



Pulaski County Indiana - Unified Development Ordinance

## **Ordinance # 05-2015**

Adopted: December 7, 2015 | Effective: January 1, 2016



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# General Provisions

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## 1.1 Title

This Ordinance shall be officially known as the “Unified Development Ordinance of Pulaski County, Indiana” and may be referred to as “the Unified Development Ordinance” or “this Ordinance” or the “UDO.”

## 1.2 Effective Date

- A. This Ordinance shall be in full force and in effect on January 1, 2016. The effective date is based on the passage and notice of adoption as required by law. This Ordinance was recommended for adoption by majority vote of the County Commissioners of Pulaski County, Indiana as Ordinance #05-2015 on the 7th day of December, 2015. Ordinance #05-2015: here-to-for Pulaski County Unified Development Ordinance (UDO) is effective January 1, 2016.**
- B. This Ordinance repeals and replaces the Zoning Ordinance of Pulaski County, Indiana, as originally adopted October 2011, and subsequently amended; the associated Official Zoning Map; as well as the Subdivision Control Ordinance; and the Wind Energy Convergence Ordinance of Pulaski County adopted October 2011 (effective May 2012).**

## 1.3 Purpose and Intent

The purpose of this Ordinance is to protect the public health, safety, and general welfare of the citizens and landowners of Pulaski County and to implement the policies and objectives of the 2009 County Comprehensive Plan addressing the County’s growth and development. More specifically, the intent of this Ordinance is to:

- A. Foster convenient, compatible, and efficient relationships among land uses**
- B. Support and encourage a strong and diverse economy**
- C. Better manage and lessen congestion in the streets**
- D. Ensure the provision of adequate open space between uses for light, air, and fire safety**
- E. Secure the safety of landowners and residents from flooding, fire, seismic activity, and dangers presented from extreme weather events, to the extent possible**
- F. Encourage urban forms of development in appropriate locations**
- G. Facilitate the adequate and economic provision of transportation, water, sewage, parks, and other public services**
- H. Improve development quality and the quality of life for County residents and visitors**
- I. Preserve and enhance visual attractiveness and economic vitality**
- J. Preserve the neighborhood character and quality of residential communities while providing increased housing choices, as appropriate**
- K. Require appropriate setbacks for buildings and other structures to facilitate the safe movement of vehicular and pedestrian traffic, provide adequate fire lanes, and ensure adequate distance from dust, noise, and fumes created by vehicular traffic**
- L. Add flexibility and provide incentives for beneficial redevelopment, development that incorporates sustainable features, and increased pedestrian-orientation**
- M. Protect existing established development and neighborhoods from incompatible infill and redevelopment**
- N. Protect open space, natural resources, and rural character, where appropriate**



## 1.4 Applicability

- A. General Applicability.** This Ordinance applies to all lands within Pulaski County except for the areas under the zoning jurisdiction of the Towns of Winamac and Francesville, unless otherwise specified.
- B. Application to Governmental Units.** Except as stated herein, the provisions of this Ordinance shall apply to:
  - 1. Development by the county or its agencies or departments
  - 2. Development of buildings by the State, public colleges or universities, or other political subdivisions of the state
  - 3. Development owned or held in tenancy by the government of the United States, its agencies, departments or corporate services, to the full extent permitted by law

## 1.5 Compliance Required

- A. Unless exempted, no land shall be developed without compliance with this Ordinance and all other applicable County, state, and federal regulations.**
- B. No person shall use, occupy, or divide any land or a building or authorize or permit the use, occupancy, or division of land or a building under their control, except in accordance with this Ordinance.**
- C. No building, or portion thereof, shall be erected, used, occupied, maintained, moved, or altered except in conformity with the applicable regulations in this Ordinance.**

## 1.6 Relationship to Other Laws or Rights

- A. Minimum Requirements.** In the application of this Ordinance, all provisions shall be considered as minimum requirements, unless otherwise stated, and shall not be deemed to limit or repeal any other powers or authority granted under the Indiana Code.
- B. Conflicts with Other Codes or Laws.** If a provision of this Ordinance is inconsistent with another provision of this Ordinance, or with a provision found in other adopted ordinances of the County, the more restrictive provision shall govern unless the terms of the more restrictive provision specify otherwise. The more restrictive provision is the one that imposes greater restrictions or burdens or more stringent controls.
- C. Private Agreements or Covenants.** The County may, in its sole discretion, review private agreements, such as those related to maintenance of private common open space set-asides, shared parking, or cross-access easements, but the County is not responsible for monitoring or enforcing private covenants and restrictions. The County does reserve the right under the discretion of the Administrator to monitor and enforce private covenants and restrictions pertaining to drainage.
- D. Conflicts with State or Federal Law.** If a provision of this Ordinance is inconsistent with state or federal law, the more restrictive provision shall govern to the extent permitted by law.
- E. Existing Agreements or Vested Rights.** Nothing in this Ordinance is intended to repeal, supersede, annul, impair, or interfere with any existing private agreements or vested rights, provided such agreements or vested rights are lawfully established and remain in effect.

## 1.7 Transitional Provisions

### A. Violations Continue.

1. Any violation of the previous Zoning Ordinance or Subdivision Control Ordinance shall continue to be a violation under this Ordinance unless the development complies with the express terms of this Ordinance.
2. Any violation of the previous Zoning Ordinance or Subdivision Control Ordinance that is no longer a violation under this Ordinance shall not be considered a violation.
3. Violations of this UDO shall be subject to the penalties set forth in Section 1.9 Enforcement.

### B. Complete Applications.

1. Any development application submitted and accepted as complete before the effective date of this Ordinance, but still pending final action as of that date, shall be reviewed and decided in accordance with the regulations in effect when the application was accepted. To the extent such an application is approved and proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Section 1.8 Nonconformities.
2. Completed applications shall be processed in good faith and shall comply with any time frames for review, approval, and completion as established in the regulations in effect at the time of application acceptance. If the application fails to comply with the required time frames, it shall expire and future development shall be subject to the requirements of this Ordinance.
3. An applicant with a pending application accepted before the effective date of this Ordinance may opt to have the proposed development reviewed and decided under the standards of this Ordinance by withdrawing the pending application and submitting a new application in accordance with the standards of this Ordinance.

### C. Approved Applications.

1. Developments with valid approvals or permits may be carried out in accordance with the terms and conditions of their approval and the development standards in effect at the time of approval, provided the permit or approval is valid and has not expired. If the prior approval expires or is revoked (e.g., for failure to comply with the terms and conditions of approval), any subsequent development of the site shall be applied for in accordance with the procedures and standards of this Ordinance. To the extent a prior-approved application proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Section 1.8 Nonconformities.

### D. Existing Nonconformities.

1. If any use, structure, lot, or sign legally existed on January 1, 2016, but does not fully comply with the standards of this Ordinance, the use, structure, lot, sign, or site feature is considered nonconforming under this Ordinance and shall comply with the requirements in Section 1.8 Nonconformities.

### E. Existing Uses.

1. If a use was a lawfully established permitted use before the effective date of this Ordinance, and is subsequently made a special exception in Table 4.1 Principal Use Table, the use shall be considered a lawfully-established special use.

## 1.8 Nonconformities

### A. General Applicability.

1. Purpose and Intent. In the provisions established by this Ordinance, there exist uses of land, structures, lots of record, signs, and site features (e.g., off-street parking, landscaping, etc.) that were lawfully established before this Ordinance was adopted or amended, that now do not conform to its terms and requirements. The purpose and intent of this section is to regulate and limit the continued existence of those uses, structures, lots of record, signs, and site features that do not conform to the provisions of this Ordinance, or any subsequent amendments.
2. Authority to Continue. Nonconformities are allowed to continue. Nonconformities are encouraged to receive routine maintenance in accordance with the requirements of this section as a means of preserving safety and appearance.
3. Determination of Nonconforming Status. In all cases, the burden of establishing that a nonconformity lawfully exists shall be the responsibility of the owner of the land on which the alleged nonconformity is located.
4. Change of Tenancy or Ownership. No change of title or possession or right to possession of property involved shall be construed to prevent the continuance of such nonconformities.
5. Increase in Nonconformity. Except as authorized by this section, no person shall engage in activity that increases a nonconformity.
6. Minor Repairs and Maintenance. Minor repairs and normal maintenance that are required to keep nonconforming uses, structures, lots of record, site features, and signs in a safe condition are permitted, provided the minor repair or maintenance does not extend, expand, or enlarge the nonconforming aspect. For the purposes of this section, "minor repair or normal maintenance" shall mean:
  - a. Maintenance of Safe Condition. Repairs that are necessary to maintain a nonconforming use, structure, lot of record, site feature, or sign in a safe condition; and
  - b. Maintenance of Land for Safety. Maintenance of land areas and site aspects to protect against health hazards and promote the safety of surrounding uses.
7. Replacement. Restoration or reconstruction of a nonconformity outside the special flood hazard area following casualty damage shall be subject to the following standards.
  - a. Destruction or Damage of Fifty (50) Percent of Value.
    - 1) Except for single-family detached dwellings, in the event a structure housing a nonconformity is damaged or destroyed to an extent that constitutes fifty (50) percent or more of its assessed value (exclusive of foundations) at the time of damage or destruction, the use shall only be restored in a manner that conforms with the provisions of this Ordinance.
    - 2) New construction (including the establishment of off-street parking, landscaping, signage, and other site features) shall be in accordance with the requirements of this Ordinance.
  - b. Damage of Less Than Fifty (50) Percent of Value
    - 1) In the event a structure housing a nonconformity is damaged or destroyed to an extent that constitutes less than fifty (50) percent of its assessed value (exclusive of foundations) at the time of damage or destruction, it may be rebuilt to its previous form if a building permit for such repair or restoration is obtained within one year of the casualty damage. Repair or restoration shall begin within one year after the date of such partial damage or destruction and be diligently pursued to completion.

- 2) Wherever practical, redevelopment of a nonconforming use following casualty damage shall demonstrate greater compliance with this Ordinance than existed prior to the casualty.
- 3) In no event shall repair or restoration increase, expand, or enlarge the degree of nonconformity.

#### **B. Nonconforming Uses.**

1. General. Nonconforming uses are declared generally incompatible with the permitted uses in the district in which they are located and with the provisions of this Ordinance. Nonconforming uses shall be subject to the standards in this subsection.
2. Change of Use. A nonconforming use shall not be changed to any other nonconforming use. Once a nonconforming use has ceased to operate or been discontinued for a period of 180 consecutive calendar days or longer, it shall only be replaced with a conforming use.
3. Expansion and Enlargement. Except in accordance with this subsection, a nonconforming use shall not be enlarged, expanded in area, or intensified.
  - a. An existing nonconforming use may be enlarged into any portion of the structure where it is located provided the area proposed for expansion was designed and intended for such use prior to the date the use became a nonconformity. In no instance shall a nonconforming use be extended to additional structures, or to land outside the original structure.
  - b. Open air uses that are nonconformities, including, but not limited to outdoor sales areas, parking lots, or storage yards, shall not be extended to occupy more land area than that in use when the open air use became nonconforming.
4. Discontinuance or Abandonment
  - a. A nonconforming use shall not be re-established after discontinuance for a period of 180 consecutive calendar days or more.
  - b. Efforts to renovate or repair the nonconforming use are not considered a vacancy, abandonment, or discontinuance provided
    - 1) All appropriate permits or development approvals are obtained,
    - 2) The renovation or repair is completed within 180 consecutive calendar days from commencement of repair or renovation
    - 3) The use is re-established within 30 consecutive calendar days from the time the renovation or repairs are completed
  - c. Failure to complete the repairs or renovation within 180 consecutive calendar days or to re-establish the use within 30 consecutive calendar days following repairs or renovation, shall constitute discontinuance.
  - d. In cases where the building or structure housing a nonconforming use is discontinued or abandoned, all associated open-air activities (e.g., storage) shall also cease.
5. Accessory Uses. Once a nonconforming principal use is discontinued, all associated accessory uses shall cease operations within 30 consecutive calendar days.

#### **C. Nonconforming Structures.**

1. Relationship with Nonconforming Uses
  - a. A nonconforming principal structure containing a conforming use may only continue in accordance with the provisions of this subsection.
2. Continuation. Normal repair and maintenance may be performed to allow the continued use of nonconforming principal and accessory structures.

3. Setbacks. Structures that do not meet the minimum setback distances for the district where located may be redeveloped or reconstructed with reduced minimum setbacks provided:
  - a. The land cannot reasonably be developed for the proposed use without a reduction in the minimum setbacks
  - b. The reduction in minimum setbacks are necessitated by the lot's shape or size
  - c. The land may be developed without a significantly adverse impact on adjacent lands or the health and safety of the public
  - d. Financial hardship to the land owner is not the sole reason for the need to reduce minimum setback requirements
  - e. In cases where minimum setbacks must be reduced, the reduction is the absolute minimum necessary to accommodate the proposed development
4. Alteration or Expansion. Expansion of the structure in a way that complies with applicable dimensional standards or that decreases the degree of nonconformity is allowed.
5. Relocation. A nonconforming structure shall not be moved, in whole or in part, to another location on or off the parcel of land on which it is located, unless upon relocation it conforms to the requirements of this Ordinance.

**D. Nonconforming Lots of Record. No use or structure shall be located on a nonconforming lot of record established after the effective date of this Ordinance, except in accordance with the standards in this section.**

1. Nonconforming Lot Area, Width, or Lot Coverage
  - a. A legally established lot established after the effective date of this Ordinance that does not conform to the minimum lot area, minimum lot width, or maximum lot coverage requirements for the zoning district where located shall be treated as a conforming lot in cases where the lot can comply with all other applicable dimensional or lot configuration standards applicable in the zoning district where located.
  - b. Uses subject to a minimum site size requirement are prohibited on a nonconforming lot smaller than the required minimum lot size.
2. Status of Structure on Nonconforming Lots
  - a. Conforming structures legally established on a nonconforming lot prior to the effective date of this Ordinance (or any amendment thereto) may be continued, enlarged, extended, reconstructed, or structurally altered in any way that is in conformance with the standards of this Ordinance
  - b. Nonconforming structures legally established on a nonconforming lot prior to the effective date of this Ordinance (or any amendment thereto) may be continued, enlarged, or redeveloped only in accordance with the standards in Section 1.8 (C) Nonconforming Structures
3. Development on Vacant Nonconforming Lots. Development on a vacant nonconforming lot shall meet the minimum dimensional requirements (including setbacks) for the zoning district where located, to the maximum extent practicable, as determined by the Administrator.
4. Governmental Acquisition of Land. Conforming lots subject to governmental acquisition of a portion of the lot for a public purpose that results in the lot becoming nonconforming because it no longer complies with lot area or width standards of the district, shall be deemed conforming upon compliance with the following standards:

- a. The development proposed complies with Table 4.1 Principal Use Table
  - b. The development proposed complies with the dimensional standards of this Ordinance, to the maximum extent practicable
  - c. The development proposed is designed to comply with the off-street parking and landscaping standards of this Ordinance, to the maximum extent practicable
  - d. The development proposed complies with all other standards and requirements of this Ordinance
  - e. The proposed development is designed and located in a way that is compatible with surrounding development
5. Change of Nonconforming Lot. The boundaries, shape, or size of a nonconforming lot may be modified through a lot line adjustment, provided the lot line adjustment results in the lot becoming more conforming.

#### **E. Nonconforming Signs.**

1. Nonconforming signs may be continued, subject to the standards in this section.
  - a. No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign.
  - b. No nonconforming sign may be enlarged or altered in such a manner as to increase the nonconformity, including, but not limited to, making major changes to the sign, display surface area, height, or decreasing the required minimum separation between signs.
    - 1) Major changes include changing the size, changing physical material on the sign face, adding lights, refurbishing, and/or relocation.
  - c. When all or a portion of a nonconforming sign is removed as part of a road widening project, the nonconforming sign may be relocated or replaced in a manner not to exceed the specifications of the original sign (i.e., height, size, lighting, etc.), subject to the following:
    - 1) The relocation or replacement sign shall be parallel to the original sign location outside of the right-of-way.
  - d. If an nonconforming sign is damaged by 25 percent or more of the sign's total replacement cost, the sign may not be re-established or relocated except in accordance with the standards in this Ordinance.
  - e. Nothing in this Ordinance shall be construed to give a legal status to any sign without a sign permit.

#### **F. Nonconforming Sites.**

1. Purpose. The purpose of this section is to provide a means whereby the County may require certain nonconforming site features to be brought into compliance with the standards of this Ordinance as part of remodeling or expansion of a structure.
2. Applicability. For purposes of this section, the term "nonconforming site features" includes the following:
  - 1) Nonconforming off-street parking
  - 2) Nonconforming landscaping
  - 3) Nonconforming screening walls or fences
  - 4) Nonconforming signage
  - a. If an application is filed for a improvement location permit for the remodeling or expansion of a structure and the development site contains one or more nonconforming site features identified in Section 1.8 (F) (2), and the value of the proposed improvements totals at least 25 percent of the assessed value of the existing structure, the applicant shall be required to address the nonconforming site feature as provided in this section.

- b. The Administrator, or designee may develop administrative guidelines to assist in the implementation of this section, including guidelines for the resolution of conflicts when it may not be possible for one or more types of nonconforming site features to be brought into compliance with the requirements of this Ordinance because of particular site constraints or impacts on adjacent sites.
3. Determination of Cost and Assessed Value.
  - a. For purposes of determining if upgrading of nonconforming site features is required by this subsection, the cost of the remodeling shall be as shown on the approved Improvement Location Permit application.
  - b. Assessed value shall be based on the most recently available Pulaski County property tax rolls.
4. Remodeling of Buildings or Structures. If an improvement location permit is required for interior or exterior remodeling of the building or structure, the remodeling or redevelopment shall require correction of existing on-site nonconforming off-street parking, landscaping, screening, and signage in accordance with this section.
  - a. Twenty-five (25) Percent or Less of Structure Value. Remodeling in any continuous five-year (5) period that costs twenty-five (25) percent or less of the current assessed value of the structure shall not require any correction to nonconforming site aspects.
  - b. More-than twenty-five (25) Percent but less-than seventy-five (75) Percent of Structure Value. Remodeling in any continuous five-year period that costs more than twenty-five (25) percent but less than seventy-five (75) percent of the current assessed value of the structure, shall require that a corresponding percentage of the off-street parking, landscaping, perimeter buffer, and screening standards of this Ordinance be installed or upgraded on the site, until the site achieves one-hundred (100) percent compliance.
 

Example: A hypothetical building is required to provide at least 40 off-street parking spaces, but the building site only includes 20 spaces. If the building is remodeled such that the cost of remodeling equals thirty (30) percent of the building's assessed value, the remodeling project must add 12 parking spaces (30%, or  $0.30 \times 40$  required spaces). This increases the degree of compliance with off-street parking standards from 50 percent (20 of 40 required spaces) to 80 percent (32 of 40 required spaces).
  - c. Seventy-five (75) Percent or More of Structure Value. Remodeling projects that cost seventy-five (75) percent or more of the current assessed value of the structure shall require one-hundred (100) percent compliance with the off-street parking, landscaping, perimeter buffer, screening, and signage standards of this Ordinance.
  - d. Three or Fewer Additional Parking Spaces. When three or fewer additional off-street parking spaces are required under this subsection as a result of a remodeling project, such additional off-street parking is not required to be installed.
5. Additions and Expansions. Additions and expansions to structures on nonconforming sites shall require correction of existing on-site nonconforming off-street parking, landscaping, screening, and signage standards in accordance with this section.
  - a. Expansion of fifty (50) Percent or Less of Gross Square Footage Over Five Years. Expansions in any continuous five-year period, which result in a fifty (50) percent or less increase in the gross square footage of the existing structure (measured at the beginning of the five-year period), require that a corresponding percentage of the off-street parking, landscaping, screening, and signage standards of this Ordinance be installed or upgraded on the site, until the site achieves one-hundred (100) percent compliance.



Example: if the addition is twenty-five (25) percent of the area of the existing structure and the site contains only fifty (50) percent of the required landscaping, twenty-five (25) percent of the required landscaping for the entire site must be provided, thereby bringing the landscaping on the site to seventy-five (75) percent of the total required.

- b. Existing landscaping on the site shall be retained or replaced but shall not count toward the required percentage of new landscaping.
- c. Expansion of Greater Than fifty (50) Percent of Gross Square Footage Over Five Years. Expansions over any continuous five-year period, which result in a greater than fifty (50) percent increase of the gross square footage of the existing structure (measured at the beginning of the five-year period), require the entire property to meet all of the off-street parking, landscaping, screening, and signage standards of this Ordinance.
- 6. Physically Constrained Properties Comply to Maximum Extent Practicable. Lands that are physically constrained (due to limited size, topography, or other environmental considerations) from complying with these provisions shall comply, to the maximum extent practicable, as determined by the Administrator.

## 1.9 Enforcement

### A. Purpose and Intent.

- 1. This section establishes procedures through which the County seeks to ensure compliance with the provisions of this Ordinance and obtain corrections for Ordinance violations. It also sets forth the remedies and penalties that apply to violations of this Ordinance. The provisions of this section are intended to encourage the voluntary correction of violations, where possible.

### B. Jurisdiction. The County Commissioners may institute a suit for injunctive and monetary relief in the municipal, circuit, or superior courts of Pulaski County, Indiana.

- 1. The County Commissioners may also institute a suit for mandatory injunction directing a person, persons or entity to remove a structure erected in violation of any Codes or land use regulations of Pulaski County, Indiana.
- 2. A structure erected, raised, or converted, or land or premises used in violation of this Ordinance, shall and hereby is declared to be a common nuisance and the owner or possessor of the structure, land, or premises shall be liable for maintaining a common nuisance pursuant to IC 36-7-4-1012. For each day following a 30-calendar day notice, an additional count of maintaining a common nuisance may be filed against the property owner at the discretion of the Administrator.

### C. Inspection of Property.

- 1. The Administrator, inspectors and law enforcement officers are authorized to make inspections of all lands located within Pulaski County in order to enforce all Codes and land use regulations of Pulaski County, Indiana.
- 2. In order to execute inspections, the Administrator, inspectors and law enforcement officers shall have the right to enter upon any premises at any reasonable time for the purpose of carrying out their duties in the enforcement of Codes and land use regulations of Pulaski County, Indiana, unless the owner or occupant of the premises refuses to permit entry to the Administrator, inspectors and law enforcement officers when such entry is sought pursuant to this section.
  - a. In the event of such refusal, the Administrator may make application to any judge of the municipal, circuit or superior courts of Pulaski County, Indiana, for the issuance of an administrative search warrant. Such application shall identify the premises upon which entry is sought and the purpose for which entry is desired.



- b. The application shall state the facts giving rise to the belief that a condition which is a violation of a Code of land use regulation of Pulaski County, Indiana, exists on such premises; or that 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 applicant's belief.
- c. Any warrant issued pursuant to such application shall order such owner or occupant to permit entry to the Administrator, inspectors and law enforcement for the purposes stated therein. In no event shall the Administrator, inspectors and law enforcement officers have the right to enter a residential structure or other structures not open to the public without the permission of the owner or occupant or an administrative search warrant first obtained.
- d. Prior to entering such residential structure or other structure not open to the public, the Administrator, inspectors and law enforcement officers shall advise the owner or occupant that such owner or occupant is not required to grant entry without the presentation of an administrative search warrant.

#### **D. Process Generally.**

- 1. The Administrator is empowered to issue an order requiring the suspension of land improvement of any kind when any of the following circumstances exist:
  - a. Site improvement is occurring without an Improvement Location Permit or any other required permit having first been obtained
  - b. Site improvement is occurring in violation of the terms or conditions of this Ordinance or any special exception or variance granted
- 2. The stop-work order shall be posted on the property in a conspicuous place, or personally delivered to the owner, possessor, person in charge, or person causing the violation and state the conditions under which construction or other activity may be resumed. The Administrator 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.
- 3. The County Commissioners may institute a suit in a court of competent jurisdiction to enforce the provision of a stop-work order.
- 4. Enforcement activity may be pursued against owner, possessor, person in charge, person causing the violation, or combination thereof.

#### **E. Civil Zoning Violations.**

- 1. It shall be unlawful for any person who is the owner or contract vendee of, or who has a possessory interest in, real property located in Pulaski County to cause, suffer or allow any of the following civil zoning violations to occur on such property:
  - 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 parking or storage in any zoning district, the provisions of which do not specifically permit such a use, of any 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. This provision shall include but not be limited to stake body trucks, dump 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 twelve feet. However, this provisions does not apply to motor vehicles which do not exceed the three-quarter ton load classification in size, and which are the sole vehicular transportation for a resident of the property upon which the commercial motor vehicle is parked or stored;

- e. 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 zoning district development standards regulating such use;
  - f. The conduct of any activity in a zoning district, 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;
  - g. Failure to comply with use-specific standards and zoning district development standards, including but not limited to landscaping, paving or striping of parking areas, minimum parking space requirements, service area enclosure, fencing or screening requirements;
  - h. The failure to comply with the terms, provisions, conditions or commitments of a variance grant, special exception, or other approval grant.
2. Each day a civil zoning violation remains uncorrected constitutes a second or subsequent violation. It shall be a defense to an action to enforce a civil zoning violation, that the use or activity alleged to be a civil zoning violation is a legally established nonconforming use.

**F. Enforcement of Civil Zoning Violations.**

- 1. The first civil zoning violation in a twelve-month period shall be subject to admission of violation and payment of the designated civil penalty as specified in Section 2.2 (B) (1) (b) The Adopted Fee Schedule. In addition, a person who has been cited for a violation of this section may elect to file a land use petition. The filing of a land use petition, or subsequent issuance of a variance, special exception, rezoning or other approval of the land use petition, shall not constitute a defense of any civil zoning violation that occurs prior to the issuance of the variance, special exception, rezoning or other approval.
- 2. All second and subsequent violations in a twelve-month period are subject to the enforcement procedures and penalties provided in this section.
- 3. If the County Commissioners or designated enforcement entity is successful in an action brought under this section, the respondent shall bear the costs of the action.

### 1.10 Severability

- A. It is the legislative intent of the Board of County Commissioners in adopting this Ordinance that all provisions shall regulate development in accordance with the existing and future needs of the county as established in this Ordinance, and promote the public health, safety, and general welfare of the land owners and residents of the county. If any section, subsection, sentence, boundary, or clause of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance. The Board of County Commissioners hereby declares that it would have passed this Ordinance and any section, subsection, sentence, boundary, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, boundaries, clauses, or phrases are declared invalid.**



# Procedures

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## 2.1 Summary Table of Review Procedures

- A. Table 2.1: Summary of Development Review Procedures, identifies the review authorities responsible for making recommendations or decisions on development applications reviewed under this Ordinance.**
- B. Additional information on each development review procedure is included in Section 2.3 Application Review Procedures.**

**Table 2.1: Summary of Development Review Procedures**

Procedure	Review Authorities				
	Administrator	Technical Review Committee	Plan Commission	Board of Zoning Appeals	County Commission
Map Amendment		C	R		D
Text Amendment		C	R		D
Planned Unit Development		C	R		D
Development Plan	R	R	D		
Primary Plat	C	R	D		
Secondary Plat	D	R			
Improvement Location Permit/ Development Permit	D				
Sign Permit	D				
Building Permit	[1]				
Certificate of Occupancy	[1]				
Development Standard Variance	R			D	
Use Variance	R			D	
Special Exception	R			D	
Administrative Appeal				D	
WECS	R	R	D		
Administrative Subdivisions	R	D			

R = Recommendation

C= Comment

D = Decision

NOTES: [1] See Pulaski County Building Ordinance for details

## 2.2 Administration and Authority

### A. Generally.

1. The following review authorities have powers and responsibilities in administering and reviewing development applications under this Ordinance.
  - a. County Commissioners
  - b. Plan Commission
    - 1) Technical Review Committee
  - c. Board of Zoning Appeals
  - d. Administrator
2. In addition to the review authorities identified in this section, there are other county agencies, departments, or officials who may review and comment on specific application types during the review process. Information on these additional review authorities and their role in the application review process, is available from the Administrator at the time an application is submitted.

See Chapter 8  
Definitions for all review  
authorities.

### B. County Commission.

1. Powers and Duties. The County Commission is authorized to exercise the authority granted to it by state statute. The Commissioners shall have the following powers and duties under this Ordinance:
  - a. To initiate, review, and decide applications for the following:
    - 1) Zoning Map amendments;
    - 2) Zoning Text amendments; and
    - 3) Planned Unit Developments;
  - b. To approve a schedule of fees governing applications for permits and other development approvals reviewed under this Ordinance and civil penalties for violations of this Ordinance. The Fee Schedule is regulated by separate ordinance. The fee schedule shall be made available to the public by the Administrator.
  - c. To take any other action not delegated to the Plan Commission, Board of Zoning Appeals, Technical Review Committee, or Administrator, as the County Commissioners may deem desirable and necessary to implement the provisions of this Ordinance.

### C. Plan Commission.

1. The Plan Commission ("Commission") is hereby authorized to perform those duties and functions specified in IC 36-7-4-400 et seq., and other applicable sections of Indiana Code and such other responsibilities as may be assigned to it from time to time by the County Commissioners or Board of Zoning Appeals. For the purposes of this Zoning Ordinance, the duties of the Plan Commission include:
  - a. To initiate, review, and decide applications for the following:
    - 1) Primary Plats.
    - 2) WECS applications
  - b. To review and make recommendations to the County Commissioners, in accordance with IC 36-7-4-405, on the following:
    - 1) Map Amendments;
    - 2) Text Amendments; and
    - 3) Planned Unit Developments.

- c. Make Studies and Recommendations. To make studies and recommendations for the County Commissioners regarding growth, development, and redevelopment in the county.
  - d. Maintain a complete record of all proceedings.
  - e. Adopt a seal and certify all official acts;
  - f. Prepare and submit an annual budget to the County Commissioners;
  - g. Make recommendations to the participating legislative bodies concerning the adoption and amendment of the Comprehensive Plan, the Unified Development Ordinance, and Planned Unit Development ordinances;
  - h. The Plan Commission shall establish advisory and review committees as necessary, including but not limited a Technical Review Committee (TRC) and Plat Committee. The TRC shall act as the Plat Committee within this Ordinance, but when conducting Plat Committee business be referred to as the the TRC (acting as the Plat Committee).
- 1) Powers and Duties. The TRC shall have the following powers and duties:
    - a) To review and decide applications for the following in accordance with IC 36-7-4-700 series:
      - i. Development Plans
    - b) Recommendation Authority
      - i. To review and make recommendations to the Plan Commission on Primary Plats.
      - ii. WECS applications
    - c) To review and comment on the following:
      - i. Map amendments
      - ii. Text amendments
      - iii. Planned Unit Developments
    - d) The TRC shall have the following additional duties:
      - i. Participate in pre-application conferences
      - ii. Provide its expertise and technical assistance to the County's other review authorities and departments, upon request.
      - iii. Approve Administrative Subdivisions
  - 2) Membership and Appointment.
    - a) The TRC shall consist of one representative from each of the following county departments or agencies involved with development review, as designated by the head of the department or agency:
      - i. Zoning Department
      - ii. Building Department
      - iii. County Trustee
      - iv. Deputy Auditor
      - v. Recreation Department
      - vi. Sheriff's Department
      - vii. Economic Development (Pulaski County Economic Development Director - As amended)
      - viii. Consulting Engineer (as needed - Administrator designates when needed)
      - ix. Volunteer Fire Department/EMS

- x. County Drainage Board
- xi. School Corporation
- xii. Utility Representative
- b) Chair. The Administrator shall serve as Chair of the TRC and Plat Committee, and shall schedule committee meetings, coordinate the committee's activities, preside over committee meetings, prepare committee reports, and serve as liaison to the departments and agencies involved for clarification of issues and resolution of conflicts.
- i. Other Powers and Duties. To carry out any other powers and duties delegated to it by the County Commissioners, IC 36-7-4-200 through -499, consistent with state statute.
- j. The Plan Commission may make reasonable modifications to the standards of this Ordinance in response to:
  - 1) Unique site characteristics or development patterns that justify relief from the otherwise generally applicable regulations, or
  - 2) An alternative development proposal deemed by the Plan Commission to meet the intent and spirit of this Ordinance and representing a creative and desirable application of different standards.
- k. Membership, Appointment and Terms of Office. The Plan Commission shall consist of membership as set out in IC 36-7-4-207, for terms of office as set out in IC 36-7-4-217 through -220.
- l. Rules of Procedure. The Plan Commission shall establish a set of rules of procedure in accordance with IC 36-7-4-401, which shall be made available for inspection in the office of the Administrator.
  - 1) Meetings.
    - a) The Plan Commission shall hold at least one regular meeting in each month unless the Chair determines that there are no agenda items for consideration.
    - b) The Plan Commission shall keep a record of its minutes, recommendations, transactions, findings, and determinations, which shall be a public record.
    - c) All meetings shall be open to the public.
    - d) Special meetings may be held in accordance with IC 36-7-4-307.
  - 2) Conflict of Interest. In the event a member of the Plan Commission has a conflict of interest, that member shall recuse themselves from voting on any matter for which a conflict of interest exists. The Plan Commission shall, in such cases, enter in its records the fact that its member has such a disqualification. As indicated in IC 36-7-4-223, any member of the Plan Commission may not:
    - a) Participate as a member of the commission in a hearing or decision in which the member has a direct or indirect financial interest;
    - b) Directly or personally represent another person in a hearing before the commission;
    - c) Receive any compensation under IC 36-7-4-222.5 for attendance at a meeting if the member is disqualified during any part of the meeting.

#### **D. Board of Zoning Appeals.**

- 1. The Board of Zoning Appeals (BZA) is hereby established in accordance with IC 36-7-4-901 and all applicable state and county statutes, and shall have the following powers and duties under this Ordinance.
  - a. Application Review and Decision. To review and decide applications for:

- 1) Development standard variances;
  - 2) Use variances;
  - 3) Special exceptions; and
  - 4) Appeals of administrative determinations by the Administrator, Technical Review Committee, or other county staff member in accordance with IC 36-7-4-918.1.
- b. Other Powers and Duties. The Board Zoning Appeals is authorized by this Ordinance to carry out any other powers and duties delegated to it by the County Commissioners, consistent with state statute.
  - c. Membership, Appointment, and Terms of Office. The Board of Zoning Appeals shall consist of five members, appointed in accordance with the 900 series of IC 36-7-4. Each member shall be appointed for a term of four years with staggered terms per IC 36-7-4-906, expiring on the first Monday of January following the fourth year of the term; however, members of the Board of Zoning Appeals shall serve until their successor is appointed and seated.
  - d. Rules of Procedure. The Board of Zoning Appeals shall establish a set of rules of procedure in accordance with IC 36-7-4-916, which shall be made available for inspection in the office of the Administrator.
    - 1) The Board of Zoning Appeals shall fix a reasonable time for the hearing of administrative appeals, variances, and special exceptions.
    - 2) The Board of Zoning Appeals shall keep a record of its minutes, recommendations, transactions, findings, and determinations, which shall be a public record.
    - 3) All meetings shall be open to the public.
    - 4) Special meetings may be held in accordance with IC 36-7-4-307.
  - e. Conflict of Interest. In the event a member of the Board of Zoning Appeals has a conflict of interest due to direct or indirect financial interest, that member shall recuse themselves from voting on any matter for which a conflict of interest exists. The Board of Zoning Appeals shall, in such cases, enter in its records the fact that its member has such a disqualification.
  - f. Ex-Parte Communication. No member of the Board of Zoning Appeals shall communicate with an applicant on a matter pending before the Board. In the event communication on a pending matter takes place prior to Board's consideration, the member involved in the communication shall declare the ex-parte communication prior to the vote deciding the matter.
2. Additional Boards of Zoning Appeals. Additional divisions of the BZA may be established per IC 36-7-4-901.f.

#### **E. Administrator.**

1. The Plan Commission shall designate an Administrator with the principal authority for implementing and enforcing this Ordinance as designated by the Plan Commission, and shall have the following powers and duties:
2. Powers and Duties. The Administrator or his/her designee shall have the following powers and duties:
  - a. Application Review and Decision. To review and decide applications for the following:
    - 1) Improvement Location Permits
    - 2) Sign Permits
    - 3) Secondary Plats
  - b. Recommendation Authority. To review and make recommendations on applications for the following:



- 1) Development Plans
- 2) Development standard variances
- 3) Use variances
- 4) Special exceptions
- 5) WECS applications
- 6) Administrative Subdivisions
- c. Comment Authority. To review and comment on Primary Plats.
- d. Other Power and Duties. The Administrator shall have the following additional powers and duties:
  - 1) Establish application content requirements and a submission schedule for review of applications and appeals;
  - 2) Conduct pre-application conferences;
  - 3) Review applications and submit staff reports to review authorities;
  - 4) Maintain the Official Zoning Map and related materials;
  - 5) Provide expertise and technical assistance to the county's other review and decision-making bodies, upon request;
  - 6) Maintain a record of all permits and approvals on file, and make copies available upon request;
  - 7) Enforce this Ordinance in accordance with Section 1.9, Enforcement; and
  - 8) Keep copies of all applications on file.
  - 9) Administrative determination and interpretation of the Ordinance.
  - 10) Chair the TRC and TRC (acting as the Plat Committee).

## 2.3 Applications and Procedures

### A. General.

1. This section describes the standard procedural steps and rules that are generally applicable to development applications reviewed under this Ordinance and listed below, unless otherwise expressly exempted. Procedural flow charts depict the procedural steps in a graphic manner.
  - a. Development Plan Approval
  - b. Zoning Map Amendment (Rezoning)
  - c. Text Amendment
  - d. Planned Unit Development
  - e. Primary Plat
  - f. Secondary Plat
  - g. Improvement Location Permit
  - h. Sign Permit
  - i. Building Permit
  - j. Certificate of Occupancy
  - k. Variance
  - l. Special Exception
  - m. Wind Energy Conversion System (WECS)
  - n. Administrative Subdivision

2. Application Materials. All applications may be obtained from the Zoning Department. Fees shall be paid at the time all petition applications are submitted and at the time all permits are issued as specified in each individual procedure.
  - a. All applications shall be made on forms provided by the Zoning Department. Copies, necessary plans, and attachments shall be submitted as required by the adopted policies of the Director and the applicable Rules of Procedure, as amended, of the Plan Commission and Board of Zoning Appeals.
  - b. Scheduling. All applications shall be assigned reference and/or docket numbers by the Administrator.
    - 1) Petition Applications. Petition applications shall be scheduled by the Administrator for the appropriate public hearings based on the completeness of the application consistent with the requirements of this Section and the appropriate adopted Calendars of Filing and Meeting Dates for the Board and/or Plan Commission.
    - 2) Order of Action Taken. Action shall be taken on all applications in the order in which they were received.
3. Applicability. With the exception of a request to rezone, the Development Plan Review process may occur concurrently with any other Plan Commission review process. This review shall be completed within the procedures set forth in this section and all other applicable sections of this Ordinance.

#### **B. Administrative Review and Action**

1. Application Submittal and Acceptance
  - a. Authority to File Applications.
    - 1) The owner, contract purchaser, or other person having a recognized property interest in the land on which development is proposed; or
    - 2) A person authorized to submit the application on behalf of the parties:
      - a) Written consent of the owner is required.
    - 3) If there are multiple owners, contract purchasers, or other persons authorized to submit the application, all such persons shall sign the application or a letter or document consenting to the application.
2. Application Content. The Administrator is authorized to establish the requirements for the content and form for each type of specific development application reviewed under this Ordinance. The Administrator may amend and update these provisions as necessary to ensure effective and efficient review. The applicant bears the burden of ensuring that an application contains sufficient information to demonstrate compliance with all applicable standards.
3. Application Fees. The County Commissioners shall establish application fees, which shall be made available in the office of the Administrator, and may amend and update those fees as necessary.
4. Submittal and Review Schedule. The Administrator is authorized to and shall establish specific rules for the submittal and review schedule (including time frames for review) for the various types of development applications, which shall be made available to the public for review in the office of the Administrator. The Administrator may amend and update these provisions as determined necessary to ensure effective and efficient review under this Ordinance.
5. Application Submittal. Applications shall be submitted to the Administrator in the form established by the Administrator, along with the appropriate application fee.
6. Determination of Application Completeness.

- a. **Completeness Review.** On receiving an application, the Administrator shall, within ten (10) business days, determine whether the application is complete or incomplete. A complete application is one that:
    - 1) Contains all information and materials established by the Administrator as required for submittal of the particular type of application;
    - 2) Is in the form established by the Administrator as required for submittal of the particular type of application;
    - 3) Includes information in sufficient detail to evaluate the application to determine whether it complies with the appropriate review standards of this Ordinance; and
    - 4) Is accompanied by the fee established for the particular type of application.
  - b. **Application Incomplete.**
    - 1) On determining that the application is incomplete, the Administrator shall notify the applicant of the submittal deficiencies. The applicant may correct the deficiencies and resubmit the application for completeness determination.
    - 2) If the applicant fails to resubmit a complete application within 45 calendar days after being first notified of submittal deficiencies, the application shall be considered withdrawn.
    - 3) The Administrator shall not process an application for further review until it is determined to be complete.
  - c. **Application Complete.** On determining that the application is complete, the Administrator shall accept the application for review in accordance with the procedures and standards of this Ordinance.
7. **Application Revision.**
- a. An applicant may revise an application prior to the preparation of a staff report, or on receiving permission from review authority after it has reviewed, but not yet taken action on the application.
  - b. Revisions may be submitted at any other time during the review procedure, but the revised application shall be submitted to the Administrator and reviewed as if it were a new application.
8. **Application Withdrawal.**
- a. An applicant may withdraw a development application at any time by submitting a letter of withdrawal to the Administrator.
  - b. Applications withdrawn after required notice of any public hearing scheduled for the application shall be subject to limitations on the subsequent submittal of similar applications. See Section 2.3 (E) (5) (c) (19) Limitation on Subsequent Similar Applications.

### **C. Staff Review and Action**

1. **Staff Review.**
  - a. Applications shall be reviewed in the order received when the application is determined to be complete.
  - b. When an application is determined complete, it shall be distributed by the Administrator to all appropriate staff and review agencies for review and comment, and the preparation of a staff report, if appropriate.
  - c. In considering the application, the Administrator, the TRC, the TRC (acting as the Plat Committee) or other county staff (as appropriate), shall review the application, relevant support material, and any comments or recommendations from other staff and review agencies to which the application was referred.

- d. If deficiencies in complying with applicable standards of this Ordinance are identified, the Administrator shall notify the applicant of such deficiencies and provide the applicant a reasonable opportunity to discuss the deficiencies and revise the application to address them, in accordance with Section 2.3 (D) (7) Application Revision.
2. Staff Report and Recommendation.
  - a. The Administrator may prepare a written staff report on any application subject to a public hearing. If prepared, the staff report shall conclude whether the application complies with all the County Comprehensive Plan and all applicable review standards of this Ordinance. The staff report may recommend conditions of approval addressing how compliance deficiencies might be corrected and adverse effects of the development application might be mitigated.
  - b. A staff report is not required to be prepared for an application decided by the Administrator, even though the Administrator may choose to do so.
3. Distribution and Availability of Application and Staff Report. In cases where a development application is subject to review by the Plan Commission, County Commissions, or Board of Zoning Appeals, the Administrator shall take all the following actions within a reasonable time period before the meeting or public hearing at which the application is scheduled for review:
  - a. Schedule and ensure any required notice of public hearing on the application (if appropriate) in accordance with Section 2.3 (D) Required Public Hearings;
  - b. Transmit the application, related materials, and the staff report (if prepared) to the appropriate review authority;
  - c. Transmit a copy of the staff report (if prepared) to the applicant; and
  - d. Make the application, related materials, and the staff report available for examination by the public in the office of the Administrator during normal business hours, and make copies of such materials available at a reasonable cost.
4. Applications Subject to Decision by Administrator.
  - a. Decision. If an application is subject to staff review and a secondary decision by the Administrator as appropriate, the Administrator shall approve, approve subject to conditions, or disapprove the application.
  - b. Conditions of Approval. Conditions of approval shall be limited to those deemed necessary to ensure compliance with the standards of this Ordinance. They shall be related in both type and amount to the anticipated impacts of the proposed development on the public and surrounding development. All conditions of approval shall be expressly set forth in the development permit or approval.

#### **D. Required Public Hearings.**

1. Public Notification. All development applications requiring a public hearing shall comply with IC 5-3-1-2, IC 5-3-1-4, and all other applicable state statutes related to advance notice of the hearing to interested parties.
  - a. The applicant is required to assume the costs of required public notice and mailings.
  - b. Following a determination of application completeness, the Administrator will provide the applicant with the names and addresses of landowners required to receive public notice.
  - c. The applicant is required to provide required public notice on the forms provided by the Administrator via certified mail, return receipt requested.
  - d. Proof of mailing shall be provided by the applicant to the Administrator at least ten days prior to the date of the public hearing for which public notification is required. Failure to provide public notice or proof of mailing shall result in a delay of the public hearing until

after public notification requirements have been met.

- e. Nothing shall limit the Administrator from providing for additional public notification beyond that required by state statute. In cases where expanded public notification beyond state minimum requirements is specified by the Administrator, the costs associated with the expanded notification shall be borne by the county, but the applicant remains responsible for ensuring proper notification and proof of mailing to all parties identified by the Administrator.

#### **E. Development Plan.**

1. Purpose. In accordance with the 1400 series of IC 36-7-4, the purpose of Development Plan review is to ensure the layout and general design of proposed development is compatible with surrounding uses and complies with all applicable standards in this Ordinance and all other county regulations.
2. Applicability. Regardless of zoning district per IC 36-7-4-1401.5(a), the following development shall be subject to the procedures and standards of this section:
  - a. Single-family attached residential and multifamily development;
  - b. Establishment or expansion of a manufactured or mobile home park in the R-4 district;
  - c. Mixed-use development;
  - d. Planned Unit Development (PUD) that does not require a plat;
  - e. Nonresidential development (including accessory uses or structures);
  - f. Alteration of traffic flows and/or volumes because of changes in ingress or egress or changes within the site;
  - g. Addition to a structure that increases the floor area thirty-five percent (35%) or more of the existing structure; and
  - h. Any increase in parking or impervious surface of on-site parking facilities by more than thirty-five percent (35%) associated with the forms of development listed above.
3. The Administrator shall have the authority to exempt requirements for a development plan, or exempt the development plan all together, if no physical or minimal change to property or structures on the property is occurring.
4. General Standards of Review. Development plans shall be reviewed taking into account the following standards:
  - a. Compatibility with surrounding land uses.
  - b. Consistency with the Comprehensive Plan.
  - c. Compliance with all applicable requirements of this UDO.
  - d. Availability of sanitary sewer, water, storm water drainage, and any other utilities as deemed necessary.
  - e. Management of traffic in a manner favorable to the health, safety, convenience, and harmonious development of the community, with particular emphasis on the following factors:
    - 1) The design and location of proposed street and highway access points and sidewalks to minimize safety hazards and congestion.
    - 2) The capacity of adjacent existing streets and highways and sidewalks to safely and efficiently handle traffic projected to be generated by the proposed development.
    - 3) The coordination of entrances, streets, sidewalks, and internal traffic circulation facilities in the development plan with existing and planned streets and adjacent developments.
  - f. Other factors provided for in this Ordinance.

## 5. Development Plan Review Procedure.

- a. Overview. The Development Plan Review Process consists of five (5) major steps in the following order:
  - 1) Preliminary meeting / pre-application conference with staff;
  - 2) Submittal of the Primary Development Plan;
  - 3) Technical Review Committee review;
  - 4) Plan Commission Approval; and
  - 5) Submission of the Secondary Development Plan which serves as the construction drawings and administrative approval.
- b. Application and Meeting with Staff. The applicant shall first set up a meeting with staff to discuss submittal of a Preliminary and to obtain a schedule, guidance and requirements for submittal.
- c. Primary Development Plan Application. The Primary Development Plan submittal shall include the following items:
  - 1) Application Form. This application form, when completed will contain general information including the name and location of the proposed development, as well as the identification of all the property owners, the parcel number (part of or all of the parcel), and must be signed by the property owner(s) or include written authorization for an agent.
  - 2) Application Fee. The Primary and Secondary Development Plan applications must be accompanied by the payment of a fee as established in the Schedule of Fees available in the office of the Administrator. No application will be considered complete unless accompanied by a fee payment. All fees are nonrefundable, regardless of the outcome of the application.
  - 3) Application Material Format. All drawings shall be provided in both hard copy and digital format in a manner specified on the application or by the Administrator.
  - 4) Primary Development Plan Contents. The applicant shall submit the required number of copies as specified in the application and the applicant shall follow procedures for distribution of required plans to the Technical Review Committee (TRC) members prior to the regularly scheduled meeting. The Plan shall include:
    - a) General vicinity map;
    - b) Property boundary lines including any easements and a legal description;
    - c) Existing spot elevations and contours as appropriate;
    - d) Benchmarks;
    - e) Site layout plan including adjacent streets with vehicular and pedestrian circulation;
    - f) Proposed improvements showing location, dimensions and configuration of existing and proposed buildings/structures and uses;
    - g) Parking and loading plan;
    - h) Grading and surface drainage plan in accordance with the requirements of the Subdivision Control Ordinance and the Stormwater Ordinance;
    - i) Conceptual signage;
    - j) Conceptual lighting plan;
    - k) Conceptual landscaping and screening plan;
    - l) Open space and recreation plan;

- m) Refuse/trash storage areas;
  - n) The location of and primary points of connection to existing utilities;
  - o) The schedule of any phasing of the project;
  - p) Development summary indicating lot area, building square footage, lot coverage, building height, number and size of dwelling units/structures and the number of parking spaces provided;
- 5) Special Studies Required. In the event that the Plan Commission feels that additional information is necessary in order to make its decision, it may instruct the applicant or the Plan Commission Staff to conduct additional studies or seek expert advice. The cost of such studies shall be the responsibility of the applicant.
  - a) Transportation Impact Studies. If a traffic study is necessary, it shall address the impact of the proposed development on all adjacent streets and intersections.
  - b) Fiscal Impact Analysis. New residential development of more than one hundred fifty (150) units shall be required to submit a Fiscal Impact Analysis to determine the impact of new residents on the area with regard to police protection, fire protection, utility service, educational facilities, and other applicable factors.
  - c) Any necessary approval by federal, state, or other local agencies shall be included on their official forms and signed by the proper authority. These approvals may include, but are not limited to the following:
    - i. Federal Agencies- Federal Communications Commission, Federal Aviation Administration, Federal Emergency Management Agency, Army Corps of Engineers
    - ii. State Agencies - Indiana Department of Environmental Management, Indiana Department of Natural Resources, Indiana Department of Transportation, Indiana State Department of Health
    - iii. Local Agencies - County Drainage Board, County Health Department, Utility Companies, Public or private utilities for sanitary sewer or water services
- 6) Technical Review Committee. Once the submittal for the primary development plan is deemed complete, the applicant shall appear at the regularly scheduled Technical Review Committee (TRC) to discuss the proposed project and receive comments from several County agencies and departments on the proposed project. The applicant may be required to submit a revised Development Plan prior to the preparation of packets for Plan Commission members. The TRC shall review the preliminary plan to determine:
  - a) If it is consistent with the intent and purpose of this Ordinance;
  - b) Whether the proposed development advances the general welfare of the community and neighborhood; and
  - c) Whether the benefits, combination of various land uses, and the interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations.
- 7) Staff Report and Recommendation.
  - a) The Administrator may prepare a written staff report to conclude whether the application complies with all applicable review standards of this Ordinance and make a recommendation.
- 8) Plan Commission Hearing. The Plan Commission Hearing shall be conducted in accordance with the Plan Commission Rules of Procedure, as amended.



- a) Possible Action. Action by the Plan Commission shall comply with the Plan Commission Rules of Procedure, as amended. The Plan Commission shall approve, approve with modifications, deny, or continue the Development Plan application.
    - i. The Plan Commission may impose conditions on the approval of a Development Plan. Conditions of approval shall be limited to those deemed necessary to ensure compliance with the standards of this Ordinance. They shall be related in both type and amount to the anticipated impacts of the proposed development on the public and surrounding development. All conditions of approval shall be expressly set forth in the development permit or approval.
    - ii. Accepted conditions shall become written commitments which shall be recorded by the applicant before any construction activity commences.
    - iii. Administrative Appeal. An applicant may appeal an administrative decision in writing subject to review and decision by the Board of Zoning Appeals.
- 9) Secondary Development Plan Submittal. The Plan Commission's approval of the Primary Development Plan shall be necessary before an applicant may obtain a Secondary Development Plan approval. The Administrator and the Technical Review Committee shall be responsible for review of the Secondary Development Plan (construction drawings) submittal which shall include the following items:
  - a) General vicinity map;
  - b) Property boundary lines including any easements and a legal description;
  - c) Elevation marks and contours as appropriate;
  - d) Benchmarks;
  - e) Traffic and circulation plan;
  - f) Pedestrian circulation plan or trail plan;
  - g) Adjacent streets;
  - h) Parking and loading plan in accordance with Section 5.1 Off-Street Parking and Loading;
  - i) Utilities plan showing existing and proposed location and sizes;
  - j) Landscape plan indicating plant types, number, location, size and method of installation and in accordance with Section 5.3 Landscaping Standards;
  - k) Grading and surface drainage plan in accordance with the requirements of the Subdivision Control Ordinance and the Stormwater Ordinance;
  - l) Signage plan showing location, sign faces, representations, and size in accordance with Section 5.13 Sign Standards;
  - m) Open space and recreation plan;
  - n) Refuse/trash storage areas;
  - o) Proposed improvements showing location, dimensions and configuration of existing and proposed buildings/structures and uses;
  - p) Architectural Plan. The applicant must submit one (1) copy of an architectural plan of the proposed project showing exterior elevations, floor plans and building materials used (facade and roof). If exterior elevations are not available, reasonable graphic representations may be submitted;
  - q) A State Plan Release is also required for multifamily, residential and non-residential (commercial and industrial) projects. In no way will a Development Plan Review be construed as a substitute or a waiver for these other required permits.



- r) Plat-like Dedication Sheet, If Necessary. The following information shall be submitted for easements and rights-of-way if deemed necessary by the Plan Commission or its authorized designee:
    - i. Parcels of land proposed to be dedicated or reserved for public use, or reserved for common use of all property owners within the project, with the proposed conditions and maintenance requirements, if any, shall be designated as such and clearly labeled on the plans;
    - ii. Radii, internal angles, points of curvature; tangent bearings and lengths of all arcs, chord, and chord bearings; and
    - iii. Accurate location of all survey monuments erected, corners and other points established in the field in their proper places;
  - s) The schedule of any phasing of the project; and
  - t) A development summary indicating lot area, building square footage, lot coverage, building height, size of dwelling units/structures, area of hard surface provided, and the number of parking spaces required and provided.
  - u) All drawings prepared for submission under this section must be prepared by a professional engineer, or licensed surveyor and must bear a professional seal from the State of Indiana. If, however, the Administrator determines that due to the simplicity of the project, a professional seal may not be required, then this requirement may be waived.
- 10) Approval and Appeal. After review of the Secondary Development Plan, the Administrator and the Technical Review Committee, shall approve or deny the Secondary Development Plan. The applicant may appeal the decision to the Board of Zoning Appeals.
  - 11) Expiration. An applicant shall have 18 months from the date of approval to obtain an Improvement Location Permit/Building Permit. This permit must be obtained in accordance with Section 2.3 (K) Improvement Location Permit. Should this 18 calendar months period elapse without the applicant having obtained the appropriate permit, the Development Plan approval will become null and void. Should this become the case, the applicant may resubmit the application in conformance with the requirements of this Section.
    - a) A change in ownership of the land shall not affect the established expiration time period. The filing of an appeal shall follow the established expiration period until Secondary resolution of the appeal.
  - 12) Extension of Expiration Time Period. The Administrator may, on receiving a written request for extension before the expiration date and on a showing of good cause, grant one or more extensions of the expiration time period for up to a cumulative total of one year.
    - a) Any further extensions shall be subject to approval by the review authority that granted the development permit or approval, on submittal of a request for extension to the Administrator before the expiration date and a showing of good cause.
  - 13) Financial Guarantees. Development that includes new infrastructure as well as modifications to public streets, utilities, sidewalks, or other public infrastructure shall comply with the requirements in Section 6.12 Financial Guarantees.
  - 14) As-Built Plans. As-built plans depicting all construction and modifications to streets, sidewalks, stormwater management facilities, utilities, or other public infrastructure shall be submitted prior to issuance of a certificate of occupancy.
  - 15) Amendment. Amendment of a Development Plan approval may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

- 16) Notification of Decision or Action. Within ten business days after a Secondary decision on a development application, the Administrator shall provide the applicant written notice of the decision or action and make a copy of the decision available to the public in the offices of the Administrator, during normal business hours.
- 17) Effect of Development Approval. Approval of any development application in accordance with this Ordinance authorizes only the particular use, plan, or other specific activity approved, and not any other development requiring separate application. In the event that one permit or approval is a prerequisite to another permit or approval (e.g., variance approval prior to a Development Plan approval) development may not take place until all required approvals are obtained. An approval of one development application does not necessarily guarantee approval of any subsequent development application.
- 18) Limitation on Subsequent Similar Applications
  - a) Application Denial. If a development application requiring a public hearing is denied, no application proposing the same or similar development on all or part of the same land shall be submitted within one year after the date of denial unless:
    - i. There is a substantial change in circumstances relevant to the issues or facts considered during review of the prior application;
    - ii. New or additional information is available that was not available at the time of review of the prior application;
    - iii. The new application proposed to be submitted is significantly different from the prior application.
- 19) Application Withdrawal After Required Public Notification. If a development application requiring a public hearing is withdrawn (not deferred) after required public notification of the public hearing is provided, no application proposing the same or similar development on all or part of the same land shall be submitted within one year after the date of withdrawal.

#### **F. Map Amendment (Rezoning).**

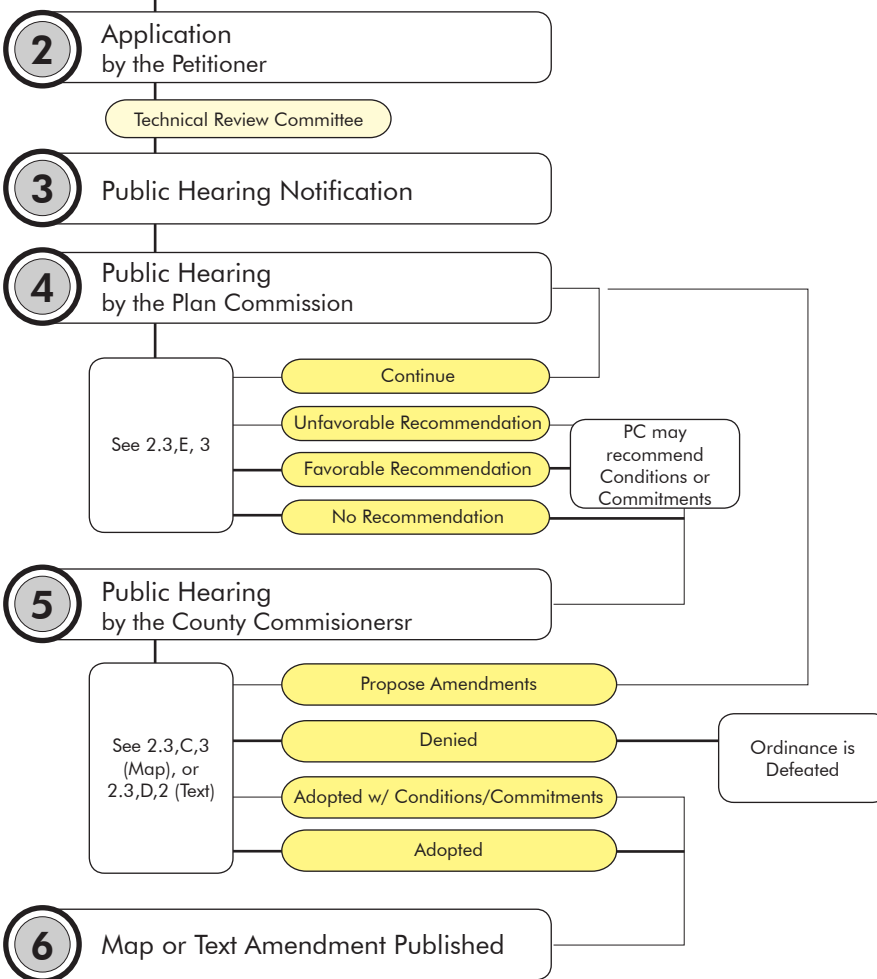
1. Purpose. The purpose of this section is to provide a uniform means for reviewing and deciding proposed amendments to the Official Zoning Map .
2. Zoning Map Amendment Procedure.
  - a. Pre-Application Conference. Applicable, when establishing a more intense zoning district designation.
  - b. Application Submittal and Acceptance.
    - 1) Applicable (see Section 2.3 (B) (1) Application Submittal and Acceptance).
    - 2) Applications may be initiated by the Plan Commission, County Commissioners, or any person who may submit applications in accordance with Section 2.3 (B)(1)(a) Authority to File Applications.
  - c. Staff Review.
    - 1) Applicable (see Section 2.3(C) Staff Review and Action).
    - 2) The TRC shall review the application and provide comments to the Plan Commission in accordance with Section 2.3(F)(3) Zoning Map Amendment Review Standards.
  - d. Public Notification. The Plan Commission shall give notice of a public hearing in accordance with the Plan Commission Rules of Procedure, as amended. See Section 2.3(B).
  - e. Plan Commission Review and Recommendation. Applicable (see Section 2.3 (D) Plan Commission Review and Recommendation). The Plan Commission, following a public hearing, shall make a recommendation on the application to the County Commissioners.

**Figure 2.2: PUD Procedure Flow Chart**

## Pre-Submittal Conference

- 1 Meet with Administrator to discuss the preparation of the proposed amendment.

