shall hereinafter be known and cited as the “Sign Regulations.” The *Sign Regulations* are intended to:
1. Ensure that *Signs* may be used to exercise the constitutional right to free speech;
 2. Encourage *Signs* that are integrated with and harmonious with their environment;
 3. Eliminate *Signs* that are excessive, cluttered, and confusing;
 4. Eliminate *Signs* that are hazardous to motorists and pedestrians;
 5. Support land use objectives of the Town of Plainfield;
 6. Preserve and improve the aesthetic appearance of, property values within, and public and private economic investment in the Town of Plainfield; and
 7. Otherwise protect and promote the public health, safety, morals, and general welfare of the visitors and residents of the Town of Plainfield.
 8. The *Sign Regulations* apply to the location, installation, and maintenance of *Signs* in any zoning *District* regulated by this Ordinance.
- B. Examples Shown.** Examples shown in the ordinance are only an illustration of type, not an exhaustive list. They are meant to convey a concept and may not be fully compliant with the ordinance.

7.2 General *Sign* Regulations

- A. *Sign* Package.** All *Signs* shall be designed to create a unified and consistent *Sign* package for a development. Elements of a unified and consistent *Sign* package include:
1. Type of *Sign* – A *Sign* package shall specify the *Ground Signs* proposed, and the type of *Building Signs* proposed (e.g., individual letters, raceway mount, box, painted, etc.);
 2. Materials (e.g., limestone base with bronze letters, routed aluminum cabinet with plexiglass face, etc.);
 3. Size and Proportion of *Signs* (e.g., maximum height, maximum width, maximum *Sign Surface Area*, etc.);
 4. Style and Color (e.g., style and color palette for letter colors, background colors, and text font); and,
 5. Illumination (e.g., internally illuminated, or external illumination with similar type outdoor light fixture).
- B. Maintenance of *Signs* and Areas Around *Signs***
1. Maintenance of *Signs*. Nothing contained in this Ordinance shall be construed to prevent the maintenance, repainting or posting of legally established *Signs*. Maintenance may include the replacement of *Sign Surfaces* within a *Sign Structure* provided that the *Sign Structure* is not removed or changed in any dimension.
 2. Maintenance of Areas around *Signs*. No person, for the purpose of increasing or enhancing the visibility of any *Sign*, shall damage, trim, destroy, or remove any tree, shrub or other vegetation located in any area where such trees or shrubs are required to remain under a permit issued under this *Ordinance*.

C. Calculation of Height and Sign Surface Area

1. *Ground Sign.* See Article 7.5.A
2. *Building Sign.* See Article 7.6.B
3. **Multi-Faced Signs.** The *Sign Surface Area* of a *Sign* with more than one (1) face shall be computed by adding together the *Sign Surface Area* of all *Sign* faces visible from any one point. When two (2) *Sign* faces are placed back to back, or at no greater than fifteen (15) degrees from one another, so that both faces cannot be viewed from any point at the same time, and when such *Sign* faces are part of the same *Sign Structure* and are not more than forty-two (42) inches apart, the *Sign Surface Area* shall be computed by the measurement of one (1) of the *Sign* faces.



D. Illuminated Signs.

1. *Signs* within six hundred (600) feet of and visible from a residential *District* shall not exceed a light output of 100 nits during nighttime hours. *Signs* shall have a functioning ambient light monitor and automatic dimming equipment.
2. Lighting directed towards a *Sign* shall be shielded so that it illuminates only the *Sign Surface* and does not shine on, cause glare to, or otherwise impair the vision of the driver of a motor vehicle or any residence

E. Changeable Copy Signs. *Changeable Copy Signs* shall be permitted as part of an otherwise permitted *Sign*, provided that:

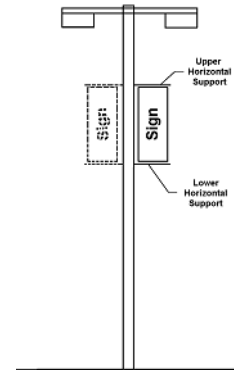
1. On a Single Use Site, a maximum of one (1) *Changeable Copy Sign* shall be permitted as a part of a *Ground Sign*.
2. In an *Integrated Center*, one (1) *Changeable Copy Sign* shall be permitted as part of a *Ground Sign*.
3. The *Changeable Copy Sign* shall not exceed forty (40) percent of the *Sign Surface Area* of the permitted *Sign*.
4. Must follow the provisions of Article 7.4.G.

7.3 Exempt Signs. Unless otherwise stated, the following items are exempt from the Sign Regulations and all other Articles of this Ordinance, with the exception of Article 4.14.

- A. Public Health, Safety, and Welfare Signs.** *Signs* authorized by a government or governmental unit which give traffic, directional, or warning information; *Signs* of public service companies indicating danger; and *Signs* erected by, or on the order of, a public officer in the performance of their public duty which aid service or safety.
- B. Private Signs for the Public.** *Signs* containing two (2) square feet or less in Sign Surface Area.
- C. Interior Signs.** *Signs* located within the interior of any *Building* (i.e., an inner or outer lobby, court or entrance), which are not viewable or intended to be viewable from the Public *Right-of-Way* and do not qualify as *Window Signs*.
- D. Window Signs.** *Window Signs*, provided that they shall not exceed twenty-five (25) percent of the surface area of the window on which such *Signs* are placed or through which such *Signs* are viewed, provided, in the case of multi-pane windows, the surface area of the window shall be the combined surface area of the individual panes or, in the case of a glass curtain wall, the surface area of the window shall be the combined surface area of the individual glass panels. Any portion of a *Window Sign* that exceeds twenty-five (25) percent shall count against the permitted building sign allowance.

- E. **Commemorative and Monumental Signs on Buildings.** Signs which are carved into stone, concrete, or similar material or are made of bronze or aluminum and are made an integral part of the *Building*.
- F. **Architectural Features of Buildings.** Integral, decorative, or architectural features of *Buildings* which do not contain letters, logos, lighting, or trademarks.
- G. **Tombstones, Headstones, and Gravestones.** Tombstones, headstones, and gravestones so long as they are located in an authorized *District*.
- H. **Symbols of a Nation, State or Political Subdivision.** *Flags, pennants*, emblems, and insignia of a nation, state, or political subdivision. These *flags, pennants*, emblems, and insignia must comply with the setback requirements for *Signs*. There is no height limit for flagpoles so long as the distance from the nearest property line exceeds the height of the flagpole.
- I. **Signs on Light Poles.** Light poles which serve to illuminate an Off-Street Parking Area may be permitted to have *Gonfalon Signs* in the GC: General Commercial and REL: Religious *Districts*, provided that they comply with the following regulations:

1. Type. *Signs* on light poles shall be limited to *Gonfalon Signs* which are mounted on light poles located on a Lot and which are mounted to the light poles with upper and lower horizontal supports.
2. Number. Each light pole may contain two (2) *Gonfalon Signs*, provided the light pole which supports these light pole *signs* may not be closer than forty-feet (40) feet to any building or property line.
3. Maximum *Sign Surface Area*. *Signs* on light poles shall not exceed the maximum dimensions of three and one-half feet in width by eight feet in height (3 ½ ft. X 8 ft.).
4. Configuration and Placement on Light Poles – All individual light pole *Gonfalon Signs* placed on a Lot:
 - a. shall be of the same dimensions; and,
 - b. shall be placed at the same relative height and location on all light poles;



J. **Temporary Signs, subject to the requirements below.**

Type of Sign	Allowed	Maximum Sign Surface Area (Square Feet)		Maximum Height (Feet)
Ground Sign	Allowed	Maximum Sign Surface Area (Square Feet)		Maximum Height (Feet)
TC	Yes	6		6
Residential ⁽¹⁾	Yes	6		6
Commercial/Industrial ⁽²⁾	Yes ⁽⁵⁾	Property Size	Maximum Sign Surface Area	Maximum Height
		One (1) acre or less	8	6
		Between one (1) and five (5) acres	16	6
		More than five (5) acres	32	6
Sidewalk Signs	Allowed	Maximum Sign Surface Area (Square Feet)		Maximum Height (Feet)
TC	Yes ⁽³⁾	8 ⁽⁴⁾		5
Residential ⁽¹⁾	No	N/A		N/A
Commercial/Industrial ⁽²⁾	No	⁽⁴⁾ ⁽⁶⁾		⁽⁶⁾ 5

(1) RR, R-1, R-2, R-3, R-4, R-5, R-6, RU, P, S, REL, , G, IG, RI
 (2) NR, OD, GC, I-1, I-2, I-3, I-4, AG, AC, CI, HB
 (3) See Special Regulations below for additional requirements for *Sidewalk Signs*
 (4) Shall not exceed two (2) feet in width
 (5) Maximum *Sign Surface Area* based upon property size
 (6) Not within the public rights-of-way

N/A Not applicable

1. Number of *Signs*
 - a. General. Two (2) *Temporary Signs* shall be permitted per *Lot*. However, no more than one (1) *Ground Sign* shall be permitted per *Street Frontage* of a *Lot* and temporary ground signs must not be within one hundred (100) feet of each other.
 - b. *Sidewalk Sign*. One (1) *Sidewalk Sign* is permitted per business use on a property.
2. Minimum *Setback From Proposed Right-of-Way. Temporary Signs*:
 - a. May not interfere with a Vision Clearance Area as specified in Article 4.14; and,
 - b. Must be set back from the *Proposed Right-of-Way* a distance equivalent to the height above grade.
3. Special Regulations
 - a. All *Temporary Signs*. No *Temporary Sign* shall be permitted on any *Lot* without the prior authorization of the owner of that *Lot*.
 - b. *Sidewalk Signs*.
 - 1) Type.: Only *A-Frame Signs* are permitted.
 - 2) Location. *Sidewalk Signs* may be located outside the main entrance of the business for which they are established provided that:
 - a) They are located within ten (10) feet of the main entrance of the business;
 - b) They are placed so that they leave at least a five (5) foot wide walking aisle on the sidewalk between the business and the *Street* and parallel to the *Street*;
 - c) The separation between *Sidewalk Signs* along the same *Street* is at least ten (10) feet; and
 - d) They do not interfere with pedestrian movement or create a public safety hazard.
 - 3) *Sidewalk Signs* must be removed from the *Public Right-of-Way* at the close of business.

7.4 Prohibited Signs

A. Signs which interfere, obstruct, or cause confusion in connection with any:

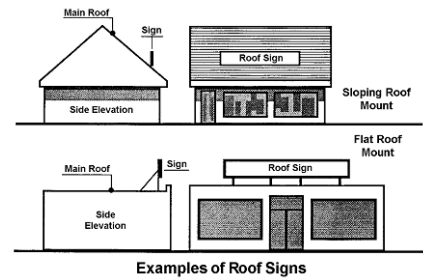
1. Authorized traffic signal, device, or Sign;
2. Signs listed in Article 7.3, A.;
3. Vision Clearance Areas as specified in Article 4.14.

B. Signs located on, in, or above the *Right-of-Way* of any Street or Alley (except for *Projecting Signs* as permitted by Article 7.7).

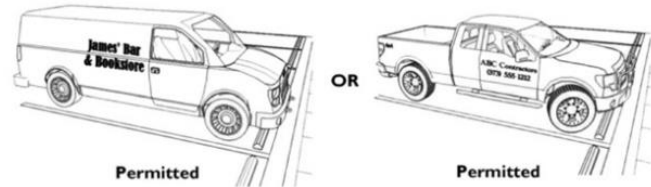
C. Signs erected on or wholly constructed upon a roof of any Building and supported solely on the roof Structure.

D. *Portable Signs*, including but not limited to the following types of Signs, without regard to their content:

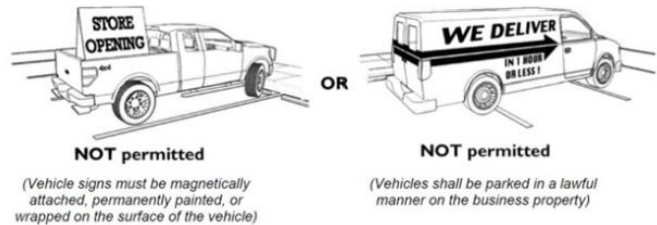
1. trailer frame Signs;
2. menu and sandwich board Signs except as in Article 7.3.J.3.b;
3. *Balloon Signs*
4. Signs attached to or painted on a *vehicle* or *truck* parked and visible from the Public *Right-of-Way*, except as detailed below.



a. No Sign shall be erected or attached on any *vehicle* or *truck* except for signs that are magnetically attached to, permanently painted, or wrapped on the side of a vehicle.



b. The primary use of such *vehicles* or *trucks* shall be in the operation of the business (e.g. transporting goods or providing services) and not in displaying a sign.



c. *Vehicles* or *trucks* shall be operable and properly licensed.



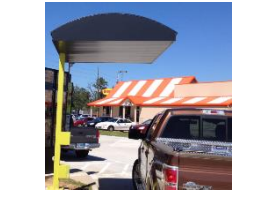
d. When not in use, the *vehicle* or *truck* must be parked in a lawful manner on the business property.

E. *Wind Signs*, *Banner Signs*, *Banners*, pennants, and streamers.

F. Signs or any portion thereof which contains intermittent light, flashing light, light of changing degrees of intensity, rotating beams, search lights, video or logo projection, laser show, or beacons. Outline lighting of open sales areas and *Lot Lines* is also prohibited.

G. Signs or any portion thereof which moves or assumes any motion or gives the illusion of moving, including *Changeable Copy Signs* on which the message changes more than once every ten (10) seconds.

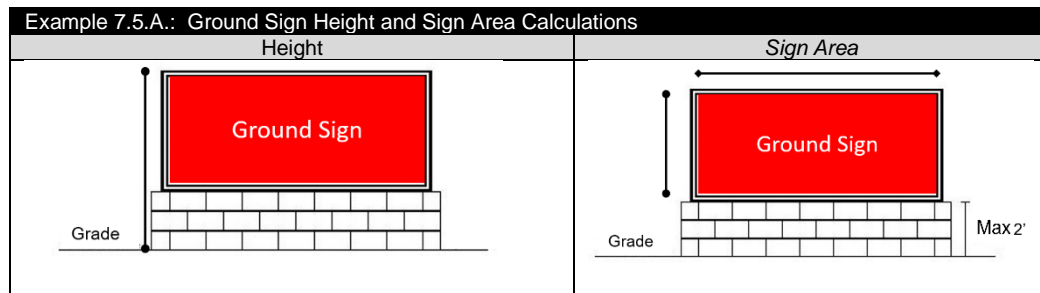
- H. *Signs* that bear or contain statements, words or pictures of an obscene, pornographic, immoral character, or which contain advertising matter which is untruthful or will offend public morals or decency.
- I. *Signs* on certain canopies. For the purpose of the sign code, the following are examples of canopies upon which signage is not permitted. The examples shown below are only an illustration of type, not an exhaustive list. Excepting signs listing height restriction and access information less than two (2) square feet).

Example 7.4.I. Examples of Canopies on which signage is not permitted		
		
Bank Canopy	Fueling Station Canopy	Drive Through

7.5 Ground Signs

A. Calculation of Height and Sign Surface Area. If a *ground sign* sits on an ornamental or decorative base of brick, stone or other similar material, that base shall not exceed two (2) feet in height above grade.

1. *Sign Height.* The height of a ground sign shall be measured from grade, which shall include the finished surface of the ground five (5) feet from the base of the *sign*, to the highest point of the *sign*. See Example 7.5.A., below.
2. *Sign Area.* The *sign surface area* of a *ground sign* shall be the smallest rectangle that can encompass all items of information or the sign face, outside of support structures, whichever is applicable. The *sign* base shall not be included in the overall calculation of *Sign Surface Area*, provided that no lettering, logo, text or other display of any kind shall be allowed on such base (except for information placed in compliance with Fire Code requirements). See Example 7.5.A., below.



B. Number, Dimensional Standards, Setbacks, and Size of Signs.

Table 7.5.B: Number, Dimensional Standards, Setbacks, and Size of Signs

Site Type	Number of Signs	Height (feet)	Sign Surface Area (square feet)	Setbacks (in feet)		
				Front Yard	Front Bufferyard	Side or Rear Yard
Single Use Site (Commercial/Industrial except TC)	One (1) <i>Ground Sign</i> shall be permitted for each <i>Street Frontage</i> of a <i>Lot</i> . ⁽⁴⁾	6	48	10	20	(6)
Single Use Site (TC) ⁽¹⁾		6	48	See 7.5.C.1-3		
Outlots of <i>Integrated Center</i>		6	48	10	20	(6)
<i>Integrated Center</i> smaller than 60,000 square feet		8	72	10	20	(6)
<i>Integrated Center</i> larger than 60,000 square feet		10	96	10	20	(6)
Recorded, platted Residential <i>Subdivisions</i> ⁽³⁾	Two per subdivision entrance ⁽⁵⁾	6	48	See 7.5.C.1-3		
Multifamily Dwelling Developments ⁽³⁾	One per street entrance ⁽⁴⁾	6	48	10	10	(6)
Business Permitted in Residential <i>Districts</i> by Special Exception ⁽²⁾	One	4	24	10	10	(7)

(1) *Ground Signs* are not permitted on the following *Lots* in the TC *District*: any *Lot* abutting Main Street (US 40) between East Street and Mill Street; any *Lot* abutting East Street or Mill Street; and any *Lot* located between East Street and Mill Street.

(2) Provided they are constructed of a material(s) which blend in with the residential character of the neighborhood (such as but not limited to, wood or stone). Approval by the Board of Zoning Appeals with the Special Exception is required.

(3) Provided the *Signs* are constructed of ornamental metal, stone masonry, or other permanent material. Requires approval by the Plan Commission through the approval of the subdivision.

(4) When a *Lot* has more than one (1) *Street Frontage*, one (1) *Ground Sign* shall be permitted for each *Street Frontage* of the *Lot*, provided that the separation between *Ground Signs* on the *Lot*, regardless of the orientation of the *Ground Signs*, is at least one hundred (100) feet.

(5) Only one per side of intersection.

- (6) The *Minimum Side Setback* and *Minimum Rear Setback* for *Ground Sign* shall be the same as required for any *Building* or *Structure* in the applicable zoning *District*.
- (7) The *Minimum Side Setback* and *Minimum Rear Setback* for *Ground Sign* shall be consistent with the requirements for an *Accessory Structure* in the *District* to which the real estate is zoned.

C. Reserved.

D. Minimum Setback in Feet From Proposed Right-of-Way

1. *Signs* located within easements to the *Town of Plainfield* must obtain an Easement Encroachment approval from the *Technical Advisory Committee* prior to permit issuance.
2. *Ground Signs* must not interfere with a Vision Clearance Area as specified in Article 4.14.

E. Off Premise Ground Signs.

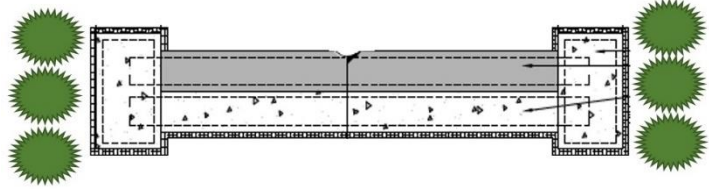
1. Location. *Off Premise Signs* may be allowed in the following *Districts*:
 - a. GC: General Commercial *Districts* that are not within 600 feet of a *Gateway Corridor* or Residential *District*;
 - b. I4: Heavy Manufacturing *Districts* that are not within 600 feet of a *Gateway Corridor* or Residential *District*.
2. Maximum *Sign Surface Area* and Height.
 - a. *Sign surface area*. Shall not exceed ninety-six (96) square feet in *sign surface area*.
 - b. The maximum height is ten (10) feet.
3. Spacing Between *Signs*. The minimum distance between *signs* shall be as specified below.
 - a. Linear Spacing. The minimum distance between signs described by this Article 7.5.E located along and oriented towards the same side of a Public *Street* shall be two thousand five hundred (2,500) linear feet subject to the following:
 - 1) The spacing requirement shall be applied equally to both sides of the *Street* at the same time regardless of whether the *signs* described by this Article 7.5.E are on the same side of the *Street*;
 - 2) The spacing requirement shall be applied continuously along a *Street* to all *signs* described by this Article 7.5.E oriented towards that *Street* in either direction whether the *signs* described by this Article 7.5.E are in the same *block* or are in different blocks separated by an intersecting *Street*;
 - 3) For purposes of applying the spacing requirement *Signs* described by this Article 7.5.E shall be treated the same, whether double-faced or single-faced; and
 - b. Measurement of Linear Spacing. The method of measurement of the spacing between *signs* described by this Article 7.5.E oriented towards the same *Street* shall be along the centerline of the *Street* to which the sign described by this Article 7.5.E is oriented from the point in the *Street's* centerline closest to the leading edge of the *sign* described by this Article 7.5.E.
 - c. Radial Spacing - In no event shall a *sign* described by this Article 7.5.E be closer than one thousand (1,000) feet from any other *sign* described by this Article 7.5.E regardless of location or orientation.
4. Minimum *Front, Side, and Rear Yard Setback*.
 - a. *Front yard setback*. The *minimum front yard setback* shall be 60 feet from the proposed *right-of-way*.
 - b. *Side and rear yard setback*. Maximum height of up to four feet above grade when located at the minimum required *side* or *rear yard setback*. The maximum height may be increased by one foot in height for each additional one foot of *setback* from the

minimum required *side* or *rear yard* until the maximum height allowed for *sign* described by this Article 7.5.E is reached.

5. Construction. The supports, uprights, bracing and framework of ground sign described by this Article 7.5.E shall be of steel construction.

F. Landscaping of Ground Signs. The intent of *ground sign* landscaping is to shield from view any electrical or other mechanical panels, as well as to accentuate or compliment the sign.

1. All *Ground Signs* shall require evergreen shrubs sufficient to block any electrical panels or other mechanical panels.

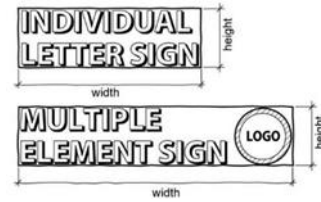


2. Landscaping may include any size or variety of annuals, perennials, ornamental grasses, Hedge Plants, or trees.
3. Plant materials used to satisfy this provision shall not be used to satisfy the calculation of *Plant Unit Value* required by any other provision of this Ordinance.

G. Ground Signs are Accessory Structures.

7.6 Building Signs

- A. Calculation of *Sign Surface Area*.** The *sign surface area* of a *building sign* shall be the smallest rectangle that can encompass all items of information or the sign face, outside of support structures, whichever is applicable.
- B. Type of *Signs*.** The following *signs* are permitted by *district* type.



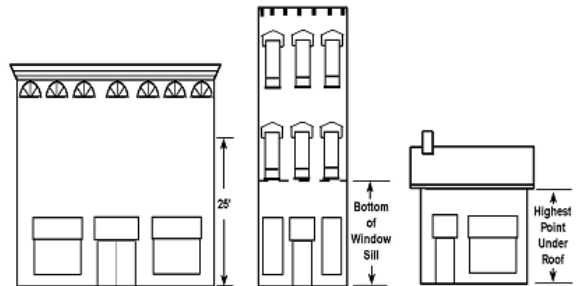
<i>District Type</i>	<i>Building</i>	<i>Suspended</i>	<i>Projecting</i>	<i>Awning</i>	<i>Marquee</i>
Residential	X				
Commercial	X	X ^{(1) (2)}	X ^{(1) (2)}	X ^{(1) (2)}	X ^{(1) (2)}
Industrial	X				
TC	X	X ⁽¹⁾	X ⁽¹⁾	X ⁽¹⁾	X ⁽¹⁾

- ⁽¹⁾ See additional regulations in Section 7.6.E, below.
⁽²⁾ As approved in a *Development Plan Sign Package*.

- C. Number of *Signs*.** There shall be no limit to the number of *Building Signs* per facade, provided that the total *Sign Surface Area* of all *Building Signs* located on each *Building* facade shall not exceed the maximum *Sign Surface Area* (see Table 7.6.D) for the *Building* facade upon which such *Signs* are located.
- D. Maximum *Sign Surface Area* for *Building Signs*.** The following sign area percentages and maximum *Sign Surface Areas* shall apply as shown in Table 7.6.D.:
- The maximum permitted area of a *Building Sign* for an individual tenant unit or *building* facade shall be equal to a percentage of the square footage of the respective tenant unit or building face.
 - For multi-tenant *buildings* with a common entrance, this percentage applies to the allowable *Building signs* per facade for the *structure* as a whole.

Commercial / Industrial			
<i>Tenant Unit Façade Area</i> (in square feet)	<i>Percent of Tenant Unit Façade</i> <i>Allowed for Signage</i>	<i>Maximum Sign Surface Area</i> (in square feet)	<i>Maximum Façade</i> <i>Width (%)</i>
0 — 1,000	7.50%	72	80
1,001 — 2,500	7.25%	150	80
2,501 — 5000	6.00%	250	80
5,001 +	5.00%	350	80
Non-Commercial / Industrial			
<i>Type</i>	<i>Percent of Tenant Unit Façade</i> <i>Allowed for Signage</i>	<i>Maximum Sign Surface Area</i> (in square feet)	<i>Maximum Façade</i> <i>Width (%)</i>
Residential	5	N/A	80
TC	10 ⁽¹⁾	N/A	80

- ⁽¹⁾ percent of the total area of the lesser of the following calculations:
- the first twenty-five (25) feet of actual *Building* height;
 - the height of the *Building* from *Grade* to the bottom of the window sills on the second story, if any; or
 - the highest part of the *Building* under a roof or cornice line.



E. Suspended, Projecting, Awning, and Marquee Signs

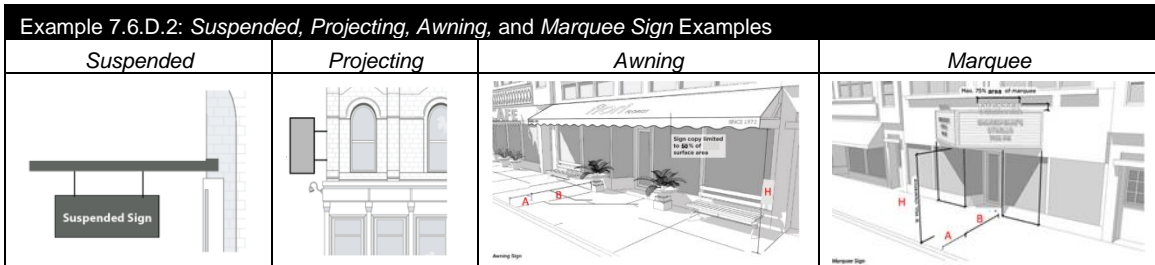
1. General Regulations

- a. *Sign Structures* for *Suspended Signs*, *Projecting Signs*, *Awning Signs*, and *Marquee Signs* shall not extend above the roof line of their supporting *Building*;
- b. *Suspended Signs* shall be permitted on any *Building* containing two or more individual, non-related, and separately operated uses
- c. Dimensional Regulations as shown in Table 7.6.D.1.c, below:

Table 7.6.D.1.c: Dimensional Regulations by Type of Sign				
Maximum Sign Number and Maximum Area	<i>Suspended</i>	<i>Projecting</i>	<i>Awning</i>	<i>Marquee</i>
Number of <i>Signs</i>	1 ⁽¹⁾	1 ⁽³⁾	1 ⁽³⁾	1 ⁽³⁾
<i>Sign Surface Area</i> (square feet)	5	See Table 7.6.C ⁽⁴⁾		
Percent of <i>Marquee</i> or <i>Awning</i> that includes a sign surface	N/A	N/A	50	75
Clearance to <i>Grade</i> (in feet)	<i>Suspended</i>	<i>Projecting</i>	<i>Awning</i>	<i>Marquee</i>
Rigid construction	8	10	8	9
Non-rigid construction	N/A	N/A	7	N/A
<i>Drive, Interior Access Drive, or Alley</i>	15			
Horizontal Extension (in feet)	<i>Suspended</i>	<i>Projecting</i>	<i>Awning</i>	<i>Marquee</i>
Maximum Projection from <i>Building</i>	⁽²⁾	8 ⁽²⁾	8 ⁽²⁾	8 ⁽²⁾
Minimum Distance from vertical plane of <i>Street</i> pavement line, curb or outside edge of <i>sidewalk</i>	⁽²⁾	3 ⁽²⁾	3 ⁽²⁾	3 ⁽²⁾

- ⁽¹⁾ Per entrance for *grade level* tenant
- ⁽²⁾ *Signs* in compliance with the above regulations may project into the air rights of a *Public Right of Way* if approval for such encroachment into the air rights of a *Public Right of Way* is obtained from the governmental authority having jurisdiction prior to the placement of the *Sign*.
- ⁽³⁾ Per *frontage*
- ⁽⁴⁾ Minus applicable *building* signage.

- 2. Examples. For the purpose of the sign code, the following are examples of *Suspended*, *Projecting*, *Awning*, and *Marquee* signs. The examples shown below are only an illustration of type, not an exhaustive list.



F. Design Requirements. To create a unified and consistent treatment, new *Building Signs* shall be erected in accordance with the following regulations:

- 1. Sign Hierarchy. The order of ranking of the various types of *Building Signs*, from the highest to the lowest, shall be (a), (b), (c), (d), and (e) as outlined below:
 - a. An Individual Letter *Sign* (including but not limited to: internally illuminated channel letters, logos or script; illuminated or non-illuminated pin-mounted letters, logos or script; or, a plaque with raised or routed letters, logos or script).
 - b. A *Channel Box* or *Cloud Sign*
 - c. A *Raceway Mounted Sign* (including but not limited to: channel letters, logos or script).
 - d. A *Box Sign*.
 - e. A *Painted Board Sign* or a *Sign* painted directly on a wall of a *Building*.
- 2. Incorporation of Lower Ranked Sign Hierarchy Elements. A sign package may use lower ranked sign hierarchical elements as a portion of the sign. Examples of such usage may include, but are not limited to, logos or taglines.

Table 7.6.F.2: Incorporation of Lower Ranked Sign Hierarchy Elements	Hierarchical Steps Below Required			
	1 step	2 steps	3 steps	4 steps
Percent of Sign allowed to be lower hierarchy elements	25%	20%	15%	10%

3. Construction Type
 - a. New Construction / Major *Building* Additions – *Building Signs* for new construction projects and major *Building* addition projects shall be an individual letter signage unless an alternative *sign* package was approved by the *Plan Commission*.
 - b. Alternatives Hierarchy Existing Integrated Centers – Any new *Building Sign* on an existing *Integrated Center* shall be of an equivalent type or higher rated type than the predominant type of *Building Signs* existing throughout the *Integrated Center*.
 - c. Existing Single Use Sites – Any new *Building Sign* on an existing Single Use Site shall be the greater of either an equivalent type or higher rated type *Building Sign* than:
 - 1) the previously existing *Building Sign*; or,
 - 2) the predominant type of *Building Signs* existing on the subject *Lot* and any immediately adjacent Single Use Sites located within the same Block Face.
3. Illuminated *Building Signs* & *Bufferyards*. Illuminated *Building Signs*, whether internally or externally illuminated, shall not be permitted on a Building façade oriented to a Side *Bufferyard* or Rear *Bufferyard*.

7.7 Incidental Signs

A. Type of Signs

Table 557.A	Ground	Building	Suspended
Commercial/Industrial	X ⁽¹⁾	X ⁽¹⁾	X ⁽¹⁾
TC	X	X	X
Residential	X	X	

⁽¹⁾ See 7.7.B.4-5 below for more restrictions

B. Number of Signs

1. If a *Lot* or *Integrated Center* has one (1) Driveway, two (2) *Incidental Signs* shall be permitted at the Driveway entrance or exit.
2. If a *Lot* or *Integrated Center* has more than one (1) Driveway, one (1) *Incidental Sign* shall be permitted for each Driveway.
3. One (1) *Incidental Sign* shall be permitted at each critical turning point when required to safely direct pedestrian or vehicular traffic
4. If a *Lot* is occupied by a use which includes a drive through facility, two (2) menu boards shall be permitted adjacent to the drive through facility as *Incidental Signs*.
5. If a *Lot* is occupied by a use which includes a drive through facility, up to two (2) *Suspended Signs* may be permitted along the drive through facility as *Incidental Signs*.

C. Maximum Sign Surface Area and Height

Table 7.7.C	Maximum	
Commercial (NR, OD, AC, HB, and GC)	Height of Sign (Feet)	Size of Sign (Square Feet)
General Incidental Sign	4	6
<i>Incidental Sign</i> adjacent to a drive through	7	48
<i>Suspended Sign</i>	⁽¹⁾	2.5
Industrial (I1, I2, I3, I4)	Height of Sign (Feet)	Size of Sign (Square Feet)
Incidental Sign	7	6
Incidental Parking/Loading Sign	7	48
TC	Height of Sign (Feet)	Size of Sign (Square Feet)
<i>Incidental Sign</i>	4	6
Residential	Height of Sign (Feet)	Size of Sign (Square Feet)
<i>Incidental Sign</i>	4	2

⁽¹⁾ Minimum clearance from grade must be eight (8) feet

D. Minimum Setback in Feet From Proposed Right-of-Way

Table 7.7.D	Front (from Proposed Right-of-Way)	Side/Rear
Commercial/Industrial	3	⁽¹⁾
TC/	No required <i>setback</i> for Incidental <i>Ground Signs</i> , however, such <i>Signs</i> may not encroach into a Public <i>Right-of-Way</i> and may not interfere with a <i>Vision Clearance Area</i> .	
Residential	3	⁽²⁾

⁽¹⁾ Same as required for any Building or Structure in the applicable zoning District.

⁽²⁾ Same as required for an *Accessory Structure* in the applicable Zoning District.

7.8 Signs in a Master Plan District. (P: Park, IG: Institutional (Government), S: School, REL: Religious, G: Golf, and RF: Residential Flex, Districts.)

- Signs.** The regulations contained in Article 7.5, for “Business and Other Uses permitted in the Residential Districts” shall apply to the *Master Plan Districts*, provided, however, notwithstanding anything in the Article 7 to the contrary.
- Sign Program.** Other permanent Signs or *Temporary Signs* included in an overall *Sign* program (which includes the general number, size, type and location of *Signs*) and which is approved by the *Plan Commission* as part of an approved *Master Plan*.

ARTICLE 8. DISTRICTS AND MAPS

8.1 OFFICIAL ZONE MAP. All real property located within the corporate boundaries of the town and under the jurisdiction of the Plan Commission as set forth in this ordinance is hereby divided into districts as shown on the official zone map which, together with all explanatory matter, is incorporated by reference and declared to be a part of this ordinance.

8.2 IDENTIFICATION OF THE OFFICIAL ZONE MAP. The official zone map shall be identified by a geographic coverage layer entitled "Zoning" that is maintained as part of the town's geographic information system (GIS) in digital format under the direction of the Director and shall be amended as needed when properties are rezoned. The Director may authorize printed copies of the official zoning map to be reproduced, and shall maintain digital or printed copies of superseded versions of the official zoning map for historical reference. Two copies of the official zoning map shall be on file and available for public inspection in the Planning and Zoning Department.