## Map or Text Amendment & Initial Rezoning to a PUD



- f. County Commissioner Review and Decision. Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Board of County Commissioners in accordance with IC 36-7-4-603 may by Ordinance, after and within 90 days of receipt of recommendation from the Plan Commission, and subject to the procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries of classification of property.
    - 1) The decision shall be one of the following in accordance with IC 36-7-4-608:
      - a) Adoption or rejection of the map amendment as proposed. The County Commissioners shall give notice under IC 5-1-14-1.5.-5 of its intention to consider the application at this meeting;
      - b) Send the application back to the Plan Commission for further modification;
      - c) If the Commissioners fail to act within ninety (90) days the ordinance shall be come effective, or be defeated with the provisions of IC 36-7-4-608.
  - g. Designation on Official Zoning Map. The Administrator shall make changes to the Official Zoning Map promptly after approval of a map amendment application by the County Commissioners.
3. Zoning Map Amendment Review Standards. The advisability of an amendment to the Official Zoning Map is a matter committed to the legislative discretion of the County Commissioners and is not controlled by any one factor. In determining whether to adopt or deny a proposed zoning map amendment, the County Commissioners may weigh the relevance of and consider the following:
    - a. Consistency with IC 36-7-4-602;
    - b. Consistency with C 36-7-4-603.;
      - 1) Consistency with the Comprehensive Plan;
      - 2) Current conditions and the character of current structures and uses in each district;
      - 3) The most desirable use for which the land in each district is adapted;
      - 4) The conservation of property values throughout the jurisdiction;
      - 5) Responsible Development and Growth.
  4. Amendment. Amendment of an approved zoning map amendment may only be reviewed and considered in accordance with the procedures and standards established for its original approval.
  5. Expiration. Approval of a zoning map amendment shall not expire.

#### **G. Text Amendment.**

1. Purpose. The purpose of this section is to provide a uniform means for amending the text of this Ordinance.
2. Text Amendment Procedure.
  - a. Pre-Application Conference. Applicable, when establishing a more intense use.
    - 1) Applicable see Section 2.3 (B) (1) Application Submittal and Acceptance.
    - 2) In accordance with IC 36-7-4-602.b applications may be initiated by the Plan Commission. Under advisory planning law, any participating legislative body may also initiate the application. However the application shall be referred to the Plan Commission for consideration and report before any Secondary action is taken by the County Commissioners.

- b. Staff Review.
  - 1) Applicable (see Section 2.3 (C) Staff Review and Action).
  - 2) The TRC shall review the application and provide comments to the Plan Commission in accordance with Section 2.3(B)(3).
- c. Public Notification. Applicable (see Section 2.3(B)).
- d. Plan Commission Review and Recommendation. Applicable. The Plan Commission, following a public hearing, shall make a recommendation on an application to the County Commissioners in accordance with Section 2.3 (G) (3) Text Amendment Review Standards.
- e. County Commissioner Review and Decision. Applicable (see Plan Commission Rules of Procedure).
  - 1) The County Commissioners, after the conclusion of a public meeting, shall decide the application in accordance with Section 2.3 (G) (3) Text Amendment Review Standards.
  - 2) The decision shall be one of the following in accordance with IC 36-7-4-608:
    - a) Adoption or rejection of the text amendment as proposed. The County Commissioners shall give notice under IC 5-1-14-1.5.-5 of its intention to consider the application at this meeting;
    - b) Send the application back to the Plan Commission for further modification;
    - c) If the Commissioners fail to act within ninety (90) days the ordinance shall be come effective or be defeated with the provisions of IC 36-7-4-608.
3. Text Amendment Review Standards. The advisability of amending the text of this Ordinance is a matter committed to the legislative discretion of the County Commissioners and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the County Commissioners may weigh the relevance of and consider whether and the extent to which the proposed text amendment:
  - a. Is consistent with the county's adopted comprehensive plan;
  - b. Is not in conflict with any provision of this Ordinance, or any other county ordinance
  - c. Is required by changed conditions;
  - d. Addresses a demonstrated community need;
  - e. Addresses an unforeseen matter now present after the Ordinance was adopted;
  - f. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the county;
  - g. Would result in a logical and orderly development pattern;
  - h. Contributes to responsible development and growth
  - i. Helps conserve property values throughout the county; and
  - j. Would not result in significantly adverse impacts on the natural environment.
4. Amendment. Amendment of a text amendment may only be reviewed and considered in accordance with the procedures and standards established for its original approval.
5. Expiration. Approval of a text amendment shall not expire.

**H. Planned Unit Development.**

1. A Planned Unit Development (PUD) is intended for a parcel of land planned as a single unit which allows for mixed uses and mixed densities under one zoning classification. This Ordinance allows any zoning district to be rezoned for the creation of a PUD District. PUD's create neighborhoods that can benefit from innovations in community development, with tailored standards that are conducive to a higher quality development, and provide greater efficiency in public utilities and services and preserve open space than could be achieved through strict application of the zoning district regulations and development standards in this Ordinance.
  - a. The purpose of this section is to provide a uniform means for amending the Official Zoning Map to establish a Planned Unit Development (PD) zoning district. This will be indicated as PD on the official zoning map.
2. Planned Unit Development Procedure.
  - a. Pre-Application Conference. Applicable
  - b. Application Submittal and Acceptance.
    - 1) Applicable (see Section 2.3 (B) (1) Application Submittal and Acceptance).
    - 2) Applications may be initiated only by persons who may submit applications in accordance with Section 2.3 (B) (1) (a) Authority to File Applications.
  - c. Application Requirements
    - 1) The application shall include a Planned Unit Development map depicting the general configuration and relationship of the principal elements of the proposed development, including uses, general building types, density/intensity, resource protection, pedestrian and vehicular circulation, open space, public facilities, and phasing.
    - 2) The application shall also include a Planned Unit Development plan document specifying the development parameters, providing for environmental mitigation, outlining how public facilities will be provided to serve the Planned Unit Development, and demonstrating how any modifications to required standards will result in a superior quality of development.
    - 3) To ensure unified control, the application shall also include a copy of the title to all land that is part of the proposed PD zoning district classification.
  - d. Staff Review.
    - 1) Applicable (see Section 2.3 (C) Staff Review and Action).
    - 2) The Administrator /TRC shall review the application and provide comments to the Plan Commission in accordance with Section 2.3(D)(2)(c).
  - e. Public Notification. Applicable (see Section 2.3 (D) Required Public Hearings).
  - f. Plan Commission Review and Recommendation. Applicable (see Section 2.3,E Plan Commission Review and Recommendation). The Plan Commission, following a public hearing, shall make a recommendation on the application in accordance with Section 2.3 (H) (3) Planned Unit Development Review Standards.
  - g. County Commissioner Review and Decision. Applicable
    - 1) The County Commissioners, at the conclusion of a public meeting, shall decide the application in accordance with Section 2.3 (H) (3) Planned Unit Development Review Standards.
    - 2) The decision shall be one of the following in accordance with IC 36-7-4-608:
      - a) Adoption, or rejection of the PUD as proposed. The County Commissioners shall give notice under IC 5-1-14-1.5.-5 of its intention to consider the application at this meeting;

- b) Send the application back to the Plan Commission for further modification;
  - c) If the Commissioners fail to act within ninety (90) days the ordinance shall be come effective, or be defeated with the provisions of IC 36-7-4-608.
- 3) The Administrator shall make changes to the Official Zoning Map promptly after approval of a Planned Unit Development application by the County Commissioners.
- 3. Planned Unit Development Review Standards. The advisability of an amendment to the Official Zoning Map to establish a Planned Unit Development is a matter committed to the legislative discretion of the County Commissioners and is not controlled by any one factor. In determining whether to adopt or deny a proposed Planned Unit Development application, the County Commissioners may weigh the relevance of and consider the following:
  - a. Consistency with IC 36-7-4-602.
  - b. Consistency with Adopted Plans. Whether and the extent to which the proposed zoning map amendment is appropriate for its proposed location, and is consistent with the purposes, goals, objectives, and policies of all applicable plans.
  - c. Reasonableness/Public Interest. Whether an approval of the zoning map amendment is reasonable and in the public interest.
  - d. In accordance with IC 36-7-4-603
    - 1) Fulfills the requirements and intent of the Comprehensive Plan and any other applicable, adopted planning studies, or reports;
    - 2) The current conditions and the character of current structures and uses in each zoning district;
    - 3) The most desirable use of which the land in each district is adapted;
    - 4) The conservation of collective property values throughout Pulaski County; and
    - 5) Responsible growth, or development.
  - e. There have been changes in the type or nature of development in the area of the proposed Planned Unit Development that support the application.
  - f. The proposed Planned Unit Development results in development that promotes a logical, preferred, and orderly development pattern.
- 4. Effect. Lands rezoned to a Planned Unit Development district shall be subject to the approved Planned Unit Development plan map, which is binding on the land as an amendment to the Official Zoning Map. The applicant may apply for and obtain subsequent development permits and approvals necessary to implement the Planned Unit Development plan map in accordance with the appropriate procedures and standards in this Ordinance. Any permits or development approvals shall comply with the Planned Unit Development plan map and any conditions of approval.
- 5. Amendment.
  - a. Minor Changes. Subsequent plans and permits for development within an approved Planned Unit Development may include minor changes from the Planned Unit Development Master plan , provided such changes are limited to changes addressing technical considerations that could not reasonably be anticipated during the review and consideration of the Planned Unit Development zoning classification process, or any other change that has no material effect on the character of the approved Planned Unit Development or any of its approved terms or conditions, as long as they continue to meet the minimum requirements of this Ordinance. Minor changes may be approved by the Administrator and appealed to the Plan Commission. Such changes include:
    - 1) Minor changes to the location of entrances or driveways, the rearrangement of internal streets, turn lanes, drives, or access restrictions;



- 2) Minor changes to the configuration of parking areas;
  - 3) Minor changes to the configuration or location of open space, or placement of required amenities;
  - 4) Minor changes to the arrangement of buildings provided there is no increase in the number of buildings or size;
  - 5) Minor changes to the height of any structure to the extent additional floor space is not added;
  - 6) Minor changes to the proposed building elevation or façade, including materials, provided the change retains the same general architectural character;
  - 7) Reduction of the number of parking spaces up to ten percent or five spaces, whichever is greater; or
  - 8) Minor changes to setbacks, buffers, and landscaped areas shown on a Planned Unit Development plan .
- b. Material Changes are Amendments. Changes that materially affect the basic concept of the Planned Unit Development plan or that exceed the scope of a minor change are not considered minor changes. They shall be considered amendments. Amendments include, but are not limited to:
- 1) Changes in use designations;
  - 2) Density/intensity increases;
  - 3) Decreases in open space;
  - 4) Substantial changes in the location of streets (particularly if streets are to be deleted or access points to the development moved so traffic flows both inside and outside the development are affected);
  - 5) Change in the location of any public easement; or
  - 6) Change in the proportion of housing types by more than 15 percent.
- c. Amendments shall be reviewed and considered in accordance with the procedures and standards established for the original approval of a Planned Unit Development application.
6. Expiration. If an application for approval of a Primary Plat or Development Plan for any part of the Planned Unit Development is not submitted within three years after approval of the Planned Unit Development application, the Plan Commission may forward a recommendation to the County Commissioners to initiate an application to rezone the land to any zoning district determined to be appropriate. Prior to making such a recommendation, the Plan Commission shall determine that the landowner(s) has been notified and given a reasonable opportunity to comment.

#### **I. Primary Plat**

1. Purpose. The purpose of this section is to provide a uniform means for the review and approval of divisions of land in accordance with Section 6 Subdivision Standards.
2. Applicability. All divisions of land (whether improved or otherwise) into four or more lots shall comply with the provisions of this section, except where exempt by definition.
3. Overview. The division of land into four or more lots requires the review of a sketch plan by the Administrator, approval of a Primary Plat by the Plan Commission, approval of a Secondary Plat by the Administrator. Sketch Plan Review Procedure. A sketch plan for land subject to a Primary Plat shall be reviewed and approved by the TRC prior to submittal of an application for a Primary Plat. Following review and approval of a sketch plan by the TRC, an applicant may file an application for a Primary Plat.
  - a. Pre-Application Conference. Not applicable.



- b. Application Submittal and Acceptance.
  - 1) Applicable (see Section 2.3 (B) (1) Application Submittal and Acceptance).
  - 2) Applications may be initiated only by persons who may submit applications in accordance with Section 2.3 (B) (1) (a) Authority to File Applications.
- c. Sketch Plan Contents. Sketch plans shall be submitted to the Administrator, prepared in pen or pencil shall be drawn to a convenient scale of not more than one hundred feet to an inch and shall show the following information:
  - 1) Name.
    - a) Name of subdivision if property is within an existing subdivision.
    - b) Proposed name if not within a previously Platted subdivision. The proposed name shall not duplicate the name of any subdivision Plat previously recorded.
    - c) Name of property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known).
  - 2) Ownership.
    - a) Name and address, including telephone number, of legal owner or agent of property, and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.
    - b) Citation of any existing legal rights of way or easements affecting the property.
    - c) Existing covenants on the property, if any.
    - d) Name and address, including telephone number, of the professional person(s) responsible for subdivision design, for the design of the public improvements, and for surveys.
  - 3) Description. Location of property, name of local jurisdiction, lot, section, County range and county, graphic scale, north arrow, and date.
  - 4) Features.
    - a) Location of property lines, existing easements, burial grounds, railroad rights of way, water courses, and existing wooded areas or trees eight inches or more in diameter, measured four feet above ground level; location, width, and names of all existing or Platted streets or other public ways within or immediately adjacent to the tract, names of adjoining property owners (from the latest assessment rolls) within six hundred feet of any perimeter boundary of the subdivision.
    - b) Location, sizes, elevations, and slopes of existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent thereto; existing permanent buildings and utility poles on or immediately adjacent to the site and utility rights of way.
    - c) Approximate topography. (Normally showing two foot contour intervals but the Administrator may require one foot intervals on very flat land or permit five foot intervals on very steep slopes.)
    - d) The approximate location and widths of proposed streets.
    - e) Primary proposals for connection with existing water supply and sanitary sewage systems, or alternative means of providing water supply and sanitary waste treatment and disposal; Primary provisions for collecting and discharging surface water drainage.
    - f) The approximate location, dimensions, and areas of all proposed or existing lots.

- g) The approximate location, dimensions and areas of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision.
    - h) Whenever the sketch plan covers only a part of an applicant's contiguous holdings, the applicant shall submit, at the scale of no more than two hundred feet to the inch, a sketch in pen or pencil of the proposed subdivision area, together with its proposed street system, and an indication of the probable future street and drainage system of the remaining portion of the tract.
    - i) A vicinity map showing streets and other general development of the surrounding area. The sketch plan shall show all school and improvement district lines with the zones properly designated.
  - d. Other Documents. In addition to the sketch plan, the developer or subdivider shall submit:
    - 1) A report from Pulaski County Soil and Water Conservation District indicating any limitations of the soils in the proposed subdivision with respect to building development, road construction, drainage, erosion control, or other information that might assist in the review of the subdivision.
    - 2) An area map showing the total drainage area.
  - e. Public Notification. Not Applicable
  - f. Staff Review and Comment. The TRC shall review the sketch plan and provide comments to the applicant for incorporation into the associated Primary Plat.
  - g. Effect. Applications for a Primary Plat may be submitted following review and comment on the sketch plan by the TRC.
4. Primary Plat Review Procedure. Following review of a sketch plan by the TRC, an applicant may file an application for a Primary Plat in accordance with the following procedure.
- a. Pre-Application Conference. Optional.
  - b. Application Submittal and Acceptance.
    - 1) Applicable (see Section 2.3 (B) (1) Application Submittal and Acceptance).
    - 2) Applications may be initiated only by persons who may submit applications in accordance with Section 2.3 (B) (1) (a) Authority to File Applications.
  - c. General Requirements.
    - 1) A Primary Plat shall be prepared by a registered land surveyor or licensed engineer, and shall include all required Primary Plat contents.
    - 2) The applicant shall also submit a statement of required improvements which specifies the length of streets to be constructed and the diameter and length of sanitary sewer and water lines and other required public improvements to be installed by the developer. The statement shall include all public improvements for which the developer is responsible and the date when said improvements shall be completed or subject to a financial guarantee.
    - 3) If more than one sheet is used, individual sheets shall be numbered in sequence.
  - d. Primary Plat Contents. A Primary Plat shall be submitted to the Administrator, prepared in pen or pencil shall be drawn to a convenient scale of not more than one hundred feet to an inch and shall show the following information:
    - 1) The location of the property with respect to surrounding property and streets, the names of all adjoining property owners of record, or the names of adjoining developments; and the names of adjoining streets.
    - 2) The location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.

- 3) The location of existing streets, easements, water bodies, streams, and other pertinent features such as swamps, flood plains, railroads, buildings, parks, cemeteries, drainage ditches, and bridges.
  - 4) The location and width of all existing and proposed streets, alleys, and other public ways, and their right of ways, and of easements and building set back lines.
  - 5) The locations, dimensions, and areas of all proposed or existing lots.
  - 6) The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
  - 7) The name and address of the owner or owners of land to be subdivided, the name and address of the developer or subdivider if other than the owner, and the name of the land surveyor.
  - 8) The date of the map, approximate true north point, scale, and title of the subdivision.
  - 9) Sufficient data acceptable to the County Engineer to determine readily the location, bearing, and length of all lines, and to reproduce such lines upon the ground; also the location of all proposed monuments.
  - 10) Names of the subdivision and all new streets to be approved by the County Commissioners.
  - 11) Indication of the use of any lot (single-family, two-family, multifamily, single-family attached) and all uses other than residential proposed by the developer or subdivider.
  - 12) Blocks shall be consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively throughout the several additions.
  - 13) All lots in each block shall be consecutively numbered. Outlots shall be lettered in alphabetical order. If blocks are numbered or lettered, outlots shall be lettered in alphabetical order within each block.
  - 14) All information required on the sketch plan should also be shown on the Primary Plat, and the following notation shall also be shown:
    - a) Explanation of drainage easements, if any.
    - b) Explanation of site easements, if any.
    - c) Explanation of site reservations, if any.
  - 15) All subdivision Plats containing lands identified elsewhere by Ordinance as flood prone areas shall have the elevation of the 100 year flood plain.
- e. Staff Review.
- 1) Applicable (see Section 2.3 (C) Staff Review and Action).
  - 2) The TRC shall review the application and provide a recommendation to the Plan Commission in accordance with Section 2.3 (I) (5) (h) Primary Plat Review Standards.
- f. Public Notification. Applicable (see Section 2.3 (D) Required Public Hearings).
- g. Plan Commission Review and Decision.
- 1) Applicable. The Plan Commission, at the conclusion of a public hearing, shall decide the application in accordance with 2.3 (I) (5) (h) Primary Plat Review Standards.
  - 2) The decision shall be one of the following:
    - a) Approval of the Primary Plat as proposed;
    - b) Approval of a Primary Plat with conditions (to be complied with prior to Secondary Plat Approval);
    - c) Denial of the Primary Plat application; or
    - d) Refer the Primary Plat application to the TRC for further consideration.

- 3) The Plan Commission may grant conditional approval of a Primary Plat pending additional revision by the applicant. In the case of a conditional approval, the applicant shall revise the Primary Plat to address all Plan Commission comments and re-submit the revised Plat to the Administrator, who shall convert the conditional approval to an approval upon finding the revised Primary Plat complies with all Plan Commission comments. Failure to submit a revised Primary Plat within two months of a conditional approval shall render the conditional approval null and void.
- h. Primary Plat Review Standards. An application for a Primary Plat shall be approved only upon a decision the applicant demonstrates the Primary Plat complies with:
  - 1) All applicable standards in Section 6 Subdivision Standards, and other applicable standards in this Ordinance;
  - 2) The street and utility Secondary Plat standards for streets, water, sanitary sewer, and storm sewer facilities, as appropriate;
  - 3) All standards or conditions of any prior applicable permits and development approvals; and
  - 4) All other applicable requirements of this, or any other County Ordinances may apply.
- i. Effect.
  - 1) Approval of a Primary Plat authorizes submittal of a Secondary Plat for the subdivision, or phase of the subdivision.
  - 2) Approved permanent runoff control structures and soil erosion and sedimentation control devices may be installed prior to any earth movement.
  - 3) In the case of a multi-phase Primary Plat, construction plans shall include all improvements lying within or adjacent to that phase necessary to serve that phase as well as all infrastructure lying outside the phase but necessary to serve development within that phase.
- j. Financial Guarantee. Construction that includes modifications to public streets, utilities, sidewalks, or other public infrastructure shall comply with the requirements in Section 6.12 Financial Guarantees.
- k. Amendment. Amendment of a Primary Plat approval may only be reviewed and considered in accordance with the procedures and standards established for its original approval.
- l. Expiration
  - 1) If a Secondary Plat is not recorded within two years of the associated Primary Plat approval, the Primary Plat shall expire
  - 2) The validity of the Primary Plat may be extended by the Plan Commission for good cause.
  - 3) Requests for extensions shall be filed with the Administrator at least 30 days prior to expiration of the Primary Plat.

#### **J. Secondary Plat**

1. Secondary Plat / Construction Plan Review Procedure. Following approval of a Primary Plat by the Plan Commission, an applicant may file construction plans with the Administrator in accordance with the following procedure.
  - a. Pre-Application Conference. Not applicable.
  - b. Application Submittal and Acceptance. Applicable (see Section 2.3 (B) (1) Application Submittal and Acceptance). Nothing shall prevent an applicant's authorized representative from filing construction plans for review by the county.
  - c. General Requirements.
    - 1) Construction plans shall be prepared for all required infrastructure improvements.

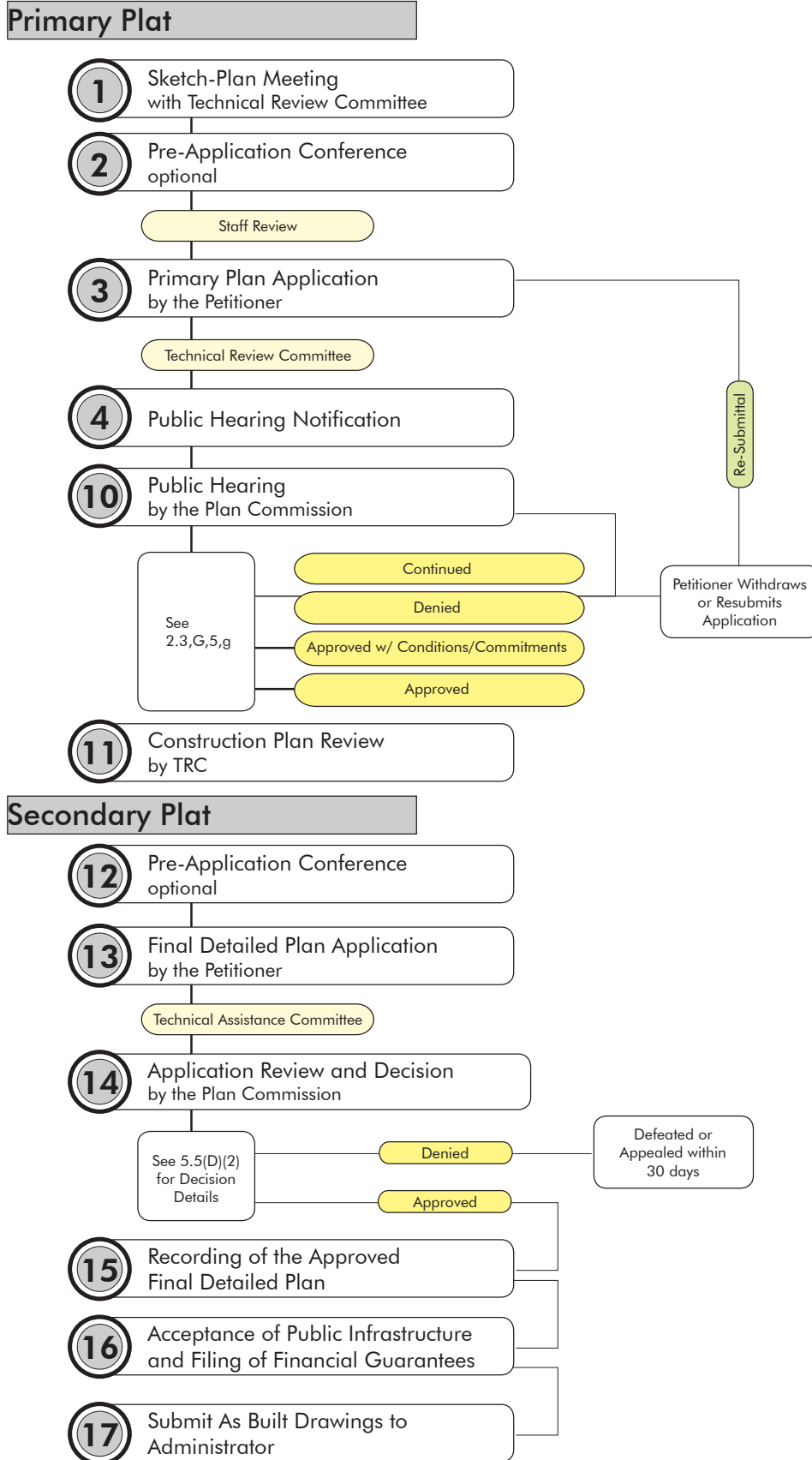
- 2) Construction plans shall be prepared by a licensed engineer or land surveyor and shall include all required construction plan contents.
- 3) If more than one sheet is used, individual sheets shall be numbered in sequence.
- d. Secondary Plat Contents. Secondary Plats shall be submitted to the Administrator, shall be drawn to a scale of no more than one inch equals fifty feet, shall be of the same size as the Primary Plat sheets, and shall include the following:
  - 1) Profiles showing existing and proposed elevations along centerlines of all streets.
  - 2) Where a proposed street intersects an existing street or streets, the elevation along the centerline of the existing street or streets within one hundred feet of the intersection.
  - 3) Approximate radii of all curves, lengths of tangents, and central angles on all streets.
  - 4) Where steep slopes exist, that cross sections of all proposed streets at one hundred foot stations.
  - 5) The locations and typical cross section of street pavements including curbs and gutters, sidewalks, drainage easements, servitude, rights of way, manholes, and catch basins.
  - 6) The locations of street trees, street lighting standards, and street signs.
  - 7) The location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing or proposed utility systems.
  - 8) The exact location and size of all water, gas, or other underground utilities or structures.
  - 9) Location, size elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams, flood plains, and other pertinent features such as swamps, railroad, buildings, features noted on the Official Zoning Map or Comprehensive Plan, at the point of connection to proposed facilities and utilities within the subdivision, and each tree with a diameter of eight inches or more, measured four feet above ground level.
  - 10) The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high and low water elevations of such lakes or streams (all elevations shall be referred to the United States Coast and Geodetic Survey datum plane).
  - 11) If the subdivision borders a lake, river or stream, the distances and bearings of a meander line established not less than twenty feet back from the ordinary high-water mark of such waterways.
  - 12) Topography at the same scale as the sketch plan with a contour interval of two feet, referred to sea level datum (all data provided shall be latest applicable United States Coast and Geodetic Survey data and should be so noted on the plan).
  - 13) All specifications and references required by the county's construction standards and specifications, including a site grading plan for the entire subdivision.
  - 14) Title, name, address, and signature of the professional engineer and/or surveyor, and date, including revision dates.
  - 15) All subdivision Plats containing lands identified elsewhere by Ordinance, as such flood prone areas shall have the elevation of the 100-year flood plain.
- e. Public Notification. Not applicable.
- f. Staff Review and Action.
  - 1) Applicable (see Section 2.3 (C) Staff Review and Action).
  - 2) The Administrator shall review the application and provide a recommendation to the TRC in accordance with Section 2.3 (J) (1) (g) Secondary Plat Review Standards.
  - 3) The TRC shall review and approve, approve with conditions, or disapprove the

- application in accordance with Section 2.3 (J) (1) (g) Secondary Plat Review Standards.
- 4) The TRC may grant conditional approval of a Secondary Plat pending additional revision by the applicant. In the case of a conditional approval, the applicant shall revise the Secondary Plat to address all TRC comments and re-submit the revised plan to the Administrator, who shall convert the conditional Secondary Plat approval to an approval, upon finding the revised Development Plan complies with all TRC comments. Failure to submit a revised Secondary Plat shall render the conditional approval null and void within 30 calendar days.
- g. Secondary Plat Review Standards. An application for a Secondary Plat shall be approved on a decision the applicant has demonstrated the proposed development complies with:
    - 1) The applicable environmental and infrastructure design standards of this Ordinance;
    - 2) The applicable standards of the Pulaski County Code of Ordinances;
    - 3) All conditions of approval of any prior applicable permits or development approvals.
  - h. Conditions of Approval. Applicable (see Section 2.3 (C) (4) (b) Conditions of Approval).
  - i. Effect.
    - 1) Approval of a Secondary Plat authorizes the construction of public infrastructure and submittal of a Secondary Plat.
    - 2) In the case of a multi-phase Development Plan, street and utility Secondary Plats shall include all improvements lying within or adjacent to a phase necessary to serve that phase as well as all infrastructure lying outside the phase but necessary to serve development within the phase.
  - j. Amendment. Amendment of a Secondary Plat approval may only be reviewed and considered in accordance with the procedures and standards established for its original approval.
  - k. Expiration. Secondary Plat approval shall expire and become null and void if an Improvement Location Permit is not obtained within 18 months of issuance of the Secondary Plat approval. This 18 month expiration period may be extended by the Administrator if practical difficulties exist.
2. Secondary Plat Review Procedure. Following approval of Secondary Plats by the TRC, an applicant may file an application for a Secondary Plat in accordance with the following procedure.
    - a. Pre-Application Conference. Optional
    - b. Application Submittal and Acceptance.
      - 1) Applicable (see Section 2.3 (B) (1) Application Submittal and Acceptance).
      - 2) Applications may be initiated only by persons who may submit applications in accordance with Section 2.3 (B) (1) (a) Authority to File Applications.
    - c. General Requirements.
      - 1) The Secondary Plat shall be prepared by a licensed land surveyor.
      - 2) The Secondary Plat shall be prepared on reproducible mylar at an appropriate scale and contain the same information as shown on the Primary Plat, except for any changes or additions required by the conditions of primary approval.
      - 3) All monuments erected, corner, and other points shall be noted at the representation thereof or by legend.
    - d. Public Notification. Not applicable.
    - e. Staff Review and Action.
      - 1) Applicable (see Section 2.3 (C) Staff Review and Action).
      - 2) The Administrator shall review the application and provide a recommendation to the TRC in accordance with Section 2.3 (J) (1) (g) Secondary Plat Review Standards.

- 3) The TRC shall review and approve, approve with conditions, or disapprove the application in accordance with Section 2.3 (J) (1) (g) Secondary Plat Review Standards.
- f. Recordation. Once a Secondary Plat is approved, a signed certification by the Administrator shall be entered on the face of the Plat. The Secondary Plat may not be recorded without this certification. Failure to record the Secondary Plat in accordance with Section 2.3 (J) (2) (I), Expiration, shall render the Plat null and void.
- g. Secondary Plat Review Standards. A Secondary Plat shall be approved only on a decision the applicant demonstrates the following:
  - 1) The Secondary Plat is prepared and sealed by a professional land surveyor licensed by the state.
  - 2) The Secondary Plat is in substantial conformance with the Primary Plat, all applicable requirements in Section 6 Subdivision Standards, and all other applicable requirements in this Ordinance; and
  - 3) All required improvements depicted on the Primary Plat and Secondary Plat are installed and inspected by the county, or subject to a financial guarantee (see Section 6.12 Financial Guarantees).
- h. Effect.
  - 1) General. Approval of a Secondary Plat allows the sale or conveyance of lots within the subdivision. Building permits may be issued following recordation of the Secondary Plat.
  - 2) Acceptance of Public Infrastructure.
    - a) The subdivider shall retain responsibility for public improvements until maintenance responsibility is accepted by the County or a public utility provider, as appropriate.
    - b) Approval of a Secondary Plat shall constitute acceptance by the County or other public agency of the offer of dedication of any right-of-way for all public streets, alleys, sidewalks, utility easements, parks, or other sites shown and dedicated to the public on the Plat. The county assumes no responsibility to open, operate, repair, or maintain any land or facility until it is in the public interest to do so, as determined by the county.
- i. Financial Guarantees. Development that includes new infrastructure as well as modifications to public streets, utilities, sidewalks, or other public infrastructure shall comply with the requirements in Section 6.12 Financial Guarantees.
- j. As-Built Plans. As-built plans depicting all construction and modifications to streets, sidewalks, stormwater management facilities, utilities, or other public infrastructure shall be submitted prior to issuance of the first certificate of occupancy for development located within the subdivision.
- k. Amendment. Amendment of a Secondary Plat approval may only be reviewed and considered in accordance with the procedures and standards established for its original approval and must be in substantial compliance with the Primary Plat. If not, the Primary Plat must be revised and resubmitted.
- l. Expiration.
  - 1) A Secondary Plat shall be null and void unless it is recorded in the office of the Pulaski County Recorder within two months of approval.
  - 2) If a Secondary Plat is not recorded within two years of the associated Primary Plat approval, the Primary Plat shall expire.
  - 3) The validity of the Secondary Plat may be extended by the Plan Commission for good cause.
  - 4) Requests for extensions shall be filed with the Administrator at least 30 days prior to expiration of the Primary Plat.



**Figure 2.3: Primary Plat Procedure Flow Chart**





## K. Improvement Location Permit

1. Purpose. The purpose of an Improvement Location Permit is to ensure no development occurs until there is assurance the development complies with the requirements of this Ordinance.
2. Applicability. The following forms of development require issuance of a Improvement Location Permit.
  - a. All residential dwellings;
  - b. Manufactured or mobile homes;
  - c. Detached residential accessory buildings (with or without foundations);
  - d. Detached and attached garages and carports;
  - e. Swimming pools;
  - f. All commercial, industrial, and institutional buildings;
  - g. Structures other than buildings (including satellite dishes, towers, antennas);
  - h. Conversions of occupancy classification (in accordance with the State Building Code);
  - i. Parking lots;
  - j. Any exterior construction that adds to or alters the existing host structure; and
  - k. Awnings.
3. Improvement Location Permit Review Procedure.
  - a. Pre-Application Conference. Optional.
  - b. Application Submittal and Acceptance.
    - 1) Applicable (see Section 2.3 (B) (1) Application Submittal and Acceptance).
    - 2) Applications may be initiated only by persons who may submit applications in accordance with Section 2.3 (B) (1) (a) Authority to File Applications.
  - c. Improvement Location Permit Application Contents. A Improvement Location Permit application shall be submitted on the form provided and shall include a plan depicting the following information. Nothing shall prohibit the use of an approved Development Plan or Primary Plat to meet these requirements, provided the Development Plan or Primary Plat includes all the required information.
    - 1) The actual dimensions and shape of the lot containing the development;
    - 2) All existing or proposed buildings or alterations;
    - 3) Existing or proposed uses of the building and land;
    - 4) The number of families, housekeeping units, or rental units the building is designed to accommodate;
    - 5) Conditions existing on the lot; and
    - 6) Building setback distances from property lines.
  - d. Public Notification. Not applicable.
  - e. Staff Review and Action.
    - 1) Applicable (see Section 2.3 (C) Staff Review and Action).
    - 2) The Administrator shall review and decide the application in accordance with Section 2.3 (K) (3) (f) Improvement Location Permit Review Standards.
  - f. Improvement Location Permit Review Standards. An application for a Improvement Location Permit shall be approved on a decision the applicant has demonstrated the proposed development complies with all applicable standards in this and other County Ordinances so may apply, and all conditions of approval of applicable permits or development approvals.

4. Effect. Approval of a Improvement Location Permit by the administrator authorizes an applicant to commence construction or move forward with the approved development.
5. Amendment. Amendment of a Improvement Location Permit may only be reviewed and considered in accordance with the procedures and standards established for its original approval by the Administrator.
6. Expiration. Improvement Location Permit approval shall expire and become null and void if the construction of the development approved does not begin within six-months of issuance of the Improvement Location Permit.

#### **L. Sign Permit.**

1. Purpose. The purpose of this section is to provide a uniform mechanism for reviewing applications for sign permits to ensure all signs comply with the standards of Section 5.10, Signage. It shall be unlawful for any person to erect, construct, enlarge, move or convert any sign, or change the sign face on an existing sign structure without first obtaining a sign permit for each sign in accordance with these standards.
2. Applicability. All signs, unless exempted below, shall obtain a sign permit in accordance with the procedures and standards of this section before being erected, replaced, relocated, or altered. The following forms of signage are exempt from this section:
  - a. The changing of advertising copy or message on an approved sign such as a theater marquee and similar approved signs which are specifically designed for use of replaceable copy.
  - b. Painting, repainting, cleaning, or other normal maintenance and repair of a sign or removable sign face, or a change in copy (logo or verbiage on a sign) to update or modernize an existing business's sign without changing ownership or company name is permitted.
3. Sign Permit Review Procedure.
  - a. Pre-Application Conference. Optional.
  - b. Application Submittal and Acceptance.
    - 1) Applicable (see Section 2.3 (B) (1) Application Submittal and Acceptance).
    - 2) Applications may be initiated only by persons who may submit applications in accordance with Section 2.3 (B) (1) (a) Authority to File Applications.
  - c. Sign Permit Application Contents. A sign permit application shall be submitted on the form provided and shall include the following information.
    - 1) Name and address of the property owner of the premises on which the sign is located or is to be located.
    - 2) Name and address of the owner of the sign.
    - 3) Clear and legible drawings with description showing the location of the sign which is the subject of the permit, and all other signs whose construction requires permits when such signs are on the same premises.
    - 4) Any individual or company seeking to erect, construct, alter, repair, improve, maintain, convert or manufacture any sign adjacent to or visible from any state or federal roadway shall register in writing, a statement that they have all necessary licenses, permits and/or approvals from the other affected governmental agencies and copies of all other licenses, permits and/or approvals.
    - 5) Consent in writing from the person in possession or ownership of shopping centers and/or industrial premises shall be supplied as part of the application documentation.
  - d. Public Notification. Not applicable.
  - e. Staff Review and Action.

- 1) The Administrator shall review and decide the application.
4. Sign Permit Review Standards. A sign permit shall be approved only upon finding the application complies with the standards in Section 5.13 Signage, all relevant standards of this and all other County Ordinances, regulations and standards and any other applicable conditions of approval.
5. Effect. A sign permit issued under the provisions of this section shall not be deemed to constitute permission or authorization to maintain an unlawful sign nor shall it be deemed as a defense in an action to remove an unlawful sign.
6. Amendment. Amendment of a sign permit may only be reviewed and considered in accordance with the procedures and standards established for its original approval.
7. Expiration. If the work authorized by a sign permit is not commenced within 180 days months from the date of issuance, the permit shall become null and void.

#### **M. Building Permit**

1. See the Pulaski County Building Ordinance, as amended, for applicable provisions.

#### **N. Certificate of Occupancy**

1. See the Pulaski County Building Ordinance, as amended, for applicable provisions.

#### **O. Variance**

1. Variances Distinguished. This section sets out the review procedures and approval criteria for development standard variances and use variances. In no case shall any variance to the terms of this Ordinance be authorized without the approval of the Board of Zoning Appeals, in accordance with the standards in this section. Further, no decisions on previous applications shall serve to set a precedent for any other application before the BZA.
2. Purpose
  - a. Development Standard Variance. The purpose of the development standard variance is to allow relief from the development standards of this Ordinance under particular circumstances.
  - b. Use Variance. The purpose for the use variance is to allow a landowner to locate a particular use on a particular lot even though the desired use is otherwise prohibited in the zoning district.
3. Variance Review Procedure
  - a. Pre-Application Conference. Required.
  - b. Determination. Prior to submitting an application for a variance, and applicant shall submit a request for a determination by the Administrator that a variance is required for proposed development.
  - c. Application Submittal and Acceptance.
    - 1) Applicable (see Section 2.3 (B) (1) Application Submittal and Acceptance).
    - 2) Applications may be initiated only by persons who may submit applications in accordance with Section 2.3 (B) (1) (a) Authority to File Applications.
    - 3) Supplemental application materials include a copy of the deed for the property involved, the required filing fee, a site plan drawn to scale that is signed and dated, and a statement of intent to the BZA describing the details of the variance being requested and stating how the request is consistent with the required findings of fact. The statement should include any written commitments being made by the applicant.
  - d. Staff Review.
    - 1) Applicable (see Section 2.3 (C) Staff Review and Action).

- 2) The Administrator shall review the application and provide a recommendation to the Board of Zoning Appeals in accordance with the Board of Zoning Appeals rules of procedure, as appropriate.
- e. Public Notification. Notification for the scheduled public hearing shall be consistent with Section 2.3 (D) Required Public Hearings and the Rules and Procedures of the BZA.
- f. Board of Zoning Appeals Review and Decision.
  - 1) The Board of Zoning Appeals, at the conclusion of a public hearing, shall decide the application in accordance with the Board of Zoning Appeals rules of procedure, as appropriate
  - 2) The action taken shall be one of the following (Per IC 36-7-4-918.4 and 918.5):
    - a) Approval of the variance as proposed;
    - b) Approval of the variance with conditions or commitments;
    - c) Denial of the variance; or
    - d) Continued based on a request by the Administrator, the applicant, remonstrator, an indecisive vote or a determination by the Board that additional information is required prior to action being taken on the request.
4. Variance Decision Criteria.
  - a. Development Standards Variance. A development standard variance shall be approved only on a finding that the applicant demonstrates all the following findings are met:
    - 1) General Welfare. The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and
    - 2) Adjacent Property. 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) Practical Difficulty. The strict application of the terms of this Ordinance will result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on economic gain.
  - b. Use Variance. A use variance shall be approved only on a finding that the applicant demonstrates all the following findings are met:
    - 1) General Welfare. The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and
    - 2) Adjacent Property. 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) Need. The need for the variance arises from some condition peculiar to the property involved; and
    - 4) The strict application of the terms of this Ordinance will constitute a practical difficulty if applied to the property for which the variance is sought. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on economic gain; and
    - 5) The approval does not interfere substantially with the policies and intent of the Comprehensive Plan.
5. Commitments. The Board of Zoning Appeals may require the owner of a parcel of property to make written commitment concerning the use or development of that parcel in accordance with 36-7-4-1015. A copy of the recorded commitments shall be provided to the Administrator for inclusion in the petition file at the time of application for an Improvement Location Permit. No Improvement Location Permit shall be issued for a permit application which does not comply with the recorded commitments.
6. Conditions. The Board may impose such reasonable conditions upon the granting of the variance as it seems necessary to find that the decision criteria for approval have been met per 36-7-4-918.4, -918.5.

7. Effect. In cases where an owner fails to comply with any condition of approval, upon the recommendation of the Administrator the Board of Zoning Appeals may authorize such action, as it may deem appropriate, to obtain compliance by the owner in the same manner as if the variance had not been granted.
8. Amendment. Amendment of a variance may only be reviewed and considered in accordance with the procedures and standards established for its original approval.
9. Expiration. A variance granted by a Board shall run with the parcel until such time as the need for the variance ends.

**P. Special Exception.**

1. Purpose. The special exception procedure is intended to consider uses that may be appropriate in a zoning district, but because of their nature, extent, and external effects, requires special consideration of location, design, and methods of operation before they can be deemed appropriate in the district and compatible with its surroundings. The purpose of this section is to establish a mechanism to review special exception uses to ensure they are appropriate for a particular zoning district and their surroundings. In no case shall special exception uses be authorized without the approval of the Board of Zoning Appeals, in accordance with the standards in this section. Further, no decisions on previous applications shall serve to set a precedent for any other application before the BZA.
2. Applicability. Uses identified in Table 4.1: Principal Use Table, as requiring special exception approval for establishment, shall be subject to the standards and procedures in this section.
3. Special Exception Review Procedure.
  - a. Pre-Application Conference. Applicable.
  - b. Application Submittal and Acceptance.
    - 1) Applicable (see Section 2.3 (B) (1) Application Submittal and Acceptance).
    - 2) Applications may be initiated only by persons who may submit applications in accordance with Section 2.3 (B) (1) (a) Authority to File Applications.
    - 3) Supplemental application materials include a copy of the deed for the property involved, the required filing fee, a site plan signed, dated, and clearly showing the entire layout of the property and all features relevant to the special exception request.
    - 4) Provide a statement of intent to the BZA describing the details of the special exception request, including but not limited to:
      - a) The ways in which the special exception shall comply with the applicable development standards of this Ordinance, be consistent with the required determination in writing in accordance with the Board of Zoning Appeals rules of procedure, as appropriate and any written commitments being made by the applicant.
  - c. Staff Review.
    - 1) Applicable (see Section 2.3 (C) Staff Review and Action).
    - 2) The Administrator shall review the application and provide a recommendation to the Board of Zoning Appeals in accordance with the Board of Zoning Appeals rules of procedure, as appropriate
  - d. Public Notification. Notification for the scheduled public hearing shall be consistent with Section 2.3 (D) Required Public Hearings and the Rules and Procedures of the Board of Zoning Appeals
  - e. Board of Zoning Appeals Review and Decision.
    - 1) The Board of Zoning Appeals, at the conclusion of a public hearing, shall decide the application in accordance with the Board of Zoning Appeals rules of procedure, as appropriate

- 2) The action taken shall be one of the following:
  - a) Approval of the special exception as proposed;
  - b) Approval of the special exception with conditions from the Board or commitments by the applicant;
  - c) Denial of the special exception. Applicants that are denied shall not be eligible for consideration again by the BZA for a period of 12-months from the date of denial; or
  - d) Continued consistent with the adopted Rules and Procedure of the BZA.
4. Special Exception Decision Criteria
  - a. The use will not be detrimental to the public health, safety, morals, or general welfare.
  - b. The location, nature and height of each building, wall and fence, the nature and extent of landscaping on the site and the location, size, nature, and intensity of each phase of the use and its access streets will be compatible with the appropriate and orderly development of the district in which it is located;
  - c. Operations related to the use will be no more objectionable with regard to noise, fumes, vibration, or light to nearby properties than operations in permitted uses.
  - d. The proposed use will not conflict with an existing or programmed public facilities, public services, schools, or roads.
  - e. The proposed use has the written supportive recommendations from other affected county departments and agencies as applicable and determined by the Administrator and/or Technical Review Committee.
  - f. The applicant has presented sufficient evidence of public need for the use.
5. Conditions and Commitments
  - a. The Board of Zoning Appeals may require the owner of a parcel of property to make written commitment permitted by IC 36-7-4-1015 concerning the use or development of that parcel, or may impose reasonable conditions upon the granting of the special exception per IC 36-7-4-918.2.
  - b. A copy of the recorded commitments shall be provided to the Administrator for inclusion in the petition file at the time of application for an Improvement Location Permit. No Improvement Location Permit shall be issued for a permit application which does not comply with the recorded commitments.
6. Effect.
  - a. Approval of any development application in accordance with this Ordinance authorizes only the particular use, plan, or other specific activity approved, and not any other development requiring separate application. In the event that one permit or approval is a prerequisite to another permit or approval (e.g., variance approval prior to a Development Plan approval) development may not take place until all required approvals are obtained. An approval of one development application does not necessarily guarantee approval of any subsequent development application.
  - b. In cases where an owner fails to comply with any condition of approval, the Board of Zoning Appeals may authorize the Administrator to engage in such action as it may deem appropriate to obtain compliance by the owner in the same manner as if the special exception had not been granted.
7. Amendment. Amendment of a special exception may only be reviewed and considered in accordance with the procedures and standards established for its original approval.
8. Expiration. Failure to establish a use authorized by a special exception within 12 months of the date of its approval, or discontinuance of a special exception use for a period of 12 months or longer shall render the special exception null and void. Special exception approvals shall be limited to, and run with the applicant at the location specified in the application. The Board may also limit special exceptions to a specific time period and a specific use.

**Q. Applications for All Wind Energy Conversion Systems (WECS)**

1. An application for ALL WECS shall include the following information:
  - a. Contact information of project applicant. The name(s), address(es), and phone number(s) of the applicant(s), as well as a description of the applicant's business structure and overall role in the proposed project.
  - b. Contact information of current project owner. The name(s), address(es), and phone number(s) of the owner(s), as well as a description of the owner's business structure and overall role in the proposed project, and including documentation of land ownership or legal control of the property on which the WECS is proposed to be located. The Area Plan Commission shall be informed of any changes in ownership.
  - c. Contact information of project operator. The name(s), address(es), and phone number(s) of the operator(s), as well as a description of the operator's business structure and overall role in the proposed project.
  - d. Legal description. The legal description, address, and general location of the project.
  - e. Project description. A WECS Project Description, including to the extent possible, information on each wind turbine proposed, including:
    - 1) Number of turbines;
    - 2) Type;
    - 3) Name Plate generating capacity;
    - 4) Tower height;
    - 5) Rotor diameter;
    - 6) Total height;
    - 7) Anchor base;
    - 8) The means of interconnecting with the electrical grid;
    - 9) The potential equipment manufacturer(s); and
    - 10) All related accessory structures.
  - f. A site layout plan. A Development Plan, drawn to scale, including distances and certified by a registered land surveyor. All drawings shall be at a scale not smaller than one inch equals fifty feet (1"=50') with a scale of one inch equals thirty feet (1"=30') being preferred. Any other scale must be approved by the Administrator. No individual sheet or drawing shall exceed twenty-four inches by thirty-six inches (24"x 36").
  - g. Engineering Certification. For all WECS, the manufacturer's engineer or another qualified registered professional engineer shall certify, as part of the building permit application, that the turbine, foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions. An engineering analysis of the tower showing compliance with the applicable regulations and certified by a licensed professional engineer shall also be submitted. The analysis shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings.
  - h. Proof of correspondence and cooperation with wildlife agencies. For the purposes of preventing harm to migratory birds and in compliance with the Migratory Bird Treaty Act, the applicant shall provide written documentation that the applicant is in direct correspondence and cooperation with the U.S. Fish and Wildlife Service and the Indiana Department of Natural Resources. For the purposes of preventing harm to migratory birds and in compliance with the Migratory Bird Treaty Act, the applicant shall provide written documentation that the applicant is in direct correspondence and cooperation with the U.S. Fish and Wildlife Service and the Indiana Department of Natural Resources.
2. Applications for Non Commercial WECS. In addition to the application requirements listed in Section 2.3 (Q) (1) the following shall apply for Non Commercial WECS:



- a. Demonstration of energy need. The primary purpose of the production of energy from a Non-Commercial WECS shall be to serve the energy needs of that tract. The applicant(s) shall demonstrate how much energy is needed and how the proposed size and number of the WECS fulfills this need. Net-metering may be allowed, but shall not be the primary intent of the WECS.
  - b. Statement of FAA compliance. A statement of compliance with all applicable FAA rules and regulations, including any necessary approvals for installations within close proximity to an airport.
  - c. Utility Notification. No NON-COMMERCIAL WECS shall be installed until evidence has been given that the local utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
  - d. Compliance with National Electrical Code. A line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.
3. Applications for Commercial WECS. In addition to the application requirements listed "Applications for ALL Wind Energy Conversion Systems," applications for COMMERCIAL WECS shall also include the following information:
    - a. A preliminary site layout plan. In place of the site layout plan described in "Applications for ALL Wind Energy Conversion Systems," an application for a COMMERCIAL WECS shall include a preliminary site layout plan with distances drawn to scale illustrating the following:
      - 1) Property lines, including identification of adjoining properties
      - 2) The latitude and longitude of each individual wind turbine, along with individual identification of each WECS.
      - 3) Dimensional representation of the structural components of the tower construction including the base and footings
      - 4) WECS access roads
      - 5) Substations
      - 6) Electrical cabling
      - 7) Ancillary equipment
      - 8) Primary structures within one-quarter (1/4) mile of all proposed WECS
      - 9) Required setback lines
      - 10) Location of all public roads which abut, or traverse the proposed site
      - 11) The location of all above-ground utility lines within a distance of two (2) times the height of any proposed WECS structure.
      - 12) The location of any historic or heritage sites as recognized by the Division of Historic Preservation and Archeology of the Indiana Department of Natural Resources, within one (1) mile of a proposed WECS
      - 13) The location of any wetlands based upon a delineation plan prepared in accordance with the applicable U.S. Army Corps of Engineers requirements and guidelines, within one (1) mile of a proposed WECS
      - 14) Any other item reasonably requested by the Board of Zoning Appeals.
    - b. Topographic Map. A USGS topographical map, or map with similar data, of the property and the surrounding area, including any other WECS within ten (10) rotor distance, but no less than a one quarter (1/4) mile radius from the proposed project site, with contours of not more than five (5) foot intervals.
    - c. Noise Profile.



- d. Location of all known WECS within one (1) mile of the proposed WECS, including a description of the potential impacts on said WECS and wind resources on adjacent properties.
- e. Copy of the Communications Study
- 4. Aggregated Project Applications. Aggregated projects may jointly submit a single application and be reviewed under joint proceedings, including notices, hearing, and reviews and as appropriate, approvals.
  - a. Aggregated Projects. Permits for aggregated projects will be issued by construction phases and recorded separately, as prescribed in this Ordinance.

#### **R. Administrative Appeals**

1. Purpose. The purpose of this section is to establish a procedure and standards for an aggrieved party, officer, department, or board of the county affected by any decision or determination by the Administrator, other Plan Commission staff members, or other administrative or board charged with enforcing and interpreting this Ordinance per IC 36-7-4-916 and IC 36-7-4-918. The decisions of the Board shall be appealed to the courts as provided by Indiana law.
2. Initiation. All questions of interpretations and enforcement shall be first presented to the Director. An appeal shall be initiated by filing a written notice of appeal with the Administrator within:
  - a. Sixty days of the date the determination or decision being appealed is filed in the Zoning Department or office of the Administrator (except where otherwise specified in this Ordinance); or
  - b. Thirty days of the date the notice of violation being appealed is issued.
3. Administrative Appeal Review Procedure.
  - a. Appeals. Appeals to the Board concerning interpretation or administration of this Ordinance may be taken by any person or government entity aggrieved or by any officer or bureau of the legislative authority of the County affected by any decision of the Director. An appeal shall be filed with the Administrator and with the Board of Zoning Appeals; such notice of appeal specifying the grounds upon which the appeal is being taken. The Administrator shall transmit to the Board all the papers constituting the record upon which the action appealed was taken.
    - 1) The appellant shall submit an administrative appeal application within ten (10) days of the Director's decision along with the required supporting information. Supporting information shall include, but not be limited to, the following:
      - a) Original Submittals. Copies of all materials upon which the decision being appealed was based.
      - b) Written Decisions. Copies of any written decisions that are the subject of the appeal.
      - c) Appeal Basis. A letter describing the reasons for the appeal noting specific sections of this Ordinance and other standards applicable in Pulaski County upon which the appeal is based.
    - 2) Stay Of Proceedings. An appeal stays all further proceedings of the action appealed, unless the Administrator from whom the appeal is taken certifies to the Board after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In this case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the Administrator from whom the appeal is taken on due cause shown.
  - b. Public Notification. Applicable (see Section 2.3, (D) Required Public Hearings).
  - c. Board of Zoning Appeals Review and Decision.

- 1) Applicable.
- 2) The Board of Zoning Appeals, at the conclusion of a public hearing, shall decide the application in accordance with the Board of Zoning Appeals rules of procedure, as appropriate. The decision shall be based solely on the record of the appeal, as supplemented by arguments presented at the public hearing, and the standards in Section 2.3 (R) (3) (d) Appeal Review Standards.
- 3) The action taken shall be one of the following:
  - a) Affirmation of the decision or determination (in whole or in part);
  - b) Modification of the decision or determination (in whole or in part); or Approval of the Administrative Appeal;
  - c) Reversal of the decision or determination (in whole or in part).
- d. Appeal Review Standards. The Board of Zoning Appeals is limited to the following determinations in considering the appeal, which shall be based on clear and substantial evidence in the record:
  - 1) The decision-maker did not make an error or correctly applied the standards of this Ordinance in making the decision or interpretation;
  - 2) The decision-maker made an error in determining whether a standard was met. The record must indicate that an error in judgment occurred or facts, plans, or regulations were misread in determining whether the particular standard was or was not met;
  - 3) The decision-maker made an error because the decision was based on a standard not contained in this Ordinance or other appropriate county ordinances, regulations, or state statute, or that a standard more strict or broad than the standard established in this Ordinance was applied; or
  - 4) The decision-maker made an error in applying a standard or measuring a standard.
- e. Where conflicting evidence exists, the appeal is limited to determining what evidence or testimony bears the greatest credibility in terms of documentation and qualifications of those making the determination.
- f. The Board of Zoning Appeals shall not hear any evidence or make any decision based on hardships or special conditions. (Such matters may only be considered in the context of an application for a variance or special exception.)
- g. Effect
  - 1) An appeal stays all proceedings in furtherance of the action appealed from, unless the county official from whom the appeal is taken certifies to the Board of Zoning Appeals, after notice of appeal has been filed, that because of facts stated in the certificate a stay would, in the county official's opinion, cause imminent peril to life or property or that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of this Ordinance.
  - 2) If certification by a county official is filed, administrative proceedings shall not be stayed except through issuance of a restraining order by the Board of Zoning Appeals or court of competent jurisdiction.
  - 3) The filing of an appeal prevents the filing of all zoning, or land use applications, or permits for the same land subject to an appeal application, as well as the filing of a text amendment application by the same party filing the appeal until the appeal application is decided or appealed to the courts.
- h. Notification of Decision. The decision of the Board of Zoning Appeals may be delivered to the aggrieved party by registered mail, or certified mail return receipt requested.
- i. Expiration. Not applicable.
- j. Appeal. Every decision of the Board of Zoning Appeals shall be subject to judicial review in accordance with IC 36-7-4-1016 and IC 36-7-4-1600.

**S. Administrative Subdivisions.**

1. General. Administrative subdivisions are subject only to the agreement of the Technical Review Committee (acting as the Plat Committee) that such subdivision is within one of the categories included within Section 2.3 (S) (4). Replats which meet the conditions of administrative subdivisions also may be considered under the terms of this Section.
2. Filing Fees. A request for review of a subdivision shall be accompanied by the filing fee established by the Plan Commission.
3. Submission Materials . The following materials shall be submitted by an applicant for approval of an administrative subdivision:
  - a. Application signed by the owner(s) of record of all property involved in the subdivision.
  - b. A drawing drawn to a scale of fifty (50) feet to one (1) inch, or one hundred (100) feet to one (1) inch and on sheets not to exceed twenty four (24) inches by thirty-six (36) inches; however, if the resulting drawing would be over thirty-six (36) inches in the shortest dimension, then a scale as recommended by the Administrator may be used. Such drawing shall show the property involved in this subdivision, indicating the area of each lot or parcel in acres (for parcels larger than 20,000 sq.ft.) or square feet and indicating the configuration of the property and any easements.
4. Required approvals.
  - a. For removal of interior lot lines, a legal description of the property and the new lot number(s).
  - b. For removal of platted easements, signed and notarized letters of approval of the proposed action by all utilities having an interest in such easements, and in the case of drainage easements, any neighboring property owners affected by such easements. A notation shall be placed on the plat indicating that the easement has been vacated.
  - c. For changes in the notations on a previously approved plat, an explanation of the reason(s) for the changes. If the Technical Review Committee finds that such changes have a significant effect on the subdivision as previously approved, the Technical Review Committee (acting as the Plat Committee) shall require such changes to be decided by the Plan Commission.
  - d. For division of land into cemetery plots, a plat of the cemetery showing the layout of the cemetery, including private drives, parking areas, and the sizes of burial lots. Such plat shall comply with the requirements of Indiana Code, 23-14-8 and any amendments thereto.
  - e. For divisions by court decree, a copy of the decree showing by legal description how the land is to be divided.
  - f. Sale or exchange of tracts between adjoining land owners:
    - 1) For sale or exchange of adjoining land where one or more of the affected parcels is platted, a legal description and indication on the drawing of the tract to be divided and the tract to be added and certification by a registered land surveyor that monuments have been or will be set to indicate the relocated property lines. If the land involved in the subdivision has not been monumented, no monumentation is required.
    - 2) For sale or exchange of adjoining unplatted land, a legal description and indication on the drawing of the tract to be divided and the tract to be added.
    - 3) For subdivision where the purpose is to resolve a boundary dispute or to establish a mutually agreed upon boundary line, an affidavit signed by all affected property owners stating the purpose of the subdivision.
    - 4) At the time that an administrative subdivision as defined in Section 8 Definitions is submitted for secondary approval, the submission shall include quitclaim or warranty deed(s) containing the legal description for each parcel of property for which ownership is transferred within and by said Administrative Subdivision.

- g. For corrections of legal descriptions, an affidavit signed by the affected owners stating that the description was in error, and a corrected legal description. Such correction shall be recorded, and an appropriate notation shall be placed upon the previously recorded plat.
  - h. For dedication or granting of easements for purposes other than access, a legal description. Such easements shall be recorded, and an appropriate notation shall be placed on the recorded plat.
  - i. For dedication of right-of-way or access easements, a legal description and a plat showing the parcels and the location of the right-of-way or easement. In addition, for right-of-way dedication, certification by a registered land surveyor that monuments will be set indicating the relocated property lines.
5. Review Procedures for Administrative Subdivisions.
- a. Prior to submitting any of the materials required by this section, the applicant or his/her representative is encouraged to discuss with the Administrator the nature of the land division being proposed. Based upon the information provided at this conference, the Administrator will provide the applicant with a preliminary opinion as to whether the proposed subdivision qualifies as an administrative subdivision, and if not, which application and review procedure applies to that type of subdivision. Failure to hold this conference and/or to provide complete and accurate information to the Administrator at this stage may cause delays in formal consideration of the subdivision.
  - b. An application for approval of an administrative subdivision shall be filed with the Administrator together with all required materials. The fee, as set by the Plan Commission, shall be paid at the time of filing.
  - c. The TRC (acting as the Plat Committee) shall review the plat for compliance with Section 6 Subdivisions of this Ordinance. The Administrator may review the application for compliance with this section, and provide a recommendation to the TRC.
  - d. The TRC (acting as the Plat Committee), Administrator and their representatives, at their discretion, may visit the site at any time during the review process.
  - e. The TRC (acting as the Plat Committee), Administrator and their representatives, shall consult with any other persons and agencies necessary to make an accurate determination of the compliance of the application with the terms of this section.
  - f. Action by the TRC (acting as the Plat Committee) on an administrative subdivision shall be by a majority vote.
  - g. Approval may be granted to an administrative subdivision by the TRC (acting as the Plat Committee) without public notice and hearing. Within ten (10) days after approval by the TRC (acting as the Plat Committee), the Administrator shall provide due notice by mail to adjacent property owners and the petitioner(s). Such notice shall include a notification of the right to appeal the decision.
  - h. Adjacent property owners and the petitioner(s) shall have a ten (10) day comment period from the date the notice is mailed, within which any notice of appeal must be filed with the Administrator.
6. Appeal. Appeal shall be governed in accordance with the following section:
- a. Any final decision of the TRC (acting as the Plat Committee) may be appealed to the TRC (acting as the Plat Committee). The notice of final decision shall contain the date of mailing thereon. Appeal may be initiated by the applicant, or any property owner affected by such final decision. The appeal shall be directed to the Plan Commission, and shall be filed with the Administrator. If the expiration of the ten (10) day comment period occurs on a Saturday, Sunday or recognized Pulaski County holiday, then such expiration date shall be extended to include the next business day thereafter following.
  - b. Appeal of the TRC final decision shall be heard by the Plan Commission at a regularly scheduled public hearing, or in accordance with Plan Commission Rules of Procedure at

a special meeting of the Plan Commission. Said hearing shall take place within forty-five (45) days after the filing of an Appeal with the Administrator, and the Plan Commission shall render its written final decision within fifteen (15) days after such hearing. With the consent of the applicant and the Plan Commission, said hearing day may be extended.

- c. A final decision of the Plan Commission may be appealed to the Court of Pulaski County, Indiana. Said appeal shall be through a Petition for Writ of Certiorari filed with the clerk of the appropriate court within thirty (30) days after the date of such final decision. Said petition shall in all respects conform to Indiana State Statute.
7. Approval Certificate. The Administrator is authorized to sign the approved administrative plat.
  8. Length Of Approval For Administrative Subdivisions.
    - a. The approved administrative subdivision shall be recorded in the Pulaski County Recorder's Office within 120 days of certification by the TRC (acting as the Plat Committee). Any such subdivision and certification not recorded within that period shall become null and void.
    - b. The approved administrative subdivision and any deed as required by this Article shall be recorded concurrently in the Pulaski County Recorder's Office within 120 days of certification by the TRC (acting as the Plat Committee). Any such subdivision, deed(s) and certification not recorded within that period shall become null and void.

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# 3

## Zoning Districts

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### 3.1 Compliance with District Standards Required

- A. Generally.** Land in the County shall not be developed except in accordance with the zoning district regulations of this article and all other regulations of this Ordinance.
- B. Nonconformities.** Lawfully established development existing prior to the effective date of this Ordinance shall be allowed to continue as a legal nonconformity in accordance with the standards in Section 1.8. The responsibility of demonstrating lawful establishment shall be upon the applicant.

### 3.2 Official Zoning Map

- A. Generally.** The Official Zoning Map of the County of Pulaski County, Indiana (Official Zoning Map ) designates the location, boundaries, and abbreviations of the various zoning districts established in this Ordinance. The Official Zoning Map shall be kept on file in the office of the Administrator and is available for public inspection during normal business hours. It shall be the final authority as to the status of the current zoning district classification of land in the County's planning jurisdiction.
- B. Incorporated by Reference.**
  - 1. The Official Zoning Map Ordinance Effective May 2012, as amended and all the notations thereon, is incorporated herein by reference and made a part of this Ordinance.
  - 2. The Pulaski County Floodplain Ordinance Effective April 2014 . The regulatory flood elevation, floodway, and fringe limits for the studied Special Flood Hazard Area's (SFHA's) of Pulaski County shall be as delineated on the 100-year flood profiles in the Flood Insurance Study (FIS) of Pulaski County and Incorporated Areas and the corresponding Flood Insurance Rate Map (FIRM), as amended.
- C. Interpretation of Map Boundaries.** The Plan Commission delegates that the Administrator shall determine boundaries on the Official Zoning Map in accordance with the following standards:
  - 1. Boundaries shown as approximately following a utility line or a street, alley, railroad, or other public access way shall be interpreted as following the centerline of the right-of-way or easement for the utility line or access way.
  - 2. If a street, alley, railroad, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the centerline of the abandoned or vacated roadbed or utility easement.
  - 3. Boundaries shown as approximately following a lot line shall be interpreted as following the lot line as it existed when the boundary was established. If a subsequent minor adjustment (such as from settlement of a boundary dispute or overlap) results in the lot line moving ten feet or less, the zoning boundary shall be interpreted as moving with the lot line.
  - 4. Boundaries shown as approximately following a section line, or municipal corporate limit line, the zoning boundary shall be construed as following such line.
  - 5. Boundaries shown as approximately following a river, stream, canal, lake, or other watercourse shall be interpreted as following the centerline of the watercourse as it actually exists, and as moving with that centerline to the extent the watercourse moves as a result of natural processes (flooding, erosion, sedimentation, etc.).
  - 6. Boundaries shown as approximately following shorelines of a river, stream, or lake shall be interpreted to follow the shoreline, even in the event of change.
  - 7. Boundaries appearing to parallel to or as extensions of features indicated in this subsection shall be interpreted as such.
  - 8. If the specific location of a depicted boundary cannot be determined from application of the above standards, it shall be determined by using the Official Zoning Map 's scale to determine the boundary's distance from other features shown on the map.



9. Wherever a single lot is located within two or more different zoning districts, each portion of the lot shall be subject to all the regulations applicable to the zoning district where it is located.

**D. Map Boundary Interpretation Appeal. In the event that a question on interpretation of the Official Zoning Map occurs, the Administrator shall interpret the boundaries. The Board of Zoning Appeals shall hear appeals to the administrative decision.**

**E. Changes to Official Zoning Map .**

1. No changes shall be made to the Official Zoning Map except in conformity with the requirements and procedures set forth in this Ordinance and state law. When changes are made in zoning district boundaries, such changes shall be made on the Official Zoning Map promptly after the amendment has been adopted by the County Commissioners.
2. In the execution of its duties, the Plan Commission may cause the Official Zoning Map to be revised to correct any errors or omissions. These corrections do not constitute an amendment to the Official Zoning Map , and a certified copy of the revised Official Zoning Map shall be provided to the County Commissioners.
3. In the event the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret, the County Commissioners may, by resolution, adopt a new Official Zoning Map .

### 3.3 Districts Established

**A. Table 3.1 Districts Established, delineates the zoning districts established by this Ordinance.**

Table 3.1: Districts Established

Name	Abbreviation
Agricultural	
General Agriculture District	A-1
Intensive Agriculture District	A-2
Residential	
Rural Residential District	R-R
Single-Family Residential District	R-1
Suburban Residential District	R-2
Urban Residential District	R-3
Manufactured Housing Park District	R-4
Nonresidential or Commercial	
Urban Commercial District	C-1
Corridor Commercial District	C-2
Industrial	
Light Industrial District	L-I
Heavy Industrial District	H-I
Other	
Recreation District	R-D
Planned Unit Development District	P-D

### 3.4 Organization of Zoning District Standards

- A. Sections 3.5 through 3.16 of this section set forth the purpose and intent, character, standards, and dimensional requirements for each individual zoning district.**
- B. Each zoning district incorporates lot standards that include alphabetical characters which correspond to a dimensional requirement, which is also illustrated in the associated lot layout.**
- C. The figures and illustrations are for illustrative purposes only. The text of this Ordinance shall control.**
- D. The range of allowable uses (permitted and special exception) for each zoning district is identified in Table 4.1 Principal Use Table.**
- E. The range of accessory uses (permitted and special exception) for each zoning district is identified in Table 4.2 Accessory Use Table.**
- F. Interpreting the Lot Standards Tables**
  - 1. The following explanations of terms should be consulted when interpreting lot standards tables located at; 3.5 (D), 3.6 (D), 3.7 (D), 3.8 (D), 3.9 (D), 3.10 (D), 3.11 (D), 3.12 (D), 3.13 (D), 3.14 (D), 3.15 (D), 3.16 (D), and 3.17 (D). For more information about the meaning of terms in this ordinance, see Chapter 8 Definitions and Measurements.
    - a. Minimum Lot Area. The horizontal area within the exterior lines of a lot, including any easements, but excluding any rights-of-way or other similar dedications to the public.
    - b. Minimum Lot Width. This refers to the minimum width a lot must have in order to be considered developable by this Ordinance. The minimum lot width is the minimum allowable horizontal distance between the side property lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the front setback line. Lot width on cul-de-sac lots and other lots with curving frontages is measured as a line parallel to the frontage and at the front setback line.
    - c. Maximum Building Height. The maximum allowable vertical distance of a building or structure. Building height shall be defined as the vertical distance as measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.
    - d. Maximum Lot Coverage. The area of a lot occupied by the principal building and any accessory buildings, parking areas, driveways, walkways, and other paved or impervious surface expressed as a percentage of the total horizontally projected area of the lot.
    - e. Front Setback. The horizontal space between the Front Lot Line and the Front Setback Line, extending to the side lines of the lot, generally parallel with and measured from the front lot line, defining the area in which no building or structure may be located above ground, except as may be provided in this Ordinance. The front setback applies to all frontages of a lot facing a street or right-of-way.
    - f. Side Setback. The horizontal space between the Side Lot Line and the Side Setback Line, extending to the side lines of the lot, generally parallel with and measured from the side lot line, defining the area in which no building or structure may be located above ground, except as may be provided in this Ordinance.
    - g. Rear Setback. The horizontal space between the Rear Lot Line and the Rear Setback Line, extending to the side lines of the lot, generally parallel with and measured from the rear lot line, defining the area in which no building or structure may be located above ground, except as may be provided in this Ordinance. A through lot shall meet front yard setback requirements along all lot lines abutting a street, or waterway.
    - h. Minimum Building Separation. This distance, measured between the points of shortest distance on the edge of the foundation of two (2) structures, shall determine the minimum separation of multiple structures within one (1) developed lot.
    - i. Total Minimum Dwelling Area (Per Unit). The sum of the livable horizontal areas on all levels of a building measured from the interior faces of the exterior walls, exclusive of basements, unfinished attics and attached garages.

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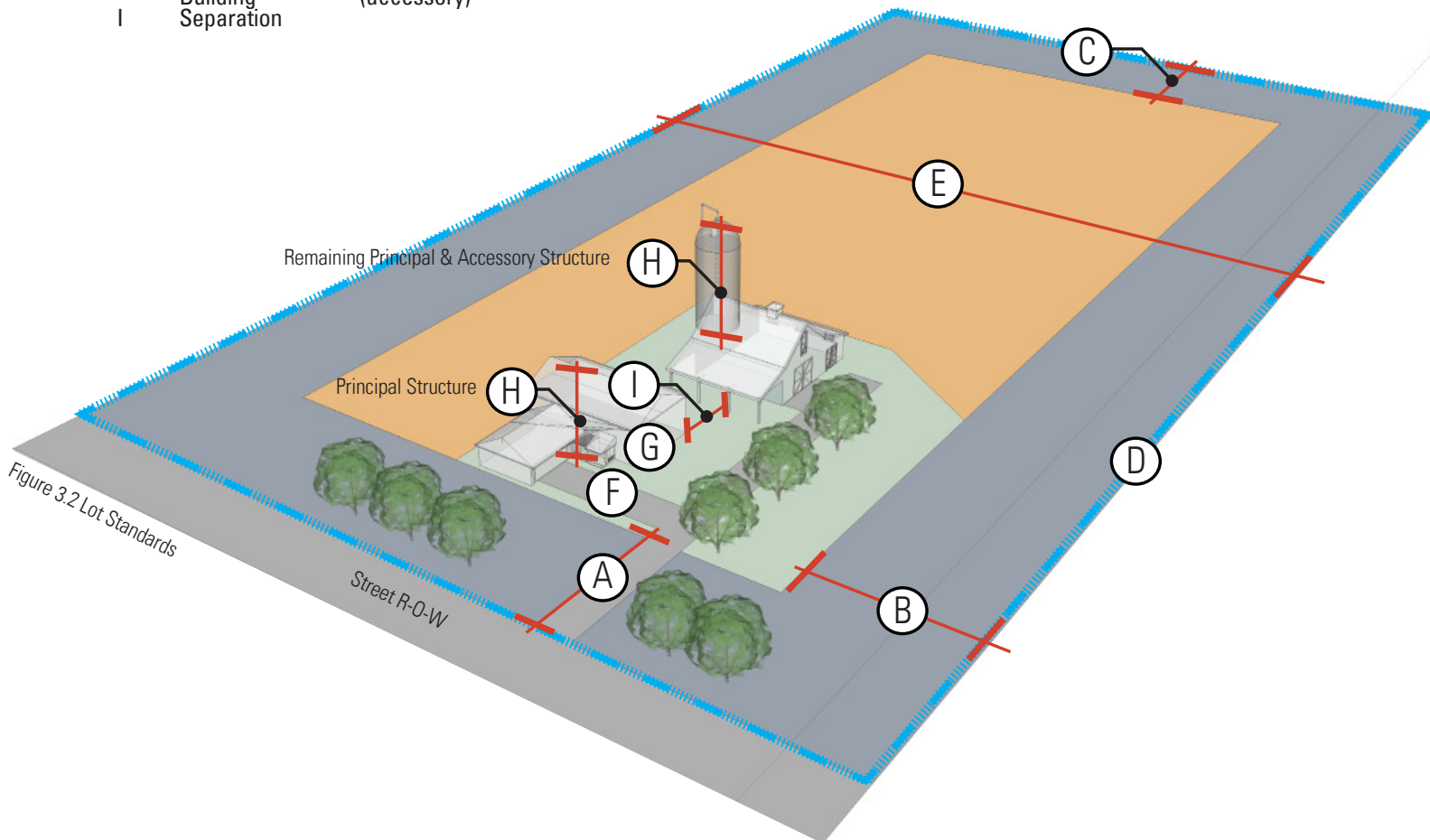


### 3.5 A-1 General Agriculture District

- A. Purpose and Intent.** The A-1 General Agriculture (A-1) district is established to promote farming, agricultural production, and farming-related industries in portions of the County most suitable for these activities in accordance with the Comprehensive Plan. The district seeks to protect and stabilize the County's agricultural economy by eliminating uses that are incompatible with farming, but permitting limited agricultural support businesses and residential uses associated with farms. In addition, the district allows for agri-tourism and telecommunications uses.
- B. Character.** Development in the A-1 district typically consists of farms, farm-related buildings, land devoted to crop production, pastures, and residential associated with the agricultural use.
- C. Standards.**
1. Accessory Residential Dwellings. Nothing shall limit the placement of one accessory dwelling unit on a single lot.
  2. Separation. There shall be a minimum separation for residential subdivisions, schools (any combination of K -12), public and private, restaurants, religious institution/place of worship, public, or private wells and/or water intakes, nature preserve / center, park or recreational facility (playgrounds and athletic facilities, unless located on the same property of 1,320 feet from any existing concentrated animal feeding (CAFO) operations (foundation wall nearest affected property) to non-agricultural districts and other aforementioned uses.

**D. Lot Standards Table**

A	Front Yard	40' min.
B	Side Yard	40' min.
C	Rear Yard	30' min.
D	Lot Area	1 acre min.
E	Lot Width	100' min.
F	Lot Coverage	<5 acres 40% max. ≥5 acres 20% max.
G	Dwelling Area	950 s.f. min. (1 story, principal structure) 500 s.f. min./story (2+ story, principal structure) 400 s.f. min. (accessory dwelling)
H	Building Height	35' max. (principal structure) 75' max. (non-agricultural accessory structure) Agricultural structures exempt per Section 5.12 (C).
I	Building Separation	10' min. (accessory)

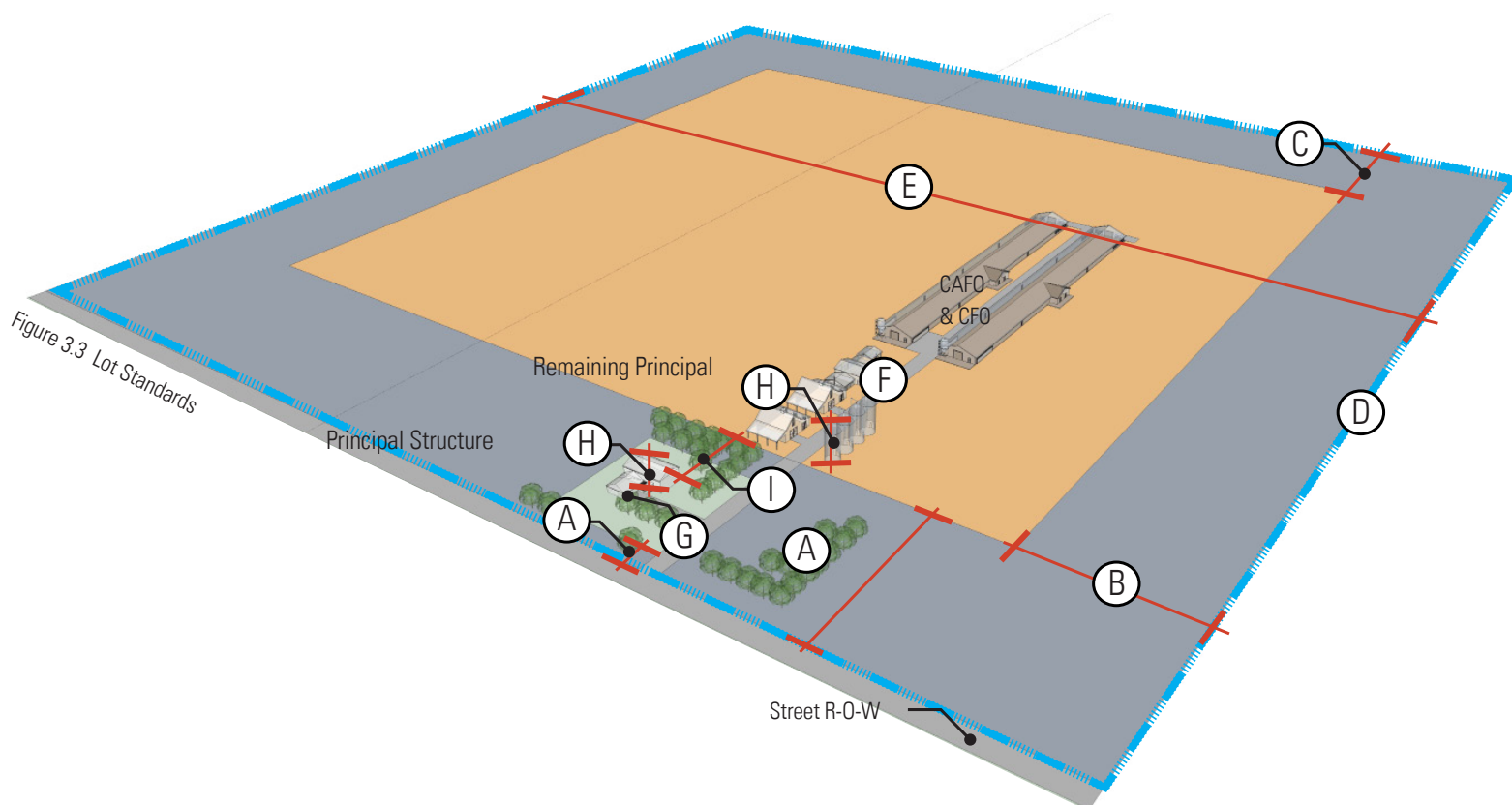


### 3.6 A-2 Intensive Agriculture District

- A. Purpose and Intent.** The A-2 Intensive Agriculture (A-2) district is established to accommodate more intensive forms of agriculture and farm-related non-residential uses on large lots with physical separation from incorporated areas and other incompatible uses. The district is established in recognition that an adequate food supply is essential to the County and the region. Development in the A-2 district is properly configured to minimize negative visual and operational impacts to surrounding lands. The district allows, but is not limited to uses such as confined feeding (CFO) and concentrated animal feeding (CAFO) operations as defined within this ordinance and by 327 IAC 15-16 and 327 IAC 19.
- B. Character.** Land in the A-2 district is characterized by a rural landscape that includes farms, livestock facilities, farm-related buildings, land devoted to crop production, pastures, fields, and limited amounts of residential associated with farm uses.
- C. Standards.**
1. Establishment. The A-2 zoning district shall be a minimum of one-mile (also known as 5,280 feet) from the boundary of an incorporated municipality.
  2. Separation. There shall be a minimum separation for residential subdivisions, schools (any combination of K -12), public and private, restaurants, religious institution/place of worship, public, or private wells and/or water intakes, nature preserve / center, park or recreational facility (playgrounds and athletic facilities, unless located on the same property of 1,320 feet from any existing concentrated animal feeding (CAFO) operations (foundation wall nearest affected property) to non-agricultural districts and other aforementioned uses.
  3. Drainage and Water. Major drainage system and water wells shall be in compliance with IDEM standards Indiana State Statute and IDEM Rules 327 IAC 15-16 and 327 IAC 19.
  4. Right to Farm. Property owners who develop any use (excluding farm uses) in this district or within one (1) mile (5,280 feet) of this district shall be required to enter into an agreement with the Pulaski County Building Department acknowledging the Pulaski County Right to Farm and IC 32-30-6, Indiana Right to Farm regulations.
  5. IDEM Rules. CFO/CAFO operations shall have Indiana Department of Environmental Management (IDEM) approval per Indiana State Statute and IDEM Rules 327 IAC 15-16 and 327 IAC 19.
  6. Minimum Acreage. All properties zoned A-2 shall be required to be a minimum of forty (40) acres. This may be more than one lot/parcel provided ownership is the same.

**D. Lot Standards Table**

A	Front Yard	40' min. 100' min (CFO and CAFO)
B	Side Yard	15' min. 100' min (CFO and CAFO)
C	Rear Yard	30' min. 100' min (CFO and CAFO)
D	Lot Area	40 acres min.
E	Lot Width	660' min.
F	Lot Coverage	20% max.
G	Dwelling Area	950 s.f. min. (1 story, principal structure) 500 s.f. min/story (2+ story, principal structure)
H	Building Height	35' max. (principal structure) 75' max. (non-agricultural accessory structure) Agricultural structures exempt per Section 5.12 (C).
I	Building Separation	15' min





### 3.7 R-R Rural Residential District

- A. Purpose and Intent.** The R-R Rural Residential (R-R) district is established to allow single-family residential in rural portions of the County not necessarily being used for agricultural or preservation purposes in accordance with the Comprehensive Plan. The district is intended to provide a transition between agricultural districts and suburban or urban areas. The district allows conservation subdivisions developed in accordance with Section 6.14.
- B. Character.** Land in the R-R district is characterized by areas located between agricultural and suburban or urban areas. Development in the R-R district may be served by public water or sewer service, but is generally characterized by on-site wastewater systems. Lots are required to be a minimum size capable of accommodating a secondary or “back-up” drainage as prescribed by Indiana State Health Code.
- C. Standards.**
1. Non-residential development shall comply with the applicable non-residential design standards in Section 5.8.
  2. Residential development (excluding multi-family) shall follow applicable residential design standards in Section 5.10.
  3. Separation. There shall be a minimum separation for residential subdivisions, schools (any combination of K -12), public and private, restaurants, religious institution, place of worship, public, or private wells and/or water intakes, nature preserve / center, park or recreational facility (playgrounds and athletic facilities, unless located on the same property of one thousand three hundred twenty (1,320) feet from any existing confined feeding CAFO operations (foundation wall nearest affected property) to non-agricultural districts and other aforementioned uses.



**D. Lot Standards Table**

A	Front Yard	40' min.
B	Side Yard	15' min.
C	Rear Yard	30' min.
D	Lot Area	1 acre min.
E	Lot Width	100' min.
F	Lot Coverage	<5 acres 40% max. ≥5 acres 20% max.
G	Dwelling Area	950 s.f. min. (1 story, principal structure) 500 s.f. min./story (2+ story, principal) 400 s.f. min. (accessory dwelling)
H	Building Height	35' max.
I	Building Separation	15' min. (between principal structure) 10' min (accessory structure)

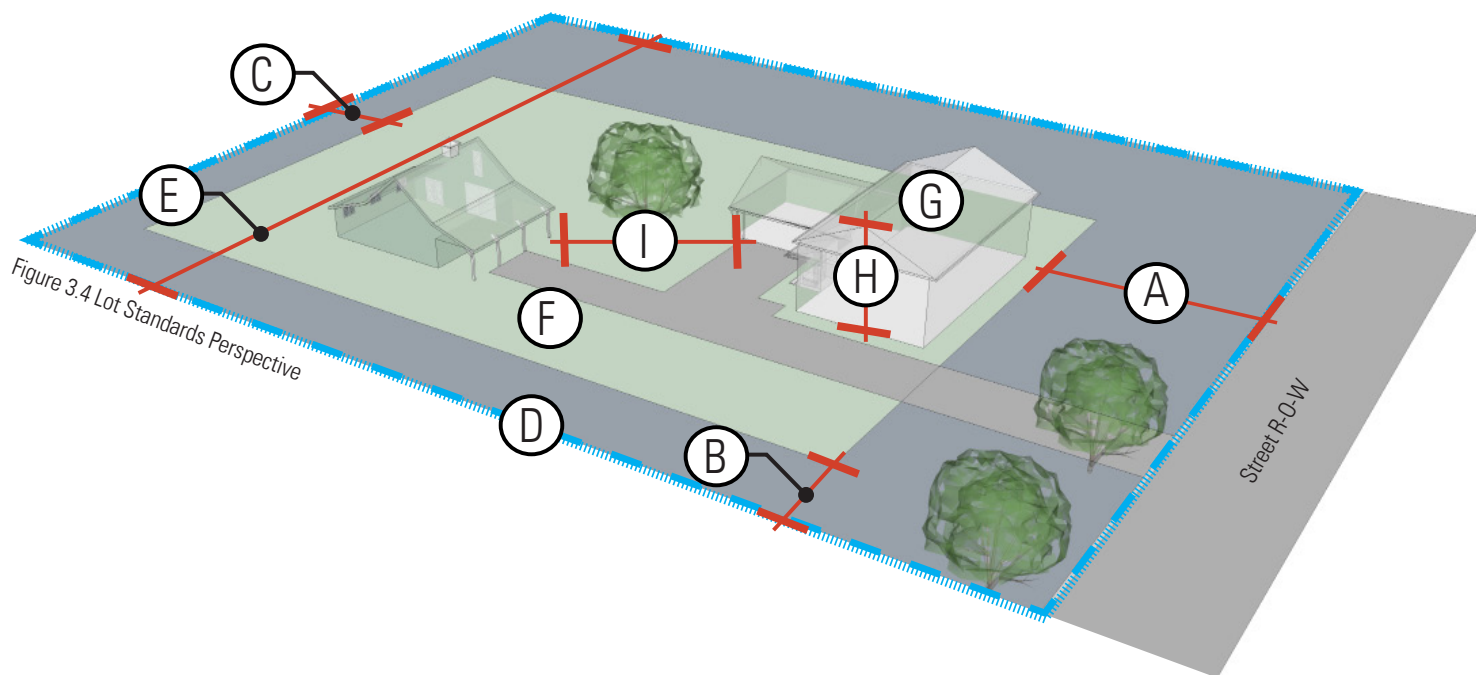


Figure 3.4 Lot Standards Perspective



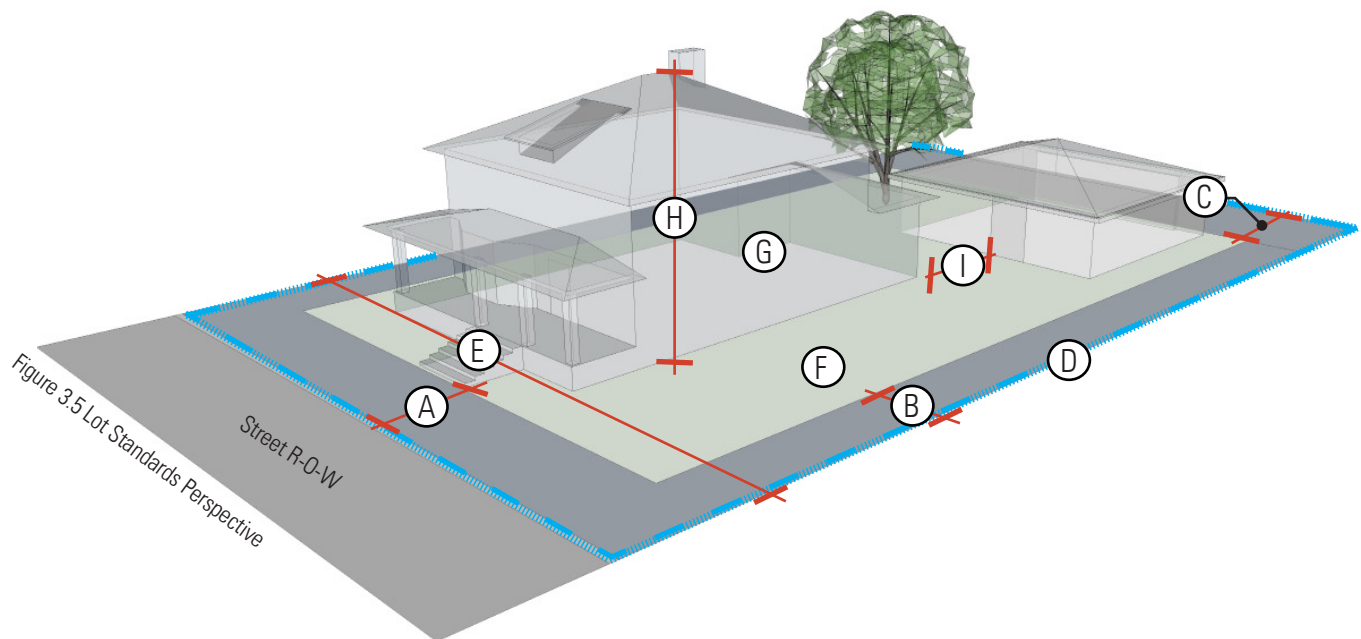
### 3.8 R-1 Single-Family Residential District

- A. Purpose and Intent.** The purpose of the R-1 Single-Family Residential (R-1) district refers to previously zoned residential land in the county. No new areas of R-1 shall be established following the effective date of this Ordinance. Vacant land classified R-1 prior to the effective date of this Ordinance may be developed or subdivided in accordance with these standards.
- B. Character.** The R-1 Single-Family Residential district is a legacy district that includes properties of many types and uses that resulted from previous regulation.
- C. Standards.**
1. Official Zoning Map Amendments Prohibited. Zoning map amendments seeking to establish the R-1 district or enlarge an existing R-1 district are prohibited.
  2. Open Space. Residential subdivisions shall incorporate open space areas configured in accordance with Section 5.15.
  3. Alleys. If an alley or an easement for an alley is present on adjacent lots on the same blockface then development shall be configured to continue the alley in a logical and orderly fashion.
  4. Non-residential development shall comply with the applicable non-residential design standards in Section 5.8.
  5. Residential development (excluding multi-family) shall follow applicable residential design standards in Section 5.10.
  6. Separation. There shall be a minimum separation for residential subdivisions, schools (any combination of K -12), public and private, restaurants, religious institution, place of worship, public, or private wells and/or water intakes, nature preserve / center, park or recreational facility (playgrounds and athletic facilities, unless located on the same property of one thousand three hundred twenty (1,320) feet from any existing confined feeding CAFO operations (foundation wall nearest affected property) to non-agricultural districts and other aforementioned uses.

**D. Lot Standards Table**

A	Front Yard	20' min. [1]
B	Side Yard	10' min. [1]
C	Rear Yard	30' min. 15' min. (on alley)
D	Lot Area	7,500 s.f. min. (with sewer) 1 acre min. (without sewer)
E	Lot Width	70' min.
F	Lot Coverage	50% max.
G	Dwelling Area	950 s.f. min. (1 story, principal structure) 500 s.f. min./story (2+ story, principal structure) 400 s.f. min. (accessory dwelling)
H	Building Height	35' max.
I	Building Separation	15' min. (principal structure) 10' min (accessory structure)

[1] For infill development, required yard shall be between 75% and 125% of the average yard depth for developed lots along the same blockface



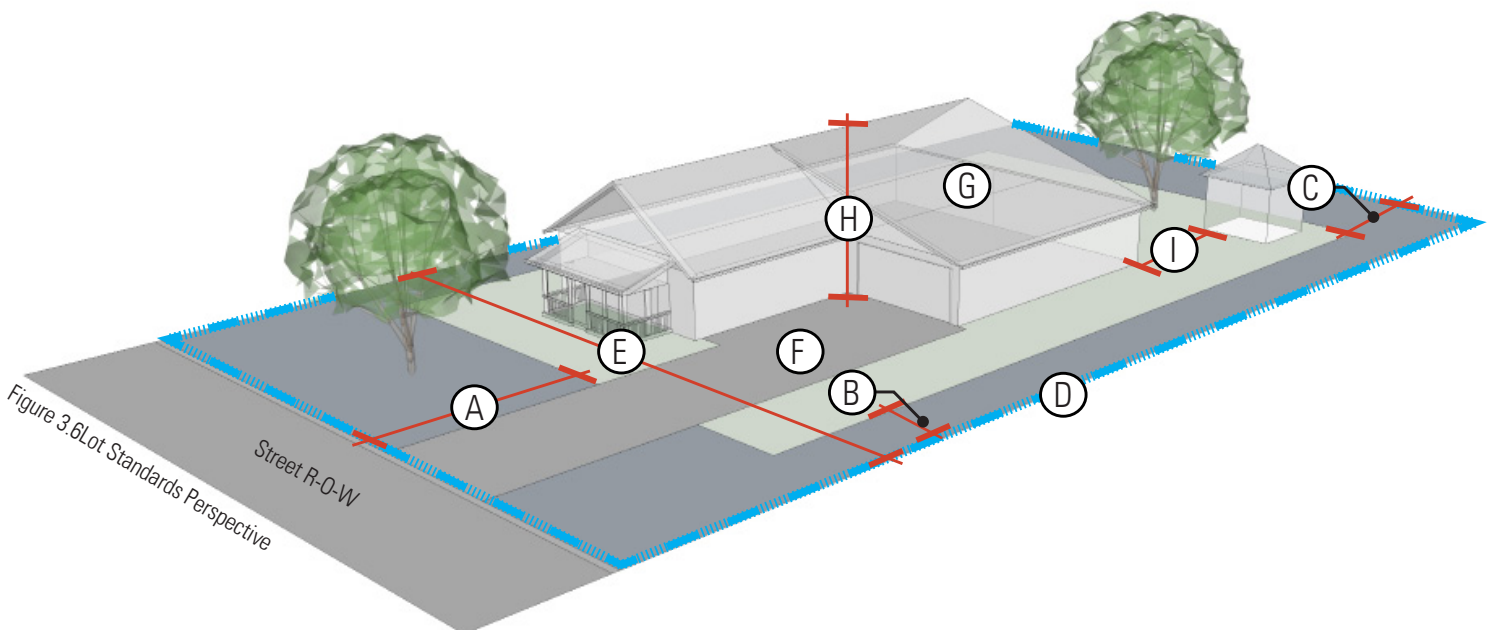


### 3.9 R-2 Suburban Residential District

- A. Purpose and Intent.** The purpose of the R-2 Suburban Residential (R-2) district is to provide adequate land for a blend of single- and two-family residential uses. All development in the district shall be served by public water and public sewer service.
- B. Character.** Development in the R-2 district shall be characterized by a mix of single-family detached and two-family uses in walkable suburban-type neighborhoods. The provision or continuation of alleys is encouraged
- C. Standards.**
1. Residential development (excluding multi-family) shall follow applicable residential design standards in Section 5.10.
  2. Open Space. Residential subdivisions shall incorporate open space areas configured in accordance with Section 5.15.
  3. Non-residential development shall comply with the applicable non-residential design standards in Section 5.8.
  4. Separation. There shall be a minimum separation for residential subdivisions, schools (any combination of K -12), public and private, restaurants, religious institution, place of worship, public, or private wells and/or water intakes, nature preserve / center, park or recreational facility (playgrounds and athletic facilities, unless located on the same property of one thousand three hundred twenty (1,320) feet from any existing confined feeding CAFO operations (foundation wall nearest affected property) to non-agricultural districts and other aforementioned uses.
  5. Alleys. If an alley or an easement for an alley is present on adjacent lots on the same blockface then development shall be configured to continue the alley in a logical and orderly fashion.

**D. Lot Standards Table**

A	Front Yard	25' min. 40' max.
B	Side Yard	10' min.
C	Rear Yard	6' min.
D	Lot Area	8,000 s.f. min.
E	Lot Width	65' min. (residential) 75' min. (non-residential)
F	Lot Coverage	40% max.
G	Dwelling Area	950 s.f. min. (1 story, principal) 500 s.f. min./story (2+ story, principal structure) 500 s.f. min./unit (Two-family) 400 s.f. min. (accessory dwelling)
H	Building Height	35' max.
I	Building Separation	15' min. (principal structure) 10' min (accessory structure)



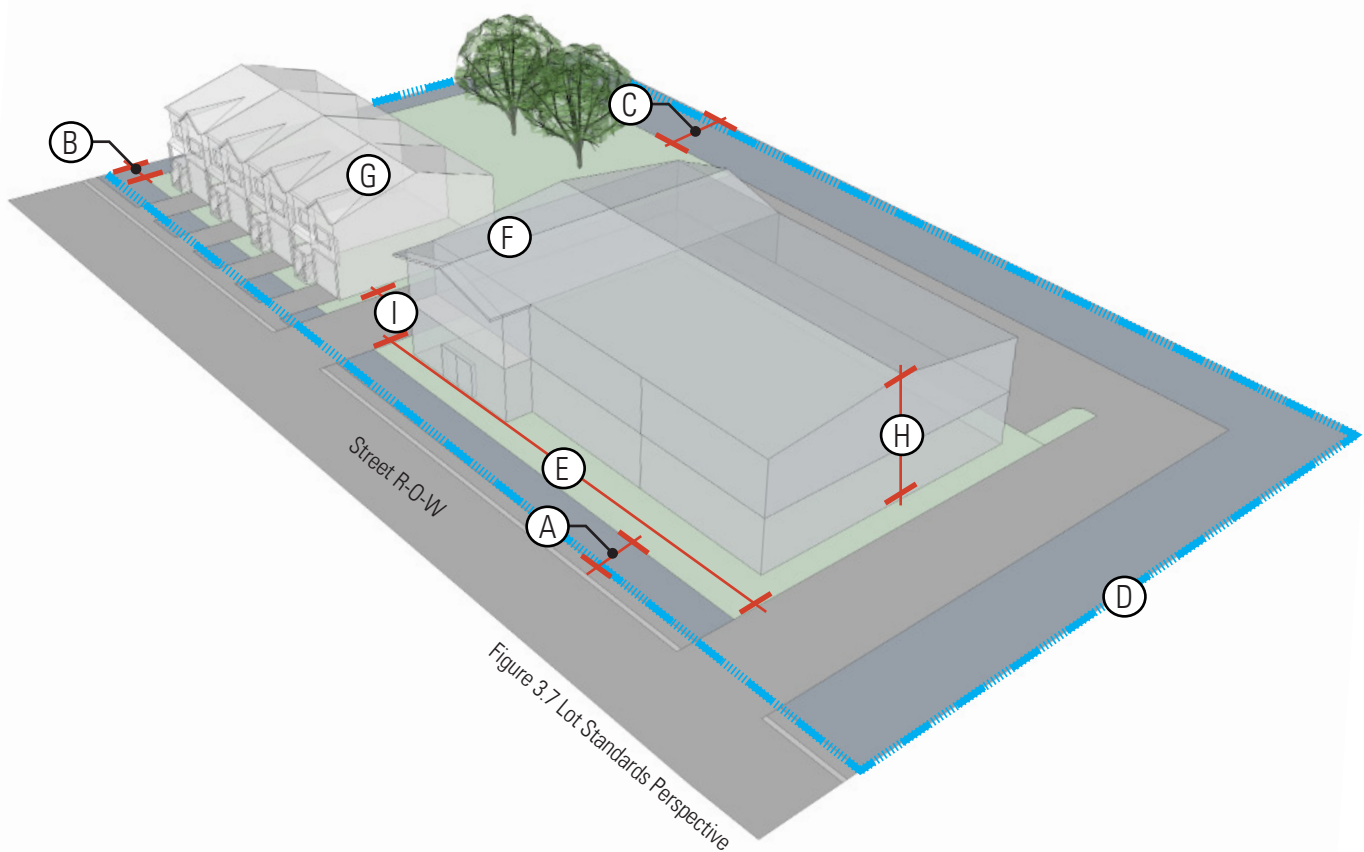


### 3.10 R-3 Urban Residential District

- A. Purpose and Intent.** The R-3 Urban Residential (R-3) district provides for a wide array of housing options at higher densities in urban service areas of the County in accordance with the comprehensive plan. Development in the R-3 district is intended to be compact, pedestrian oriented, and well served by transportation, public water and public sewer service.
- B. Character.** Neighborhoods are characterized by smaller lots, a mix of uses, particularly at major street intersections. The provision or continuation of alleys is encouraged
- C. Standards.**
1. Non-residential development shall comply with the applicable non-residential design standards in Section 5.8.
  2. Multi-family development shall comply with the multi-family design standards in Section 5.9.
  3. Residential development (excluding multi-family) shall follow applicable residential design standards in Section 5.10.
  4. Open Space. Residential subdivisions shall incorporate open space areas configured in accordance with Section 5.15.
  5. Separation. There shall be a minimum separation for residential subdivisions, schools (any combination of K -12), public and private, restaurants, religious institution, place of worship, public, or private wells and/or water intakes, nature preserve / center, park or recreational facility (playgrounds and athletic facilities, unless located on the same property of one thousand three hundred twenty (1,320) feet from any existing confined feeding CAFO operations (foundation wall nearest affected property) to non-agricultural districts and other aforementioned uses.

**D. Lot Standards Table**

A	Front Yard	15' min. 25' max.
B	Side Yard	10' min.
C	Rear Yard	6' min.
D	Lot Area	7,000 s.f. min. (residential, not multi-family) 20,000 s.f. min. (all others)
E	Lot Width	55' min. (residential, not multi-family) 55' + 5'/unit up to 110' (multi-family) 65' min. (non-residential)
F	Lot Coverage	50% max.
G	Dwelling Area	950 s.f. min. (1 story, principal structure) 500 s.f. min./story (2+ story, principal structure) 500 s.f. min./unit (Two-family) 400 s.f. min. (per multi-family unit, accessory dwelling unit)
H	Building Height	45' max. (single-use) 55' max. (mixed-use)
I	Building Separation	10' min. (principal structure) 5' min. (accessory structure)





### 3.11 R-4 Manufactured Housing District

- A. Purpose and Intent.** The purpose of the R-4 Manufactured Home Park (R-4) District is to encourage the development of manufactured home parks in a well-planned environment located along rural thoroughfares. The R-4 is intended to provide for leased-lot neighborhoods of manufactured homes near compatible infrastructure (streets and utilities), commercial services, other high density housing or open space. These developments are similar to multifamily developments with greater setbacks, smaller living spaces, and higher densities. Development in the R-4 district shall be developed with with necessary community services (paved roads, public or on-site water and wastewater facilities, and open space). These districts should be located in areas and manner where they will be compatible with adjacent land uses.
- B. Character.** Land in the R-4 district is intended to be organized as a cohesive neighborhood served by an appropriate street system that provides sufficient and safe access while also protecting pedestrians.
- C. Standards.** A manufactured housing or mobile home park shall comply with the following standards:
1. Open Space. Residential subdivisions shall incorporate open space areas configured in accordance with Section 5.15.
  2. Manufactured Home development shall follow applicable residential design standards in Section 5.11.
  3. Separation. There shall be a minimum separation for residential subdivisions, schools (any combination of K -12), public and private, restaurants, religious institution, place of worship, public, or private wells and/or water intakes, nature preserve / center, park or recreational facility (playgrounds and athletic facilities), unless located on the same property of one thousand three hundred twenty (1,320) feet from any existing confined feeding CAFO operations (foundation wall nearest affected property) to non-agricultural districts and other aforementioned uses.



**D. Lot Standards Table**

Home Site			Park Site	
A	Front Yard	10' min.	K	Area
B	Side Yard	10' min.	L	Width
C	Rear Yard	10' min.	M	Set Back
D	Lot Area	3,500 s.f. min. (with sewer) 1 acre min. (without sewer)	N	Depth
E	Lot Width	35' min. (with sewer) 112' min. (without sewer)		
F	Lot Depth	3.5 times lot width max.		
G	Lot Coverage	40% max. (with sewer) 20% max. (without sewer)		
H	Dwelling Area	950 s.f. min. (1 story) of occupiable space 500 s.f. min./story (2+ story) 720 s.f. min. (mobile home)		
I	Building Height	35' max. 20' max. (mobile home) 10' max. (accessory structure)		
J	Building Separation	15' min. (principal structure) 10' min. (accessory structure)		

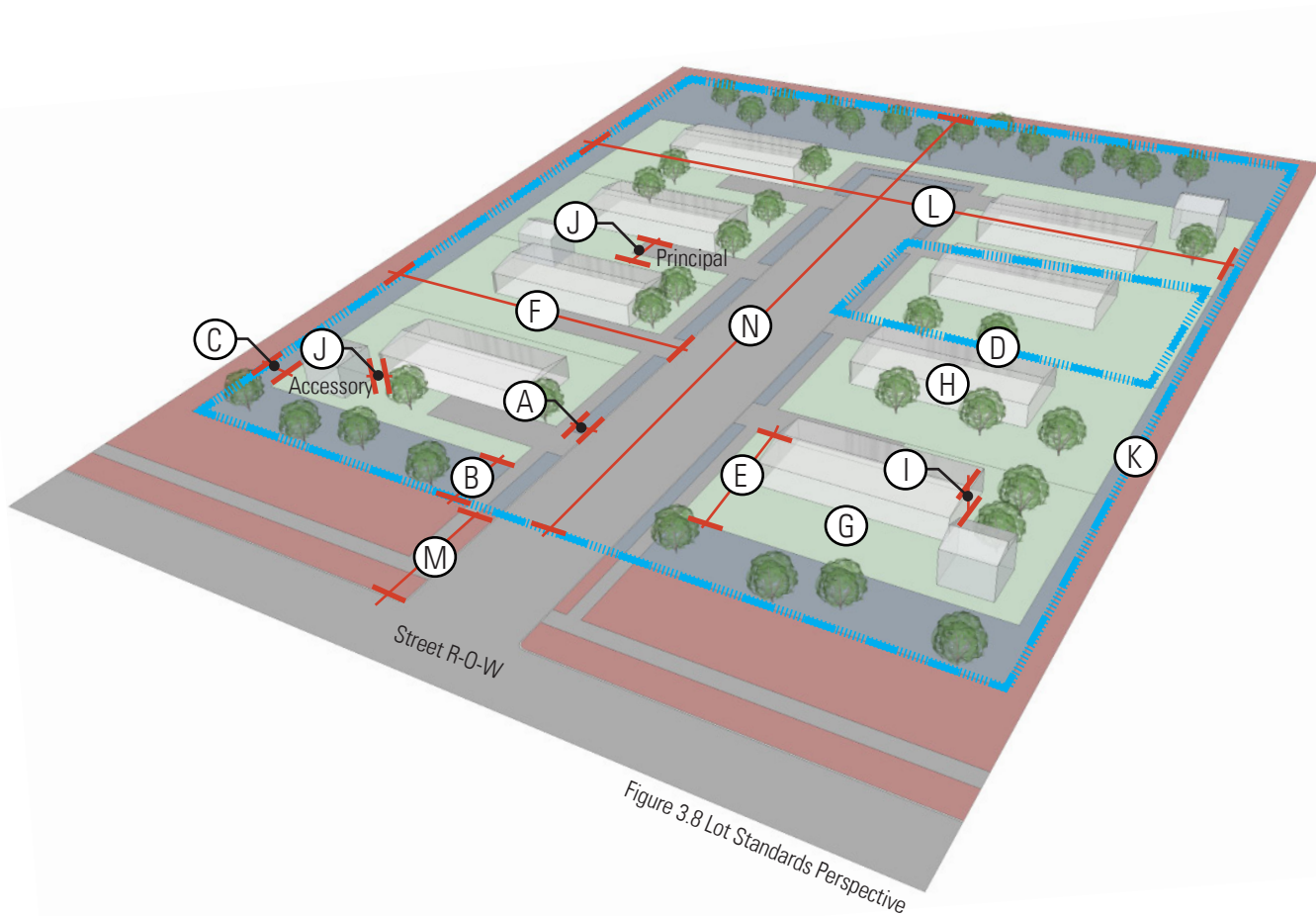


Figure 3.8 Lot Standards Perspective

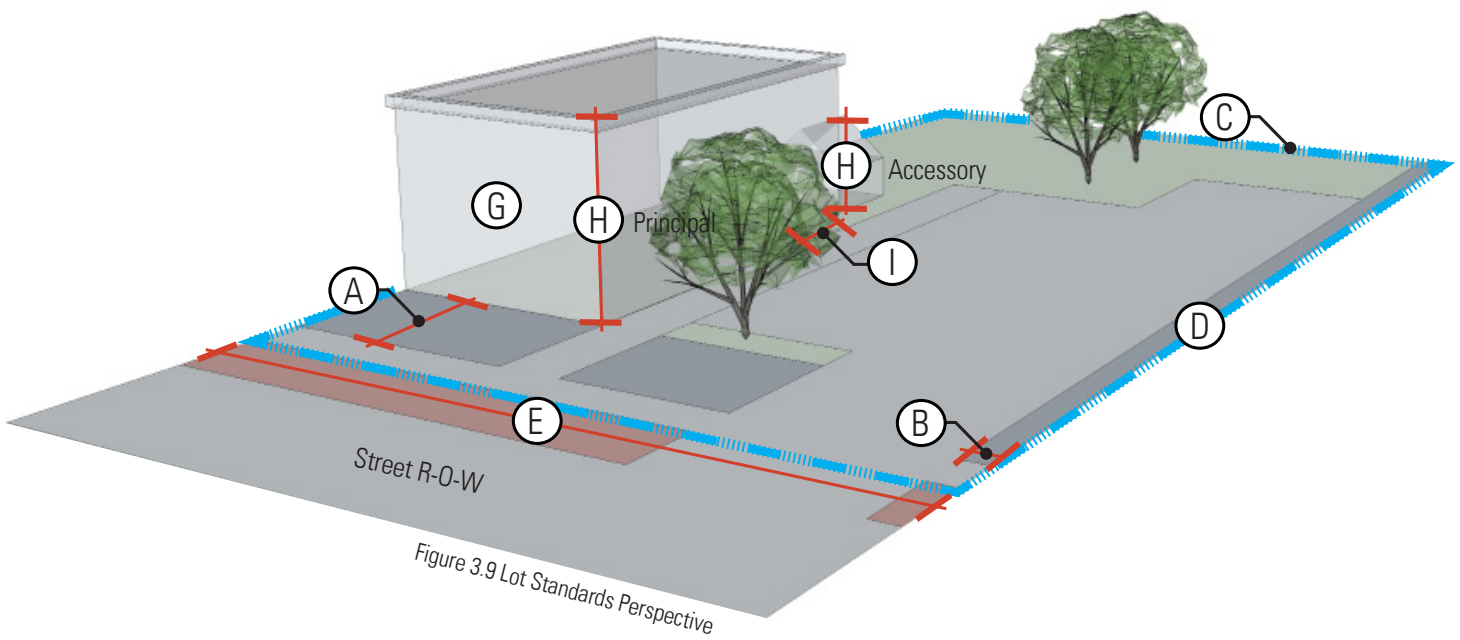


### 3.12 C-1 Urban Commercial District

- A. Purpose and Intent.** The C-1 Urban Commercial (C-1) district is established to accommodate a wide range of general retail, business, service, office, and institutional uses that serve the community areas in accordance with the comprehensive plan. These areas comprise downtown and urban shopping areas that are well served by streets, sidewalks, public utilities, and pedestrian-oriented gathering spaces. Multi-family uses are encouraged as stand-alone buildings and on the upper floors of retail and office buildings as a part of mixed-use development.
- B. Character.** Development in the C-1 district should be organized as a blend of compact, pedestrian-oriented mixed and single-use buildings supplemented with pedestrian amenities like gathering areas, seating, or outdoor display or dining along facades bounded by streets. Walkable developments are encouraged and sidewalks may be required. The provision or continuation of alleys is encouraged
- C. Standards.**
1. Non-residential development shall comply with the applicable non-residential design standards in Section 5.8.
  2. Multi-family development shall comply with the multi-family design standards in Section 5.9.
  3. Open Space. Residential subdivisions shall incorporate open space areas configured in accordance with Section 5.15.
  4. Inclusion of a drive-through shall require approval of a special exception.
  5. Separation. There shall be a minimum separation for residential subdivisions, schools (any combination of K -12), public and private, restaurants, religious institution, place of worship, public, or private wells and/or water intakes, nature preserve / center, park or recreational facility (playgrounds and athletic facilities, unless located on the same property of one thousand three hundred twenty (1,320) feet from any existing confined feeding CAFO operations (foundation wall nearest affected property) to non-agricultural districts and other aforementioned uses.

**D. Lot Standards Table**

A	Front Yard	0' max
B	Side Yard	5' min. from a residential district (only applicable when it's immediately adjacent, and not separated by a street or alley) otherwise none
C	Rear Yard	5' min. from a residential district (0' if an alley is present), otherwise none
D	Lot Area	7,500 s.f. min.
E	Lot Width	65' min.
F	Lot Coverage	100% max.
G	Dwelling Area	950 s.f. min. (1 story) 500 s.f. min./story (2+ story) 400 s.f. min. (multi-family and accessory dwelling unit)
H	Building Height	35' max. (single-use) 55' max. (mixed-use) 15' max. (accessory structure)
I	Building Separation	15' from residential, otherwise none 10' min. (accessory structure)



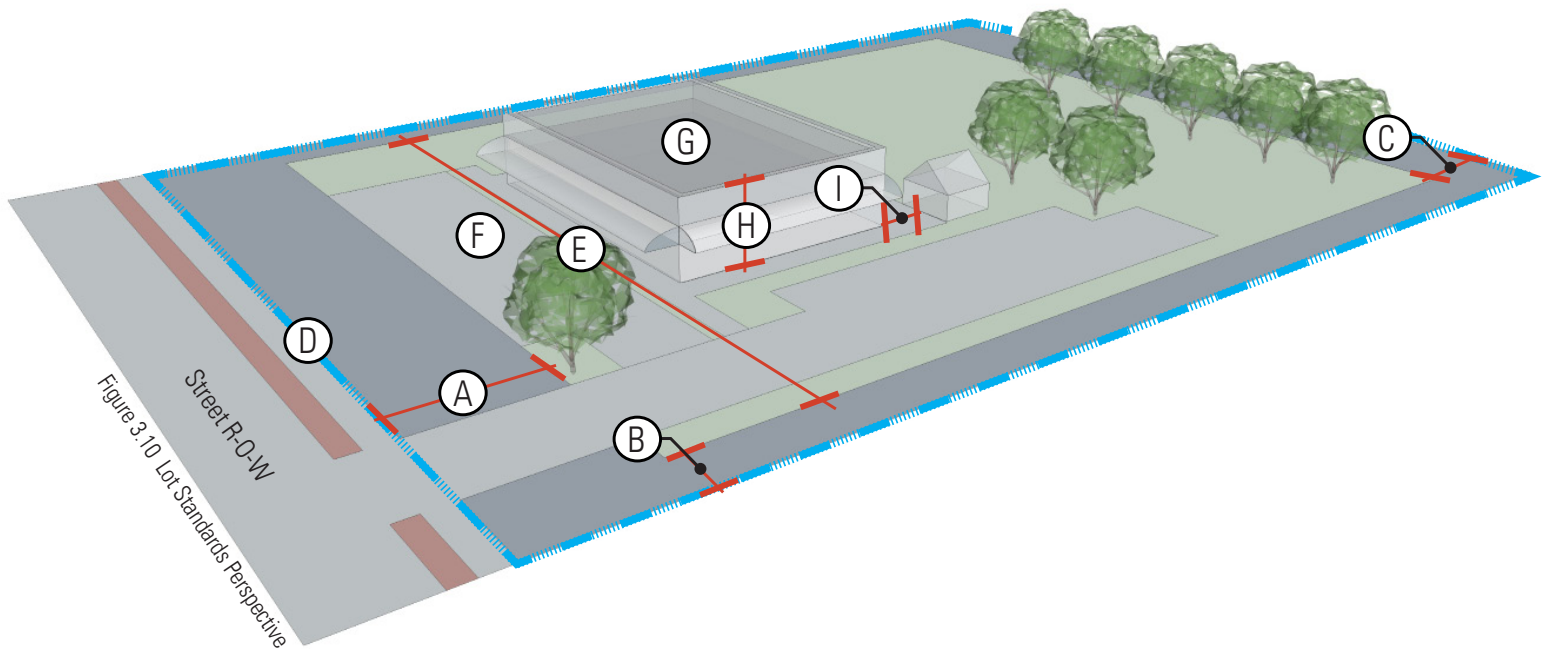


### 3.13 C-2 Suburban Commercial District

- A. Purpose and Intent.** The C-2 Suburban Commercial (C-2) district is established to accommodate moderate-to-large-scale retail, business, and service uses for motorists and shoppers at key roadway intersections and on lots lining corridors. Development in the C-2 district should be well-served by transportation infrastructure, and public water and sewer service.
- B. Character.** Development in the C-2 district tends to be comprised primarily of low-rise, dispersed, auto-oriented buildings served with sufficient amounts of off-street parking organized into surface lots. Larger developments often include out lots or out parcels with stand-alone commercial structures adjacent to the roadway. Shared Parking and a Compact Development Pattern is encouraged in this district.
- C. Standards.**
1. Non-residential development shall comply with the applicable non-residential design standards in Section 5.8.
  2. Multi-family development shall comply with the multi-family design standards in Section 5.9.
  3. Open Space. Residential subdivisions shall incorporate open space areas configured in accordance with Section 5.15.
  4. Separation. There shall be a minimum separation for residential subdivisions, schools (any combination of K -12), public and private, restaurants, religious institution, place of worship, public, or private wells and/or water intakes, nature preserve / center, park or recreational facility (playgrounds and athletic facilities, unless located on the same property of one thousand three hundred twenty (1,320) feet from any existing confined feeding CAFO operations (foundation wall nearest affected property) to non-agricultural districts and other aforementioned uses.

**D. Lot Standards Table**

A	Front Yard	40' min.
B	Side Yard	15' min.
C	Rear Yard	30' min.
D	Lot Area	11,000 s.f. min.
E	Lot Width	65' min.
F	Lot Coverage	75% max.
G	Dwelling Area	720 s.f. min.
H	Building Height	35' max. (single-use) 55' max. (mixed-use) 15' max. (accessory)
I	Building Separation	15' min. from residential, otherwise none 10' min. (accessory)



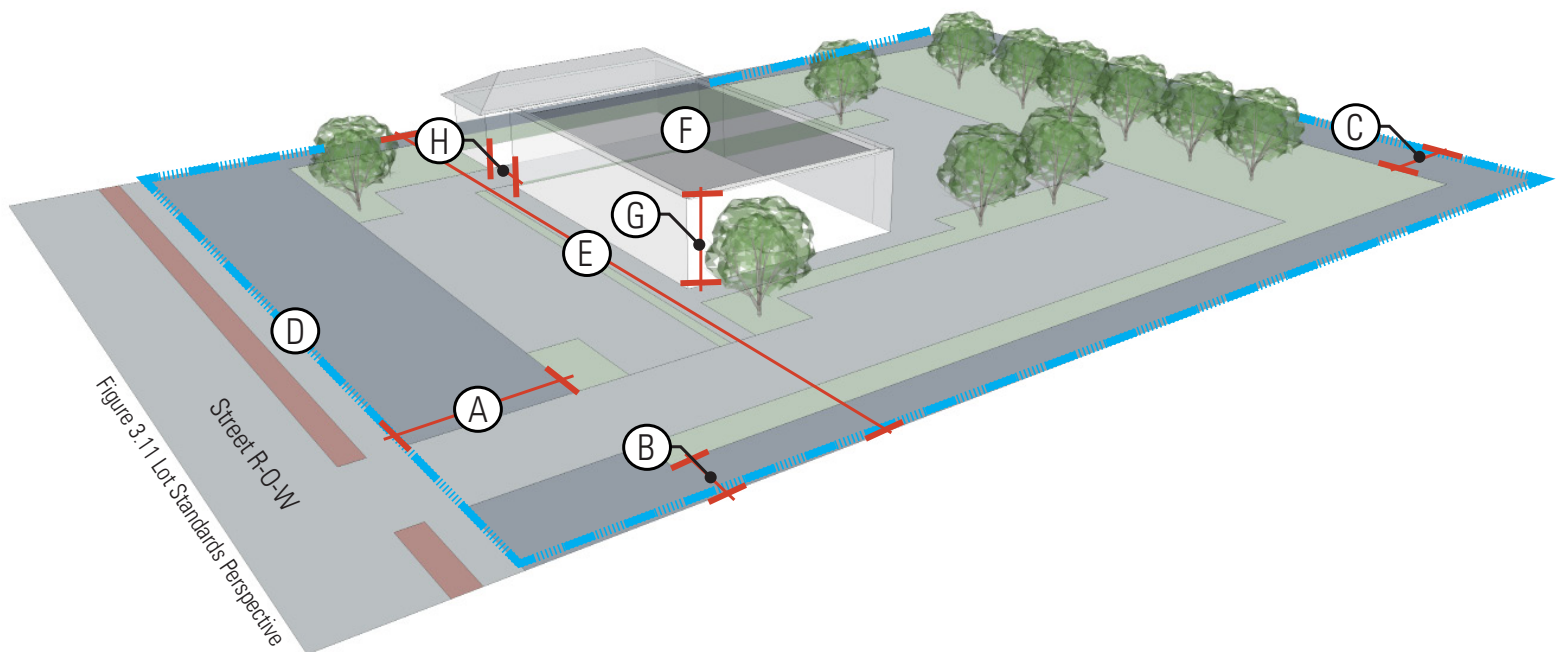


### 3.14 L-I Light Industrial District

- A. Purpose and Intent.** The L-I Light Industrial (L-I) district is intended to provide for a broad range of light industrial and heavy commercial uses that encourage the creation and retention of employment opportunities for residents of the County. L-I districts should be located only in areas with level topography, adequate public utilities, and a roadway system designed for good access to arterial streets and highways by truck traffic in accordance with the Comprehensive Plan.
- B. Character.** Development in the L-I district includes industrial and commercial structures engaged in employment-related activities, primarily within buildings. Structures vary in height and size, but do not include a significant amount of windows or ornamentation. Sites are often fenced to protect equipment, materials, or finished products. Mechanical equipment may be attached to the building's exterior or located on the ground.
- C. Standards.**
1. Outdoor storage and display of products for sale shall be screened from view from any public right-of-way or land in a residential zoning district with a buffer specified in Table 5.7 Buffer Types.
  2. Outdoor processing, manufacturing, or assembly is prohibited on lots that abut a residential zoning district.
  3. Noise levels shall comply with the Pulaski County Building Code.
  4. Separation. There shall be a minimum separation for residential subdivisions, schools (any combination of K -12), public and private, restaurants, religious institution, place of worship, public, or private wells and/or water intakes, nature preserve / center, park or recreational facility (playgrounds and athletic facilities, unless located on the same property of one thousand three hundred twenty (1,320) feet from any existing confined feeding CAFO operations (foundation wall nearest affected property) to non-agricultural districts and other aforementioned uses.