8.3 OFFICIAL ZONE MAP CHANGES.

- A. If, after the certification of the official zone map by the Plan Commission, the Town Council, in accordance with the provisions of this ordinance and I.C. 36-7-4-600 et seq., changes any of the district boundaries or other matter portrayed on the official zone map, such changes shall be entered by staff on a working copy of the official zone map which is maintained in the office of the Department of Planning and Zoning. The working copy of the official zone map shall be available for public inspection and reference during all normal business hours. In case of discrepancy between changes noted on the working copy of the official zone map and the official printed record of the Town Council, the official printed record of the Town Council shall control.
- B. In the event that the official zone map becomes damaged, lost or difficult to interpret, staff shall, on an as needed basis, prepare a revised official zone map for review and recommendation by the Plan Commission at a public hearing for which proper notice is provided. A revised official zone map shall incorporate all official actions of the Town Council related to matters depicted on the official zone map since the adoption of the prior official zone map. A revised official zone map may also include revisions to correct drafting errors and changes in the base information related to plats or streets.
- C. The Plan Commission shall certify its recommendation of such revised official zone map to the Town Council for official adoption by the Town Council.
- D. No change of any nature shall be made in the official zone map, or matter shown thereon, except in conformity with the amendment procedures set forth in this ordinance.

8.4 RETENTION AND PRESERVATION OF RECORDS. Unless the prior official zone map has been lost or completely destroyed, the prior official zone map, along with all available records pertaining to its adoption or amendment, shall be retained and preserved in the office of the Department of Planning and Zoning.

8.5 INTERPRETATION OF THE OFFICIAL ZONE MAP. Where uncertainty exists with respect to the boundaries of districts shown on the official zone map, the following rules shall apply to the interpretation of those boundaries.

- A. Boundaries indicated as approximately following the centerlines of thoroughfares, highways, streets or alleys shall be construed to follow the centerlines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed to follow the platted lot lines.
- C. Boundaries indicated as approximately following the corporate boundary of the town shall be

construed as following the corporate boundary of the town.

- D. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
- E. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed as following the centerlines.
- F. Boundaries indicated as approximately following floodplain lines shall be construed to follow the floodplain lines.
- G. Boundaries indicated as parallel to or extensions of features indicated on the divisions above shall be so controlled. Distances not specifically indicated on the official zone map shall be determined by the scale of the map.
- H. Where a discrepancy exists between the depictions on the official zone map and the text of a legal description accompanying an ordinance for zone map change duly adopted by the Town Council, the text of the legal description shall control.
- I. Where physical or cultural features existing on the ground do not agree with those shown on the official zone map, or in other circumstances not covered above, the Director shall interpret the boundaries. Any party dissatisfied with the interpretation of the Director may appeal such interpretation to the Board of Zoning Appeals.

8.6 ZONING OF NEWLY ANNEXED LAND.

- A. All real property annexed into the town, after the effective date of this ordinance shall be considered zoned to the AG District of this ordinance.
- B. Reserved.

ARTICLE 9 – NONCONFORMING LOTS, USES, BUILDINGS, STRUCTURES, OR SIGNS

9.1. NONCONFORMING LOTS, USES, BUILDINGS, STRUCTURES OR SIGNS

A. INTENT.

1. Within the zoning districts established by this ordinance, there exist:
 - a. Nonconforming lots of record;
 - b. Nonconforming buildings or structures;
 - c. Nonconforming uses of land;
 - d. Nonconforming uses within nonconforming buildings or structures; and
 - e. Nonconforming signs, which were legally established prior to the effective date of this ordinance, but which would be prohibited, regulated or restricted under the provisions of this ordinance.
2. It is the intent of this ordinance to permit these legally established nonconforming lots, buildings, structures, signs and uses to continue until they are removed, but not to encourage their survival.
3. It is further the intent of this ordinance that legally established nonconforming buildings, structures, signs and uses shall not:
 - a. Be enlarged upon, expanded or extended; or
 - b. Be used as grounds for adding other structures or uses which are prohibited elsewhere in the same district.
4. Nonconforming lots of record, nonconforming buildings or structures, nonconforming uses of land, and nonconforming uses within nonconforming buildings or structures that are either illegal or not legally established on the effective date of this ordinance shall not become legally established or validated by virtue of the enactment of this ordinance.
5. Previously illegal or not legally established nonconforming lots of record, nonconforming buildings or structures, nonconforming uses of land, nonconforming uses within nonconforming buildings or structures, and nonconforming signs which are in full compliance with the regulations of this ordinance pertaining to the permitted uses and development standards of the district to which the real estate is zoned shall, after the effective date of this ordinance, be considered validated as conforming lots of record, buildings, structures, uses and signs for the purposes of interpreting and applying this ordinance.

B. INCOMPATIBILITY OF LEGALLY ESTABLISHED NONCONFORMING USES.

1. Legally established nonconforming uses are declared by this ordinance to be incompatible with permitted uses in the zoning district in which such legally established nonconforming use is located.
2. A legally established nonconforming use of a building or structure, or a legally established nonconforming use of land, shall not be extended, expanded or enlarged, nor shall additional signs for such legally established nonconforming use be erected on the lot, after the effective date of this ordinance.

- C. AVOIDANCE OF UNDUE HARDSHIP.** To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans for or construction of any building, structure or sign or the designation of use of any building or structure, for which an improvement location permit has been properly filed for or issued prior to the effective date of this ordinance; provided that the construction of such building, structure or sign is commenced within six months of such effective date and diligently prosecuted to completion; and provided

further however that such construction shall be completed within two years of the issuance of said improvement location permit.

- D. LEGALLY ESTABLISHED NONCONFORMING LOT OF RECORD.** Any legally established lot recorded or any legally established platted lot recorded prior to the effective date of this ordinance, having less than the required minimum lot area or minimum lot width required by the applicable zoning district regulations of this ordinance, shall be deemed a permitted exception to such minimum lot area or minimum lot width and may be used for any use permitted within the applicable zoning district in which such lot is located provided that:
1. All other development standards are met; and
 2. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership.

- E. LEGALLY ESTABLISHED NONCONFORMING BUILDING OR STRUCTURES (EXCLUDING SIGNS).** Where a legally established nonconforming building or structure (excluding signs) exists on the effective date of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on: gross floor area; lot coverage; building height limitations; front, side and rear setbacks and yards; location on the lot; bulk; or other provisions of this ordinance applicable to the building or structure, such building or structure may continue to exist so long as it remains otherwise lawful, subject to compliance with the following provisions:

1. Such legally established nonconforming building or structure may not be enlarged, expanded or altered in a way which increases its nonconformity, provided such building or structure may be altered so as to decrease the extent of nonconformity;
2. Should such legally established nonconforming building or structure, or legally established nonconforming portion of a building or structure, be damaged or destroyed by any means to the extent of more than two-thirds of the fair market value of the building or structure immediately prior to the damage or destruction, said building or structure shall not be reconstructed except in conformity with the provisions of this ordinance; and
3. Should such building or structure be moved for any reason for any distance whatsoever, such building or structure shall thereafter conform to the provisions of this ordinance.

- F. LEGALLY ESTABLISHED NONCONFORMING USES OF LAND.** Where legally established nonconforming uses of land exist on the effective date of this ordinance which would not be permitted by the provisions of this ordinance, such uses may be continued so long as they remain otherwise lawful provided that:

1. Such legally established nonconforming uses shall not be enlarged, expanded, increased or extended to occupy a greater area of land than was occupied on the effective date of this ordinance;
2. Such legally established nonconforming uses shall not be expanded or increased by:
 - a. Volume;
 - b. Activity on the land occupied; or
 - c. Other means, where such expanded or increased legally established nonconforming use results in a difference in the quality, character or degree of the legally established nonconforming use, or results in a legally established nonconforming use that has an increased and detrimental impact or effect on any adjoining property or the surrounding area. A difference in the quality, character or degree, or an increased and detrimental impact or effect may include, but not be limited to, any impact or effect resulting from: an increase in traffic volume; a change in the nature of vehicular traffic (i.e., both type and size of vehicles); change in hours of operation (i.e., from normal business hours to include evening or 24-hour operations); or an increase in vibration, smoke, dust, odor, noise, glare or any other activity or characteristic of the

legally established nonconforming use which impacts any of the items listed as performance standards in Article 4.8 of this ordinance.

3. Such legally established nonconforming uses shall not be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses on the effective date of this ordinance; and
4. No additional building or structure shall be erected in connection with such legally established nonconforming use of land.

G. DISCONTINUATION OF LEGALLY ESTABLISHED NONCONFORMING USE OF LAND.

Any subsequent use of such land shall conform to the provisions of this ordinance if any legally established nonconforming use of land is:

1. Abandoned for any period of time; or
2. Discontinued for more than six months (except when government action impedes access to the premises).

H. LEGALLY ESTABLISHED NONCONFORMING USES WITHIN LEGALLY ESTABLISHED NONCONFORMING BUILDINGS OR STRUCTURES.

1. If any legally established nonconforming use is located within a legally established nonconforming building or structure and such legally established nonconforming building or structure becomes unsafe or unlawful by reason of physical condition and is razed, the legally established nonconforming use previously being conducted in such legally established nonconforming building or structure shall be extinguished and no longer permitted.
2. If any legally established nonconforming use is located within a legally established nonconforming building or structure and such legally established nonconforming building or structure is damaged or destroyed by any means to the extent of more than two-thirds of the fair market value of the building or structure immediately prior to the damage or destruction the legally established nonconforming use previously being conducted in such legally established nonconforming building or structure shall be extinguished and no longer permitted unless application in compliance with the provisions of Article XI is made for an improvement location permit within 180 days of such damage or destruction and an improvement location permit demonstrating compliance with the following regulations is issued pursuant to such application:
 - a. The proposed redevelopment shall, to the maximum extent practical, comply with the development standards, including, but not limited to, lot coverage, off-street parking, off-street loading, lighting, landscaping, minimum yards or bufferyards, use of minimum yards and bufferyards, building setbacks, maximum building height, main floor area, and outside storage and operations, applicable to the legally established nonconforming use in the district in which such use is first identified as a permitted use; and
 - b. The gross floor area and the maximum building height devoted to the legally established nonconforming use shall not be increased, except as such increase is required to comply with other applicable federal, state or local regulations (i.e., minor enlargements to accommodate ADA Accessibility Guidelines or current Building Codes).

I. REPAIRS AND MAINTENANCE OF LEGALLY ESTABLISHED NONCONFORMING BUILDINGS OR STRUCTURES (EXCLUDING SIGNS).

1. *Ordinary repairs.* On any legally established nonconforming building or structure (excluding signs), or portion of a building or structure containing a legally established nonconforming use, work may be done on ordinary repairs or on the repair or replacement of non-bearing walls, fixtures, wiring or plumbing, provided that the cubic

feet content existing when the building or structure, or portion of a building or structure containing a legally established nonconforming use became nonconforming shall not be increased. Nothing herein shall be deemed to prevent the strengthening, repairing or restoring to safe condition of any building or structure (excluding signs), or part thereof, declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

2. *Reconstruction prohibited.* If a legally established nonconforming building or structure (excluding signs) or portions of a building or structure containing a legally established nonconforming use becomes unsafe or unlawful by reason of physical condition and is razed, such building or structure (excluding signs) shall not thereafter be rebuilt or used except in conformity with the provisions of this ordinance.
3. *Remodeling.* The gross floor area and the maximum building height devoted to the legally established nonconforming use shall not be increased, except as such increase is required to comply with other applicable federal, state or local regulations (i.e., minor enlargements to accommodate ADA Accessibility Guidelines or current Building Codes).
4. *Parking area, outside storage area or outdoor operations area.* A legally established nonconforming parking area, outside storage area or outdoor operations area may be maintained, repaired or upgraded by hardsurfacing with asphalt or concrete provided that there is no increase in the total area occupied by the parking area or outside storage area and, if, in the discretion of the Director, the hardsurfacing would serve to reduce a potential negative impact of the existing parking area or outside storage area on surrounding properties. In case of disagreement with the determination of the Director, any aggrieved party may file and appeal with the Board of Zoning Appeals pursuant to the provision of Article X of this ordinance. Such hardsurfacing shall require an improvement location permit and shall also be subject to full review under and compliance with Ord. 17-97 - Drainage Ordinance, as codified in §54.01 through 54.15 of this code of ordinances.

J. LEGALLY ESTABLISHED NONCONFORMING SIGNS.

1. Any legally established nonconforming sign within the town may continue to exist, including the performance of normal and routine maintenance, so long as such sign remains otherwise lawful.
2. Legally established nonconforming signs may receive normal and routine repair and maintenance subject to the following provisions:
 - a. A legally established nonconforming sign may not be enlarged, expanded or altered in a way which increases its nonconformity;
 - b. A legally established nonconforming sign erected pursuant to the grant of a variance of either a previously enacted zoning regulation or this ordinance for number of signs, height of sign, setback of sign or sign surface area may be altered so as to decrease the extent of nonconformity authorized by such grant of variance;
 - c. Except as provided for in Article 9.1J(2)(b) above, the removal of a sign structure or a sign cabinet shall be deemed conclusive evidence that such sign requires work beyond normal and routine repair and maintenance, and such sign shall not be repaired, maintained or reconstructed except in conformity with the provisions of this ordinance;
 - d. Should a legally established nonconforming sign be moved for any reason for any distance whatsoever, such legally established nonconforming sign shall thereafter conform to the provisions of this ordinance;
 - e. Should a legally established nonconforming sign remain unused by a business operating from an associated building for a period of six months or greater, the owner of the premises upon which it is located shall remove all poles, frames, supports and any other structural, electrical, mechanical elements of said sign;

- f. If the cost of normal and routine repair and maintenance of a legally established nonconforming sign exceeds 50% of the sign's replacement cost or current depreciated value, whichever is less, determined pursuant to this Article 9.1K(2), said legally established nonconforming sign shall not be repaired, maintained or reconstructed except in conformity with the provisions of this ordinance; and
- g. If a legally established nonconforming sign is damaged or destroyed by any means to the extent that the repair or reconstruction of the sign exceeds 50% of the sign's replacement cost or current depreciated value, whichever is less, determined pursuant to this Article 9.1K(2), said legally established nonconforming sign shall not be reconstructed except in conformity with the provisions of this ordinance, provided, however, in the case of a freestanding identification sign, if due to the configuration of the property (i.e., location of building, interior access drive or other permanent improvement) a new freestanding identification sign cannot be located at the appropriate setback pursuant to Article VII of this ordinance, the Director may issue an improvement location permit for a new freestanding identification sign located at the same location as the damaged or destroyed freestanding identification sign subject to the following regulations:
 - 1) The owner shall make application for an improvement location permit within six months of such damage or destruction;
 - 2) The Director shall determine that there are no locations on the subject lot and oriented toward the same street, where a new freestanding identification sign may be located without significant site alterations;
 - 3) No portion of such freestanding identification sign shall encroach into any street right-of-way; and
 - 4) The proposed sign shall, in the determination of the Director, decrease the extent of nonconformity where possible and to the maximum extent feasible given site constraints in relation to:
 - a) The type of sign (from pole sign to pylon sign to ground sign, as permitted by this ordinance);
 - b) Illumination of sign (from external to internal to no illumination, as permitted by this ordinance);
 - c) Height of sign (from taller to shorter, to the maximum height permitted by this ordinance);
 - d) Setback of sign (from zero feet to the minimum setback required by this ordinance); and
 - e) Sign surface area (from larger to smaller, to the maximum sign surface area permitted by this ordinance), in comparison to the sign which existed immediately prior to such damage or destruction, provided however, in no case shall the extent of any nonconformity be increased in any manner.

K. DETERMINATION OF FAIR MARKET VALUE OR REPLACEMENT COST. In determining the fair market value of the building or structure (excluding signs) or the replacement cost of a sign, immediately prior to the damage or destruction, the Director may consider the following items:

- 1. *Building or structure.* Documentation prepared by and provided by the applicable insurance company responsible for adjusting the loss;
- 2. *Building, structure or sign.* Documentation prepared by and provided by an appraiser licensed by the state to appraise the type of property involved; or
- 3. *Other.* Other documentary evidence deemed appropriate by the Director.

L. RECONSTRUCTION, REMODELING OR ENLARGEMENT OF A LEGALLY ESTABLISHED NONCONFORMING SINGLE-FAMILY DWELLING OR TWO-FAMILY

DWELLING. Notwithstanding any provision of this Article to the contrary, any legally established nonconforming single-family dwelling or two-family dwelling may be:

1. Reconstructed if damaged or destroyed by fire, natural disaster or for any other reasons; or
2. Remodeled or enlarged, provided that such remodeling or additions comply with the development standards related to maximum lot coverage, minimum yards and building setbacks, maximum building height, and off-street parking of the R-3 District for a single-family dwelling or the R-5 District for a two-family dwelling.

M. ADDITIONS ALONG A LEGALLY ESTABLISHED NONCONFORMING SETBACK FOR A SINGLE-FAMILY DWELLING LOCATED IN THE TOWN CENTER NEIGHBORHOOD.

Notwithstanding any provision of this Article to the contrary, the minimum front yard, minimum side yard or minimum rear yard for any legally established nonconforming building used as a single-family dwelling and located in the "Town Center Neighborhood" as designated in the Town Center Plan and having a setback which is less than that which is required by this ordinance shall be allowed to expand one or more times along such legally established nonconforming setback.

N. LEGALLY ESTABLISHED BUILDING, STRUCTURE, FREESTANDING IDENTIFICATION SIGN OR OUTDOOR OPERATIONS AFTER ACQUISITION BY A GOVERNMENTAL AGENCY. The provisions of this Article shall apply to any lot affected by the acquisition of land for right-of-way or other purposes by a governmental agency.

1. *Setback.* Notwithstanding any provisions of this Article to the contrary, any legally established buildings, structures, freestanding identification signs or outdoor operations, or portions thereof, which either becomes nonconforming or increases the extent of nonconformity as to setback a result of the acquisition of land for right-of-way or other purposes by a governmental agency, shall be subject to the following provisions.
 - a. *Building or structure.* Any building or structure which becomes nonconforming or increases the extent of nonconformity as to setback as a result of a governmental acquisition may continue to be used or occupied provided the buildings or structures maintain compliance with all applicable health, safety and building codes.
 - b. *Building or structure.* Any building or structure (excluding outdoor operations) which becomes nonconforming or increases the extent of nonconformity as to setback as a result of a governmental acquisition shall be permitted a one-time only exception to remodeled or add-on to such building or structure subject to the following regulations:
 - 1) The owner shall make application for an improvement location permit within six months of the acquisition of land by a governmental agency;
 - 2) The gross floor area devoted of such building or structure shall not be enlarged beyond that which existed prior to the governmental acquisition;
 - 3) Setbacks for all yards not affected by the governmental acquisition shall comply with the applicable development standards of this ordinance; and
 - 4) If compliance with all applicable development standards cannot be achieved for any yard which is affected by the governmental acquisition, the Director may approve an improvement location permit for a remodeling or addition that demonstrates compliance with a development incentive applicable to the specific development standard which cannot be met, if such a development incentive exists, as set forth in Article 5.4 of this ordinance and subject to compliance with all applicable requirements thereof.
 - c. *Freestanding identification signs.* Any freestanding identification sign which either becomes nonconforming or increases the extent of nonconformity as to setback as a result of by a governmental acquisition shall be subject to the following provisions:
 - 1) Such freestanding identification sign may continue to be maintained at the original location of such freestanding identification sign provided that no portion

of such freestanding identification sign:

- a) Encroaches into any public right-of-way;
- b) Interferes with the stated purpose of the governmental agencies acquisition;
or
- c) Interferes with the vision clearance area set forth in Article 4.14 of this ordinance.

2) If any portion of such freestanding identification sign would:

- a) Encroach into any public right-of-way;
- b) Interfere with the stated purpose of the governmental agencies acquisition; or
- c) Interfere with the vision clearance area set forth in Article 4.14 of this ordinance, the Director may issue an improvement location permit to provide for:

(1) The relocation of such freestanding identification sign to a location on the subject site which is in full compliance with all setback provisions of this ordinance; or

(2) The relocation of such freestanding identification sign to a location on the subject site that does not comply with all setback provisions of this ordinance subject to the following regulations:

- (a) The owner shall make application for an improvement location permit within six months of the acquisition of land by a governmental agency;
- (b) The Director shall determine that due to the configuration of the remaining property (i.e., location of building, interior access drive or other permanent improvement) the freestanding identification sign cannot be located at the appropriate setback pursuant to Article VII of this ordinance;
- (c) The Director shall determine that there are no locations on the subject lot and oriented toward the same street to which such freestanding identification sign may be relocated at the appropriate setback without significant site alterations;
- (d) No portion of such freestanding identification sign shall encroach into any street right-of-way;
- (e) No portion of such freestanding identification sign shall interfere with the vision clearance area set forth in Article 4.14 of this ordinance; and
- (f) The relocated freestanding identification sign shall not result in an increase in the extent of any nonconformity, other than setback, than that which existed prior to the governmental acquisition.

(3) The issuance of an improvement location permit for the relocation of a freestanding identification sign under the special provisions of this division shall not be deemed or construed to have removed the nonconforming status of any element of such freestanding identification sign.

3) Outdoor operations: in the case of any outdoor operations, including, but not limited to, off-street parking areas, off-street loading areas, outdoor display, outdoor seating or outside storage, which either becomes nonconforming or increases the extent of nonconformity as to setback as a result of a governmental acquisition and which cannot be reasonably redesigned to achieve compliance with all applicable development standards, the Director may approve an improvement location permit for such outdoor operations, which encroach into a

required yard, provided:

- a) The owner shall make application for an improvement location permit within six months of the acquisition of land by a governmental agency;
 - b) The Director shall have determined that such outdoor operations cannot reasonably be redesigned to be brought into full compliance with applicable development standards regarding setback; and
 - c) The Director shall have determined that such outdoor operations have been redesigned, to the extent feasible, to achieve maximum compliance with the applicable development standards of this ordinance (including, but not limited to: setback; design and construction standards; minimum number; and landscaping).
2. *Lot area for single-family dwellings or two-family dwellings.* In addition to the above provision, if a single-family dwelling lot or two-family dwelling lot either becomes nonconforming or increases the extent of nonconformity as to lot area as a result of a governmental acquisition, a single-family dwelling or two-family dwelling located on such lot may be reconstructed, remodeled or enlarged provided that such remodeling or additions comply with the development standards related to maximum lot coverage, minimum yards and building setbacks, maximum building height and off-street parking of the R-5 District.

- O. LEGALLY ESTABLISHED NONCONFORMING BUILDINGS OR STRUCTURES WITHIN 600 FEET OF A GATEWAY CORRIDOR OR RESIDENTIAL DISTRICT.** Where a legally established nonconforming building or structure located within 600 feet of a Gateway Corridor or residential district exists on the effective date of this ordinance that was not constructed in compliance with the terms of this ordinance with regards to development requirements of Article V, the use of the building or structure may continue to exist so long as it remains otherwise lawful, subject to compliance with the following provisions:
1. The use was not discontinued or abandoned for a period of six months or more; and
 2. In the event the building or structure has lost its legally established nonconforming status based on the above provisions, prior to the reuse of the building or structure, the owner shall make application for an improvement location permit (ILP) for compliance with the development requirements of Article V of this ordinance.

ARTICLE 10 – ADMINISTRATION AND DECISION MAKING BODIES

10.1 TOWN COUNCIL. The Town Council shall have the following powers and duties in connection with the implementation of the Comprehensive Plan and this ordinance:

- A. Approve, reject or amend a Comprehensive Plan, or segment thereof, certified to it by the Plan Commission;
- B. Initiate amendments to the text of this ordinance;
- C. Adopt, reject or amend proposals to amend or partially repeal the text of this ordinance;
- D. Initiate amendments to the text of the Subdivision Control Ordinance;
- E. Adopt, reject or amend proposals to amend or partially repeal the text of the Subdivision Control Ordinance;
- F. Adopt or reject proposals to amend zone maps;
- G. Adopt, reject or amend a PUD District ordinance; and
- H. Such additional powers and duties as may be set forth for the Town Council elsewhere in this ordinance or state law.

10.2. ADMINISTRATION: PLAN COMMISSION

- A. **ESTABLISHMENT.** The Advisory Planning Law is hereby re-adopted and the Town Plan Commission, is hereby re-established in accordance with I.C. 36-7-4-200 et seq.
- B. **MEMBERSHIP, QUALIFICATION AND TERMS.** The membership of the Plan Commission, the qualification of its members and the terms of membership shall be in accordance with I.C. 36-7-4-200 et seq.
- C. **DUTIES AND POWERS.** The Plan Commission is hereby vested with the duties and powers imposed upon and granted to an Advisory Plan Commission under the Advisory Planning Law, including, without limitation, the powers and duties listed below. To effectuate the purposes of this ordinance, the Plan Commission may, to the fullest extent permitted by applicable laws:
 - 1. Supervise and make rules for the administration of the affairs of the Plan Commission;
 - 2. Prescribe uniform rules pertaining to investigations and hearings, and other matters authorized by state planning and zoning laws;
 - 3. Keep a complete record of all departmental proceedings;
 - 4. Record and file all bonds and contracts and assume responsibility for the custody and preservation of all papers and documents of the Plan Commission;
 - 5. Prepare, publish and distribute reports, ordinances and other material related to the Plan Commission activities authorized by state law or this ordinance;
 - 6. Adopt a seal;
 - 7. Certify to all official acts;
 - 8. Supervise the fiscal affairs of the Plan Commission;
 - 9. Prepare and submit an annual budget and be limited in all expenditures to the provisions

made for expenditures by the Town Council;

10. Prescribe the qualifications of, appoint, remove and fix the compensation of the employees of the Plan Commission;
11. Delegate authority to its employees to perform ministerial acts in all cases except where final action of the Plan Commission is necessary;
12. Designate a hearing examiner or a committee of the commission to conduct any public hearing required to be held by the Plan Commission;
13. Make recommendations to the Town Council concerning:
 - a. The adoption of the Comprehensive Plan and amendments to the Comprehensive Plan;
 - b. The adoption or text amendment of this ordinance or the Subdivision Control Ordinance;
 - c. The adoption or amendment of a PUD District ordinance; and
 - d. Proposals to change the official zone maps;
14. Render decisions concerning and approve plats or replats of subdivisions;
15. Render decisions concerning development plans and amendments to development plans;
16. Assign street numbers to lots and structures, renumber lots and structures, and to name or rename streets;
17. Establish advisory committees of citizens;
18. Establish executive committees;
19. Negotiate for grants-in-aid and agree to terms and conditions attached to such grants-in-aid;
20. Subject to final confirmation and approval by the Town Council, establish a schedule of reasonable fees to defray the administrative costs connected with:
 - a. Processing and hearing administrative appeals and petitions for zone map change, special exceptions, variances, planned unit development approvals, and development plan approvals;
 - b. Issuing improvement location permits and special exception permits; and
 - c. Other official actions taken under this ordinance.
21. Invoke any legal, equitable or special remedy available under this ordinance or applicable law for the enforcement of the provisions of this ordinance or actions taken hereunder;
22. Establish an alternate procedure for the more expedient disposition of variances of development standards, special exceptions, variances of use and adopt rules governing the alternate procedure; and
23. Exercise all powers conferred on it by state law, local ordinance, or rule in the manner so prescribed. This Article shall not be construed as a limitation on such powers.

D. COMMITMENTS.

1. The Plan Commission may, when in the discretion of the Plan Commission it is deemed necessary to:
 - a. Assure the compatibility of a proposed development with surrounding properties; or
 - b. To minimize the potential for the occurrence of detrimental affects from any attributes of a proposed development on surrounding properties, require or permit the owner of a parcel of property to make written commitments concerning the use or development of the subject property in connection with a development plan approval as provided

for in this ordinance, or in connection with recommending approval of a zone map change to any zoning district classification contained in this ordinance to the Town Council as a condition of development.

2. Procedure
 - a. The commitments shall be reduced to writing in recordable form and signed by the owner(s) of the real estate.
 - b. The commitments shall be in effect for:
 - 1) As long as the real estate to which they apply remains zoned to the classification to which the real estate was zoned when the commitments were made; or
 - 2) Modified or terminated as provided below.
 - c. The commitments shall authorize their recording by staff in the office of the Recorder of the county upon the final approval of the zone map change by the Town Council. Following the recording of the commitments, staff shall return the original recorded commitments to petitioner and shall retain a copy of the recorded commitments in its file.
3. The Plan Commission, owners of all parcels of ground adjoining the real estate and all owners of real estate within the area included in the petition who were not petitioners for approval, and other specially affected persons designated in such commitments shall be entitled to enforce such commitments pursuant to I.C. 36-7-4-1015 or as otherwise provided by applicable law.
4. The commitments required by the Plan Commission shall be in substantially the form set forth in Exhibit A of this ordinance.

E. MODIFICATION OF COMMITMENTS BY THE PLAN COMMISSION.

1. Commitments required or permitted by the Plan Commission may be modified or terminated by a decision of the Plan Commission, made at a public hearing after notice to adjoining owners has been given pursuant to the rules of procedure of the Plan Commission.
2. Any modification or termination of the commitments shall not be effective until:
 - 1) Reduced to writing;
 - 2) Approved by the Plan Commission;
 - 3) Executed and notarized by the present owner(s) of the real estate; and
 - 4) Recorded in the office of the Recorder of the county.
3. The modification or termination of commitments shall be in substantially the form set forth in Exhibit B of this ordinance.

10.3. ADMINISTRATION: BOARD OF ZONING APPEALS

A. ESTABLISHMENT. The Town Advisory Board of Zoning Appeals is hereby re-established in accordance with I.C. 36-7-4-900 et seq.

B. MEMBERSHIP, QUALIFICATION AND TERMS. The membership of the Board of Zoning Appeals, the qualification of its members and the terms of membership shall be in accordance with I.C. 36-7-4-900 et seq.

C. DUTIES AND POWERS.

1. *Duties and powers generally.* The Board of Zoning Appeals shall have the duty and power to:
 - a. Hear and determine appeals from and review any order, requirement, decision or

- determination made by staff, Hearing Officer or administrative official under this ordinance;
- b. Hear and determine appeals from and review any order, requirement, decision or determination made by an administrative board or other body except the Plan Commission in relation to the enforcement of this ordinance;
 - c. Hear and determine appeals from and review any order, requirement, decision or determination made by an administrative board or other body except the Plan Commission in relation to the enforcement of those provisions of this ordinance requiring the procurement of an improvement location permit or a certificate of zoning compliance;
 - d. Hear, and approve or deny, all special exceptions in accordance with the provisions of Article 10.3C(5) below;
 - e. Hear, and approve or deny, all variances from development standards of this ordinance. A variance from development standards may be approved only upon written determination that:
 - 1) The approval will not be injurious to the public health, safety, morals and general welfare of the community;
 - 2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
 - 3) The strict application of the terms of this ordinance will result in practical difficulties in the use of the property.
 - f. Hear, and approve or deny, all variances of use from the terms of this ordinance. A variance of use may be approved only upon written determination that:
 - 1) The approval will not be injurious to the public health, safety, morals and general welfare of the community;
 - 2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
 - 3) The need for the variance arises from some condition peculiar to the property involved;
 - 4) The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
 - 5) The approval does not interfere substantially with the Comprehensive Plan.
2. *Conditions.* The Board of Zoning Appeals may impose reasonable conditions as a part of its approval of any special exception or variance from the terms of this ordinance.
3. *Commitments.*
- a. The Board of Zoning Appeals may permit or require the owner of a parcel of property to make a written commitment concerning the use or development of that parcel in the case of a petition for a special exception, variance from the terms of this ordinance or a variance of development standards. All such commitments shall be in recordable form and shall be recorded in the office of the County Recorder and shall take effect upon the granting of the special exception or variance. Unless modified by a decision of the Board of Zoning Appeals, a recorded commitment shall be binding on the owner of the parcel, each subsequent owner, and each other person acquiring an interest in the parcel.
 - b. The commitments required by the Board of Zoning Appeals shall be in substantially the form set forth in Exhibit C of this ordinance.
 - c. A commitment may be modified or terminated only by a decision of the Board of Zoning Appeals made at a public hearing after notice.
 - d. The modification or termination of commitments shall be in substantially the form set

forth in Exhibit D of this ordinance.

- e. By permitting or requiring commitments, the Board of Zoning Appeals does not obligate itself to approve or deny any request. This section does not affect the validity of any covenant, easement, equitable servitude, or other land use restriction created in accordance with law.
4. *Rules.* The Board of Zoning Appeals shall adopt rules concerning: the filing of appeals; applications for special exceptions and variances; the giving of notice; the determination of interested parties to receive notice; the conduct of hearings; the determination between use variances and development standards variances; the creation, form, recording, modification, enforcement and termination of commitments; and the designation of which specially affected persons and classes of specially affected persons are entitled to enforce commitments.
5. *Special exceptions.*
 - a. *Statement of purpose.* Certain land uses have characteristics and locational impacts which, if inappropriately located, may have a detrimental effect upon other land uses within the town. It is therefore recognized that such land uses should be regulated in order to preserve property values, as well as promote the public health, safety, comfort, community moral standards, convenience and general welfare of the town.
 - b. *Uses permitted by special exception.* Only those uses identified in each individual zoning district as uses permitted by special exception shall be permitted by special exception in each zoning district.
 - c. *Grant of a special exception.* The Board of Zoning Appeals is hereby authorized to grant special exceptions to permit uses designated as uses permitted by special exception in each zoning district subject to the following requirements.
 - 1) *Form of filing.* A petition for special exception shall be filed with the Board of Zoning Appeals in accordance with the requirements for the filing of a variance, except as such requirements may be modified in this Article. Such petition shall include proposed detailed findings of fact pursuant to Article 10.3C(5)(c)3. below, in support of the determinations required to be made by the Board of Zoning Appeals.
 - 2) *Waiver of development standards.* A petition for special exception may contain a request to waive development standards of the zoning district determined to be inappropriate for the individual special exception use. The Board of Zoning Appeals may approve such a waiver only if such waiver is specifically requested in said petition and specifically approved by the Board of Zoning Appeals. Any development standards which are waived in this manner shall require additional findings by the Board of Zoning Appeals as specified in Article 10.3C(1)(e) above, for the grant of a variance of development standards.
 - 3) *Findings of fact.* The Board of Zoning Appeals may grant a special exception only upon making a written determination and adopting appropriate findings of fact, based upon the evidence presented at a public hearing, that:
 - a) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;
 - b) The proposed use will not injure or adversely affect the adjacent area or property values therein; and
 - c) The proposed use will be consistent with the character of the district, land uses authorized therein and the Town Comprehensive Plan.
 - d. *Conditions for the grant of a special exception.* The grant of a special exception shall be subject to the following conditions.
 - 1) The proposed use shall conform to all development standards of the applicable zoning district (unless a waiver of such development standards is requested as part of the special exception petition and approved by the Board of Zoning

Appeals as set forth above).