**D. Lot Standards Table**

A	Front Yard	40' min.
B	Side Yard	15' min.
C	Rear Yard	30' min.
D	Lot Area	43,560 s.f. (1 acre) min.
E	Lot Width	100' min.
F	Lot Coverage	75% max.
G	Building Height	75' max. (principal) 35' max. (accessory)
H	Building Separation	15' min. (principal) 10' min. (accessory)





### 3.15 H-I Heavy Industrial District

- A. Purpose and Intent.** The H-I Heavy Industrial (H-I) district is intended to provide for a broad range of heavy industrial uses including manufacturing, assembly, fabrication, resource extraction, and large scale or specialized industrial operations that may create adverse impacts on incompatible uses of land like residential or areas of environmental sensitivity.
- B. Character.** The H-I district is typically located in areas with large lots where industrial and employment-related activities take place both within and outside structures. Development typically includes large buildings with substantial amounts of building-mounted and ground-based mechanical equipment. Sites often include large operations yards or areas containing raw materials, equipment, or products that are fenced. Operations may take place at all hours.
- C. Standards.**
1. Outdoor storage and display of products for sale shall be screened from view from any public right-of-way or land in a residential zoning district with a buffer specified in Table 5.7 Buffer Types.
  2. Noise levels shall comply with the Pulaski County Building Code.
  3. Separation. There shall be a minimum separation for residential subdivisions, schools (any combination of K -12), public and private, restaurants, religious institution, place of worship, public, or private wells and/or water intakes, nature preserve / center, park or recreational facility (playgrounds and athletic facilities, unless located on the same property of one thousand three hundred twenty (1,320) feet from any existing confined feeding CAFO operations (foundation wall nearest affected property) to non-agricultural districts and other aforementioned uses.



**D. Lot Standards Table**

A	Front Yard	40' min.
B	Side Yard	15' min.
C	Rear Yard	30' min.
D	Lot Area	2 acre min.
E	Lot Width	100' min.
F	Lot Coverage	75% max.
G	Building Height	75' max. (principal) 35' max. (accessory)
H	Building Separation	15' min. (principal) 10' min. (accessory)

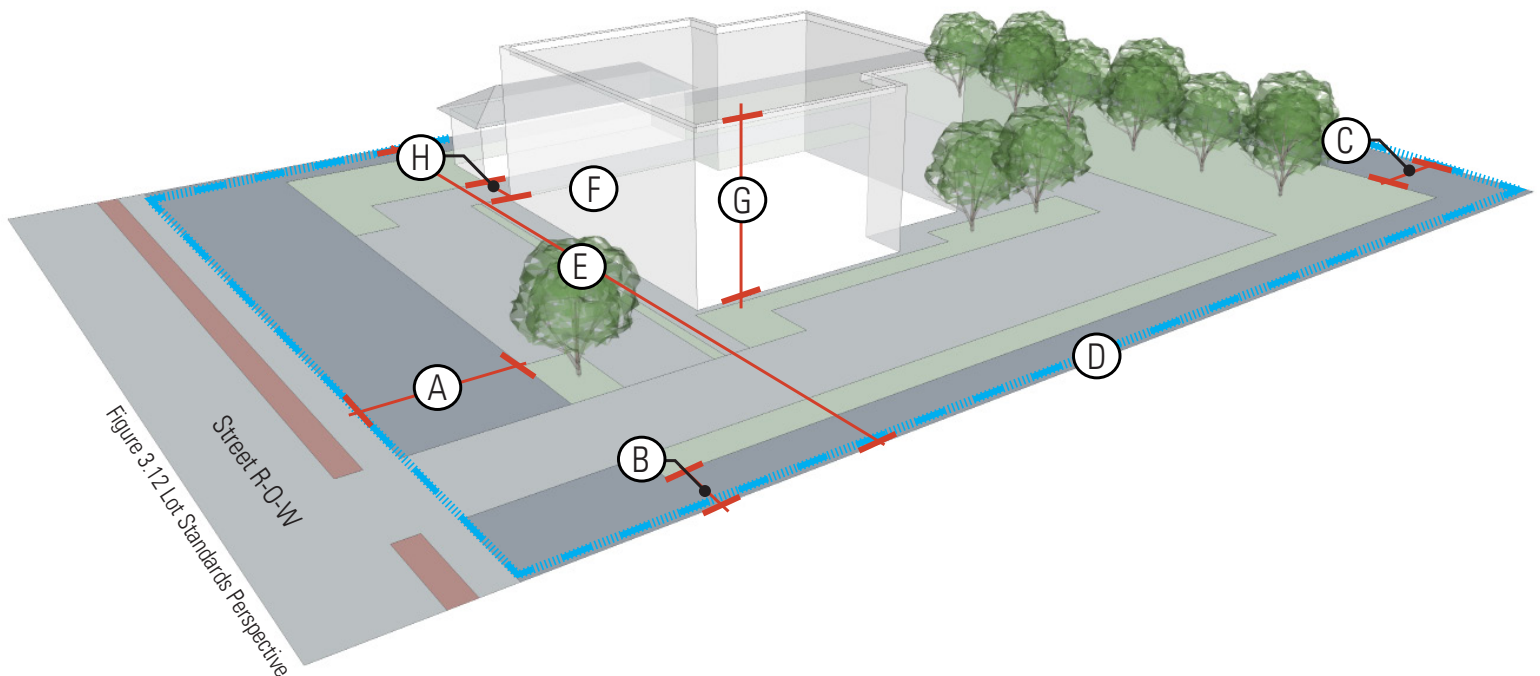


Figure 3.12 Lot Standards Perspective

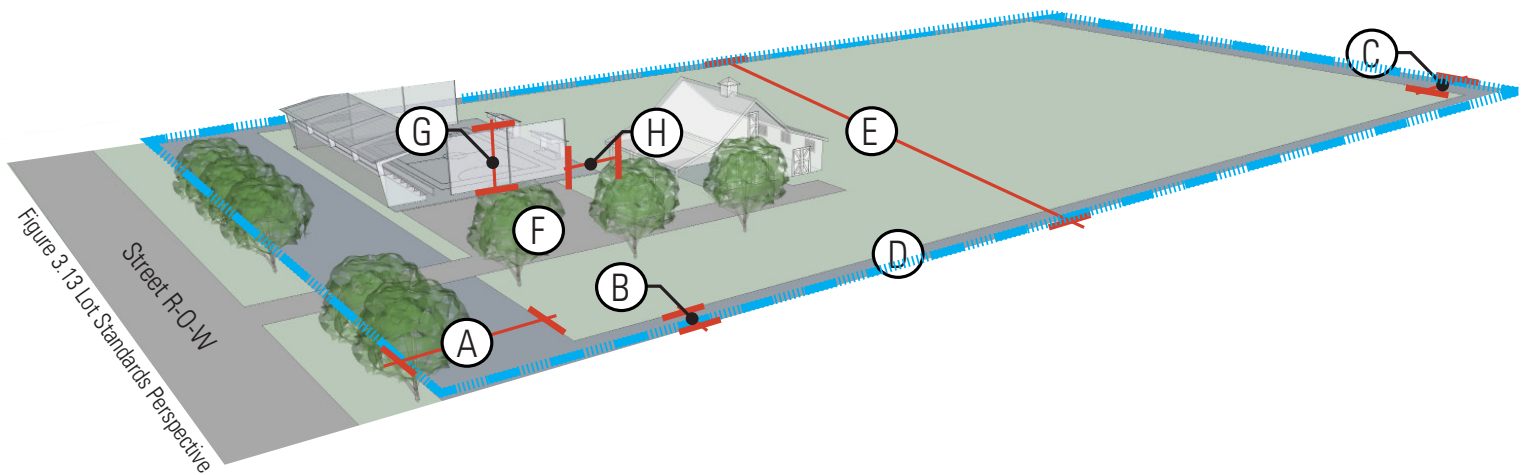


### 3.16 R-D Recreational District

- A. Purpose and Intent.** The R-D Recreational Development (R-D) district is intended to provide opportunities for the development of privately-owned uses that mix recreation, resort, and entertainment-related features both indoors and outdoors while protecting adjacent areas from potentially negative impacts such as noise, traffic congestion, and intrusive exterior lighting. Uses in the R-D district are located on large sites that allow for an evolving configuration of development. The R-D district should be located in areas well-served by public utilities, transportation access and proximate to urban areas.
- B. Character.** The R-D district includes a wide variety of development configurations mixed in with vacant and conservation land that supplement the recreational character of the district.
- C. Standards.**
1. Non-residential development shall comply with the applicable non-residential design standards in Section 5.8.
  2. All new lots that are created within this district shall have frontage on and access to a federal or state highway or a primary county or municipal road.
  3. Through Lots. A through lot shall meet minimum front yard setback requirements along all lot lines abutting a street.
  4. Separation. There shall be a minimum separation for residential subdivisions, schools (any combination of K -12), public and private, restaurants, religious institution, place of worship, public, or private wells and/or water intakes, nature preserve / center, park or recreational facility (playgrounds and athletic facilities, unless located on the same property of one thousand three hundred twenty (1,320) feet from any existing confined feeding CAFO operations (foundation wall nearest affected property) to non-agricultural districts and other aforementioned uses.

**D. Lot Standards Table**

A	Front Yard	40' min.
B	Side Yard	15' min.
C	Rear Yard	30' min.
D	Lot Area	43,560 s.f. (1 acre) min.
E	Lot Width	65' min.
F	Lot Coverage	65% max.
G	Building Height	35' max. (single-use)
		55' max. (amusement structure)
		55' max. (mixed-use)
		15' max. (accessory)
H	Building Separation	15' min. (principal) 10' min. (accessory)



### 3.17 P-D Planned Unit Development District

**A. Purpose and Intent. A P-D Planned Unit Development (P-D) district is established and intended to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other County goals and objectives by:**

1. Reducing or diminishing the inflexibility or uniform design that sometimes results from strict application of zoning and development standards designed primarily for individual lots;
2. Allowing greater freedom in selecting the means of providing access, open space, and design amenities;
3. Allowing greater freedom in providing a well-integrated mix of residential and nonresidential uses in the same development, including a mix of housing types, lot sizes, and densities;
4. Providing for efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs; and
5. Promoting quality design and environmentally sensitive development that respects surrounding established land use character and respects and takes advantage of a site's natural and man-made features.

**B. Character. Land shall be classified into a planned development zoning district only in accordance with the procedures and requirements set forth in this section.**

**C. Site Plan Required. All development in a P-D district shall be subject to a Site Plan that is submitted by an applicant and approved by the Pulaski County Commissioners as part of the ordinance establishing the P-D district. At a minimum, the construction plan shall describe the following features and specify how the proposed development does or does not comply with the applicable standards in this Ordinance. In cases where proposed development does not comply with the applicable standards in this Ordinance, the construction plan shall clearly indicate why the proposed deviation is necessary and how the overall development quality and function will exceed the levels that would have otherwise occurred through strict compliance with the standards in this Ordinance. In no instance shall a P-D development fail to comply with the minimum standards for subdivisions set out in Article 6: Subdivisions. A P-D Site Plan shall include:**

1. A description of the planning objectives for the district;
2. Identification of the general location of individual development areas, identified by land use(s) and/or development intensity;
3. A general depiction of the proposed site configuration, including proposed building types (e.g., single-family residential, multi-family residential, commercial, institutional, etc.);
4. The total number of residential units and nonresidential floor area (including outdoor use area);
5. The general location, amount, and type (whether designated for active or passive recreation) of open space;
6. Identification of environmentally sensitive lands, wildlife habitat, and resource protection lands;
7. A general depiction of the on-site transportation circulation system, and how it will connect with existing and planned County systems;
8. The general location of on-site potable water and sewer facilities, and how they will connect to existing systems;
9. The general location of on-site stormwater management facilities, and how they will connect to existing systems; and

Reference: Section 3.17  
Planned Unit Development  
Procedures .

10. The general location of all other on-site public facilities serving the development, including but not limited to parks, schools, and facilities for fire protection, police protection, EMS, and solid waste management.

**D. Dimensional Standards. The dimensional standards applicable in each development area of a P-D district shall be as established in the construction plan, and shall describe following types of dimensional standards:**

1. Minimum lot area;
2. Minimum lot width;
3. Minimum and maximum yards;
4. Maximum lot coverage;
5. Maximum building height; and
6. Minimum individual dwelling size.

**E. Consistency with the Comprehensive Plan. The P-D zoning district classification and the construction plan shall be consistent with adopted plans.**

**F. Compatibility with Surrounding Areas. Development along the perimeter of a P-D district shall be compatible with adjacent existing or proposed development. Where there are issues of compatibility, the construction plan shall provide for transition areas at the edges of the P-D district that provide for appropriate buffering and/or ensure a complementary character of uses. Determination of complementary character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, hours of operation, exterior lighting, siting of service areas, or other aspects identified through the review and approval process.**

1. Separation. There shall be a minimum separation for residential subdivisions, schools (any combination of K-12), public and private, restaurants, religious institution, place of worship, public, or private wells and/or water intakes, nature preserve / center, park or recreational facility (playgrounds and athletic facilities, unless located on the same property of one thousand three hundred twenty (1,320) feet from any existing confined feeding CAFO operations (foundation wall nearest affected property) to non-agricultural districts and other aforementioned uses.

**G. Development Phasing Plan. If development in the P-D district is proposed to be phased, the construction plan shall include a development phasing plan that identifies the general sequence or phases in which the district is proposed to be developed, including how residential, nonresidential, and mixed-use development will be timed, how infrastructure (public and private) and open space will be provided and timed.**

**H. Uses. Table 4.1 Principal Use Table specifies the range of permitted and special exception uses in a Planned Unit Development (P-D) district. Uses that do not fall into this category may be permitted if the Planned Unit Development district includes a list of permitted and special exception uses as part of the adopted Planned Unit Development Ordinance.**

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# 4

## Use Standards

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## 4.1 Permitted and Special Exception Land Uses

### A. Use Table Generally.

**B. Table 4.1 Permitted and Special Exception Land Uses lists principal use types and indicates for each zoning district whether the use type is permitted by right, permitted by special exception, or prohibited in a zoning district. A principal use is the primary or predominant use on a lot or parcel of land.**

1. The range of available zoning districts is listed across the top of the table and the range of use types are listed down the left side.
2. The column on the far right-hand side of the table includes a cross reference to any applicable use-specific standard applied to the use type, regardless of the zoning district where it is proposed.
3. Development Standards and allowable location for accessory uses are listed in Section 4.1 Accessory Use Table.

**C. Permitted Uses. A "P" in a cell of the Permitted and Special Exception Use table indicates that the specific use type is permitted by right in the corresponding zoning district, subject to compliance with any use-specific standards referenced in the Permitted and Special Exception Use table and the development standards of the district.**

**D. Special Exception Uses. An "S" in a cell of the Permitted and Special Exception Use table indicates that the specific use type is permitted in the corresponding zoning district only upon approval of a special exception in accordance with Section 2.4 (P) Special Exception, and any use-specific standards referenced in the principal use table. The development standards of the District and any conditions, or commitments shall be attached to the Special Exception approval letter.**

**E. Prohibited Uses. A blank cell in the principal use table indicates that the specific use type is prohibited in the corresponding zoning district.**

### F. Additional Standards Apply.

1. When a specific use type is permitted in a zoning district and there is a cross reference included under the "Additional Standards" column, there are additional use-specific standards that apply to the use, regardless of the zoning district where it is proposed.
2. A Development Plan may be required per Section 2.3 (E).
3. Whenever development is contemplated within 100 feet of a burial ground as defined by IC 14-21-1-3, a development will also be subject to IC 14-21-1-26.5.

**G. Uses Not Listed. For use types not listed in the Permitted and Special Exception Use table, the Administrator shall determine which use category or use type to which the land use most closely aligns in accordance with provisions of this Section. In making such determinations, the Administrator shall consider all relevant characteristics of the unlisted use and be directed by the following factors and variables:**

1. The function, product, or physical characteristics of the use;
2. The impact on adjacent lands created by the use;
3. The type, size, and nature of buildings and structures associated with the use;
4. The type of sales (retail, wholesale), and the size and type of items sold and displayed on the premises;
5. The types of items stored (such as vehicles, inventory, merchandise, chemicals, construction materials, scrap and junk, and raw materials including liquids and powders);
6. The volume and type of vehicle traffic generated by the use, and the parking demands of the use;



7. Any processing associated with the use, including assembly, manufacturing, warehousing, shipping, distribution, and whether it occurs inside or outside a building;
8. Any dangerous, hazardous, toxic, or explosive materials associated with the use;
9. The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes; and
10. Any prior determinations made by the Administrator, or decisions made by the Board of Zoning Appeals. The Administrator may also determine that a proposed use does not align with any of the use classifications, in which case, the petitioner may appeal the determination or seek a use variance.

#### **H. Effect of Approval of Unlisted Use.**

1. After the Administrator determines the most appropriate use category or use type for the unlisted use, it is subject to any and all requirements of that use category or use type (e.g., additional standards).
2. The Administrator shall also determine whether the unlisted use is likely to be common or recur frequently, and whether its omission from the list is likely to lead to uncertainty and confusion. On determining that the unlisted use is likely to be common and would lead to confusion if unlisted, the Administrator shall initiate an application for a text amendment to add the use type to this Ordinance.

Table 4.1 - Permitted and Special Exception Uses

## LEGEND

P- Permitted Use

S- Special Exception Use

Principal Land Use	Use Type	A-1	A-2	R-R	R-1	R-2	R-3	R-4	C-1	C-2	L-I	H-I	R-D	P-D	Classifications & Additional Standards
<b>Agriculture</b>															
Agricultural Processing	Agricultural packing and processing (non-animal)	P	P								P	P			4.2,D,1,a
	Agricultural storage and distribution	P	P								P	P			4.2,D,1,b
	Farm co-op facility	P	P								P	S			4.2,D,1,c
Animal-Related Uses	Animal boarding (including kennels)	P	S	S						P	P			P	4.2,D,2,a 4.3,B,1,a
	Animal Feeding Operation (AFO)	P	P												4.2,D,2,b 4.3,B,1,b
	Equestrian Facility	P	P	P	S								P	P	4.2,D,2,c 4.3,B,1,c
Crop Production	Aquaculture	P	P												4.2,D,3,a
	Horticulture	P	P												4.2,D,3,b
	Row, field, and tree crops, pasture land	P	P												4.2,D,3,c
	Silviculture	P	P										P		4.2,D,3,d
	Viticulture	P	P											P	4.2,D,3,e
	Apiary	P	P	S									S		4.2,D,3,f
High Intensity Agriculture	Concentrated animal feeding operation (CAFO)		P												4.2,D,4,a 4.3,B,2,a
	Confined feeding operation (CFO)		P												4.2,D,4,b 4.3,B,2,b
	Packing and processing animal products	S	P									S			4.2,D,4,c
Product Sales	Farm equipment sales & service	S							S	P	P	S			4.2,D,5,a 4.3,B,3
	Farm supply sales	S							S	P	P	S			4.2,D,5,b 4.3,B,3
	Farmer's market	P	P	P	S				P	P	P	S	P	P	4.2,D,5,c 4.3,B,3
	Pick-your-own establishments	P	P	S									P		4.2,D,5,d 4.3,B,3
	Agritourism	P	S	S											4.2,D,5,e 4.3,B,3

Table 4.1 - Permitted and Special Exception Uses (cont)

Principal Land Use	Use Type	A-1	A-2	R-R	R-1	R-2	R-3	R-4	C-1	C-2	L-I	H-I	R-D	P-D	Classifications & Additional Standards
<b>Residential</b>															
Group Living	Assisted living			S		S	S		P	P				P	4.2E,1,a 4.3.C.1,a
	Continuing care retirement community (CRCC)			S			P		P	S				P	4.2E,1,b 4.3.C.1,b
	Group home			P	P	P	P		S	S				P	4.2E,1,c 4.3.C.1,c
	Nursing home			S		S	P		P	P				P	4.2E,1,d
	Rooming house	S			P	P	P		S					P	4.2E,1,e 4.3.C.1,d
Individual Dwelling	Duplex				P	P	P	P	S					P	4.2,E,2,a 4.3.C.2,a
	Live/work dwelling	S					P		P	P				P	4.2,E,2,b 4.3.C.2,b
	Manufactured home park							P							4.2,E,2,c 4.3.C.2,c
	Mobile home							P							4.2,E,2,d
	Multi-family dwelling						P		P					P	4.2,E,2,e 4.3.C.2,d
	Quadplex dwelling						P	S						P	4.2,E,2,f
	Single-family attached					S	P	S	P	S				P	4.2,E,2,g 4.3.C. 2,e
	Single-family detached	P	S	P	P	P	P	P	P	S				P	4.2,E,2,h
	Triplex dwelling						P	S						P	4.2,E,2,i
	Cottage home	S		S	S		S							P	4.2,E,2,j

Table 4.1 - Permitted and Special Exception Uses

Principal Land Use	Use Type	A-1	A-2	R-R	R-1	R-2	R-3	R-4	C-1	C-2	L-1	H-1	R-D	P-D	Classifications & Additional Standards
<b>Institutional</b>															
Civic	Assembly, major	S					S		P	P				P	4.2,F1,a,1) 4.3, D,1,a
	Assembly, minor	P					P		P	P			P	P	4.2,F1,a,2) 4.3, D,1,a
	Cemetery	P		S	P	P	P		P	S				P	4.2,F1,b 4.3, D,1,a
	Cultural facility			S	S	S	S		P	P			S	P	4.2,F1,c
	Government facility	S			S		S		P	P	P				4.2,F1,d
	Nature preserve	P		P	P	P	P	P					P	P	4.2,f,1,e
	Public recreation facility	P		P	P	P	P	P	P	P			P	P	4.2,F1,f
	Public safety facility	S		S	S	S	S	S	S	P	P	S	S	P	4.2,F1,g
Day Care	Day care center (child/adult)	S		S	S	S	S	S	P	P	S			P	4.2,F1,h 4.3,D,2,a
Education	College or university								S	S					4.2,F2,a 4.3,D,3,a
	Other post-secondary educational facility									S	P				4.2,F2,b 4.3,D,3,a
	School	P			P	P	P		P	P	S			P	4.2,F2,b 4.3,D,3,a
Health Care	Medical Care Office				S	S	S		P	P	P	S		P	4.2,F3,a
	Hospital								S	P	S			P	4.2,F3,b
Religious Institution	Religious institution (place of worship)	S		S	S	S	S		P	P				P	4.2,F4,a 4.3, D,5
Transportation	Airport (commercial or private)			S							S	S		P	4.2, F5,a
	Park and ride facility						S		P	P	P	S		P	4.2, F5,b
	Passenger terminal, surface transportation						S		P	P	P			P	4.2, F5,c
	Taxi or limousine service								P	P	S			P	4.2, F5,d
Utilities	Solar array	P	P	P	S				S	P	P	P	S	P	4.2,F6,a 4.3,D,6,a
	Utility facility, major	S			S				S	S	P	P		P	4.2,F6,b,1) 4.3,D,6,b
	Utility facility, minor	P	P	P	P	P	P	P	P	P	P	P	P	P	4.2,F6,b,2) 4.3,D,6,b
	Wireless telecommunication facility, major	P	P	S					S	P	P	P			4.2,F6,c,1) 4.3,D,6,c
	Wireless telecommunication facility, minor	P	P	P			P		P	P	P	P		P	4.2,F6,c,2) 4.3,D,6,c
	Wind energy conversion systems	S	P								S	S			4.2,F6,d 4.3,D,7

Table 4.1 - Permitted and Special Exception Uses (continued)

Principal Land Use	Use Type	A-1	A-2	R-R	R-1	R-2	R-3	R-4	C-1	C-2	L-1	H-1	R-D	P-D	Classifications & Additional Standards
<b>Commercial</b>															
Adult Uses	Sexually oriented business								S	S	S	S			4.2,G,1,a 4.3,E,1,a
Animal Care	Animal care, major	P	S						S	P	S			P	4.2,G,2,a,1) 4.3, E,2,a
	Animal care, minor	P					S		P	P	P			P	4.2,G,2,a,2) 4.3, E,2,a
Eating Establishments	Bar or nightclub				S	S	S		P	P	P	S		P	4.2,G,3,a 4.3, E,3,a
	Coffee shop						S		P	P	P	P		P	4.2,G,3,b 4.3, E,3,a
	Food production	S								S	P	P		P	4.2,G,3,c 4.3, E,3,a
	Micro-brewery/brewpub/ micro-distillery/micro-winery						S		P	P	P	P		P	4.2,G,3,d 4.3, E,3,a
	Restaurant, dine-in	S					S		P	P	P	S		P	4.2,G,3,e 4.3, E,3,b
	Restaurant, take-out						S		P	P	P			P	4.2,G,3,f 4.3, E,3,b
	Restaurant with drive-through								S	P	P			P	4.2,G,3,g 4.3, E,3,b
Offices	Flex Tenant Space									P	P	S		P	4.2G,4,a 4.3,E,4,a
	Professional, general								S	P	P	S		P	4.2G,4,b 4.3,E,4,a
Outdoor Advertising	Outdoor advertising	P								P		S	P		4.2,G,5,a
Personal Services	Funeral home/mortuary/ crematory				S		S		P	P	S			P	4.2,G,6,a
	Lawn care/landscaping	S							P	P	P			P	4.2,G,6,b
	Personal service, major								P	P	S				4.2,G,6,c
	Personal service, minor	S					S		P	P	P			P	4.2,G,6,d
	Repair establishment	S							P	P	P	S		P	4.2,G,6,e
Recreation	Golf course/driving range	S				S	S			S			P	P	4.2,G,7,a
	Indoor								P	P	S		P	P	4.2,G,7,b
	Intensive	S							S	S			P		4.2,G,7,c 4.3,E,6,a
	Outdoor	S							S	P	P		P	P	4.2,G,7,d
	Recreation sales								P	P	P		P	P	4.2,G,7,e
Retail Sales	Bulky item sales	S							S	S	S				4.2,G,8,a 4.3, E,7,a
	Retail sales, major									S	S			P	4.2,G,8,b,1) 4.3, E,7,b
	Retail sales, minor						S		P	P	P	S		P	4.2,G,8,b,2) 4.3, E,7,b
	Retail sales, moderate								P	P	P	S		P	4.2,G,8,b,3) 4.3, E,7,b

Table 4.1 - Permitted and Special Exception Uses (continued)

Principal Land Use	Use Type	A-1	A-2	R-R	R-1	R-2	R-3	R-4	C-1	C-2	L-I	H-I	R-D	P-D	Classifications & Additional Standards
<b>Commercial</b>															
Vehicle-Related	Fuel sales								S	P	P			P	4.2,G,9,a 4.3,E,8,a&b
	Parking								P	P	P			P	4.2,G,9,b 4.3,E,8,a&c
	Sales or rental								S	P	P			P	4.2,G,9,c 4.3,E,8,a&d
	Storage	S							S	S	P			P	4.2,G,9,d 4.3,E,8,a
	Vehicle establishment, major								S	P	P				4.2,G,9,e,1) 4.3,E,8,a&e
	Vehicle establishment, minor								P	P				P	4.2,G,9,e,2) 4.3,E,8,a
Visitor Accommodations	Bed & breakfast	S		S	S		P		P	S				P	4.2,G,10,a 4.3,E,9,a
	Campground/RV park	S								S				P	4.2,G,10,b 4.3,E,9,a
	Hotel				S		S		P	P				P	4.2,G,10,c 4.3,E,9,c
	Motel				S		S		S	P				P	4.2,G,10,d 4.3,E,9,c
<b>Industrial</b>															
Extractive Industry	Extractive Industry		P									S			4.2,H,1,a 4.3,F,1
Industrial Services	Industrial service, major										S	P			4.2,H,2,a,1) 4.3,F,2
	Industrial service, minor									S	P	P		P	4.2,H,2,a,2) 4.3,F,2
Manufacturing and Production	Manufacturing, major										S	P			4.2,H,3,a 4.3,F,3,a
	Manufacturing, minor										P	P			4.2,H,3,b 4.3,F,3,b
	Makers Space								P	S	S				4.2,H,3,c
Warehousing & Freight	Freight movement									P	P	P		P	4.2,H,4,a
	Self-storage	S							S	P	P			P	4.2,H,4,b 4.3,F,4,a
	Warehouse and distribution									S	P	P		P	4.2,H,4,c 4.3,F,4,b
Waste-Related	Composting/Recycling center		P								S	S			4.2,H,5,a 4.3,F,5,a
	Incinerator		P									S			4.2,H,5,b 4.3,F,5b
	Landfill		P									S			4.2,H,5,c 4.3,F,5,c

## 4.2 Use Classifications

- A. Purpose.** This section is intended to provide a systematic framework for identifying, describing, categorizing, consolidating, and distinguishing land uses to determine how a specific land use activity, or combination of activities, is to be considered when applying the principal use table and other provisions in this Ordinance.
- B. Organization of Uses.** Section 4.2, Use Classifications, organizes principal uses by use classifications, use categories, and use types to provide a systematic basis for identifying, describing, categorizing, consolidating, and distinguishing land uses to determine whether a specific use is permitted in a particular zoning district.
  1. Use Classifications. The use classifications identify and define broad classifications of land use and include agricultural, residential, institutional, commercial, and industrial uses. Use classifications are further broken down into a series of general "use categories" and specific "use types." **The definitions that follow in this section for the use types are in addition to the definitions found in Section 8 Definitions and Measurement.**
  2. Use Categories. The use categories describe the major sub-groups of the respective use classifications and are based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. For example, the Residential Use Classification is divided into the Individual Dwelling and Group Living use categories. Use categories are further broken down into a series of individual "use types."
  3. Use Types. The specific use types are included in the respective use category. They identify the specific principal uses that are considered to fall within characteristics identified in the use category. For example, duplexes, live/work dwellings, manufactured home parks, multi-family dwellings, quadplex dwellings, single-family attached dwellings, single-family detached dwellings, and triplex dwellings are use types in the Individual Dwelling Use Category.
- C. Developments with Multiple Principal Uses.** When all principal uses of a development fall within one use category, the entire development is assigned to that use category. When the principal uses of a development fall within different use categories, then each principal use is classified in the applicable use category and each use is subject to applicable regulations for that use category. Developments with multiple principal uses, such as shopping centers, shall incorporate only those use types allowed in the applicable zoning district.
- D. Agriculture Use Classification.**
  1. **Agricultural Processing.** Agricultural Processing includes low-to-moderate intensity agricultural-related or supporting industries engaged in the preparation, storage, packaging, distribution, and marketing of agricultural products.
    - a. Agricultural packing and processing (non-animal). An agriculturally related use of land engaged in the preparation and packaging of agricultural products (including foodstuffs, medicines, fuel, or raw materials) for further off-site processing, use, or consumption.
    - b. Agricultural storage and distribution. A use of land engaged in the post-harvest retention and distribution of agricultural products including foodstuffs, seeds, harvest by-products, and raw materials for further processing. Such facilities may be above or below ground, and can also include facilities for loading, weighing, washing, or preparing commodities for transport.
    - c. Farm co-op facility. An agriculturally-related privately-owned commercial use engaged in the marketing of agricultural products produced for sale or cooperative purchase of goods for use on farms by two or more farmers.
  2. **Animal-Related Uses.** Uses related to the provision of medical services and treatment to animals (including pets, breeding stock, and livestock) including veterinary services, animal hospitals, breeding facilities, training facilities, and the boarding of animals related to the provision of these services.

- a. Animal boarding, including kennels. Animal boarding includes uses engaged in the daily and overnight care of animals, regardless of size. Accessory uses include grooming, health care, training, and limited forms of veterinary or medical care.
  - b. Animal Feeding Operation (AFO). AFO means a lot or facility, other than an aquatic animal production facility, where all of the following conditions are met: (1) Animals, other than aquatic animals, have been, are, or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period. (2) Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over at least fifty percent (50%) of the lot or facility.
  - c. Equestrian Facility. A use including buildings and grounds engaged in accommodating, training, or providing care for horses, mules, donkeys, and other equids.
- 3. Crop Production.** Uses engaged in the production and harvesting of foodstuffs, seeds, fuel, feed, and similar agricultural products.
- a. Aquaculture. Aquaculture is the breeding, rearing, and harvesting of plants and animals in all types of water environments including ponds, rivers, lakes, and man-made facilities such as tanks, cages, and raceways.
  - b. Horticulture. Horticulture is the cultivation of plants, including flowers, landscaping materials, medicinal plants, and ornamental plants in fields, greenhouses, or laboratories. Plants grown for the purposes of food, fuel, feed, or seeds is considered a row, field, or tree crop.
  - c. Row, field, and tree crops. An activity including the planting, tending, harvesting, and temporary storage of plants and plant materials for the purposes of food, fuel, feed, or seed purposes.
  - d. Silviculture. Uses related to growing and harvesting of trees, timber, or woody-stemmed plants for commercial use, typically conducted in accordance with a forestry or resource management plan.
  - e. Viticulture. Viticulture is the cultivation of grapes, berries, and other fruits primarily for the purposes of making wine. Such uses may include vineyards, shading structures, and very limited storage and processing facilities intended solely for the temporary storage of produce until transport to another location for processing. Facilities that process grapes, honey, or berries into wine are winery uses.
  - f. Apiary. Apiary (also known as a bee yard) is a place where beehives of honey bees are kept. Also this use may include incidental retail related to the honey (honey, candy, soaps etc.) provided the honey is produced by the apiary operator, manufacture and sale of beekeeping supplies, equipment and other uses related to apiary agritourism and education.
- 4. High Intensity Agriculture.** Uses engaged in high intensity and potentially intrusive activities related to the on-site care, feeding, breeding, and processing of animals for livestock purposes, including but not limited to cattle, chickens, pigs, goats, sheep, turkeys, geese, and ducks.
- a. Concentrated Animal Feeding Operation (CAFO). A CAFO is an animal feeding operation that confines animals for more than 45 days during a growing season in an area that does not produce vegetation, and that includes the minimum number of animals specified in 327 IAC 15-16. Similar operations with fewer animals are considered to be a confined feeding operation (CFO). Establishment of a CAFO requires approval from IDEM as well as compliance with the standards in this Ordinance.
  - b. Confined feeding operation (CFO). A CFO is an animal feeding operation engaged in raising of animals for food, fur or recreation in lots, pens, ponds, sheds or buildings, where they are confined, fed and maintained for at least 45 days during any year, and where there is no ground cover or vegetation present over at least half of the animals' confinement area. A CFO is an operation with 300 or more cattle, 600 or more swine or sheep, 30,000 or more poultry, or 500 horses in confinement. Animal operations with fewer animals are considered to be AFO uses. Establishment of a CFO requires approval from IDEM as well as compliance with the standards in this Ordinance.



- c. Packing and processing animal products. A commercial establishment engaged in the slaughter of cattle and other livestock and processing of carcasses for wholesale or retail sale. The use may also include further processing and packaging of meat, meat products, and by products also for retail or wholesale sale.
- 5. Product Sales. Uses involved in retail and wholesale sales of products and services that are directly or indirectly related to agriculture.
  - a. Farm equipment sales & service. An establishment for the sale, rental, and/or service of equipment normally or routinely used on farms and in gardens, and related parts, tools and accessories, but not non-farm equipment or materials. The use may also offer on-site or off-site equipment repair services and temporary storage of products for sale or delivery.
  - b. Farm supply sales. A use engaged in the retail or wholesale sale of supplies such as feed, fertilizer, seed, chemicals, and other products intended specifically for use on farms or in gardens.
  - c. Farmer's market. A principal use which includes the sale of horticulture or agriculture products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agriculture products.
  - d. Pick-your-own establishments. A commercial enterprise in which agriculture products produced on a site are marketed and sold directly to consumers without an intermediate wholesaler or distributor, other than a farm co-op organization. Uses can also include a "farm share" arrangement under which periodic delivery of farm products is made for a subscription fee.
  - e. Agritourism. An activity at an agricultural, horticultural, or agribusiness operation where the general public is allowed or invited to participate in, view, or enjoy the activities for recreational, entertainment, or educational purposes, including farming, ranching, historic and cultural agricultural activities or natural resource based activities and attractions, including hunting, fishing, hiking, and trail riding

#### E. Residential Use Classification.

1. **Group Living.** Group Living includes use types that provide for the residential occupancy of a building by a group. Tenancy is arranged on a monthly or longer basis. Generally, group living development has a common eating area for residents. The residents may receive care, training, or treatment. Accessory uses may include recreational facilities, dining facilities, and parking of vehicles for occupants and staff.
  - a. Assisted living. A residential facility with support and supervisory personnel for the elderly that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services such as recreational and social activities, financial services, transportation, laundry, and other services appropriate for the residents and designed to provide a relatively independent lifestyle. Examples include congregate care and rest homes.
  - b. Continuing care retirement community. (CCRC) A CCRC is a retirement community configured as a single unified campus that includes independent living dwellings, assisted living facilities, and skilled nursing facilities that are owned and operated by a private company that provides a continuum of care to residents of the community. A CCRC may include on-site dining, medical care, and recreation and social facilities in addition to guest lodging and employee housing.
  - c. Group home. A facility that houses not more than ten children that are either in need of service under Indiana Code 31-34-1 or who have committed a delinquent act under Indiana Code 31-37-2-2, Indiana Code 31-37-2-3, or Indiana Code 31-37-2-5. Group homes are not subject to covenants, deeds or other instruments pertaining to the transfer, sale, lease, or use of property and they may not be prohibited on the grounds that they are a business, the persons living in a group home are not related, or for any other reason. All group homes must be licensed by the state and abide by Indiana Code 12-17.4-5.

- d. Nursing home. A nursing home, convalescent home, skilled nursing facility (SNF), care home, rest home or intermediate care facility. This facility provides a type of residential care. It is a place of residence for people who require, as determined by a local hospital social worker, their primary physician and their nursing facility provider, continual nursing care and have significant difficulty coping with the required activities of daily living. Nursing aides and skilled nurses are usually available 24 hours a day, and most are large congregate care facilities with government funding. These facilities are supplemental or competing classes to home care, home health, community services-non-facility and home and community-based Medicaid waiver services.
  - e. This does not include the home or residence of any individual who cares for or maintains only persons related to him or her by blood or marriage.
  - f. Rooming house. A dwelling that provides rental accommodations to tenants in up to 5 individual rooms for periods of one week or longer. The dwelling is accessed by a shared entry with a common kitchen. Meals may be provided to the tenants.
- 2. Individual Dwelling.** Individual dwelling uses includes use types that provide for the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis. Accessory uses commonly associated with household living are recreational activities, raising of pets, hobbies, and parking of the occupants' vehicles.
- a. Duplex. A single structure comprised of two dwelling units that share common vertical walls or horizontal floors/ceilings. Both dwelling units are on the same lot.
  - b. Live/work dwelling. A structure or portion of a structure combining a dwelling unit with an integrated nonresidential work space typically used by one or more of the residents. The nonresidential work space is found on the building's ground floor.
  - c. Manufactured home park. A parcel of land containing two or more dwelling sites (whether owned in fee simple or as leaseholds), with required improvements and utilities, that are leased for the long term placement of manufactured or mobile homes, and shall include any street used or intended for use as part of the community. It may also include accessory structures incidental to the operation of the community such as a laundry facility, playground, pool, office, storage, or maintenance building. The use does not involve the sales of dwellings that are parked for inspection or maintained in an off-site location.
  - d. Mobile home. A transportable dwelling unit which is a minimum of eight feet in width and which is set on a concrete pad or tied down, with wheels, axles, and towing chassis remaining intact, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained therein, and which was manufactured either: Prior to June 15, 1976 and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council, or 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.
  - e. Multi-family dwelling. A dwelling comprised of more than four dwelling units that share common vertical walls or horizontal floors/ceilings (or both) that are not on individual lots. Examples include apartments and condominiums.
  - f. Quadplex dwelling. A type of residential structure that includes four individual dwelling units located on one lot or configured so that each unit is on its own individual lot.
  - g. Single-family attached dwelling. A dwelling containing more than four dwelling units that is physically attached to one or more dwelling units, each on its own lot. Individual lots may or may not be surrounded by a larger tract that incorporates shared parking, recreation features, or access. The larger tract may or may not be owned in common by the landowners of individual lots. Examples include townhouses, patio homes, and row houses.
  - h. Single-family detached dwelling. A dwelling containing one dwelling unit that is occupied by one family and that is not physically attached to any other principal structure on an individual lot. For regulatory purposes, this term does not include manufactured dwellings, recreational vehicles, or other forms of temporary or portable housing. A manufactured

building constructed for use as a single-family dwelling (manufactured dwelling) that is 950 square feet in area or larger is treated similar to a single-family detached dwelling.

- i. Triplex dwelling. A type of residential structure that includes three individual dwelling units located on one lot or configured so that each unit is on its own individual lot.
- j. Cottage home. A type of residential structure that is intended for single-family detached use, but does not carry a minimum square footage. This type of housing is designed to accommodate smaller footprint homes, guest homes, and vacation cottages.

#### F. Institutional Use Category.

1. **Civic.** The Civic Use Category includes use types of a public, nonprofit, or charitable nature that provide a local service to people of the community in a variety of facilities. Uses include meeting areas for civic or fraternal club activities, as well as indoor facilities used primarily for business or professional conferences, seminars, and training programs. Generally, such uses are open to or provide services to members of the general public. This includes, but is not limited to, assembly facilities, public safety facilities, community and cultural facilities. Accessory uses may include parking, training facilities, kitchens/cafeterias, recreation areas, offices, meeting rooms, storage, food sales or consumption.
  - a. Assembly. A facility for assembly, including buildings that primarily provide meeting areas for civic, fraternal, business or professional organizations for conferences, seminars, recreation, training programs, sports, or entertainment. Examples include private clubs or lodges, YMCA, YWCA, swim and tennis club, country club, boys and girls club, meeting facilities, auditoriums, banquet halls, dinner theaters, convention centers, amphitheaters, stadiums, coliseums, and conference centers.
    - 1) Assembly, major. An assembly use with more than 15,000 square feet of gross floor area.
    - 2) Assembly, minor. An assembly use with 15,000 square feet of gross floor area or less.
  - b. Cemetery. Uses intended for the burial of the dead and dedicated for cemetery purposes. The use shall include a mausoleum, columbarium, or chapel along with accessory storage and equipment area. A cemetery use shall not include a crematory or mortuary.
  - c. Cultural facility. A use that provides education, training, or resources of a public, nonprofit, or charitable nature. Examples include community centers, libraries, art galleries, and museums. Accessory uses may include offices, meeting rooms, food preparation, parking, health, and therapy areas.
  - d. Government facility. A facility that provides for the general operations and functions of local, state, or federal governments. Examples include government operations or maintenance facilities, school administration offices, and government offices. Accessory uses may include maintenance, storage (indoor and outdoor), fueling facilities, auditoriums, communications equipment, and parking areas.
  - e. Nature preserve. An area of land and/or water that is reserved or preserved and protected for wildlife, flora, fauna or features of geological or other special interest. They may include walking paths, viewing areas, seating, and research facilities.
  - f. Public recreation facility. A facility that provides recreation services to the general public. Examples include recreation centers, senior centers, community centers, parks and gardens, and publicly owned golf courses.
  - g. Public safety facility. A facility that provides public safety services to the general public. Examples include fire stations, police stations, EMS stations, and governmental training facilities such as an outdoor shooting range or fire training facility. Accessory uses may include offices, teaching rooms, meeting areas, food preparation and consumption areas, sleeping quarters, communications equipment, storage, parking, and maintenance facilities.
  - h. Day care center (child/adult). A residential facility that provides child or adult care on a twenty-four (24) hour basis for more than ten children; or a residential facility with a capacity of not more than ten children that does not meet the residential structure

requirements of a group home; or that operates under a license issued under Indiana Code 12-17.4; or that provides for delivery of mental health services that are appropriate to the needs of the individual; and complies with the rules adopted under Indiana Code 4-22-2 by the Division of Family and Children. A day care does not include detention facilities.

2. **Education.** The Education Use Category includes use types that provide for all levels of education. Examples include elementary, secondary, post-secondary, technical, and specialized instructional schools.
  - a. College or university. A public or private institution for post-secondary education offering courses in general or technical education, which operates within buildings on land owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, dormitories, fraternities and sororities, residential units, and other facilities which further the educational mission of the institution in a campus setting. In no event shall this definition prohibit a college or university from engaging in an activity historically conducted by the institution.
  - b. Other post-secondary educational facility. A post-secondary school other than a college or university that provides on-site training for business, commercial, and/or trade skills such as accounting, data processing, automobile repair, construction skills, and computer repair. This use type includes satellite classrooms for larger colleges and universities.
  - c. School. An educational institution that provides elementary or secondary education. Accessory uses may include offices, play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care.
3. **Health Care.** The Health Care Use Category includes use types that provide medical or surgical care and treatment to patients as well as laboratory services. Accessory uses may include offices, laboratories, laundry facilities, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities, housing for staff or trainees, and limited accommodations for family members.
  - a. Medical Care Office . An outpatient facility where patients are admitted for examination and treatment by one or more physicians, dentists, opticians, psychiatrists, or psychologists. Patients receive outpatient care only, which may be provided overnight (as in the case of sleep disorder centers). Accessory uses may include sleeping rooms for care workers and members of patient's families.
  - b. Hospital. A hospital with highly specialized personnel, equipment, procedures, or facilities for the treatment of unique conditions, patients, or specific ailments. Examples include psychiatric hospitals, hospitals for children, hospitals that specialize in cancer care, or hospitals that focus on treating particular conditions such as burns.
4. **Religious Institution.** The Religious Institutions Use Category includes use types that provide meeting areas for religious activities. Accessory uses may include kitchens/cafeterias, recreation areas, offices, meeting rooms, and parking.
  - a. Religious institution (place of worship). A place in which worship, ceremonies, rituals, and education are held, together with accessory uses (including locations used for education and recreation activities), operated and maintained under the direction of the religious group. Examples include churches, mosques, synagogues, and temples. Accessory uses may include parking, caretaker's housing, pastor's housing, day care, and group living facilities for persons associated with the religious organization, such as convents.
5. **Transportation.** The transportation use category includes use types that provide for the landing and takeoff of airplanes and helicopters, and passenger terminals for surface transportation. Accessory uses may include freight handling areas, concessions, offices, parking, maintenance, and fueling facilities.
  - a. Airport (commercial or private). A facility that provides for the landing and take-off of aircraft, including helicopters, and all necessary facilities for the housing, maintenance, and repair of aircraft.
  - b. Park and ride facility. A facility that provides mass transportation service from a parking lot.

- c. Passenger terminal, surface transportation. A facility where the principal use is the handling, receiving, transfer, and discharging of passengers of various modes of surface transportation. Examples include terminals for bus, trolley, railroad, shuttle van, or other similar vehicular services.
- d. Taxi or limousine service facility. A facility that provides transportation service via a taxi, limousine, or shuttle, and includes storage and maintenance of vehicles.

**6. Utilities.** The Utilities Use Category includes both major and minor utilities as well as wireless telecommunications facilities and wind energy conversion systems. Major utilities are infrastructure services that provide regional or community-wide service. Minor utilities are neighborhood or subdivision infrastructure services that need to be located in or near the neighborhood or subdivision where the service is provided. Communication or broadcasting facilities and wireless telecommunication facilities are also types of utilities. Services may be publicly or privately provided. Accessory uses may include offices, parking, monitoring, storage areas, or data transmission equipment.

- a. Solar array. An industrial-scale group or series of photo-voltaic (or solar) panels placed to convert solar radiation into usable direct current electricity and provide that electricity to a use on-site or to the larger electrical network.

- b. Utility facility. All facilities and equipment related to the provision, distribution, collection, transmission, or disposal of water, stormwater, sanitary sewage, natural gas, electricity, cable television, telephones, and wired telecommunications.

- 1) Utility facility, major - A utility providing regional or community-wide service that normally entails the construction of new buildings or structures. Examples include wastewater treatment plants, potable water treatment plants, electrical generation plants, utility equipment, and storage yards.

- 2) Utility facility, minor - A utility providing a localized service or network function that is small in scale and impact. Examples include natural gas border stations, utility substations, water towers, water and sewage pump stations, stormwater management facilities, and telephone exchanges.

- c. Wireless telecommunication facility - A facility engaged in the transmission or reception of wireless communications signals consisting of digital or analog voice and data information. Wireless telecommunications facilities include free-standing towers, antenna, and ground-based equipment. Antenna may also be placed on buildings and other structures such as water towers, electrical transmission towers, church steeples, and other vertical projections. Accessory uses typically include equipment buildings and parking areas.

- 1) Wireless telecommunication facility, major. A structure erected on the ground and used primarily for the support of antennas for wireless telephone, and similar communication purposes and utilized by commercial, governmental, or other public or quasi-public users. The term includes microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term does not include private home use of satellite dishes and television antennas, or amateur radio operators as licensed by the FCC.

- 2) Wireless telecommunication facility, minor - The collocation of wireless telecommunications equipment on an existing tower, building, or other vertical projection, provided the addition of the equipment does not increase the structure's overall height by more than 20 feet. Also included are freestanding towers for telecommunications equipment that are designed or configured to be concealed or not appear as a traditional wireless telecommunications facility.

- d. Wind Energy Conversion Systems (WECS). An industrial-scale wind energy facility that converts wind energy to electrical energy and provides converted energy to larger electrical grid network. The use incorporates two or more wind turbine towers in excess of 120 feet in height that generate a total of more than 100 kilowatt hours of electricity per year.

## **G. Commercial Use Classification**



1. **Adult Uses.** The Adult Use Category includes use types that sell, distribute, or present material or feature performances or other activities that emphasize the depiction or display of specified sexual activities or specified anatomical areas.
  - a. Sexually oriented business. A commercial establishment involved in the provision of services, entertainment, or sales of goods at retail intended solely for consumption by persons over the age of 18, including sexually-oriented bookstores, sexually-oriented retail, or sexually-oriented entertainment, or any combination of the foregoing. Generally speaking, sexually-oriented bookstores maintain ten percent or more of their stock in adult-oriented material while sexually-oriented businesses maintain 25 percent or more of their stock in adult-oriented material.
2. **Animal Care.** The Animal Care Use Category is characterized by use types related to the provision of medical services and treatment to animals, including veterinary services, animal hospitals, and the boarding of animals related to the provision of these services.
  - a. Animal care. A facility for the provision of medical services and treatment to animals, including veterinary services, animal hospitals, and the boarding of animals related to the provision of these services. Examples include animal shelters, kennels, grooming facilities, animal hospitals, veterinary offices, and veterinary clinics.
    - 1) Major. Animal care uses that include outdoor kennels, runs, or exercise areas.
    - 2) Minor. Animal care uses that do not include outdoor kennels, runs, or exercise areas.
3. **Eating Establishments.** The Eating Establishments Use Category includes use types that prepare and sell food and beverages for immediate or direct on- or off-premise consumption. Examples include restaurants (including brewpubs) with indoor and outdoor seating, bars or nightclubs, restaurants with drive-through service, specialty eating establishments (ice cream parlors, bakery shops, dessert shops, juice or coffee houses). Accessory uses may include bars or cocktail lounges associated with the establishment, decks and patios for outdoor seating, drive-through facilities, facilities for live entertainment or dancing, customer and employee parking areas, and valet parking facilities.
  - a. Bar or nightclub. An establishment primarily devoted to the sale of alcoholic beverages for on-site consumption, where the sale of food is incidental. Activities may include dancing or other forms of entertainment (including live performances that are not considered adult entertainment uses) such as billiard tables, darts, and karaoke.
  - b. Coffee shop. An establishment engaged primarily in the retail sale of coffee, tea, and other brewed non-alcoholic beverages. Food and in-home brewing equipment and supplies may also be sold at retail. Seating and entertainment uses are allowed as accessory uses.
  - c. Food production. A commercial establishment engaged in the production of food or food products primarily for off-site consumption. Examples include bakeries, butchers, catering establishments, and kitchen facilities devoted to the bulk preparation of meals for cooking in an alternative location.
  - d. Microbrewery/brewpub/micro-distillery/micro-winery. An establishment engaged in the production and packaging of malt beverages or wine for distribution, retail, or wholesale both on and off-premise. A microbrewery is a facility that produces less than 15,000 barrels of beer per year and sells the majority of the beer it produces for off-site resale and consumption. A micro-winery produces less than 100,000 gallons of wine per year. A micro-distillery produces less than 15,000 gallons of alcoholic spirits per year. Accessory uses may include a taproom, seating areas, ancillary sales of related merchandise, event space, and warehouse space for stored product.
  - e. Restaurant, dine-in. An establishment whose function or purpose is the selling of food in a ready-to-consume state, in individual servings, in which the customer consumes these foods while seated at tables or counters located in or immediately adjacent to the building in which the use is located.
  - f. Restaurant, take-out. An establishment engaged in the preparation of foods and drinks intended for off-site consumption.

- g. Restaurant with drive-through. An establishment that prepares and sells food and beverages for immediate or direct on- or off-premise consumption that includes the ability to order, pay for, and collect food without leaving a private vehicle.
- 4. Offices.** The Office Use Category includes use types that provide for activities that are conducted in an office setting and generally focus on business, professional, or financial services. Examples include offices for conducting the affairs of a general business establishment, financial services or sales of real estate or other personal property, investment banking, stock brokerage, investment services, real estate sales, offices for lawyers, accountants, engineers, architects, planners, and similar professions. Accessory uses may include cafeterias, day care facilities, recreational or fitness facilities, parking, or other amenities primarily for the use of employees in the office.
- a. Flex Tenant Space. An office that include indoor or outdoor storage of equipment, raw materials, finished products for sale off-site, or incidental fabrication or assembly of products.
- b. Professional, General. A room or suite of rooms or building used for conducting the affairs of a business, profession, service industry or government.
- 5. Outdoor Advertising.** The Outdoor Advertising Use Category includes uses engaged in advertising goods or services provided primarily in off-site locations.
- a. Outdoor advertising. The placement of advertisements or bills advertising goods, services, or messages.
- 6. Personal Services.** The Personal Service Use Category is characterized by use types related to the provision of services or product repair for consumers.
- a. Funeral home/mortuary/crematory. An establishment that provides human funeral services, including embalming and memorial services. Crematories are accessory uses to a funeral home.
- b. Lawn care/landscaping. An establishment engaged in the provision of lawn care, maintenance, and landscaping services to residential and commercial clients in off-site areas. Accessory uses include equipment and materials storage areas.
- c. Personal service. An establishment meeting frequent or recurrent service needs of a personal nature, including the repair of small personal items such as shoes, watches, jewelry, and clothing. Examples include laundromats, massage therapy and day spas, laundry and dry-cleaning pick-up and drop-off establishments, banks, savings and loans, credit unions, photography studios, mailing or packaging services, photocopy services, screen printer, barber/beauty shops, and tanning and nail salons.
- 1) Major. A personal services establishment with more than 4,000 square feet of gross floor area.
- 2) Minor. A personal services establishment with 4,000 square feet of gross floor area or less.
- d. Repair establishment. An establishment engaged in the provision of repair services of durable consumer and households goods, computers, yard equipment, lawn mowers, lamps, and small household appliances.
- 7. Recreation.**
- a. Golf course/driving range. A commercial establishment including tract of land laid out with at least nine holes and/or a designated area intended solely for the repeated practice of driving or putting swings. The use is improved with tees, greens, fairways, and hazards. It may also include a clubhouse (with or without eating facilities), shelters, maintenance facilities, an irrigation system, and outdoor storage of materials and equipment.
- b. Indoor. A private indoor (entirely within an enclosed structure) use providing for sport and recreation activities that are operated or carried on primarily for financial gain. Examples of

indoor commercial recreation uses include, but are not limited to, fitness centers, bowling alleys, dance halls, skating rinks, theaters, arcades, indoor commercial swimming pools, and racquet and tennis club facilities (indoor).

- c. Intensive. Private indoor or outdoor recreation facilities engaged in activities that produce loud noise, bright light, traffic, or that include potentially dangerous operations such as archery or the discharge of firearms. Examples include shooting or archery ranges, theme parks, go-cart facilities, racetracks, and paintball facilities.
  - d. Outdoor. A private outdoor use providing facilities for sport activities, which is operated or carried on primarily for financial gain, outdoors. Examples of outdoor commercial recreation uses include, but are not limited to, miniature golf facilities, outdoor commercial tourist attractions, ropes courses, and skateboard or BMX parks.
  - e. Recreation sales. A commercial enterprise engaged in the retail or wholesale sale of sporting equipment, recreation-related supplies or materials, or the provision of training or lessons. Recreation sales do not include the sales of motorcycles, snowmobiles, boats, recreational vehicles, or trailers for these kinds of devices.
- 8. Retail Sales.** The Retail Sales Use Category includes use types involved in the sale, lease, or rent of new or used products to the general public. Accessory uses may include offices, storage of goods, limited assembly, processing, or repackaging of goods for on-site sale, concessions, ATM machines, outdoor display/sales areas, and parking. Use types within this use category are categorized based on their intensity, scale, and function.
- a. Bulky item sales. An establishment engaged in the retail sale and display of large or bulky consumer goods for sale, including but not limited to truck camper tops, bed liners, prefabricated outdoor buildings, play equipment, portable storage containers, or hot tubs.
  - b. Retail sales. An establishment that sells goods directly to the consumer, where such goods are available for immediate purchase and removal by the purchaser. Examples include stores selling, leasing, or renting consumer, home, and business goods, whether new or used, including art and art supply stores, audio/video stores, bicycle sales, book stores, clothing stores, convenience stores, department stores, dry good sales, electronic equipment stores, fabric shops, furniture stores, florist shops, garden supply centers, gift shops, grocery stores, hardware stores, stores that sell household products, jewelry stores, office supply stores, pet and pet supply stores, and pharmacies. Accessory uses may include storage of products for sale, offices, concessions, seating areas, areas for testing of products prior to purchase, and provision of product-related service or repair.
    - 1) Major. A retail sales establishment with more than 35,000 square feet of gross floor area on the ground floor for a single tenant, or more than 70,000 square feet on the ground floor serving multiple tenants, including outparcels.
    - 2) Minor. A retail sales establishment with less than 15,000 square feet of gross floor area.
    - 3) Moderate. A retail sales establishment between 15,000 and 35,000 square feet of gross floor area.
- 9. Vehicle-Related.** Includes use types involving the direct sale; rental; storage; and servicing of automobiles, trucks, boats, motorcycles, recreational vehicles, and other consumer motor vehicles intended to transport persons or goods over land or water or through the air, whether for recreation, commerce, or personal transport. Accessory uses may include offices, sales of parts, maintenance facilities, parking, outdoor display, and vehicle storage.
- a. Fuel sales. Buildings and premises where gasoline, oils and greases, and automobile accessories may be supplied and dispensed at retail (or in connection with a private operation where the general public is excluded from use of facilities). Uses permissible at a gas sales establishment do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in fuel sales establishments.
  - b. Large vehicles or equipment. An establishment engaged in the display, sale, leasing, servicing, or rental of heavy equipment of 12,000 or more pounds gross vehicular weight



(GVW). The use may also consist of a vehicle or series of vehicle that service or repair heavy equipment on-site.

- c. **Parking facility.** A parking lot or structure on a site or portion of a site dedicated to vehicular ingress and egress, off-street parking, parking aisles, internal travel ways, fire lanes, and other areas dedicated to vehicular use, but not necessarily including vehicular storage areas. This definition includes parking garages and deck parking.
  - d. **Storage.** A use, whether indoor or outdoor, devoted solely to the storage of operable motor vehicles. Such uses may include cleaning and minor maintenance facilities as accessory uses.
  - e. **Vehicle establishment.** Uses involving the direct sales and service of motorized vehicles.
    - 1) **Major.** Establishments that are primarily engaged in vehicle sales, rental, storage, towing, and major repair such as transmission, engine repair and bodywork and repainting.
    - 2) **Minor.** Establishments that are primarily engaged in washing cars, tire sales, minor repair such as diagnostic work, lubricating, wheel alignment and inspections, but no vehicle sales or rental.
- 10. Visitor Accommodations.** The Visitor Accommodations Use Category includes use types that provide lodging units or space for short-term stays for rent, lease, or interval occupancy. Accessory uses may include pools and other recreational facilities, limited storage, restaurants, bars, supporting commercial, meeting facilities, offices, and parking.
- a. **Bed & breakfast.** A private residence, typically a single-family detached structure engaged in the renting of one or more rooms on a daily basis to tourists, vacationers, or business people where the provision of meals is limited to guests only.
  - b. **Campgrounds/RV park.** Any area, place, parcel or tract of land on which two or more campsites are occupied or intended for occupancy or facilities established or maintained, wholly or in part, for the accommodation of camping units for periods of overnight or longer, whether the use of campsites and facilities is granted gratuitously, or by rental fee, lease or conditional sale, or by covenants, restrictions and easements. Campground does not include a summer camp, migrant labor camp, park for manufactured homes, or a storage area for unoccupied camping units.
  - c. **Hotel.** A building or group of buildings in which sleeping accommodations are offered to the public and intended for temporary occupancy on an overnight or short term basis. Access to individual sleeping rooms is through a shared common entrance located adjacent to a front desk that is staffed 24 hours a day. Accessory uses may include restaurants, bars, offices, and on-site recreational facilities. Some rooms may include in-room kitchen, dining, and laundry facilities.
  - d. **Motel.** A building or group of buildings in which sleeping accommodations are offered to the public and intended for temporary occupancy on an overnight or short term basis. Access to individual sleeping rooms may take place directly from outdoor parking areas, shared outdoor access-ways.

#### **H. Industrial Use Classification**

- 1. Extractive Industry.** The Extractive Industry Use Category includes use types involving the extraction, removal, or basic processing of minerals, liquids, gases, or other natural resources as prescribed within IC 36-7-4-1103. Such uses also include quarrying, well operation, drilling, mining, or other procedures typically done at an extraction site. Accessory uses may include offices, limited wholesale sales, security or caretakers quarters, outdoor storage, and maintenance facilities. Examples include quarries, borrow pits, mining, and sand and gravel operations.
  - a. **Extractive industry.** A use involving the extraction, removal, or basic processing of minerals, liquids, gases, or other natural resources.

2. **Industrial Services.** The Industrial Service Use Category includes use types involving the repair or servicing of industrial, business, or consumer machinery equipment, products, or byproducts. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Examples include machine shops; tool repair; heavy equipment servicing and repair; and general industrial service uses. Accessory uses may include limited retail or wholesale sales, offices, parking, warehousing, and outdoor storage.
  - a. Industrial service - Establishments engaged in the repair or servicing of agriculture, industrial, business, or consumer machinery, equipment, products, or by-products. Few customers, especially the general public, come to the site.
    - 1) Major - Uses that include, but are not limited to, heavy equipment sales, rental, or storage; heavy equipment servicing and repair; building, heating, plumbing, or electrical contractors; fuel oil or bottled gas distributors; septic tank services; and well drilling.
    - 2) Minor - Uses that include, but are not limited to tool repair, electric motor repair; repair of scientific or professional instruments; and laundry, dry-cleaning, and carpet cleaning plants, that typically are, or can be, contained within an enclosed building.
3. **Manufacturing and Production.** The Manufacturing and Production Use Category includes use types involving the manufacturing, processing, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. This use category also includes custom industries (establishments primarily engaged in the on-site production of goods by use of hand tools and small-scale equipment). Goods are generally not displayed or sold on site, but if so, such sales are a subordinate part of total sales. Relatively few customers come to the manufacturing site. Accessory uses may include retail or wholesale sales, offices, cafeterias, parking, employee recreation facilities, warehouses, storage yards, repair facilities, truck fleets, fueling facilities, security and caretaker's quarters.
  - a. Manufacturing, major - Uses that tend to require large amounts of bulk or unrefined materials which are typically processed and stored outdoors on the site. These uses require a significant amount of energy for the processing of raw materials, and are likely to generate significant noise, vibration, dust, glare, heat, odor, smoke, truck traffic, in the immediate vicinity of the use. Examples include manufacturing and assembly of machinery; manufacturing of petroleum or petroleum-related products; rubber and plastics manufacturing; and adhesives, coatings, or paint manufacturing.
  - b. Manufacturing, minor - Uses that involve indoor processing or assembly of finished or partially finished goods and do not require large stockpiles of raw material. Processing and storage activities take place within enclosed buildings, which limit the creation of noise, vibration, dust, glare, heat, odor, and smoke. Minor manufacturing examples include production or repair of small electronic parts and equipment; sewing or assembly of textiles into consumer products; computer and electronics assembly; furniture assembly; and the assembly of pre-fabricated parts.
  - c. Makers Space - Makers spaces are geographic areas where institutions and companies cluster and connect with start-ups, artists and creatives, business incubators and accelerators. Such areas are flexible by design and encourage live-work.
4. **Warehousing & Freight.** The Warehouse and Freight Use Category includes use types involving the storage or movement of goods for themselves or other firms or businesses. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. Examples include separate storage warehouses (used for storage by retail stores such as furniture and appliance stores); distribution warehouses; cold storage plants; and self-service storage. Accessory uses may include offices, truck fleet parking, outdoor storage, and maintenance areas.
  - a. Freight movement. Uses involved in the short-term storage and movement of goods for individuals or businesses. Goods are generally delivered to other firms or the final consumer. Accessory uses may include offices, truck parking, outdoor storage,

maintenance areas, and security facilities.

- b. Self-storage. A storage building or buildings divided into sections or compartments for the storage of business or personal items on a temporary or long-term basis only.
- c. Warehouse and distribution. A use engaged in the temporary or long-term storage and distribution of manufactured products, supplies, products for sale or resale, equipment, or personal goods. Accessory uses may include offices and service operations.

**5. Waste-Related.** The Waste-Related Use Category includes use types that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. Examples include recycling centers, salvage and junk yards, transfer stations, major and minor landfills. Accessory uses may include offices, outdoor storage, recycling of materials, and repackaging and trans-shipment of by-products.

- a. Composting/recycling center. A facility used for collection and processing of recyclable materials. Processing means the preparation of materials for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, sorting, shredding, and cleaning. Also includes uses where solid wastes are composted using composting technology. Accessory uses may include offices and repackaging and transshipment of by-products.
- b. Incinerator. A solid or liquid waste facility engaged in the burning of waste products for the purpose of removal or generation of energy.
- c. Landfill. A solid waste disposal facility consisting of an area of land or an excavation used for disposal of solid waste resulting from land clearing activities, construction, remodeling, repair, or demolition as well as household and other solid waste consisting of material that is not inert and likely to change its physical and chemical structure under expected conditions of disposal.

### 4.3 Use Standards

**A. Use standards are the requirements applied to individual use types unless otherwise stated to the contrary. This section is intended to identify the use standards for all principal uses identified in Table 4.1: Permitted and Special Exception Use Table.**

#### **B. Agriculture Use Classification**

1. Animal-Related Uses.
  - a. Animal boarding ((including kennels)
    - 1) The minimum lot area shall be at least two acres.
    - 2) All fenced runs or training areas shall maintain a 25-foot setback from lot lines and be at least 50 feet from any adjacent single-family dwellings on a different lot.
    - 3) Runs and training areas shall be enclosed with fencing at least six feet in height.
    - 4) All gates and entrances to the runs, kennels, and training areas shall remain locked when not in use.
    - 5) Reference IC 35-46-3 for companion animals.
  - b. Animal Feeding Operation (AFO).
    - 1) Minimum Setbacks. All barns, pens, and enclosures shall be located at least 100 linear feet from lot lines and drinking water sources (except those intended for livestock).
      - a) Fencing or Pens Required. Animals (excluding waterfowl) shall be maintained within pens, fenced areas, or other suitable enclosures.
      - b) Maintenance Required. Pens, stalls, and grazing areas shall be maintained in a sanitary manner free from noxious odors.
  - c. Equestrian facility.

- 1) The land on which the facility is located shall be at least two acres in size.
- 2) No stalls or stables shall be within 200 feet of any existing adjoining residential dwelling and 100 feet from any adjoining potable water well being used for human consumption.
- 3) Reference Board of Animal Health (BOAH) standards as prescribed under 345 IAC 14.
2. High Intensity Agriculture.
  - a. Concentrated animal feeding operation (CAFO) and Confined feeding operation (CFO).
    - 1) There shall be a minimum separation for residential subdivisions, schools (any combination of K -12), public and private, restaurants, religious institution/place of worship, public, or private wells and/or water intakes, nature preserve / center, park or recreational facility (playgrounds and athletic facilities, unless located on the same property of 1,320 feet from any existing concentrated animal feeding (CAFO) operations (foundation wall nearest affected property) to non-agricultural districts and other aforementioned uses. This setback shall not apply to fences for areas where animals graze.
    - 2) Major drainage systems and water wells serving a CAFO and CFO shall be in compliance with IDEM standards prior to commencing operations.
    - 3) All CAFOS and CFOs shall have Indiana Department of Environmental Management (IDEM) approval within IDEM's rules for such uses prior to commencing operations.
  - b. Packing and processing animal products.
    - 1) Slaughter of animals shall take place inside a closed building in a confined area to prevent the transmission of sound and smell to the outside.
    - 2) Vehicular access to the facility shall not be obtained through residential districts.
    - 3) Animals shall be enclosed in gated enclosures with a minimum height of six (6) feet.
    - 4) Waste shall be stored in airtight containers and shall be confined in fully enclosed structures and disposed as prescribed by IDEM rules.
    - 5) All loading and unloading areas shall be screened from view from adjacent lands and public streets.
3. Product Sales. Sale of produce grown on-site or on an adjacent lot that is part of the same agricultural operation is permitted provided sales take place outside the right-of-way.

#### **C. Residential Use Classification**

1. Group Living.
  - a. Assisted living.
    - 1) If provided, shared food preparation, service, and major dining areas shall be centrally located on site.
    - 2) Common social and service facilities shall be provided at a minimum rate of thirty (30) square feet per dwelling or rooming unit in addition to the minimum amount of required open space set-aside.
    - 3) All facilities and services shall be solely for the use of residents and their guests (excluding food-service).
    - 4) Facilities for administrative services and limited medical services for the exclusive use of the residents may be located on the site.
  - b. Continuing care retirement community (CRCC).
    - 1) Retail, personal service, and institutional uses are intended to serve residents and their guests, and shall not be located within individual stand-alone buildings.
    - 2) The setback requirements of the zoning district are applied only to the development along the perimeter of the CCRC.
  - c. Group home.

- 1) No group home in a residential zoning district shall be located within one thousand (1,000) feet of another group home, as measured between the closest points on their respective lot lines, unless the two properties are separated by a river, creek, railroad track or street with four or more travel lanes.
- 2) Group homes in residential zoning districts shall follow Multi-Family Design Standards as specified in Section 5.9.
- 3) Group homes shall obtain, comply with, and maintain a license from the Indiana State Department of Health and applicable portions of the Indiana Code.
- d. Rooming house.
  - 1) Rooms may be rented to a maximum of five unrelated persons at any one time;
  - 2) The owner shall maintain the house as the owner's primary residence;
  - 3) Sleeping rooms in a rooming house shall:
    - a) Not include individual kitchen facilities; and
    - b) Be accessed by a common room or hallway, and shall not have individual access to the outside (except for emergency exits).
2. Individual Dwelling.
  - a. Duplex Dwelling.
    - 1) It shall be limited to a maximum of one driveway on a block face in the RR, R1,R2,R3 and R4 districts.
  - b. Live/Work Dwelling.
    - 1) The residential portion of the building shall occupy at least 50 percent of the gross floor area.
    - 2) The non-residential portion of the building is limited to an office, personal service, retail, makers space, or restaurant use type.
    - 3) Drive-through facilities are prohibited.
  - c. Manufactured Dwelling. All manufactured dwellings shall be set onto a permanent foundation and comply with the set-up, utility connection and underfloor space requirements set forth in IC 25-23.7.
  - d. Multi-Family Dwelling. Multi-family dwellings established after the effective date of this Ordinance shall comply with the multi-family design standards in Section 5.9.
  - e. Single-family attached.
    - 1) Single-family attached development established after the effective date of this Ordinance shall comply with the multi-family design standards in Section 5.9.
    - 2) The maximum number of attached dwelling units shall be eight per building.
    - 3) For attached units abutting a street or private drive without a sidewalk, the individual driveways for the units must be a minimum length of 20 feet as measured from back of curb or edge of pavement for streets and drives without a curb.
    - 4) Active recreation facilities must be placed a minimum of 50 feet from adjacent land used for single-family residential purposes.

#### **D. Institutional Use Classification.**

1. Civic.
  - a. Assembly (Major and Minor). An assembly use (major and minor) shall comply with the following standards:
    - 1) Outdoor courts, swimming pools, and athletic fields shall be located at least 50 feet from any lot line abutting a residential zoning district.

- 2) Assembly uses in residential zoning districts shall be on a lot of at least two acres.
- b. Cemetery. Except for the expansion of an existing cemetery that is an accessory use to a religious institution, a cemetery shall comply with the following standards:
  - 1) Be located on a lot or site at least three (3) acres in area;
  - 2) Provide space for on-site parking and maneuvering of funeral processions;
  - 3) Facilities require a 20' vegetated buffer.
- c. Public Recreation Facility
  - 1) Outdoor courts, swimming pools, and athletic fields shall be located at least 50 feet from any lot line abutting a residential zoning district.
2. Day Care.
  - a. Day care center (child/adult). A day care center shall comply with the following standards:
    - 1) All state licensing requirements;
    - 2) Outdoor recreation areas shall:
      - a) Be located behind the front building line of the principal building;
      - b) Be completely enclosed by a fence that is at least four feet in height; and
      - c) Be safely segregated from parking, loading, or service areas.
3. Education.
  - a. Other post-secondary educational facility.
    - 1) Facilities within a post-secondary educational facility which generate significant noise or fumes, such as auto body or engine repair, industrial/auto body painting, or manufacturing processes, and that are adjacent to a residential district shall be at least 100 feet from any lot line abutting the residential zoning district.
4. Health Care.
  - a. Hospital. A hospital shall comply with the following standards:
    - 1) Be located on a site or parcel with an area of at least five acres;
    - 2) Be located on a parcel that fronts or has direct access to a major arterial or collector street;
    - 3) Locate the emergency vehicle entrance on a major arterial or collector street;
    - 4) Not locate an emergency vehicle entrance in an area across the street from a residential zoning district; and
    - 5) Be located on a site with sewer and water utilities.
5. Utilities.
  - a. Solar array. A solar array use shall comply with the following standards:
    - 1) Be on a site of at least one acre in area;
    - 2) Be enclosed with a fence of at least six feet in height; and
    - 3) Not create glare or shadows on adjacent lands.
  - b. Utility facility (major and minor)
    - 1) Setbacks.
      - a) Accessory structures shall comply with the required front yard setback for a principal structure, and the side and rear accessory structure setbacks.
      - b) The minimum front, side, and rear yard setback for all facilities shall be 50 feet from

- all property lines.
- 2) Landscaping. A Type C perimeter buffer (Section 5.3) is required.
  - 3) Appearance. When located in a residential zoning district, all principal and accessory buildings shall have a pitched roof, and include materials compatible with residential buildings in the vicinity.
- c. Wireless telecommunication facilities (major and minor).
- 1) Purpose. This section is intended to establish general standards for the siting of telecommunications towers and antennas that will:
    - a) Protect residential areas and land uses from potential adverse impacts of towers and antennas;
    - b) Encourage the location of towers in nonresidential areas;
    - c) Minimize the total number of new towers throughout the county;
    - d) Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
    - e) Encourage the location of towers and antennas in areas where the adverse impact on the community is minimal;
    - f) Encourage towers and antennas to be carefully sited, designed, and screened to minimize their adverse visual impact;
    - g) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
    - h) Consider the public health and safety concerns of communication towers and antennas; and
    - i) Encourage the use of engineering and careful siting of tower structures to avoid potential damage to adjacent properties from tower failure.
  - 2) Applicability. All new telecommunications facilities, whether a principal or accessory use, shall comply with these standards unless specifically exempted below.
  - 3) Exemptions. The following shall be exempt from the standards of this section (but shall be required to comply with other relevant standards in this Ordinance):
    - a) Satellite dish antennas.
    - b) Receive-only television or radio antennas for noncommercial use.
    - c) Antennas legally operated by FCC-licensed amateur radio operators.
    - d) Emergency communication towers owned by the county or other public agency that are used wholly or in part for public safety or emergency communication purposes.
    - e) Emergency communication towers owned by a volunteer fire department that are used wholly or in part for public safety or emergency communication purposes.
  - 4) Freestanding towers. Freestanding telecommunications towers, whether as a principal or accessory use, shall comply with the following standards:
    - a) Safety.
      - i. Before obtaining a building permit, the applicant shall submit to the County Engineer engineering drawings for the tower, sealed by a licensed engineer (consulted by the petitioner), that include a statement that the tower will meet all applicable local, State, and Federal building codes and structural standards.
      - ii. Every two years after construction of a tower, the owner shall submit to the



Administrator, a statement on the tower's structural soundness that is signed and sealed by an engineer. Every sixth year, the statement shall be signed and sealed by an independent, registered, and licensed engineer.

- c) Height. The height of a telecommunications tower, including any building or structure atop which the tower is located, shall not exceed 200 feet.
- d) Aesthetics.
  - i. Towers shall either maintain a galvanized steel finish or be painted.
  - ii. Towers shall be camouflaged with the surrounding area, through paint, incorporation into architectural design/structure, or other means, to the maximum extent practicable.
  - iii. The exterior appearance of ground-based accessory structures located within a residential zoning district shall be designed to look like a residential structure typical of the district (e.g., with a pitched roof and frame or brick siding).
- e) Lighting. If lighting is required by the Federal Aviation Administration (FAA), it shall comply with FAA standards. Unless required by the FAA, strobe lights shall not be used for nighttime lighting and lighting shall be oriented so as not to project directly onto any surrounding residentially-zoned property. Documentation from the FAA that the lighting is the minimum lighting it requires shall be submitted to the Administrator before issuance of any building permit for the tower.
- f) Setbacks.
  - i. The minimum front, side, and rear yard setback for all towers shall be 50 feet from all property lines. No part of a wireless telecommunications facility, including the security fence, any required guide wires or bracing, and required landscape screening shall be permitted in any required front yard setback.
  - ii. There shall be no setback requirements between the tower and other structures located on the subject property.
  - iii. Buildings associated with a telecommunications facility shall meet the minimum setback requirements for the zoning district where located.
  - iv. Setbacks may be required to be modified from the minimum per district if a fall zone requirement is larger than the required setback. This is defined in IC-8-1-32.3-17(b).
- g) Separation from Other Towers. New telecommunication towers shall not be located within one-half-mile of an existing telecommunications tower (unless the towers are placed on the same lot). This standard shall not apply to a telecommunications tower placed out of view in a building or other structure.
- h) Collocation.
  - i. No freestanding telecommunications tower shall be allowed unless it is demonstrated that no suitable existing tower, building, or other structure within the coverage area is available for the collocation of antennas.
  - ii. New freestanding telecommunications towers shall be designed to accommodate the present and future needs of the owner and at least two comparable users.
- i) Security Fencing. Towers, guy anchor supports, and ground-based equipment buildings shall be enclosed by security fencing not less than ten feet in height.
- j) Interference. No telecommunications tower, antenna, or supporting equipment shall disturb or diminish radio or television or similar reception on adjoining residentially-zoned land.
- k) Compliance with State or Federal Laws and Regulations. Towers and antennas shall meet or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other



agency of the State or Federal government that regulates telecommunications towers and antennas.

- l) Replacement of Existing Towers. Existing freestanding towers may be replaced with a new tower that increases the number of collocation opportunities, subject to the following standards:
  - i. The height of the replacement tower shall not exceed 110 percent of the height of the replaced tower.
  - ii. The replacement tower shall be located within 100 feet of the replaced tower, unless the Administrator determines that a farther distance furthers the purpose and intent of this Ordinance.
  - iii. The replacement tower shall comply with all the standards of this section (including setbacks).
- m) Nonconforming Telecommunications Towers. Nonconforming telecommunications towers shall be allowed to remain and be maintained in accordance with the standards in Section 1.8: Nonconformities. Additional equipment may be added to the tower provided that such additions do not increase the degree of nonconformity.
- n) Discontinued Use. If a telecommunications tower is not used for a period of six consecutive months, the Administrator may send the tower owner notice indicating that the tower must be removed within 90 days from the date of notice.
- 5) Collocation of Antennas on Existing Towers. Antennas may be collocated on existing towers if they comply with the following standards:
  - a) It is demonstrated the tower can accept the additional structural loading created by the collocation.
  - b) Any modification of an existing tower to accommodate the collocation of additional antenna shall comply with the height limit established for freestanding telecommunications towers in this section.
  - c) Antennas and associated equipment shall comply with the safety, lighting, interference, and regulatory compliance standards for telecommunications towers included within this subsection.
- 6) Placement of Antennas on an Existing Buildings. An antenna may be attached to any business or multi-family residential building in accordance with the following standards:
  - a) The antenna shall not extend above a height 20 percent higher than the highest point of the building or structure.
  - b) Antennas and associated equipment shall comply with the safety, lighting, interference, and regulatory compliance standards for telecommunications towers included within this sub-section.
  - c) Antennas visible from the street shall be omni-directional, be screened, or be camouflaged, to the maximum extent practicable, to minimize their appearance.
  - d) All other equipment shall be located within the building or screened in some other fashion to prevent off-site views.
- 6. Wind Energy Conversion System (WECS) See Section 7 WECS Standards.

#### **E. Commercial Use Classification.**

- 1. Adult Uses.
  - a. Sexually oriented business.
    - 1) Separation Standards.

- a) A sexually oriented business shall not be located within 1,200 feet of any other sexually oriented business, measured as a straight line from lot line to lot line.
    - b) A sexually oriented business shall not be located within 650 feet of a religious institution, school, day care, public park, land in a residential district, or an establishment engaged in the sale of alcohol or spirits, measured as a straight line from lot line to lot line.
  - 2) Maximum Area. The gross floor area of any sexually oriented business shall not exceed 3,000 square feet.
  - 3) Restriction of Uses.
    - a) There shall not be more than sexually oriented business in the same building, structure, or portion thereof.
    - b) No other principal or accessory use may occupy the same building, structure, property, or portion thereof with a sexually oriented business.
- 2. Animal Care.
  - a. Animal care, major. Outdoor areas used to house or exercise animals shall be enclosed by a six-foot high opaque fence or masonry wall along all side and rear lot lines abutting a residential zoning district.
- 3. Eating Establishments.
  - a. Bar or nightclub. A bar or nightclub shall comply with the following standards:
    - 1) Be separated from a religious institution or a school by at least 200 feet.
    - 2) Not orient the primary entrance toward an abutting lot in a residential zoning district.
    - 3) Have a six-foot high opaque fence or masonry wall along all side and rear lot lines abutting a residential zoning district.
  - b. Restaurant. A restaurant with outdoor seating or a drive-through shall have a six-foot high opaque fence or masonry wall along all side and rear lot lines abutting a residential zoning district.
- 4. Offices.
  - a. Flex Tenant Space and Professional, General. A heavy office use with outdoor storage shall have a six-foot high opaque fence or masonry wall along all side and rear lot lines abutting a residential zoning district.
- 5. Personal Services. All personal services uses established after the effective date of this Ordinance shall comply with the Non-Residential design standards in Section 5.8.
  - a. Repair Establishments. Repair activities shall be conducted within an enclosed building.
- 6. Recreation.
  - a. Intensive.
    - 1) Intensive uses require approval of the Administrator if located within 1000 linear feet from a residential district.
    - 2) Uses engaged in the discharge of firearms or other weapons shall be configured to include adequate backstop, direct fire zones, and ricochet zones are maintained at all times.
    - 3) Outdoor intensive recreation uses shall be approved by the Administrator and surrounded by a security fence or wall of at least eight feet in height and shall maintain appropriate security measures to ensure no unauthorized access.
    - 4) Noise levels at lot lines shared with residential zoning districts shall not exceed 60 dBa.
- 7. Retail Sales.
  - a. Bulky Item Sales. The outdoor display of bulky goods shall comply with the following standards:

- 1) Portable storage containers and dumpsters that are utilized for the purpose of display and any item that exceeds 10 feet in height shall not be placed within required setbacks, parking or landscape areas.
  - 2) Other bulky items that are less than or equal to 10 feet in height must be located at least 10 feet from any public street and shall not be placed within required parking or landscape areas.
  - b. Retail sales (minor, moderate, and major). Retail sales uses established after the effective date of this ordinance shall comply with the Non-Residential design standards in Section 5.8.
8. Vehicle-Related.
- a. Generally applicable to all vehicle-related uses.
    - 1) The outdoor storage of tires is prohibited.
    - 2) Salvaging and storage of vehicles for parts is prohibited outside the industrial zoning districts.
    - 3) Except for salvaging and storage of vehicles for parts in an industrial district, repair of all vehicles shall be within an enclosed building.
    - 4) In all districts except L-I and H-I, outdoor vehicle storage is limited to an area less than 25 percent of the lot. The storage area shall be located to the rear or side of the principal building and be screened with an opaque, wall, fence, or other approved method to a height of six feet above grade.
    - 5) In the L-I and H-I districts, outdoor vehicle storage may occupy up to 50 percent of the lot. The storage area shall be located to the rear or side of the principal building and be screened with an opaque wall, fence, or other approved means to a height of six feet above grade level.
  - b. Fuel sales.
    - 1) Vehicular access points shall be no more than 40 feet wide.
    - 2) The fuel sales use shall be designed to ensure safe and adequate on-site vehicle stacking, circulation, and turning movements.
    - 3) Drive-through facilities and associated stacking lanes and circulation shall be prohibited in the front of the principal building.
    - 4) Trash containers shall be fully screened by a wall that is constructed of the same material as the principal structure. Trash containers shall be located so as to minimize their visibility from adjacent public streets or other public gathering areas.
  - c. Parking.
    - 1) Parking shall be the principal use of a parking lot. Parking spaces may be rented for parking, or otherwise used in accordance with an approved temporary use permit or other permit, but no other business of any kind shall be conducted on the lot, including repair service, washing, display, or storage of vehicles or other goods.
    - 2) Commercial parking lots shall not be located contiguous to a R-R, R-1 and R-2 districts.
    - 3) In the C-1 zoning district, commercial parking lots that are the principal use of the lot shall have no more than 100 feet of street frontage. Parking shall be screened in accordance with Section 5.3 (E). A Type D perimeter buffer (Section 5.3) of at least 25 feet in depth is required. A decorative fence or wall not exceeding thirty-six (36) inches may be used in the Urban Commercial (C-1) district.
  - d. Sales or rental. Vehicles for sale or rent shall not be:
    - a) Located within the right-of-way;
    - b) Less than ten feet from the edge of the pavement or the curb;

- c) In a required planting area;
  - d) In a sight triangle; or
  - e) In an area required for off-street parking.
  - f) All vehicles shall be located on an all-weather surface such as a paved parking lot.
  - g) No vehicles may be displayed on the top of a building.
- e. Vehicle establishment, minor.
  - 1) Vehicle washing or detailing shall comply with the following standards:
    - a) The washing operation shall take place within a building.
    - b) Buildings shall be setback at least 75 feet from an abutting residential zoning district.
    - c) Specific areas shall be provided for the manual drying, waxing, polishing and vacuuming of vehicles when these services are provided. These areas shall not conflict with on-site circulation patterns.
    - d) The use shall be screened with an opaque fence, wall, or other approved method to a height of six feet above grade level along all lot lines abutting a residential district.
- 9. Visitor Accommodations.
  - a. Bed and breakfast. A bed and breakfast shall comply with the following standards:
    - 1) Have no more than ten (10) sleeping rooms;
    - 2) Have up-to two kitchens (one for preparation for guest food and/or open to guests for their own use and one for operator use).
  - b. Campgrounds/RV park.
    - 1) RV Park. An RV park shall meet the definition of 'campground' set forth in 410 Indiana Administrative Code 6-7.1-3, and comply with 410 IAC 6-7.1 in its entirety.
    - 2) An RV parked within an RV park may not be occupied for more than 91 days consecutively or 182 days in a calendar year, and the RV shall remain fully licensed and ready for highway use.
  - c. Hotels and motels.
    - 1) Ownership. All hotel rooms associated with a single development shall be under common ownership, and in no instance shall individual rooms be held under individual ownership.
    - 2) Area Devoted to Non-living Quarters. Up to 20 percent of the gross floor area of a hotel or motel may be for non-living-quarter incidental uses (accessory uses), including management/employee offices, conference space, meeting rooms, banquet halls, retail services, such as newsstands and gift shops, and similar uses, provided any incidental business is conducted primarily to service guests.
    - 3) Eating Establishments. In addition to the accessory uses allowed in Section 4.4 Accessory Use Standards, up to an additional 20 percent of the gross floor area of a hotel may be devoted to eating establishments as an accessory use. The eating establishment(s) may have an entrance from outside the principal building.

#### **F. Industrial Use Classification.**

- 1. Extractive industry. Extractive industry uses shall comply with IC 36-7-4-1103 and the following standards:
  - a. Extractive industry uses shall be located at least 1,000 feet from any residential zoning district, Civic use, day care center, or school.
  - b. Extractive Industry uses shall be surrounded by a solid fence or earthen berm that is at least eight feet high, located no less than 100 feet from any public right-of-way, and located no less than 50 feet from any adjacent property.

2. Industrial Services.
  - a. Industrial service (major and minor). Repair of all machines shall occur within an enclosed building. Temporary outdoor storage may be allowed in an outdoor storage area that is no larger than 25 percent of the buildable area of the lot, located to the rear or to the side of the principal structure, and screened in accordance with Section 5.3 Landscaping Standards and Section 5.4 Containers/Service Structures Screening.
3. Manufacturing and Production.
  - a. Manufacturing, major.
    - 1) Major manufacturing uses shall be located at least 1,000 feet from any residential zoning district.
    - 2) A Type D perimeter buffer (Section 5.3) of at least 25 feet in depth shall be provided along any boundary with another property not zoned for heavy industry.
  - b. Manufacturing, minor.
    - 1) Buffer and setback areas in the side and rear shall not be used for parking. A Type D perimeter buffer (Section 5.3) of at least 25 feet in depth is required.
    - 2) Finished products for display and sale (wholesale and retail) shall not occupy more than 40 percent of the land area between the principal building and all adjacent streets.
    - 3) The use shall not generate more noise, smoke, odor, fumes, vibrations or other disturbance than is characteristic of permitted business uses located within 1,000 feet in any direction when observed, measured, or monitored from the closest lot line. In cases where such monitoring, measuring or observation is required, it shall be the responsibility of the applicant to provide adequate information to the Administrator.
4. Warehousing & Freight.
  - a. Self-storage.
    - 1) No more than 50 percent of the total site may be occupied by buildings.
    - 2) No activity other than storage shall take place within a storage unit.
  - b. Warehouse and distribution. Parcel services, truck or freight terminals, or warehouses (distribution or storage) shall comply with the following standards:
    - 1) The use shall be located at least 500 feet from any residential zoning district, school, or day care center.
    - 2) The use shall not locate storage areas within a required setback or perimeter buffer.
    - 3) The use shall locate outdoor storage areas to the rear of the principal structure and screen them with a wooden fence or masonry wall and landscaping no less than eight feet in height.
    - 4) The use shall be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements.
    - 5) Access to truck loading and unloading spaces shall be provided directly from a public street or alley or from any right-of-way that will not interfere with public convenience and that will permit the orderly and safe movement of such trucks.
    - 6) Windows shall not be boarded or paneled over from the outside or the inside.
5. Waste-Related.
  - a. Composting/recycling center.
    - 1) Access shall be controlled through the use of a fence, wall, gate, or other suitable device to prevent unregulated dumping.
    - 2) A Type D perimeter buffer (Section 5.3) of at least 25 feet in depth is required.
    - 3) Vehicular access shall be constructed with an paved surface and be maintained to prevent waste and waste products from entering the public ROW.

- b. Incinerator. Incinerators shall comply with the following standards:
  - 1) The use shall be located at least 1,000 feet from any existing residential use, school, or day care use.
  - 2) The use shall be surrounded by a solid fence that is at least eight feet high, located no less than 100 feet from any public right-of-way, and located no less than 50 feet from any adjacent property.
  - 3) A Type D perimeter buffer (Section 5.3) of at least 25 feet in depth is required.
- c. Landfill. Landfills shall comply with the following standards:
  - 1) Landfills shall be set back at least 500 feet from any existing residential zoning district, school, or day care use. A Type D perimeter buffer (Section 5.3) of at least 25 feet in depth is required.
  - 2) Access to a landfill shall be controlled through the use of a fence, wall, gate, or other suitable device to prevent unregulated dumping.
  - 3) All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.
  - 4) No filling associated with a landfill shall take place within in any flood hazard area, drainage ways, or utility easements.
  - 5) Sanitary landfills shall maintain liners and leachate collection systems to protect ground water quality, and active deposition areas shall be covered with soil on a daily basis.

#### 4.4 Accessory Uses and Structures

**A. Purpose.** This section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses. The purpose of this section is to allow a broad range of accessory uses, so long as such uses are located on the same site as the principal use, and so long as they comply with the standards set forth in this section in order to reduce potentially adverse impacts on surrounding lands.

**B. General Standards and Limitations.**

- 1. Compliance with Ordinance Requirements. The provisions of this section establish additional standards and restrictions for particular accessory uses and structures. All accessory uses and accessory structures shall conform to the applicable requirements of this Ordinance.
- 2. General Standards. All accessory uses and accessory structures shall meet the following standards:
  - a. Directly serve the principal use or structure;
  - b. Be customarily accessory and clearly incidental and subordinate to the principal use and structure;
  - c. Be subordinate in area, extent, and purpose to the principal use or structure;
  - d. Not exceed 25 percent of the heated floor or buildable area of the principal use, except where otherwise allowed by this Ordinance;
  - e. Be owned or operated by the same person as the principal use or structure (except that vending machines, automated teller machines, and similar features are exempted from this requirement);
  - f. Be located on the same lot as the principal use or structure;
  - g. Together with the principal use or structure, not violate the bulk, density, parking, landscaping, or open space standards of this Ordinance; and
- 3. Approval of Accessory Uses and Structures.
  - a. Except for a single storage shed (for the upkeep of a lot), ponds, or borrow pits, no accessory use shall be located on a lot prior to development of an associated principal use.

- b. An accessory use or structure may be approved in conjunction with or subsequent to approval of the principal use or structure.
- c. Incidental accessory uses, such as mailboxes, newspaper boxes, birdhouses, dog houses, flagpoles less than 35 feet high, pump or well covers, and similar non-habitable structures may be established without a improvement location permit.
- 4. Table of Accessory Uses. Table 4.2 Table of Accessory Uses, is established as a guide to identify the appropriateness of the more common accessory uses in each zoning district. It lists what types of accessory uses, structures, and activities are allowed in each of the zoning districts.
  - a. If a specific accessory use is allowed by-right the cell underneath the zoning district is marked with a "P".

Table 4.2: Table of Common Accessory Uses

P- Permitted Use S- Special Exception Use

Accessory Use Type	Zoning District												Classifications & Additional Standards	
	A-1	A-2	R-R	R-1	R-2	R-3	R-4	C-1	C-2	L-I	H-I	R-D		P-D
ACCESSORY DWELLING Unit	P		P	P	P	P		P	S				P	4.4.C.1
Amateur Ham Radio	P	P	P	P	P	P	P	P	P	P	P		P	4.4.C.2
Apiary, Small	P	P	P	P	P	P	S	S	S			P	S	
Automated Teller Machine								P	P	P	S	P	P	
Cemetery (family or religious institution)	P		P	P	S	S		S	S				P	4.4.C.3
Child Care, Incidental	P		P	P	P	P	P	P					P	4.4.C.4
Drive-Through								S	P	P	P		P	4.4.C.5
Fuel Sales	S							P	P	P	P		P	4.4.C.6
Home Occupation	P	P	P	P	P	P	P	P					P	4.4.C.7
Housing for Poultry (on a single-family lot)	P	P	P	S	S	S	S	S	S			P	S	4.4.C.8
Outdoor Display/Sales	P							P	P	P			P	4.4.C.9
Outdoor Storage	P	P						S	P	P	P		P	4.4.C.10
Parking of Heavy Trucks, or Trailers	P	P	S	S	S	S	S	S	P	P	P		P	4.4.C.11
Parking of Major Recreational Equipment	P	P	P	P	P	P						S	P	4.4.C.12
Produce Stand	P	P	P					P	P			S	P	4.4.C.13
Retail Sales from a Vehicle	S							P	P	S	S		P	4.4.C.14
Solar Energy Equipment	P	P	P	P	P	P	P	P	P	P	P	P	P	
Stable (horses)	P	P	P	P								P	P	4.4.C.15
Storage Tank	P	P	S					P	P	P	P	S		
Wind Energy Facility, Small	P	P	P	S				P	P	P	P	S	P	4.4.C.16



- b. If a specific accessory use is allowed subject to a special exception, the cell underneath the zoning district is marked with a "S".
  - c. If the accessory use or structure is not allowed in a zoning district, the cell is blank.
  - d. If there is a reference contained in the column entitled "Additional Standards," refer to the cited section(s) for additional standards that apply to the specific accessory use.
5. Location of Accessory Uses or Structures.
- a. Except on lots where the principal structure is 300 feet or more from a street, the following accessory uses shall not be located forward of the front building line between the principal use and adjacent street right-of-way:
    - 1) Accessory dwelling units;
    - 2) Amateur ham radio equipment;
    - 3) Drive-through;
    - 4) Housing for poultry;
    - 5) Outdoor storage;
    - 6) Parking of boats, watercraft, heavy trucks, trailers, or major recreational equipment;
    - 7) Small wind energy facilities; or
    - 8) Stable.
  - b. Except for fences and walls, all accessory structures shall comply with the minimum setback and spacing standards applicable to accessory structures in the zoning district where the structure is located.
  - c. No accessory structure shall be located within any platted or recorded easement or over any known utility unless written authorization is provided from the easement holder or the county, as appropriate.
6. Maximum Height. All accessory structures shall comply with the maximum height standards in the zoning district where the structure is located.
7. Lot Coverage. Accessory structures shall be counted towards applicable maximum lot coverage standards in the zoning district where the structure(s) is located.

### **C. Specific Standards for Certain Accessory Uses.**

- 1. Accessory Dwelling Units. Accessory dwelling units shall comply with the following standards:
  - a. Where Permitted.
    - 1) Accessory dwelling units may be located within a principal structure (e.g., a downstairs apartment) or as a freestanding building or above a detached outbuilding.
    - 2) The use of travel trailers, campers, tractor trailers, or similar vehicles as an accessory dwelling unit is prohibited.
  - b. Owner Occupancy Required. The owner of the lot shall reside on a lot containing an accessory dwelling unit.
  - c. Additional Standards.
    - 1) Not more than one accessory dwelling unit per lot is permitted.
    - 2) An accessory dwelling unit shall have a minimum floor area of least 500 square feet.
    - 3) If an accessory apartment is located within the principal building, the only entry to such unit and its design shall be such that, the appearance of the buildings will remain as a single-family residence.
    - 4) No exterior stairway to the second floor shall be permitted at the front or side of the building.
    - 5) Accessory apartments located in accessory structures shall be located, designed,



constructed, and landscaped in such a manner that, to the maximum extent feasible, the appearance of the property remains as a single-family lot.

6) At least one, but no more than two, off-street parking spaces shall be provided for an accessory dwelling unit (in addition to the required off-street parking serving the principal use).

7) Accessory dwelling units shall not be sold apart from the principal structure.

8) Accessory dwelling units may be used for home occupation uses but in no instance shall more than one home occupation use be conducted on a single lot.

2. Amateur Ham Radio.

- a. Towers associated with a ham radio operator or private television antenna shall not exceed a height of 100 feet above grade.
- b. Towers or antennas attached to a principal structure shall be located on a side or rear elevation.
- c. Freestanding towers or antennas shall be located behind the rear building line of the principal structure.

3. Cemetery, Family or Religious Institution. Cemeteries, including family cemeteries and those cemeteries affiliated with a place of worship or religious institution, are permitted as an accessory use in accordance with the following standards:

- a. Lots including a cemetery shall be a minimum of three acres in size, but the cemetery site itself has no minimum area requirement.
- b. The property owner shall provide a road or path for the purpose of access to and from the cemetery.
- c. The cemetery shall not be owned or operated as a business for profit.
- d. The applicant requesting to establish or enlarge a cemetery shall submit the following minimum information on the site plan:
  - 1) Lot dimensions;
  - 2) All property line setback requirements;
  - 3) All existing physical features (structures, buildings, streets, roads, grave sites, etc.);
  - 4) Location and dimension of cemetery boundaries; including number of grave sites or burial plots;
  - 5) Location and dimension of the road or path used to access the family cemetery;
  - 6) Location of all potable water supplies within 50 feet of the family cemetery; and,
  - 7) Location of all water bodies and major drainage ways (sounds, creeks, river, canals, etc.) within 75 feet of the family cemetery.

4. Child/Adult Day Care. Day-care homes shall meet the definition established by I.C. 12-7-2-28.6 and shall be consistent with all applicable regulations of the State of Indiana. Child care is permitted as an accessory use to a single-family dwelling in accordance with the following standards:

- a. It is not considered a home occupation.
- b. The child care provider shall reside on site as their permanent residence.

5. Drive-Through.

- a. Drive-through structures and lanes shall be located at least 100 feet from any detached single-family dwelling or single-family residential zoning district.
- b. Outdoor speakers associated with a drive-through shall be at least 50 feet from any lot line and not oriented toward any single-family residential zoning district.

- c. Drive-through facilities shall not be located on the front façade of the building they serve.
  - d. Stacking spaces shall be in addition to the required parking spaces and must not be located within a required driveway, internal circulation system, parking aisle, or between the front building line and adjacent right-of-way.
  - e. Stacking spaces shall begin at the point of transaction including all service windows, service bays, and automated teller machines.
  - f. Canopies or other features installed over a drive through window shall maintain common roof lines and materials with the principal structure
6. Fuel Sales. Fuel sales may be permitted as an accessory use in accordance with the following standards:
- a. Location.
    - 1) Gasoline pumps, canopies, and associated service areas are prohibited in any established front yard in the C-1 district
    - 2) The gasoline sales use shall have an area of at least 23,000 square feet.
  - b. Circulation. The gasoline sales use shall have no more than two vehicular access points. Access points shall be located at least 150 feet from each other and from any intersecting street right-of-ways, and at least 15 feet from any other lot line.
7. Home Occupations. A home occupation shall be permitted as accessory to any principal dwelling unit, provided that the accessory use will not change the character of the residential neighborhood in terms of appearance, noise, odors, traffic, or other impacts. Home occupations shall be subject to the following standards:
- a. The business or service is located within the dwelling or an associated accessory building, and does not exceed 25 percent of the heated floor area of the principal structure or 1,000 square feet, whichever is less.
  - b. The principal person or persons providing the business or service resides in the dwelling on the premises.
  - c. The home occupation employs no more than one person on the premises who does not reside on the premises.
  - d. The home occupation causes no change in the external appearance of the existing dwelling and structures on the property.
  - e. All vehicles used in connection with the home occupation are of a size, and located on the premises in such a manner, so as to not disrupt the quiet nature and visual quality of the neighborhood, and there is no more than one vehicle per home occupation. In no instance shall any vehicle larger than eight feet by 24 feet be parked, stored, or otherwise maintained at the site of a home occupation.
  - f. Home occupations shall not result in regular and on-going vehicular traffic to the home where located.
  - g. Up to one wall-mounted sign shall be allowed, provided the sign does not exceed two square feet in area. No signage shall be illuminated or moving.
  - h. The property contains no outdoor display or storage of goods, equipment, or services that are associated with the home occupation.
8. Housing for Poultry. Except within the A-1 and A-2 districts, the housing of poultry shall comply with the following standards:
- a. Housing for Poultry on RR and R1 (not within incorporated municipalities or established settlements) districts with 3 birds or less (precluding roosters) are exempt from the special

exception requirements included within this section of the ordinance.

- b. No more than eight birds may be housed per lot;
  - c. Roosters are prohibited;
  - d. On-site slaughter of birds is prohibited;
  - e. All birds shall be housed within a covered enclosure or coup;
  - f. No enclosure shall be located closer than 25 feet to any residential structure or lot line (excluding rear and side lot lines where an existing alley is present); and
  - g. Birds shall be kept within a fenced enclosure at all times.
9. Outdoor Display and Sales. Outdoor display or sales may be allowed as an accessory use for all retail sales uses. It is the intent of this Ordinance to allow the display of merchandise for sale, but not where the display of such items is unsightly, impedes the flow of pedestrian or vehicular traffic, or creates an unsafe condition. The outdoor display/sales of goods shall comply with the following standards:
- a. Outdoor display/sales areas shall be depicted upon a site plan for existing buildings and new construction.
  - b. Outdoor display and storage areas shall be located to the side or rear of the principal structure unless permission is obtained from the Administrator in regard to maintaining site visibility and traffic flow.
  - c. Containers or racks used for display shall be anchored in manner capable of withstanding 100 mph winds, or shall be capable of being moved indoors.
  - d. Outdoor display areas shall be limited to no more than one-half of the length of the store front or building side.
    - 1) In the case of a shopping center, the “storefront” shall include the entire frontage of the shopping center facade, meaning that the total amount of display for all the in-line tenants combined shall not exceed 50 percent of the aggregate store front length of the shopping center.
  - e. The area of outdoor display or sales shall not occupy the width of the entrance doors to the establishment as projected straight out from the facility. (For example, if the width of the entrance doors is ten feet, there shall be at least a ten-foot clearance from the doors as projected straight out and away from the facility.)
  - f. No goods shall be attached to a building’s wall surface.
  - g. The height of the outdoor display shall not exceed nine feet, except in the case of live or recently cut trees or similar vegetation.
  - h. The outdoor display area shall take place on an improved surface.
  - i. Per ADA requirements, a minimum clearance width of three feet for a sidewalk along the parking lot side of the display shall be maintained free of obstruction to allow for pedestrian and wheelchair movement, such that handicapped patrons and other pedestrians do not have to enter the parking lot or drive aisle to walk around the display.
  - j. Outdoor sales shall not include hazardous and flammable materials, such as gasoline, oil, antifreeze, kerosene, poisons, pesticides, and similar items.
  - k. No additional signage shall be permitted in association with outdoor display areas.
10. Outdoor Storage (Other than Boats or Vehicles). Outdoor storage may be allowed as an accessory use in accordance with the following standards:
- a. Each outdoor storage area shall be incorporated into the overall design of the principal structure on the site and shall be shown on a site plan, if one is required.
  - b. Outdoor storage areas shall be located to the side or rear of the principal structure.
  - c. Outdoor storage areas shall not be located within fire lanes, parking lot drive aisles, loading

zones, required setbacks, required off-street parking spaces, or sight triangles.

- d. Goods stored in an outdoor storage area intended for sale or resale shall be limited to those sold on the premises as part of an associated, additional principal use.
  - e. Each outdoor storage area shall be screened from off-site views and in accordance with Section 5.4.
  - f. If the outdoor storage area is covered, then the covering shall include at least one of the predominant exposed roofing colors on the primary structure.
  - g. No materials may be stored in areas intended for vehicular or pedestrian circulation.
11. Parking of Heavy Trucks or Trailers.
- a. Intent. It is the intent of this subsection to prohibit the customary or continual parking of commercial or other vehicles engaged in activity exceeding personal transport on streets and within yards adjacent to streets in residential neighborhoods. It is not the intent of these standards to prevent the occasional or temporary parking of such vehicles or equipment as necessary for the purposes of loading, unloading, or cleaning; however, the continual or customary overnight parking of such vehicles or equipment for a portion of the day followed by removal the following day is prohibited.
  - b. Applicability. The standards in this subsection apply to trucks with more than two axles or that exceed 13,000 pounds or two-and-one-half tons of gross vehicle weight rating or trailers with more than one axle.
  - c. Standards.
    - 1) Heavy trucks and trailers with a rated capacity exceeding two-and-one-half tons, or major recreational equipment, shall not be parked or stored on public right-of-way in a residential zoning district except for the purposes of active loading or unloading.
    - 2) No heavy truck or trailer shall be parked or stored in any front yard or in any location where it is closer to a street right-of-way than the principal structure within a residential or mixed-use zoning district.
12. Parking of Major Recreational Equipment.
- a. It is the intent of this subsection to prohibit the customary or continual parking of commercial or other vehicles engaged in activity exceeding personal transport on streets and within yards adjacent to streets in residential neighborhoods since the presence of such vehicles runs contrary to the intended residential character of such neighborhoods. It is not the intent of these standards to prevent the occasional or temporary parking of such vehicles or equipment as necessary for the purposes of loading, unloading, or cleaning; however, the continual or customary overnight parking of such vehicles or equipment for a portion of the day followed by removal the following day is prohibited.
  - b. Applicability. The standards in this subsection apply to major recreational equipment, including, but not limited to, boats, campers, recreational vehicles, motor homes, and travel trailers.
  - c. Standards.
    - 1) Major recreational equipment, shall not be parked or stored on public right-of-way in a residential zoning district except for the purposes of active loading or unloading.
    - 2) Major recreational equipment, shall not be parked or stored in any front yard, corner side yard, or in any location where it is closer to a street right-of-way than the principal structure within a residential or mixed-use zoning district.
    - 3) Major recreational equipment may be stored in the rear yard within a residential district, provided the equipment is at least ten feet from all lot lines.
    - 4) Major recreational equipment may be exempted from the standards in this sub-section following approval of a temporary use permit for a maximum period of ten days during a

calendar year.

13. **Produce Stands.** The sale of fresh vegetables and produce from curbside stands or in a similar fashion shall:
  - a. Be located on the same lot as a principal use;
  - b. Be limited to retail sale of agricultural or horticultural products;
  - c. Be located outside of sight triangles or other areas that may result in visual obstructions to drivers;
  - d. Not exceed 1,000 square feet in area;
  - e. Provide adequate ingress/egress and off-street parking;
  - f. Property owner consent (if different than operator).
14. **Retail Sales from a Vehicle.** Retail sales of food (including food truck) or other products from a vehicle is permitted as an accessory use, provided:
  - a. The vehicle is located outside of the right-of-way;
  - b. The vehicle and any other appurtenances are removed each day after the completion of sales;
  - c. No permanent features are included as part of the use;
  - d. No signage or exterior lighting is used;
  - e. The location has sufficient space to accommodate vehicular parking and safe pedestrian movement; and
  - f. Any retail sales of food is subject to health department certification.
15. **Stable.** Stables as an accessory use shall comply with the standards for equestrian facilities in Section 4.2 (D).
16. **Wind Energy Facility, Small.** A small wind energy facility shall comply with the following standards:
  - a. Towers and turbines associated with a small wind energy facility shall be limited to a maximum of one per principal use.
  - b. Small wind energy facilities shall not be located between a principal building and any streets fronting the lot.
  - c. A small wind energy facility shall be set back a distance equal to its total extended height (e.g., if on a roof, roof height plus the height of any tower extending from the roof) plus ten feet from all lot lines and overhead utilities. Guy wires and other support devices shall be set back at least ten feet from all lot lines.
  - d. The maximum height of a small wind energy system (including the tower and extended blades) shall be 120 feet.
  - e. Sound produced by the wind turbine under normal operating conditions, as measured at a lot line, shall not exceed 55 dBA. The 55 dBA sound level, however, may be exceeded during short-term events that occur beyond the property owner's control, such as utility outages and/or severe wind storms.
  - f. The wind turbine and tower shall be painted or finished in the color originally applied by the manufacturer, or a matte neutral color (e.g., gray, white, or galvanized steel).
  - g. The blade tip or vane of any small wind energy facility shall have a minimum ground clearance of 15 feet above grade, as measured at the lowest point of the arc of the blades. No blades

shall extend over public right of ways, parking, or driveway areas.

- h. No illumination of the turbine or tower shall be allowed, unless required by the (FAA).
- i. Any climbing rungs shall be removed to a height of 12 feet above grade.

## 4.5 Temporary Uses and Structures

**A. Purpose.** This section allows for the establishment of specific temporary uses of limited duration, provided that such uses do not negatively affect adjacent land, and provided that such temporary uses are discontinued upon the expiration of a set time period. Temporary uses shall not involve the construction or alteration of any permanent building or structure.

**B. Applicability.**

1. Generally. The standards in this section apply to non-permanent uses that take place on a temporary basis whether on the same site or in different locations in the jurisdiction. The activities listed in this section require the issuance of an improvement location permit, except as may be exempted within this Ordinance.
2. Exemption from Permit Issuance. The following temporary uses are exempt from the requirement to obtain a permit, but shall comply with all other applicable requirements in this section.
  - a. A mobile food vendor operating two or fewer days within a 180 calendar-day period on a lot with an established principal use;
  - b. A special event of five or fewer days within a 180 calendar-day period on a lot with an established principal use;
  - c. A special event sponsored by a city, the county, or the State.

**C. General Standards for Temporary Uses.** All temporary uses shall comply with the following general standards, unless otherwise specified in this Ordinance:

1. General Standards.
  - a. Secure written permission from the landowner;
  - b. Obtain the appropriate permits and licenses from the County and other regulatory authorities as applicable;
  - c. Comply with the requirements for temporary signs as applicable;
  - d. Meet public utility requirements for proper connection to water, sewer, electrical and other utility service connections, as applicable;
  - e. Not violate the applicable conditions of approval that apply to a site or use on the site;
  - f. Not result in a situation where the principal use, if present, fails to comply with the standards of this Ordinance;
  - g. Contain sufficient land area for the temporary use and for the parking and traffic movement associated with the temporary use, without impacting environmentally sensitive lands; and
  - h. Not remain in place for more than three consecutive months in a calendar year, if located within a special flood hazard area.
2. Conditions of Approval. In approving a temporary use, the Administrator is authorized to impose such conditions upon the premises benefited by the permit as may be necessary to reduce or minimize any potential adverse impacts upon other property in the area, as long as the condition relates to a situation created or aggravated by the proposed temporary use. The

Administrator is authorized, where appropriate, to require, but is not limited to the following:

- a. Provision of temporary parking facilities, including vehicular access and egress;
  - b. Control of nuisance factors, such as but not limited to, the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat;
  - c. Regulation of placement, height and size, location of equipment and open spaces, including buffer areas and other yards;
  - d. Provision of sanitary and medical facilities;
  - e. Provision of solid waste collection and disposal;
  - f. Provision of security and safety measures;
  - g. Modification or elimination of certain proposed activities;
  - h. Regulation of operating hours and days, including limitation of the duration to a shorter time period than requested or specified in this subsection; and
  - i. Submission of a financial guarantee to ensure that any temporary use will be removed from the lot or site within a reasonable time and the lot or site will be restored to its former condition.
3. Decisions of the Administrator may be appealed to the Board of Zoning Appeals per Section 2.4 (R) (3).

#### **D. Standards for Specific Temporary Uses.**

1. Construction-Related Uses. A temporary construction-related use is permitted on a lot in a residential, commercial, or planned development district, subject to the following standards:
  - a. Temporary construction-related uses, including construction and business offices, storage buildings, equipment and outdoor storage lots, and employee parking areas, may occur on the same lot or site as the construction activity, or on a lot or site that is adjacent to the construction site.
  - b. The temporary use shall not be established until a building permit is issued for a principal structure.
  - c. A temporary construction-related use shall be removed within 30 days of issuance of a certificate of occupancy for the principal structure,
  - d. A temporary construction-related use shall be removed immediately if the building permit expires or is revoked.
2. Itinerant Merchant Sales. Itinerant merchant sales, not including food trucks, are permitted on a lot in a commercial or planned development district, subject to the following standards:
  - a. The sale of merchandise, products, or material must be a permitted principal use in the zoning district where the sales are temporarily located.
  - b. Itinerant merchant sales shall be located on a lot with a principal use and located outside of street rights-of way, required sight visibility triangle, required landscape areas, vehicular circulation areas, or areas where pedestrian access is needed to ensure safe movement through or across a site.
  - c. No signage is permitted other than signage that is affixed to the vehicle, trailer or stand.
  - d. All merchandise and related materials shall be removed from the site or properly stored each day following the sale.
  - e. The maximum period of operation of itinerant merchant sales shall be from 8:00 AM to 11:00 PM.



- f. Permitted itinerant merchant sales shall be limited in duration to a maximum of 30 continuous days and there shall not be more than three itinerant merchant sales on a lot per calendar year.
3. Food Trucks. Food Trucks are permitted on a lot in a commercial or planned development district, subject to the following standards:
  - a. Mobile food vendors operating in the public right-of-way are exempt from this subsection and are subject to applicable provisions of the Pulaski County Code of Ordinances. Also, exempt from this subsection are food trucks for special events allowed by this section and food trucks for private events where food is not sold to the general public.
  - b. The sale of food must be a permitted principal use in the zoning district where the mobile food vendor is temporally located.
  - c. Mobile food vendors shall be located on a lot with a principal use and located outside of street rights-of way, required sight visibility triangle, required landscape areas, vehicular circulation areas, or areas where pedestrian access is needed to ensure safe movement through or across a site.
  - d. No signage is permitted other than signage that is affixed to the vehicle, trailer, cart or stand with a maximum of 4 s.f. in sign area.
  - e. The vendor shall properly dispose all solid waste, grease and liquid waste and the vehicle, trailer, cart or stand shall be removed from the site each day.
  - f. The maximum daily period of operation of food trucks shall be from 6:00 AM to 11:00 PM, or until the time the principal use on the lot closes, whichever is later.
  - g. Permitted food trucks shall be limited in duration to a maximum of 12 months, except that the temporary use permit may be renewed an unlimited amount of times.
4. Outdoor Seasonal Sales. Outdoor seasonal sales are permitted on a lot in an agricultural commercial, or planned development district, subject to the following standards:
  - a. Seasonal sales shall be limited to seasonal agricultural products such as Christmas trees, pumpkins, and living plants.
  - b. The maximum daily hours of operation of an outdoor seasonal sales use shall be from 8:00 AM to 11:00 PM, except when located in a residential district, then the seasonal sales use shall cease by 10:00 PM.
  - c. Exterior lighting shall comply with the lighting requirements in this Ordinance.
  - d. One recreational vehicle is allowed as a temporary dwelling for security purposes in association with the seasonal sales use, provided it meets the general standards for a temporary dwelling, and is removed at the end of the sales.
  - e. Outdoor seasonal sales shall be limited in duration to a maximum of 90 consecutive calendar days
  - f. There shall not be more than three seasonal sales on a lot per calendar year.
  - g. The on-site accessory sales of seasonal products by an agricultural use or retail sales use is not considered outdoor seasonal sales and is not subject to these standards.
5. Special Events. A special event is permitted on a lot in a commercial or planned development district, subject to the following standards:
  - a. A special event includes, but is not be limited to arts and crafts shows, cultural events, musical events, concerts and stage shows, celebrations, festivals, fairs, carnivals, circuses, or outdoor religious events.
  - b. Circuses, carnivals and similar amusements may be subject to the applicable provisions of the Pulaski County Code of Ordinances.



- c. Temporary dwelling(s) are allowed in association with the special event provided they meet the general standards for temporary dwellings, and are removed at the end of the event.
- d. A special event shall be limited in duration to a maximum of 14 consecutive calendar days, unless otherwise specifically authorized by the Administrator
- 6. Temporary Dwelling. A temporary dwelling is permitted on a lot in a residential, commercial, or planned development district, subject to the following standards:
  - a. General Standards.
    - 1) A temporary dwelling may be either a dwelling that meets all applicable building code requirements for a dwelling or a recreational vehicle.
    - 2) The temporary dwelling shall be located on a lot and meet the dimensional standards of the zoning district to the maximum extent practicable.
  - b. Temporary Emergency Dwelling.
    - 1) Temporary emergency dwellings operated by a religious institution, governmental agency, or nonprofit organization may be located on a lot at least one acre in area to provide emergency shelter where fire, flood, or other natural disaster has displaced persons.
    - 2) The temporary emergency dwellings shall be limited in duration to a maximum of 6 consecutive calendar months, except that the temporary use may be renewed for up to two additional 6 month periods by the Administrator for good cause.
  - c. Temporary Construction Dwelling.
    - 1) One temporary dwelling may be used to house occupants of the principal dwelling under construction or subject to repair or casualty damage.
    - 2) Temporary dwellings may be used on a construction site and occupied by persons having construction or security responsibilities over such construction site.
    - 3) Temporary dwellings shall be located on the same lot as the structure under construction.
    - 4) The temporary use permit shall not be issued until a building permit is issued for a principal structure.
    - 5) A temporary dwelling shall be removed within 30 consecutive calendar days following issuance of a certificate of occupancy for the new principal structure, or removed immediately if the building permit expires or is revoked.
- 7. Temporary Land Clearing and Inert Debris Landfill (LCID) Landfill. A temporary (LCID) is permitted on a lot in a residential, commercial, or planned development district, subject to the following standards:
  - a. A temporary LCID may not exceed two acres in area and shall meet all applicable State regulations for a LCID.
  - b. A temporary LCID may not be located within the 100 year floodplain.
  - c. An LCCID shall be permitted for a period not to exceed 12 consecutive calendar months, except that the temporary use permit may be renewed for up to two additional 6 month periods by the Administrator for good cause.
  - d. A LCID not meeting these standards constitutes a minor landfill, which is subject to other standards contained in this Ordinance.
- 8. Temporary Real Estate Office. A temporary real estate office is permitted on a lot in a residential, commercial, or planned development district, subject to the following standards:
  - a. The office is located on a lot that is part of the real estate development being sold or leased.

- b. Signage complies with the temporary signage standards in this Ordinance.
  - c. The office complies with the dimensional standards of the zoning district in which it is located.
  - d. The temporary office is converted into a dwelling or removed no later than 30 days after all units are sold or leased.
9. Temporary Wireless Telecommunications Facility. A temporary wireless telecommunications facility, also known as a Cell-on-Wheels (or COW), is permitted on a lot in a residential, commercial, or planned development district, subject to the following standards:
- a. A temporary wireless telecommunications facility may be allowed on a lot after a disaster or other emergency for a period not to exceed 30 consecutive calendar days, except that the temporary use may be renewed up to two times for a 30 day period by the Administrator for good cause.
  - b. A temporary wireless telecommunications facility may be allowed on a lot to evaluate the technical feasibility of a site for a period not to exceed 14 consecutive calendar days, except that the temporary use may be renewed up to two times for a 14 day period by the Administrator for good cause.
  - c. A temporary wireless telecommunications facility may be allowed on a lot in association with an event where the anticipated demand cannot be handled by existing facilities for a period not to exceed 14 consecutive calendar days.
  - d. A temporary wireless telecommunications facility may be allowed on a lot with an existing permanent wireless telecommunications facility where the permanent structure is undergoing reconstruction or maintenance and the temporary facility is needed to maintain sufficient levels of service. The temporary facility shall be removed no later than 30 consecutive calendar days after reconstruction or maintenance is complete and service restored on the permanent structure.
  - e. All temporary wireless telecommunications facilities, including all supporting cables and anchors, shall be contained on the lot.