- 2) The proposed use shall conform to all conditions attached to the grant of the special exception by the Board of Zoning Appeals. Such conditions may include any reasonable site, development, operational standards, performance standards, requirements, and restrictions deemed necessary to ensure compliance with the findings of fact determinations. The grant of a special exception may be for a limited period of time, as specified by the Board of Zoning Appeals.
- e. *Basis of Board of Zoning Appeals review.* In reviewing a special exception petition and making a determination as to compliance with the required findings of fact, the Board of Zoning Appeals shall give consideration to the particular needs and circumstances of each special exception application and shall examine the following items as they relate to the proposed use:
- 1) Topography and other natural site features;
 - 2) Zoning of the site and surrounding properties;
 - 3) Driveway locations and street access;
 - 4) On-site and off-site accommodations for vehicular and pedestrian circulation patterns;
 - 5) Amount, location and design of off-street parking areas and off-street loading areas;
 - 6) Building character, including height, intensity, materials and architecture;
 - 7) Landscaping, screening and buffering of adjacent properties;
 - 8) Compatibility of the proposed use, site design and architecture with the district in which the use is proposed to be located;
 - 9) Extent to which the proposed use, site design and architecture comply with the regulations and development standards that would be applicable if the site were zoned to a commercial district or industrial district of this ordinance which would permit the proposed use as a primary use;
 - 10) Open space and other site amenities; and
 - 11) Availability and adequacy of streets, sanitary facilities, potable water, storm water management system and other utilities.
- f. *Amendments to approved special exceptions.*
- 1) The Director is hereby authorized to approve minor amendments or accessory buildings, structures or use additions to sites which are the subject of a special exception grant through the improvement location permit process and without a public hearing if, in the determination of the Director, the requested minor amendments or accessory buildings, structures or use additions:
 - a) Do not constitute an expansion of the primary use authorized by the special exception grant;
 - b) Do not adversely impact or alter the purpose or intent of the special exception use authorized by the Board of Zoning Appeals;
 - c) Do not adversely impact the findings of fact made by the Board of Zoning Appeals;
 - d) Do not include a substantial increase in intensity of any special exception use;
 - e) Utilize site design and architectural features which are consistent and compatible with the existing improvements authorized for the special exception use; and
 - f) Comply with the development standards of the district in which the special exception use is located or with the terms and conditions of any

waiver authorized by Article 10.3C(5)(c)2. and granted by the Board of Zoning Appeals.

- 2) If the Director determines that a request for minor amendments or accessory buildings, structures or use additions to a special exception use does not comply with the requirements set forth above, the Director shall deny the request. In the event of a denial by the Director, the petitioner shall have the right to appeal said denial to the Board of Zoning Appeals under Article 10.3C(1)(a) above, or file a petition for a special exception under Article 10.3C(1)(d) above.
- 3) Minor amendments or accessory buildings, structures or use additions to a special exception use shall be reported, in writing, to the Board of Zoning Appeals at the next regular meeting of the Board of Zoning Appeals.
6. *Other powers.* The Board of Zoning Appeals shall exercise all powers conferred on it by state law, local ordinance or rule in the manner so prescribed. This Article shall not be construed as a limitation on such powers.

10.4. ADMINISTRATION: STAFF AGENCIES

A. ESTABLISHMENT.

1. The Division of Planning for the town is hereby established. The Division of Planning shall consist of the Plan Commission, the Board of Zoning Appeals and staff.
2. The Plan Commission may, by resolution, establish a Technical Advisory Committee. The purpose of the Technical Advisory Committee shall be to provide technical support to staff as an aid in the review of applications or petitions for public hearing, applications for improvement location permits, and in the preparation of written or verbal comments by staff to the Plan Commission, Board of Zoning Appeals, Design Review Committee or Hearing Officer regarding all matters presented to such bodies for public hearing.

B. ADMINISTRATION OF PLANNING AUTHORITY. The Division of Planning shall administer the planning and zoning functions of the town.

C. DUTIES AND POWERS OF THE DIRECTOR.

1. It shall be the duty of the Director to supervise the general administration of the Division.
2. It shall be the duty of the Director to enforce and administer this ordinance; receive and review all applications required by this ordinance; issue improvement location permits; and number and file all certificates of zoning compliance.
3. The Director shall, when requested by the Plan Commission or Board of Zoning Appeals, or when the interests of the town so require, make investigations in connection with matters referred to in this ordinance and render written reports on the same.
4. The Director shall keep the records of the Division, including, without limitation, records of applications, permits issued, certificates issued, inspections made, reports rendered and notices or orders issued. The Director shall maintain records of all final determinations and decisions of the Plan Commission and the Board of Zoning Appeals.
5. The Director shall transmit to the Plan Commission or Board of Zoning Appeals the recommendation of the Division on all applications, petitions or matters requiring official action by the Plan Commission or Board of Zoning Appeals.
6. The Director shall maintain the official zone maps and designate on the official zone maps all map amendments granted under the terms of this ordinance.
7. The Director shall provide and maintain information for the public relative to all matters arising out of this ordinance.

8. The Director may designate staff to assist in the daily administration of the duties and responsibilities set forth in this ordinance.
 9. The Director shall perform such other duties as the Plan Commission may direct in accordance with the provisions of this ordinance.
- D. STAFF.** When designated by the Director, staff shall be charged with the administration of this ordinance and, in particular, shall have the jurisdiction, authority and duties described below:
1. To conduct preliminary consultations with potential applicants regarding development proposals regulated by this ordinance;
 2. To review all improvement location permit applications for compliance with the provisions of this ordinance; and
 3. To issue improvement location permits upon a determination that such permit application is in full compliance with all terms and provisions of this ordinance, the Subdivision Control Ordinance, and all other duly adopted applicable ordinances, rules or regulations of the town.

10.5. ADMINISTRATION: DESIGN REVIEW COMMITTEE

A. ESTABLISHMENT AND PURPOSE.

1. The Plan Commission is hereby authorized to establish, by resolution, a Design Review Committee as an advisory committee of citizens.
2. The purpose of the Design Review Committee shall be to study problems and issues identified by the Plan Commission in its resolution establishing the Design Review Committee and to advise the Plan Commission concerning such problems and issues. Such advise to the Plan Commission may be provided by of way technical assistance to staff and the Plan Commission in the exercise of their duties in connection with the administration of this ordinance.

B. DUTIES AND POWERS. The Design Review Committee shall study problems and issues identified by the Plan Commission and advise the Plan Commission concerning such problems and issues in sufficient detail to assist the Plan Commission in the Plan Commission's:

1. Review and determination of all development plans, including, but not limited to, those development plans related to:
 - a. Development incentives in RR, R-1, R-2 and R-3 Districts;
 - b. Development incentives for the R-6 District;
 - c. Development incentives for all commercial and industrial districts (except the TC: Town Center District);
 - d. Development plans required for all development located in the R-6, all commercial districts and all industrial districts when located within 600 feet of a Gateway Corridor; and
 - e. Development plans required for architectural review in the TC: Town Center District and all other commercial and industrial districts within 600 feet of a residential district.
2. Review and recommendation of Planned Unit Developments as to:
 - a. Preliminary plan conceptual design review;
 - b. Zone map change; and
 - c. Final detailed plan secondary review.
3. Site plan review for an improvement location permit applied for in connection with an economic revitalization area resolution adopted pursuant to Ord. 5-97;

4. Site plan review in connection with a special exception use application for wireless telecommunications facilities; and
5. Other applications or petitions identified by the Director as needing additional technical review, including, but not limited to, the review of applications or petitions for improvement location permits, zone map change, primary plat, secondary plat, variance of use, variance of development standards and special exceptions.

C. MEMBERSHIP, TERMS, VACANCIES AND REMOVAL.

1. *Membership.* Membership of the Design Review Committee shall consist of a total of six members. Such membership shall be determined as follows:
 - a. One ex officio, non-voting member appointed by the Plan Commission from its membership; and
 - b. Five voting citizen members whom shall be appointed by the Plan Commission.
2. *Terms.*
 - a. Citizen members of the Design Review Committee shall serve three-year terms.
 - b. The term of ex officio, non-voting Plan Commission members shall be for a period of one year.
 - c. Initial terms of citizen members appointed pursuant to this ordinance shall be: two members for a period of one year; two members for a period of two years and one member for a period of three years.
 - d. The Plan Commission may appoint an alternate member to participate with the Design Review Committee who may serve at any meeting, hearing or procedure in which the regular member of that has a conflict of interest or at any meeting, hearing or procedure for which a regular member may be absent.
3. *Vacancy.* In the case of a vacancy on the Design Review Committee, the Plan Commission shall, as soon as practicable, appoint a new member to the Design Review Committee to complete the term which was vacated.
4. *Removal.* The Plan Commission shall have the power to remove any member of the Design Review Committee at any time.

D. MEETINGS, HEARINGS AND PROCEDURES. The Plan Commission shall adopt rules of procedure to govern:

1. The scope of the Design Review Committee's review authority; and
2. The conduct of all meetings, hearings and procedures of the Design Review Committee.

E. RECORDS.

1. The Design Review Committee shall keep minutes of its hearings of all petitions as well as any investigations and other official actions taken; and shall record the vote on all actions taken. A shorthand, steno type or electronic record shall be made of all hearings of the Design Review Committee and shall remain on file with the staff for a period of six months following hearing and determination. All minutes and records filed with the staff shall be public records.
2. A transcription of such verbatim record or any hearing may be ordered by any party, and the cost thereof shall be paid by the party ordering such copy or copies.

10.6. ADMINISTRATION: HEARING OFFICER

- A. ESTABLISHMENT.** The Plan Commission is hereby authorized to establish a Hearing Officer.

B. POWERS AND DUTIES. If it is determined by the Plan Commission that the establishment of an alternate procedure for the more expedient disposition of certain matters is in the best interest of the town, the Plan Commission may establish such alternate procedure. In the establishment of such alternate procedure, the Plan Commission shall appoint one Hearing Officer (and may appoint an alternate Hearing Officer to serve in the absence of the initial appointee). The Hearing Officer shall have the power of the Board of Zoning Appeals to approve or deny:

1. A variance from the development standards of this ordinance;
2. A special exception use as provided for in this ordinance;
3. A variance of use from the terms of this ordinance only if:
 - a. The request is for the expansion of a use which currently exists on the real estate; and
 - b. The use is consistent with the provisions of the Comprehensive Plan.

C. APPOINTMENT AND TERM.

1. The term of the Hearing Officer, once established, shall be for a period of one year (except for the initial appointment term which shall terminate on December 31 of the year of appointment). Each subsequent year's appointments shall be made by the Plan Commission at its first regular meeting in January of each calendar year with such appointment to take effect on the date of appointment.
2. The Plan Commission may appoint an Alternate Hearing Officer at any time as, in the sole discretion of the Plan Commission, such action is warranted. The term of an Alternate Hearing Officer shall be the same as that for the Hearing Officer.

D. REMOVAL. The Plan Commission shall have the power to remove a Hearing Officer or Alternate Hearing Officer at any time.

E. VACANCY.

1. In the case of a vacancy in the position of Hearing Officer, the Plan Commission shall, as soon as practicable, appoint a new Hearing Officer to complete the term which was vacated.
2. If an Alternate Hearing Officer has been appointed by the Plan Commission, such Alternate Hearing Officer shall serve as the Hearing Officer until the Plan Commission shall appoint a new Hearing Officer.
3. If the Plan Commission has not appointed a Hearing Officer or an Alternate Hearing Officer, all petitions which have been scheduled for public hearing by the Hearing Officer shall be transferred to the Board of Zoning Appeals and placed on the next available agenda.

F. RULES OF PROCEDURE. If the Plan Commission establishes an alternate procedure, the Plan Commission may adopt rules of procedure to:

1. Limit the kinds of variance or special exception petitions or applications that may be filed under the alternate procedure;
2. Permit the Hearing Officer to transfer a petition or an application filed under the alternate procedure to the Board of Zoning Appeals;
3. Require the creation of minutes and records of proceedings before the Hearing Officer and the filing of minutes and records as public records; and
4. Regulating conflicts of interest and communication with the Hearing Officer.

G. CONDITIONS AND COMMITMENTS.

1. The Hearing Officer may impose conditions and may permit or require the owner of a parcel of property to make a written commitment concerning the use or development of that parcel. If the petitioner or applicant for the variance of development standards, variance of use, or special exception use does not accept these conditions or make the commitment, the petition or application shall:
 - a. Be considered withdrawn; or
 - b. Be transferred to the Board of Zoning Appeals, if requested by the petitioner or applicant.
 2. The Hearing Officer may not modify or terminate any commitment, whether made under the alternate procedure or by the Board of Zoning Appeals.
- H. APPEALS.** A decision of the Hearing Officer may not be a basis for judicial review, but may be appealed to the Board of Zoning Appeals. An interested person who wishes to appeal a decision of the Hearing Officer under the alternate procedure must file an appeal with the Board of Zoning Appeals with 14 days after the decision is made.

ARTICLE 11 – DEVELOPMENT REVIEW PROCEDURES

11.1. REVIEW: REQUIRED PERMITS

The development review procedures for the town are intended to provide for the protection of the public health, safety, morals and general welfare of the residential and business citizens of the town by providing for the thorough review of all permit applications and development petitions so that informed decisions regarding such permit applications and development petitions may be rendered while balancing the needs of the development community for the timely review of those permit applications and development petitions.

11.2. REVIEW: IMPROVEMENT LOCATION PERMITS

A. IMPROVEMENT LOCATION PERMIT REQUIRED. No building, structure, improvement, sign or use of land may be altered, changed, placed, erected or located, unless the building, structure, improvement, sign or use and its location conform to the provisions of this ordinance and an improvement location permit for the alteration, change, placement, erection or location of such building, structure, improvement, sign or use has been issued.

B. DURATION OF IMPROVEMENT LOCATION PERMIT.

1. An improvement location permit shall be valid for the longer of:
 - a. One year after date of issuance; or
 - b. The length of any required building permit, if such building permit is obtained for the building, structure, improvement or sign covered by the improvement location permit within one year after the date of issuance of the improvement location permit.
2. The Director shall have the power to extend the period of validity of any improvement location permit one or more times, provided, however, the total time period of all extension(s) shall not exceed six months.

C. REVIEW OF IMPROVEMENT LOCATION PERMIT APPLICATION.

1. *Improvement location permits for single-family and two-family dwellings and related accessory buildings or structures.* The Director may take up to five business days to study an application for an improvement location permit. During such five-business day period, the Director may consult with the Technical Advisory Committee or other appropriate technical consultants. If, after such five-day period, the Director has not requested any additional information or stated any objections in writing to the applicant, and the proposed building, structure or improvement, and the proposed use conform in all respects to the provisions of this ordinance, the Director shall issue the improvement location permit.
2. *Improvement location permits for all: multi-family, commercial, industrial or special exception buildings, structures, improvements or uses; signs; and accessory buildings, structures or improvements related to multi-family, commercial, industrial or special exception uses.* The Director may take an additional ten business days, beyond the review period specified above, in which to study the application, during which time the Director may consult with the Technical Advisory Committee or other appropriate technical consultants. If, after such additional ten-day period, the Director has not requested any additional information or stated any objections in writing to the applicant, and the proposed building, structure, improvement or sign, and the proposed use conform in all respects to the provisions of this ordinance, the Director shall issue the improvement location permit.
3. *Improvement location permit for all multi-family, commercial, industrial or special exception buildings, structures, improvements or uses.* An application for an improvement location permit for any multi-family, commercial, industrial or special exception building,

structure, improvement or use shall be certified by a registered professional engineer or architect verifying that the building, structure, improvement or use intended will be in compliance with all applicable use regulations, development standards and performance standards of the district in which the building, structure, improvement or use is to be located.

4. *Improvement location permits for buildings, structures, improvements, signs or uses authorized by special exception or variance.* In addition to the requirements above, an improvement location permit for a building, structure, improvement, sign or use authorized by special exception or variance shall not be issued until:
 - a. Receipt by the Director of written notice from the Board that the application therefore has been approved by the Board; and
 - b. A determination by the Director that said improvement location permit application is in full compliance with the terms of any conditions which may have been imposed by the Board and commitments which may have been made by the owner.

D. PUBLIC OR SEMI-PUBLIC SANITARY SEWER REQUIRED. An application for an improvement location permit for any building, structure, improvement or use shall not be approved until it has been ascertained by the Director that:

1. The proposed building, structure, improvement or use will be served by a public or semi-public sanitary sewer system; or
2. The proposed building, structure, improvement or use will be served by a septic system or other method of sanitary waste disposal approved by the County Health Department.

E. APPEAL OF DETERMINATION. Any determination by the Director concerning the issuance of an improvement location permit may be appealed to the Board of Zoning Appeals by any party claiming to be adversely affected by that decision.

F. RECORD OF PERMITS. A record of all improvement location permits shall be kept on file in the office of the Director and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building or land affected and shall be available for public inspection and copying as provided by applicable state law.

G. AMENDED IMPROVEMENT LOCATION PERMIT. When a builder, developer or owner of any building, structure, improvement or sign for which an improvement location permit has been obtained, for any reason, proposes that the construction of said building, structure, improvement or sign deviate from the plans filed with the improvement location permit application and approved by the Director, the builder, developer or owner shall make application for an amended improvement location permit. The Director shall review the application for the amended improvement location permit in accordance with the procedures set forth above to determine compliance of the amended improvement location permit application with the provisions of this ordinance and any other applicable conditions, covenants or restrictions. If such amended improvement location permit application is found to be in compliance, the Director shall issue an amended improvement location permit. Any determination by the Director with respect to an amended improvement location permit shall be subject to the same appeal rights and procedures as set forth above for an initial application for an improvement location permit.

H. GENERAL EXEMPTIONS. Notwithstanding anything contained in this Article to the contrary, no improvement location permit shall be required for minor repairs or alterations to buildings, structures, improvements or signs where:

1. The cost of such repairs or alterations does not exceed \$500;
2. No increase in finished floor area, useable space or any dimension of any portion of a sign is created; and

3. All required front, side and rear yard setback requirements of the applicable zoning district are complied with.

I. REVOCATION IN EVENT OF VIOLATION. If the Director determines that construction or development is proceeding or has proceeded in violation of any applicable law, ordinance, rule, regulation, site plan or condition of Board approval, or that the improvement location permit has been issued in violation of any applicable law, ordinance, rule, regulation, site plan, zoning commitment or condition of Board approval, the Director may revoke said improvement location permit. In the event that an improvement location permit is revoked, the Director shall send written notice of the revocation to the permit applicant.

11.3. REVIEW: COMPLIANCE WITH OTHER LAWS

The issuance of an improvement location permit does not substitute for or supersede the requirement to obtain approvals specified in other laws, ordinances, rules and regulations, as the same may be amended from time to time, before the construction of any building, structure, improvement or sign, including, but not limited to:

- A. Town Building Code;
- B. Town Subdivision Control Ordinance;
- C. Any other applicable federal, state or local law, ordinance, rule or regulation, including, but not limited to:
 1. Erosion Control Regulations of the Hendricks County Soil and Water Conservation District;
 2. Ord. 25-2009, "Management of the Floodplain and Other Areas of Special Flood Hazard in the Town of Plainfield";
 3. Ord. 18-97, "Access Permit Ordinance of the Town of Plainfield", as codified in §93.15 through 93.27 of this code of ordinances; and
 4. State or federal environmental permits.

11.4. REVIEW: APPLICATION AND APPROVAL

A. APPLICATION AND SITE PLAN REQUIREMENTS. When an improvement location permit is required by this ordinance, an application for an improvement location permit shall be filed with the Director. Said application shall be on a form prescribed by the Department of Planning and Zoning and accompanied by a site plan consistent with the requirements set forth below.

1. A site plan for a single-family dwelling or a two-family dwelling on a platted lot shall be drawn to scale of not more than one inch equals 100 feet showing:
 - a. North arrow;
 - b. Address of the lot;
 - c. Legal description of the lot;
 - d. Names, centerlines and right-of-way widths of all streets, alleys, thoroughfares, public ways, water ways, or railroad right-of-ways abutting or within the lot;
 - e. The location and dimensions of all buildings, structures or improvements currently existing on the lot;
 - f. Structures proposed for demolition should be indicated as such;
 - g. The location and dimensions of all proposed buildings, structures or improvements,

- including fences, sheds, paved areas, storage areas, parking areas (indicate if parking is hardsurfaced). Cross-hatch or shade lightly all proposed buildings;
- h. Location of any proposed or existing driveway and its width at the property line. (Any connection to an alley must also be indicated);
 - i. The distance from lot lines for all existing and proposed buildings, structures, improvements or signs (this distance is measured as a line from the point where the building, structure, improvement or sign is closest to the property line; this measurement is taken perpendicular to the property line);
 - j. The height of the existing and proposed buildings, structures or improvements; and
 - k. All other information required by the Director for the proper administration of this ordinance.
2. a. A site plan for any commercial, industrial or special exception use shall be drawn to scale of not more than one inch equals 100 feet showing:
 - 1) North arrow;
 - 2) Address of the site;
 - 3) The actual shape, size and dimensions of the lot;
 - 4) Area map or sketch to indicate the location of the lot;
 - 5) Names, centerlines and right-of-way widths of all streets, alleys, thoroughfares, public ways, water ways or railroad right-of-ways abutting or within the lot;
 - 6) The location and dimensions of all buildings, structures, improvements or signs currently existing on the lot;
 - 7) Structures proposed for demolition should be indicated as such;
 - 8) The location and dimensions of all proposed buildings, structures, improvements or signs, including fences, sheds, paved areas, storage areas, parking areas (indicate if parking is hardsurfaced). Cross-hatch or shade lightly all proposed buildings;
 - 9) Location of any proposed or existing driveway and its width at the property line. (Any connection to an alley must also be indicated);
 - 10) (If applicable) location, dimensions and type (e.g. ground, pole, wall) of all signs on the site, existing and proposed. Include separate elevations of proposed sign structures with all dimensions drawn to scale;
 - 11) The distance from lot lines for all existing and proposed buildings, structures, improvements or signs (this distance is measured as a line from the point where the building, structure, improvement or sign is closest to the property line; this measurement is taken perpendicular to the property line);
 - 12) The height of the existing and proposed buildings, structures, improvements or signs;
 - 13) The number of dwelling units (if applicable) of existing and proposed buildings or structures;
 - 14) The current and proposed use to be made of all buildings, structures, improvements or lands within the lot (e.g., parking, residence, office, storage);
 - 15) Locational engineering information regarding all utilities to provide service to the buildings or structures on the lot;
 - 16) The location and dimensions of all off-street parking and off-street loading facilities;
 - 17) The location and dimensions of all fences, walls or other screening and buffering devices;
 - 18) Location, size and species of all proposed and existing trees (six inches or larger at four and one-half feet above grade) and landscaping;

- 19) Site data summary (a text summary in table format describing: square footage of existing and proposed buildings; existing, proposed and required parking; existing, proposed and required loading; proposed and permitted maximum building height; accommodation of drainage, sanitary sewer, water and other utility services; legal description; lighting; and landscaping);
 - 20) The seal of the registered professional engineer or architect responsible for the site plan; and
 - 21) All other information required by the Director for the proper administration and enforcement of this ordinance.
- b. The Director may waive or relax any of the site plan requirements listed above, as circumstances dictate.
- 3. The site plan shall be attached to the application for an improvement location permit when such application is submitted to the Director and shall be retained in the office of the Director as a public record.
 - 4. Each application for an improvement location permit for a building, structure or use shall include an application for a certificate of zoning compliance.
 - 5. The Director may promulgate rules, regulations and procedures, in addition to those listed herein, as to the form and processing of the applications, site plans and permits required by this ordinance.

11.5. REVIEW: CERTIFICATE OF ZONING COMPLIANCE

- A. CERTIFICATE OF ZONING COMPLIANCE REQUIRED.** No building, structure, improvement (except signs) or use for which an improvement location permit is required by the provisions of this ordinance shall be used for the purpose contemplated by the improvement location permit until a certificate of zoning compliance has been issued by the Director.
- B. ISSUANCE OF CERTIFICATE OF ZONING COMPLIANCE.**
 - 1. Within two days of notification of completion of work on the proposed building, structure or use, the applicant for an improvement location permit shall notify the Director of completion of work authorized by the improvement location permit. The Director, or his or her designee, shall, within 15 business days inspect the premises for compliance with the provisions of this ordinance and the improvement location permit.
 - 2. A certificate of zoning compliance pursuant to this ordinance shall be issued only upon a finding by the Director that the proposed building, structure or use has been developed, located or to be used in accordance with the provisions of:
 - a. This ordinance;
 - b. The improvement location permit; and
 - c. For industrial buildings, structures and uses, the certificate of compliance.
- C. TEMPORARY CERTIFICATE OF ZONING COMPLIANCE.** A temporary certificate of zoning compliance may be issued by the Director if the proposed building, structure or use complies with the provisions of Article 11.5B above, except that certain external site features (e.g., finish coat for asphalt parking areas or landscaping) have not been completed due to ground or weather conditions which are not immediately suitable for permanent installation. The duration of the temporary certificate of zoning compliance shall be specified on the temporary certificate of zoning compliance, provided, however, in no case shall a temporary certificate of zoning compliance exceed six months in duration. In cases of extreme hardship or weather conditions, and for good cause shown, the Director may grant a one time extension of not to exceed three months.

11.6. REVIEW: FEES

In order to defray administrative costs associated with the processing of development petitions and improvement location permits, the Plan Commission shall establish a schedule of fees which are to be paid by the applicant at the time of filing a development petition or application for an improvement location permit. Said schedule of fees shall include fees for: improvement location permits; petitions for zone map changes; applications for development plan approvals; petitions for variance; and other administrative matters as determined by the Plan Commission, at a public hearing, which are in the best interest of providing required services at a reasonable fee to the general public.

ARTICLE 12 - ENFORCEMENT

12.1 AUTHORITY. The staff is hereby designated to enforce the terms and provisions of this ordinance.

12.2 ALLEGED VIOLATIONS. Whenever the staff receives a complaint or has reason to suspect that an alleged violation of the terms and provisions of this ordinance are occurring, the staff shall investigate the complaint or suspicion and shall take whatever action is warranted in accordance with the provisions of this Article XII.

12.3 RESPONSIBILITY FOR VIOLATIONS. 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 in violation of the terms and provisions of this ordinance, may be held responsible for the violation, suffer the penalties, and be subject to the remedies herein provided.

12.4 INSPECTION OF PROPERTY; RIGHT OF ENTRY.

- A.** The staff may enter upon any premises at any reasonable time for the purpose of inspecting all lands located within the jurisdiction of the Plan Commission and carrying out their duties in the enforcement of this ordinance. Prior to entering upon any premises, the staff shall furnish sufficient identification and information to enable the owner, tenant or occupant to determine the purpose of the inspection and that the person conducting the inspection is an authorized representative of the town.
- B.** In the event that entry is denied by the owner, tenant or occupant of a premises, the staff may make application to any court of competent jurisdiction for the issuance of a search warrant. Such application shall identify the premises upon which entry is sought and the purpose for which entry is desired. The application shall state the facts giving rise to the belief that a condition which is in violation of this ordinance exists on the premises, or that such a violation in fact exists and must be abated, and that the condition or violation is not a lawful nonconforming use to the best of the affiant's belief. Any warrant issued pursuant to such application shall order such owner, tenant or occupant to permit entry to the staff for the purposes stated therein.

12.5 STOP WORK ORDER.

- A.** The staff is empowered to issue a stop-work order requiring the suspension of land improvement of any kind when any of the following circumstances exist:
 - 1. A site improvement is occurring without an improvement location permit or any other permit required by this ordinance having first been obtained; or
 - 2. A site improvement is occurring in violation of: the terms, conditions or provisions of this ordinance; the terms, provisions, conditions or commitments of a variance grant or special exception; the terms of commitments made or conditions imposed in connection with the approval of a development plan; commitments made in connection with a petition for zone map amendment; or other approval grant authorized by this ordinance.
- B.** The stop-work order shall be posted on the property in a conspicuous place, or personally delivered to the owner, tenant or occupant, or person in charge and state the conditions under which construction or other activity may be resumed. Staff shall meet with the recipient of a stop-work order upon request to explain the conditions under which construction or other activity may be resumed.
- C.** The Plan Commission may institute a lawsuit in a court of competent jurisdiction to enforce the provisions of a stop-work order.

12.6 VIOLATIONS. Each of the following shall be deemed civil zoning violations which may be enforced by the designated enforcement entity in accordance with the provisions set forth in Article 12.7 below:

- A. The location, erection or maintenance of any sign not specifically permitted by this ordinance;
- B. The failure to obtain an improvement location permit when one is required by the terms and provisions of this ordinance;
- C. The outdoor storage of junk, trash or debris in any zoning district the provisions of which do not specifically permit such a use;
- D. The storage of inoperable motor vehicles or motor vehicle parts in any zoning district the provisions of which do not specifically permit such a use;
- E. 1. The parking or storage, in any zoning district the provisions of which do not specifically permit such a use, of any motor vehicle used or designed:
 - a. For use in pulling, towing, hauling, transporting; or
 - b. As a temporary or permanent base, platform or support for equipment, machinery, materials or other goods (including, but not limited to, stake body trucks, dump trucks, trucks or tractors having dual rear wheels or more than two axles, semi-trailer tractors, semi-trailers and trailers having dual rear wheels or more than one axle or having an overall length of more than 12 feet).
- 2. However, this provision does not apply to motor vehicles which do not exceed three-quarter ton load classification in size and which are the primary source of transportation for an individual whose primary place of residence is the particular dwelling at which the commercial motor vehicle is parked on a regular basis.
- F. The outdoor storage or display of merchandise or goods in any zoning district the provisions of which do not specifically permit such a use or in violation of the zoning district development standards regulating such a use;
- G. The conduct of any activity in a residential zoning district that is not specifically enumerated as a permitted primary or accessory use in that zoning district, and which activity has not been legally established by a currently valid variance, special exception or other approval grant;
- H. Failure to comply with zoning district development standards, including, but not limited to, landscaping, paving of parking areas, minimum parking space requirements, trash dumpster enclosure, fencing or screening requirements;
- I. The failure to comply with: the terms, provisions, conditions or commitments of a variance grant or special exception; the terms of commitments made in connection with the approval of a development plan; commitments made in connection with a petition for zone map amendment; or other approval grant authorized by this ordinance;
- J. The violation of a stop-work order issued pursuant to this Article XII; and
- K. Failure to comply with any other provisions of this ordinance, including, but not limited to, Article 1.20: General Regulations for Residential Districts.

12.7 PENALTIES FOR VIOLATION.

- A. Any person who commits a civil zoning violation as defined in Article 12.6 above may be issued a citation by the staff.
- B. Subject to the provisions of Article 12.7(B)(1) and Article 12.7(B)(2) below, each day a civil zoning violation remains uncorrected is a distinct and separate civil zoning violation subject to an additional citation and fine in the amount prescribed in this ordinance.

1. *Procedures.*

- a. Staff may issue a citation to a person who commits a civil zoning violation or allows a civil zoning violation to be committed on real estate in which the person has a possessory interest. The citation may be served by personal service, by certified mail, by first class U.S. mail or by placement in a conspicuous place on the property where the violation occurs and shall serve as notice that a civil zoning violation has been committed.
- b. 1) No citation shall be issued unless the person who commits a civil zoning violation or allows a civil zoning violation to be committed on real estate in which the person has a possessory interest has been served with a notice to correct the civil zoning violation at least ten days before the issuance of a citation to allow said person an opportunity to correct the violation and to come into compliance with the prescribed Zoning Ordinance or regulation.
 2) However, the service of a notice to correct the civil zoning violation is not required before issuing a citation for violation of a stop-work order issued pursuant to this Article XII.
- c. If a person who is served with a notice of civil zoning violation or receives a citation elects to file a petition for zone map change, variance, special exception or development plan approval to correct such violation, then the person must indicate the intent to file such a petition on the served notice or citation and return a copy to the Plan Commission. A person shall have ten days from service of a notice of civil zoning violation or receipt of citation to file the petition. During the pendency of said petition the issuance of additional citations and additional monetary fines as prescribed in Article 12.7(B)(2) shall be stayed. A person who files the petition within said time period shall pursue the petition in an expeditious and diligent manner. If the petition is denied, withdrawn or dismissed and the civil zoning violation continues, the Plan Commission, Board of Zoning Appeals or other appropriate enforcement official (as provided by applicable laws) may seek judicial relief in the Town Court or any other court of competent jurisdiction to enforce the terms and provisions of this ordinance.

2. *Fines.* Monetary fines for civil zoning violations shall be assessed as follows:

- a. *RR, R-1, R-2, R-3, R-4, R-5, R-6, R-U, M-U, P, S and REL Districts.* The monetary fine for the first citation for a civil zoning violation shall be \$50. The following monetary fines shall apply for each subsequent citation:

Second citation	Minimum \$50, not to exceed \$100
Third citation	Minimum \$50, not to exceed \$150
Fourth citation	Minimum \$50, not to exceed \$200
Each additional	Minimum \$50, not to exceed a \$300 increase in the previously assessed monetary fine, to a maximum monetary fine for each citation not to exceed \$2,500
Provided, however, in no event shall a subsequent citation be issued within ten days of the issuance of a previous citation	

- b. *All Commercial (TC, NR, OD and GC) Districts, all Industrial (I-2, I-3 and I-4) Districts, the C-1 District and the Agricultural (AG) District.* The monetary fine for the first citation for a civil zoning violation shall be \$50. The following monetary fines shall apply for each subsequent citation:

Second citation	Minimum \$50, not to exceed \$100 per day that the civil zoning violation remains uncorrected
Third citation	Minimum \$50, not to exceed \$150 per day that the civil zoning violation remains uncorrected
Fourth citation	Minimum \$50, not to exceed \$200 per day that the civil zoning violation remains uncorrected
Additional citations	Minimum \$50, not to exceed a \$300 increase in the previously assessed monetary fine for each day that the civil zoning violation remains uncorrected, to a maximum monetary

	fine for each civil zoning violation not to exceed \$2,500 per day that the civil zoning violation remains uncorrected
Provided, however, in no event shall a subsequent citation be issued within five days of the issuance of a previous citation	

- c. *Payment.* All fines prescribed by this Article XII for civil zoning violations shall be paid to the Clerk-Treasurer of the town, who shall render to the person making the payment a receipt stating the amount and purpose for which the fine has been paid, a duplicate of which shall be made a part of the records of the town. All fines thus received shall be deposited with the General Fund of the town.
3. *Trial for civil zoning violations.*
- a. A person who receives a citation for a civil zoning violation may elect to stand trial for the violation by indicating on the citation his or her intent to stand trial and returning a copy of the citation to the Plan Commission. The returned copy of the citation shall serve as notice of the person's intent to stand trial, and the issuance of additional citations and additional monetary fines as prescribed in Article 12.7(B)(2) shall be stayed upon receipt of the notice. The notice shall be given at least five days before the date that payment of the citation is due as set forth in Article 12.7(B)(3)(b) below. On receipt of the notice of intention to stand trial, the Plan Commission, Board of Zoning Appeals or other appropriate enforcement official (as provided by applicable laws) may seek judicial relief in the Town Court or any other court of competent jurisdiction to enforce the terms and provisions of this ordinance.
 - b. If a person who receives a citation fails to:
 - 1) Pay the assessed fine within 45 days after the issuance of a citation;
 - 2) File a petition as prescribed in Article 12.7(B)(1)(c) above; or
 - 3) Give notice of his or her intention to stand trial as prescribed in Article 12.7(B)(3)(a) above, the Plan Commission, Board of Zoning Appeals or other appropriate enforcement official (as provided by applicable laws) may seek judicial relief in the Town Court or any other court of competent jurisdiction to enforce the terms and provisions of this ordinance.
 - d. Seeking a civil penalty as authorized in this Article does not preclude the designated enforcement entity from seeking alternative and additional relief from the Court in the same action, or from seeking injunctive relief or any other remedy in a separate action for the enforcement of I.C. 36-74 or any ordinance adopted or action taken under I.C. 36-7-4.
 - e. In the event that a violation of the Town Zoning Ordinance is determined to exist by a court of competent jurisdiction, the owner shall be liable to the town for all costs associated with filing and prosecuting the enforcement action, including but not necessarily limited to all reasonable attorneys' fees.