# 5

## Development Standards

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## 5.1 Off-Street Parking and Loading

**A. Purpose and Intent.** The purpose and intent of this section is to ensure the provision of safe off-street parking and loading facilities for development allowed by this Ordinance. The standards in this section are intended to avoid requiring an over-supply of parking that poses economic and environmental impacts while ensuring off-street parking is provided to mitigate impacts to streets and neighborhoods.

**B. Applicability.**

1. General. Whenever a building is constructed, enlarged or increased in capacity, or a principal use is established or enlarged, the development shall meet the requirements of this section, except as specifically exempt in this Ordinance.
2. Use Change. If the principal use changes, then the new principal use shall meet the requirements of this section, except that if the use change results in an increase of less than five percent in the required number of parking spaces, or less than five additional parking spaces, whichever is less, no additional parking spaces are required.
3. Exemptions for Historic Properties. No off-street parking is required for:
  - a. Rehabilitation or reuse of a property on the National Register of Historic Places site or locally designated historic landmark; or
  - b. Rehabilitation or reuse of a contributing building within a National Register of Historic Places district or local historic district.

**C. Off-Street Parking Requirements.**

1. Parking Plan Required. Every application for development shall ensure that adequate off-street parking is provided for the uses or buildings contained in the application. Off-street parking must be provided to meet the parking demand without use of public streets, except as specifically allowed by this section.
2. Minimum Off-Street Parking Standards.
  - a. The minimum number of off-street parking spaces required for development shall be in accordance with Table 5.1 Minimum Off-Street Parking Standards.
  - b. In no case shall a parking area be located closer than five feet from any right-of-way or adjacent property line.
3. Garage Parking.
  - a. Provided garage parking and parking off-street from alleyways may count towards minimum off-street parking standards (Table 5.1).
4. Maximum Spaces.
  - a. The maximum number of permitted parking spaces is the minimum required number of spaces plus ten percent (10%).
  - b. For proposed parking lots of more than one hundred parking spaces that exceed the maximum number of permitted spaces, the Plan Commission may increase the minimum amount of required interior landscaping by five percent (5%), and may require that additional paved area be constructed with pervious pavement.
5. Uses Not Listed. For uses that do not correspond to the use types listed in Table 5.1: Minimum Off-Street Parking Standards, the Administrator shall determine the minimum parking space requirement. In such instances, the application shall provide adequate information for review, which includes, but is not limited to the type of use(s), number of employees, the occupancy of the building, square feet of sales, service and office area, parking spaces proposed and hours of operation.

Table 5.1: Minimum Parking Requirements

Use Classification	Use Category	Use Type	Minimum Requirement (sf = square feet of gross floor area)
Agricultural	Agricultural Processing	Agricultural packing and processing (non-animal)	1 space per employee + 2
		Agricultural storage and distribution	1 space per every 6,000 sf
		Farm co-op facility	
	Animal-Related Uses	Animal boarding (including kennels)	1 space per every 400 sf
		Animal Feeding Operation	1 space per employee + 2
		Equestrian facility	1 space per 4 stalls
	High Intensity Agriculture	Concentrated animal feeding operation (CAFO)	1 space per employee + 2
		Confined feeding operation (CFO)	
		Packing and processing animal products	1 space per every 300 sf
	Product Sales	Farm equipment sales & service	1 space per every 500 sf
		Farm supply sales	
Residential	Group Living	Assisted living	0.8 spaces per patient, resident room, unit
		Continuing care retirement community	
		Group home	2 spaces plus 1 space per employee on the largest shift
		Nursing home	0.3 spaces per room plus 1 space per employee on the largest shift
		Rooming house	1 space per room
	Individual Dwelling	Duplex, Triplex, Quadplex	2 spaces per dwelling unit
		Live/work dwelling	2 spaces + 1 per employee
		Manufactured home park	2 spaces per dwelling unit
		Mobile home	
		Multi-family dwelling < 3 bedrooms	1.5 spaces per dwelling unit plus 1 space per 3 units for visitors
		Multi-family dwelling > 3 bedrooms	2 spaces per dwelling unit plus 1 space per 3 units for visitors
		Single-family detached	2 spaces per dwelling unit
		Cottage home	1 spaces per dwelling unit

Table 5.1: Minimum Parking Requirements

Use Classification	Use Category	Use Type	Minimum Requirement (sf = square feet of gross floor area)
Institutional	Civic	Assembly, major	1 space per 5 seats in auditoriums, theaters and similar places of assembly, and 1.5 spaces per 1,000 sf all other areas
		Assembly, minor	1 space per 500 sf; minimum of 5 spaces provided
		Cemetery	1 space per employee
		Cultural facility	1 space per every 300 sf
		Governmental facility; Public safety facility	
		Nature Preserve	1 space per every 20,000 sf of public use area
		Public Recreation facility	
	Day Care	Day care center (child/adult)	1 space per every 5 persons
	Education	College or university	1 space per every 4 students
		Other post-secondary educational facility	1 space per every 400 sf
		School	2 spaces per classroom (K-8) 1 spaces per every 5 students + 1 space per employee (9-12)
	Health Care	Medical care office	1 space for every 400 sf of net floor area
		Hospital	1 space per every 2 patient beds plus 1 space for each employee on the largest shift
	Religious Institutions	All	1 space per 4 seats in the main assembly room
	Transportation	Airport (commercial or private)	1 space per every 5 tie downs + 1 per employee
	Utilities	Solar array; Wireless telecommunication facility; Utility facility minor	1 space per facility
		Utility facility, major and minor	
		Wind energy conservation systems	
Industrial	Extractive Industry	Extractive industry	1 space per 2 employees on peak shift
	Industrial Services	All	1 space per 400 sf of sales and office area
	Manufacturing and Production	All	1 space per 2 employees on peak shift
	Warehousing & Freight	Freight movement; Warehouse and distribution	1 space per employee on peak shift
		Self-storage	1 space per 400 sf of office area + 2

Table 5.1: Minimum Parking Requirements

Use Classification	Use Category	Use Type	Minimum Requirement (sf = square feet of gross floor area)
Commercial	Animal Care	Animal care, major or minor	3 spaces per treatment room
	Eating Establishments	Bars or nightclub	1 space per every 200 sf
		Coffee shop	
		Food production	1 space per employee on peak shift
		Microbrewery/brewpub/distillery/winery	1 space per every 200 sf
		Restaurant, dine-in	
		Restaurant, take-out	
		Restaurant with drive-through	
	Offices	Professional, General	1 space per every 300 sf
		Flex-Tenant Space (Contractor, Repair, etc)	1 space for every 500 sf and 1 space for every business vehicle parked on site
	Personal Services	All	1 space per every 500 sf
	Recreation	Golf course/driving range	20 Spaces Per 9 holes
		Indoor	1 space per 5 seats in theaters and similar places of assembly + 1 space per every 400 sf all other ares
		Intensive	1 space per every 600 sf of outdoor area + 1 space per every 400 sf of indoor area
		Outdoor	
		Recreation sales	1 space per every 400 sf
	Retail Sales	All	1 space per every 400 sf up to 400,000 sf + 1 space per every 800 sf for area over 400,000 sf - minimum of 5 spaces
	Vehicle-Related	Fuel sales	1 space per 400 sf of sales and office area - minimum of 5
		Sales or rental	1 space per every 300 sf of building area + 1 per every 5,000 sf of outdoor display area
		Storage	1 space per employee
		Vehicle establishment, major and minor	1 space per every 400 sf
	Visitor Accommodations	Bed and Breakfast	1 space per guest room, plus 2 spaces for owner/operator
		Campground/RV park	1 space per every camping space + 1 per employee
		Hotel or motel	1 space per guest room + 1 per employee on peak shift

6. Other Vehicles Located Off-street. The following vehicles are not included in Table 5.1: Minimum Off-Street Parking Standards, and shall be parked or located outside required parking spaces and any public street right-of-way in accordance with this Ordinance:
  - a. Vehicles for sale or lease;
  - b. Vehicles being stored, serviced or repaired; or
  - c. Vehicles belonging to the use, such as company vehicles.
7. Mixed-Use Development. Development containing more than one principal use shall provide parking spaces in an amount equal to the total of all individual principal uses, except as allowed in Section 5.F Off-Street Parking Alternatives (shared and off-site parking).
8. Driveways Used to Meet Requirements. Except for multi-family dwellings, driveways may be used to meet the minimum off-street parking space requirements for all use types in the Individual Dwelling use category, provided that sufficient space is available to meet the standards of this section.
9. On-Street Parking Credited. The use of on-street parking to meet the minimum off-street parking space requirements is permitted for nonresidential development in the C-1 and R-3 zoning district, subject to the following standards:
  - a. On-street parking exists within 500 linear feet of the primary entrance of the development;
  - b. The on-street parking spaces directly abut (not across the street) the lot containing the development and is served by a sidewalk;
  - c. There is not a negative impact to existing or planned traffic circulation patterns; and
  - d. On-street spaces shall not be reserved for sole use by the development.

**D. Standards for Off-Street Spaces. Off-street parking spaces shall meet the standards of this section.**

1. General. All required off-street parking spaces shall be located on the same lot as the principal use it serves, except as allowed in Section 5 (F) Off-Street Parking Alternatives.
2. Easements. A parking area shall not be located within an easement without approval of the easement holder. Overhead and underground utilities can co-exist with surface uses.
3. Parking Space Access. Provided garage parking and parking off-street from alleyways may count towards minimum off-street parking standards (Table 5.1).
4. Vehicle Backing. Parking areas shall be designed so that a vehicle is not required to back onto a public street to enter or exit the parking area, a parking space, or a stacking space except in C-1 and R-3 districts per the discretion of the Administrator.
5. Dimensional Standards for Off-Street Parking Spaces. The following standards in Table 5.2: Dimensional Standards for Off-Street Parking Spaces shall apply to the design of off-street parking areas as they are required in this section for all new or converted multifamily, commercial, industrial or institutional use.
6. Handicapped Accessibility. Development, other than single-family residential, providing off-street parking spaces must ensure a portion of the off-street parking spaces are designated, located, and reserved for use by persons with physical disabilities in accordance with federal Americans with Disabilities Act (ADA) and state standards.
7. Compact Spaces. Up to 20 percent of the required off-street parking spaces may be provided as compact car spaces in accordance with the following standards:
  - a. Each compact car space shall be at least eight feet wide and 16 feet deep.
  - b. Compact car spaces shall be clearly marked or posted for compact cars only.



Table 5.2: Dimensional Standards for Off-Street Parking Spaces

Type of Parking Space	Minimum Space Width (feet)	Minimum Space Length (feet)	Minimum Aisle Width
Accessible	REFER TO ADA GUIDELINES	REFER TO ADA GUIDELINES	REFER TO ADA GUIDELINES
Parallel	8	22	on-street
Perpendicular (90°)	10	20	24 feet (two-way aisle)
Angled (60°)	10	20	18 feet (one-way aisle)
Angled (45°)	10	20	14 feet (one-way aisle)

## 8. Surface Material.

- a. All required parking spaces and access ways shall be paved and maintained with concrete, asphalt, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights, except as provided in this section.
- b. The use of pervious or semi-pervious materials may be approved as an alternate means of paving provided it is demonstrated that the materials will function in a similar fashion as required materials.
- c. Private drives accessing public streets shall be paved and maintained from the curb line or edge of pavement to a point at least ten feet from the public street right-of-way for all parking areas and at least 30 feet for all parking areas with 200 or more parking spaces, whether the parking area is paved or unpaved.
- d. Required parking may be constructed with gravel or other approved comparable all-weather surface that is dust-free for:
  - i) Parking used on an irregular basis for religious institutions, private minor assembly uses, and other similar nonprofits organizations;
  - ii) Parking for residential uses or a bed and breakfast establishment where six or fewer spaces are required;
  - iii) Parking for an office use converted from a single-family detached dwelling where four or fewer spaces are required; and
  - iv) Parking for industrial uses in the H-I district, or manufacturing and production uses in the L-I district.
- e. Exceptions. Loose paving materials, including gravel, may be used on lots of five (5) acres or more with primarily agricultural uses, as approved by the Administrator.

9. Grading and Drainage. The parking area shall be graded, properly drained, stabilized, and maintained to minimize dust and erosion and so as to eliminate draining onto neighboring properties. Innovative stormwater techniques or stormwater best management practices (BMP's) are recommended.
10. Curb and Gutter. Where parking areas are paved, curb and gutter or an equivalent drainage system shall be provided. Concrete wheel stops instead of continuous curb, may be provided when vegetated bio-swales and other natural filtration systems are incorporated in parking lot design.
11. Markings. All parking areas for more than five vehicles shall be clearly delineated with paint lines, bumper guards, curbs, or other treatment, whether the parking area is paved or unpaved.
12. Curbs and Wheel Stops. All parking spaces provided shall have curbs or wheel stops located so that no part of the parked vehicle will extend onto a sidewalk, walkway, adjacent property or landscape area, whether the parking area is paved or unpaved.

13. Exterior Lighting. Exterior lighting in parking areas shall be designed to prevent glare or illumination exceeding maximum allowable levels on adjacent land and shall comply with the standards of Section 5.7 Exterior Lighting.
14. Landscaping. Landscaping shall be provided in accordance with Section 5.3 (E) Parking Area Landscaping.

**E. Off-Street Loading and Unloading Space Requirements. Nonresidential uses requiring the receipt or distribution of materials or merchandise by tractor trailer or by local delivery truck shall include the minimum number of off-street loading spaces required by this section. Nothing shall prohibit the inclusion of more off-street loading spaces than are required. All off-street loading spaces shall meet the minimum requirements of this section.**

1. Minimum Number of Spaces Required.
2. Location. Off-street loading spaces shall be located on the same lot as the use they serve, and shall comply with the following locational requirements.
  - a. Loading spaces shall not protrude into a street, though a truck located within an off-street loading space may encroach into an alley.
  - b. All loading spaces shall be located at least 25 linear feet from the closest street intersection.
  - c. Loading spaces shall not be located within a required front yard or side yard if visible from a street.

**Table 5.3: Minimum Number of Spaces Required**

Use Type	Gross Floor Area of Building (square feet)	Minimum Number of Off-Street Loading Spaces Required
Office & Personal Service Use Types	7,500 or more	1
All other Commercial and Industrial Use Types	5,000 - 20,000	1
	20,001 or more	2 plus 1 additional space for each 20,000 sf of gross floor area

3. Minimum Dimensions. Refer to table 5.4

**Table 5.4 Minimum Dimensions Required**

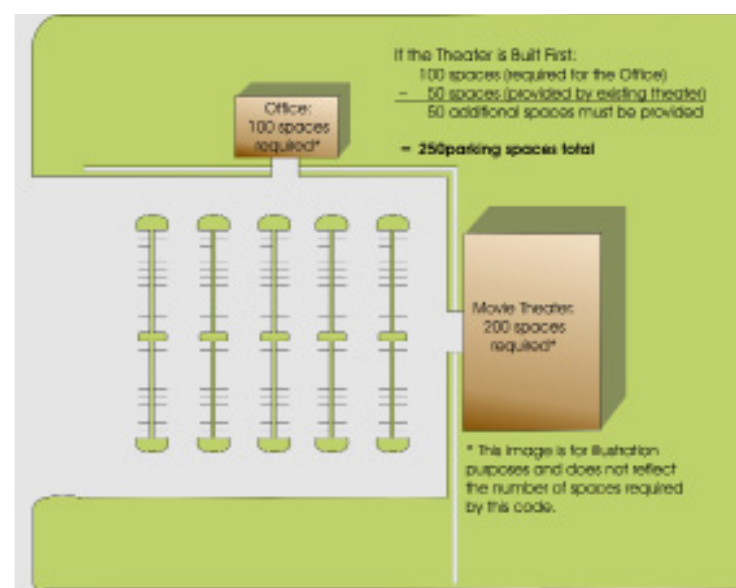
Dimensional Requirement	Loading Space Served by Tractor Trailer Truck (feet)	Loading space Served by Local Delivery Truck (feet)
Width (min.)	12	12
Length (min.)	50	30
Maneuvering Apron Length (min.)	60	30
Vertical Clearance (min.)	15	14

4. Surfacing. All off-street loading spaces shall be paved with a compacted base of six inches or equivalent, and surfaced with two inches of asphaltic concrete or an equivalent all-weather, dustless material capable of withstanding one thousand pounds per square inch.
5. Use. No off-street loading space shall be credited towards the minimum number of required off-street parking spaces.

**F. Off-Street Parking Alternatives (Shared & Off-site). The Administrator is authorized to approve an alternative parking plan for applicants that propose alternatives to providing the number of off-street parking spaces required by Table 5.1.1, Minimum Off-Street Parking Standards, in accordance with the standards of this section. Nothing in this section shall limit the utilization of one or more of the following off-street parking alternatives by a single use.**

1. Shared Parking.
  - a. The required off-street parking for a use may be met off-site with the required off-street parking spaces of other uses that share property lines, in accordance with the following standards:
    - i) Uses with Dissimilar Hours. The uses served by the shared parking plan must have different peak parking demands, differences in hours or days of operation, or otherwise operate such that the uses have access to the required minimum parking spaces when in operation. E.g. Churches, civic clubs, movie theaters and the like may make arrangements with existing establishments. The Administrator may approve up to 100 percent of the minimum parking requirement of a use.
    - ii) Uses With Similar Business Hours. The total of such off-street parking spaces supplied collectively for multiple uses with similar business hours, where all uses are located within a shopping center or a retail/office/business park subdivision, may be fifty percent (50%) less than the sum of the requirements when computed separately. In no case shall the sum of the requirements for the various uses be reduced by more than fifteen percent (15%) of the required parking for uses when computed separately.
    - iii) Costs shall be borne by the property owner.
    - iv) If the shared parking is located across an arterial, then an adequate and safe pedestrian street crossing shall exist to safely manage pedestrian crossings.
2. Off-Site Parking.
  - a. The required off-street parking for a use may be met off-site in accordance with the following standards:
    - i) The off-site parking is located within 1,000 feet as measured from the primary entrance of the use to the nearest shared parking space.
    - ii) An improved walkway is provided to the off-site parking area from the primary entrance of the use.
    - iii) If the off-site parking is located across an arterial, then an adequate and safe pedestrian street crossing shall exist to safely manage pedestrian crossings. If pedestrian improvements are needed for safe crossings, then the improvements shall be installed prior to use of the off-site parking.
    - iv) Costs shall be borne by the property owner.

**Figure 5.5: Shared Parking**



3. A written agreement allowing the sharing of off-site parking shall be executed by the owners involved and filed with the Administrator prior to the use of off-site parking facilities. A copy of the agreement and easement shall be retained within the files of the Plan Commission. The agreement must guarantee the long-term availability of parking. Should the agreement cease, then the use shall be considered to contain nonconforming site conditions, immediate alternative parking plans shall be established and future expansions of the use shall be prohibited unless the use is brought into compliance with the minimum parking requirements of this section.
4. Administrative Adjustment. The Administrator is authorized to grant an Administrative Adjustment to the minimum required off-street parking spaces provided off-site by up to ten percent of the total required number of spaces.

**G. Parking Lots in Special Areas. Special Areas refers to properties in districts that are intended to have compact development and be pedestrian-oriented. The proposed development may be new, redevelopment, or expansion of legally conforming uses that occur in a block with traditional urban neighborhood development patterns such as those found in the R-3 Urban Residential and the C-1 Urban Commercial districts. The following standards should be considered:**

1. The minimum number of required on-site parking spaces may be reduced by the Administrator and the Plan Commission, from the number required in Table 5.1.1: Minimum Off-Street Parking Standards. The reduction should be based on the availability of existing public or private parking within 600 feet of the proposed development.
2. On-street parking is encouraged and may count towards required parking.
3. Shared parking is encouraged and shall comply with Section 5.1F.
4. The use of existing alleys to access parking in the rear of lots is preferred. Alley rights-of-way shall be a minimum of twenty (20) feet.
  - a. Off-street parking shall not be permitted in any front yard of any property unless such property is to be solely utilized for parking purposes.
5. Off-street parking areas shall be screened in accordance with Section 5.3E Landscaping Standards. In areas with limited space, masonry walls compatible with the architecture of the building and a minimum of thirty-six (36) inches high may be used for screening instead of plant material.

## 5.2 Entrances and Driveways

- A. Intent. The purpose of these entrance and drive standards is to provide for a safe and efficient vehicular and pedestrian transportation system by establishing minimum standards for site entrance drives, driveways, and interior drives.**
- B. Access. Every principal building constructed after the effective date of this Ordinance shall be located on a lot which abuts a public street or be served by a permanent access easement of at least 20 feet in width that connects to a public street or alley. Properties located in the C-1 district are exempt from these requirements.**
- C. Driveway Width. Entrance drives shall conform to the following minimum pavement widths up to and at the point which they intersect the public right-of-way. The distances for these standards shall be determined by measuring from the outside edges of the curb or pavement (whichever is more).**
  1. Commercial and multi-family development shall be served by driveways of 12 feet per lane (exclusive of any medians).
  2. Industrial development shall be served by driveways of at least thirty-two feet in width.
  3. Residential major subdivisions shall be served by 24 feet total onto any type of street.
  4. Individual Single-family residences shall be served by a driveway with an apron of at least 12 feet in width at the street edge.

**D. Spacing. Driveways and vehicle entrances shall maintain the following minimum spacing from street intersections.**

1. Arterials. Each ingress or egress aisle/driveway shall not be closer than 75 feet to a street line of an intersecting side street. If possible, the entrance should be located off an alley or minor street.
2. Collector Streets and Local Streets. Driveways and vehicle entrances shall be located at least fifty feet from a street intersection, except in the L-I and H-I districts, where the separation distance shall be at least 75 feet.

**E. Shared Entrances and Drives. Shared entrances and drives are encouraged for all uses in all zoning districts, specifically for any multifamily residential or nonresidential uses accessing a Major Collector or Arterial street.**

1. Access Easements. All shared entrances and drives shall be constructed only in appropriate access easements. Easements must be recorded before usage commences.
2. Required Documentation. A permanent documentation of any shared entrance and drive agreement must be signed by all involved property owners. The permanent written agreement shall include, but is not limited to the following items: maintenance, snow removal, ownership, and liability.
3. The agreement, which can be amended and assigned shall be reviewed and approved by the Administrator and TRC and duly recorded with the County Recorder. Any changes to the agreements must be accomplished with the Administrator. A copy of the agreement shall be retained for the files of the Plan Commission. The agreement shall be recorded prior to the issuance of the occupancy permit.

## 5.3 Landscaping Standards

**A. Purpose and Intent. The purpose of this section is to promote and protect the public health, safety, and general welfare by providing for the planting, maintenance, and preservation of trees, shrubs, and other plants within the county. The intent of this section is to promote this purpose by:**

- a. Ensuring and encouraging the planting, maintenance, restoration and survival of trees, shrubs, and other plants;
- b. Contributing to the protection of community residents and visitors from personal injury and property damage, and the protection of the county from property damage, caused or threatened by the improper planting, maintenance or removal of trees, shrubs or other plants;
- c. Mitigating against erosion and sedimentation;
- d. Reducing stormwater runoff and the costs associated therewith;
- e. Encouraging low impact development techniques like bio-retention and other best management practices for dealing with stormwater, in appropriate locations;
- f. Preserving and protecting the water table and surface waters;
- g. Restoring soils and land denuded as a result of construction and/or grading;
- h. Increasing the tree canopy to provide shade and moderate the effect of urban heat islands;
- i. Providing incentives for greater use of sustainable development practices like use of native plant materials and techniques to reduce the need for irrigation;
- j. Protecting and enhancing property values and aesthetic qualities;
- k. Providing additional improvements to air quality through the carbon dioxide uptake process provided by trees and landscaping; and
- l. Providing visual screening, where appropriate.

**B. Applicability**

1. General. Except where expressly exempt, these standards shall apply to all development in Pulaski County.
2. Existing Development. Changes in use or other minor alterations to existing development proposed after the effective date of this Ordinance shall comply with the standards in Section 1.8.F Nonconforming Sites.
3. Exempt Development. The following development is exempt from the standards in this section:
  - a. Single-family detached dwellings;
  - b. Duplex dwellings;
  - c. Repaving or restriping of an existing parking area;
  - d. Where lot lines abut the following forms of development, no buffer type is required:
    - i) Railroad right-of-ways or easements;
    - ii) Utility easements of 60 feet or more in width; and
    - iii) Street right-of-way that has remained unimproved for a period of at least 15 years.
  - e. As determined by the Administrator C-1 Districts which have 0' setbacks are exempt from all buffer requirements.

**C. Landscape Plan.**

1. To ensure compliance with the standards of this section, a landscape plan demonstrating how landscaping will be planted on a development site shall be included as a part of any application for an improvement location permit, subdivision, planned development, or other application, as appropriate. The landscape plan shall contain the following information:
  - a. North arrow and scale
  - b. The name of applicant/owner.
  - c. The dates the plans are submitted and/or revised.
  - d. All existing and proposed buildings and other structures, paved areas, planted areas, underground utilities, utility poles, fire hydrants, light standards, signs, fences and other permanent features to be added and/or retained on the site.
  - e. All existing plant material to be removed or retained and all new landscaping materials to be installed including botanical and common name and size.
  - f. All existing and proposed streets, sidewalks, curbs and gutters, railroad tracks, drainage ditches and other public or semi-public improvements within and immediately adjacent to the site.
  - g. All property lines and easements.
  - h. Planting details.
2. In the event of phased development, a landscape plan shall be required for each distinct phase of the development, and shall depict landscaping associated with the particular phase of development.
3. Coordination with Stormwater Requirements. Excluding Pulaski County drainage requirements, nothing shall prohibit stormwater management facilities required by this Ordinance from being incorporated into required landscaping, provided the screening function of landscaping is maintained.

**D. Planting Standards.**

- a. Canopy Tree Size.
  - i) Canopy trees shall have a minimum height at maturity of 40 feet and a minimum crown width of 30 feet.

- ii) Deciduous canopy trees shall have a minimum caliper size of two inches at planting.
  - iii) Evergreen trees shall be a minimum of six feet in height at planting.
- b. Understory Tree Size.
  - i) Understory trees shall have a minimum height at maturity of 25 to 40 feet, except that trees to be placed below overhead utility lines may not exceed a mature height of 20 feet.
  - ii) Drought tolerant understory trees must have a minimum caliper size of one and one-half inches at planting.
- c. Shrub Size and Type.
  - i) All shrubs shall be twenty-four (24) inches in height at the time of planting, measured from ground level.
- d. Species Diversity. To curtail the spread of disease or insect infestation in a plant species, new plantings shall comply with the following standards:
  - i) When fewer than forty trees are required on a site, at least two different species shall be utilized, in roughly equal proportions.
  - ii) When more than forty trees are required to be planted on site, at least three different species shall be utilized, in roughly equal proportions.
- e. Stabilization. Landscape yards shall be stabilized and maintained with ground cover, mulch, or stone to prevent soil erosion and allow rainwater infiltration.
- f. Grouping of Plant Material.
  - i) Except within a Type A buffer type (Table 5.7: Buffer Types), plant material may generally be grouped or clustered within the required landscape yards, however, the overall screening or buffering intent of the particular buffer type must be adequately addressed. Groupings or clusters shall be depicted on the landscape plan.
  - ii) Perimeter landscaping materials adjacent to parking lots, access drives, loading and unloading areas, and outdoor storage may not be grouped.
- g. Berms. Berms are earthen mounds that block or screen the view, similar to a hedge, fence or wall. Mounds shall be constructed using approved fill.
  - i) Berms may be used independently, or in conjunction with a wall or fencing, to meet the screening intent of the Type A Buffer.
  - ii) Berms must be stabilized, have a slope not exceeding 3:1 (horizontal to vertical), have a crown width at least one-half the berm height, and may be no taller than eight feet above the toe of the berm slope.
  - iii) A berm shall not be placed so as to damage the roots of existing healthy vegetation designated to be preserved.
  - iv) A berm may not be designed or placed as to interfere with required sight distances.
- 4. Limitations on Landscape Placement.
  - a. Easements.
    - i) In cases where an easement is within or adjacent to a required landscape area, the required landscape area shall maintain a minimum width of five feet or half the minimum required landscape yard width, whichever is greater.
    - ii) When an easement is located within a required landscape area, at least 50 percent of the required plantings shall be provided outside of the easement.
    - iii) Required trees and shrubs that are proposed to be planted within electric utility easements and in drainage maintenance and utility easements, whether above or below ground, must be approved by the easement holder. When trees and shrubs are planted in a utility easement, the landowner is responsible for replacement of any required vegetation if maintenance or other utility requirements result in its removal.



- b. Fire Protection System. Minimum clear separation distances required by the current adopted version of the Indiana Fire Code shall be maintained for landscaping near a fire protection system.
- c. Obstructions at Intersections. No trees or shrubs shall be planted or maintained in such a manner as to obstruct visibility for motorists at any street intersection as illustrated in Figure 5.9 Sight Visibility Triangle.
- d. Plantings in the Right-of-Way. Required planting materials shall not be located within a public right-of-way unless approved in accordance with Section 5.3 (H) Alternate Landscape Plan.
  - i) Trees planted in a sidewalk in the right-of-way shall have ADA approved grates atop all tree wells.
- e. Permitted Encroachments. The following are permitted in required landscape yards as indicated, provided the landscaping plant count requirements are met and there is no interference with visibility at intersections.
  - i) The following features may be located entirely within landscape yards required by this section:
    - a) Landscaping features such as, ornamental pools, planting boxes, sculpture, arbors, trellises, and birdbaths;
    - b) Pet houses;
    - c) At-grade patios;
    - d) Play equipment;
    - e) Outdoor furniture and fireplaces;
    - f) Ornamental entry columns, gates, fences, walls, and retaining walls;
    - g) Flagpoles of 30 feet in height or less;
    - h) Lamp and address posts;
    - i) HVAC equipment, well houses, and utility cabinets of four feet in height or less;
    - j) Mailboxes and incidental signage.
    - k) Bee hives, composting bins, gardens, and other home gardening interests;
  - ii) The following features may encroach up to two-and-one-half feet into a required landscape yard, but no closer than three feet from any lot line:
    - a) Cornices;
    - b) Steps;
    - c) Canopies;
    - d) Overhanging eaves and gutters;
    - e) Window sills, bay windows or similar architectural features;
    - f) Chimneys;
    - g) Fire escapes, fire balconies, and fire towers;
  - iii) Up to 15 percent of a required landscape yard may be occupied by walkways and steps that are not connected to any above-grade structure.
  - iv) A stormwater facility with an approved alternate landscape plan.
  - v) Handicap ramps, but not porches.
- f. Multiple-Lot Development.
  - i) Excluding outlots, a multiple-lot development, such as a shopping center, that is configured and developed as a single entity shall be treated as a single zone lot for the purposes of applying the landscaping standards.



- ii) Individual lots within a multiple-lot development shall be subject to the landscaping requirements in this Section 5.3.

**E. Parking Area Landscaping. All parking areas shall include landscaping, both within the interior of the parking area and around its perimeter, as a means of mitigating the parking area's microclimate and visual impacts.**

1. Purpose and Intent. The purpose for these standards is to screen parking areas from view from streets and adjacent land.
2. Applicability. The parking area landscaping standards in this section shall apply to all new development, except single-family detached, duplex, and triplex family dwellings.
3. Perimeter Landscaping. Where a parking area abuts a street right-of-way, vacant land, or any other development (except another parking lot), perimeter landscaping shall be provided and maintained between the vehicle use area and the abutting right-of-way or property line in accordance with the following standards.
  - i) Visual Screen. Perimeter landscaping for parking areas shall form a visual screen with a minimum height of 36 inches above grade (within three years of planting), excluding required sight clearances at driveways and near intersections. One deciduous tree shall be planted every 40 feet.
  - ii) Protection of Landscaping Strip. Perimeter landscaping shall be protected from vehicular damage by the installation of curbing, wheel stops, extra width in the landscaping strip, or other method approved by the Administrator. Nothing shall prohibit the use of a perimeter landscaping strip as a stormwater management device.
  - iii) Location. Perimeter landscaping strips shall be located on the property, and shall be placed to screen parking areas from off-site views while assuring visibility and safety of pedestrians on the public street, as well as those within the parking area.
  - iv) Minimum Width. The minimum width of a perimeter landscaping strip serving a parking area shall be five feet.
  - v) Required Materials.
    - a) The trees may be a combination of deciduous and evergreen. The tree requirement may be reduced or eliminated if street trees are provided adjacent to the parking area.
    - b) Shrubs shall be used to form the visual screen in the perimeter landscaping strip.
    - c) Shrubs shall be planted a minimum of every three (3) feet in order to form a continuous screen. On-center spacing may be increased to five feet depending on the size of the shrub in three years. The on-center spacing requirement may be varied through approval of an Alternative Landscape Plan.
    - d) Portions of the perimeter landscaping area not occupied by shrubs or grasses shall include appropriate ground cover or mulch.
4. Shading Requirements. Required landscaping shall be adequately dispersed throughout the off-street parking areas in order to provide a minimum of twenty five percent shade on the parking area when species are mature. Perimeter parking area landscaping, other required landscaping, or existing vegetation may be used to meet this requirement.
5. Additional Standards. Where two or more off-street surface parking lots are located adjacent to one another, but upon different lots, no parking area perimeter landscaping strip shall be required between the two parking lots. Nothing in this section shall be construed to waive the requirement for perimeter landscape buffers in Section 5.3 (F), Perimeter Landscape Buffers.

## F. Landscape Buffers and Screens.

1. Purpose and Intent. Perimeter landscape buffers and screens are intended to mitigate potential negative effects of a new use from an existing adjacent use or district as described below. The purpose of these buffering and screening standards is to lessen the potential conflicts between dissimilar uses in one zoning district and those uses in adjacent districts through the use of setbacks and landscaping. The potential degree of conflict between the uses determines the extent of the buffer required.
2. Buffer Applicability. Table 5.6: Buffer Applicability, specifies the type of perimeter landscape buffer that new development shall provide between it and adjacent property, based on the zoning district of the development site and that of the adjacent property. The buffer type is indicated by a letter corresponding to one of the three buffer types depicted in Table 5.7: Buffer Types.
3. Types of Buffers. Table 5.7: Buffer Types, describes three different buffering options in terms of their function, opacity, width, and planting requirements. Where a particular buffer type is required in Table 5.6: Buffer Applicability, the requirement may be met using either Option 1 or Option 2. Option 3 is available for use within the C-1 districts only. Where an option utilizing a fence is selected, the fence shall comply with the standards of Section 5.6 Fences and Walls, as appropriate.

**Table 5.6: Buffer Applicability**

Buffer Types: A= Type A Buffer    B = Type B Buffer    C = Type C Buffer    D = Type D Buffer    N/A = No Buffer Required						
Zoning District of Development Site	Zoning District Classification of Adjacent Development					
	A-1, A-2	R-R, R-1, R-2	R-3, R-4	C-1, C-2, R-D	L-I	H-I
A-1, A-2	N/A	N/A	N/A	N/A	N/A	N/A
R-R, R-1, R-2	N/A	N/A	N/A	N/A	N/A	N/A
R-3, R-4	A	A	N/A	N/A	N/A	N/A
C-1, C-2, R-D	B	B	N/A	N/A	N/A	N/A
L-I	C	C	C	N/A	N/A	N/A
H-I	D	D	D	D	C	N/A

4. Responsibility for Buffer Installation
  - a. Vacant Parcels. Where a developing parcel is adjacent to a vacant parcel and a perimeter buffer is required in accordance with this section, the developing parcel shall provide a minimum of one-half of the perimeter buffer required adjacent to the vacant land.
  - b. Existing Land Uses
    - i) Where a developing parcel is adjacent to an existing use and a perimeter buffer is required in accordance with this section, the developing parcel shall provide the full perimeter buffer required adjacent to the existing use in accordance with Table 5.6: Buffer Applicability and Table 5.7: Buffer Types, unless a portion or all of a perimeter buffer that complies with the standards of this section already exists between the lots. Where part of a perimeter buffer exists, but the buffer does not fully comply with the standards of this section, the developing parcel shall be responsible for providing only the additional planting material on site necessary to meet the standards of this section.

Table 5.7: Buffer Types

Buffer Types	Minimum Screening Requirement [1] [2]		
	Option 1	Option 2	C-1 District
Type A: Basic Buffer			
 <p>This perimeter buffer functions to screen less intense agricultural and residential uses from more intense residential uses.</p>	<p>Minimum Width - 10 ft in addition to setbacks; 2 canopy trees, 2 evergreen trees and 10 shrubs per 100 linear feet [3]</p>		<p>Minimum Width - 5 ft. One 5-foot-high solid fence; 20 shrubs planted on the outside of the fence per 100 linear feet</p>
Type B: Aesthetic Buffer			
 <p>This perimeter buffer provides screening between dissimilar uses such as residential and general commercial.</p>	<p>Minimum Width - 20 ft in addition to setbacks; 3 canopy trees, 3 evergreen trees and 15 shrubs per 100 linear</p>		<p>One 5-foot-high solid fence. 20 shrubs planted on the outside and 20 shrubs planted on the inside of the fence per 100 linear feet</p>
Type C: Semi-Opaque Buffer			
 <p>This perimeter buffer functions as a semi-opaque screen from the adjacent grade to a minimum of six feet in height.</p>	<p>Minimum width - 25 ft in addition to setbacks; one 4-foot-high berm; 4 canopy trees, 4 evergreen trees, 4 understory trees and 20 shrubs per 100 linear feet</p>	<p>Minimum width - 25 ft in addition to setbacks; one 6-foot-high 50% opaque fence, 2 canopy trees, 2 evergreen trees and 16 shrubs per 100 linear feet</p>	N/A
Type D: Opaque Buffer			
 <p>This perimeter buffer functions to screen the most dissimilar uses, e.g. residential and industrial. The opaque screen shall have a minimum height of 8 feet at installation.</p>	<p>Minimum width - 25 feet in addition to setback; min. 6 foot high berm; 4 canopy trees, 8 evergreen trees and 35 shrubs per 100 linear feet</p>	<p>Minimum width - 25 feet in addition to setback; One 8-foot-high solid fence; 4 canopy trees, 12 evergreen trees and 35 shrubs per 100 linear feet</p>	N/A

- ii) The landscape plan shall include photographs and a description of existing vegetation on adjacent lands that are to be counted towards meeting the perimeter buffer requirements in this section.

5. Location of Buffers.

- a. Perimeter buffers required by this section shall be located along the outer perimeter of the parcel and shall extend to the parcel boundary line.
- b. In cases where the parcel boundary line is within a drainage swale, the perimeter buffer shall extend to the edge of the swale instead of the property line.
- c. A perimeter buffer may be located along shared access easements between parcels in nonresidential developments.

6. Development within Required Buffers.

- a. Unless permitted in this section, the required buffer shall not contain any development, impervious surfaces, or site features that do not function to meet the standards of this section or that require removal of existing vegetation.
- b. Sidewalks, trails, and associated pedestrian features may be placed in perimeter buffers if all required landscaping is provided and damage to existing vegetation is minimized, to the maximum extent practicable.
- c. Overhead and underground utilities may cross a perimeter buffer, but shall not be configured to run parallel with and inside a perimeter buffer unless the landscaping located within the buffer remains undisturbed, or is replaced, if damaged.
- d. Stormwater management devices that incorporate vegetation (e.g., bioretention basin, rain gardens, constructed wetlands, etc.) may be placed within a perimeter buffer provided the screening function of the buffer is maintained.
- e. If required landscaping material is damaged or removed due to utility activity within a required buffer, the landowner shall be responsible for replanting all damaged or removed vegetation necessary to ensure the buffer meets the standards in this Ordinance unless otherwise provided within a private agreement between the property owner and utility.

**G. Site Landscaping.**

1. General. Site landscaping, for the purpose of this section, is landscaping that is not:

- a. Required parking area landscaping;
- b. Located within a required perimeter buffer; or
- c. Required screening.

2. Purpose and Intent. Site landscaping material is intended to soften the visual impact of the building base and provide for the even dispersal of trees and other plantings across a development site.

3. Site Landscaping Standards.

- a. Except for single-family detached dwellings, site landscaping shall be required for all development, and shall be supplied in the amounts identified in Table 5.8: Required Site Landscaping Plantings.
- b. Location. Required shrubs shall be planted along building facades facing streets. Required shrubs may be planted up to 15 feet from the building provided there is a sidewalk located between the planting area and the building wall.

Table 5.8: Required Site Landscaping Plantings

Type of Use	Required Plantings per Site
Multi-family (townhouse dwellings, nursing homes, and assisted living facilities)	2 canopy trees and 2 evergreen trees per acre and 1 shrub per each 5 feet of building façade facing a street (excluding alleys)
Public and Institutional Uses	3 canopy trees and 2 evergreen trees per acre + at least 1 shrub per each 5 feet of building façade facing a street (excluding alleys)
Commercial and Industrial Uses	2 canopy trees per acre + at least 1 shrub per each 5 feet of building façade facing a street (excluding alleys)*
NOTE: *As determined by the Administrator C-1 Districts which have 0' setbacks are exempt from all buffer requirements.	

**H. Alternative Landscape Plan.**

1. General. Alternative landscape plans, materials, or methods may be justified due to natural conditions, such as streams, wetland areas, topography, and physical conditions related to the site. Lot configuration and utility easements may justify an alternative landscape plan, as well as impractical situations that would result from application of Section 5.3, Landscaping Standards.
2. Allowable Deviations. The Administrator shall approve an Alternative Landscape Plan if it meets the purpose and intent of the landscaping standards in this section. Allowable deviations from the standards of this section include, but are not limited to the following:
  - a. Reduced Planting Rates due to public infrastructure. An adjustment to planting locations or reduction of up to 20 percent in the type or total number of required trees may be allowed when underground connections to public facilities or public utilities, or public easements or right-of-way, are located upon or in close proximity to the parcel.
  - b. Reduction in Standards due to Nature of Parcel. A reduction in the count, spacing, or planting type standards by up to 20 percent may be allowed where the reduction is desirable in terms of protection of existing natural resources, better consistency with the goals of the Comprehensive Plan, or a site design that exceeds the quality of what would otherwise result under a strict application of the standards in this Ordinance.
  - c. Existing Natural Features. A reduction in the count, spacing, or planting type standards by up to 20 percent may be allowed where the reduction will help preserve or protect existing natural features such as wildlife habitat or unique ecosystem features.
  - d. Redevelopment of Nonconforming Sites. The installation of required landscaping during redevelopment of existing nonconforming sites shall occur in accordance with Section 1.8 (F) Nonconforming Sites.

**I. Maintenance.**

1. General. The owner shall be responsible for the maintenance of all landscape areas not in the public right-of-way. Such areas shall be maintained in accordance with the approved Landscape Plan or Alternative Landscape Plan and shall present a healthy and orderly appearance free from refuse and debris. All plant life shown on an approved Landscape Plan or Alternative Landscape Plan shall be replaced if it dies, is seriously damaged, or removed. This section is not intended to prevent normal, routine maintenance.
  - a. Damage Due to Natural Occurrence. In the event that any vegetation or physical element functioning to meet the standards of this section is severely damaged due to an unusual weather occurrence or natural catastrophe, or other natural occurrence such as damage by wild or domestic animals, the owner or developer shall be required to replant if the landscaping standards are not being met. The owner shall have one growing season to

replace or replant. The Administrator shall consider the type and location of the landscape buffer or required vegetation area as well as the propensity for natural re-vegetation in making a determination on the extent of replanting requirements.

- b. **Protection During Operations.** The owner or developer shall take actions to protect trees and landscaping from unnecessary damage during all facility and site maintenance operations. Plants shall be maintained in a way that does not obstruct sight distances at roadway and drive intersections, obstruct traffic signs or devices, or interfere with the use of sidewalks or pedestrian trails.
  - c. **Maintain Shape.** All required trees (whether canopy or understory) shall be maintained in their characteristic natural shape, and shall not be severely pruned, sheared, topped, or shaped as shrubs. Trees that have been severely pruned, sheared, topped, shaped as shrubs, such that they no longer serve the intended buffering or screening function, shall be considered as damaged vegetation and be replaced within one growing season.
2. **Natural Death.** The natural death of existing vegetation within any required landscape area does not necessarily constitute a violation and does not require re-vegetation to replace the plant material unless the required landscape area no longer complies with the required standards of this section. In no instance shall this provision be construed to prevent re-planting if, in the opinion of the Administrator, the required performance standard of the landscaping is not being met.

## 5.4 Containers/ Service Structures Screening

**A. Purpose and Intent.** These screening standards are intended to reduce the impact of necessary site structures and mechanical equipment upon adjacent property and enhance the aesthetics of the public streetscape.

**B. Applicability.** Unless exempt in accordance with Section 5.4 (C) the following structures and equipment shall meet the requirements of this section:

1. Solid waste collection facilities including dumpsters, compactors, or other large solid waste facilities;
2. Loading docks and loading bays; and
3. Ground-mounted such as walk-in freezers and wall- or roof-mounted mechanical equipment.

**C. Exemptions.**

1. Structures and equipment in the A-1, A-2, L-I, and H-I district are exempt from the requirements of this section, unless the structure or equipment is in view or within one-hundred (100) feet of an existing residential use, lot or district.
2. Loading docks and loading bays in the C-1 district are exempt from the requirements of this section.

**D. General Standards.**

1. **Screening Methods.** Structures and equipment may be grouped together and may include, but not be limited to: loading docks, propane tanks, dumpsters, electrical transformers, utility vaults which extend above ground, ground-mounted utility equipment and any electrical or other equipment or elements providing service to a building or a site. Structures shall follow the following standards:
  - a. A masonry wall that complements the architecture of the primary structure, be designed as an architecturally integrated part of the primary structure and be sufficient to dampen any noise generated while the unit is in operation.



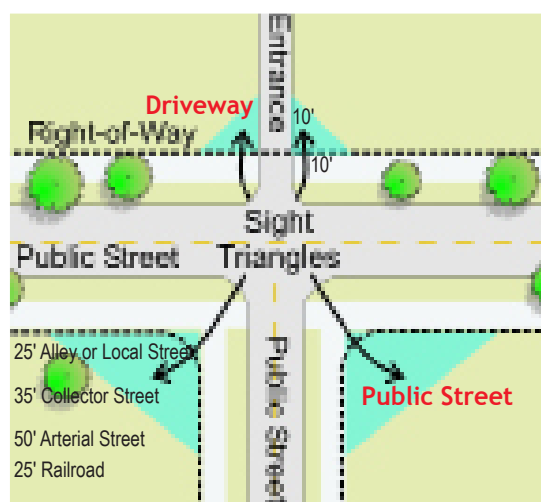
- b. The wall shall be equal to the height of the unit plus one (1) foot.
  - c. The enclosure shall be accessed via an opaque gate.
  - d. The gate shall not face a residential property, or a street right-of-way within fifty (50) feet.
  - e. All mechanical equipment shall be located a minimum of fifty (50) feet from the property line, and shall not be located within a front or side setback.
  - f. The area and height of required screening depend upon the location of the structure or equipment relative to any adjacent residential lot or district and the view from the street. The placement of mechanical equipment in the side setback is permitted as long as it faces a property of the same zoning district and use as determined by the Administrator.
  - g. Shall be enclosed when located within fifty feet of a lot containing a residential use.
  - h. Containers shall be located on a concrete pad.
2. Utility substations shall be screened with a fence that is at least fifty percent (50%) opaque and at least six (6) feet in height, and the exterior wall of the fence shall be landscaped with evergreen species.

## 5.5 Sight Visibility Triangle

**A. All properties shall maintain a clear vision area (the “sight visibility triangle”) at all street, alley, railroad and driveway intersections. Within the sight visibility triangle, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of two and one-half (2<sup>1/2</sup>) feet and nine (9) feet above the crown of a street, driveway or alley. A sight visibility triangle area shall be established for all streets whether public or private. Note: As determined by the Administrator C-1 Districts which have 0’ setbacks are exempt from all sight visibility requirements The Sight Visibility Triangle shall meet the following requirements:**

1. Corner lot. The sight visibility triangle area is formed by the street right-of-way lines and the diagonal line connecting points measured on a:
  - a. Alley or Local Street: twenty-five (25) feet along the right-of-way line(s) from the intersection of a Local street or alley right-of-way line with another right-of-way line, or in case of a round or cut property corner, from the intersection of the street right-of-way lines extended.
  - b. Collector Street: thirty-five (35) feet along the right-of-way line(s) from the intersection of a Collector street right-of-way line with another right-of-way line, or in case of a round or cut property corner, from the intersection of the street right-of-way lines extended.
  - c. Arterial Street: fifty (50) feet along the right-of-way line(s) from the intersection of an Arterial street right-of-way line with another right-of-way line, or in case of a round or cut property corner, from the intersection of the street right-of-way lines extended.
2. Adjacent to an at-grade Railroad Crossing. The sight visibility triangle area is formed by the side lot line sharing a boundary with the railroad right-of-way, the street right-of-way line, and the diagonal line connecting points measured twenty-five (25) feet from the intersection of such lines.

Figure 5.9 Sight Visibility Triangle Illustration



3. Driveway. On a non-single-family lot which has a driveway, or which is next to a lot which has a driveway, the sight visibility triangle area is formed by the intersection of the street right-of-way line and the surface edge of the driveway, and the diagonal line connecting points measured ten (10) feet along the driveway line from its intersection with the street right-of-way line and the appropriate right-of-way line measurement as listed above.

## 5.6 Fences & Walls

**A. Purpose and Intent.** The purpose and intent of this section is to regulate the location, height, and appearance of fences and walls to maintain visual harmony within neighborhoods and throughout the county, protect adjacent properties from the indiscriminate placement and unsightliness of fences and walls, and ensure the safety, security, and privacy of properties.

**B. Applicability.**

1. The provisions of this section shall apply to all construction, substantial reconstruction, or replacement of fences or walls not required for support of a principal or accessory structure, and to any other linear barrier intended to delineate different portions of a lot.
2. Temporary fences for construction sites, agricultural fencing, or tree protection fencing are exempt from these standards, but shall comply with all applicable state building code requirements.
3. In the event of any inconsistency between the provisions of this section and any screening standard in Section 5.4 Containers/ Service Structures Screening, the standards in the Screening section shall control.

**C. Locational Requirements.**

1. General.
  - a. Fences or walls shall be located outside of the public right-of-way, and may not exceed thirty-six inches in height if located within a required sight triangle.
  - b. Fences and walls are permitted on the property line between two or more parcels of land held in private ownership.
  - c. Fences and walls may be located within any required setback or landscaping yard.
2. In Easements or Around Fire Protection Facilities. Fences located within utility easements and around fire protection facilities shall receive written authorization from the easement holder or Pulaski County 911 (Emergency Management and Fire as appropriate). The county shall not be responsible for damage to, or the repair or replacement of, fences that must be removed to access such easements or facilities.
3. Blocking Natural Drainage Flow. No fence or wall shall be installed so as to block or divert a natural drainage flow on to or off of any other land unless subject to an approved stormwater management plan. Nothing in this section shall be construed to prevent the installation of temporary fencing to protect existing trees, limit sedimentation, or control erosion.
4. Within Buffers. Fences and walls shall be installed so as not to disturb or damage existing vegetation or installed plant material, to the maximum extent practicable. The perimeter fencing or wall for a single development shall be of a uniform style that complies with the standards of this section.



Table 5.10: Fence/Wall Height Standards

Location On A Lot	Max. Height For Opaque Fence Or Wall (feet)	Max. Height For Transparent Fence Or Wall (feet)	
		Residential District	Non-Residential District
Within Sight Triangle	3 ft.	3 ft.	3 ft.
Within Front Setback	4 ft.	4 ft.	6 ft.
Within Corner Side Setback	4 ft.	4 ft.	6 ft.
All Other Areas	8 ft.	8 ft.	10 ft.

**D. Height Standards.** Heights are measured from finished grade on the highest side of the fence or wall.

**E. Deviation for Security Plan.** A landowner or tenant or a representative of a public agency responsible for a government facility, public safety use, utility, or other use in need of heightened security may submit to the Administrator a site security plan proposing a fence or wall taller than those permitted by this section. The Administrator shall approve, deny, or approve with conditions, the site security plan and its proposed deviation of fences or walls from the standards of this section, upon finding:

1. Need for Safety or Security Reasons. The condition, location, or use of the land, or the history of activity in the area, indicates the land or any materials stored or used on it are in significantly greater danger of theft or damage than surrounding land, or represents a significant hazard to public safety without a taller fence or wall.
2. No Adverse Effect. The proposed fence or wall configuration will not have a significant adverse effect on the security, functioning, appearance, or value of adjacent properties or the surrounding area as a whole.

**F. Maintenance.** In all districts (excluding A-1 and A-2 all fences and walls and associated landscaping shall be maintained in good repair and in a safe and attractive condition, including but not limited to, the replacement of missing, decayed, or broken structural and decorative elements . All fences and walls shall receive regular structural maintenance to prevent and address sagging and weathering of surfaces visible from the public right-of-way. Any deteriorated, damaged, or decayed fence materials shall be repaired and any fence or wall post or section that leans more than ten degrees from vertical shall be repaired within 60 days to correct that condition (applicable in A-1 and A-2 districts only when a fence needing maintenance may cause livestock to escape into the public ROW).

## 5.7 Exterior Lighting

**A. Purpose and Intent.** The purpose of this section is to regulate light spillage and glare to ensure the safety of motorists and pedestrians, and to ensure lighting does not adversely affect land uses on adjacent lands. More specifically, this section is intended to:

1. Regulate lighting to assure that excessive light spillage and glare are not directed at adjacent lands, neighboring areas, and motorists;
2. Ensure that all site lighting is designed and installed to maintain adequate lighting levels on site; and
3. Provide security for persons and land.

**B. Applicability.**

1. General. The provisions of this section shall apply to all development in the county unless exempt in accordance with Section 5.7 (B) (3) Exemptions.

2. Existing Development. Compliance with these standards, to the maximum extent practicable, shall also apply to redevelopment of an existing structure, building, or use when it is expanded, enlarged, or otherwise increased in intensity equivalent to or beyond 50 percent.
3. Exemptions. The following is exempt from the exterior lighting standards of this section:
  - a. FAA-mandated lighting associated with a utility tower or airport;
  - b. Lighting associated with navigational beacons.
  - c. The United States flag, Indiana flag, a County or City flag, a corporate flag, or any other flag at the discretion of the Administrator;
  - d. Holiday lighting during the months of November, December, and January, provided the lighting does not create unsafe glare on street rights-of-way;
  - e. Battery-powered emergency lighting;
  - f. Architectural lighting of 40 watts or less;
  - g. Public safety lighting.

**C. Lighting Plan.** To ensure compliance with the standards of this section, a lighting plan demonstrating how exterior lighting will comply with the standards of this section shall be included as part of any application for improvement location permit, development plan, planned development master plan, or subdivision plat, in accordance with the requirements of the application available in the office of the Administrator.

**D. Prohibited Lighting.** The following lighting is prohibited:

1. Light fixtures that imitate an official highway or traffic control light or sign;
2. Light fixtures in the direct line of vision with any traffic control light or sign;
3. Light fixtures that have a flashing or intermittent pattern of illumination, except for lighting associated with time and temperature displays and electronic message boards;
4. Privately-owned light fixtures located in the public right-of-way; or
5. Searchlights, except when used by Federal, State or local authorities.

**E. Street Lighting.**

1. All street lights shall be located inside full cut-off fixtures mounted on non-corrosive poles served by underground wiring unless the requirement is waived by the Administrator.
2. The light structure and light color of street lights shall be consistent throughout the subdivision, or development.
3. Illumination standards must be met prior to final plat approval or prior to occupancy, when final plat approval is not required.

**F. General Standards for On-Site Exterior Lighting.**

1. Shielding. Except for single-family detached and duplex dwellings, all exterior luminaries, including security lighting, shall be full cut-off fixtures and directed downward. In no case shall lighting be directed above a horizontal plane through the lighting fixture.
2. Maximum Height. Except for athletic fields or performance areas, the height of outdoor lighting, whether mounted on poles, walls, or by other means, shall be no greater than 25 feet above grade.
3. Maximum Illumination Value.
  - a. All outdoor lighting and indoor lighting visible from outside shall be designed and located so that the maximum illumination measured in footcandles at ground level at a lot line shall not exceed the standards in Tables 5.11: Maximum Illumination Level By Use .
  - b. In no instance shall illumination levels within a site or development exceed 40 footcandles.

Table 5.11: Maximum Illumination Level by Use Abutting a Lot Line

Type Of Use Abutting A Lot Line	Maximum Illumination Level At Lot Line (Footcandles)
Residential use or vacant land zoned for residential development	0.5
Institutional use	1.0
Commercial use or vacant land [1]	2.0
Industrial use	3.0
Parking lot	2.5
NOTES: [1] Includes mixed-use development	

**G. Signage**

- a. Lighting for signage shall be governed by the standards in Section 5.13 Signage.

**H. Design Standards for Specific Uses and Site Features**

1. Awnings. Awnings or canopies used for building accents over doors, windows, etc., shall not be internally illuminated (i.e., from underneath or behind the awning) unless the awning material is entirely opaque.
2. Sports and Performance Venues. Lighting of outdoor sports areas, athletic fields, and performance areas shall comply with the following standards:
  - a. Glare Control Package. All lighting fixtures shall be equipped with an existing glare control package (e.g., louvers, shields, or similar devices) and aimed so that their beams are directed and fall within the primary playing or performance area.
  - b. Hours of Operation. The hours of operation for the lighting system for any game or event shall not continue more than one hour after the end of the game or event.
3. Lighting Cutoff.
  - a. Wall packs on the exterior of the building shall be fully shielded (e.g., true cut-off type bulb or light source not visible from off-site) to direct the light vertically downward and be of low wattage (100 watts or lower) as described in Figure 5.12 Lighting Cutoff.
  - b. Wall pack light sources visible from any location off the site are prohibited.
4. Canopies. Areas under a canopy shall be designed so as not to create glare off-site. Acceptable methods include one or both of the following:
  - a. A recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the canopy that provides a full cutoff or fully-shielded light distribution.
  - b. A surface mounted fixture incorporating a flat glass that provides a full cutoff or fully-shielded light distribution.

**I. Measurement.**

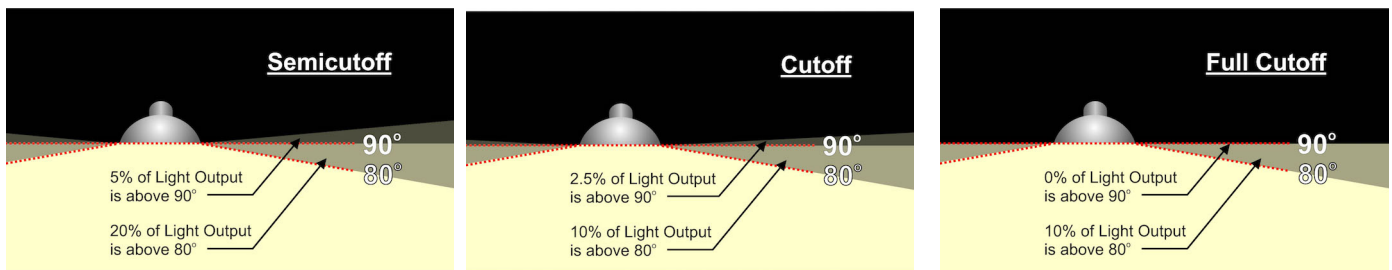
1. Light level measurements shall be made at the lot line of the land upon which light to be measured is being generated. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the land.
2. Measurements shall be made at finished grade (ground level), with the light-registering portion of the meter held parallel to the ground pointing up. The meter shall have cosine and color correction and have an accuracy tolerance of no greater than plus or minus five percent.

3. Measurements shall be taken with a light meter that has been calibrated within two years.

**J. Exemptions for a Security Plan. Government facilities, parks and open areas, public safety, and other development where sensitive or dangerous materials are stored may submit a security plan to the Administrator proposing exterior lighting that deviates from the standards in this subsection. The Administrator shall approve, or approve with conditions, the security plan and its proposed deviation from the standards of this subsection, upon finding that:**

- a. The proposed deviation from the standards is necessary for the adequate protection of the public;
- b. The condition, location, or use of the land, or the history of activity in the area, indicates the land or any materials stored or used on it are in significantly greater danger of theft or damage, or members of the public are at greater risk for harm than on surrounding land without the additional lighting; and
- a. The proposed deviation from the standards is the minimum required, and will not have a significant adverse effect on neighboring lands.

Figure 5.12 Lighting Cutoff



## 5.8 Non-Residential (Business/Commercial) Design Standards

**A. The intent of the non-residential design standards is to establish a minimum level of design quality while allowing for site and building design creativity. The standards are applicable to non-residential development, with the exception of agricultural uses in agricultural zoning districts, and for:**

1. New structures with permits submitted on or after the effective date of this ordinance; and
2. Expansions greater than thirty-five percent (35%) of pre-existing site, structure or building.

**B. Site Layout**

1. Site planning which encourages compatibility between the site and the buildings and between all buildings on the site is encouraged. Where natural or existing topographic patterns contribute to a development, they shall be preserved and integrated. Modification to topography shall be permitted where it contributes to the overall development.
2. The orientation of buildings shall promote interaction with the street or County road and provide a pedestrian friendly environment. All primary and outlot site buildings shall be arranged so that they complement existing development. Buildings on islands surrounded by parking should be avoided.
3. Newly installed infrastructure and service revisions necessitated by exterior alterations shall be underground. To the extent possible, all existing overhead utilities shall be relocated underground.