ARTICLE 13. DEFINITIONS

13.1 INTERPRETATION OF TERMS OR WORDS. The language of this ordinance shall be interpreted in accordance with the following regulations:

- A. The word “person” includes a firm, association, organization, partnership, trust, limited liability company, corporation, or other legal entity, as well as an individual;
- B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular, in each case, if the context so requires;
- C. The word “shall” is mandatory, the word “may” is permissive;
- D. The words “used” or “occupied” include the words “intended”, “designed”, “constructed”, “altered”, or “arranged” to be used or occupied;
- E. The word “lot” includes the words “plot”, “tract” or “parcel”;
- F. Where a regulation involves two or more items, conditions, provisions or events connected by the conjunction “and”, “or” or “either ... or”, the conjunction shall be interpreted as follows:
 - 1. “And” indicates that all the connected items, conditions, provisions or events shall apply;
 - 2. “Or” indicates that the connected items, conditions, provisions or events may apply singly or in any combination; and
 - 3. “Either ... or” indicates that all the connected items, conditions, provisions or events shall apply singly but not in combination.
- G. The terms “more intense” and “less intense” are terms used herein to describe relationships between particular zoning districts. This relationship is based upon the uses permitted within each district. A “more intense” district permits more uses or a greater density of uses than a “less intense” district. District intensity groupings progress from agricultural, to residential, to commercial, to industrial districts, in the sequence listed within each group of districts from least intense to the most intense.

13.2 DEFINITIONS. The following terms or words used in the text of this ordinance shall have the following meanings, unless a contrary meaning is:

- A. Required by the context of a particular sentence or phrase; or
- B. Specifically prescribed in a particular sentence or phrase.

ACCESS. The way in which vehicles ingress and egress a lot from a street fronting along said lot.

ACCESS DRIVE. That area within the right-of-way between the pavement edge or curb and the right-of-way line to provide ingress and egress to and from a lot.

ACCESSORY (STRUCTURE, BUILDING OR USE). A subordinate structure, building or use that is customarily associated with, and is appropriately and clearly incidental and subordinate in use, size, bulk, area and height to the primary structure, building, or use, and is located on the same lot as the primary building, structure or use.

ACCESSORY DWELLING UNIT (ADU). A dwelling unit that is subordinate and incidental to a primary building on the same lot and may be detached or are added to or included within the primary building.

ADULT ENTERTAINMENT BUSINESS. An establishment as defined in Ordinance 02-2009.

ADVERTISING SIGN. See *SIGN, ADVERTISING*.

AGE RESTRICTED BUSINESSES, PRODUCTS, AND SERVICES. Uses or establishments that primarily sell products or provide services that typically have age restrictions placed upon them by regulation.

- a. Examples of such land uses include, but are not limited to, liquor stores, pawn shops, tobacco shops, electronic/vape tobacco shops, check cashing facilities, bars, or taverns
- b. This does not include restaurants that serve alcohol.

AGRICULTURAL SERVICES. Includes all operations pertaining to the sale, handling, transport, packaging, storage, or disposal of agricultural equipment, products, by-products, or materials primarily used by agricultural operations. Examples of such land uses include but are not limited to: agricultural implement sales, storage, or repair operations; feed and seed stores; agricultural chemical dealers and/or storage facilities; animal feed storage facilities; canning and other packaging facilities; veterinary clinics with outdoor kennels and/or dog runs; and agricultural waste disposal facilities.

AGRICULTURAL USE. An operation which consists of the following uses, individually or in combination: the production of grain or livestock; stables; forest or tree production; pasture; setting aside land in a government set-aside reserve program; a farmstead; uses accessory to agricultural operations on the site; or uses accessory to agricultural operations in the area.

AIRPORT CONICAL SURFACE AREA. The land area beginning at the periphery of the airport horizontal surface area and thence extending outwardly a distance of 4,000 feet. Such **AIRPORT CONICAL SURFACE AREA** does not include, however, the airport instrument approach surface areas and airport transitional surface area.

AIRPORT HORIZONTAL SURFACE AREA. The land area, the perimeter of which is determined by projecting arcs from the center of the inner line of each airport instrument approach surface area with the dimension of such arcs for instrument approach surface areas being 10,000 feet. Such **AIRPORT HORIZONTAL SURFACE AREA** does not include, however, the airport instrument approach surface area and airport transitional surface area.

AIRPORT INSTRUMENT APPROACH SURFACE AREA. The land area located at each end of each instrument runway for landings and take-offs. Such **AIRPORT INSTRUMENT APPROACH SURFACE AREA** having a width of 1,000 feet at a horizontal distance of 200 feet beyond each end of the runway and widening thereafter uniformly to a width of 16,000 feet at a horizontal distance of 50,200 feet beyond each end of the runway, its centerline being the continuation of the runway centerline.

AIRPORT LANDING AREA. The area of the airport used for the landing, taking-off or taxiing of aircraft.

AIRPORT TRANSITIONAL SURFACE AREA. The land area located adjacent to each instrument runway. Such **AIRPORT TRANSITIONAL SURFACE AREA** extending outward as indicated on the official zoning map from a line 500 feet of either side of the centerline of an instrument runway plus 200 feet at each end thereof, to the inner line of the airport horizontal surface area; further symmetrically located adjacent to each instrument runway airport instrument approach surface area, on each side thereof, having variable widths, as indicated on the official zoning map, and extending the entire length of such airport instrument approach surface area to their intersection with the outline of the airport conical surface area; and further located beyond such points of intersection, beginning at the out lines of the airport instrument approach surface area and extending a horizontal distance of 5,000 feet therefrom, measured at right angles to the continuation of the runway centerline, as indicated on the Airspace Overlay District map.

AIRSPACE HAZARD. Any structure, tree, object or use of land which obstructs the airspace or is otherwise hazardous to the flight of aircraft in landing or taking-off at a public airport or heliport, as determined to constitute an "airspace" or "airport"

ALLEY, PRIVATE. A privately held right-of-way for public use as a secondary means of public access to a lot otherwise abutting upon a public or private street and not intended for traffic other than public services and circulation to and from said lot.

ALLEY, PUBLIC. Any public right-of-way which has been dedicated or deeded to and accepted by the public for public use as a secondary means of public access to a lot otherwise abutting upon a public street and not intended for traffic other than public services and circulation to and from said lot.

ANTENNA. A device that is designed to receive:

- a. Direct broadcast satellite service, including direct-to-home satellite services;

- b. Video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services and local multipoint distribution services; or
- c. Television broadcast signals.

ANTENNA (Article 4.6). Any communications equipment that transmits or receives electromagnetic radio signals used in the provision of wireless communications service.

ANTENNA ARRAY. A structure attached to a telecommunications tower that supports a telecommunications antenna.

ANTENNA, RADIO/TELEVISION. A wire or combination of wires and support structures designed for directly transmitting electric waves (broadcast radio or television) into space, or receiving them therefrom.

ANTENNA, SATELLITE DISH. A dish shaped device which may be free standing or mounted on a building or structure and is designed to receive direct broadcast satellite service.

ANTIQUÉ MALL. A place where individual antique dealers congregate within one building with a gross floor area of at least 50,000 square feet each having a separate sales space to conduct the sell or purchase of antiques or previously owned goods or items.

ARTIFICIAL LAKE. Either:

- a. An artificially created body of water which is not required in connection with a storm water management system; or
- b. That portion of an artificially created body of water developed in connection with a storm water management system which exceeds the capacity required to manage the 100-year storm event.

ASSEMBLY. The fitting together of previously manufactured parts or sub-assemblies, that do not require additional manufacturing or machining, into a finished item or unit.

ASSISTED LIVING FACILITY. A facility that provides services such as room and board, meals, laundry, activities, housekeeping, limited assistance in activities of daily living, and simple medication administration with a physician's order.

AUTHORIZED AGENT. Any party duly authorized in writing by the owner of a subject parcel to act on the owner's behalf with respect to a petition for zone map change, subdivision plat, development plan approval or vacation of land.

AUTOMOBILE REPAIR - MAJOR. Servicing and repairs which include muffler repair or installation, brake repair or installation, shock replacement, transmission repair, tire recapping, motor overhaul, or body or fender repair work (not including the dismantling or wrecking of motor vehicles, or the storage of inoperable, damaged or wrecked vehicles, other than those awaiting immediate repair).

AUTOMOBILE REPAIR - MINOR. Servicing and repairs limited to tune-ups, oil changes, sale and installation of lubricants, tires, batteries and other minor maintenance operations.

AWNING. A roof-like cover, often of fabric, metal, plastic, fiberglass or glass designed and intended for protection from the weather or as a decorative embellishment, and which is supported by and projects from a wall or roof of a structure over a window, door, walk or the like.

BANNER. A temporary sign of lightweight fabric or similar material mounted to a pole or building at one or more edges. Flags of any governmental or political unit shall not be considered **BANNERS**.

BASE STATION. A station located at a specific site that is authorized to communicate with mobile stations. The term includes all radio transceivers, antennas, coaxial cables, power supplies, and other electronics associated with a station.

BASEMENT. That portion of a building with an interior vertical height clearance of not less than 78 inches and having one-half or more of its interior vertical height clearance below grade level.

BICYCLE PARKING AREA. An area designated for the sole purpose of parking bicycles by means of a bicycle rack, bicycle loops or other device as approved by the Director. This area can be either indoor or outdoor, but shall not be placed so that it obstructs or impedes a pedestrian way.

BILLBOARD. See **SIGN, ADVERTISING.**

BLOCK. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines or municipal boundary lines.

BLOCK FACE. The frontage of a block, which may contain one or more lots, along one side of a public or private street between intersections.

BOARD (OF ZONING APPEALS). The Town of Plainfield Advisory Board of Zoning Appeals.

BOARDING HOUSE. A building or part of a building, other than hotels, motels, restaurants, bed and breakfast, or multi-family dwellings, containing accommodation facilities in common where lodging, typically with meals reserved solely for the occupants thereof, is provided for a fee.

BUFFERYARD. A front, side or rear yard of a nonresidential land use on a lot which faces or abuts a residential use that is not legal nonconforming. A **BUFFERYARD** may include landscape plantings, fences, walls or berms to provide screening or buffering for adjacent residential properties.

BUILDING. Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.

BUILDING HEIGHT, MAXIMUM. See **MAXIMUM BUILDING HEIGHT.**

BUILDING LINE. A line parallel to any front, side or rear lot line which passes through the nearest point of any building or structure.

BUILDING LINE, FRONT. A line parallel to any front lot line which passes through the nearest point of any building or structure and terminates at the point of contact with any side lot line.

BUILDING LINE, REAR. A line parallel to any rear lot line which passes through the nearest point of any building or structure and terminates at the point of contact with any side lot line.

BUILDING LINE, SIDE. A line parallel to any side lot line which passes through the nearest point of any building or structure and terminates at the point of contact with any front or rear lot line.

BUILDING PERMIT. A permit issued by the town in compliance with the terms and provisions of the Town Building Code.

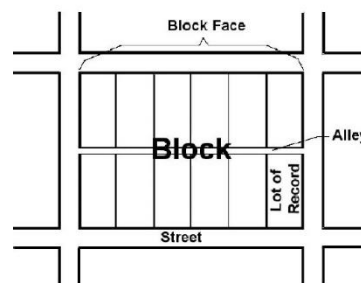
BUSINESS DAY. A day when the offices of the Department of Planning and Zoning of the town are open to the public for the transaction of business for the entire period of its normal operating hours.

CAMPGROUND. Facilities designed for overnight accommodation of persons in tents, travel trailers, or other mobile or portable shelters or Vehicles.

CANOPY. A roof-like cover, often of fabric, metal, plastic, fiberglass or glass on a support, which is supported in total or in part, from the ground and providing shelter over, for example, a doorway, outside walk, interior access drive or parking area.

CARPORT. A roofed structure designed and intended to shelter the automotive vehicle of occupant or owner of the premises, with at least one side open to the weather.

CERTIFICATE OF ZONING COMPLIANCE. A certificate signed by the Director of the Department of Planning and Zoning stating that the occupancy and use of land or building or structure referred to in the



Block and Block Face

certificate complies with the provisions of the Zoning Ordinance, Subdivision Control Ordinance, variance, special exception or development plan approval.

CHECKPOINT AGENCY. An agency or department of local, state or federal government, or other public or semi-public agency determined by the Director to have an interest in development within the town.

CHILD CARE. A service that provides for the care, health, safety, and supervision of a child's social, emotional, and educational growth. (For reference, see I.C. 12-7-2.)

CHILD CARE CENTER.

- a. A building where at least 17 children 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 hours but less than 24 hours in each of ten consecutive days per year, excluding intervening Saturdays, Sundays and holidays.
- b. This term also applies to a building where child care is provided to less than 17 children if the provider has applied for a license under I.C. 12-17.2-4 and meets the requirements under I.C. 12-17.2-4. (For reference, see I.C. 12-7-2.)

CHILD CARE HOME.

- a. A residential structure in which at least six children (not including the children for whom the provider is a parent, stepparent, 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 hours but less than 24 hours in each of ten consecutive days per year, excluding intervening Saturdays, Sundays and holidays.
- b. This term includes a **CLASS I CHILD CARE HOME** (that serves any combination of full-time and part-time children, not to exceed 12 at any one time) and a **CLASS II CHILD CARE HOME** (that serves more than 12 children but no more than any combination of 16 full-time and part-time children at any one time). (For reference, see I.C. 12-7-2.)

CHILD CARE MINISTRY. A child care operated by a church or religious ministry that is a religious organization exempt from federal income taxation under 501 of the Internal Revenue Code. (For reference, see I.C. 12-7-2.)

CHILD CARING INSTITUTION.

- a. A residential facility:
 1. That provides child care on a 24 hour basis for more than ten children; or
 2. With a capacity of not more than ten children that does not meet the residential structure requirements of a group home.
- b. An institution that:
 1. Operates under a license issued under I.C. 12-17.4;
 2. Provides for delivery of mental health services that are appropriate to the needs of the individual; and
 3. Complies with the rules adopted under I.C. 4-22-2 by the Division of Family and Children. (For reference, see I.C. 12-7-2.)

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 buildings or structures. The term includes the placement, replacement, or modification of wireless facilities within an approved equipment compound.

COMMERCIAL ANIMAL BOARDING. Include land uses which provide short-term and/or long-term boarding for animals.

- a. Examples of such land uses include but are not limited to: commercial kennels and commercial stables.
- b. Exercise yards, fields, training areas, and trails associated with such land uses are considered accessory to such land uses and do not require separate consideration.

COMMERCIAL ENTERTAINMENT, INDOOR. Land uses which provide entertainment services entirely within an enclosed building. Such activities often have operating hours which extends significantly later than most other commercial land uses. Examples of such land uses include but are not limited to: restaurants, theaters, health or fitness centers, all forms of training studios (dance, art, martial arts, etc.) bowling alleys, arcades, roller rinks, and pool halls.

COMMERCIAL ENTERTAINMENT, OUTDOOR. All land uses which provide entertainment services partially or wholly outside of an enclosed building. Such activities often have the potential to be associated with nuisances related to noise, lighting, dust, trash and late operating hours. Examples of such land uses include but are not limited to: outdoor commercial swimming pools, driving ranges, miniature golf facilities, amusement parks, drive-in theaters, go-cart tracks and racetracks.

COMMERCIAL INDOOR LODGING Includes land uses which provide overnight housing in individual rooms or suites of rooms, each room or suite having a private bathroom. Such land uses may provide in-room or in-suite kitchens, and may also provide indoor recreational facilities for the exclusive use of their customers.

- a. Uses include, but are not limited to, hotels, resorts, lodges.
- b. Does not include uses such as motels, hostels, or boarding houses.

COMMERCIAL RESIDENTIAL. *Dwelling Units* which are located above the ground floor of a building used for a commercial land use most typically an office or retail establishment. The primary advantage of commercial residential is that they are able to share required parking spaces with nonresidential uses. Examples include mixed-use residential/commercial buildings.

COMMUNITY INSTITUTIONAL. Land uses, public or private, that serve a community's educational, religious, social, recreational, and cultural needs. Community Institutional land uses tend to be smaller in the scale of the structures, sites, and/or usage than General Institutions.

- a. Land uses include, but are not limited to, community centers, resource centers, civic and fraternal organizations, funeral homes and social welfare organizations,
- b. Does not include group homes, convents, monasteries, nursing homes, assisted living, recovery homes, convalescent homes, limited care facilities, rehabilitation centers, and similar land uses (see *Institutional Residential*). Does not include general hospitals, special hospitals (see *Medical Office/Hospital*).

COMPREHENSIVE PLAN. The Plainfield Comprehensive Plan approved by the Plan Commission and the Town Council pursuant to I.C. 36-7-4-500 et seq.

CONCEPT PLAN. An informal plan, which may include site, landscape, building elevations and material, sign or lighting information, intended to convey the scope, content and nature of a proposed development, but lacking sufficient detail to determine compliance with the provisions of this ordinance.

CONCEPTUAL PLAT REVIEW. A cursory review of a sketch plan for a proposed subdivision in which staff provides initial review comments to a prospective petitioner on the design and layout of a proposed subdivision.

CONDOMINIUM. A building, group of buildings, or portion thereof, in which units are owned individually, and the structure, common areas or facilities are owned by all the owners on a proportional, undivided basis.

CONSTRUCTION PLAN.

- 1. When referring to a new wireless support structure means a written plan for construction that:
 - a. Demonstrates that the aesthetics of the wireless support structure is substantially similar to Town of Plainfield's decorative light poles;
 - b. Includes the total height and width of the wireless facility and wireless support structure,

including cross section and elevation, footing, foundation and wind speed details;

- c. A structural analysis indicating the capacity for future and existing antennas, including a geotechnical report and calculation for the foundation's capability; the identity and qualifications of each person directly responsible for the design and construction; signed and sealed documentation from the applicant that shows the proposed location of the wireless facility and wireless support structure and all easements and existing structures within 1,000 feet of such wireless facility or wireless support structure.

2. When referring to substantial modification of an existing wireless facility or wireless support structure means a plan that describes the proposed modifications to the wireless support structure and all equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment.

CONVENIENCE STORE. A small retail establishment that offers for sale a limited line of groceries, convenience goods, tobacco products, periodicals and other household items, which does not sell gasoline or other motor vehicle fuels.

DAY-NIGHT SOUND LEVEL (LDN). A cumulative aircraft noise index which estimates the exposure to aircraft noise and relates the estimated exposure to an expected community response. The **DAY-NIGHT SOUND LEVEL** noise metric assesses a ten decibel (dB) penalty to all noise events occurring between 10:00 p.m. and 7:00 p.m.

DECK. A ground-supported, unenclosed, platform accessory structure, usually constructed of wood, of which any permanent horizontal area(s) of the platform is raised above grade level and is designed and intended for the recreational enjoyment of the occupant(s) and guest(s) of the primary use or structure.

DENSITY, GROSS. A unit of measurement which represents the number of units per acre of land on the aggregate total land to be developed, excluding any portion of the total land:

- a. Located in the right-of-way of a perimeter street;
- b. Located within a floodway; or
- c. Required for storm water management.

DESIGN REVIEW COMMITTEE. An advisory committee of citizens duly created and authorized by the Plan Commission.

DEVELOPED RECREATIONAL OPEN SPACE. The total horizontal area of those portions of a lot which are located outside of any required yard and which are set aside and developed for the recreational use and enjoyment of all residents of a project.

DEVELOPMENT INCENTIVE. The manner and extent to which development requirements or development standards may be modified or waived in connection with the approval of a development plan.

DEVELOPMENT PLAN. Specific plans for residential, commercial, or industrial development of property setting forth certain information and data as required by this ordinance.

DEVELOPMENT REQUIREMENTS. Development standards plus any additional requirements specified in this ordinance which must be satisfied in connection with the approval of a development plan.

DEVELOPMENT STANDARDS. Area, bulk, height and other applicable regulations of a zoning district contained in the ordinance which govern the physical development of real estate.

DIRECTOR. The Director of the Department of Planning for the Town of Plainfield.

DISCOUNT RETAILER. A retailer that specializes in the sell of closeout or overstocked merchandise in a building having a gross floor area of at least 50,000 square feet.

DISPLAY, OUTDOOR. The display of merchandise for sale by a retailer outdoor in the open air, which may be permanent or temporary seasonal sales.

DISTRICT. A section of the territory within the jurisdiction of Plan Commission for which uniform regulations governing the use, height, area, size and intensity of use of buildings and land, and open spaces about buildings, are established by this ordinance.

DRAINAGE POND. An artificially created body of water which is required in connection with a storm water management system.

DRIVE, INTERIOR ACCESS. A way for internal vehicular movement in and around an individual lot or integrated center.

DRIVEWAY. Access for vehicular ingress/egress between the right-of-way of a public or private street and the minimum required setback line on a lot.

DRIVEWAY, INTERIOR ACCESS. A minor, private street providing for vehicular egress/ingress between the minimum required setback lines of separate lots or between lots within the boundaries of an integrated center.

DWELLING. Any building, or portion of a building, which is designed or used primarily for residential purposes, including single-family, two-family and multi-family dwellings, but not including hotels, boarding houses, lodging houses and tourist dwellings.

DWELLING, ATTACHED (MISSING MIDDLE). A range of multi-unit or clustered housing types, compatible in scale with detached single-family homes. These include buildings with between three and six attached *Dwelling Units*, Examples include apartment houses, live/work units, and cottage developments that have historically existed on scattered sites in low-rise walkable neighborhoods.

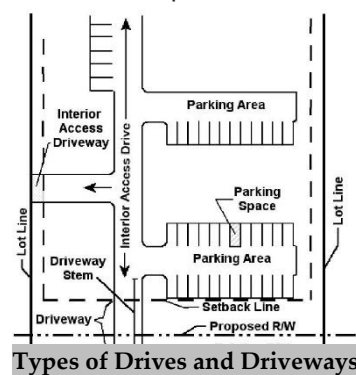
DWELLING, MANUFACTURED HOME. A dwelling unit which is fabricated in one or more modules at a location other than the home site, by assembly-line type production techniques or by other construction methods unique to an off-site manufacturing process; provided, that each module must bear a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards; and provided further, that each unit must have been built after January 1, 1981, and must have at least 900 square feet of main floor area (exclusive of garages, carports and open porches).

DWELLING, MOBILE. A movable or portable dwelling unit that:

- a. 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;
- b. Is designed for occupancy by one family;
- c. Is erected or located as specified by the Town Building Code; and
- d. Was either:
 1. Constructed prior to June 15, 1976 and bears a seal attached under Indiana Pub. L. No. 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council; or
 2. Constructed subsequent to or on June 15, 1976 and bears a seal, certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards law.

DWELLING, MODULAR HOME. A dwelling 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 residential occupancy; provided, that each module must bear the seal certified that it was built in compliance with Indiana Pub. L. No. 360; and provided further, that the unit must have been built in compliance with the CABO One- and Two-Family Dwelling Code.

DWELLING, MULTI-FAMILY. A building or *Buildings* consisting of three or more dwelling units, including condominiums, with varying arrangements of entrances and party walls. These uses are typically



incompatible in size and massing with detached single-family dwellings. Examples are apartment buildings and/or apartment complexes

DWELLING, SINGLE FAMILY ATTACHED. A building consisting of two (2) or more single-family dwelling units attached by a common wall or walls, and legally platted so that each unit sets on an individual lot providing for fee simple ownership of each lot. Examples include townhomes and may include live/work units.

DWELLING, SINGLE-FAMILY DETACHED. An individual, detached building containing one dwelling unit which is either:

- a. Built in compliance with the Indiana Residential Building Code;
- b. A modular dwelling; or
- c. A manufactured dwelling.

DWELLING, TWO-FAMILY. A building consisting of two dwelling units which may be either attached side by side or one above the other, and each dwelling unit having a separate or combined entrance.

DWELLING UNIT. A room or group of rooms designed and equipped exclusively for use as living quarters for only one family and its household employees, including provisions for sleeping, lawful cooking and sanitary facilities. The term shall include mobile dwellings, modular dwellings and manufactured dwellings but shall not include recreational vehicles.

EIA-222. Electronics Industries Association Standard 222, "Structural Standards for Steel Antenna Towers and Antenna Support Structures".

ELECTRICAL TRANSMISSION TOWER. A structure that physically supports high voltage overhead power lines. The term does not include a utility pole.

EQUIPMENT COMPOUND. The area that:

1. Surrounds or is near the base of a wireless support structure; and
2. Encloses wireless facilities.

EXISTING STRUCTURE (Article 4.6). Does not include a utility pole or an electrical transmission tower.

FACADE PLANE. A flat portion of a facade of a building that does not modulate either in depth or in height.

FAMILY. One or more human beings related by blood, marriage, adoption, foster care or guardianship, together with incidental domestic servants and temporary, non-compensating guests; or not more than four human beings not so related, occupying a dwelling unit and living as a single housekeeping unit.

FARMERS MARKET. The temporary seasonal selling at retail of home-grown vegetables or produce, occurring in a pre-designated area as approved by the Town Council, where the vendors are the same individuals who have raised the products for sale.

FLEA MARKET. An occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities or temporary structures. **FLEA MARKET** shall not include informal garage or yard sales.

FLEX-SPACE. A light industrial use which includes a combination of office space and either warehouse or light assembly operations, provided that a minimum of 15% of the gross floor area of each tenant space shall be devoted to office use.

FLOOR AREA.

- a. For single-family dwellings and two-family dwellings, the sum of all horizontal surface areas of all floors of all roofed portions of a building enclosed by and within the surrounding exterior walls or roofs, or the centerline(s) of party walls separating such buildings or portions thereof. The **FLOOR AREA** of a building shall exclude all areas with a vertical height clearance less than 78 inches, exterior open balconies and open porches.
- b. For multi-family dwellings, the sum of all horizontal surface areas of all floors of all roofed portions of all buildings enclosed by and within the surrounding exterior walls or roofs, or the centerline(s)

of party walls separating such buildings or portions thereof.

- c. However, this shall not include the following:
 1. All areas with a vertical height clearance less than 78 inches;
 2. All exterior open balconies, and open porches;
 3. Floor area or basement floor area devoted to off-street parking or off-street loading, including aisles, ramps and maneuvering space;
 4. Floor area or basement floor area provided for recreational uses, available to occupants of two or more dwelling units within a project; or
 5. Basement floor area provided for storage facilities, allocated to serve individual dwelling units with a project.

FLOOR AREA, FINISHED. That portion of floor area constructed, completed and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, sanitary or combination thereof. A floor area or portion thereof used only for storage purposes and not equipped with the facilities mentioned above shall not be considered **FINISHED FLOOR AREA**.

FLOOR AREA, GROSS.

- a. For dwelling units, the total area, computed on a horizontal plane inclusive of finished basements, attached garages, entrances, hallways, stairways and other enclosed areas, but exclusive of unfinished basements, cellars and attics.
- b. For commercial or industrial buildings or structures, the sum of all horizontal surface areas of all floors of a building or structure measured from the exterior faces of the exterior walls or from the centerline of walls separating abutting buildings or structures.

FLOOR AREA, GROSS LEASABLE. That portion of the gross floor area which is designated for the exclusive use and occupancy of a tenant.

FLOOR AREA, MAIN. That portion of the finished floor area located on the first floor of the dwelling unit.

FRONTAGE. The line of contact of an abutting property with the street right-of-way along a front lot line.

FUELING STATION. A retail sales facility selling fuel for motor Vehicles including, but not limited to, automobiles, motorcycles, buses, or recreational Vehicles (excluding semi-trailer Trucks with at least three axles that are designed to tow trailers.) Ancillary services such as a *convenience store* and/or a car wash are permitted, but ancillary services such as Vehicle service or Vehicle repair are not permitted. Fuel may include non-liquid or non-gaseous materials such as electric current.

GAME COURT. In residential districts, a type of recreation facility which consists of an unpaved or paved, accessory, surface area of ground open and essentially unobstructed to the sky, on the same lot as the primary structure, designed and intended for the playing of a recognized sport as an accessory, recreational activity by the occupants and guests of the primary structure, which may include fencing, screening, nets, goals or other necessary appurtenances required for recreational use.

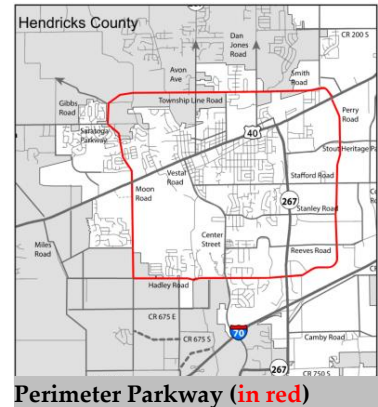
GARAGE. An accessory building to a residential use, or an enclosed area attached to or integrated into a residential building, which is primarily designed and intended to be used for the storage of the private vehicle(s) for the occupant(s) of said residence and is not a separate commercial enterprise available to the general public.

GARAGE, PARKING. Any building or structure designed and intended for the storage of motor vehicles for compensation.

GARAGE SALE. A public or private sale conducted by the owner or occupier of a premises of six or more items of personal property owned by the owner or occupier of the premises, which personal property was not acquired by the owner or occupier for the purpose of resale.

GATEWAY CORRIDOR. All land areas lying within the corporate limits of the town which are within 600 feet of the right-of-way of the following street segments:

- a. SR 267 (Quaker Boulevard), from the south right-of-way of U.S. 40 to the southern corporate limits of the town;
- b. I-70, from the eastern corporate limits of the town to the western corporate limits of the town;
- c. U.S. 40, from the eastern corporate limits of the town to the western corporate limits of the town;
- d. Stafford Road, from the eastern right-of-way line of SR 267 (Quaker Boulevard) to the eastern corporate limits of the town;
- e. Ronald Reagan Parkway, from the northern corporate limits of the town to the southern corporate limits of the town;
- f. Perimeter Parkway (as shown below), entire length; and
- g. Stout Heritage Parkway from the eastern right-of-way of SR 267 (Quaker Boulevard) to the western right-of-way of Ronald Reagan Parkway.



GENERAL INSTITUTIONAL. Land uses, public or private, that serve the community’s educational, religious, social, recreational, and cultural needs. General Institutional land uses tend to be larger in the scale of the structures, sites, and/or usage than Community Institutions.

- a) Land uses include, but are not limited to, public recreational facilities such as stadia, gymnasiums, or swimming pools, educational facilities such as schools, libraries, museums, or uses such as cemeteries, fairgrounds, permanently protected green space areas, correctional facilities, or religious facilities.
- b) Does not include group homes, convents, monasteries, nursing homes, assisted living, recovery homes, convalescent homes, limited care facilities, rehabilitation centers, and similar land uses (see *Institutional Residential*). Does not include general hospitals, special hospitals (see *Medical Office/Hospital*).

GOLF COURSE MASTER PLAN. A concept plan that provides general guidelines for the development of a golf course, including but not limited to: a listing of the types of recreational uses proposed; the overall golf course layout and design of the clubhouse, outdoor or indoor swimming pool, pro shop, maintenance structures, cart sheds, driving range, practice area, putting greens and the like (i.e., location of activity areas or structures, including off-street parking areas, cart paths and signs); conceptual building elevations for major buildings or structures; and the approximate size or scope of proposed recreational facilities.

GRADE. The average level of the finished surface of the ground five feet from the building, structure or proposed building pad; provided, however, for the purposes of the Town Subdivision Control Ordinance, the term **GRADE**, when referring to **STREET GRADE** shall mean the slope of a street specified in percentage (%) terms.

GROUP HOME. A residential facility licensed by the Community Residential Facilities Council, or its successor in authority, and authorized by I.C. 12-17.4-5 in which care is provided on a 24 hour basis for not more than ten children in need of services or who have committed a delinquent act.

HEDGE PLANT. A woody plant of relatively low height (not exceeding ten to 12 feet in height), branching from the base.

HIGH TECHNOLOGY. Uses or facilities for scientific, research, development, educational, computer, software, design, and associated applied technology offices, laboratories, facilities, and organizations.

HOME OCCUPATION. An occupation or business activity carried on within a legally established dwelling unit by a resident of said dwelling, where the occupation or business activity:

- a. Is clearly incidental and subordinate to the residential use;
- b. Does not alter the interior or exterior residential character of the dwelling unit;
- c. Is carried on within the principal building and only by members of the family occupying the premises; and

- d. Does not include any outdoor storage or activities other than receipt or delivery associated with the business activity.

IMPROVEMENT. Any human-made, immovable item which becomes part of, placed upon, or is affixed to real estate.

IMPROVEMENT LOCATION PERMIT. A permit stating that the proposed erection, construction, enlargement or moving of a building or structure, and uses thereof, complies with the provisions of the Zoning Ordinance and the Subdivision Control Ordinance.

INCIDENTAL. A minor occurrence or condition which is customarily associated with a permitted use and is likely to ensue from normal operations.

INCREMENTAL LOT. A lot of record created through the incremental plat process.

INCREMENTAL PLAT. A phased method of obtaining secondary plat approval for a nonresidential subdivision and which contains only a portion of the real estate included in the primary plat for the proposed nonresidential subdivision.

INDOOR MAINTENANCE SERVICE. Indoor maintenance services include all land uses which perform maintenance services (including repair) and contain all operations (except loading) entirely within an enclosed building. This does not include the repair of vehicles or the installation of vehicle parts or accessories, which is classified *Vehicle Parts and Accessories: Sales and Repair*.

INDOOR SALES AND SERVICE. Indoor sales and service land uses include all land uses which conduct or display sales or rental merchandise or equipment, or non-personal or nonprofessional services, entirely within an enclosed building. This includes self-service facilities such as coin-operated laundromats. This does not include the repair of vehicles or the installation of vehicle parts or accessories, which is classified *Vehicle Parts and Accessories: Sales and Repair*.

INDUSTRIAL PARK. See **INTEGRATED CENTER**.

INSTITUTIONAL RESIDENTIAL. Residential *Dwelling Units* in conjunction with or fulfilling the mission of an Institutional land use.

- a. Examples of such land uses include but are not limited to: group homes, convents, monasteries, nursing homes, assisted living, recovery homes, convalescent homes, limited care facilities, rehabilitation centers, and similar land uses.
- b. Does not include general hospitals, special hospitals (see *Medical Office/Hospital*), prisons, or jails (see *General Institutional* land uses).

INSTRUMENT RUNWAY. A runway equipped or to be equipped with electronic or visual air navigation aids adequate to permit the landing of aircraft under restricted visibility conditions.

INTEGRATED CENTER. An area of development (commercial, industrial or any combination of commercial, industrial and residential uses) of one or more lots, comprised of:

- a. Two or more individual, non-related and separately operated uses in one building that is at least 10,000 square feet in gross floor area sharing common site facilities;
- b. One or more buildings containing non-related and separately operated uses occupying a common site, which utilizes one or a combination of common site facilities, such as driveways, parking areas, interior access drives, maintenance and similar common services; or
- c. One or more buildings containing non-related and separately operated uses occupying individual sites, which are interrelated by the utilization of one or a combination of common facilities, such as driveways, internal public or private street network developed in accordance with an approved subdivision, parking areas, maintenance or other services.

IN-VEHICLE SALES AND SERVICE. In-vehicle sales and service land uses include all land uses which perform sales and/or services to persons in vehicles, or to vehicles which may be occupied at the time of such activity. Such land uses often have traffic volumes which exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples of such land uses include drive-in, drive-up, and drive-

through facilities. Fueling stations and truck fueling stations are not considered in-vehicle sales and service. Maintenance or repair of vehicles are not considered in-vehicle sales and service.

JUNK YARD. Any place at which personal property is or may be salvaged for reuse, resale or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled or assorted, including, but not limited to, used or salvaged base metal or metals, their compounds or combinations, used or salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick and similar property except animal matter; and used motor vehicles, machinery or equipment which does not carry a current, valid license, and is used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.

LAND BANKED AREA. An area of land to be preserved with no structures that can be used for required off-street parking for a primary use if additional parking is needed in the future. Required landscaping may be planted in the **LAND BANKED AREA** with the understanding that if additional parking is needed in the future, the landscaping will have to be moved or replaced.

LAWFUL COOKING. A room or area in which food may be prepared and cooked and which contains the following:

- a. A kitchen sink in good working condition and properly connected to an approved water supply and approved sewer/septic system. The sink must provide an adequate amount of water under pressure, both unheated and heated to no more than 120°F;
- b. Cabinets, shelves, counters or tables used for storage of food, eating, drinking or cooking equipment and utensils shall be of sound condition furnished with surfaces that are easily cleanable and that will not impart any harmful effect to food; and
- c. A stove, oven or microwave oven for cooking food and a refrigerator for safe storage of food at temperatures less than 45°F. These appliances shall be properly installed with all necessary connections for safe, sanitary and efficient operation and shall be maintained in good working condition.

LDN CONTOUR. A line linking together a series of points of equal cumulative noise exposure based on the Ldn metric. **LDN CONTOURS** are developed based on aircraft flight patterns, number of daily aircraft operations by type of aircraft and time of day, noise characteristics of each aircraft and typical runway usage patterns.

LOADING AREA. A hard-surfaced, off-street area maintained and intended for the maneuvering and temporary parking of vehicles while transferring goods or materials to and from a facility. A **LOADING AREA** includes loading space and maneuvering area required to enter the loading space.

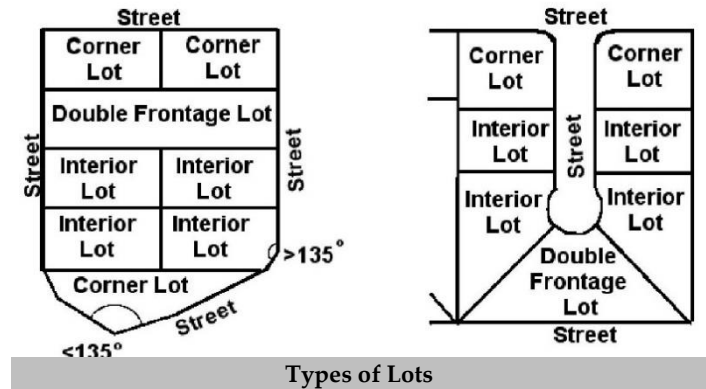
LOADING, OFF-STREET. A loading area located completely on a lot and accessed via interior access drives, interior access driveways, access drives or driveways in which no individual loading spaces gain direct access to a public or private street.

LOADING SPACE. A hard-surfaced, off-street area used for the temporary parking of a commercial vehicle while transferring goods or materials to and from a facility.

LOT.

- a. A piece, parcel, plot or tract of land designated by its owner or developer to be used, developed or built upon as a unit under single ownership or control and may consist of:
 1. A single lot of record;
 2. A portion of a lot of record; or
 3. A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record.
- b. A **LOT** may or may not coincide with a lot of record. For purpose of this definition, the ownership of a **LOT** is further defined to include:
 1. The person(s) who holds either fee simple title to the property or is a life tenant as disclosed in the records of the Township Assessor; or

2. A long-term lessee (but only if the lease is recorded among the records of the County Recorder and has a term (exclusive of non-exercised extensions and renewals) of at least 25 years remaining before its expiration at the time of applying for a permit).
- c. Provided, however, for the purposes of the Town Subdivision Control Ordinance, the term **LOT** shall mean that portion of a subdivision which is proposed to be recorded in the office of the County Recorder as a lot of record.



LOT AREA. The area bounded on all sides by the front, rear and side lot lines that is available for use or development and does not include any area lying within the right-of-way of any public or private street or easement for surface access into the subject lot or adjoining lots.

LOT, CORNER. A lot abutting two or more streets at their intersections, or upon two parts of the same street forming an interior angle of less than 135 degrees.

LOT COVERAGE. The total ground area within the lot or project covered by primary and accessory buildings, excluding open porches, balconies, canopies, and patio covers.

LOT DEPTH. The distance from the midpoint of the front lot line to the midpoint of the rear lot line.

LOT, DOUBLE FRONTAGE. A lot abutting two parallel streets, or abutting two streets which do not intersect at the boundaries of the lot.

LOT, INTERIOR. A lot which is not a corner lot or a double frontage lot.

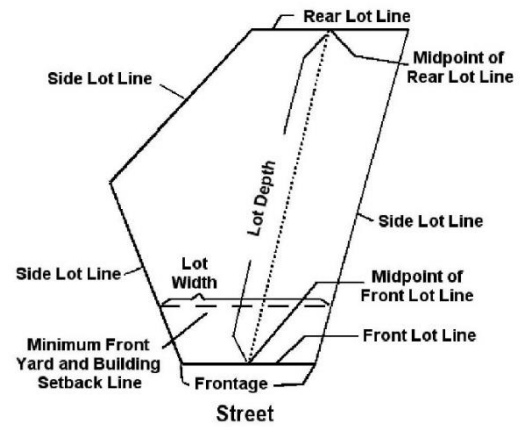
LOT LINE. The line of separation of a lot from any abutting street or adjoining lot, provided, however, for the purposes of the Town Subdivision Control Ordinance, the term **LOT LINE** shall mean the line of separation between a lot of record and any abutting street or adjoining lot of record.

LOT LINE, FRONT. The lot line separating a lot from any abutting street.

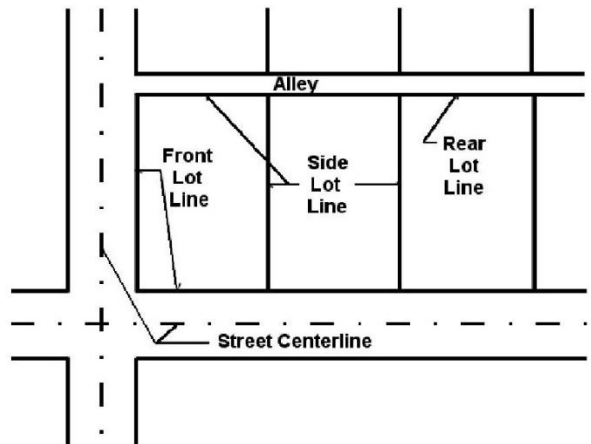
LOT LINE, REAR. A lot line which is opposite and most distant from the front lot line, or in the case of a triangularly shaped lot, a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line. However, in the case of a corner lot, any lot line which intersects with a front lot depth and lot width lot line shall not be considered a **REAR LOT LINE**.

LOT LINE, SIDE. Any lot line not designated as a front or rear lot line.

LOT OF RECORD. A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.



Lot Depth and Lot Width



Lot Lines

LOT WIDTH. The full width of a lot measured along the minimum front yard and minimum building setback line required by this ordinance.

MAINTENANCE BOND. A legally binding agreement whereby the subdivider posts a surety in a form acceptable to the Plan Commission for the maintenance of improvements, installations and lot improvements required by the Town Subdivision Control Ordinance, any other applicable ordinances of the town, and any requirements, covenants, conditions or commitments which may be imposed by the Plan Commission.

MAJOR RESIDENTIAL SUBDIVISION. See **SUBDIVISION, MAJOR RESIDENTIAL.**

MANUFACTURE, LIGHT. The mechanical or chemical transformation of materials or substances into new products or into a useable form. Manufacture may include the creation of products (including subsequent assembly of previously manufactured parts), or the blending of materials such as lubricating oils, plastics, resins or liquors. These Industrial uses at which all operations (with the exception of loading operations):

- a) Are conducted entirely within an enclosed building;
- b) Are not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line;
- c) Do not pose a significant safety hazard (such as danger of explosion); and
- d) Comply with all of the performance standards within the Town of Plainfield Town Code.

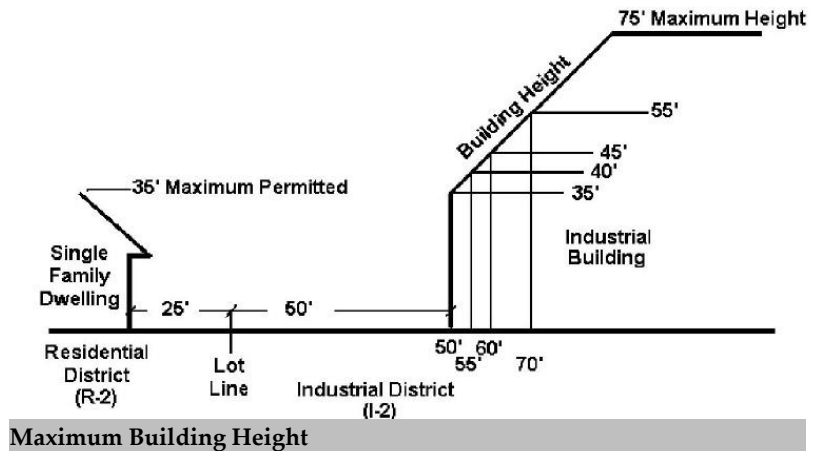
MANUFACTURE, HEAVY. The mechanical or chemical transformation of materials or substances into new products or into a useable form. Manufacture may include the creation of products (including subsequent assembly of previously manufactured parts), or the blending of materials such as lubricating oils, plastics, resins or liquors.

- a) Heavy manufacture land uses are industrial land uses which may be wholly or partially located outside of an enclosed building; may have the potential to create certain nuisances which are detectable at the property line; or may involve materials which pose a significant safety hazard. However, in no instance shall a heavy industrial land use exceed the performance standards listed in the Town of Plainfield Town Code.
- b) Examples of such land uses include but are not limited to: meat product producers; alcoholic beverage producers; paper, pulp or paperboard producers; chemical and allied product producers (except drug producers) including poison or fertilizer producers; petroleum and coal product producers; asphalt, concrete or cement producers; tanneries; stone, clay or glass product producers; primary metal producers; heavy machinery producers; electrical distribution equipment producers; electrical industrial apparatus producers; transportation Vehicle producers; commercial sanitary sewage treatment plants; railroad switching yards; and recycling facilities not involving the on-site storage of salvage materials.

MAXIMUM BUILDING HEIGHT. The vertical distance measured from finished grade to the highest point of the roof.

MEDICAL OFFICE/HOSPITAL. Land uses such as hospitals; hospice and elder care; outpatient surgery centers; medical diagnostic laboratories; preventive, diagnostic, and acute care for medical, dental, vision, and/or chiropractic care; and the business and/or office service for the above.

MINOR RESIDENTIAL SUBDIVISION. See **SUBDIVISION, MINOR RESIDENTIAL.**



NAVIGABLE AIRSPACE. The airspace above the minimum altitudes of flight prescribed by regulations issued under the Federal Aviation Act of 1958, 101(24), 49 U.S.C. 11, including the airspace needed to ensure safety in the take-off and landing of aircraft.

NEIGHBORHOOD RECYCLING COLLECTION POINT. A site where individuals bring household recyclable materials to either drop off without compensation, or, to redeem the materials for monetary compensation. Beyond any limited sorting, no other processing of the materials takes place at the site. All materials are stored completely within the structure while awaiting periodic shipment to the processing facilities. While these collection points may be developed as freestanding sites, they typically are accessory uses sharing the site of a larger primary use. Possible structures for this type of operation include such recycling containers as “igloos”, reverse vending machines, trailers or similar structures.

NONCONFORMING BUILDING OR STRUCTURE, LEGALLY ESTABLISHED. Any continuous, lawfully established building or structure erected or constructed:

- a. Prior to the time of adoption, revision or amendment of the Zoning Ordinance but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district; or
- b. Pursuant to a granted variance of the Zoning Ordinance.

NONCONFORMING USE, LEGALLY ESTABLISHED. Any continuous, lawful land use having commenced:

- a. Prior to the time of adoption, revision or amendment of the Zoning Ordinance but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district; or
- b. Pursuant to a granted variance.

NONRESIDENTIAL SUBDIVISION. See **SUBDIVISION, NONRESIDENTIAL.**

NONRESIDENTIAL INCREMENTAL SUBDIVISION. See **SUBDIVISION, NONRESIDENTIAL, INCREMENTAL.**

NON-WHIP ANTENNA. An antenna which is not a whip antenna, such as dish antennas, panel antennas and the like.

OFFICE PARK. See **INTEGRATED CENTER.**

OFFICE, PERSONAL SERVICE. Exclusively indoor land uses whose primary function is the provision of services directly to an individual on a walk-in or on-appointment basis.

- a) Examples of such land uses include but are not limited to: professional services, insurance services, realty offices, financial services, veterinary clinics without outdoor kennels and/or dog runs, barbershops, beauty shops, and related land uses.
- b) These uses do not include tattoo or body piercing establishments, pawnshops or payday loan establishments.

OFFICE, PROFESSIONAL. Exclusively indoor land uses whose primary functions are the handling of information or administrative services. Such land uses do not typically provide services directly to customers on a walk-in or on-appointment basis. Examples include offices such attorneys, architects, information technology consulting, engineering, or similar uses.

OFFICE, PROFESSIONAL SERVICE. Exclusively indoor land uses whose primary functions are the are the provision of offsite services to individuals, companies, or organizations. Such land uses typically have service Vehicles that are dispatched to individual sites which are to be stored behind the building when not in use.

- a) Examples of such land uses include but are not limited to: contractors for building trades such as electricians, plumbers, heating, ventilation and cooling (HVAC), utility locating, as well as development uses that also fit within the definition of “Office, Professional”, such as engineering, surveying, and planning services.
- b) This does not include uses that primarily engage in the delivery or distribution of goods to individuals, companies, or organizations.

OPEN BURNING. Any burning of combustible matter where the products of combustion are emitted directly into the outside air without passing through a stack or chimney.

OUT LOT.

- a. That portion of land in a subdivision, integrated center, industrial park or planned development which does not contain the central or primary building of the development and is:
 1. Usually located adjacent to a street or frontage street; and
 2. Is intended for the development of a smaller, additional and separate building or buildings.
- b. In a subdivision, integrated center or industrial park where there is no central or primary building of the development and individual lots are developed independently of each other, each lot shall be considered an out lot.

OUTDOOR RECREATIONAL, ACTIVE. Uses include all recreational land uses located on public property which involves active recreational activities. Examples of such land uses include but are not limited to: play courts (such as tennis courts and basketball courts), playfields (such as ball diamonds, football fields, and soccer fields), tot lots, outdoor swimming pools, swimming beach areas, fitness courses, public golf courses and similar land uses.

OUTDOOR RECREATIONAL, PASSIVE. Uses include all recreational land uses located on public property which involves passive recreational activities. Examples of such land uses include but are not limited to: arboretums, natural areas, wildlife areas, hiking trails, bike trails, cross country ski trails, horse trails, open grassed areas not associated with any particular active recreational land use), picnic areas, picnic shelters, gardens, fishing areas, and similar land uses.

OUTDOOR STORAGE OR WHOLESALING. Uses are primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. Such a land use, in which any activity beyond loading and parking is located outdoors, is considered an outdoor storage and wholesaling land use.

- a. Examples of such land uses include but are not limited to: contractors' storage yards, equipment yards, lumber yards, coal yards, landscaping materials yard, construction materials yards, and shipping materials yards.
- b. Such land uses do not include the storage of inoperative *Vehicles* or equipment, or other materials typically associated with a junkyard or salvage yard.

PARK MASTER PLAN. A concept plan that provides general guidelines for the improvement of a park, including, but not limited to: a listing the types of recreational uses proposed; the overall park layout and design of the park (i.e., location of activity areas or structures, including off-street parking areas and signs); conceptual building elevations for major buildings or structures; and the approximate size or scope of proposed recreational facilities.

PARKING AREA. Any area of paving other than an open exhibition or display area, not inclusive of interior access drives, driveways, interior access driveways and access drives, intended for the temporary storage of automotive vehicles including parking spaces and the area allocated to the egress/ingress of automotive vehicles to and from the actual parking space.

PARKING GARAGE. See **GARAGE, PARKING.**

PARKING, OFF-STREET. A parking area located completely on a lot and accessed via interior access drives, interior access driveways, access drives or driveways in which no individual parking spaces gain direct access to a public or private street.

PARKING, ON-STREET. A parking area located partially or completely within the right-of-way of a public street or private street.

PARKING LOT. The primary or accessory use of a lot or a portion of a lot for the parking of automotive vehicles.

PARKING SPACE. An off-street portion of the parking area, which shall be used only for the temporary placement of an operable motor vehicle.

PARKINGSHED A defined walkable geographical area determined for each individual development, approved by the Plan Commission or Planning Director (as applicable), within which the use of parking may be shared based upon differing peak hours of parking demand, availability of unused parking spaces, scheduled transit, and/or presence of publicly usable parking facilities.

PATIO. A hardsurfaced area accessory structure to a primary use or structure of which the horizontal area is at grade level with at least one side open to the weather and essentially unobstructed to the sky. This area is specifically designed and intended for the recreational enjoyment of the occupant(s) and guest(s) of the primary use or structure and is not designed or intended for use by automotive vehicles.

PATIO COVER. A one-story structure open on two or more sides covered overhead by a solid or permeable (i.e. lattice/trellis style) roof. **PATIO COVERS** are not designed or intended to be used as room additions.

PENNANT. A sign of lightweight plastic, fabric or other similar material, whether or not containing a message of any kind, which is suspended from a rope, wire or string, usually in a series, and which is designed to move in the wind. Flags of any government or political unit shall not be considered **PENNANTS**.

PERFORMANCE BOND. A legally binding agreement whereby the subdivider posts a surety in a form acceptable to the Plan Commission for the construction of improvements, installations and lot improvements required by the Town Subdivision Control Ordinance, any other applicable ordinances of the town, and any requirements, covenants, conditions or commitments which may be imposed by the Plan Commission.

PERMANENT OUTDOOR DISPLAY AND SALES. Include all land uses which conduct sales or display merchandise or equipment on a permanent basis outside of an enclosed building as the principal or primary use of the lot.

- a) Examples of such land uses include but are not limited to: Vehicle and equipment rental, manufactured housing sales, monument sales and garden centers.
- b) Such land uses do not include the storage or display of inoperative Vehicles or equipment, or other materials typically associated with a junk or salvage yard or other permanent outdoor land uses specifically defined by the zoning ordinance such a permanent outdoor display and sales as an accessory use, *Outdoor Commercial Entertainment*, outdoor storage or wholesaling, outdoor *Institutional*, outdoor maintenance service, or *Vehicle Sales*.

PERMIT AUTHORITY. The staff of the Town of Plainfield and the applicable Board of Zoning Appeals within the jurisdiction of the Town of Plainfield.

PERMITTED USE. The use of land or the use of a building or structure on land which is allowed, either as a matter of right or under limited conditions (i.e., as a special exception use, an accessory use, a home occupation or a temporary use) in the zoning district applicable to the land.

PERSON. A corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a natural person.

PERSONAL STORAGE FACILITY. Uses primarily oriented to the indoor storage of items entirely within partitioned buildings having an individual access to each partitioned area. Outdoor storage of *Vehicles* and boats may be permissible. Such storage areas may be available on either a condominium or rental basis. These land uses are typically known as mini-warehouses or self-storage facilities.

PLAN COMMISSION. The Town of Plainfield Plan Commission established pursuant to the advisory planning law of the state.

PLANT CATEGORIES. The grouping of plants based upon the nature, size and species of the plants.

PLANT UNIT VALUE. A numeric value assigned to plants within the various plant categories.

PLANTING SEASON. The spring and fall time periods during which new plant materials that are installed are most likely to survive the planting process. Generally, these periods are from April 15 to June 15 (spring) and October 15 to November 15 (fall). This does not prohibit the installation of plant materials during other times of the year.

PLAT. A drawing, map, plan or other graphic representation of a subdivision of a tract of land or a replat of such a tract of land into lots of record.

PLAT, INCREMENTAL. See **INCREMENTAL PLAT.**

PLAZA. An open space that may be improved and landscaped, usually surrounded by streets or buildings.

PORCH. A roofed structure with at least one side exposed to the weather, supported from the ground and attached to or part of a building at the area of entrance or exit to said building.

PRIMARY BUILDING. The building in which the primary permitted use of the lot is conducted.

PRIMARY PLAT. Any initial request for the subdivision of real estate filed before the Plan Commission pursuant to I.C. 36-7-4-700 et seq.

PRIMARY USE. A permitted use of land or a permitted use of a building or structure on land which is allowed as a matter of right in the zoning district applicable to the land, subject only to compliance with the development standards applicable to that zoning district.

PUBLIC AIRPORT. An airport publicly owned or operated, designated as a **PUBLIC AIRPORT** on the official zoning map, for which an Airspace District is established by this Article.

PUBLIC SERVICE. Uses include all town, county, state and federal facilities (except those otherwise treated in this section), emergency service facilities such as fire departments and rescue operations, wastewater treatment plants, public and/or private utility substations, water towers, utility and public service related distribution facilities, and similar land uses.

RECYCLING CONTAINER. A receptacle designed and intended for the collection of cleaned, sorted, solid household waste products, including, but not limited to, glass, plastic, metal and paper.

RECYCLING FACILITY. A recycling operation involving further processing (relative to a neighborhood recycling collection point) of materials to improve the efficiency of subsequent hauling. Such a facility typically features sorting, the use of a crushing apparatus and the storage of the material until it is shipped out.

RELIGIOUS INSTITUTIONAL. A facility devoted primarily to the purpose of divine worship. Includes related ancillary uses, which are subordinate to and commonly associated with the religious institution use, such as schools and instructional facilities, daycare centers, and social uses.

REQUIRED SERVICES FOR PRIVATE STREETS AND DRIVES: Including, but not limited to: regular trash pick-up; leaf pick-up; snow removal; daily mail delivery service; roadway maintenance and repair, including, but not limited to: driving surface, roadway subgrade, subsurface drainage, roadside drainage, curbs, sidewalks, *Street* lights, *Street* name signs, traffic control signs, and traffic control signals; and, powers to enforce speed control and parking regulations.

RESEARCH PARK. See **INTEGRATED CENTER.**

RESIDENTIAL FACILITY FOR THE DEVELOPMENTALLY DISABLED. A residential facility established under a program authorized by I.C. 12-11-1 which provides residential services for not more than eight developmentally disabled individuals.

RESIDENTIAL FACILITY FOR THE MENTALLY ILL. A residential facility established under a program authorized by I.C. 12-22-1-1 which provides residential services for mentally ill individuals.

RESIDENTIAL INDOOR LODGING ~~BED AND BREAKFAST.~~ The commercial leasing of bedroom(s) for guest(s) within a private, owner-occupied, one- or two-family dwelling unit. Such leasing provides temporary accommodations, typically including a morning meal, to overnight guests for a fee. Such leasing may also provide for the temporary accommodation of daytime meetings or receptions for guests for a fee. Such leasing caters largely to tourists and the traveling public. Examples include, but are not limited to, uses such as a "Bed and Breakfast" (B&B) establishment.

RESOURCE RECOVERY. The processing of solid waste into commercially valuable materials or energy.

RIGHT-OF-WAY. Specific and particularly described land, property or interest therein devoted to and subject to the lawful use, typically as a thoroughfare for passage of pedestrians, vehicles or utilities, as set forth in a written grant, declaration or conveyance that is recorded in the office of the County Recorder.

RIGHT-OF-WAY, EXISTING. The total right-of-way width of a street as created or expanded by the most recent grant, declaration or conveyance for that is recorded by the office of the County Recorder.

RIGHT-OF-WAY, PRIVATE. Specific and particularly described strip of privately-held land devoted to and subject to use for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, as set forth in a written grant, declaration or conveyance that is recorded by the office of the County Recorder.

RIGHT-OF-WAY, PROPOSED. The recommended right-of-way width for a street based upon that street's classification in the Thoroughfare Plan portion of the Comprehensive Plan.

RIGHT-OF-WAY, PUBLIC. Specific and particularly described strip of land, property or interest therein dedicated to and accepted by the municipality, county or state to be devoted to and subject to use by the general public for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, as set forth in a written grant, declaration or conveyance that is recorded by the office of the County Recorder.

SEASONAL RETAIL SALES. A temporary use established for a fixed period of time, for the retail sale of seasonal products, including, but not limited to, such items as food, Christmas trees and live plants. This use may or may not involve the construction or alteration of any permanent building or structure.

SEATING/DINING, OUTDOOR. An area designated for the sole purpose of outdoor seating to allow for outdoor dining, which may or may not be roofed as an accessory use to any restaurant, bar or tavern.

SECONDARY PLAT. Any plat approved by the Plan Commission and authorized for filing with the County Auditor and for recording by the County Recorder's office in accordance with I.C. 36-7-4-710.

SECRETARY. The Secretary of the Plan Commission as duly appointed by the Plan Commission in accordance with I.C. 36-7-4-304.

SETBACK. That distance measured perpendicularly from the property line to the closest point of the building, structure, sign structure, parking area or any other permanent improvement.

SETBACK LINE. A line that establishes the minimum distance that a building, structure or portion thereof, can be located from a lot line or right-of-way line.

SETBACK, MAXIMUM. The largest distance allowed by this ordinance from a front lot line for the location of a building, structure or any other permanent improvement (excluding parking areas).

SETBACK, MINIMUM. The smallest distance required by this ordinance from a lot line to the closest point of a building, structure, sign structure, parking area, loading area, storage area or any other permanent improvement. A **MINIMUM SETBACK** may be a minimum front setback, minimum side setback or minimum rear setback. Said distance shall be measured perpendicularly from the lot line.

SETBACK, MINIMUM FRONT. The minimum distance required by this ordinance from a front lot line to the closest point of the building, structure, sign structure, parking area, loading area, storage area or any other permanent improvement. Said distance shall be measured perpendicularly from the front lot line.

SETBACK, MINIMUM REAR. The minimum distance required by this ordinance from a rear lot line to the closest point of the building, structure, sign structure, parking area, loading area, storage area or any other permanent improvement. Said distance shall be measured perpendicularly from the rear lot line.

SETBACK, MINIMUM SIDE. The minimum distance required by this ordinance from a side lot line to the closest point of the building, structure, sign structure, parking area or any other permanent improvement. Said distance shall be measured perpendicularly from the side lot line.

SHOE-BOX LIGHT FIXTURE. A full-cutoff light fixture with a low glare design and a flat glass lens.

SIGN. Any structure, fixture, placard, announcement, declaration, device, demonstration or insignia used for direction, information, identification or to advertise or promote any business, product, goods, activity, services or interests.

SIGN, A-FRAME. A portable sign containing two sign faces and whose framing is hinged at the apex at an angle less than 45 degrees.

SIGN, ADVERTISING. An off-premises sign which directs attention to any business, profession, product, activity, commodity or service, that is offered, sold or manufactured on property or premises other than that upon which the sign is located. Also known as an **OUTDOOR ADVERTISING SIGN.**

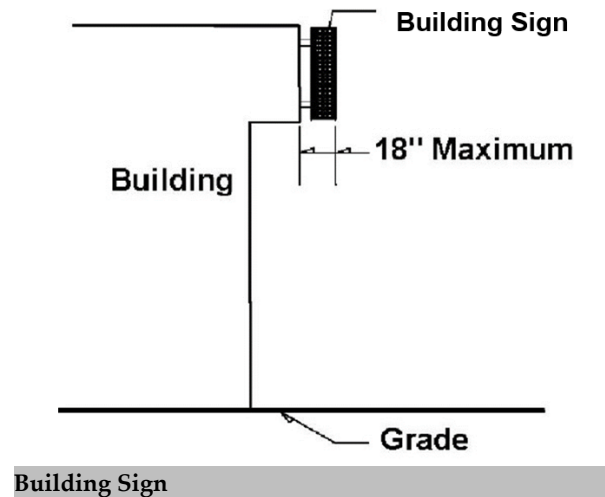
SIGN, AWNING. A building identification sign or graphic printed on or in some fashion attached directly to the material of an awning.

SIGN, BALLOON. A temporary sign consisting of a bag made of light-weight material which is either:

- a. Filled with a gas lighter than air; or
- b. Continuously filled with blown air, and designed to rise or float in the atmosphere or is attached to the ground or a building.

SIGN, BANNER. A sign of lightweight fabric or similar material mounted at one or more corners or edges by a permanent frame or fixture. Flags of any governmental or political subdivision shall not be considered **BANNERS.**

SIGN, BUILDING. Any sign attached to or erected on a wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall, within 18 inches of said wall, and containing only one sign display surface.



SIGN, BUSINESS. See **SIGN, IDENTIFICATION.**

SIGN CABINET. The frame or skeletal structure of an internally illuminated sign which supports the sign face (including, by way of example, but not limited to, an individual channel letter wall sign, a raceway mounted channel letter wall sign, a box wall sign, a ground sign).

SIGN, CANOPY. Any sign that is part of or attached to a canopy over a door, entrance or window.

SIGN, CHANGEABLE COPY. A sign that is capable of changing the position or format of word messages or other displays on the sign face or change the display of words, numbers, symbols, and/or graphics by use of light apertures or similar methods, changeable pictorial panels, rotating or similar panels, or changeable letters, numbers, symbols, and similar characters. The sign cabinet and sign structure are not changed or modified to change the copy. These displays may be changed in the field or from a remote location.

SIGN, CHANNEL BOX. See Sign, Cloud

SIGN, CLOUD. A custom shaped sign including embossed copy with the exterior edges of the sign contoured to the outer edge of the copy.

SIGN, DIRECTIONAL. Any incidental sign which serves solely to designate the location of or direction to any place or area located on the same lot.

SIGN, GONFALON. A temporary sign, typically of a lightweight fabric or similar material, mounted on a light pole from an upper and lower crosspiece.

SIGN, GROUND. Any freestanding sign constructed in or on the ground surface.

SIGN, IDENTIFICATION. Any sign which is limited to the name, address and number of a building, institution or person and to the activity carried on in the building or institution (not including the price or cost of such activity), or the occupancy of the person.

SIGN, INCIDENTAL. A sign relating to the lot or use thereof and designated accessory uses, direction, identification, or information.

SIGN, MARQUEE. Any building identification sign painted, mounted, constructed or attached in any manner on a marquee.

SIGN, NONCOMMERCIAL OPINION. A sign which does not advertise products, goods, businesses or services and which expresses an opinion or point of view.

SIGN, NONCONFORMING. A sign which qualifies as a legally established nonconforming structure.

SIGN, OFF-PREMISES. A ground mounted sign on a parcel that has no primary use.

SIGN, PARKING AND LOADING. Any incidental sign which serves to designate the location of any parking or loading area on a lot and may include the name of the owner or the establishment for which such parking or loading area it is provided.

SIGN, PORTABLE. Any sign or sign structure not securely attached to the ground or other permanent structure, or: a sign designed to be transported from place to place, including, but not limited to, signs transported by means of wheels; a sign attached to A- or T-frames; a menu and sandwich board sign; a balloon used as a sign, umbrella used for advertising; and a sign attached to or painted on a vehicle parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operation of the business.

SIGN, PROJECTING. Any sign which is affixed to a building or wall in such a manner that the leading edge extends more than 18 inches beyond the surface of such building or wall face.

SIGN, ROOF. Any sign erected on or wholly constructed upon a roof of any building and supported solely on the roof structure.

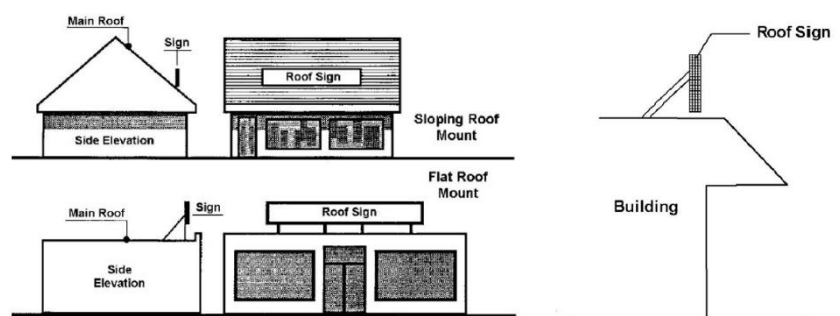
SIGN, SIDEWALK. A movable sign which is intended to convey information to pedestrians, such as an A-frame sign containing menus or specials. A **SIDEWALK SIGN** is not considered to be a portable sign.

SIGN STRUCTURE. Any structure including supports, uprights, bracing and framework which supports or is capable of supporting any sign.

SIGN SURFACE. The surface of the sign upon, against, or through which the message of the sign is exhibited.