**C. Access. Major and minor arterials and major collector streets must have reasonable restrictions as to the numbers and location of access points. To provide safe and sufficient traffic movement to and from adjacent lands:**

1. Frontage roads, access roads, and other internal drives shall be constructed to create a hierarchy of roads for safe on-site circulation. These internal drives shall provide pedestrian access and landscaping.
2. Shared Access. See section 5.2.
3. In addition to standards contained within Section 5.2 cross-access easements shall be required between adjacent compatible developments.
  - a. No curb cuts shall be within two-hundred (200) feet of any intersection of public roads.
  - b. Opposing curb cuts shall align squarely or be offset no less than one hundred twenty-five (125) feet.
  - c. Stub Streets shall be built in all cases where adjacent lots have reasonable potential for development.
4. Entry Drive. See Section 5.2 (E).

**D. Parking Layout. In addition to Section 5.1 (C) Off-Street Parking Requirements, a maximum of fifty percent (50%) of the required parking shall be located between the front facade and the primary street. The balance of the parking shall be to the rear or side of the primary building.**

1. Cart Corrals shall be provided in the parking lot for developments over fifty thousand (50,000) square feet. They shall be curbed, and may be landscaped and covered.

**E. Pedestrian Facilities.**

1. A connection shall be established from abutting streets to the entrance of primary structures through the use of sidewalks and special demarcation.
2. Pedestrian areas in parking lots or across interior drives shall be demarcated with special paving, color or height change, or striping for increased safety.
3. Sidewalks shall be a minimum of five (5) feet wide and shall connect the commercial areas to adjacent residential, office and recreational uses.
4. Sidewalks in L-I and H-I Districts shall be required on at least one (1) side of each street.
5. When applicable existing pedestrian facilities (such as a public sidewalk) can be used to count towards requirements provided they are constructed in a manner acceptable by the Administrator.

**F. Architectural Design. All non-residential building walls shall have architectural features which increase visual interest, reduce undifferentiated masses, facilitate potential adaptive reuse and relate to the pedestrian scale.**

1. Facades. Facades shall have a defined base or foundation, a middle or modulated wall, and a top formed by a pitched roof or articulated cornice, in each instance appropriate to the building style.
2. Offsets and Projections. Buildings with continuous facades that are ninety (90) feet or greater in width shall be designed with offsets (projecting or recessed) not less than two (2) feet deep, and over intervals of not greater than sixty (60) feet.
3. Storefronts. Storefronts. Ground-floor retail shall be transparent for seventy-five percent (75%) of the total area of the ground level facade.
4. Exterior materials. Building facades may be constructed from wood, stone, masonry, E.I.F.S., cement fiber board, split-face, textured concrete, heavy gauge vinyl, metal or glass or other materials which provide the same desired quality. Similar building materials should be used throughout a development with multiple buildings. Products other than those listed below must be approved by the Administrator.
  - a. Buildings using architectural metal panels that do not exceed fifty percent (50%) of the

facade shall be permitted in the (C-1, C-2) districts, and must contain other design elements such as concrete or masonry bases, pitched roofs, enhanced entries or color variation. All metal facades are permitted in all other districts.

- b. Masonry construction may consist of brick, granite, sandstone, slate, limestone, marble, or other hard and durable all-weather stone. Ashlar, cut stone, and dimension stone construction techniques are acceptable.
  - c. Concrete finish or precast concrete panels shall be textured using the following techniques: exposed aggregate, bush-hammered, sand-blasted, or other concrete finish as approved by the Administrator. Concrete masonry units (CMU or block) shall be textured or split-face, and otherwise not smooth.
5. **Roof Design.** The materials and finishes for roofs shall complement those materials used for the exterior walls. Roofs may be pitched, use stepped parapet walls, three dimensional cornices, dimensioned or integrally-textured materials, or be sloped with overhangs and brackets. Flat roofs may be permitted with Administrative approval. Parapets shall not exceed more than one-third (1/3) the height of the supporting wall.
  6. **Anti-monotony.**
    - a. The architectural style, materials, color and design on the front elevation shall be applied to all elevations of the structure adjacent to a public street, primary internal drive or residential zoning district.
    - b. Monolithic exterior building walls (walls with one type of siding and no windows or doors) are prohibited. There shall be a change of siding materials, and/or architectural features (such as windows, recesses, and doors) on all sides of each structure.
  7. **Color.** Compatible materials and colors should be used throughout to unify development. The colors should reflect natural tones of the environment and be subtle, harmonious and non-reflective. Accents shall be compatible.
  8. **Entry Features.** Entryway features are only required at a primary entrance to the structure, except in the C-1 District, which is exempted from these standards, and shall include no less than three of the following:
    - a. Covered entries, integral planters, awnings, raised corniced parapets over the door, peaked roof forms having an average slope greater than or equal to a minimum 6:12 pitch, arches, or architectural details such as tile work and moldings that are integrated into the building structure and design.
    - b. Failure to maintain may result in fines according to the official Fee Schedule.

**G. Maintenance. The exposed walls and roofs of buildings shall be maintained in a clean, orderly, and attractive condition, and be free of cracks, dents, punctures, breakage, and other forms of visible marring. Materials that become excessively faded, chalked, or otherwise deteriorated shall be refinished, repainted, or replaced.**

1. Refuse and waste removal areas (Section 5.4, Containers/Service Structures Screening), loading berths, service yards, storage yards, and exterior work areas shall be screened from view with fencing, walls or landscaping.
2. All accessory buildings and structures shall be constructed with materials that are similar and compatible with materials used in the principal structure.

**H. Mechanical Equipment Screening and Placement.**

1. Roof-mounted equipment on exposed roofs shall be completely screened from view. The appearance of roof screens shall be coordinated with the building architectural design to maintain a unified appearance.
2. All ground- and building-mounted mechanical and electrical equipment shall be screened from view. The screens and enclosures shall be treated as an integral element of the building's appearance. Landscaping may be used for this purpose.

- I. Signage Standards.** Signage shall be designed to be an integral part of the architectural and landscaping plans. The colors, materials, and style of signage shall be architecturally compatible and accentuate the buildings and landscaping on the site. The colors, materials, and lighting harmonious with the building and site to which it principally relates. Signs shall be in conformance with Section 5.13, Signage Standards unless otherwise specified below.
- J. Landscaping Plan.** Landscaping shall be in conformance with Section 5.3 Landscaping Standards.
- K. Site Amenities.** Site amenities provide attractive spaces and the possibility of interaction. Site amenities such as patios, plazas, mini-parks, squares, water features and public art should be incorporated in the required open space for the development.
- L. Lighting.** Lighting shall be in conformance with Section 5.7 Exterior Lighting.

## 5.9 Multifamily Residential Design Standards

- A. The intent of the design standards is to promote both technically and aesthetically sound housing development for dwellings of five (5) units or more and single family attached development. All structures within the multifamily development shall be compatible. Similar styles, color, architectural detail and materials shall be used for garages, carports, grouped mailboxes, laundry facilities, clubhouses, shelters, etc.**
- B. Layout and Site Planning**
  - 1. Buildings shall be sited in relation to topography of the site, which minimizes cut and fill and limits maximum on-site slope to ten percent (10%).
  - 2. Attempts shall be made to preserve existing vegetation and natural features.
  - 3. Multi-family building(s) shall be oriented to the street or county road, a common open space, or clustered to form neighborhoods. Multifamily buildings shall not be oriented to parking lots. Accessory buildings, including residential garages, storage buildings, etc., shall be located behind the primary building. No primary or accessory building shall have service doors, garage doors, loading doors, or similar service entrances opening toward or oriented to the street or county road.
  - 4. Buildings shall be located so that the window to window distance between buildings or facing exterior walls shall not be less than forty (40) feet, as measured by a line perpendicular to the plane of the surface of said window.
  - 5. Individual buildings shall be located to avoid more than two (2) buildings with parallel orientations to any one public street, unless offset by more than twenty (20) feet. Vary the orientation to lessen the massing. The maximum length of a multi-family building shall not exceed one hundred sixty (160) feet. No more than eight (8) townhome units shall be attached in a single row.
  - 6. Off-street parking, driveway, drive aisles, carport, garage or service facilities may encroach into the side or rear yard, but shall be no closer than ten (10) feet to any lot line. In no event shall parking be located in required landscaping areas.
  - 7. All sides of a building shall display a similar level of architectural features and materials.
- C. Open Space.** Open space shall be required in conformance with Section 5.15 Open Space standards in this UDO.
  - 1. Developments classified as R-3 - Multifamily shall provide a recreation area which shall be accessible by means of walking, hiking, biking or automobile, and shall total a minimum of ten percent (10%) of the gross number of acres. Land designated as floodplain shall not be counted towards required "open space" unless it is designated as common area and accessible to all owners of the common area. Detention ponds may count towards the requirement if they have



an amenity such as a walking trail around the perimeter. Note: C-1 districts are exempt from open space requirements.

**D. Vehicular and Pedestrian Circulation.**

1. Internal streets shall be a minimum of twenty (20) feet wide. The County may request wider streets if on-street parking is permitted.
2. Multi-family developments with 150 units or more shall have at least two (2) points of ingress/egress.
3. The internal "street" system shall connect to surrounding neighborhood and local streets. Streets designed for future extensions shall have public right-of-way platted to the developer's property line so as not to create future right-of-way taking or purchase upon extension. A barricade shall be constructed on the extension to prevent accidental passage into undeveloped areas.
4. All internal sidewalks shall be a minimum of five (5) feet wide.
5. All internal sidewalks shall connect to adjacent residential areas, commercial areas, schools, parks, places of worship, and similar publicly accessible uses.

**E. Facade**

1. Variation. Architectural detailing, horizontal/vertical offsets, window details and other features shall be provided on all sides of the building to avoid featureless building massing, to enhance character and style, and to reduce the visual scale.
2. Materials shall be durable and attractive. Visually heavier materials should be used as the building's foundation.
  - a. Facade walls shall be constructed of any combination of the following. A minimum of forty percent (40%) shall be:
    - 1) Masonry;
    - 2) Stone;
    - 3) Wood clapboard siding;
    - 4) Brick;
    - 5) Heavy duty vinyl siding - .44ml; and
    - 6) Cement fiber board (e.g., "Hardi-plank").
  - b. Stucco or External Insulation and Finish System (E.I.F.S.), not to exceed twenty percent (20%) of the overall non-window facade area.
3. Facade Plane projections such as the following are encouraged:
  - a. Veranda/balcony
  - b. Sunroom
  - c. Screened porch
  - d. Breakfast nook
  - e. Turret
4. The facades of townhomes should be detailed to differentiate individual units.

**F. Entries. Entries shall be pedestrian-scaled and clearly defined and accented with such features as awnings, porticoes, overhangs, recesses/projections, arcades, raised corniced parapets over the door, peaked roof forms and arches.**



**G. Roof**

1. Materials. Quality roof materials such as tile, slate, standing-seam metal, three-dimensional asphalt or fiberglass shingles shall be used on all structures.
2. Minimum Eave/Overhang Width. All multifamily buildings shall have eaves or overhangs a minimum of twelve (12) inches deep on all sides.
3. Roof Articulation. Roofs shall display a variety of forms and articulation to reduce apparent scale. Elements such as dormers, gables, cross gables, hipped, secondary hipped or gabled roofs can be used to achieve this appearance.
  - a. Gable roofs shall have a minimum pitch of 5:12.
  - b. Flat roofs shall contain a cornice or molding, and vary in height or shape every fifty (50) feet.
4. Rooftop mechanical equipment shall either be fully screened with architecturally compatible materials on all sides or visually integrated into the overall design of the building. In no case shall rooftop mechanical equipment be visible from adjoining streets, residential zones or uses.

**H. Fences. Multifamily developments may contain fences in the front yard provided the fences are consistently themed with the residence and are at least 50% open. Chainlink is prohibited in the front and street side yard. Fences shall be no higher than 42 inches from the adjacent finished grade. The fence shall also be located outside of the sight visibility triangle if higher than 36 inches.**

**I. Automobile Storage. A minimum of fifty percent (50%) of required parking spaces shall be covered.**

1. Garage Access. All attached garages shall provide access internally from the garage to individual units.
2. Minimum garage depth shall be twenty-two (22) feet.
3. Minimum garage width shall be twelve (12) feet.
4. Carport. Where established, carports shall:
  - a. Meet all setback standards around the perimeter of the site applicable to a primary structure.
  - b. Be designed in keeping with the primary structure, and the materials shall be compatible with those of the primary structure.

**J. Windows. Windows are required on all sides of the building that are adjacent to a street or a common area.**

**K. Dumpster and Storage Area Screening. Dumpsters and storage area screening shall conform to the regulations of Section 5.4 Containers/ Service Structures Screening.**

**L. Landscaping. Landscaping requirements are set forth in Section 5.3 Landscaping Standards.**

**M. Lighting. Standards for parking lot, site and building lighting are set forth in Section 5.7 Lighting Standards.**

## 5.10 Residential Design Standards

**A. Purpose and Intent.** The purpose of residential design standards is to encourage high quality, new development of single, duplex, triplex and quadplex housing in all districts where residential development is allowed.

**B. General Standards.**

1. Anti-monotony.
  - a. The architectural style, materials, color or design on the front elevation shall be applied to all elevations of the structure adjacent to a public street, primary internal drive or residential zoning district.
  - b. Monolithic exterior building walls (walls with one type of siding and no windows or doors) are prohibited. There shall be a change of siding materials, and/or architectural features (such as windows, recesses, and doors) on all sides of each structure excluding the rear.
  - c. A garage or carport may not face the street unless it is located a minimum 10 feet behind the front elevation of the principle structure. Front loading garages shall not exceed 45 percent of the width of the front elevation. These standards apply only in the R-1, R-2, R-3, R-4, C-1, and C-2 Districts.

## 5.11 Manufactured Home Park Standards

**A. Purpose and Intent.** The purpose of these manufactured home standards is to identify the minimum requirements for the installation and use of manufactured homes consistent with the requirements of IC 36-7-4-1106 and the intent of this ordinance. These standards are applicable within the R-4 zoning district.

**B. General Standards.**

1. Storage Spaces. Each home shall have an enclosed, waterproof storage space a minimum of twenty (20) square feet, either as an accessory structure on each home site, behind the skirting, or at a central storage facility.
2. Emergency Shelter. Each development, or manufactured home park shall be equipped with a structure of adequate construction to provide shelter for residents from tornadoes and other severe weather events.
3. Entrances and Interior Roads. All interior manufactured home park streets shall either be dedicated to the public, or be private streets. All interior streets, whether public or private shall meet the design and construction standards for public streets as provided in Section 6.
4. Compliance Verification. Prior to the release of an Improvement Location Permit for construction of the Manufactured Home Park, the following shall be provided to the Administrator.
  - a. Access and Drainage. A letter from the TRC, verifying the approval of the design of access points to public streets and drainage for the site.
  - b. Sanitary Sewer Service. A letter from a sanitary sewer service provider, verifying that adequate sanitary sewer service shall be available to the homes.
  - c. Board of Health. A letter from the Indiana State Board of Health, verifying that all applicable requirements have been met.

## 5.12 Farmland Compatibility Standards

- A. Purpose and Intent.** The purpose and intent of these farmland compatibility standards is to promote development that is compatible with existing farms and agricultural uses in Pulaski County, IC 32-30-6, Indiana Right to Farm Legislation, and Pulaski County Right to Farm Ordinance, as amended. More specifically, these standards are intended to:
1. Ensure new development does not negatively impact existing adjacent agricultural uses;
  2. Maintain and promote rural character in agricultural areas;
  3. Allow farming families to capture the monetary value of their land through limited development while continuing to farm; and
  4. Ensure greater compatibility between existing farms and new non-farm uses.
- B. Applicability.** Except where exempt by Section 5.12 (C) Exemptions, the standards in this section shall apply to all major subdivisions, planned developments, or improvement location permits on lots or tracts of ten acres in area or greater proposed adjacent to a bona fide farm or agricultural use associated with a bona fide farm.
- C. Exemptions.** The standards in this section shall not apply to the following:
1. Single family residences in the A-1 and A-2 Agricultural Districts..
  2. Portions of a conservation subdivision adjacent to an agricultural use or activity taking place within the conservation subdivision's open space set-aside.
  3. All structures in a zoning district where agriculture is allowed that are used in agricultural product storage and/or processing may exceed the permitted height standards for that district and be erected to any height that is necessary for their operation.
- D. Farmland Compatibility Standards.**
1. Vegetated Buffer. Development subject to these standards shall provide a fifty-foot-wide Type C buffer as stated on Table 5.7: Buffer Types.
  2. Nothing in this section shall limit the use of chain-link fencing for this purpose.
  3. Location of Open Space Set-Aside. In cases where new development includes an open space set-aside, it shall be located between the agricultural use and the buildings in the new development, to the maximum extent practicable.
  4. Lot Location. Development subject to these standards shall be configured to ensure farms or agricultural uses retain direct access to adjacent streets.
  5. Notification on Plat. Primary and Secondary Plats subject to these standards shall bear a notation in 14 point type stating "The development is adjacent to an existing agricultural or farm use that is anticipated to generate noise, light, dust, odor, or vibration as part of its normal operations."The Administrator shall provide a certificate for consistent application to secondary plats.

### 5.13 Signage Standards

- A. General Provisions.** This Section of the Pulaski County Zoning Ordinance shall be known as the “Sign Regulations” of Pulaski County.
- B. For the purposes of these regulations, street addresses and numbers, when posted, are not considered signs.**
- C. Definitions.** All terms used in this Section are defined in Section 8 of this Ordinance.
- D. Permits Required and Fees.**
  - 1. **Permits Required.** Except as otherwise provided herein, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign, or change the permanent copy on an existing sign structure within the jurisdiction of the Pulaski County Plan Commission, or cause the same to be done without first obtaining a sign permit for each sign from the Administrator.
  - 2. **Application.** Application for a permit shall be made to the Administrator upon a form provided and shall be accompanied by such information as may be required to assure compliance with the laws and regulations of the County, including:
    - a. Name and address of the property owner of the premises on which the sign is located or is to be located.
    - b. Name and address of the owner of the sign.
    - c. Clear and legible drawings with description showing the location of the sign which is the subject of the permit, and all other signs whose construction requires permits when such signs are on the same premises.
    - d. Any individual or company seeking to erect, construct, alter, repair, improve, maintain, convert or manufacture any sign adjacent to or visible from any state or federal roadway shall register in writing, a statement that they have all necessary licenses and/or approvals from the other affected governmental agencies and submit copies for the application file.
    - e. Permission in writing from the person in possession or ownership of shopping centers and/or industrial premises shall be supplied as part of the application documentation.
  - 3. **Sign Permit Fees.** The application, including all required documentation shall be filed with the Administrator together with a permit fee as specified by the Official Fee Schedule available in the office of the Administrator. If any sign is hereafter erected, placed, installed or otherwise established on any property before obtaining a permit as required herein, the fees specified shall be trebled. Payment of such fee shall not relieve any person from compliance with other provisions of this Ordinance and penalties prescribed herein.
  - 4. **Effect of Sign Permit Issuance.** No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall a permit issued hereunder constitute a defense in an action to abate an unlawful sign.
  - 5. **Nullification.** A sign permit shall become null and void if the construction authorized thereunder has not been started within a period six (6) months following the date of the permit and completed within six (6) months thereafter.
  - 6. **Permit Extensions.** The following shall not be considered as creating a sign and therefore shall not be required to have sign permit unless otherwise specified:
    - a. **Changeable Copy.** The changing of advertising copy or message on an approved sign such as a theater marquee and similar approved signs which are specifically designed for use of replaceable copy.
    - b. **Maintenance - Painting, repainting, cleaning, or other normal maintenance and repair of a sign or sign structure unless a structural change is involved, or a change in copy is involved.** The changing of logo or verbiage on a sign to update or modernize an existing business’s sign without changing ownership or company name is permitted.

- c. Temporary or Exempt Sign. Temporary Sign as listed per Section 5.13 (I) and Exemptions per Section 5.13 (H) of this Ordinance are exempt from permit requirements unless specified elsewhere.

**E. Inspection Removal and Safety.**

1. Inspection. Signs for which a permit is required may be inspected periodically by the Administrator for compliance with this Ordinance and other codes of the County.
2. The Administrator may order the removal of any sign erected or maintained in violation of this Article. She/he shall give thirty (30) days' written notice to the owner of a permanent sign or place a notice of such violation on the building, structure, premises, or sign in violation to remove the sign or to bring it into compliance. S/he shall give a three (3)-day notice for temporary or portable signs. The Administrator may remove a sign immediately and without notice if, in the Administrator's opinion, the condition of the sign is such as to present an immediate threat to the safety of the public. Any sign removed by the Administrator and/or an agent acting on the Administrator's behalf, pursuant to the provisions of this Section shall be held by the County for redemption by the owner. Should said sign not be redeemed within thirty (30) days of its removal, it may be disposed of in any manner deemed appropriate by the County. To redeem, the owner shall pay all costs incurred by the County for removal. The cost of removal shall include any and all incidental expenses incurred by the County in connection with the sign's removal.
3. Maintenance. All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition. A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the sign is not maintained and kept in good repair and safe, neat, clean and attractive condition.
4. Street Improvement Projects. Any sign projecting over a roadway right-of-way at the time of the effective date of this Ordinance which was subject to removal or relocation at the owner's expense, pursuant to a permit or other ordinance of the County, shall be removed by the owner, or altered at the owner's expense to comply with the regulations of this Section if, as the result of or after completion of a roadway improvement project, said sign does not or would not comply with the provisions of this Ordinance.
5. Assurance of Discontinuance. As an additional means of enforcement, the Administrator may accept an assurance of discontinuance of any act or practice deemed in violation of any rule or regulation adopted pursuant thereto, from any owner or person engaging in such act or practice. Such assurance shall be in writing and shall specify a time limit during which said discontinuance is to be accomplished. Failure to perform the assurance shall constitute *prima facie* proof of a violation of this Ordinance or any rule or regulation adopted pursuant thereto, which makes the alleged act or practice unlawful for the purpose of securing any injunctive relief from a court of competent jurisdiction.

**F. Nonconforming Signs. Nonconforming signs may be continued, subject to the standards in this Section 1.8 (E).**

**G. Prohibited Signs. The following type signs are expressly prohibited in all Zoning Districts.**

1. "A" Frame Signs. "A" frame signs or sandwich board, sidewalk or curb signs are prohibited if it is they are not in compliance with ADA sidewalk width clearance standards.
2. Miscellaneous Signs and Posters. The tacking, pasting or otherwise affixing of signs visible from a roadway, located on the walls of buildings, barns, sheds, on trees, poles, posts, fences or other structures are prohibited unless otherwise permitted by this Ordinance.
3. Moving Signs. No sign or any portion thereof shall be permitted which moves or assumes any motion or gives the illusion of moving.
4. Projecting Signs. No privately owned sign shall project over or into the paved street.
5. Public Areas. No sign shall be permitted which is placed on any post, pole, hydrant, bridge,

tree or other surface located on public property or over or across any street or roadway except as otherwise expressly authorized by this Ordinance.

6. Permanent signs located on property in the R-1, R-2, R-3 and R-4 districts without a permit issued by the Administrator.
7. Signs located on easements or in right-of-way in all districts without a permit issued with documented approval of the authority with jurisdiction.
8. Towers (Water, Radio, Etc.). No sign shall be placed on any tower or tank without the approval of the Plan Commission.
9. Signs Unlisted. The following signs are prohibited which:
  - a. 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;
  - b. Are painted on or attached to any fence or any wall which is not structurally a part of a building without the approval of the Plan Commission;
  - c. Operate or employ any motion picture projection or media or have visible moving parts of any portion of which moves or gives the illusion of movements except as otherwise permitted in this Ordinance;
  - d. Emit audible sound, odor or visible matter;
  - e. Signs which purport to be or are in imitation of, or resemble an official traffic sign or signal, or which bear the words "Stop", "Go Slow", "Caution", "Danger", "Warning", or similar words, except as permitted in this Ordinance,
  - f. Signs which, by reason of their size, location, movement, coloring, or manner of illumination, may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or road equipment vehicle or which hide from view any traffic or roadway sign, signal or device; or
  - g. Obstruct any door, fire escape, stairway, or any opening intended to provide air, egress or ingress for any building or structure; or
  - h. Are not included under the types of signs permitted in this Ordinance.
  - i. Small, free-standing signs shall be prohibited unless otherwise permitted in this Ordinance.

**H. Exemptions. The following types of signs are exempt from all provisions of this Ordinance except for construction and safety regulations and the following requirements.**

1. Building Identification Sign. An identification sign on or near (above or beside) a public entrance or service entrance is permitted provided such signs state only the street address number and name of the building for emergency response purposes; provided that such sign shall be mounted flush against the wall, and that such sign shall not exceed twenty-five square feet on the front of the building.
2. Damaged Signs. A sign erected under a legally obtained permit which is damaged or destroyed fifty percent (50%) or more of the fair market value of the sign structure by wind, weather, or other accidental means beyond the control of the applicant may be replaced or restored to its original size, shape, and location (as prior to the accident) without obtaining an additional permit, but requiring inspections. Replacement of a damaged or destroyed sign with a new sign or different size or location from the original sign shall require a permit.
3. Integral Signs. Date of erection, text, number and picture characters, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.
4. Parking Signs. Signs at the entrance drives to parking lots shall be permitted in all districts. Such signs shall be subject to a three, (3) foot setback from right-of-way. Signs shall be no

higher than six (6) feet and no greater than six (6) square feet in area. Such signs shall be installed so as to not present a hazard to traffic entering or leaving the premises.

5. Private Traffic Direction Signs. Signs directing traffic movement onto or within a premise.
    - a. Illumination of these signs shall be permitted in accordance with Section 5.13 (I).
    - b. The leading edge of such signs shall be a minimum of three (3) feet from any curb or traffic movement aisle, the sign shall be no higher than three (3) feet and no greater than six (6) square feet in area.
  6. Public Signs. Signs erected by or on the order of public officer(s) in the performance of public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest, signs directing the traveling public and quasi, public facilities, or signs on public buildings or structures and the like.
  7. Small Sign. A small sign which shall not exceed two (2) square feet in area is permitted for each dwelling unit of a single-family or multi-family dwelling. No other sign shall be allowed. This paragraph shall not be construed to prohibit each dwelling unit from also displaying a house number plate for identification.
  8. Wall Sign. One (1) nameplate not exceeding a combined area of one (1) square foot in area is permitted next to the main entrance door in C-1 C-2 L-I and H -I districts. Signs of this type shall not be illuminated.
  9. Yard Signs. Signs on the premises within A-1 (excluding agricultural uses), R-R, R-1, R-2, R-3 and R-4 districts shall not exceed six (6) square feet in area. Also provided that the signs are located ten (10) feet from the street right -of-way.
  10. Exempt. Social or Charitable Organizations. Signs on the premises of Social or Charitable Organizations are permitted provided that the sign area shall not exceed six (6) square feet, shall be located off the street right-of-way, and shall in no way obstruct the view of pedestrians or vehicular traffic. Such signs shall be permitted as "off premises" signs; providing, however, such signs have a minimum spacing of five hundred (500) feet between any two (2) signs in this category.
  11. Vehicle Signs. Signs on vehicles are permitted provided the sign is painted or attached directly to the body of the original motor,powered vehicle and does not project or extend beyond the original manufactured body proper of the motor,driven vehicle. Such vehicles and/or semi,trailers shall be parked a minimum distance of ten (10) feet from any street right-of-way and shall be located so as to not create an obstruction or hazard to the traveling public. Trucks and/or trailers on sites with permitted temporary uses may be used for a maximum period of thirty (30) consecutive calendar days twice per calendar year.
  12. Window signs are permitted provided such signs conform to the construction, illumination, and safety regulations of this Ordinance.
- I. Temporary Signs: The following signs shall be permitted at any location within Pulaski County and shall be required to have a permit unless otherwise specified:**
1. Signs located on construction sites during the construction period may be a maximum of sixty-four (64) square feet. The minimum setback shall be ten (10) feet from any street right-of-way. The sign shall be confined to the site



of construction and shall be removed within thirty (30) days after the end of construction. No permit shall be required, and the maximum time limit shall be two (2) years, or the duration of construction, whichever is shorter.

2. Special Signs. Special signs in all districts shall be confined within private property and not within the street right-of-way. They shall be permitted from April 1 to May 15 and October 1 to November 15 and limited to six (6) square feet and to no more than ten (10) such signs.
3. Portable Signs. Signs placed upon wheels or lightweight frames for convenient moving and with changeable letter boards for convenient changing of sign copy, shall be prohibited with only one (1) exception as noted below:
  - a. Portable signs shall be permitted for a period of up to thirty (30) consecutive calendar days three times per calendar year provided that such sign shall:
  - b. Be located not less than five (5) feet from any public right-of-way; and
  - c. Be located not more than seven (7) feet from ground level; and
  - d. Not obstruct the flow or sight pattern of vehicular traffic on any established right-of-way; and
  - e. Not be less than ten (10) feet from adjoining residential lots; and
  - f. Have a face not exceeding thirty-two (32) square feet; and
  - g. Not have blinking lights or arrows; and
  - h. First obtain a permit from the Administrator.
4. Signs on Sites with Real Estate For Sale, for Rent or for Lease: One (1) sign is permitted and shall not exceed six (6) square feet in residential Districts; and thirty-two (32) square feet in business, commercial or industrial districts. Such sign shall be removed within fourteen (14) days of the sale, rental, or lease. The minimum setback from street right-of-way shall be ten (10) feet. Such sign shall not be required to obtain a permit.
5. Signs on Sites within Residential Subdivision or Multifamily Construction: One (1) temporary sign is permitted. Such a sign shall not exceed thirty-two (32) square feet of area and shall be located a minimum distance of ten (10) feet from any street right-of-way. Excepting, however, for each additional foot beyond ten (10) feet that the setback distance is increased, the face area of the sign may be increased by one (1) square foot up to a maximum allowable size of one hundred (100) square feet. The maximum time period will be twelve (12) months from the date the sign permit is issued. Such sign may be extended for another twelve (12) months by the Administrator or until the project is eight-five percent (85%) completed or occupied. Temporary signs shall be removed within ten (10) days of the erection of any permanent sign.

**J. Illumination; All signs must meet the illumination criteria listed below:** All illuminated signs must meet the standards as specified in the Pulaski County Building Code and National Electric Code, as adopted and amended by the State of Indiana.

1. No sign shall have blinking, flashing, or fluttering lights, nor shall any device be utilized which has a changing light intensity, brightness or color, or give such illusion.
2. The full number of illuminating elements thereof shall be kept in satisfactory working condition or be immediately repaired or replaced. All electrical wiring shall be in conduit and not exposed to the elements of external streets in any way. All electrical signs shall have a disconnecting switch located in a readily accessible place.
3. The direct non-reflected light from a primary light source shall not create a traffic hazard to operators of motor vehicles on public and/or private roadways.
4. The light from any illuminated sign shall be shaded, shielded, or directed such that the light intensity or brightness will be confined to the face only and not objectionable to the surrounding areas. No light shall shine directly onto adjacent property or the roadway.



## K. Sign Standards By Zoning District

1. The following sign standards by districts in Sections (L), (M), and (N) below) are intended to apply to every zoning district within the jurisdiction of Pulaski County. The zones are as defined in Section 3 of this Ordinance and are shown on the Official Zone Map. Only signs as described herein and as may be described shall be permitted in each particular zone.
2. If any zone is omitted from this Ordinance, or if a new zone is created after enactment of this Ordinance, no sign shall be permitted therein until this Ordinance is amended to include the new zone.

## L. Residential Zoning Districts:

1. Residential: The following signs shall be permitted in an A-1, R-R, R-1, R-2, R-3, R-4 or P-D district.
  - a. One (1) sign-plate not exceeding an areas of one (1) square foot in area is permitted. Signs of this type shall be located on wall in the proximity to the main entrance and may not be internally illuminated. Said sign shall be subject to the permit requirements of this Ordinance.
  - b. A bulletin board on site with a church, school, golf course, lodge, or public building shall not exceed thirty-two (32) square feet in area, may be illuminated in accordance with Subsection J above. A wall sign not exceeding one hundred (100) square feet, may be approved by the Plan Commission.
  - c. Temporary Sign Located at the Entrance of a Subdivision. One (1) sign with a maximum sign area of 32 square feet. Such sign shall not be illuminated. In the event the subdivision has entries from more than one (1) street, additional signs may be permitted by the Plan Commission.
  - d. Permanent Sign Located at the Entrance of a Subdivision. One signs shall be permitted at each subdivision entry. Any temporary signs as provided in Subsection L (1) (c) above shall be removed within 10 days before a permanent sign may be erected. A maximum of two (2) signs shall be permitted for the designated main entryway. Said signs shall not exceed six (6) feet in height and shall be located at least ten (10) feet from any street right-of-way and outside of the Sight Visibility Triangle (Section 3.E). Maximum sign area for each sign shall be 50 square feet not including the structure (masonry base). A minimum of two (2) square feet of landscaping consisting of shrubs and perennials and ground cover at the base of the sign structure shall be required for every one (1) foot of sign area .
2. Medium and High Density Residential: The following signs shall be permitted in an R-3, R-4 or P-D district:
  - a. Signs on sites with duplex and/or multiple-family buildings. One (1) sign-plate per occupancy not to exceed one (1) square foot in area is permitted. Such sign-plate shall not be subject to the permit requirements of this Ordinance. No illumination shall be permitted
  - b. A bulletin board on site with a church, school, golf course, lodge, or public building shall not exceed thirty-two (32) square feet in area and may be illuminated in accordance with Subsection I above. A wall sign not exceeding one hundred (100) square feet, may be approved by the Plan Commission.
  - c. Any sign as permitted under Sections 5.13 (K) this Ordinance is permitted. Only the a sign at a multi-family project site may be illuminated but shall conform to Section 5.7 of this Ordinance.
  - d. For sites with funeral homes or mortuaries, an illuminated wall or ground sign shall be permitted, provided it is not greater than thirty-two (32) square feet in area. Ground or monument signs shall not exceed six (6) feet in height and shall be located at least ten (10) feet from any street right-of-way and outside of the Sight Visibility Triangle (Section 3.E).
  - e. A maximum of two (2) permanent or temporary signs at a multi-family project site shall be permitted for the main entryway. In the event the project has entries from more than one (1) street, additional signs may be permitted by the Administrator. Any temporary sign, as

provided in Section 5.13 (I) of this Ordinance shall be removed before a permanent sign may be erected. Such signs shall not exceed six (6) feet in height and shall be located at least ten (10) feet from any street right-of-way. Maximum size shall be one hundred (100) square feet in area.

3. Location.
  - a. A permanent or temporary sign for a site with a single-family subdivision or for a multifamily project shall be placed a minimum distance of ten (10) feet from any street right-of-way. The face of any such sign shall not exceed one hundred (100) square feet in area.
  - b. Building-mounted signs shall be flush mounted. There shall be no projection of any sign above the roof-line.
  - c. Permitted signs shall not be placed on utility easements or drainage easements as defined on recorded plats or site plans without the express consent of the Plan Commission and all applicable utilities or other agencies.
  - d. Signs shall not be placed as to interfere with Sight Visibility of vehicular traffic.
  - e. Permanent or temporary signs for sites with residential projects shall not exceed six(6) feet in height and may be constructed as free,standing ground signs or placed on decorative walls or fences.

**M. Business/Commercial Districts:**

1. The regulations described in this Section shall apply to all uses in C-1 and C-2 Districts.
  - a. Free-Standing Single Use Buildings: Permitted signs for freestanding buildings having a single occupant are as follows:
    - i) Ground or Pole Signs. Either one (1) ground sign or one (1) pole sign (but not both) shall be permitted for each parcel. Ground signs shall not exceed 32 square feet in area nor exceed six feet in height. A pole sign shall not exceed fifty (50) square feet in area nor exceed fifteen (15) feet in height. Such sign shall be installed in accordance with location criteria as explained in Section 5.8 of this Ordinance. Such ground sign may be internally or externally illuminated as provided in Section 5.7 of this Ordinance. Such ground or pole signs should be landscaped at a rate of two square feet of landscaping for each square foot of sign area.
    - ii) Wall Signs. Sign area on the wall of a building facing a public street shall not exceed 2 square feet per 1 linear foot of the building up to a maximum of two hundred (200) square feet.
    - iii) Marquee Signs. Marquee signs are permitted on the face of marquees subject to approval of the Administrator. Marquee sign area shall not exceed 1 square feet per 1 linear foot of the building up to a maximum of one hundred (100) square feet. The lower edge of the marquee sign shall be no less than eight (8) feet above the sidewalk at any point. Unless otherwise approved by the Administrator, no part of such sign shall project above the roof line.
    - iv) Bench Signs. Bench signs may be permitted upon approval from the Administrator.
  - b. Shopping Centers: Permitted signs for shopping centers and other multi-occupant commercial/office buildings are as follows:
    - i) Pole Signs, Pole signs at shopping centers may be made a part of the site plan or erected at a later date, subject to the approval of the Administrator and shall meet the following requirements:
      - a) Only one (1) pole sign per public street shall be permitted. If more than one entry per public street, one ground shall be permitted at the additional entry.
      - b) Such sign shall include a maximum pole height of twenty-five (25) feet.
      - c) Such sign shall have a maximum surface area not exceeding one-hundred-fifty (150) square feet;

- d) Where a strip shopping center or developed parcel in an industrial zone has in excess of two-hundred-fifty (250) feet of street frontage; one (1) additional freestanding pole sign may be approved by the Administrator.
- e) Such signs may be illuminated as provided in Section 5.7 of this Ordinance, or as approved by the Plan Commission.
- f) A minimum of two (2) square feet of landscaping consisting of shrubs and perennials and ground cover at the base of the sign structure shall be required for every one (1) foot of sign area (one side of two-sided sign).
- g) Signs shall not be placed as to interfere with Sight Visibility of vehicular traffic.
- ii) Wall Signs. Wall sign area shall not exceed two square feet per one linear foot of the building (individual tenant) frontage.
- iii) Marquee Signs- Marquee signs as provided in Section 5.13 (M) (1) (a) (iii) of this Ordinance shall be permitted.

#### **N. Industrial Districts:**

1. The regulations described in this Section shall apply to all uses in L-I and H-I, Districts.
  - a. Ground Signs:
    - i) Limit of One (1): One (1) ground sign shall be permitted for each parcel.
    - ii) The height of any ground sign shall be such that no part of the sign shall exceed a maximum height of six (6) feet.
    - iii) A ground sign shall be placed a minimum distance of ten (10) feet from any street right-of-way.
    - iv) The sign area of any such sign shall not exceed fifty (50) square feet in area.
    - v) Signs shall not be placed as to interfere with Sight Visibility of vehicular traffic.
    - vi) All permitted signs in this district may be internally or externally illuminated and comply with Section 5.7 Exterior Lighting.
    - vii) A minimum of two (2) square feet of landscaping consisting of shrubs and perennials and ground cover at the base of the sign structure shall be required for every one (1) foot of sign area (one side of two-sided sign).
    - viii) All ground sign structures shall be constructed of decorative brick, stone, or other masonry. Base footers should be secured in concrete to a depth of thirty (30) inches.
  - b. Wall Signs.
    - i) One wall sign shall be permitted on each building. Maximum sign area shall be one and one-half square feet for each lineal foot of building frontage; however, in no instance shall such signage exceed two hundred (200) square feet for a single business or tenant space if a multi-tenant building. Wall signs shall be mounted flush against the building.
  - c. Entrance Signs.
    - i) Two (2) on-site entrance signs are permitted at each entrance to an industrial or commerce park. Such signs are subject to provision of Section 5.8 of this ordinance and may be internally or externally lit as prescribed in Section 5.7, but shall not shine directly into adjacent residential areas or the street.

## 5.14 Environmental Standards

- A. General.** No land shall be used or structure erected where the land is unsuitable for such use or structure due to slopes greater than ten percent, adverse soil or rock formation, erosion susceptibility, low percolation rate or bearing strength, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of the community. In addition, the following standards must be met:
1. **Surface Water.** It shall be the responsibility of the landowner to provide for adequate surface water drainage. When possible, existing natural surface drainage shall be utilized. Whenever the natural surface drainage is inadequate, the landowner shall provide the parcel with an adequate surface water system which shall be integrated into the drainage pattern of surrounding properties. When the surface drainage is adequate, an easement for such surface drainage shall be provided. On-site detention shall be required where necessary to prevent harm to adjoining properties.
  2. **Existing Topography and Land Cover.** Land to be developed shall be designed and improved as far as practical in conformity to existing topography in order to minimize stormwater runoff, and conserve the natural cover and soil.
  3. **Drainage Swales.** Drainage swales (ditches) along dedicated roadways and within the right-of-way or on dedicated drainage easements are not to be altered, except for maintenance as originally constructed and as approved by the Pulaski County Drainage Board, Pulaski County Departments (as applicable), or Indiana Department of Transportation. Driveways may be constructed over these or other approved structures as permitted by the appropriate agency, or jurisdiction.
  4. **Permanent Structures.** No permanent structure, other than a fence, may be erected within 75 feet of the centerline of any legal tile ditch, or within 75 feet of the existing top edge of any legal open ditch or tile unless approved by the Pulaski County Drainage Board.
  5. **Preservation of Natural Features.** Existing natural features such as mature trees, streams, lakes, wetlands, streamside riparian areas, floodplains and other similar assets should be preserved through harmonious and careful design.
  6. **Cut/Fill Grade.** No cut or fill grade shall exceed a slope of 3:1 or 33 1/3 percent. This provision shall apply to all cuts and fills exceeding 100 square feet in exposed surface area, including cuts or fills on land naturally exceeding 3:1 in slope.
  7. **Erosion Prevention.** All land, regardless of slope, from which structures or natural cover has been removed or otherwise destroyed, shall be appropriately graded and seeded within a reasonable time of such activity to prevent erosion.
  8. **Alterations to Shoreline.** No alteration of the shoreline or bed of a river, creek or public lake shall be made until written approval is obtained from the Indiana Department of Natural Resources, Division of Water, County Drainage Board and/or Army Corps of Engineers as required. Alterations include, among other things, filling of a river or wetlands, dredging of a riverbed, and ditch excavation within one-half mile of a water body.
- B. Code Compliance/Hazardous Waste.** All development must be in compliance with Indiana State Statute, as amended, as it relates to hazardous waste, low level nuclear waste, above and underground storage tanks, waste tires, and all other applicable ordinances.
- C. Code Compliance/Environmental Quality.** All development must be in compliance with Title 13 of the Indiana Code, as amended, as it relates to air pollution control, water pollution control, solid waste management, and all other applicable ordinances.
- D. Waste Disposal.** No waste materials such as garbage, rubbish, gasoline, oil, flammables, soils, tars, chemicals, greases, industrial or agricultural waste, or any other material of such nature, quantity, obnoxiousness, toxicity, or temperature so as to contaminate, pollute, or harm the waters shall be deposited, located, stored, or discharged on any lot in a way that would be likely to run off, seep, or wash into surface or groundwaters.

- E. Fuel Storage.** No highly flammable or explosive liquids, solids, or gases specified by the State Fire Marshal shall be stored in bulk above ground, except tanks or drums of fuel connected directly with energy devices or heating appliances located and operated on the same lot as the tanks or drums of fuel except for permitted accessory uses in the A-1 or A-2 districts and propane or oil for heating/cooking in all districts.
- F. Debris or Refuse.** Debris and refuse shall not accumulate on any property, in any zoning district.
- G. Treatment of Fill.** Bricks, concrete, lumber, and other material used for fill where permitted by this ordinance and/or by the Indiana Department of Natural Resources, Indiana Department of Environmental Management, or other governmental agency, shall be promptly covered and seeded.
- H. Health and Safety.** No use shall be permitted which is injurious in health and safety of humans, animals, or vegetation, or which is noxious by reason of the emission of odor, visual pollution, or other undesirable nuisances which effects extend beyond the lot line where the use exists.

## 5.15 Open Space/Common Area Standards

- A. Dedication or Reservation.** Where sites for parks, schools, playgrounds or other public uses are located within the subdivision area as shown in the Comprehensive Plan, the Plan Commission may request their dedication for such purposes, or their reservation for a period of two (2) years following the date of the final approval of the plat. In the event a government agency concerned passes a resolution expressing its intent to acquire the land so reserved, the reservation period shall be extended for an additional six (6) months.
- B. Open Space.** Residential subdivisions shall include provisions for common open space which shall be accessible to all residents in the development by means of walking, hiking, biking, or automobile.
- C. The minimum amount of residential common open space as a percentage of net land area shall be in accordance with Table 5.13 Percentage Open Space Required (Residential).**

Table 5.13 Percentage Open Space Required (Residential)

Zoning District	Percentage Usable Open Space Required
RR, R1	8%
R2, R3	10%
R4	12%

Note: Standards included within Table 5.13 are applicable to major subdivisions with greater than 50 lots, or multi-family and non-residential developments with greater than 50 units.

- D. The least dimension of any such required open space shall be one hundred and fifty (150) feet. A public way crosswalk or easement of not less than fifteen (15) feet in width shall be provided for access to the required open space.**
- E. Retention ponds and land designated as floodplain may count towards up to thirty-five (35) percent of required "open space" if it is designated as common area and visually and physically accessible to all owners of the common area.**
- F. The required open space stated above is in addition to any required landscaping. Parking areas do not count toward open space.**
- G. Community structure.** In developments with greater than three hundred (300) dwelling units, the development plan shall include provisions for a civic or community building (clubhouse) which will be available to all property owners within the development. Any civic or community building shall have a ground floor area of no less than two thousand (2,000) square feet and comply with the same architectural guidelines and covenants which are applicable to the residences proposed for the development. At the discretion of the County Commissioners such area may be permanently dedicated to the County or if suitably protected by covenants, to a private land owners' association. Playgrounds or public school sites within the boundaries of the proposed subdivision shall be deemed to meet such community open space requirements (whether or not they meet the required percentage).

- H. Public Safety.** In developments with greater than three hundred (300) dwelling units, the petitioner/ developer shall submit the development plan to the Fire Department as part of the TRC review process to determine if the plan shall include provisions to preserve land for future fire structures. If the County Commissioners determines a need exists for land based on the recommendations of the Department, the Administrator may require, the petitioner to include in the plans of the development, such reserved land areas up to two acres. At such time as that land is platted, the developer shall include the land in the plat and deed the land to the County within sixty (60) days thereafter, or upon taking title to the land.

# 6

## Subdivisions

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## 6.1 General Information

**A. Purpose and Intent.** The purpose of this section is to establish standards for the subdivision of land in the County. Subdivision Control is authorized under the 600 series of IC 36-7-4-701,(a). More specifically, this section is intended to:

1. Provide for the orderly growth and development of the County.
2. Coordinate the provision of streets within and contiguous to proposed subdivisions with other existing or planned streets in the general area.
3. Provide for adequate drainage and flood control.
4. Provide for the adequate provision of public services and infrastructure.
5. Provide for adequate open space for light, air, and recreation.
6. Provide for the conservation and protection of natural and historical areas.
7. Provide for the acceptance of rights-of-way, easements, streets, curbs, gutters, sidewalks, bikeways, drainage facilities, water and sewer facilities, and other improvements dedicated to public use.
8. Provide for the installation of monuments establishing street and lot lines.

**B. Applicability.**

1. General. No subdivision of land in the County's jurisdiction, as defined in Section 8, Definitions shall occur, and no lot or parcel created by such division of land may be sold or developed, unless the subdivision is determined to be exempt from this Ordinance, or has received approval in accordance with Section 2.3 (I) Primary Plat, Section 2.3 (J) Secondary Plat, Section 2.3 (S) Administrative Subdivisions and the requirements of this Ordinance.

**C. General**

1. Subdivision Defined. The division of any lot for the purpose of sale, transfer, gift, or lease that results in the creation of one (1) or more new building sites shall be considered a subdivision and shall be subject to the requirements of Section 6: Subdivisions and the Subdivision Control Procedures within Section 2.3: Application and Procedures.
2. Division From Parent Tract.
  - a. Major Subdivision. No subdivision which results in the creation of more than four (4) lots from a parent tract, whether at the same time or over the course of time, shall be considered under minor subdivision review, regardless of whether the four lots are created through one subdivision or several subdivisions over time.
    - 1) In any district, no more than one (1) principal structure and its customary accessory uses shall be located on a single lot; except that principal structures designed and platted as a single unit under single ownership and control, such as a multifamily residential project, business park, shopping center, mixed-use development or combined industrial operations, may be permissible on a single lot under the terms of this ordinance.
  - b. Minor Subdivisions. A minor subdivision shall be considered any subdivision which results in the creation of four (4) or fewer lots from a parent tract, whether at the same time or over the course of time.
  - c. Administrative Subdivision. Refer to Section 2.3 (S) for review and procedures for Administrative Subdivisions. Administrative Subdivisions are subject only to the agreement of the Plat Committee (Technical Review Committee {TRC} acting as the Plat Committee) that such subdivision is within one of the following categories:



- 1) A re-subdivision which involves only the removal of interior lot lines, with the outside perimeter of the property remaining unchanged, resulting in fewer parcels than were contained in the original parcel;
  - 2) A resubdivision which involves only the removal or relocation of easements on the property;
  - 3) A re-subdivision which involves only the changing of notations written on the plat or correction of errors thereon;
  - 4) A division of land pursuant to an allocation of land by court decree;
  - 5) The division of land into cemetery plots;
  - 6) A re-subdivision to correct errors in an existing legal description, provided that no additional building lots are created;
  - 7) A division of land involving no more than two (2) parcels for the sale or exchange of tracts between adjoining land owners, provided that no additional building sites are created;
  - 8) A division of a building site containing an existing dwelling which has been located on an agriculturally used site for at least ten (10) years;
  - 9) A division or re-subdivision of land for the acquisition by the public or by a utility for street right-of-way or easement.
  - 10) Replats which meet the conditions of administrative subdivisions also may be considered under the terms of this Section.
3. Adequate Public Facilities. No annexation, initial zoning, rezoning or preliminary platting shall be approved unless the Plan Commission determines that public facilities will be adequate to support and service the area of the proposed subdivision. Public facilities and services to be examined for adequacy will include roads, sanitary sewer service, storm drainage, waterservice, schools and public safety services.
  4. Construction Standards Incorporated By Reference. The Pulaski County Construction Standards Manual, Ordinance 99-4 as amended, shall be in full force and effect and incorporated herein by reference. The text shall supersede drawings and images.
  5. Minimum Standards. The standards in this section are the minimum standards applied to the subdivision of land under this Ordinance. The subdivision shall conform to all development and design standards within Section 5 of this UDO.
  6. Dedication and Acceptance.
    - a. Rights-of-Way and Easements.
      - 1) The approval and recordation of a Secondary Plat constitutes dedication to and acceptance by Pulaski County (or a incorporated area under Pulaski County Advisory Planning Jurisdiction) of each public street, alley, or utility easement shown on the plat.
      - 2) The approval and recordation of a Secondary Plat does not constitute acceptance by Pulaski County of maintenance responsibility within a right-of-way or easement.
      - 3) Improvements within a right-of-way or easement, such as utility lines, street paving, drainage facilities, or sidewalks shall be accepted for maintenance by the legislative body of jurisdiction. Within the Pulaski County it is the County Commissioners and within an incorporated area it would be the applicable Town Council both of whom are authorized to inspect and, where appropriate, accept the dedication of such improvements.

b. Open Space.

- 1) Land designated as public open space on a Secondary Plat shall be considered to be offered for dedication until such offer is accepted by the County. The offer may be accepted by the County (or town as applicable) through:
  - a) Express action by the County Commissioners or their delegate; or
  - b) Conveyance of fee simple marketable title (unencumbered financially and environmentally) of the land to the County at the time of Secondary Plat recordation.
- 2) The County Commissioners reserve the right to offer conveyance of Open Space to applicable legislative bodies, or others within incorporated areas, but under the Pulaski County Advisory Plan Commission jurisdiction.
- 3) Until such offer of dedication is accepted by the County, land offered for dedication may be used for open space purposes by the landowner or by the owners' association. Land offered for dedication shall not be used for any purpose inconsistent with the proposed public use.

**D. Vacation of Plats.**

1. Any recorded plat or any part of any recorded plat may be vacated by the owner(s) of the premises at any time before the sale of any lot therein, by a written instrument, to which a copy of such plat shall be attached, declaring the same to be vacated. The vacation of a plat is subject to the approval of the Plan Commission.
2. A vacation may be approved by the Commission in accordance with Section 2.3 (I) Primary Plat and IC 36-7-4-700 series. The County may reject any vacation which abridges or destroys any public rights in any of its public uses, improvements, streets, or alleys.
3. A vacation shall be executed, acknowledged, or approved, and recorded or filed, in like manner as a deed to land and being duly recorded or filed shall operate to terminate the effect of the plat so vacated, and to terminate all public rights in the public ways and public grounds, and all dedications laid out or described in the plat or part of the plat.

**E. Modifications.**

1. Where the Plan Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with this Section and/or the purposes of this Section may be served to a greater extent by an alternative proposal, it may approve a modification to the standards in this Section for only the application in question. In no instance shall a modification be extended to a different application, or nullify the intent and purpose of this Section.
2. The Plan Commission shall not approve a modification unless it finds, based upon the evidence presented, that:
  - a. The granting of the modifications will not be detrimental to the public safety, health, or welfare, or injurious to nearby property; and
  - b. The conditions upon which the request for a modification is based are unique to the property for which the modification is sought and are not applicable generally to other property; and
  - c. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if this Ordinance is strictly adhered to; and
  - d. The modification will not in any manner contravene provisions of this Ordinance, the Comprehensive Plan, or the Official Zoning Map, as determined by the Plan Commission.

- e. The condition necessitating the waiver was not created by the owner or applicant.
- f. The practical difficulties cannot be overcome through reasonable design alternatives.
- 3. Conditions. In approving modifications, the Plan Commission may require conditions of approval in accordance with Section 2.3 (C) (4) (b) Conditions of Approval. With respect to each requested waiver and each imposed condition, the Commission shall prepare and approve written findings of fact. Such findings shall address each of the conclusory findings set forth in Subsection 2 above and shall cite the specific facts that support each of the conclusory findings and that support each of the imposed conditions.
- 4. Procedures. A petition for a modification shall be submitted in writing by the subdivider at the time the primary plat is filed and shall state the grounds for the application and all facts involved.
- 5. The Plan Commission may waive, at the time of primary approval, subject to the appropriate conditions, the provision of public improvements that are not requisite in the interest of the public health, safety, and general welfare, or are inappropriate because of inadequacy or lack of connecting facilities.
- 6. Commitments. Acceptance. In conjunction with the approval of a Subdivision Modification, the Plan Commission may permit or require the petitioner to make written commitments concerning the use or development of the parcel. The petitioner and the President of the Plan Commission shall sign the commitment instrument. The petitioner shall record the commitment instrument in the Pulaski County Recorder's office within thirty (30) days of the approval of the Subdivision Modification. The petitioner shall deliver a copy of the recorded commitment instrument to the Office of the Administrator.

#### F. Construction.

- 1. Prior to secondary approval of a plat and any construction in a subdivision, the developer or subdivider shall submit copies of the erosion control plan and construction drawings for street drainage facilities and all other required improvements to the Administrator at least thirty days before construction begins.

## 6.2 Subdivision Design Principles

### A. General.

- 1. Design. Proposed subdivisions shall bear a reasonable relationship to any applicable approved plans of the County, adjacent/adjoining subdivisions, streets, alleys, sidewalks, paths, easements, utilities and rights-of-way and be designed to promote development that is beneficial to the County.

### B. Land Suitability. Subdivisions shall be designed with consideration given to the topography of the land and other natural characteristics of the site and surrounding property. If the commission finds that the property requested to be subdivided is unsuitable for development because of flooding, topography, inadequate water supply, inadequate sewage disposal, or other conditions which may endanger health, life, or property, the Plan Commission shall not approve the land for subdivision.

### C. The name of a proposed development shall not duplicate or be phonetically similar to an existing development name in the County or an incorporated area unless the proposed development lies adjacent to the existing development per the determination of the Administrator.

- 1. Reasonable Relationship. All required improvements, easements, and rights-of-way shall substantially benefit the development or bear a reasonable relationship to the need for public facilities attributable to the new development.

**D. Standards for Surveys and Preparation of Plats**

1. All surveys shall be conducted and plats prepared in accordance with the Indiana Survey Standards adopted by the Indiana Society of Professional Land Surveyors and any amendments thereto. In the event of any difference between the Indiana Survey Standards and this Section, the stricter requirement shall apply.
2. All plats submitted for approval shall be prepared by or under the supervision of a professional land surveyor or professional engineer licensed in compliance with the laws of the State of Indiana. All drawings shall be neat, legible, reproducible, reducible, and drawn on a permanent material.

**E. Street Standards**

1. Purpose and Intent. The purpose and intent of this section is to establish community form standards for development in Pulaski County. The street and alley layout shall provide adequate vehicular and pedestrian access to all lots and parcels of land within the subdivision. More specifically, this section is intended to:
  - a. Support street development as an integral component of community design;
  - b. Provide safe, efficient, and convenient vehicular, bicycle, and pedestrian access and circulation patterns within and between developments;
  - c. Maintain the carrying capacity of the County's arterial streets;
  - d. Foster a pedestrian-friendly distribution of land uses and street network;
  - e. Assure safe access to and from streets by emergency vehicles; and
  - f. Reduce interference with through traffic by other vehicles, bicycles, or pedestrians entering, leaving, and crossing streets.
2. Applicability.
  - a. General. Except where otherwise expressly stated, the standards in this section apply to all new development in the county, as well as to all street rights-of-way.
  - b. Existing Development. Compliance with these standards, to the maximum extent practicable, shall also apply to redevelopment of an existing structure, building, or use when it is expanded, enlarged, or otherwise increased in intensity in an amount equivalent to or beyond 50 percent cumulative.
3. Street Standards. All streets shall be developed in accordance with the standards in this section and the "Standard Specifications for Road and Bridge Construction and Maintenance," latest issue, of the State Highway Commission of Indiana shall be in full force and effect and are hereby incorporated herein by reference. Current AASHTO standards, as amended shall be incorporated into this ordinance by reference and followed as a design standard unless otherwise specified in this Ordinance.
4. General Layout.
  - a. Interconnectivity. Residential street systems shall be designed to maximize vehicular connections. Wherever possible, proposed streets shall be extended to the boundary line of the tract to be subdivided so as to provide for normal circulation of traffic within the vicinity. Street Interconnectivity: In all developments there shall be a plan for vehicular connections into undeveloped tracts or parcels of land. Streets designed for future extensions shall have public right-of-way platted to the developer's property line so as not to create future right-of-way takings or purchases upon extension. A barricade shall be constructed on the extension to prevent accidental passage into undeveloped areas and a sign shall be installed at the location with the words "FUTURE ROAD CONNECTION" to inform property owners. .

- b. Access To Primary Circulation System. Residential street patterns shall provide reasonable direct access to the primary circulation system. Residential driveways within subdivisions shall access an internal approved street network. No driveway access to individual lots within major residential subdivisions shall be permitted from arterial streets.
- c. Frontage roads, access roads, and other internal drives shall be constructed to create a hierarchy of roads for safe on-site circulation. These internal drives shall provide pedestrian access and landscaping.
- d. Shared access shall be coordinated with contiguous lots. Access at the side or rear of buildings is encouraged.
- e. Stub Streets shall be built in all cases where adjacent lots have reasonable potential for development.
- f. Right-of-way Widths. Widths of Arterial, Collector and Local Streets shall conform to the widths set forth in the Thoroughfare Plan. In subdivisions that adjoin or include existing streets that do not conform to the minimum right-of-way dimensions as established by the Thoroughfare Plan, the subdivider shall dedicate additional width along either one or both sides of such streets of inadequate width so as to be in conformance. Where Street minimum Right-of-Way is undefined by the Comprehensive Plan or INDOT, the Administrator shall classify new streets as either Local or Collector.
- g. Street Extension. Rights-of way and paving for proposed streets shall be extended to the boundary lines of the proposed subdivision so that a connection can be made to all adjacent properties unless such extension is not feasible because of topography or other physical conditions, or unless, in the Plan Commission's opinion, such extension is not necessary or desirable for the coordination with existing streets or the most advantageous development of adjacent tracts. No subdivision shall be designed so as to create or perpetuate the land locking of adjacent undeveloped land.
- h. Geometry.
  - 1) Intersection Of Centerlines. The center lines of streets should intersect as nearly as possible at right angles. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet prior to the intersection.
  - 2) Intersection Of More Than Two Streets At One Point. Intersections of more than two (2) streets at one point shall be avoided.
  - 3) Maximum Grades Of Streets. Maximum Grades for streets shall be as follows:
    - a) Principal and Minor Arterials, not greater than six percent (6%).
    - b) Urban Collectors, Local Streets, and Alleys, not greater than eight percent (8%).
  - 4) Cul-de-sacs shall not exceed six-hundred (600) feet in length measured along the centerline from its intersection with the centerline of another street to the center of the turn-around right-of-way.
    - a) Landscape islands within a cul-de-sac are not allowed unless maintained by the homeowners association. Geometrics of cul-de-sacs with landscaping shall be reviewed individually and may require a larger overall diameter than listed.
  - 5) Centerline Minimum Radius. Curvature measure along the center line shall have a minimum radius as follows:
    - a) Arterials.....300 feet
    - b) Collectors.....200 feet
    - c) Local Streets.....150 feet
  - 6) Tangent Between Reverse Curves. A tangent of at least 100' shall be introduced between reversed curves on local and collector streets.
  - 7) Vertical Curves. Vertical curves conforming to AASHTO Standards shall be provided at all changes in grade. The minimum length for any vertical curve shall be 100 feet,

unless required otherwise by AASHTO standards.

- 8) Minimum Centerline Offsets For Street Jogs. Street centerline offsets of less than one hundred twenty-five (125) feet shall not be permitted.
- 9) New subdivisions entrances shall maintain clear visibility for line of sight on existing roadways in accordance with Table 6.1 Minimum, Line of Sight.