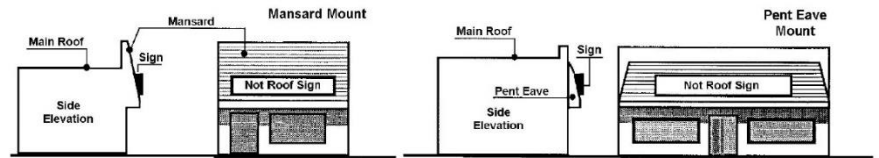


Projecting Sign



SIGN SURFACE AREA. The area of a sign surface (which is also the **SIGN SURFACE AREA** of a wall sign or other sign with only one face). **SIGN SURFACE AREA** shall be computed by using the smallest square, rectangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including, any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets the applicable regulations of this ordinance and is clearly incidental to the display itself.

Examples of Roof Signs



Examples of Signs Which Are Not Roof Signs

SIGN, SUSPENDED. Any sign that is suspended from the underside of a horizontal plane surface and is connected to the horizontal plane surface.

SIGN, T-FRAME. A portable sign utilizing an inverted "T" style of framing to support the sign.

SIGN, TEMPORARY. Any sign or sign structure which is not permanently affixed or installed, and is intended to be displayed for limited periods only. Examples of such signs include, but are not limited to, the following: real estate, construction, special event, political, garage sale, home improvement/remodeling, model home and seasonal/holiday signs.

SIGN, WIND. A sign of lightweight fabric or similar material attached at one end to a pole or similar apparatus so as to swing freely, inflate and flutter by movement of the wind.

SIGN, WINDOW. Any sign placed:

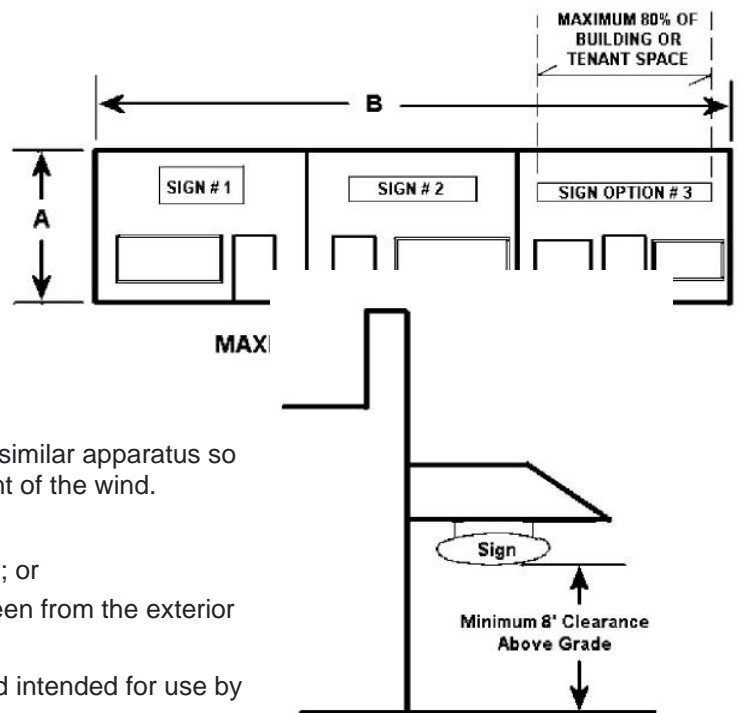
- a. Inside of and within two feet of a window; or
- b. Upon a window, and is intended to be seen from the exterior of the window.

SINGLE USE SITE. A lot which is developed and intended for use by one permitted use.

SKETCH PLAN. A graphic representation of a site or subdivision, drawn to an appropriate scale by hand or other drawing method, capable of depicting the general pattern proposed for a development or subdivision layout in compliance with the applicable provisions of the Zoning Ordinance or the Subdivision Control Ordinance.

SMALL CELL FACILITY.

- 1. A personal wireless service facility as defined by the Act; or
- 2. A wireless service facility that satisfies the following requirements:
 - a. Each antenna, including exposed elements, has a volume of three cubic feet or less;
 - b. All antennas, including exposed elements, have a total volume of six cubic feet or less; and
 - c. The primary equipment enclosure located within the facility has a volume of 40 cubic feet or less.



Suspended Sign

SMALL CELL NETWORK. A collection of interrelated small cell facilities designed to deliver wireless service.

SPANDREL. A roof-like structure that covers the gasoline pump dispenser, serves as a second-tier canopy, is a lighting source for the dispensing area, serves to identify the gasoline pumps by numerical designation, and may display signs.

SPECIAL EXCEPTION USE. The use of land or the use of a building or structure on land which is allowed in the zoning district applicable to the land only through the grant of a special exception by the Board of Zoning Appeals.

STAFF. The Secretary of the Plan Commission, the Director of the Department of Planning and Zoning, any employee of the Plan Commission, or any attorney or agent of the Secretary of the Plan Commission or the Director of the Planning and Zoning Department.

STORAGE AND TRANSFER ESTABLISHMENT. A facility at which products, goods or materials are received from various locations and temporarily warehoused while awaiting distribution or shipment via a subsequent carrier, possibly along with other products, goods or materials to another destination.

STORY. That part of a building, with an open height of no less than 78 inches, except a mezzanine, included between the upper surface of one floor and the lower surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall constitute a **STORY** only if it provides finished floor area.

STREET. Any public or private right-of-way, with the exception of alleys, essentially open to the sky and open and dedicated to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, lane, road, drive, expressway, arterial, thoroughfare, highway or any other term commonly applied to a right-of-way for said purposes. A **STREET** may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking space and similar features.

STREET, COLLECTOR. A street designated on the Thoroughfare Plan as a collector.

STREET, CUL-DE-SAC. A local street having one open end and being permanently terminated at the other by a vehicular turnaround.

STREET, FRONTAGE. A street located along side and generally parallel with a more heavily traveled street and which provides access to abutting property(ies).

STREET, INTERSTATE. A street designated on the Thoroughfare Plan as an interstate.

STREET, LIMITED ACCESS. A street along which access is restricted due to the acquisition of access rights from adjoining properties by the appropriate governmental agency having jurisdiction over such street.

STREET, LOCAL. A street primarily designed and intended to carry low volumes of vehicular traffic movement at low speeds within the immediate geographic area with direct access to abutting properties.

STREET, LOCAL COLLECTOR. That portion of a local street which serves as the main entrance into a major residential subdivision, from the right-of-way line of the street from which the major residential subdivision gains access, to the right-of-way line of the first intersecting street within the major residential subdivision.

STREET, PRIMARY ARTERIAL. A street designated on the Thoroughfare Plan as a primary arterial.

STREET, PRIVATE. A privately-held right-of-way, with the exception of alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, easement, road, expressway, arterial, thoroughfare, highway or any other term commonly applied to a right-of-way for said purposes. A **PRIVATE STREET** may be comprised of pavement, shoulders, curbs, sidewalks, parking space and similar features.

STREET, PUBLIC. A publicly dedicated, accepted and maintained right-of-way, with the exception of alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, lane, road, drive, expressway, arterial, thoroughfare, highway or any other term commonly applied to a public right-of-way for said purposes. A **PUBLIC STREET** may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking space and similar features.

STREET, SECONDARY ARTERIAL. A street designated on the Thoroughfare Plan as a secondary arterial.

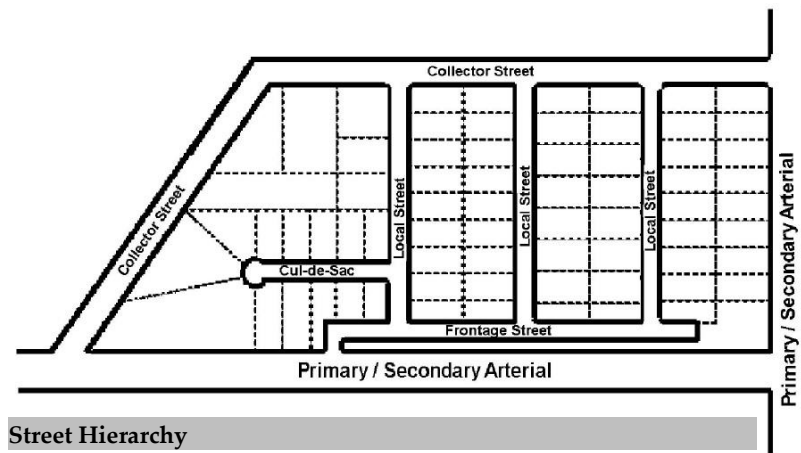
STRUCTURE. Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, **STRUCTURES** include buildings, mobile homes, walls, parking areas, signs and billboards.

SUBDIVIDER. The owner, developer or authorized agent of the owner or developer of real estate, who is responsible for all designs, reservations and improvements related to the petition for primary or secondary plat approval or the development of a subdivision.

SUBDIVISION. The division of a parcel of land into two or more lots, parcels, sites, units, plats or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms and conditions, including resubdivision. **SUBDIVISION** includes the division or development of land opened for residential and nonresidential uses, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat or other recorded instrument. The following kinds of division of existing parcels of land are exempt:

- a. A division of land for the sale or exchange of tracts by adjoining landowners to correct errors in an existing legal description, provided that no additional building sites other than for accessory buildings are created by the division;
- b. A division of land for the acquisition of street or utility right-of-way or easement;
- c. A division of land for the sale or exchange of tracts between adjoining land owners, provided that no additional development sites other than for accessory buildings are created by the division;
- d. A division of land into cemetery plots for the purpose of burial; and

(e) A division of a lot of record, which is or may be legally developed with a two-family dwelling or a multi-family dwelling, into sub-lots for the purpose of transfer of ownership of the individual dwelling units



and their associated portion of the lot of record, provided that no additional development sites are created by the division and that no sub-lots are created which do not contain a dwelling unit.

SUBDIVISION, MAJOR RESIDENTIAL.

- a. A subdivision of a tract of land into four or more parcels or lots, including any remainder of the original tract, for single-family or two-family dwelling purposes;
- b. Any single-family or two-family dwelling subdivision which involves the creation of new streets, extension of water lines or sewer lines, or the creation of public improvements; or
- c. A subdivision for a multi-family dwelling development.

SUBDIVISION, MINOR RESIDENTIAL. A subdivision of a tract of land into less than four parcels or lots, including any remainder of the original tract, for single-family or two-family dwelling purposes, which does not involve the creation of new streets, extension of water lines or sewer lines, or the creation of public improvements.

SUBDIVISION, NONRESIDENTIAL. A subdivision of a tract of land, including any remainder of the original tract, for any commercial, industrial or special exception use.

SUBDIVISION, NONRESIDENTIAL INCREMENTAL. A subdivision of a tract of land, including any remainder of the original tract, for any commercial, industrial or special exception use which is submitted for primary and secondary plat approval through the incremental plat approval process.

SUBSTANTIAL MODIFICATION OF A WIRELESS SUPPORT STRUCTURE. The mounting of a wireless facility on a wireless support structure in a manner that:

- 1. Increases the height of the wireless support structure by the greater of:
 - a. Ten percent of the original height of the wireless support structure; or
 - b. Twenty feet; or
- 2. Adds an appurtenance to the wireless support structure that protrudes horizontally from the wireless support structure by the greater of:
 - a. Twenty feet; or
 - b. The width of the wireless support structure at the location of the appurtenance; or
 - c. Increases the square footage of the equipment compound in which the wireless facility is located by more than 2,500 square feet.

SUB-LOTS. Portions of a lot of record created in connection with the transfer of ownership of individual dwelling units in a two-family or multi-family dwelling.

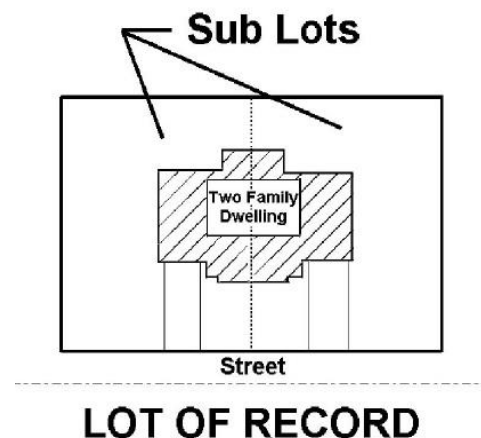
TECHNICAL ADVISORY COMMITTEE (TAC). A committee of technical consultants established to provide the Director with technical assistance in the review of plans for compliance the provisions of this ordinance, the Subdivision Control Ordinance and other applicable rules and regulations of federal, state or local agencies.

TELECOMMUNICATIONS. The transmission between or among points specified by the user of information of the user's choosing, without change in the form or content of the information as sent and received.

TELECOMMUNICATIONS ANTENNA. An antenna used to provide a telecommunications service.

TELECOMMUNICATIONS SERVICE. The offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

TELECOMMUNICATIONS TOWER. A structure more than ten feet tall, built primarily to support one or more telecommunications antennas.



TEMPORARY SEASONAL RETAIL SALES. A temporary use established for a fixed period of time, for the retail sale of seasonal products, including, but not limited to, such items as Christmas trees, pumpkins and fireworks. This use may or may not involve the construction or alteration of any permanent building or structure.

TEMPORARY USE. A land use established for a limited and fixed period of time with the intent to discontinue such use upon the expiration of the time period.

THOROUGHFARE PLAN. That portion of the Comprehensive Plan which sets forth recommendations for major street alignments and street classifications.

TOURIST HOME. See **BED AND BREAKFAST.**

TOWN ENGINEER. The licensed engineer designated by the town to furnish engineering assistance and advice in the administration of the Zoning Ordinance and the Subdivision Control Ordinance.

TOWN STANDARDS. Those drawings, memorandum and specifications established by the Town Engineer, under the authority of the Town Council, for the sole purpose of identifying the minimum quality and performance standards for facilities, or components thereof, which, in the opinion of the Town Engineer, may impact the integrity of the public works system, thereby impacting the public health, safety, comfort, convenience and general welfare of the town.

TRANSFER STATION.

- a. A facility where solid waste is transferred from a vehicle or container to another vehicle or container for transportation.
- b. The term does not include the following:
 1. A facility where the solid waste that is transferred has been generated by the facility; or
 2. A recycling facility. (For reference, see I.C. 13-7-1.)

TRUCK. A self-propelled device for roadway use in, upon, or by which a person or property is, or may be, transported. These devices have at least three axles that are designed to tow trailers and are typically larger than passenger or small commercial *Vehicles*. This includes, but is not limited to, semis, semitrailers, Truck-tractors, tractor trailers, box Trucks, or cube van.

TRUCK FUELING STATION. A retail sales facility selling fuel for motor Vehicles and semi-trailer Trucks with at least three axles that are designed to tow trailers. Such a facility may have ancillary services such as a *convenience store*, but ancillary services such as Truck scales, weigh stations, showering facility, Vehicle service, Vehicle repair, or provision of "rest areas" for semi-trailer Trucks or their operators are not permitted. Fuel may include non-liquid or non-gaseous materials such as electric current.

TRUCK SALES AND REPAIR. Permanent outdoor and indoor display of *Trucks* for either new or pre-owned purchase or lease; and/or, a facility engaged in one or more of the following for transportation larger than passenger or small commercial Vehicles:

- a) Indoor retail sales and installation of new, used, and/or rebuilt parts and accessories.
- b) Indoor repair, not to include the dismantling, or storage of *trucks*.

TRUCK TERMINAL Land and building(s) used:

1. As a relay station for the transfer of a load from one vehicle to another or one party to another, which may include temporary storage prior to transshipment;
2. For the exchange of trailers among trucks;
3. For the exchange of truck drivers among trucks;
4. Temporary parking of trucks and/or trailers with or without cargo; and/or,
5. For the offices, dispatch, and/or operation of a motor freight carrier.

UNDERGROUND FACILITIES. An accessory structure which is at least 75% subterranean, utilized for storage of personal property or as a temporary shelter for people, such as a storm cellar or fallout shelter.

UTILITY POLE. A structure that is:

1. Owned or operated by:
 - a. A public utility;
 - b. A communications service provider;
 - c. A municipality;
 - d. An electric membership corporation; or
 - e. A rural electric cooperative; and
2. Designed and used to:
 - a. Carry lines, cables, or wires for telephone, cable television; or electricity; or
 - b. Provide lighting.

VEHICLE. A self-propelled device in, upon, or by which a person or property is, or may be, transported. The term does not include a farm tractor, an implement of agriculture designed to be operated primarily in a farm field or on farm premises, a semi-truck or semi-trailer, an electric bicycle, an electric foot scooter, or an electric personal assistive mobility device.

VEHICLE PARTS SALES, REPAIR AND/OR MAINTENANCE. A facility engaged in one or more of the following:

- a. Indoor retail sales and installation of new, used, and/or rebuilt vehicle parts and accessories;
- b. Indoor repair of vehicles, not to include the sales, dismantling, or storage of vehicles.
- c. Cleaning and detailing of *vehicles*, either by manual or automated means, includes car washes.

VEHICLE SALES. Permanent outdoor and indoor display of motorized passenger or light commercial vehicles licensable in the State of Indiana for roadway use, either new or pre-owned for purchase or lease.

WALKWAY. A defined pedestrian way, typically improved with concrete or asphalt, which provides for pedestrian movement on private property. A **WALKWAY** may or may not be located in an pedestrian easement.

WAREHOUSE AND DISTRIBUTION CENTER. A building or structure for the storage of goods, materials or products awaiting shipment to another location for wholesale or retail trade.

WHIP ANTENNA. An omni-directional dipole antenna of cylindrical shape which is no more than six inches in diameter.

1. All wireless facilities and wireless support structures shall be designed to conform with the accepted electrical engineering methods and practices and to comply with the provisions of the National Electric Code, as amended.
2. All wireless facilities and wireless support structures shall be constructed to conform with the requirements of the Occupational Safety and Health Administration (OSHA).
3. All wireless facilities and wireless support structures shall be designed and constructed to all applicable standards of the American National Standards Institute (ANSI) manual, as amended.

WIRELESS FACILITY. The set of equipment and network components necessary to provide wireless communications service. The term does not include a wireless support structure.

WIRELESS SUPPORT. A freestanding structure designed to support wireless facilities. The term does not include a utility pole or an electrical transmission tower.

YARD. An open space, unobstructed to the sky, extending fully across the lot while situated between the front, side or rear lot line and the established front, side or rear building line.

YARD, FRONT. An open space, unobstructed to the sky, extending fully across the lot while situated between the front lot line and the established front building line.

YARD, INTERIOR. An open space, unobstructed to the sky, extending out from the wall of a multi-family dwelling.

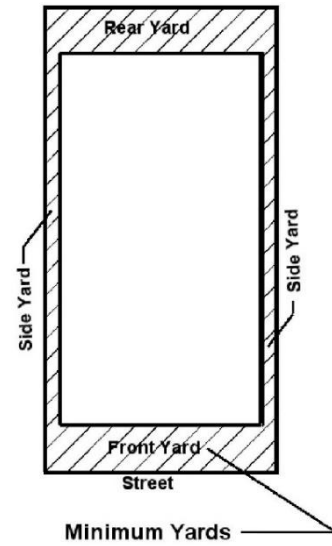
YARD, MINIMUM. An open space unobstructed to the sky, extended fully across the lot situated between a lot line and a setback line. **MINIMUM YARDS** may be a front yard, a side yard or a rear yard depending on which lot line the required yard abuts.

YARD, PERIMETER. An open space, unobstructed to the sky, extending fully across the lot while situated between any front, side and rear lot line and the minimum required front, side and rear setback.

YARD, REAR. An open space, unobstructed to the sky, extending fully across the lot while situated between the rear lot line and the established rear building line.

YARD SALE. See **GARAGE SALE.**

YARD, SIDE. An open space, unobstructed to the sky, extending fully across the lot while situated between a side lot line and the established side building line.



ARTICLE 14 - APPENDIX

14.1 Land Use Matrix

A. Intent.

B. Use Type Definition within Tables 14.C.1, 14.C.2, and 14.C.3. Within the boxes, the following types of uses apply.

Table 14.1.B: Use Type Definitions within Tables 14.1.C.1		
P	Primary	The use of land or the use of a building or structure on land which is allowed as a matter of right in the applicable zoning district.
SE	Special Exception	The use of land or the use of a building or structure on land which is allowed in the applicable zoning district only through the grant of a Special Exception by the Board of Zoning Appeals.
M	Master Plan	The use of land or the use of a building or structure on land which is allowed upon the approval of a Master Plan by the Plan Commission

C. Table of Uses

Table 14.1.C: Table of Uses

LAND USE TYPE	For more info see section below	ZONING CLASSIFICATIONS																											
		Single Family					Multi-Family			Mixed Use		Commercial					Industrial and Distribution					Institutional and Master Planned							
		RR	R1	R2	R3	R4	R5	R6	RI	RU	RF	TC	NR	OD	GC	AC	HB	CI	I1	I2	I3	I4	AG	P	S	REL	G	IG	
Agricultural																													
Agricultural Services	E.1.a														SE									P					
Agricultural Use	E.1.b																							P					
Commercial Animal Boarding	E.1.c														SE									P					
Commercial		RR	R1	R2	R3	R4	R5	R6	RI	RU	RF	TC	NR	OD	GC	AC	HB	CI	I1	I2	I3	I4	AG		S	REL	G	IG	
Adult Entertainment Business	E.2.a																					SE	SE						
Age Restricted Businesses Products and Services	E.2.b											SE			SE	SE	SE												
Commercial Entertainment, Indoor	E.2.c											P	P	SE	P	P	P	SE	SE						M			M	
Commercial Entertainment, Outdoor	E.2.d											M	M	M	M								M	M			M		
Indoor Maintenance Service	E.2.e											P	P	P	P									M			M		
Indoor Sales and Service	E.2.f										M ⁽⁵⁾	P	P	P	P									M			M		
Permanent Outdoor Display and Sales	E.2.g														SE	SE								M				M	
Industrial		RR	R1	R2	R3	R4	R5	R6	RI	RU	RF	TC	NR	OD	GC	AC	HB	CI	I1	I2	I3	I4	AG	P	S	REL	G	IG	
Assembly	E.3.a																	P			P	P	P						
Manufacture, Light	E.3.b																	P				P	P						
Manufacture, Heavy	E.3.c																							P					
Institutional		RR	R1	R2	R3	R4	R5	R6	RI	RU	RF	TC	NR	OD	GC	AC	HB	CI	I1	I2	I3	I4	AG	P	S	REL	G	IG	
Community Institutional	E.4.a											M	M	M	M	M	M							M	M	M	M	M	
General Institutional	E.4.b											M	M	M	M	M	M							M	M	M	M	M	
Public Service	E.4.c	M	M	M	M	M	M	M		M		M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	
Religious Institutional	E.4.d	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	
Lodging		RR	R1	R2	R3	R4	R5	R6	RI	RU	RF	TC	NR	OD	GC	AC	HB	CI	I1	I2	I3	I4	AG	P	S	REL	G	IG	
Residential Indoor Lodging	E.5.a	SE	SE	SE	SE	SE	SE			SE		SE												SE					
Campground	E.5.b																							M	M			M	
Commercial Indoor Lodging	E.5.c																	P							M			M	
Office/Professional		RR	R1	R2	R3	R4	R5	R6	RI	RU	RF	TC	NR	OD	GC	AC	HB	CI	I1	I2	I3	I4	AG	P	S	REL	G	IG	
High Technology	E.6.a														P	P			P	P	P					M			M
Medical Office/Hospital	E.6.b										M ⁽⁵⁾	P	P	P	P				P	P					M			M	
Office, Personal Service	E.6.c										M ⁽⁵⁾	P	P	P	P				P	P					M			M	
Office, Professional	E.6.d										M ⁽⁵⁾	P	P	P	P				P	P					M			M	
Office, Professional Service	E.6.e										M ⁽⁵⁾				SE				P	P	P	P							
Recreational		RR	R1	R2	R3	R4	R5	R6	RI	RU	RF	TC	NR	OD	GC	AC	HB	CI	I1	I2	I3	I4	AG	P	S	REL	G	IG	
Outdoor Recreational, Active	E.7.a	M	M	M	M	M	M	M		M		M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	

D. Additional Types of Uses

1. *Accessory uses.*
 - a. Non Master Plan Uses. See Article 4.1: Accessory Uses
 - b. Master Plan Uses. Subject to the provisions of Article 4.1: Accessory Uses, the following Accessory Uses are permitted:
 - 1) Uses specified in an approved Master Plan
 - 2) Uses determined by the Director to be reasonably related to uses specified within the approved Master Plan. The Director shall report these uses to the Plan Commission at their next scheduled meeting.
2. *Home occupations.* See Article IV.
3. *Temporary uses.* See Article IV.
 - a. Non Master Plan Uses. See Article 4.2: Temporary Uses, Structures, and Buildings.
 - b. Master Plan Uses. Subject to the provisions of Article 4.2: Temporary Uses, Structures, and Building., the following Temporary Uses, Structures, and Buildings are permitted:
 - 1) Uses specified in an approved Master Plan
 - 2) Uses determined by the Director to be reasonably related to uses specified within the approved Master Plan. The Director shall report these uses to the Plan Commission at their next scheduled meeting.

E. Definitions and Specific Standards

1. Agricultural Land Uses
 - a. Agricultural Services
 - 1) **Definition.** Includes all operations pertaining to the sale, handling, transport, packaging, storage, or disposal of agricultural equipment, products, by-products, or materials primarily used by agricultural operations. Examples of such land uses include but are not limited to: agricultural implement sales, storage, or repair operations; feed and seed stores; agricultural chemical dealers and/or storage facilities; animal feed storage facilities; canning and other packaging facilities; veterinary clinics with outdoor kennels and/or dog runs; and agricultural waste disposal facilities
 - 2) **Specific Standards.** Reserved.
 - b. Agricultural Use
 - 1) **Definition.** An operation which consists of the following uses, individually or in combination: cultivation, the production of livestock; stables; forest or tree production; pasture; setting aside land in a government set-aside reserve program; a farmstead; uses accessory to agricultural operations on the site; or, uses accessory to agricultural operations in the area.
 - 2) **Specific Standards.** Reserved.
 - c. Commercial Animal Boarding.
 - 1) **Definition.** Include land uses which provide short-term and/or long-term boarding for animals.
 - a) Examples of such land uses include but are not limited to: commercial kennels and commercial stables.
 - b) Exercise yards, fields, training areas, and trails associated with such land uses are considered accessory to such land uses and do not require separate consideration.

- 2) Specific Standards. Reserved.
- 2. Commercial Land Uses
 - a. Adult Entertainment Business
 - 1) Definition. An establishment as defined in Ordinance 02-2009.
 - 2) Specific Standards. As defined in Ordinance 02-2009.
 - b. Age Restricted Businesses, Products, and Services
 - 1) Definition. Uses or establishments that primarily sell products or provide services that typically have age restrictions placed upon them by regulation.
 - a) Examples of such land uses include, but are not limited to, liquor stores, pawn shops, tobacco shops, electronic/vape tobacco shops, check cashing facilities, bars, or taverns
 - b) This does not include restaurants that serve alcohol.
 - 2) Specific Standards. Reserved.
 - c. Commercial Entertainment, Indoor
 - 1) Definition. Land uses which provide entertainment services entirely within an enclosed building. Such activities often have operating hours which extends significantly later than most other commercial land uses. Examples of such land uses include but are not limited to: restaurants, theaters, health or fitness centers, all forms of training studios (dance, art, martial arts, etc.) bowling alleys, arcades, roller rinks, and pool halls.
 - 2) Specific Standards. Reserved.
 - d. Commercial Entertainment, Outdoor
 - 1) Definition. All land uses which provide entertainment services partially or wholly outside of an enclosed building. Such activities often have the potential to be associated with nuisances related to noise, lighting, dust, trash and late operating hours. Examples of such land uses include but are not limited to: outdoor commercial swimming pools, driving ranges, miniature golf facilities, amusement parks, drive-in theaters, go-cart tracks and racetracks.
 - 2) Specific Standards. Reserved.
 - e. Indoor Maintenance Service
 - 1) Definition. Includes all land uses which conduct or display sales or rental merchandise or equipment, or non-personal or nonprofessional services, entirely within an enclosed building.
 - a) This includes self-service facilities such as coin-operated laundromats.
 - b) This does not include the repair of Vehicles or the installation of Vehicle parts or accessories, which is classified *Vehicle Parts and Accessories: Sales and Repair*
 - 1) Specific Standards. Reserved.
 - f. Indoor Sales and Service
 - 1) Definition. Indoor sales and service land uses include all land uses which conduct or display sales or rental merchandise or equipment, or non-personal or nonprofessional services, entirely within an enclosed building. This includes self-service facilities such as coin-operated laundromats. This does not include the repair of vehicles or the installation of vehicle parts or accessories, which is classified *Vehicle Parts and Accessories: Sales and Repair*.
 - 2) Specific Standards. Reserved.
 - g. Permanent Outdoor Display and Sales

- 1) Definition. Definition. Include all land uses which conduct sales or display merchandise or equipment on a permanent basis outside of an enclosed building as the principal or primary use of the lot.
 - a) Examples of such land uses include but are not limited to: Vehicle and equipment rental, manufactured housing sales, monument sales and garden centers.
 - b) Such land uses do not include the storage or display of inoperative Vehicles or equipment, or other materials typically associated with a junk or salvage yard or other permanent outdoor land uses specifically defined by the zoning ordinance such a permanent outdoor display and sales as an accessory use, *Outdoor Commercial Entertainment*, outdoor storage or wholesaling, outdoor *Institutional*, outdoor maintenance service, or Vehicle Sales.
 - 2) Specific Standards. Reserved.
3. Industrial Land Uses
- a. Assembly
 - 1) Definition. The fitting together of previously manufactured parts or sub-assemblies, that do not require additional manufacturing or machining, into a finished item or unit.
 - 2) Specific Standards. Reserved.
 - b. Manufacture, Light
 - 1) Definition. The mechanical or chemical transformation of materials or substances into new products or into a useable form. Manufacture may include the creation of products (including subsequent assembly of previously manufactured parts), or the blending of materials such as lubricating oils, plastics, resins or liquors. These Industrial uses at which all operations (with the exception of loading operations):
 - a) are conducted entirely within an enclosed building;
 - b) are not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line;
 - c) do not pose a significant safety hazard (such as danger of explosion); and
 - d) comply with all of the performance standards within the Town of Plainfield Town Code.
 - 2) Specific Standards. Reserved.
 - c. Manufacture, Heavy
 - 1) Definition. The mechanical or chemical transformation of materials or substances into new products or into a useable form. Manufacture may include the creation of products (including subsequent assembly of previously manufactured parts), or the blending of materials such as lubricating oils, plastics, resins or liquors.
 - a) Heavy manufacture land uses are industrial land uses which may be wholly or partially located outside of an enclosed building; may have the potential to create certain nuisances which are detectable at the property line; or may involve materials which pose a significant safety hazard. However, in no instance shall a heavy industrial land use exceed the performance standards listed in the Town of Plainfield Town Code.
 - b) Examples of such land uses include but are not limited to: meat product producers; alcoholic beverage producers; paper, pulp or paperboard producers; chemical and allied product producers (except drug producers) including poison or fertilizer producers; petroleum and coal product producers; asphalt, concrete or cement producers; tanneries; stone, clay or glass product producers; primary metal producers; heavy machinery producers; electrical distribution equipment producers; electrical industrial

apparatus producers; transportation Vehicle producers; commercial sanitary sewage treatment plants; railroad switching yards; and recycling facilities not involving the on-site storage of salvage materials.

2) Specific Standards. Reserved.

4. Institutional Land Uses

a. Community Institutional

1) Definition. Land uses, public or private, that serve a community's educational, religious, social, recreational, and cultural needs. Community Institutional land uses tend to be smaller in the scale of the structures, sites, and/or usage than General Institutions.

a) Land uses include, but are not limited to, community centers, , civic and fraternal organizations, funeral homes and social welfare organizations,

b) Does not include group homes, convents, monasteries, nursing homes, assisted living, recovery homes, convalescent homes, limited care facilities, rehabilitation centers, and similar land uses (see *Institutional Residential*). Does not include general hospitals, special hospitals (see *Medical Office/Hospital*).

2) Specific Standards. Reserved.

b. General Institutional

1) Definition. Land uses, public or private, that serve the community's educational, , social, recreational, and cultural needs. General Institutional land uses tend to be larger in the scale of the structures, sites, and/or usage than Community Institutions.

a) Land uses include, but are not limited to, public recreational facilities such as stadia, gymnasiums, or swimming pools, educational facilities such as schools, libraries, museums, or uses such as cemeteries, fairgrounds, permanently protected green space areas, or correctional facilities.

b) Does not include group homes, convents, monasteries, nursing homes, assisted living, recovery homes, convalescent homes, limited care facilities, rehabilitation centers, and similar land uses (see *Institutional Residential*). Does not include general hospitals, special hospitals (see *Medical Office/Hospital*).

2) Specific Standards. Reserved.

c. Public Service

1) Definition. Uses include all town, county, state and federal facilities (except those otherwise treated in this section), emergency service facilities such as law enforcement, fire departments and rescue operations, wastewater treatment plants, public and/or private utility substations, water towers, utility and public service related distribution facilities, and similar land uses.

2) Specific Standards. Reserved.

d. Religious Institutional.

1) Definition. A facility devoted primarily to the purpose of divine worship. Includes related ancillary uses, which are subordinate to and commonly associated with the religious institution use, such as schools and instructional facilities, daycare centers, and social uses.

2) Specific Standards. Reserved.

5. Lodging Land Uses

a. Residential indoor Lodging

1) Definition. The commercial leasing of bedroom(s) for guest(s) within a private, owner-occupied, residential *Dwelling Unit*. Such leasing provides temporary

accommodations, typically including a morning meal, to overnight guests for a fee. Such leasing may also provide for the temporary accommodation of daytime meetings or receptions for guests for a fee. Such leasing caters largely to tourists and the traveling public. Examples include, but are not limited to, uses such as a Bed and Breakfast (B&B) or an "Air B&B".

- 2) Specific Standards. Reserved.
- b. Campground
 - 1) Definition. Facilities designed for overnight accommodation of persons in tents, travel trailers, or other mobile or portable shelters or Vehicles.
 - 2) Specific Standards. Reserved.
- c. Commercial Indoor Lodging
 - 1) Definition. Include land uses which provide overnight housing in individual rooms or suites of rooms, each room or suite having a private bathroom. Such land uses may provide in-room or in-suite kitchens and may also provide *indoor* recreational facilities for the exclusive use of their customers.
 - a) Uses include, but are not limited to, hotels, resorts, lodges.
 - b) Does not include uses such as motels, hostels, or boarding houses.
 - 2) Specific Standards. See Plainfield Zoning Ordinance, Article 4.20: Standards for Commercial Indoor Lodging Facilities
6. Office/Professional Land Uses
 - a. High Technology
 - 1) Definition. Uses or facilities for scientific, research, development, educational, computer, software, design, and associated applied technology offices, laboratories, facilities, and organizations.
 - 2) Specific Standards. Reserved.
 - b. Medical Office/Hospital
 - 1) Definition. Land uses such as hospitals; hospice and elder care; outpatient surgery centers; medical diagnostic laboratories; preventive, diagnostic, and acute care for medical, dental, vision, and/or chiropractic care; and the business and/or office service for the above.
 - 2) Specific Standards. Reserved.
 - c. Office, Personal Service
 - 1) Definition. Exclusively indoor land uses whose primary function is the provision of services directly to an individual on a walk-in or on-appointment basis.
 - a) Examples of such land uses include but are not limited to: professional services, insurance services, realty offices, financial services, veterinary clinics without outdoor kennels and/or dog runs, barbershops, beauty shops, and related land uses.
 - b) These uses do not include tattoo or body piercing establishments, pawnshops or payday loan establishments.
 - 2) Specific Standards. Reserved.
 - d. Office, Professional
 - 1) Definition. Exclusively indoor land uses whose primary functions are the handling of information or administrative services. Such land uses do not typically provide services directly to customers on a walk-in or on-appointment basis. Examples include offices such attorneys, architects, information technology consulting, engineering, or similar uses.
 - 2) Specific Standards. Reserved.
 - e. Office, Professional Service

- 1) Definition. Exclusively indoor land uses whose primary functions are the are the provision of offsite services to individuals, companies, or organizations. Such land uses typically have service Vehicles that are dispatched to individual sites which are to be stored behind the building when not in use.
 - a) Examples of such land uses include but are not limited to: contractors for building trades such as electricians, plumbers, heating, ventilation and cooling (HVAC), utility locating, as well as development uses that also fit within the definition of “*Office, Professional*”, such as engineering, surveying, and planning services.
 - b) This does not include uses that primarily engage in the delivery or distribution of goods to individuals, companies, or organizations.
 - 2) Specific Standards. Reserved.
7. Recreational Land Uses
- a. Outdoor Recreational, Active
 - 1) Definition. Uses include all recreational land uses located on public property which involves active recreational activities. Examples of such land uses include but are not limited to: play courts (such as tennis courts and basketball courts), playfields (such as ball diamonds, football fields, and soccer fields), tot lots, outdoor swimming pools, swimming beach areas, fitness courses, public golf courses and similar land uses.
 - 2) Specific Standards. Reserved.
 - b. Outdoor Recreational, Passive
 - 1) Definition. Uses include all recreational land uses located on public property which involves passive recreational activities. Examples of such land uses include but are not limited to: arboretums, natural areas, wildlife areas, hiking trails, bike trails, cross country ski trails, horse trails, open grassed areas not associated with any particular active recreational land use), picnic areas, picnic shelters, gardens, fishing areas, and similar land uses.
 - 2) Specific Standards. Reserved.
8. Residential Land Uses
- a. Accessory Dwelling Unit
 - 1) Definition. A dwelling unit that is subordinate and incidental to a primary building on the same lot and may be detached or are added to or included within the primary building.
 - 2) Specific Standards.
 - a) Only one ADU is allowed per lot;
 - b) The finished floor area of an ADU shall be no more than 75 percent of the finished floor area of the primary dwelling or 800 square feet, whichever is less.
 - c) A detached ADU shall not be taller in feet from grade than the primary building on the lot and shall meet all accessory height requirements of the applicable zoning district.
 - d) The unit must satisfy the requirements of all building codes adopted by the Town of Plainfield.
 - e) Must comply with applicable covenants.
 - f) If a separate entrance is provided for an attached ADU it shall be located on:
 - (1) Interior Lots – the side or rear façade.
 - (2) Corner Lots –any façade provided that the maximum number of entry doors facing a street does not exceed (1) door per frontage.

b. Commercial Residential

- 1) Definition. *Dwelling Units* which are located above the ground floor of a building used for a commercial land use most typically an office or retail establishment. The primary advantage of commercial residential is that they are able to share required parking spaces with nonresidential uses. Examples include mixed-use residential/commercial buildings.
- 2) Specific Standards.
 - a) The Commercial Residential building must be at least two (2) stories in height.
 - b) Entrances to the residential and commercial portions must be separate.
 - c) The requirements for commercial design apply.
 - d) The ratio of ground floor retail/office unrelated to the residential use is dependent upon the number of stories, as detailed in the table below. For the purpose of this section, leasing offices, storage areas, vehicle storage areas, and other accessory uses largely or wholly accessible to the residents of the Commercial Residential use are among uses related to the residential uses.

Table 4.1.E.8.b.2: Minimum Percent of Ground Floor Retail/Office Use Unrelated to the Residential or Lodging Use Necessary to Comply as a Commercial Residential Use		
Building Height (in stories)	Percent of ground floor retail/office use unrelated to the residential or lodging use (minimum)	
	Mixed Use Commercial Residential	Commercial Indoor Lodging
1	Not Allowed	Not Allowed
2	75%	85%
3 or more	50%	60%

c. Dwelling, Two Family

- 1) Definition. A building consisting of two dwelling units on one lot which may be either attached side by side or one above the other, and each dwelling unit having a separate or combined entrance.
- 2) Specific Standards.
 - a) Must comply with any applicable covenants
 - b) Units on upper floors shall not be accessible via external stairways

d. Dwelling, Multifamily

- 1) Definition. A *Building* or *Buildings* consisting of three (3) or more Dwelling Units on a single lot, including *Condominiums*, with varying arrangements of entrances and party walls. These uses are typically incompatible in size and massing with detached single-family homes. Examples are apartment buildings and/or apartment complexes.
- 2) Specific Standards.

e. Dwelling, Single Family Attached

- 1) Definition. A building consisting of two (2) or more single-family dwelling units attached by a common wall or walls, and legally platted so that each unit sets on an individual lot providing for fee simple ownership of each lot. Examples include townhomes and may include live/work units.
- 2) Specific Standards.
 - a) Must gain vehicular access via an improved alley or similar means.
 - b) Must comply with applicable covenants.
 - c) Requires Development Plan approval from the Plan Commission.

f. Dwelling, Single Family Detached

- 3) Definition. An individual, detached *Building* containing one (1) *Dwelling* which is either:
 - a) Built in compliance with the Indiana Residential Code;
 - b) A *Modular Dwelling*; or,
 - c) A *Manufactured Dwelling*.
 - 4) Specific Standards. Reserved.
 - g. Dwelling, Attached (Missing Middle)
 - 1) Definition. A range of multi-unit or clustered housing types, compatible in scale with detached single-family homes. These include buildings with between three and six attached *Dwelling Units*, Examples include apartment houses, live/work units, and cottage developments that have historically existed on scattered sites in low-rise walkable neighborhoods.
 - 2) Specific Standards.
 - a) Must gain vehicular access via an improved alley or similar means.
 - b) Must comply with applicable covenants.
 - c) Units on upper floors shall not be accessible via external stairways.
 - h. Institutional Residential
 - 1) Definition. Residential *Dwelling Units* in conjunction with or fulfilling the mission of an Institutional land use.
 - a) Examples of such land uses include but are not limited to: group homes, convents, monasteries, nursing homes, assisted living, recovery homes, convalescent homes, limited care facilities, rehabilitation centers, and similar land uses.
 - b) Does not include general hospitals, special hospitals (see *Medical Office/Hospital*), prisons, or jails (see *General Institutional* land uses).
 - 2) Specific Standards. Reserved.
9. Storage Land Uses
- a. Outdoor Storage or Wholesaling
 - 1) Definition. Uses are primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. Such a land use, in which any activity beyond loading and parking is located outdoors, is considered an outdoor storage and wholesaling land use.
 - a) Examples of such land uses include but are not limited to: contractors' storage yards, equipment yards, lumber yards, coal yards, landscaping materials yard, construction materials yards, and shipping materials yards.
 - b) Such land uses do not include the storage of inoperative *Vehicles* or equipment, or other materials typically associated with a junkyard or salvage yard.
 - 2) Specific Standards. Reserved.
 - b. Personal Storage Facility
 - 1) Definition. Uses primarily oriented to the indoor storage of items entirely within partitioned buildings having an individual access to each partitioned area. Outdoor storage of *Vehicles* and boats may be permissible Such storage areas may be available on either a condominium or rental basis. These land uses are typically known as mini-warehouses or self-storage facilities.
 - 2) Specific Standards. May not be within six hundred (600) feet of a *Gateway Corridor*.
 - c. Truck Terminal
 - 1) Definition. Land and buildings used:

- a) As a relay station for the transfer of a load from one vehicle to another or one party to another, which may include temporary storage prior to transshipment;
 - b) For the exchange of trailers among trucks;
 - c) For the exchange of truck drivers among trucks;
 - d) Temporary parking of trucks and/or trailers with or without cargo; and/or,
 - e) For the offices, dispatch, and/or operation of a motor freight carrier
- 2) Specific Standards.
- a) Shall not be within six hundred (600) feet of a *Gateway Corridor*.
 - b) Shall be required to increase the required Plant Unit Value (PUV) by 10 PUV over what is required by the landscape ordinance.
 - c) Shall be required to provide a fifteen (15) foot tall berm.
- d. Warehouse/Distribution
- 1) Definition. A *Building* or *Structure* for the storage of goods, materials or products awaiting shipment to another location for wholesale or retail trade. These uses may provide order fulfillment, where work is done to break up bulk packaging for individual customers who are frequently the final customer.
 - 2) Specific Standards. Reserved.
10. Vehicle Commercial Land Uses

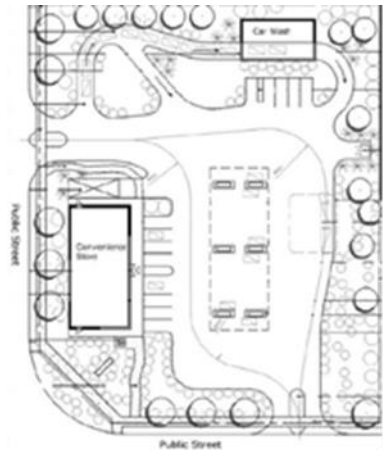
a. Fueling Station, Truck

- 1) Definition. A retail sales facility selling fuel for motor Vehicles and semi-trailer Trucks with at least three axles that are designed to tow trailers. Such a facility may have ancillary services such as a *convenience store*, but ancillary services such as Truck scales, weigh stations, showering facility, Vehicle service, Vehicle repair, or provision of “rest areas” for semi-trailer Trucks or their operators are not permitted. Fuel may include non-liquid or non-gaseous materials such as electric current.

2) Specific Standards.

a) Canopies

- 1) No fuel dispensing pumps or canopies shall be located between the building and the public rights-of-way. In the case of corner lots, no fuel dispensing pumps or canopies shall be located between the forward edges of the building and the public rights-of-way.
- 2) Canopy support columns shall be entirely encased with materials identical to the primary building.
- 3) The canopy ceiling should be textured and/or have a flat finish. Glossy or highly reflective materials are not permitted.
- 4) Canopies shall not exceed a height of 20 feet above grade and shall be subordinate to the primary building in height, mass, and scale.
- 5) Canopies shall extend over the area in which vehicles may be fueled.
- 6) No signage shall be placed on the canopy.



Properly placed canopy on a corner lot

- b) Signage. Unless required by federal, state, or local regulations, no additional signage other than wall, freestanding, or incidental directional signage shall

be allowed. This prohibition shall include, but not be limited to, signage on the canopy, pumps, and/or building that does not meet the aforementioned criteria.

c) Relationship of Building to Public Streets:

- (1) At least one public entrance shall face a street and remain unlocked during business hours. There shall be a connecting walkway from the entry to the street. In the case of corner lot, the building entrance may face the intersection of two public streets, such as along a chamfered building corner.
- (2) All building elevations facing public streets must include windows with clear, transparent glass. Architectural treatments which create the appearance of false entrances or faux windows are prohibited.
- (3) Each building elevation facing a public street shall abut pedestrian site design elements which activate the space between the façade and the public right of way. These elements may include, but are not limited to, pedestrian plazas, building entrances, outdoor seating / dining areas, bicycle parking, and pedestrian access walkways.

Fuel Dispensing Pumps

The visible side of this fuel position is one fuel dispensing pump. On the back side, not visible in this illustration, is a second fuel dispensing pump.



d) Design and Services.

- (1) Any ATM(s) and vending machines shall be located within the primary building.
- (2) The building shall be appropriately sized and scaled for the site and the overall context. "Kiosk"-type fuel sales are not permitted. A kiosk in this context is defined as an ancillary building from which an attendant sells sundries and monitors the pump; customers are not generally allowed into the building.
- (3) There shall be no outdoor storage or display of either materials or products unless approved in the manner of Section A.5, above.
- (4) All fuel tanks shall be placed underground.
- (5) A clearly identified pedestrian route, distinguished by varied paving treatments, shall be provided between the fueling pumps/canopy and the primary pedestrian entrance(s) to the building.
- (6) There shall not be a maximum number of fuel dispensing pumps, however the following drive aisle clearances from a compliant canopy shall apply:
 - (a) Adjacent to parking: Thirty (30) feet.
 - (b) Drive aisle only: Twenty-five (25) feet.

e) Relationship of Fueling Stations and Truck Fueling Stations to Residential Properties.

- (1) No Truck Fueling Station use shall be located within 1,500 lineal feet of any residential zoned property.
- (2) No Fueling Station use shall be located within 250 lineal feet of any

primary residence.

- (3) A Fueling Station Use may be less than 500 lineal feet from a residentially zoned property, subject to the following buffer yard requirements:

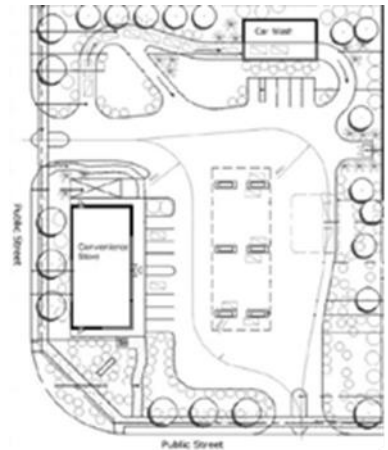
Abutting Property	Plant Unit Value
Intervening, compliant non-residential	4
Intervening, non-compliant, non-residential	6
Vacant site	8
Residential use	8

b. Fueling Station, Vehicle

- 1) Definition. A retail sales facility selling fuel for motor Vehicles including, but not limited to, automobiles, motorcycles, buses, or recreational Vehicles (excluding semi-trailer Trucks with at least three axles that are designed to tow trailers.) Ancillary services such as a *convenience store* and/or a car wash are permitted, but ancillary services such as Vehicle service or Vehicle repair are not permitted. Fuel may include non-liquid or non-gaseous materials such as electric current.
- 2) Specific Standards. See Article 4.18, Plainfield Zoning Ordinance

a) Canopies

- (1) No fuel dispensing pumps or canopies shall be located between the building and the public rights-of-way. In the case of corner lots, no fuel dispensing pumps or canopies shall be located between the forward edges of the building and the public rights-of-way.
- (2) Canopy support columns shall be entirely encased with materials identical to the primary building.
- (3) The canopy ceiling should be textured and/or have a flat finish. Glossy or highly reflective materials are not permitted.
- (4) Canopies shall not exceed a height of 20 feet above grade and shall be subordinate to the primary building in height, mass, and scale.
- (5) Canopies shall extend over the area in which vehicles may be fueled.
- (6) No signage shall be placed on the canopy.



Properly placed canopy on a corner lot

- b) Signage. Unless required by federal, state, or local regulations, no additional signage other than wall, freestanding, or incidental directional signage shall be allowed. This prohibition shall include, but not be limited to, signage on the canopy, pumps, and/or building that does not meet the aforementioned criteria.
- c) Relationship of Building to Public Streets:
- (1) At least one public entrance shall face a street and remain unlocked during business hours. There shall be a connecting walkway from the entry to the street. In the case of corner lot, the building entrance may face the intersection of two public streets, such as along a chamfered building corner.
- (2) All building elevations facing public streets must include windows with

clear, transparent glass. Architectural treatments which create the appearance of false entrances or faux windows are prohibited.

- (3) Each building elevation facing a public street shall abut pedestrian site design elements which activate the space between the façade and the public right of way. These elements may include, but are not limited to, pedestrian plazas, building entrances, outdoor seating / dining areas, bicycle parking, and pedestrian access walkways.

d) Design and Services.

- (1) Any ATM(s) and vending machines shall be located within the primary building.
- (2) The building shall be appropriately sized and scaled for the site and the overall context. "Kiosk"-type fuel sales are not permitted. A kiosk in this context is defined as an ancillary building from which an attendant sells sundries and monitors the pump; customers are not generally allowed into the building.
- (3) There shall be no outdoor storage or display of either materials or products unless approved in the manner of Section A.5, above.
- (4) All fuel tanks shall be placed underground.
- (5) A clearly identified pedestrian route, distinguished by varied paving treatments, shall be provided between the fueling pumps/canopy and the primary pedestrian entrance(s) to the building.
- (6) There shall not be a maximum number of fuel dispensing pumps, however the following drive aisle clearances from a compliant canopy shall apply:
 - (a) Adjacent to parking: Thirty (30) feet.
 - (b) Drive aisle only: Twenty-five (25) feet.

e) Relationship of Fueling Stations and Truck Fueling Stations to Residential Properties.

- (1) No Truck Fueling Station use shall be located within 1,500 lineal feet of any residential zoned property.
- (2) No Fueling Station use shall be located within 250 lineal feet of any primary residence.
- (3) A Fueling Station Use may be less than 500 lineal feet from a residentially zoned property, subject to the following buffer yard requirements:

Abutting Property	Plant Unit Value
Intervening, compliant non-residential	4
Intervening, non-compliant, non-residential	6
Vacant site	8
Residential use	8

Fuel Dispensing Pumps

The visible side of this fuel position is one fuel dispensing pump. On the back side, not visible in this illustration, is a second fuel dispensing pump.



- c. In-Vehicle Sales and Service
 - 1) Definition. Includes all land uses which perform sales and/or services to persons in Vehicles, or to Vehicles which may be occupied at the time of such activity. Such land uses often have traffic volumes which exhibit their highest levels concurrent with peak traffic flows on adjacent roads.
 - a) Examples of such land uses include but are not limited to: drive-in, drive-up, and drive-through facilities.
 - b) *Fueling Stations* and *Truck Fueling Stations* are not considered in-Vehicle sales and service.
 - c) Maintenance or repair of vehicles are not considered in-vehicle sales and service.
 - 2) Specific Standards. Reserved.
- d. Truck Sales and Repair
 - 1) Definition. Permanent outdoor and indoor display of *Trucks* for either new or pre-owned purchase or lease and/or; a facility engaged in one or more of the following for transportation larger than passenger or small commercial Vehicles:
 - a) Indoor retail sales and installation of new, used, and/or rebuilt parts and accessories.
 - b) Indoor repair, not to include the dismantling, or storage of *trucks*.
 - 2) Specific Standards. Reserved.
- e. Vehicle Parts Sales, Repair, and/or Maintenance
 - 1) Definition. A facility engaged in one or more of the following:
 - a) Indoor retail sales and installation of new, used, and/or rebuilt Vehicle parts and accessories.
 - b) Indoor repair of Vehicles, not to include the sales, dismantling, or storage of Vehicles.
 - c) Cleaning and detailing of Vehicles, either by manual or automated means, including car washes
 - 2) Specific Standards. Reserved.
- f. Vehicle Sales
 - 1) Definition. Permanent outdoor and indoor display of motorized passenger or light commercial *Vehicles* licensable in the State of Indiana for roadway use, either new or pre-owned for purchase or lease.
 - 2) Specific Standards. Reserved.

14.2 Development Standards Matrices

A. Single Family Residential Districts

- 1. Districts Included
 - a. RR: Rural Residential. (see Article 2.1 for additional regulations)
 - b. R1: Low Density Residential. (see Article 2.2 for additional regulations)
 - c. R2: Low Density Residential. (see Article 2.3 for additional regulations)
 - d. R3: Medium Density Residential. (see Article 2.4 for additional regulations)
 - e. R4: Medium Density Residential. (see Article 2.5 for additional regulations)
 - f. R5: High Density Residential. (see Article 2.6 for additional regulations)
- 2. Single Family Residential Development Standards Matrices

Table 14.2A.2.a-f: Single Family Residential District Development Standards									
a.	General Development Standards	Unit	RR	R1	R2	R3	R4	R5 ^(a)	R5 ^(b)
	Minimum Lot Area	Sq. Ft.	65,000	30,000	15,000	10,000	6,000	5,000	10,000

	Minimum Lot Width	Feet	150	100	90 ⁽²⁾	80 ⁽²⁾	60	50	70
	Minimum Lot Frontage ⁽¹⁾	Feet	90	50	40	35	25	25	35
	Maximum Lot Coverage		10%	20%	35%	35%	40%	40%	40%
	Maximum Lot Depth-to-Width ratio		3:1	⁽³⁾	⁽³⁾	⁽³⁾	⁽³⁾	⁽³⁾	⁽³⁾
	Mandatory Attachment to public/semi-public water and sewer		No	Yes	Yes	Yes	Yes	Yes	Yes
Notes: ^(a) Single Family ^(b) Two-Family ⁽¹⁾ On a public street and gain direct access from said public street or an abutting alley ⁽²⁾ For all lots in any subdivision which were included in a primary plat that received approval prior to January 1, 2007, and which were included in an approved, recorded secondary plat within three years of the date of primary plat approval, and if the subdivision is developed in more than one section, approval for each subsequent section shall be filed for within three years of the approval of the prior section. (See Table 14.2A.2.f) ⁽³⁾ Not applicable									
b.	Minimum Yards and Setbacks (front)	Unit	RR	R1	R2	R3	R4	R5	
	Primary Structure	Feet	30	30	30	30	30	30	
	Unenclosed Porch	Feet	20	20	20	20	20	20	
	Minimum Yards and Setbacks (side)	Unit	RR	R1	R2	R3	R4	R5	
	Minimum Yard	Feet	20	10	12 ⁽¹⁾	10 ⁽¹⁾	6	6	
	Minimum Yards and Setbacks (rear)	Unit	RR	R1	R2	R3	R4	R5	
	Accessory Building	Feet	35	10	10	5	5	5	
	Primary Building	Feet	25	25	25	20	20	20	
Notes: ⁽¹⁾ For all lots in any subdivision which were included in a primary plat that received approval prior to January 1, 2007, and which were included in an approved, recorded secondary plat within three years of the date of primary plat approval, and if the subdivision is developed in more than one section, approval for each subsequent section shall be filed for within three years of the approval of the prior section. (See Table 14.2A.2.f)									
c.	Maximum Building Height	Unit	RR	R1	R2	R3	R4	R5	
	Primary Building Height	Feet	35	35	35	35	35	35	
	Accessory Building Height	Feet	25	25	25	25	25	25	
d.	Minimum Main Floor Area								
	One Story Building	Unit	RR	R1	R2	R3	R4	R5	
	Main Floor	Sq. Ft.	1,700	1,700	1,500	1,300	1,200	1,000	
	Two or More Story Building	Unit	RR	R1	R2	R3	R4	R5	
	Main Floor	Sq. Ft.	1,200	1,200	1,200	1,100	900	720	
	Total Finished Floor Area	Sq. Ft.	1,700	1,700	1,500	1,300	1,200	1,000	
e.	Eligibility to use Development Incentives		RR	R1	R2	R3	R4	R5	
	Eligible to use Development Incentives		No	Yes	Yes	Yes	No	No	
f.	Special Provisions ⁽¹⁾	Unit	RR	R1	R2	R3	R4	R5	
	Minimum Lot Width	Feet	(N/A)	(N/A)	80 ⁽¹⁾	70 ⁽¹⁾	(N/A)	(N/A)	
	Minimum Side Yard	Feet	(N/A)	(N/A)	8 ⁽¹⁾	6 ⁽¹⁾	(N/A)	(N/A)	
Notes: ^(N/A) Not Applicable ⁽¹⁾ Special Provisions for Certain Lots Primary Platted In A Subdivision Before January 1, 2007. For all lots in any subdivision which were included in a primary plat that received approval prior to January 1, 2007, and which were included in an approved, recorded secondary plat within three years of the date of primary plat approval, and if the subdivision is developed in more than one section, approval for each subsequent section shall be filed for within three years of the approval of the prior section, the development standards set forth below shall be deemed to be modified to read as above.									

B. Multi-Family Districts

1. Districts Included

- a. R6: High Density Residential (see Article 2.7 for additional regulations)
- b. RI: Residential Infill (see Article 2.XX for additional regulations)
- c. RU: Urban Residential (see Article 2.17 for additional regulations)

2. Multi-Family Residential Development Standards Matrices

Table 14.2B.2.a-i: Multi-Family Residential District Development Standards					
a.	General Development Standards	Unit	R6	RU	RI
	Maximum project gross density	Dwelling units per acre	8	(N/A)	(N/A)
	Minimum project frontage on a public street and gain access from said public street	Feet	150	50 ⁽¹⁾	50
	Mandatory Attachment to public/semi-public water and sewer		Yes	Yes	Yes
Notes: ⁽¹⁾ Or abutting alley					

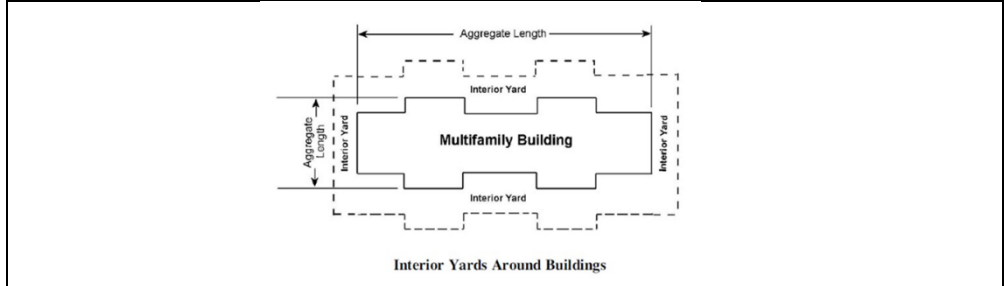
(N/A) Not applicable					
b.	Minimum Yards and Setbacks				
	Front	Unit	RU	RI	RI
	Front (minimum)	Feet	20	5	10
	Front (maximum)	Feet	(N/A)	25	20
	Side	Unit	R6	RU	RI
	Side	Feet	30	(Below)	15
	Accessory Building	Feet	(N/A)	6	10
	Nonresidential Uses	Feet	(N/A)	15	(N/A)
	Residential Uses	Feet	(N/A)	6	(N/A)
	Rear (minimum)	Unit	R6	RU	RI
	Rear	Feet	30	(Below)	20
	Accessory Building	Feet	(N/A)	5	10
	Primary Building	Feet	(N/A)	25	15
	Interior Yard (minimum)	Unit	R6	RU	RI
	Buildings containing Dwelling units	Feet	15 ⁽¹⁾	6	15
	Accessory buildings or uses	Feet	5	5	10
Notes	^(N/A) – Not Applicable ^(Below) -Detailed Standards for uses or structures immediately below ⁽¹⁾ -Or ten (10) feet plus one (1) additional foot for every ten (10) feet of aggregate length of any wall of a building, whichever is the greater.				
	Front		R6	RU	RI
	Driveways		Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾
	Walkways with a maximum width of up to six feet		Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾
	Signs as regulated by Article VII		Yes ⁽¹⁾	No	Yes ⁽¹⁾
	Front stairs, stoops, patios or open balconies which project no more than ten feet from the building, but shall not encroach into any public right-of-way		No	Yes ⁽¹⁾	Yes ⁽¹⁾
	Side		R6	RU	RI
	Open space free from buildings or structures		Yes	Yes	Yes
	Rear		R6	RU	RI
	Open space free from buildings or structures		Yes	Yes	Yes
	Driveways		No	Yes ⁽¹⁾	Yes ⁽¹⁾
	Walkways		No	Yes ⁽¹⁾	Yes ⁽¹⁾
	Parking Areas		No	Yes ⁽¹⁾	Yes ⁽¹⁾
	Interior Access Drives		No	Yes ⁽¹⁾	Yes ⁽¹⁾
	Interior Access Driveways		No	Yes ⁽¹⁾	Yes ⁽¹⁾
	Interior Yards around building containing dwelling units (See 14.2.B.3.a-c below)		R6	RU	RI
	Individual interior access drives leading to attached garages serving individual units		Yes	No	No
	Open space		Yes	Yes	Yes
	Foundation landscaping		Yes	Yes	Yes
	Walkways not exceeding six (6) feet in width		Yes	Yes	Yes
	Interior access drives, parking areas, open balconies, uncovered porches and patios which do not project more than 50% into the required interior yard.		Yes	No	No
	Interior access drives leading to parking areas located between the rear lot line and the rear building line.		No	Yes	Yes
	Interior access drives leading to overhead garage doors.		No	Yes	Yes
	Uncovered porches and patios which do not project more than five feet into the required interior yard.		No	Yes	Yes
	Interior yards around accessory buildings or uses (See 14.2.B.3.d below)		R6	RU	RI
	Open space		Yes	Yes	Yes
	Foundation landscaping		Yes	Yes	Yes
	Walkways not exceeding six (6) feet in width		Yes	No	No
	Interior access drives leading to carports or overhead garage doors.		Yes	Yes	Yes
	Walkways with no maximum width		No	Yes	Yes
Notes:	⁽¹⁾ Provided that the remainder of said yards shall be maintained as open space free from buildings or structures in compliance with the requirements for perimeter landscape yards as set forth in Article IV.				
d.	Building Height				
	Maximum Height of Primary Building, not to exceed containing a Dwelling Unit (R6 and RU)		Stories	Feet	
	R6		5	50	
	RU		3	40	
	Maximum Height of Primary Building, not to exceed containing a Dwelling Unit (RI)		Stories	Feet	
	Commercial Residential, Multifamily Dwelling, Institutional Residential		4	40	
	Single Family Attached Dwelling, Attached Dwelling (Missing Middle)		3	45	
	Minimum Height of Primary Building, not to exceed containing a Dwelling Unit (RI)		Stories	Feet	
	Commercial Residential, Multifamily Dwelling, Institutional Residential		8	100	

	Single Family Attached Dwelling, Attached Dwelling (Missing Middle)	2	24		
e.	Architectural Review	R6	RU	RI	
	Subject to the requirements for the filing of a development plan for architectural and site design review.	Yes	Yes	Yes	
f.	Eligibility to use Development Incentives	R6	RU	RI	
	Eligible to use Development Incentives set forth in Article V of this ordinance.	No	No	No	
g.	Developed recreational open space requirements.	R6	RU	RI	
	Percent of total lot are of the project area	Unit	10	(N/A)	(N/A)
	May overlap any required interior yards or perimeter yards		No	(N/A)	(N/A)
	Direct linkage to any adjacent portion of the Greenway Plan		Yes	(N/A)	(N/A)
Notes: (N/A) – Not Applicable					
h.	Utilization of private streets, interior access driveways and interior access drives in compliance with the standards set forth in Article IV to serve individual buildings and dwelling units.	R6	RU	RI	
	Private Streets	Yes	Yes	Yes	
	Interior access driveways	Yes	Yes	Yes	
	Interior access drives	Yes	Yes	Yes	
i.	Development Standards within the RU District. Unless specified elsewhere, the following development standards for single and two-family dwellings shall apply:	Single Family Dwellings	Two-Family Dwellings		
	Individual Lots	R-4 District	R-5 District		

3. Interior Yards Examples

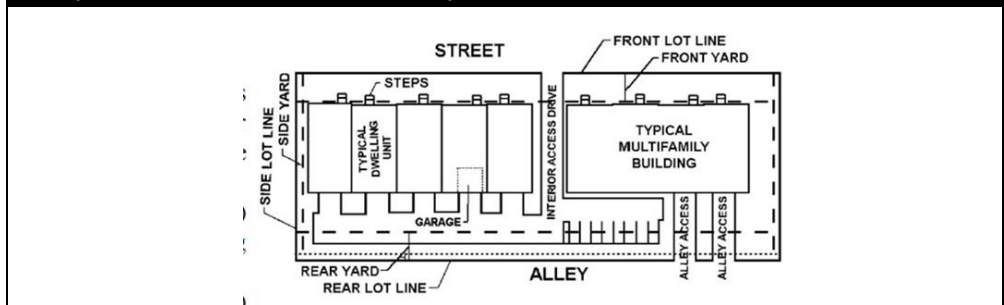
- a. The distance between buildings shall be the sum of each applicable minimum interior yard;
- b. Interior yards shall be measured perpendicular to the building or structure at all points; and,

Example 4.12B.3.a and b: Interior Yard Around Buildings



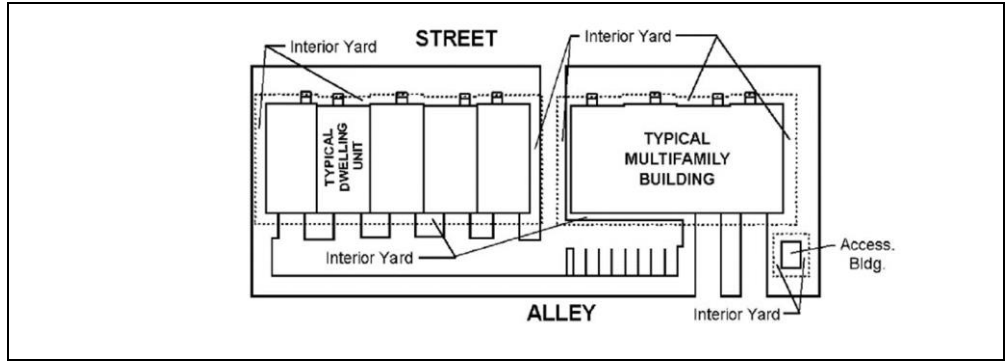
- c. Interior yards shall not overlap any required perimeter yards (R-6) or lot line (RU).

Example 4.12B.3.c: Interior Yard Relationship to Perimeter Yards



- d. Interior Yards around Accessory Buildings.

Example 4.12B.3.d: Interior Yard Around Accessory Buildings



C. Mixed Use Districts

1. Districts Included

- a. TC: Town Center. (see Article 2.8 for additional regulations)
- b. RF: Residential Flex. (see Article 2.20 for additional regulations)

2. Mixed Use Development Standards Matrix

a. General Development Standards		Unit	TC	RF	
Minimum Lot Width and Frontage on a public street		(feet)	25	(2)	
Minimum Lot Size		Sq. Ft.	(3)	(3)	
b. Minimum Yards and Setbacks					
Front-Town Center			Unit	TC	
Front			Feet	0	
Front-Residential Flex					
Habitable Areas			Unit	RF	
Two Family, Single Family Detached, Attached (Missing Middle) Dwellings			Feet	20	
Commercial Residential, Single Family Attached			Feet	0	
Dwelling Multifamily			Feet	25	
Other Master Plan Uses			Feet	(5)	
Accessory Dwelling Unit			Feet	(N/A)	
Not Listed Above				(5)	
Non Habitable Area			Unit	RF	
Porch			Feet	10	
Garage (Front Loaded)			Feet	(4)	
Garage (Side Loaded)			Feet	20	
Garage (Rear Loaded)			Feet	(6)	
Side (excepting attached dwelling units)			Unit	TC	RF
Abutting an alley			Feet	5	6
Abutting a lot line			Feet	0 (1)	6
Side Yard			Feet	(N/A)	(N/A)
Bufferyard			Feet	5	(N/A)
Rear			Unit	TC	RF
Abutting an alley			Feet	5	20 (7)
Abutting a lot line			Feet	0 (1)	10
Side Yard			Feet	(N/A)	(N/A)
Bufferyard			Feet	5	(N/A)

Notes

(N/A) – Not Applicable

(1) -If a side or rear setback is provided along any side or rear lot not abutting an alley, such setback shall not be less than five (5) feet.

(2) -There shall be no minimum lot requirement. The developer and/or subdivider must provide evidence that the size of any and all lots are conducive to the construction of at least one (1) of the permitted primary uses without the necessity of relief from the standards.

(3) There shall be no minimum lot area requirements. The developer and/or subdivider must provide evidence that the size of the lot is conducive to the construction of at least one (1) of the permitted primary uses without the necessity of relief from the standards. Minimum Lot Width will determine type of lot access and parking.

(4) At least five (5) feet behind Habitable Area

(5) As determined in approved Master Plan

(6) To the rear of the primary structure

(7) From centerline of alley

c.	Use of Minimum Yards. All minimum yards and bufferyards shall be landscaped in compliance with the requirements for perimeter yard landscaping as set forth in Article 4.7 - Landscape Provisions of this ordinance and shall remain free from structures except where expressly permitted below.						
	Minimum front yards	TC	RF				
	Driveways	Yes ⁽¹⁾	(2)				
	Signs as regulated by Article VII	Yes ⁽¹⁾	(2)				
	Plazas developed in compliance with Article 5.6C(3)(a)	Yes ⁽¹⁾	(2)				
	Walkways from the sidewalk to a building entrance	Yes ⁽¹⁾	Yes ⁽¹⁾				
	Minimum front Bufferyards	TC	RF				
	Driveways	Yes ⁽¹⁾	(N/A)				
	Signs as regulated by Article VII	Yes ⁽¹⁾	(N/A)				
	Walkways from the sidewalk to a building entrance	Yes ⁽¹⁾	Yes ⁽¹⁾				
	Minimum side and rear yards	TC	RF				
	Driveways	Yes ⁽¹⁾	(2)				
	Interior Access Driveways	Yes ⁽¹⁾	(2)				
	Parking Areas	Yes ⁽¹⁾	(2)				
	Loading Areas	Yes ⁽¹⁾	(2)				
	Walkways or other pedestrian way connections to adjoining lots	Yes ⁽¹⁾	Yes ⁽¹⁾				
	Minimum side and rear bufferyards	TC	RF				
	Walkways or other pedestrian way connections to adjoining lots	Yes ⁽¹⁾	Yes ⁽¹⁾				
Notes	⁽¹⁾ Provided that the remainder of said yards shall be maintained as open space free from buildings or structures in compliance with the requirements for perimeter landscape yards as set forth in Article IV. ⁽²⁾ As Determined in approved Master Plan						
d.	Maximum Building Height	Unit	TC	RF			
	Primary Building Maximum Building Height	Feet	50	(N/A)			
	Primary Buildings, not to exceed	Stories	4	(N/A)			
	Two Family, Single Family Attached, Single Family Detached, Attached (Missing Middle Dwellings)	Feet	(N/A)	40			
	Commercial Residential	Feet	(N/A)	60			
	Dwelling Multifamily	Feet	(N/A)	60			
	Other Master Plan Uses	Feet	(N/A)	40 ⁽⁶⁾			
	Accessory Dwelling Unit	Feet	(N/A)	20			
	Accessory buildings	Feet	25	25			
e.	Architectural Review		TC	RF			
	Subject to the requirements for the filing of a development plan for architectural and site design review.		Yes	Yes			
f.	Eligibility to use Development Incentives		TC	RF			
	Eligible to use Development Incentives set forth in Article V of this ordinance.		Yes	No			
g.	Off Street Loading		TC	RF			
	Located on the lot served		Opt	Yes			
	Located within fifty (50) feet of the lot served		Opt	No			
	Compliant with Article IV		Yes	Yes			
h.	Reserved						
i.	Single Family, Two-Family, and Multi-Family Development Standards						
	Single Family Dwellings		TC	RF			
	Individual Lots	R-4 District		(2)			
	Part of a larger multi-family dwelling project	RU District		(2)			
	Two-Family Dwellings		TC	RF			
	Individual Lots	R-5 District		(2)			
	Part of a larger multi-family dwelling project	RU District		(2)			
	Multi-Family Dwellings		TC	RF			
	Multi-family that is not a mixed use	RU District ⁽¹⁾		(2)			
Notes:	⁽¹⁾ Dwelling units in mixed-use buildings shall be located on the upper stories of buildings, unless authorized by the approval of a development incentive. ⁽²⁾ See Table C.2.a and C.2.b above						
j.	Parking Access, Location, and Garage Type						
	TC: Town Center	Access to Parking Area		Parking Location			
		Street	Alley ⁽¹⁾	Front	Rear	Interior	
		⁽³⁾	Req	No	Opt	Opt	
	RF: Residential Flex	Access to Parking Area		Parking Location			
		Street	Alley ⁽¹⁾	Front	Rear	Interior	
		Dwelling, Single Family Detached, Dwelling, Two Family					
		Frontage Width: 60 feet or less	No	Req	No	Req	No
		Frontage Width: More than 60 feet, less than 80 feet	Opt	Opt	Opt	Opt	No
	Frontage Width: 80 feet or more	Opt	Opt	Opt	Opt	No	
		Access to Parking Area		Parking Location			
		Street	Alley ⁽¹⁾	Front	Rear	Interior	

Dwelling, Single Family Attached	No	Req	No	Req	No
Attached (Missing Middle)	No	Req	No	Req	No
Commercial Residential	Opt ⁽²⁾	Opt	No	Opt	No
Dwelling Multifamily	Opt ⁽²⁾	Opt	No	Req	Req
Other Master Plan Uses	⁽²⁾	⁽²⁾	⁽²⁾	⁽²⁾	⁽²⁾
Accessory Dwelling Unit	No	Req	No	Req	No
Garage Door Facing (Garages may not be required. If provided, the following provisions are prescribed)					
Dwelling, Single Family Detached, Dwelling, Two Family		Alley/Rear	Front	Side	Interior
Frontage Width: 60 feet or less		Req	No	No	No
Frontage Width: More than 60 feet, less than 80 feet		Opt	Opt ⁽⁴⁾	Opt	No
Frontage Width: 80 feet or more		Opt	No	Opt	No
		Alley/Rear	Front	Side	Interior
Dwelling, Single Family Attached		Req	No	No	No
Attached (Missing Middle)		Req	No	No	No
Commercial Residential		Opt	No	No	Opt
Dwelling Multifamily		Opt	No	No	Opt
Other Master Plan Uses		Opt	No	No	No
Accessory Dwelling Unit		Req	No	No	No
Notes:	No- Not allowed Opt Optional Req-Required ⁽¹⁾ Must be an improved alley ⁽²⁾ To be determined in approved Master Plan ⁽³⁾ Only if Plan Commission/Director determine no other access is feasible. ⁽⁴⁾ Not in TC: Town Center				

D. Commercial Districts

1. Districts Included

- a. AC: Automotive Commercial. (see Article 2.19 for additional regulations)
- b. GC: General Commercial. (see Article 2.11 for additional regulations)
- c. HB: Highway Business. (see Article 3.9 for additional regulations)
- d. NR: Neighborhood Retail Commercial. (see Article 2.9 for additional regulations)
- e. OD: Office District. (see Article 2.10 for additional regulations)

2. Commercial Districts Development Standards Matrix

a.	Minimum Lot Width and Frontage. Each lot or integrated center shall have a minimum lot width and frontage on a public street as shown below:	Unit	AC	GC	HB	NR	OD
	Minimum Lot Width and Frontage	Feet	50	50	50	50	50
b.	Minimum Yard and Setbacks						
	Minimum Front Yard and Building Setback	Unit	AC	GC	HB	NR	OD
	Front	Feet	20	20	20	20	20
	Outdoor Dining	Feet	10	10	10	10	10
	Minimum Side Yard and Setback	Unit	AC	GC	HB	NR	OD
	Minimum Side Yard	Feet	10	10	10	10	10
	Minimum Side Bufferyard ⁽¹⁾	Feet	20	20	20	15	15
	Minimum Side Yard and Setback	Unit	AC	GC	HB	NR	OD
	Minimum Rear Yard	Feet	10	10	10	10	10
	Minimum Rear Bufferyard ⁽¹⁾	Feet	20	20	20	15	15
	Minimum Yards for Out Lots	Unit	AC	GC	HB	NR	OD
	Out Lot to Out Lot	Feet	5	5	5	5	5
	Out Lot to Integrated Center Perimeter	Feet	⁽²⁾	⁽²⁾	⁽²⁾	⁽²⁾	⁽²⁾
	Main Integrated Center to Outlot	Feet	0	0	0	0	0
Notes:	⁽¹⁾ When facing or abutting a residential use that is not legal nonconforming. ⁽²⁾ Applicable minimum front, side or rear yard requirements for the zoning district.						
c.	Use of Minimum Yards. All minimum yards and bufferyards shall be landscaped in compliance with the requirements for perimeter yard landscaping as set forth in Article 4.7 - Landscape Provisions of this ordinance and shall remain free from structures except where expressly permitted below.						
	Minimum Front Yards	AC	GC	HB	NR	OD	
	Driveways	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾
	Minimum Front Bufferyards	AC	GC	HB	NR	OD	
	Driveways	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾
	Minimum Side and Rear Yards	AC	GC	HB	NR	OD	

	Interior Access Driveways connecting to adjoining lots	Yes	Yes	Yes	Yes ⁽¹⁾	Yes ⁽¹⁾	
	Minimum Side and Rear Bufferyards	AC	GC	HB	NR	OD	
	Shall be landscaped with grass and shrubbery, trees or hedge, or in combination with other suitable ground cover materials and maintained in compliance with the requirements for perimeter landscape yards as set forth in Article IV.						
Notes:	⁽¹⁾ Provided that the remainder of said yards shall be maintained as open space free from buildings or structures in compliance with the requirements for perimeter landscape yards as set forth in Article IV. ⁽²⁾ Provided that no portion of the parking area may be located closer to the right-of-way than ten feet; except for minimum front yards abutting the Ronald Reagan Parkway or a frontage street parallel to the Ronald Reagan Parkway, where parking areas shall be prohibited.						
d.	Maximum Building Height	Unit	AC	GC	HB	NR	OD
	Maximum Building Height	Feet	75	75	75	35	75
e.	Architectural Review	AC	GC	HB	NR	OD	
	Subject to the requirements for the filing of a development plan for architectural and site design review.	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	
Notes:	If any portion of a lot is within 600 feet of a residential district or Gateway Corridor.						
f.	Eligibility to use Development Incentives	AC	GC	HB	NR	OD	
	Eligible to use Development Incentives set forth in Article V of this ordinance.	No	Yes	No	Yes	Yes	

E. Industrial and Distribution Districts

1. General Development Standards

- AG: Agriculture. (See Article 2.16 for additional regulations)
- CI: Commercial/Industrial. (See Article 3.5 for additional regulations)
- I1: Research/Office Industrial District. (See Article 2.12 for additional regulations)
- I2: Office/Warehouse Distribution. (See Article 2.13 for additional regulations)
- I3: Light Industrial. (See Article 2.14 for additional regulations)
- I4: Heavy Industrial. (See Article 2.15 for additional regulations)

2. Industrial Development Standards Matrix

a.	Minimum Lot Size, Width, and Frontage. Each lot or integrated center shall have a minimum lot width and frontage on a public street as shown in the table below							
		Unit	AG	CI	I1	I2	I3	I4
	Minimum Lot Size	Acres	5	N/A	N/A	N/A	N/A	N/A
	Maximum Lot Coverage	Percent	10%	N/A	N/A	N/A	N/A	N/A
	Maximum Lot Depth to Width Ratio		4:1	N/A	N/A	N/A	N/A	N/A
	Minimum Lot Width and Frontage	Feet	300	75	75	100	150	150
b.	Minimum Yards and Setbacks							
	Minimum Front Yard and Building Setback (Front)	Unit	AG	CI	I1	I2	I3	I4
		Feet	30	30	30	60	120	120
	Minimum Side Yard and Setback	Unit	AG	CI	I1	I2	I3	I4
	Minimum Side Yard	Feet	50	10	10	10	10	20
	Minimum Side Bufferyard ⁽¹⁾	Feet	50	25	25	50	100	150
	Minimum Rear Yard and Setback	Unit						
	Minimum Rear Yard	Feet	See below	10	10	10	10	20
	Minimum Rear Bufferyard ⁽¹⁾	Feet		25	25	50	100	150
	Agricultural Rear Yard	Unit						
	Agricultural Building	Feet	150	(N/A)	(N/A)	(N/A)	(N/A)	(N/A)
	Residential Accessory Building	Feet	50	(N/A)	(N/A)	(N/A)	(N/A)	(N/A)
	Residential Primary Building	Feet	50	(N/A)	(N/A)	(N/A)	(N/A)	(N/A)
	Minimum Yards for Out Lots	Unit						
	Out Lot to Out Lot	Feet	(N/A)	5	(N/A)	(N/A)	(N/A)	(N/A)
	Out Lot to Integrated Center Perimeter	Feet	(N/A)	(2)	(N/A)	(N/A)	(N/A)	(N/A)
	Main Integrated Center to Outlot	Feet	(N/A)	0	(N/A)	(N/A)	(N/A)	(N/A)
Notes:	⁽¹⁾ When facing or abutting a residential use that is not legal nonconforming. ⁽²⁾ Applicable minimum front, side or rear yard requirements for the zoning district. (N/A) – Not Applicable							
c.	Use of Minimum Yard.							
	Minimum Front Yards	AG	CI	I1	I2	I3	I4	
	Driveways	(3)	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	
	Minimum Front Bufferyards	AG	CI	I1	I2	I3	I4	
	Driveways	(2)	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	
	Minimum Side and Rear Yards	AG	CI	I1	I2	I3	I4	

	Interior Access Driveways connecting to adjoining lots	(2)	Yes (1)	Yes (1)	Yes (1)	Yes (1)	Yes (1)	
	Minimum Side and Rear Bufferyards	AG	CI	I1	I2	I3	I4	
	Shall be landscaped with grass and shrubbery, trees or hedge, or in combination with other suitable ground cover materials and maintained in compliance with the requirements for perimeter landscape yards as set forth in Article IV.							
Notes :	(1) Provided that the remainder of said yards shall be maintained as open space free from buildings or structures in compliance with the requirements for perimeter landscape yards as set forth in Article IV. (2) Not addressed by ordinance.							
d.	Maximum Building Height	Unit	AG	CI	I1	I2	I3	I4
	Primary Building	Feet	35	50	35	75 (2)	(1) (2)	(1) (2)
	Accessory Building	Feet	25	(3)	(3)	(3)	(3)	(3)
	Agricultural Building	Feet	(1) (4)	(3)	(3)	(3)	(3)	(3)
Notes:	(1) Unlimited (2) Provided that the setback for that portion of the building or structure which is in excess of 35 feet shall be increased by one foot each one foot of building or structural height above 35 feet until the ultimate height is allowed. (3) Not addressed (4) Provided that for each additional foot over 50 feet in height, one additional foot shall be added to the minimum yard and building setback requirements.							
e.	Minimum Main Floor Area	Unit	AG	CI	I1	I2	I3	I4
	One Story Building	Square Feet	1,200	(N/A)	(N/A)	(N/A)	(N/A)	(N/A)
	Two or More Story Building	Square Feet	800	(N/A)	(N/A)	(N/A)	(N/A)	(N/A)
	Total Finished Floor Area	Square Feet	1,200	(N/A)	(N/A)	(N/A)	(N/A)	(N/A)
Notes:	(N/A) – Not Applicable							
f.	Reserved							
g.	Architectural Review.	AG	CI	I1	I2	I3	I4	
	Subject to the requirements for the filing of a development plan for architectural and site design review.	No	Yes (1)	Yes (1)	Yes (1)	Yes (1)	Yes (1)	
Notes :	(1) If any portion of a lot is within 600 feet of a residential district or Gateway Corridor.							
h.	Development Incentives.	AG	CI	I1	I2	I3	I4	
	Eligible to use Development Incentives set forth in Article V of this ordinance.	No	No	Yes	Yes	Yes	Yes	

F. Institutional and Master Planned Districts

1. Districts Include
 - a. G: Golf. (see Article 3.6 for additional regulations)
 - b. IG: Institutional (Government). (see Article 3.8 for additional regulations)
 - c. REL: Religious. (see Article 3.4 for additional regulations)
 - d. S: School. (see Article 3.3 for additional regulations)
 - e. P: Park (see Article 3.2 for additional regulations)

2. Institutional and Master Planned Development Standards Matrix

a.	General Development Standards	Unit	G	IG	REL	S	P
	Minimum lot area	Square Feet	43,560	(N/A)	(N/A)	(N/A)	(N/A)
	Minimum lot width	Feet	50	100	100	100	100
	Minimum lot frontage on a public street	Feet	30	100	100	100	100
Notes:	(N/A) – Not Applicable Or the minimum lot area of any abutting R-1, R-2, R-3, R-4, or R-5 District (if any.)						
b.	Minimum Yards and Setbacks	Unit	G	IG	REL	S	P
	Minimum Front Yard and Building Setback	Feet	30 (1)	30 (1)	30 (1)	30 (1)	30 (1)
Notes:	(1) Or as specified in an approved Master Plan						
	Side Yard	Feet	20 (1)	10 (1)	20 (1)	20 (1)	10 (1)
	Accessory buildings or structures	Feet	5 (1)	(N/A) (1)	(N/A) (1)	(N/A) (1)	(N/A) (1)
	Designated or improved grade level activity areas (i.e., dirt, grass or bark trails; grass play areas and the like) excluding any hard surfaced recreation area	Feet	20 (1)	(N/A) (1)	(N/A) (1)	(N/A) (1)	(N/A) (1)
	Play fields, ball fields, ball courts, game courts, spray or wading pools, outdoor swimming pool, ice or roller skating rink, skateboard facility or any other hard surfaced recreation area	Feet	20 (1)	(N/A) (1)	(N/A) (1)	(N/A) (1)	(N/A) (1)

	Primary building	Feet	20 ⁽¹⁾	10 ⁽¹⁾	20 ⁽¹⁾	20 ⁽¹⁾	10 ⁽¹⁾
	Recreational equipment/playground apparatus	Feet	20 ⁽¹⁾	(N/A) ⁽¹⁾	(N/A) ⁽¹⁾	(N/A) ⁽¹⁾	(N/A) ⁽¹⁾
Notes:		⁽¹⁾ Or as specified in an approved Master Plan					
	Rear Yard	Unit	G	IG	REL	S	P
	Accessory buildings or structures	Feet	20 ⁽¹⁾	10 ⁽¹⁾	20 ⁽¹⁾	20 ⁽¹⁾	10 ⁽¹⁾
	Designated or improved grade level activity areas (i.e., dirt, grass or bark trails; grass play areas and the like) excluding any hard surfaced recreation area	Feet	5 ⁽¹⁾	(N/A) ⁽¹⁾	(N/A) ⁽¹⁾	(N/A) ⁽¹⁾	(N/A) ⁽¹⁾
	Play fields, ball fields, ball courts, game courts, spray or wading pools, outdoor swimming pool, ice or roller skating rink, skateboard facility or any other hard surfaced recreation area	Feet	20 ⁽¹⁾	(N/A) ⁽¹⁾	(N/A) ⁽¹⁾	(N/A) ⁽¹⁾	(N/A) ⁽¹⁾
	Primary building	Feet	20 ⁽¹⁾	10 ⁽¹⁾	20 ⁽¹⁾	20 ⁽¹⁾	10 ⁽¹⁾
	Recreational equipment/playground apparatus	Feet	20 ⁽¹⁾	(N/A) ⁽¹⁾	(N/A) ⁽¹⁾	(N/A) ⁽¹⁾	(N/A) ⁽¹⁾
Notes:		^(N/A) – Not Applicable –Or as specified in an approved Master Plan					
c.	Use of Yard. All minimum yards and bufferyards shall be landscaped with grass, trees, shrubbery or hedge, or in combination with other suitable ground cover materials and shall remain free from structures except where expressly permitted below.						
	Minimum Front Yards	G	IG	REL	S	P	
	Driveways	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	
	Parking Areas, Golf Cart Paths, Fences, Tee Boxes, Ball Washers, Greens and Fairways, Maintenance Pathways	Yes ⁽¹⁾	No	No	No	No	
	Greenways	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	
	Trails	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	
	Outdoor recreational improvement which is comprised primarily of live vegetation	Yes ⁽¹⁾	No	No	No	No	
	Walkways	No	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	
	Minimum Front Bufferyards	G	IG	REL	S	P	
	Driveways	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	
	Parking Areas, Golf Cart Paths, Fences, Tee Boxes, Ball Washers, Greens and Fairways, Maintenance Pathways	Yes ⁽¹⁾	No	No	No	No	
	Greenways	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	
	Trails	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	
	Outdoor recreational improvement which is comprised primarily of live vegetation	Yes ⁽¹⁾	No	No	No	No	
	Walkways	No	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	
	Minimum Side and Rear Yards	G	IG	REL	S	P	
	Interior Access Driveways connecting to adjoining lots	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	
	Parking Areas, Golf Cart Paths, Fences, Tee Boxes, Ball Washers, Greens and Fairways, Maintenance Pathways	Yes ⁽¹⁾	No	No	No	No	
	Greenways	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	
	Trails	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	
	Walkways connecting to adjoining properties or subdivisions	No	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	
	Minimum Side and Rear Bufferyards	G	IG	REL	S	P	
	Interior Access Driveways connecting to adjoining lots	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	
	Parking Areas, Golf Cart Paths, Fences, Tee Boxes, Ball Washers, Greens and Fairways, Maintenance Pathways	Yes ⁽¹⁾	No	No	No	No	
	Greenways	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	
	Trails	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	
	Walkways connecting to adjoining properties or subdivisions	No	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	Yes ⁽¹⁾	
Notes:		⁽¹⁾ Provided that the remainder of said yards shall be maintained as open space free from buildings or structures in compliance with the requirements for perimeter landscape yards as set forth in Article IV. ⁽²⁾ Provided that no portion of the parking area may be located closer to the right-of-way than ten feet; except for minimum front yards abutting the Ronald Reagan Parkway or a frontage street parallel to the Ronald Reagan Parkway, where parking areas shall be prohibited.					
d.	Maximum Building Height	Unit	G	IG	REL	S	P
	Primary Building	Feet	35 ⁽¹⁾	35 ⁽¹⁾	35 ⁽¹⁾	35 ⁽¹⁾	35 ⁽¹⁾
	Accessory Building or Structures	Feet	22 ⁽¹⁾	22 ⁽¹⁾	22 ⁽¹⁾	22 ⁽¹⁾	22 ⁽¹⁾
Notes:		⁽¹⁾ Unless a greater height is specified in an approved Master Plan					

14.3 List of Planned Unit Developments

A. Approved Planned Unit Developments

1. Blackthorne
 - a. Blackthorne 2003 Amendment
 - b. Blackthorne 2013 Amendment
2. Bo-Mar PUD
 - a. [Bo-Mar Estates Amendment](#) (Multifamily Section)
3. Colony Lake
4. Commercial Drive PUD
5. Crystal Bay
6. Double Creek
7. Glen Haven
8. Hall Business PUD
9. Harpers Crossing
10. Hobbs Station PUD
 - a. [Development Standards Amendment](#)
 - b. [Sign Plan Amendment](#)
11. Legacy Farms
12. Meadowlark
13. MetroAir
14. Metro Air Business Park Phase 2
15. Nottinghill
16. Plainfield Logistics Center
17. Plainfield Marketplace
 - a. The Shops at Perry Crossing
 - b. Courtyard by Marriott
 - c. Haven Homes PUD
 - d. Residence Inn
 - e. Encore
 - 1) 2021 Amendment
18. Quaker Ridge
19. Saratoga
 - a. Augusta Woods
 - b. Fairfield Woods
 - c. The Paddock
 - d. Saratoga Village
 - e. Springs at Saratoga
 - f. Yorktown
20. Sierra Gateway

- a. [Sierra Gateway 2014 Amendment](#)
 - 21. [Stanley Terrace](#)
 - a. [2022 Amendment](#)
 - b. [2023 Amendment](#)
 - 22. [Sugar Grove Farms](#)
 - 23. [Sugar Grove Senior Living](#)
 - 24. [Tri-L](#)
 - 25. [Vandalia](#)
 - a. [2022 Amendment \(Cabin Coffee\)](#)
 - 26. [Village at Plank Road](#)
 - 27. [Westmere](#)
- B. Reserved**

EXHIBITS

EXHIBIT A

NOTE: The Town of Plainfield Zoning Ordinance, requires the use of this form in recording commitments made with respect to development plan approvals, zone map changes or Planned Unit Developments in accordance with I.C. 36-7-4-613 or I.C. 36-7-4-615.

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH A DEVELOPMENT PLAN APPROVAL, ZONE MAP CHANGE OR PLANNED UNIT DEVELOPMENT REQUIRED BY THE TOWN OF PLAINFIELD ZONING ORDINANCE

In accordance with I.C. 36-7-4-613 or I.C. 36-7-4-615, the Owner of the real estate located in the Town of Plainfield, Hendricks County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of the following described parcel of real estate:

LEGAL DESCRIPTION:

STATEMENT OF COMMITMENTS:

- 1.
- 2.
- 3.
- 4.

These COMMITMENTS shall run with the land, be binding on the Owner of the above-described real estate, subsequent owners of the above-described real estate and other persons acquiring an interest therein. These COMMITMENTS may be modified or terminated by a decision of the Town Plan Commission made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon the approval of petition # _____ pursuant to the Town of Plainfield Zoning Ordinance, and shall continue in effect until modified or terminated by the Town of Plainfield Plan Commission.

These COMMITMENTS may be enforced jointly or severally by:

1. The Town of Plainfield Plan Commission;
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred (600) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for approval, however; and

3. _____

The undersigned hereby authorizes the Secretary of the town Plan Commission to record this Commitment in the Office of the Recorder of Hendricks County, Indiana, upon final approval of petition # _____.

IN WITNESS WHEREOF, Owner has executed this instrument this _____ day of _____, _____.

(Individual Owner)

Signature _____ (Seal) Signature _____ (Seal)

Printed _____ Printed _____

(Organization Owner)

By _____

Printed _____

Title _____

(Individual Acknowledgment)

STATE OF _____)

) SS:

COUNTY OF _____)

Before me, a Notary Public in and for said County and State, personally appeared _____, Owner(s) of the real estate described above who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this _____ day of _____, _____.

Signature _____

Printed _____

County of Residence _____

My Commission expires: _____

(Organization Acknowledgment)

STATE OF _____)

) SS:

COUNTY OF _____)

Before me, a Notary Public in and for said County and State, personally appeared the _____ of _____, a(n) _____, Owner(s) of the real estate described above who acknowledged the execution of the foregoing instrument in such capacity and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this _____ day of _____, _____.

Signature _____

Printed _____

County of Residence _____

My Commission expires: _____

This instrument was prepared by _____.

EXHIBIT B

NOTE: The Town of Plainfield Zoning Ordinance requires the use of this form in recording commitment modification(s) or termination(s) with respect to a Development Plan Approval, Zone Map Change or Planned Unit Development in accordance with I.C. 36-7-4-613 or I.C. 36-7-4-615.

COMMITMENTS MODIFYING OR TERMINATING EXISTING COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH A DEVELOPMENT PLAN APPROVAL, ZONE MAP CHANGE OR PLANNED UNIT DEVELOPMENT.

In accordance with I.C. 36-7-4-613 or I.C. 36-7-4-615, the Owner of the real estate located in Town of Plainfield, Hendricks County, Indiana, which is described below, makes the following modification(s) or termination(s) of commitment(s) concerning the use and development of the following described parcel of real estate:

LEGAL DESCRIPTION:

STATEMENT OF MODIFICATION OR TERMINATION OF COMMITMENTS:

- 1.
- 2.
- 3.
- 4.

These MODIFICATION OR TERMINATION OF COMMITMENTS shall run with the land, be binding on the Owner of the above-referenced real estate, subsequent owners of the above-referenced real estate and other persons acquiring an interest therein. These COMMITMENTS may be modified or terminated by a decision of the town Plan Commission made at a public hearing after proper notice has been given.

MODIFICATION OR TERMINATION OF COMMITMENTS contained in this instrument shall be effective upon adoption of modification or termination approved by the Town of Plainfield Plan Commission in petition #_____.

These COMMITMENTS may be enforced jointly or severally by:

- 1. The Town of Plainfield Plan Commission;
- 2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred (600) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for approval, however; and
- 3. _____

The undersigned hereby authorizes the Secretary of the town Plan Commission to record this MODIFICATION OR TERMINATION OF COMMITMENTS in the Office of the Recorder of Hendricks County, Indiana, upon final approval petition #_____ by the Town of Plainfield Plan Commission.

IN WITNESS WHEREOF, Owner has executed this instrument this _____ day of _____, _____.

(Individual Owner)

Signature _____(Seal) Signature _____(Seal)

Printed _____ Printed _____

(Organization Owner)

By _____

Printed _____

Title _____

(Individual Acknowledgment)

STATE OF _____)

) SS:

COUNTY OF _____)

Before me, a Notary Public in and for said County and State, personally appeared _____, Owner(s) of the real estate described above who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this _____ day of _____, _____.

Signature _____

Printed _____

County of Residence _____

My Commission expires: _____

(Organization Acknowledgment)

STATE OF _____)

) SS:

COUNTY OF _____)

Before me, a Notary Public in and for said County and State, personally appeared the _____ of _____, a(n) _____, Owner(s) of the real estate described above who acknowledged the execution of the foregoing instrument in such capacity and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this _____ day of _____, _____.

Signature _____

Printed _____

County of Residence _____

My Commission expires: _____

This instrument was prepared by _____.

EXHIBIT C

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH A SPECIAL EXCEPTION OR A VARIANCE GRANT FROM THE TERMS OF THE ZONING ORDINANCE.

In accordance with I.C. 36-7-4-921, the Owner of the real estate located in the Town of Plainfield, Hendricks County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of the following described parcel of real estate:

LEGAL DESCRIPTION:

STATEMENT OF COMMITMENTS:

- 1.
- 2.
- 3.
- 4.

These COMMITMENTS shall be binding on the Owner, subsequent owners of the above-described real estate, and other persons acquiring an interest in the above-described real estate. These COMMITMENTS may be modified or terminated by a decision of the town Board of Zoning Appeals made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon the grant of petition #_____ by the Town of Plainfield Board of Zoning Appeals.

These COMMITMENTS may be enforced jointly or severally by:

- 1. The Town of Plainfield Plan Commission;
- 2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred (600) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners. Owners of real estate entirely located outside the Town of Plainfield are not included, however; and

3. _____

The undersigned hereby authorizes the Secretary of the town Plan Commission to record this Commitment in the office of the Recorder of Hendricks County, Indiana, upon final approval by the Town of Plainfield Board of Zoning Appeals of petition #_____.

IN WITNESS WHEREOF, Owner has executed this instrument this _____ day of _____, _____.

(Individual Owner)

Signature _____ (Seal) Signature _____ (Seal)

Printed _____ Printed _____

(Organization Owner)

By _____

Printed _____

Title _____

(Individual Acknowledgment)

STATE OF _____)

) SS:

COUNTY OF _____)

Before me, a Notary Public in and for said County and State, personally appeared _____, Owner(s) of the real estate described above who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this _____ day of _____, _____.

Signature _____

Printed _____

County of Residence _____

My Commission expires: _____

(Organization Acknowledgment)

STATE OF _____)

) SS:

COUNTY OF _____)

Before me, a Notary Public in and for said County and State, personally appeared the _____ of _____, a(n) _____, Owner(s) of the real estate described above who acknowledged the execution of the foregoing instrument in such capacity and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this _____ day of _____, _____.

Signature _____

Printed _____

County of Residence _____

My Commission expires: _____

This instrument was prepared by _____.

EXHIBIT D

COMMITMENTS MODIFYING OR TERMINATING EXISTING COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH A SPECIAL EXCEPTION OR A VARIANCE FROM THE TERMS OF THE ZONING ORDINANCE.

In accordance with I.C. 36-7-4-921, the Owner of the real estate located in the Town of Plainfield, Hendricks County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of the following described parcel of real estate:

LEGAL DESCRIPTION:

STATEMENT OF MODIFICATION OR TERMINATION OF COMMITMENTS existing in Instrument Number _____ as recorded in the Office of the Recorder of Hendricks County, Indiana, as made in connection with petition #_____:

- 1.
- 2.
- 3.
- 4.

These modified COMMITMENTS shall be binding on the Owner of the above-described real estate, subsequent owners of the above-described real estate, and other persons acquiring an interest in the above-described real estate. These modified COMMITMENTS may be further modified or terminated by a decision of the town Board of Zoning Appeals made at a public hearing after proper notice has been given.

Modified COMMITMENTS contained in this instrument shall be effective upon the adoption of modification or termination approved by the Town of Plainfield Board of Zoning Appeals in petition #_____.

These COMMITMENTS may be enforced jointly or severally by:

1. The Town of Plainfield Plan Commission;
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding 600 feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners. Owners of real estate entirely located outside of the town are not included, however; and
3. _____

The undersigned hereby authorizes the Secretary of the Town Plan Commission to record this Commitment in the office of the Recorder of Hendricks County, Indiana, upon final approval of modification and/or termination of commitment(s) by the Town of Plainfield Board of Zoning Appeals of petition #_____.

IN WITNESS WHEREOF, Owner has executed this instrument this _____ day of _____, _____.

(Individual Owner)

Signature _____(Seal) Signature _____(Seal)

Printed _____ Printed _____

(Organization Owner)

By _____

Printed _____

Title _____

(Individual Acknowledgment)

STATE OF _____)

) SS:

COUNTY OF _____)

Before me, a Notary Public in and for said County and State, personally appeared _____, Owner(s) of the real estate described above who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this _____ day of _____, _____.

Signature _____

Printed _____

County of Residence _____

My Commission expires: _____

(Organization Acknowledgment)

STATE OF _____)

) SS:

COUNTY OF _____)

Before me, a Notary Public in and for said County and State, personally appeared the _____ of _____, a(n) _____, Owner(s) of the real estate described above who acknowledged the execution of the foregoing instrument in such capacity and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this _____ day of _____, _____.

Signature _____

Printed _____

County of Residence _____

My Commission expires: _____

This instrument was prepared by _____.