**TABLE 6.1: MINIMUM LINE OF SIGHT**

Posted Speed Limit of Street (miles per hour)	Minimum Line of Sight Required (feet)
30 MPH	400 ft.
35 MPH	470 ft.
40 MPH	580 ft.
45 MPH	710 ft.
50 MPH	840 ft.
55 MPH	990 ft.

5. Street Construction Standards.
  - a. Pavement Sections. The minimum thickness of sub base, base course and pavement shall be as follows. Higher standards than indicated in this section may be required by the Plan Commission to provide for extraordinary traffic volumes or other abnormal characteristics. All materials, mixtures and workmanship shall conform to current AASHTO Specifications except as modified by County specifications.
    - 1) Local and Cul-de-sac Streets. A seven-inch plain concrete pavement on four inches of compacted crushed stone on proof rolled compacted sub-grade, or a five-inch hot asphaltic concrete pavement consisting of a total of four inches of base and one inch of surface asphalt, on nine inches of compacted crushed stone base on a proof rolled compacted sub-grade. The compacted sub-grade shall have the final six inches compacted to 100% standard proctor proof rolled.
    - 2) Collector Streets. A seven-inch plain concrete pavement on four inches of compacted crushed stone on compacted sub grade, or a seven-inch hot asphaltic concrete pavement, consisting of total of four inches of base, two inches of binder and one inch of surface asphalt, on nine inches of compacted crushed stone base on compacted sub-grade. The compacted sub-grade shall have the final six inches compacted to 100% standard proctor proof rolled.
    - 3) Arterial Streets. An eight-inch plain concrete pavement on four inches of compacted crushed stone on proof rolled compacted sub-grade or a nine-inch hot asphaltic concrete pavement consisting of a total of six inches of base, two inches of binder, and one inch of surface asphalt, on nine inches of compacted crushed stone base on a proof rolled compacted sub-grade. The compacted sub-grade shall have the final six inches compacted to 100% standard proctor proof rolled.
6. Street Names. No street names may be used which will duplicate or be confused with names of existing streets, unless considered special exceptions by the Board of Zoning Appeals. The streets, which are logical extensions, continuations of, or alignment with any existing streets, either constructed or appearing on any validly recorded plat, shall bear the names of such existing streets. Street addresses shall be provided for every lot conforming to the County addressing standards.
7. Development Entry Points. All developments shall provide reasonable direct access to the

primary circulation system.

- a. Development may be exempt from these standards if it is demonstrated the following conditions apply:
  - 1) No other street access points can be located due to existing lot configurations, absence of connecting streets, environmental, or topographic constraints;
  - 2) INDOT will not authorize the required number of entrances; or
  - 3) Alternative access can be provided in a manner acceptable to the County that is supported by a transportation impact analysis.
- b. Cross-access easements shall be required between adjacent compatible developments.
  - 1) No curb cuts shall be within two-hundred (200) feet of any intersection of public roads.
  - 2) Opposing curb cuts shall align squarely or be offset no less than one hundred twenty-five (125) feet.
8. Temporary Turn-Around Streets. A temporarily turn-around street shall be required when a street is proposed to be extended but is not yet constructed. An adequate easement for a turn around shall be provided for any temporary stub street which extends 200' or more in length from the nearest intersection street. The easement shall be automatically vacated to abutting landowners when the dead end street is legally extended.
9. Minimum Required Right-of Way.
  - a. Dimensions. All dedicated right of ways shall conform to the minimum dimensions in Table 6.2, Required Right of Way.
  - b. Road widths may be required to be increased by 8' to accommodate on street parking as determined by the Administrator.
  - c. Where Street minimum Right-of-Way is undefined by INDOT, the Administrator shall classify new streets as either Local or Collector.

**TABLE 6.2: REQUIRED RIGHT-OF-WAY**

Type of Street	Minimum Right-of-Way to be Dedicated (feet)
Arterial	130 ft. (as required by INDOT)
Minor Collector	70 ft.
Local	50 ft.
Cul-de-Sac	50 ft.
Cul-de-Sac Turnaround Radius	65 ft.
Pedestrian Crosswalk	15 ft.
Alley	16 ft. (residential) 20ft. (non-residential)

**F. Minimum Paved Surface Dimensions.**

1. Minimum paved street dimensions shall be in accordance with Table 6.3 Minimum Paving



Dimensions.

**TABLE 6.3: MINIMUM PAVING DIMENSIONS**

Feature	Minimum Dimension (feet)
<b>Local and cul-de-sac streets</b>	
Width with curb and gutter	26
Width without curb and gutter	22
Cul-de-sac terminus diameter (residential)	130
Radius at intersection	25
<b>Collector Streets</b>	
Width with curb and gutter	32
Width without curb and gutter	28
Radius at intersections	25

**G. Curb And Gutter**

1. Poured concrete curbs and gutters shall be provided on all streets designed as a more urban cross-section, and on any other street as specifically required by the Plan Commission at the time of Primary Plat review. Street side swales as specified in Section 6.6 or stormwater drainage as specified in Section 6.8 may be used in more rural road cross-sections and in approved Conservation subdivision development.
2. Curb Locations. Where curbs are required, they shall be installed on each side of the street surface and are to be considered as part of the street.
3. Curb design. The curb and gutter shall be as shown in the County's standard details, and shall be constructed according to the following specifications:
  - a. The base for the curb and gutter shall be well-compacted on the existing base or grade.
  - b. Gutter Grade Requirements: The minimum grade of any street gutter shall not be less than six/tenths of a percent (0.6%).
  - c. Additional inlets shall be required when encroachment of storm water into the street will disrupt traffic under the 10-year storm design. Inlet grates should be depressed slightly below the plane of the gutter to improve removal of runoff water. Inlet grates shall be heavy-duty type and appropriate for bicycle traffic.

**H. Private Streets.**

1. The use of any private street is specifically discouraged.
2. All private streets shall comply with the County standards for public street construction. This shall include, but not be limited to, sidewalks, pavement width and construction standards, and drainage.
3. All private streets shall be included in an easement of width equal to the right-of-way that would be required if the street were public. This easement shall not be counted as a part of any lot for the purpose of that lot meeting the minimum size requirements for the district in which it is located.

**I. Blocks.**

1. Minimum Dimensions. Block length, width, or acreage within bounding streets shall be the minimum necessary to accommodate the size of lot area required by this Ordinance and to provide for convenient access, circulation control, and safety of street traffic.



Blocks that are unreasonably large or small shall not be approved.

2. **Maximum Length.** Block length is measured centerline to centerline. Except in the A-1, A-2, and RR districts, the maximum block length shall be 550 feet. Block length may be increased to 1,100 feet in the A-1, A-2, and RR districts. The Plan Commission may specify the provision of pedestrian crosswalks to facilitate pedestrian circulation to a school, park, recreation area, shopping center or other significant site. **Minimum Depth.** Residential blocks shall be of sufficient depth to accommodate two tiers of lots of minimum depth, except where double frontage lots are used.
3. **Block Shape.** There shall be no specific rule concerning the shape of blocks, but blocks must fit easily into the overall plan of the subdivision and the surrounding street network. Blocks should follow the form of existing context when practicable.
4. **Alleys** should be included in new developments where applicable and where existing alleys exist. The promotion of alleys improve aesthetics of developments, safety, density and help with the placement and access to utility infrastructure.

#### **J. Lots.**

1. **Conformance to Other Regulations.** A lot shall have sufficient area, dimensions, and street access to allow a principal building to be erected on it in compliance with the requirements of this Ordinance.
2. **Lot Numbering.** Lots shall be numbered consecutively throughout the entire subdivision and shall be consistent with any phasing that may be planned for the development.
3. **Lot Orientation.** The lot line common to the street right-of-way shall be the front line. All lots shall face the front line and a similar line across the street. Wherever feasible, lots shall be arranged so that the rear lot line does not abut the side line of an adjacent lot. All lots shall abut on a street.
4. **Minimum Frontage.** Every lot or parcel shall have sufficient frontage and access to a public street designated, designed, and improved in accordance with the terms of this Ordinance.
5. **Minimum Lot Width.** The minimum lot width shall conform to this ordinance.
6. **Side Line Configuration.** Side lines of lots should be at or near right angles or radial to street lines.
7. **Lot Lines and Drainage.** Lot boundaries shall coincide with natural and pre-existing man made drainage-ways, to the maximum extent practicable, to avoid disruption of established drainage patterns or lots that can be built upon only by altering such drainage-ways.
8. **Double Frontage Lots.** Double frontage lots shall not be permitted except where necessary to buffer residential development from adverse influences or to minimize the number of intersections with arterial streets and highways.
9. **Flag Lots.** Flag lots shall comply with the following standards:
  - a. A flag lot shall not have more than one single-family detached dwelling.
  - b. The maximum flagpole length shall be 300 feet.
  - c. The minimum flagpole width shall be 25 feet.
  - d. Where public water is available, any building on the flag lot shall be within 500 feet of a fire hydrant to provide for firefighting capacity. The distance shall be measured along the street, then along the flagpole, then in a straight line to the building location;

- e. Where public sewer is available, an occupied building on the flag lot shall have a gravity service line, or the sewer pump requirement shall be noted on the plat; and
- f. Use of a single driveway to serve an adjoining flag lot or to serve a flag lot and an adjoining conventional lot is encouraged.
- 10. Lots Abutting a Watercourse. Lots abutting a watercourse, drainage way, channel, stream, or flood plain shall be setback a minimum of fifteen (15) feet from the top of bank in order to provide adequate access for public safety, personnel and equipment, and for maintenance.
- 11. Drainage Setback. A minimum building setback of 75' is required from all legal drainage-ways, unless modified by the Pulaski County Drainage Board.
- 12. Timing of Lots. The Plan Commission may allocate the total number of lots in a subdivision that may be depicted on a Secondary Plat at any one time, based upon the adequacy of public facilities serving the development.

### 6.3 Easements.

**A. Minimum Size. Adequate areas of suitable size and location shall be allocated for utility easements as required by the Pulaski County Drainage Board and local utilities.**

- 1. Utility easements shall provide reasonable continuity from block to block and shall be at least 20 feet in width located at all rear lot lines, and at least 15 feet in width located at least along every other side lot line. When existing alley conditions suggest, utilities are required to be installed in the alley right-of-way.
- 2. The Plan Commission may require larger easements when deemed necessary.

**B. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, adequate areas for storm water or drainage easements shall be allocated to avoid impairment of the ability to carry runoff and for the purpose of widening, deepening, sloping, improving or protecting said watercourses as approved by the Pulaski County Drainage Board.**

- 1. Dedication of easements should co-incide with Section 6.2 (J) (7).

**C. The developer or subdivider shall place utility lines underground, following the required standards and specifications established by each utility company, to the maximum extent practicable.**

- 1. The location of each underground utility system shall be shown by appropriate easement lines on the proposed preliminary and Secondary Plat.
- 2. The Administrator may grant a modification from underground utility requirements if the utility can justify a modification due to financial import.

### 6.4 Flood Damage Prevention.

- A. A subdivision shall be designed to minimize flood damage.**
- B. A subdivision shall have public utilities and facilities such as sanitary sewer, gas, electrical, and water systems located and constructed to minimize flood damage.**
- C. A subdivision shall have adequate drainage to reduce exposure to flood hazards.**
- D. A lowest exterior building grade shall be provided for each lot. The elevation shall be a minimum of two feet above the emergency flood outlet stage for each lot (this includes localized flooding outside of the Federally regulated 100 year flood zones).**
- E. Permanent Runoff Control Structures/Soil Erosion and Sedimentation Control Devices. An approved**

**soil erosion and sedimentation control device may be installed prior to approval of street and utility construction plans in accordance with the standards in this section.**

1. Permanent Runoff Control Structures. Construction plans shall show the location of existing or proposed runoff control structures relative to the proposed improvements to avoid conflicts during and after construction.
2. Owners Association Required. When a permanent runoff control structure serves more than one lot within a subdivision, an owners' association shall be required for the purposes of ownership and maintenance responsibility (see Section 6.13 Homeowners' or Common Area Maintenance Association).
3. Maintenance Responsibility. The owners association shall be responsible for maintaining the completed permanent runoff control structure(s). If the owners' association is dissolved or ceases to exist, all the owners of record at the time of required maintenance shall be jointly and severally liable for all costs related to the completed permanent runoff control structure(s).
4. Timing of Completion. The permanent runoff control structure(s) shall be substantially completed and have full design volume available prior to the recordation of a Secondary Plat for the subdivision. This may require the clean out and disposal of sediment from a pond.

## 6.5 Sidewalks.

**A. When any proposed subdivision contains more than two lots per acre of land platted into lots, sidewalks shall be provided on both sides of the street.**

**B. Dimensional Requirements.**

1. Sidewalks shall be at least five (5) feet wide, except as specified in Section 5.8, Non-Residential Design standards.
2. Sidewalks shall be at least four inches thick, and except where sidewalk serves as the entrance portion to a drive in which case it will be six inches thick from back of sidewalk to curb, underlaid with adequate granular material, sloped 1/4-inch per foot toward the street and be located no closer than one foot from property lines, and no closer than five feet from the back of the curb.

**C. Handicap access ramps shall be provided where sidewalks join streets and at street intersections or as previously established.**

## 6.6 Roadside Swales.

**A. Streets not having curbs and gutters shall provide the following:**

1. Side ditch swales measuring one-foot-deep at their centerline at a point four feet inside the right-of-way line.
2. A swale or culvert at all driveways sized according to amount of storm water flow, as required to keep a ten-year rainfall event. All culverts shall extend at least two feet beyond either edge of the paved roadway.
3. Culverts shall be under the roadway where necessary and be sized to carry flowing full a minimum of a ten-year rainfall event. All culverts shall extend at least five feet beyond either edge of paved roadway.

4. Relief of side ditches and swales along the roadway through the use of off-street stormwater basins or existing drainage channels.

## 6.7 Street Identification Signs.

**A. It shall be the responsibility of the developer or subdivider to provide and install street identification signs at all street intersections within the subdivision prior to the construction of any permanent improvements other than those specifically set forth by this Ordinance. Signs and posts shall conform to the following standards or be of a design approved by the County Commissioners.**

1. Each signpost shall consist of a two-inch galvanized round post that is 12-feet long with a minimum three feet below grade, weighing two pounds per foot.
2. Each sign shall be of a metal double blade design, green reflectorized with four-inch white letters, mounted at the top of the post with the street name on both sides.
3. Street signs shall be located within the street right-of-way, but no closer than three (3) feet from the edge of the traveled portion of the street, as shown on construction drawings.

### **B. Stop & Speed Limit Signs.**

1. It shall be the responsibility of the developer or subdivider to provide and install stop signs and speed limit signs prior to the release of any financial guarantees. The location of the stop and speed limit signs shall be approved by the County Commissioners prior to the installation. The maximum posted speed limit shall be 25 M.P.H. unless otherwise approved by the County Commissioners. All signs and posts shall conform to the following standards or be of a design as approved by the County Commissioners:
  - a. Each sign post shall consist of a two-inch wide galvanized 12-foot-long Type A post, weighing two pounds per foot, with a minimum of three feet below grade.
  - b. Each stop sign shall be a minimum of 30 inches in sign face area, and be of engineering grade finish (No baked on enamel finish is allowed).
  - c. Each speed limit sign shall be vertical rectangle with dimensions of 24 inches by 30 inches and be of engineering grade finish (No baked on enamel finish is allowed).
  - d. Stop signs shall be installed so that the edge of the sign is a minimum of two feet from the edge of the traveled portion of the street, The sign height shall be a minimum of seven feet from the top of the curb to the bottom of the sign.
  - e. Speed limit signs shall be located within the street right of way, two feet off of back curb as shown on construction drawings.

## 6.8 Drainage.

**A. A drainage system shall be designed and constructed by the developer or subdivider to provide for the proper drainage of surface water from the entire subdivision and the drainage area of which it is a part. The system shall be constructed and installed in accord with plans and specifications approved by the County Drainage Board including all standards incorporated by reference, as amended.**

**B. In designing a drainage system, the developer or subdivider shall be guided by the Administrator and the following minimum standards:**

1. Storm street inlets placed in a low point shall be sized to accept a 10-year storm volume with 50% of the inlet clogged and no more than 0.5 feet of water pooling above the inlet.
2. Storm swale inlets shall be sized to accept a 10-year storm volume with 50% of the inlet clogged and no more than 0.8 feet of water pooling above the inlet.
3. The storm detention design shall outlet storm water at a two year predeveloped rainfall event rate for a 10-year post developed storm. Also, the 100-year post-developed storm shall be limited to the 10-year predeveloped outlet rate.

4. Storm pipes shall be reinforced concrete, or contemporary plastic drainage tile built to meet specifications for municipal storm drainage. The minimum pipe size shall be 15 inches in diameter. The minimum pipe flow velocity shall be 2.5 feet per second.
5. Drainage swales with longitudinal slopes flatter than 1.0% shall have a six-inch thick rebar reinforced concrete swale, a width (minimum three feet) and shape as approved by the Administrator. Alternative type swale treatments shall be subject to approval of the Administrator.
6. All streets shall be provided with an adequate storm drainage system consisting of curbs, gutters and storm sewers, or side ditches and culverts, as determined by the Commissioners and the Administrator. A four-inch minimum perforated tile may be required on each side of all streets if required by County Commissioners, and:
  - a. Be 18 inches below the soil sub-grade and parallel with the longitudinal pavement grade, but no lower than the curb box;
  - b. Flow to the low point and into the storm drainage system;
  - c. Be placed below pavement under the curbing; and
  - d. Be back-filled with #8 washed gravel.
7. Inlets in streets shall be spaced a maximum of 500 feet apart, or 500 feet from the high point in the street.
8. Down spouts and sump pump outlets shall discharge onto grass surface no closer to the road than the building setback line.
9. The on-site drainage system shall be designed and sized to handle flowing full a minimum of a ten year rainfall event. The developer is responsible for analyzing the ponding and results of a 100 year rainfall event and establishing flood protection grade for all structures and verifying an adequate outlet for the 100 year storm with the storm pipe system completely plugged.
  - a. Drainage swales or ditches along dedicated roadways and within right of ways, or on easements dedicated to the County, are not to be altered in any way without written permission from the County. Driveways may be constructed over these swales or ditches only when appropriate sized culverts or other approved structures have been permitted by the Drainage Board. Swales on private property shall be regulated by the covenants or legal drain system.

## 6.9 Retention Ponds.

- A. To the extent possible and when needed, all subdivision retention requirements shall be accommodated in the least number of ponds or dry areas. One large pond or area shall be preferred to a series of smaller ponds or areas. All retention areas shall be placed in a common area under the responsibility of a homeowners association for the subdivision in which they are located. In no case shall subdivision retention ponds be dedicated to the Pulaski County, however, the covenants outlining responsibility for the ponds shall provide the County with the authority to both require and complete necessary maintenance.**
- B. Detention design shall adhere to current Soil Conservation Service methods for drainage. The rational method is acceptable for pipe design only.**
  1. Wet detention ponds shall have a minimum six feet wide safety ledge placed below water level at a maximum water depth of 30 inches. Also, wet detention ponds shall have at least 25% of the pond surface with a minimum water depth of eight feet. The slope of the detention pond above the safety ledge shall not exceed 3:1.
  2. Pre-developed run off rates shall be based on either Pasture, Meadow, Brush, or Woods ground cover type. Any existing farm ground will be based on the pasture condition.

3. Any dry detention facilities must be designed with sub surface drainage.
4. Whenever evidence available to the Administrator indicates natural surface drainage to be inadequate, the subdivider or developer shall provide an adequate storm water sewer system. When the surface drainage is adequate, easements for such surface drainage shall be provided.
5. The developer shall provide a water quality detention system that is designed to detain for over 24 hours at least 20% of the runoff from a 1 1/4-inch storm, or 1/2 inch of direct runoff, whichever is greater. All paved areas shall be routed through a water quality detention area.
6. The developer shall provide a plan for the continuation of underground drainage tiles.

**C. When vegetation has been removed from a slope and the possibility of soil erosion occurs, the subdivider or developer and subsequent building contractors shall be required to seed or otherwise prevent damage to adjacent property or accumulation on street surfaces. These erosion control measures shall be in accordance with standards and specifications on file with Pulaski County Soil and Water Conservation District.**

1. Prior to obtaining final drainage approval, the developer shall submit a copy of a petition for establishing the drainage facilities within a subdivision as a legal drain or provide for homeowners association maintenance of drainage system. The petition shall comply with the requirements of IC 36-9-27-54 and include any storm sewers, ditches, rear yard swales or portions thereof, as the Administrator indicates.

## 6.10 Utilities in General.

**A. A Secondary Plat shall not be considered for final approval until plans for the utilities have been submitted to the Utility Superintendent for approval.**

**B. Sanitary Sewer and Other Sewerage Systems.**

1. All lots shall be served by a sanitary sewer or other sewerage system approved by the Indiana Department of Health, or they shall have the capability to contain a subsurface disposal system that complies with all requirements of the Indiana Department of Health and the Pulaski County Health Department.
2. Any subdivision of land that requires the extension of existing sewers or the construction of new treatment facilities shall be considered as a major subdivision. If extension of sewer service is found to be a feasible alternative and is desirable because of soil conditions, topography, lot sizes, or other factors, the petition shall be considered as a major subdivision. A subdivision plat shall not be considered for final approval until improvement plans for a sewage system have been approved to the proper utilities for approval.
3. Where required, a permanent sanitary sewer collection system, including all pipes and manholes, shall be provided and the system shall be connected to new or existing public sewage systems in accord with plans and specifications thereof.
4. General Location. Sewer mains and transmission lines and structures, with the exception of any above ground structures such as lift stations or pumps, shall generally be located underground in the right-of-way provided along public streets. In all instances, the required drawings of these transmission lines shall be shown with the locations of any street trees and all other utilities to be provided. The placement of the sewer mains and laterals shall be compatible with the landscape plan and not preclude the implementation of the landscape plan.
5. Sewer System Plans and Specifications. The plans for the installation of a sanitary sewer system shall be prepared by a professional engineer or surveyor licensed in the State of

Indiana, shall be provided by the subdivider, and shall be subject to review and approval by the TRC.

6. Additional Requirements. All sewer systems shall be in accordance with Indiana State Board of Health and Indiana Department of Environmental Management (IDEM) regulations.

#### **C. Potable Water.**

1. All lots shall be served by a public or quasi-public water system or shall have the capability to contain a well that complies with all requirements of the Indiana Department of Health and the Pulaski County Health Department.
2. A subdivision plat shall not be considered for final approval until improvement plans for pipes, fire hydrants, valves, and other appurtenances are provided.
3. A distribution system shall be connected with an approved public water system only in accordance with the plans and specifications.

### **6.11 Monuments and Markers.**

1. All Section corners and Quarter Section corners shall be monumented and perpetuated.
2. The legal description on the plat of record or the plat of record for the subdivision shall be referenced to two known section corners.
3. Permanent monuments shall be installed outside the road pavement by the subdivider or developer of the subdivision and shall have the following characteristics:
  - a. Be four inches by four inches by 48 inches of precast concrete, scored on top with a deep cross and set with the top flush with grade or be 6-inch diameter x 36-inch deep poured in place concrete with a 5/8-inch x 24-inch steel re-bar with the top extending 1/2 inch maximum above the finish concrete which concrete will be flush with grade. Monument shall include inscription with surveyor's name and identification number.
  - b. Be on all outside boundary corners and angle points, as the boundary is indicated on the primary plat of the subdivision, and be set in concrete.
  - c. Be installed prior to the release of any financial guarantees for that individual section of the subdivision, of the development.
  - d. Have the location of the permanent monuments indicated on the Secondary Plat of record prior to approval.
4. Permanent monuments or markers in road pavement shall be 5/8-inch steel re-bars or 5/8-inch square shank steel bars with a length to extend to the pavement sub-grade and to be set securely and grouted or epoxied, if necessary, with the top 1/4-inch below the finish pavement and with all adjacent surrounding voids filled and with a precise point marked on top. They are to be installed at:
  - a. The intersection of all street center lines;
  - b. Cul-de-sac radius points and boundary and street centerline intersections;
  - c. The beginning and ending of all curves in street center lines as indicated on the plat.
5. The locations of all U.S., state, County or other official benchmarks, monuments, or triangulation stations in or adjacent to the property shall be preserved and perpetuated or referenced as required by the governing agency.

### **6.12 Financial Guarantees**



**A. Financial Guarantees (Security)**

1. General. A performance guarantee, in accordance with the standards in this section, shall be required to ensure the completion of public infrastructure improvements (streets, potable water, sanitary sewer, stormwater, and any other public improvement) that are required as part of an approved Primary Plat, but are not approved as complete before approval of a Secondary Plat.
2. Term of Performance Guarantees. The term of the performance guarantee shall reflect any time limit for completing installation of required improvements that is included in the preliminary or Secondary Plat, as appropriate, but in any case, the term shall not exceed two years. The County, for good cause shown, may grant up to one extension of time, for a time period not exceeding one year.
3. Form of Performance Guarantee. The performance guarantee shall be provided in one or more of the following forms:
  - a. Cash, Irrevocable Letter of Credit, or Equivalent Security.
    - 1) The developer shall deposit cash, or other instrument readily convertible into cash at face value, such as an irrevocable letter of credit, either with the County or in escrow with a financial institution. The use of any instrument other than cash shall be subject to approval by the Plan Commission Attorney.
    - 2) If cash or other instrument is deposited in escrow with a financial institution, an agreement between the financial institution and the developer shall be filed with the County guaranteeing the following:
      - a) That the escrow account shall be held in trust until released by the County and may not be used or pledged by the developer for any other matter during the term of the escrow; and
      - b) That in case of a failure on the part of the developer to complete or repair the improvements, the financial institution shall, upon notification by the County, immediately pay the funds deemed necessary by the County to complete or repair the improvements up to the full balance of the escrow account, or deliver to the County any other instruments fully endorsed or otherwise made payable in full to the County.
  - b. Surety Bond.
    - a) The developer shall obtain a surety bond from a surety bonding company authorized to issue surety bonds in Indiana.
    - b) The bond shall be payable to the County and shall be in an amount as required by this Section.
  - c. The performance guarantee shall distinguish between the portion of the guarantee provided for public improvements and the portion of the guarantee provided for private improvements, as appropriate.
  - d. The performance guarantee shall be conditioned on the performance of all work necessary to complete the installation of the required improvements within the term of the financial guarantee.
4. Amount of Performance Guarantee.
  - a. General. Performance guarantees shall be in an amount equal to 125 percent of the estimated cost of completing the installation of the required improvements, including the costs of materials, labor, and project management.
  - b. Estimated Costs. Estimated costs of completing installation of required public



improvements shall be itemized by improvement type and certified by the developer's licensed professional engineer, and is subject to approval by the County.

5. Release or Reduction of Performance Guarantees.
  - a. Requirements for Release or Reduction. The County shall release or reduce a performance guarantee only after:
    - 1) The owner or developer has submitted to the County a written request for a release or reduction of the performance guarantee that includes certification by the owner's or developer's engineer or contractor, whichever is appropriate, that installation of the guaranteed improvements has been completed in accordance with approved plans and specifications, and as-built (if applicable);
    - 2) County staff has performed an inspection of the improvements and certified in writing that installation of the guaranteed improvements is completed in accordance with approved plans and specifications;
    - 3) The owner or developer has reimbursed the County for all costs associated with conducting any inspection that finds the guaranteed improvements have not been installed in accordance with approved plans and specifications; and
  - b. No release or reduction in performance guarantee amounts will be considered until more than 25 percent of the work is in place and approved.
  - c. Acceptance Shall be Documented. County staff shall provide written notice of the County's final acceptance of the improvements subject to performance guarantees.
6. Default and Forfeiture of Performance Guarantees.
  - a. Notice of Failure to Install or Complete Improvements. If the owner or developer fails to complete installation of the guaranteed improvements within the term of the financial guarantee (as may be extended), the County shall give the owner or developer 30 days written notice of the default, by certified mail.
  - b. County Completion of Improvements. After the 30-day notice period expires, the County may draw on the guarantee and use the funds to perform work necessary to complete installation of the guaranteed improvements. After completing such work, the County shall provide a complete accounting of the expenditures to the owner or developer. In the event of a default triggering the use of the financial guarantee, the County shall not return any of the unused deposited cash funds or other security, which shall be retained for maintenance.

#### **B. Temporary Public Improvements.**

1. The applicant shall build and pay for all costs of temporary public improvements required by the Plan Commission and shall maintain the same for the period specified by the Plan Commission. Prior to construction of any temporary public facility or improvement, the developer or subdivider shall file with the Plan Commission a separate suitable guarantee for temporary facilities, which shall insure that the temporary facilities are properly constructed, maintained, and removed (except for turnaround at ends of the peripheral stub streets intended for connection into adjacent future subdivisions).

#### **C. Issuance of Building Permits.**

1. No building permit shall be issued for the last 25% of lots in a final subdivision plat or section thereof until all required public improvements with the exception of sidewalks have been fully completed and accepted for maintenance by the County Commission.

#### **D. As-Built Plans Required.**

Upon completion of a project, the developer shall certify to the County that the completed project is in accordance with the approved plans and shall submit actual "as built" plans for all public improvements after final construction is completed. The plans shall show the final design specifications for all improvements and the field location, size, depth, and related measures, controls and devices, as installed. The engineer shall certify, under seal, that the

as-built design, measures, controls, and devices are in compliance with the approved plans and with the requirements of this Ordinance. A final inspection and approval by the County shall occur before the release of the financial guarantees.

**E. Improper Release Of Financial Guarantees.**

If the County releases a financial guarantee through error, the error shall not release the developer from responsibility for the completion of all improvements required by this section and this Ordinance.

**F. Maintenance of Public Improvements.**

1. The developer or subdivider shall be required to maintain all public improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks until acceptance of said public improvements by the County Commission.
2. The developer or subdivider shall be required to file proof of financial responsibility (financial guarantee) with the County prior to acceptance, in an amount of 25% of the cost of all public improvements, and in a form satisfactory to the County Attorney, in order to assure the satisfactory condition of the required public improvements, for a period of three years after the date of their acceptance by the County. The financial guarantee shall have the Board of County Commissioners of Pulaski County as the named insured.

## 6.13 Homeowners or Common Area Maintenance Association

**A. Maintenance or Homeowners Association. In developments which include any of the following: (1) the density is equal to or greater than one-half (0.5) units per acre; (2) common or open areas; (3) landscaped entryway which will require annual maintenance; or (4) public sidewalks, the developer shall be required to establish a maintenance or homeowners association in accordance with the laws of the State of Indiana prior to transferring title to any property within the development.**

1. The covenants of the subdivision secondary plat shall include the following language:
  - a. Association. Each lot owner in the subdivision or addition, by acceptance of a deed conveying title thereto, whether from the Developer or a subsequent owner of such lot, shall accept such deed subject to the provisions of the bylaws of the (insert the name of the association) Maintenance or Homeowners Association, Inc., and thereby becomes a member of the (insert the name of the association) Maintenance or Homeowners Association, Inc., for the purposes outlined herein. The (insert the name of the association) Maintenance or Homeowners Association, Inc. shall be self-perpetuating and will not be disbanded.
  - b. Maintenance. The maintenance or homeowners association shall be professionally managed by a licensed property manager which shall be required by the association bylaws. The laws of the association shall further require that revisions to the bylaws, covenants, and/or the management firms' contract may occur only upon the consent of eighty percent (80%) or more of the lien holders of the property in the subdivision (not the property owners).

## 6.14 Conservation Subdivision

**A. Purpose and Intent.** The purpose and intent of this section is to provide landowners in the RR district a development option that provides additional development flexibility to build on smaller lots when additional open space set-asides are provided, and the development is designed and located in a way that protects the agricultural activities or natural and historic features on the site. This is done in order to:

1. Conserve open land, including those areas containing productive agricultural soils, unique and sensitive natural features such as floodplains, wetlands, river and stream corridors, areas with mature hardwood trees, and watersheds;
2. Retain and protect existing environmental, natural, and cultural resources;
3. Create a linked network of open lands;

**B. Applicability.** This conservation subdivision option shall be used for single-family detached subdivisions of four or more lots in the RR district.

**C. Conservation Subdivision Standards.** A conservation subdivision shall comply with the following standards:

1. Location. Conservation subdivisions shall be limited to the RR district.
2. Minimum Project Size. Conservation subdivisions shall be at least ten acres in area.
3. Required Conservation Area. In no instance shall the conservation area occupy less than 50 percent of the total acreage of the conservation subdivision-site.
4. Dimensional Requirements. Lots within a conservation subdivision are not required to meet the minimum dimensional requirements for the zoning district where located, but the conservation subdivision, as a whole, shall comply with the requirements in this section.
5. Setbacks. Lots in a conservation subdivision shall not be subject to minimum yard setback standards, except as required from streets, wetlands/surface waters, or other protected natural areas.
6. Maximum Lot Coverage. Conservation subdivisions shall ensure that development on a lot does not exceed a maximum lot coverage of 60 percent.

**D. Delineation of Conservation Areas and Development Areas.** The conservation area and development area on the conservation and development areas map shall comply with the following standards:

1. Primary Conservation Areas.
  - a. Features to be Preserved. The following features shall be located and delineated on the conservation and development areas map, and shall be preserved in the following priority order as primary conservation areas:
    - 1) Wetlands and wetland buffers;
    - 2) Watershed areas;
    - 3) Rivers and streams;
    - 4) Riparian buffers;
    - 5) Habitat utilized by endangered or threatened species; and

- 6) Steep slopes (slopes greater than 25 percent).
- b. Amount to be Preserved. All areas occupied by features comprising a primary conservation area shall be set aside and reserved for conservation purposes in accordance with the following standards:
  - 1) Primary Conservation Area is Less than Minimum Required. In cases where the geographic area occupied by all features comprising the primary conservation area is less than the minimum required conservation area, then all lands comprising the primary conservation area shall be set aside.
  - 2) Primary Conservation Area Exceeds the Minimum Required.
    - a) In the event the geographic area of all features identified and prioritized as the primary conservation area results in a primary conservation area exceeding the conservation area requirement (for example, conservation of the first type of prioritized features constitute 47 percent of a site, and the next prioritized feature consists of five percent and the minimum required conservation area is 50 percent of the site area, the applicant may identify which portions of the features exceeding the 50 percent conservation area requirement will be designated for conversion to development area). To the maximum extent practicable, priority for retention shall be given to the highest quality portion of the features to be conserved.
    - b) Development on lands made available for conversion to development area shall be in accordance with the standards in this Ordinance.
- c. Allowable Uses. Uses located within a primary conservation area shall be limited to:
  - 1) Unpaved pedestrian trails, walkways, and boardwalks;
  - 2) Above ground and below ground public utilities and associated easements, provided no feasible alternative exists;
  - 3) Street or driveway crossings, provided such crossings do not violate this Ordinance, or other State or Federal laws; and
  - 4) Stormwater management systems, where no practicable alternative exists.
2. Secondary Conservation Areas.
  - a. Features to be Preserved. In addition to primary conservation areas, the conservation and development areas map shall also identify secondary conservation areas, which shall be preserved in the following priority order:
    - 1) Historic, archaeological, and cultural resources;
    - 2) Existing and mature woodland forests, natural fields, and meadows (especially those greater than five acres);
    - 3) Scenic corridors and views; and
    - 4) Areas that could serve to extend existing greenways, trails, parks, or recreation areas.
  - b. Amount to be Preserved. All areas occupied by features comprising a secondary conservation area shall be set aside and reserved as a part of the conservation area in accordance with the following standards:
    - 1) Primary Conservation Area Occupies More than that Required. In the event that the geographic area set aside as the primary conservation area is more of the required conservation area, no additional lands occupied by secondary conservation features shall be required to be included in the conservation area.
    - 2) Primary Conservation Area Occupies Less than that Required. In the event the geographic area set aside as the primary conservation area is less than the required conservation area, then lands containing secondary conservation features

shall also be set aside as part of the conservation area in priority order.

- c. Allowable Uses. Uses located within a secondary conservation area shall be limited to:
  - 1) All uses allowed in a primary conservation area;
  - 2) Uses allowed in the Crop Production subsection of the Agricultural Use classification in Table 4.1 Principal Use Table;
  - 3) Individual or community water supply and septic systems;
  - 4) Stormwater management systems;
  - 5) Required drainage or other utility easements;
  - 6) Mitigation of development activities, including restoration of disturbed or degraded areas to enhance habitat and scenic value.
3. Ownership.
  - a. Landowner or Association. A conservation area shall be owned jointly or in common by the owners of the development or through a recognized homeowners or property owners association, which shall be established in accordance with Section 6.13 Homeowners' or Property Owners' Association.
  - b. Nonprofit Organization. The landowners may decide to convey a conservation area to a nonprofit organization such as a land trust or land conservancy for management and maintenance if the County is provided adequate assurance the area will be properly managed and maintained.
  - c. Dedicated to County or Other Public Agency. In some cases, certain lands designated as conservation areas, such as greenways, may be dedicated to the County, a nonprofit organization, or other public agency during the development review process, at the landowner's discretion. If offered by the landowner, the County Commission shall determine whether that land is appropriate for dedication to the County or other public agency.
4. Development Areas. After identifying the primary and secondary conservation areas, the development area shall be identified. It is the area within which development may occur, and shall include the area within the site where:
  - a. Any clearing or grading activities will take place;
  - b. Ingress and egress will be located;
  - c. Individual or community wells and septic systems may be located (if not located within the secondary conservation area);
  - d. Streets, utilities, and other similar structures will be located; and
  - e. All allowable uses may be located.

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# 7

## Wind Energy Convergence Systems

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## 7.1 General Information

### A. Purpose. The purpose of this section is to:

1. Provide for the orderly growth and development of the county.
2. Assure that any development and production of wind-generated electricity in Pulaski County is safe and effective;
3. Facilitate economic opportunities for local residents; and
4. Promote the supply of wind energy in support of Indiana's alternative energy sources potential and other such economic development tools.

### B. Intent. The intent of this Ordinance is to provide a regulatory scheme for the construction and operation of Wind Energy Convergence Systems (WECS) in the county; subject to reasonable restrictions, these regulations are intended to preserve the health and safety of the public.

### C. Applicability.

1. The provisions of this Section are applicable to those districts which allow WECS, govern the siting of WECS and substations that generate electricity to be sold to wholesale or retail markets, or that generate electricity for private use. A reasonable attempt shall be made to notify all property owners within the defined area of the WECS project prior to making application for a WECS permit. Notification may be done by media, separate mailings, or through the public notice requirements prescribed by IC 5-3-1 as amended from time to time. Said notice shall inform land owners of the intent to build a Commercial WECS and/or wind farm. Any recorded plat or any part of any recorded plat may be vacated by the owner(s) of the premises at any time before the sale of any lot therein, by a written instrument, to which a copy of such plat shall be attached, declaring the same to be vacated. The vacation of a plat is subject to the approval of the Plan Commission. The modification will not in any manner contravene provisions of this Ordinance, the Comprehensive Plan, or the Official Zoning Map, as determined by the Plan Commission.

### D. Prohibition.

1. No applicant shall construct, operate, or locate a WECS within Pulaski County without having fully complied with the provisions of this Ordinance.

### E. Conflict With Other Regulations.

1. Nothing in this Section is intended to preempt other applicable state and federal laws or regulations, including compliance with all Federal Aviation Administration rules and regulations and shall comply with the notification requirements of the FAA. Nor are they intended to interfere with, abrogate, or annul any other ordinance, rule, or regulation, statute or other provision of law. In the event that any provision of these regulations imposes restrictions different from any other ordinance, rule, regulation, statute, or provision of law, the provisions that are more restrictive or that imposes higher standards shall govern.

### F. Definitions.

1. All definitions for WECS are located within Section 8, Definitions.

### G. Fee Schedule.

1. Fee Schedule is regulated by separate ordinance. Please contact the Administrator for specific details.



## 7.2 Regulations

### A. Location.

1. Commercial, non-commercial, and micro-WECS will be permitted, or not permitted, in various districts as prescribed in Section 4, Use Standards.

### B. Height.

1. Any NON-COMMERCIAL WECS or meteorological tower greater than two hundred (200) feet in height shall require a special exception use permit. For COMMERCIAL WECS there is no limitation on height, except those height limitations imposed by FAA rules and regulations. No Micro-WECS shall exceed sixty (60) feet in height.

### C. Horizontal Extension.

1. The furthest horizontal extension of a WECS (including guy wires) shall not extend into a required setback by the zoning district or be closer than twelve (12) feet to any primary structure, or right-of-way easement for any above-ground telephone, electrical transmission or distribution lines.

## 7.3 Setback Requirements

Table 7.1 Minimum Setback for Commercial WECS

Distance from A...	Minimum Setback Distance
Property line, measured from the center of the WECS to the property line	1.1 times the total height (where the blade tip is at its highest point) for non-participating landowners. The setback requirement may be waived, in writing, by participating landowners.
Residential dwellings, measured from the center of the WECS to the nearest corner of the structure	One thousand (1,000) feet for non-participating landowners. The setback requirement may be waived, in writing, by participating landowners.
Road right-of-way, measured from the center of the WECS to the edge of the right-of-way	1.1 times the total height (where the blade tip is at its highest point), provided that the distance is no less than three hundred and fifty (350) feet
Other rights-of-way, such as railroads and utility easements, measured from the center of the WECS to the edge of the right-of-way	1.1 times the total height (where the blade tip is at its highest point), provided that the distance is no less than three hundred and fifty (350) feet
Jasper –Pulaski Fish and Wildlife Area measured from the nearest point of the WECS to the property line.	Four Miles
Public conservation lands, measured from the center of the WECS to the nearest point of the public conservation land in question	Seven hundred and fifty (750) feet
Wetlands, as defined by the U.S. Army Corps of Engineers, measured from the center of the WECS to the nearest point of the wetland in question	As determined by a permit obtained from the Army Corps of Engineers
Tippecanoe River measured from the center of the WECS to the shoreline	One-half (1/2) mile
Incorporated limits of a municipality, measured from the center of the WECS to the corporate limits	Fifteen hundred (1,500) feet

- A. The setback for residential dwellings shall be reciprocal in that no residential dwelling shall be constructed within one thousand (1,000) feet of a COMMERCIAL WECS.
- B. The setback shall be measured from future rights-of-way width if a planned road improvement, or expansion is known at the time of application.

Table 7.2 Minimum Setback for NON-COMMERCIAL WECS and MICRO WECS

Distance from A...	Minimum Setback Distance
Property line, measured from the center of the WECS to the property line	1.1 times the total height (where the blade tip is at its highest point) for non-participating landowners. The setback requirement may be waived, in writing, by participating landowners.
Residential dwellings, measured from the center of the WECS to the nearest corner of the structure	1.1 times the total height (where the blade tip is at its highest point)
Road right-of-way, measured from the center of the WECS to the edge of the right-of-way	1.1 times the total height (where the blade tip is at its highest point), provided that the distance is no less the required yard setback prescribed for that district
Road right-of-way, measured from the center of the WECS to the edge of the right-of-way	1.1 times the total height (where the blade tip is at its highest point), provided that the distance is no less than three hundred and fifty (350) feet
Other rights-of-way, such as railroads and utility easements, measured from the center of the WECS to the edge of the right-of-way	1.1 times the total height (where the blade tip is at its highest point), provided that the distance is no less than the required yard setback prescribed for that district
Public conservation lands, measured from the center of the WECS to the nearest point of the public conservation land in question	Seven hundred and fifty (750) feet
Wetlands, as defined by the U.S. Army Corps of Engineers, measured from the center of the WECS to the nearest point of the wetland in question	As determined by a permit obtained from the Army Corps of Engineers
Tippecanoe River measured from the center of the WECS to the shoreline	One half (1/2) of a mile

- C. The setback shall be measured from future rights-of-way width if a planned road improvement or expansion is known at the time of application.

Table 7.3 Minimum Setback for METEOROLOGICAL TOWERS

Distance from A...	Minimum Setback Distance
Property line, measured from the center of the WECS to the property line	1.1 times the total height, provided that the distance is no less than the required yard setback
Residential dwellings, measured from the center of the WECS to the nearest corner of the structure	1.1 times the total height
Road right-of-way, measured from the center of the WECS to the edge of the right-of-way	1.1 times the total height, provided that the distance is no less than the required yard setback
Other rights-of-way, such as railroads and utility easements, measured from the center of the WECS to the edge of the right-ofway	1.1 times the total height, provided that the distance is no less than the required yard setback

- D. The setback shall be measured from future rights-of-way width if a planned road improvement or expansion is known at the time of application.

## 7.4 Safety, Design and Installation Standards

### A. Equipment Type.

1. Turbines: ALL turbines shall be constructed of commercially available equipment.
2. Meteorological Towers: Meteorological towers may be guyed.
1. Experimental, or Proto-type Equipment: Experimental or proto-type equipment still in testing which does not fully comply with industry standards, may be approved by the Board of Zoning Appeals per the variance process established by this Ordinance.

### B. Industry Standards and Other Regulations.

1. ALL WECS shall conform to applicable industry standards, as well as all local, state and federal regulations. An applicant shall submit certificate(s) of design compliance that wind turbine manufacturers have obtained from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energie, or an equivalent third party.

### C. Controls and Brakes.

1. Braking system: ALL WECS shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Stall regulation shall not be considered a sufficient braking system for over speed protection.
2. Operation Mode: ALL Mechanical brakes shall be operated in a fail-safe mode.

### D. Electrical Components.

1. Standards: All electrical components of ALL WECS shall conform to applicable local, state and national codes, and any relevant national and international standards.
2. Collection Cables: All electrical collection cables between each WECS shall be located underground wherever possible.
3. Transmission Lines: ALL transmission lines that are buried should be at a depth consistent with or greater than local utility and telecommunication underground lines standards or as negotiated with the land owner or the land owner's designee until the same reach the property line or a substation adjacent to the property line.

### E. Color and Finish: In addition to all applicable FAA requirements, the following shall also apply.

1. Wind Turbines and Towers: ALL wind turbines and towers that are part of WECS shall be white, grey, or another non-obtrusive color.
2. Blades: ALL blades shall be white, grey, or another non-obtrusive color. Blades may be black in order to facilitate deicing.
3. Finishes: Finishes shall be matte or non-reflective.
4. Exceptions: Exception may be made for meteorological towers, where concerns exist relative to aerial spray applicators.

**F. Warnings.**

1. Towers, transformers, and substations: For all COMMERCIAL WECS, a sign or signs shall be posted on the tower, transformer and substation warning of high voltage. Signs with emergency contact information shall also be posted on the turbine or at another suitable point.
2. Guy wires and anchor points: For ALL guyed towers, one of the following warning mechanisms shall be used for each anchor point:
  - a. Visible or Reflective Objects: Visible and reflective objects, such as flags, plastic sleeves, reflectors, or tape placed on the anchor points of guy wires and along the innermost guy wires up to eight (8) feet above the ground.
  - b. Visible Fencing: Visible fencing not less than four (4) feet in height installed around anchor points of guy wires.
3. Non-commercial WECS and Micro-WECS: The following notices shall be clearly visible on all Non-commercial WECS, and Micro-WECS towers and accessory facilities.
  - a. "No Trespassing" signs shall be attached to any perimeter fence.
  - b. "Danger" signs shall be posted at the height of five (5) feet on WECS towers and accessory structures
  - c. A sign shall be posted on the tower showing an emergency telephone number
  - d. The manual electrical and/or overspeed shutdown disconnect switch(es) shall be clearly labeled.
4. Meteorological towers
  - a. Consideration shall be given to paint aviation warning on all Meteorological Towers.

**G. Climb Prevention.**

1. All COMMERCIAL WECS tower designs shall include features to deter climbing or be protected by anti-climbing devices.
  - a. Fences with locking portals at least six (6) feet in height; or
  - b. Anti-climbing devices fifteen (15) feet vertically from the base of the WECS tower; or
  - c. Locked WECS Tower doors.

**H. Blade Clearance.**

1. The minimum distance between the ground and any protruding blades(s) utilized on all Commercial WECS shall be twenty-five (25) feet, as measured at the lowest point of the arc of the blades.
2. The minimum distance between the ground and any protruding blade(s) utilized on all remaining WECS shall be a minimum of fifteen (15) feet, as measured at the lowest point of the arc of the blades, provided the rotor blade does not exceed 20 feet in diameter. In either instance, the minimum distance shall be increased as necessary to provide for vehicle clearance in locations where over-sized vehicles might travel.

**I. Lighting.**

1. ALL lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by Federal Aviation Administration permits and regulations.
2. Except with respect to lighting required by the FAA, lighting may require shielding so that no glare extends substantially beyond any WECS structure.

**J. Materials Handling, Storage and Disposal.**

1. All solid wastes whether generated from supplies, equipment, parts, packaging, operation or maintenance of the facility, including old parts and equipment related to the construction, operation and/or maintenance of any WECS shall be removed from the site promptly and disposed of in accordance with all federal, state, and local laws.
2. All hazardous materials or waste related to the construction, operation and/or maintenance of any WECS shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

**7.5 Other Applicable Standards****A. Guyed Wire Anchors.**

1. No guyed wire anchors shall be allowed within any required road right-of-way setback.

**B. Sewer and Water.**

1. ALL WECS facilities shall comply with the existing septic and well regulations as required by the Pulaski County Health Department and/or the State of Indiana Department of Public

**C. Noise and Vibration.**

1. The noise level of NON-COMMERCIAL WECS shall be no greater than sixty (60) decibels measured from the nearest residence. This level may only be exceeded during short-term events such as utility outages and/or severe wind storms. All other noise and vibration levels shall be in compliance with all county, state and federal regulations.

**D. Utility Interconnection.**

1. The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operate as prescribed by the applicable regulations of the electrical utility, as amended from time to time.

**E. Signage.**

1. The following signage regulations and standards apply. In the event that one of the following regulations or standards conflicts with another sign regulation or standard prescribed by this ordinance, the most restrictive regulation or standard shall apply.
  - a. No sign shall exceed sixteen (16) square feet in surface area.
  - b. No sign shall exceed eight (8) feet in height.
  - c. A sign not to exceed (1) square feet in surface area may be placed upon the compartment containing the electrical equipment.
  - d. A sign may be located on each side of the total project area, provided that there are no more than four (4) signs located on any one project site.

**F. Feeder Lines.**

1. With the exception of minimum setback distances, feeder lines installed as part of any WECS shall not be considered an essential service. To wit, all communications and feeder lines installed as part of any WECS shall be buried underground wherever possible.

**G. Other Appurtenances.**

1. No appurtenances other than those associated with the wind turbine operations shall be connected to any wind tower except with express, written permission by the Board of Zoning Appeals.

## 7.6 Operation and Maintenance

### A. Physical Modifications.

1. In general, any physical modification to any WECS that alters the mechanical load, mechanical load path, or major electrical components shall require re-certification. Like-kind replacements shall not require re-certification. Therefore, prior to making any physical modification, the owner or operator shall confer with the Building Department and Advisory Plan Commission to determine whether the physical modification requires re-certification.

### B. Interference.

1. Prior to construction, a communications study to minimize interference with public or public serving utility microwave transmissions shall be completed. If necessary, the applicant, owner and/or operator shall mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any WECS. In addition, the applicant, owner, and/or operator shall comply with the following:
  - a. Pre-Construction
    - 1) The applicant shall complete a communications study prior to construction so as to minimize interference with any public or public serving utility microwave transmissions.
  - b. Post-Construction
    - 1) If, after construction of the WECS, the owner or operator receives a written complaint related to interference with the broadcast of residential television, telecommunication, communication or microwave transmissions, the owner or operator shall take reasonable steps to mitigate said interference. Interference with private telecommunications systems such as GPS shall be between the company and the complainant.
  - c. Failure to Remedy a Complaint
    - 1) If an agreement to remedy a known interference is not reached within ninety (90) days, appropriate action will be taken, which may result in requiring the WECS to become inactive. This does not apply to interference with private telecommunications systems.

### C. Declaration of Public Nuisance.

1. Any WECS thereof declared to be unsafe by the Pulaski County Building Inspector by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal in accordance with the approved Decommissioning Plan.

## 7.7 Decommissioning Plan

### A. Plan Outline.

1. Any WECS thereof declared to be unsafe by the Pulaski County Building Inspector by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal in accordance with the approved Decommissioning Plan.

### B. Content.

1. A decommissioning plan shall include, at a minimum, language to the following:
  - a. Written assurance that the facilities will be properly decommissioned upon the project life or in the event that the facility is abandoned.
  - b. The applicant shall provide a contractor cost estimate for demolition and removal of the WECS facility. The cost estimates shall be made by a competent party: such as a professional engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning WECS.

- c. Applicant will provide financial assurance in an amount at least equal to said demolition and removal contractor cost estimate, through the use of a bond, letter of credit or other security acceptable to the County, for the cost of decommissioning each tower and related improvements constructed under the permit. Said security will be released when each tower is properly decommissioned as determined by the Pulaski County Building Commissioner.

**C. Discontinuation and Abandonment.**

1. All WECS shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed and submitted to the Pulaski County Building Department outlining the steps and schedule for returning the WECS to service.
2. In the event of abandonment by the owner or operator, the applicant will provide an affidavit to the Pulaski County Building Department representing that all easements for wind turbines shall contain terms that provide financial assurance, including access to the salvage value of the equipment, for the property owners to ensure that facilities are properly decommissioned within one (1) year of expiration or earlier termination of the project.

**D. Removal.**

1. An applicant's obligations shall include removal of all physical material pertaining to the project improvements to no less than a depth of four (4) feet below ground level within three hundred sixty-five (365) days of the discontinuation or abandonment of the facility, and restoration of the project area to as near as practicable the condition of the site immediately before construction of such improvements by the owner, or by Pulaski County at the owner's expense.

**E. Written Notices.**

1. Prior to implementation of the existing procedures for the resolution of such default(s), the appropriate County body shall first provide written notice to the owner and/or operator, setting forth the alleged default(s). Such written notice shall provide the owner and/or operator a reasonable time period not to exceed sixty (60) days, for good faith negotiations to resolve the alleged default(s).

**F. Costs Incurred by the County.**

1. If the County removes a tower and appurtenant facilities, it may sell the salvage to defray the costs of removal. By approval, the permitted or grantor grants a license to Pulaski County to enter the property to remove a tower pursuant to the terms of an approved decommissioning plan.

## 7.8 Liability Insurance

- A. The owner or operator of any WECS shall maintain a current general liability policy covering bodily injury and property damage and may be required to name Pulaski County as an additional insured with dollar amount limits per occurrence, in the aggregate, and a deductible, which is suitable to the County. Home owners that have electrical power generating equipment of 10 kw or less on their property need to carry \$100,000.00 of liability insurance. The owner of any electrical power generating equipment over 10 kw that is directly connected to the local utility provider is required to carry a minimum of 1 million dollars of liability insurance.

## 7.9 Application Procedures

- A. Permits and variances shall be applied for and reviewed under the procedures established by this UDO and the application procedures application for a Commercial WECS Improvement Location Permit.
  1. See section 2.3,Q Applications for All Wind Energy Conversion Systems (WECS) for application procedures.



## 7.10 Pre-Construction Requirements

- A. Prior to the issuance of any Building Permit, the following shall be submitted to and reviewed by the Building Inspector, who shall certify that the following are in compliance with all applicable regulations.
1. An FAA permit application.
  2. A decommissioning plan as prescribed in this Ordinance.
  3. An Economic Development Agreement, a Drainage Agreement, and a Road Use and Maintenance Agreement approved by the County Commissioners. The agreement shall be developed in conjunction with the Pulaski County Economic Development Director as amended. This agreement must be signed before any Building Permit is issued. The Drainage Agreement must prescribe or reference provisions to address crop and field tile damages.
  4. An erosion control plan developed in consultation with the Natural Resources Conservation Services (NRCS), and any storm water quality management plan adopted by the applicable jurisdiction.
  5. A utility plan drawn to the same scale as the site plan illustrating the location of all underground utility lines associated with the total WECS project.
  6. Provide a copy of the Final Site Layout Plan illustrating the final location of all that is required in the preliminary site layout plan, as approved by the landowner.
  7. In addition to complying with the approved Road Use and Maintenance Agreement, an applicant, owner, or operator proposing to use any county road(s), for the purpose of transporting COMMERCIAL WECS or substation parts and/or equipment for construction, operation or maintenance of a COMMERCIAL WECS or substation, shall comply with the following pre-construction requirements.
    - a. Identification of Roads and Services. Identify all roads and services, to the extent that any proposed routes that will be used for construction and maintenance purposes shall be identified. If the route includes a public road, it shall be approved by the Pulaski County Highway Department.
    - b. Pre-construction Survey. The applicant shall conduct a pre-construction baseline survey acceptable to the Highway Superintendent to determine existing road conditions for assessing potential future damage. The survey shall include photographs, or video, or a combination thereof, and a written agreement to document the condition of the public facility.

## 7.11 Construction Requirements

- A. During construction, the applicant shall demonstrate that the following requirements are being met.
1. Reasonable dust control measures shall be required by the County during construction of a COMMERCIAL WECS.
  2. Reasonable storm water best management practices as required by the approved Drainage Plan/Agreement on file with the Pulaski County Surveyor.



## 7.12 Post-Construction Requirements

### A. Post-construction, the applicant shall comply with the following provisions.

1. Any road damage caused by the construction of project equipment, the installation of the same, or the removal of the same, shall be repaired to the satisfaction of the Pulaski County Highway Superintendent. The superintendent may choose to require either remediation of road repair upon completion of the project or are authorized to collect fees for oversized load permits. Further, a corporate surety bond in an amount to be fixed by a professional engineer may be required by the superintendent to insure the county that future repairs are completed to the satisfaction of the unit of local government. The cost of bonding is to be paid by the applicant.
2. Where upon completion of all development, the exact measurements of the location of utilities and structures erected during the development are necessary for public record and shall therefore be recorded. The applicant, owner, or operator shall submit a copy of the Final Construction Plans (as-built plans), as amended, to the Building Inspector with the exact measurements thereon shown. The Building Inspector, after being satisfied that the measurements are substantially the same as indicated on the originally approved final plan(s), shall approve, date and sign said Construction Plans for the project, which the applicant, owner, or operator shall then record.
3. It is the responsibility of the owner or operator listed in the application to inform the Administrator of all changes in ownership and operation during the life of the project, including the sale or transfer of ownership or operation.

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# 8

## Definitions & Measurement

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## 8.1 Interpretation Of Terms Or Words

- A. **Meanings and Intent:** Words used in a special sense in this Unified Development Ordinance are defined in this Article. An ordinance should not be construed by singling out a particular phrase. The entire phrase shall be read to understand its context generally, and its context with other provisions of the ordinance.
- B. **Rule of strict construction:** Regulations are not to be expanded in their operation beyond their express terms. Employ the plain and natural meaning to language that is unambiguous. Do not apply intentions but interpret the meaning of the words of the ordinance.
- C. **Terms Not Defined:** All other words, terms, and/or phrases not specifically defined by this Ordinance shall have the meaning inferred from their context or their ordinarily accepted definition. The Planning Administrator shall provide a definition through the Interpretation procedure based upon the definitions used in accepted sources, including but not limited to A Planners Dictionary, A Glossary of Zoning, Development, and Planning Terms, and A Survey of Zoning Definitions, published by the American Planning Association. Webster's Third New International Dictionary may be used to apply an ordinary meaning that is relevant to the context in which the term is used.
- D. **Different terms:** When an ordinance uses different terms in the same section, the terms are presumed to have a different meaning from one another.
- E. **Intent Statements:** The intent expressed at the beginning of each Section explains the purpose for a zoning ordinance or district regulation, but cannot expand to control the words of the act unless they are doubtful or ambiguous.
- F. **Graphics, Illustrations, Photographs and Flowcharts:** The graphics, illustrations, photographs and flowcharts used throughout this Ordinance are for illustrative purposes only. Where such Graphic, Illustration, Photograph or Flowchart provides a different interpretation than the text, the text shall control.
- G. **Person:** The word "person" includes a firm, association, organization, partnership, trust, company, corporation or other legal entity, as well as an individual;
- H. **Tense, Singular, Gender:** Words used in the present tense include the future; and words used in the singular number include the plural; and the plural includes the singular. Words of the masculine gender will include the feminine and the neuter gender will refer to any gender as required, unless the context plainly indicates the contrary.
- I. **Mandatory / Permissive:** The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
- J. **Used:** The words "used" or "occupied" include the words "intended, designed, constructed, converted, altered or arranged to be used or occupied".
- K. **Lot:** The word "lot" includes the words "plot, tract, or parcel."
- L. **Conjunctions:** Unless it is plainly evident from the context that a different meaning is intended, a regulation which involves 2 or more items, conditions, provisions, or events connected by the conjunction "and, or," or "either . . . or," the use of the conjunction is defined as follows:
  - 1. "And" means that all the connected items, conditions, provisions, and events apply together and not separately.
  - 2. "Or" means that the connected items, conditions, provisions, or events apply separately or in any combination.
  - 3. "Either . . . or" means that the connected items, conditions, provisions, or events shall apply separately but not in combination.
- M. **Lists with Includes:** The word "includes" does not limit a term to the specified examples, but is intended to extend the term's meaning to all other instances or circumstances of like kind or character.
- N. **The Director of Zoning(Administrator throughout the document), or his/her professional designee, shall effect proper administration and enforcement of this Zoning Ordinance.**

## 8.2 Rules of Measurement

The purpose of this Chapter is to explain how various measurements to which this UDO refers shall be calculated. For all calculations, the applicant shall be responsible for supplying drawings illustrating the measurements that apply to a project. These drawings shall be drawn to scale and provide sufficient detail, including relevant dimensions, to allow easy verification upon inspection by the Administrator .

**A. Minimum/Maximum Requirements: These standards shall be the minimum and/or maximum requirements for administration, enforcement, procedures, restrictions, standards, uses, variances, and all other areas addressed by this UDO.**

1. Rounding of numbers:
  - a. General: All calculations that result in a part of a fraction of a whole number shall be rounded up to the next highest whole number, unless otherwise provided in this Ordinance.
  - b. Parking: All calculation that result in a part or fraction of a whole number shall be rounded down to the next lowest whole number, unless otherwise provided in this Ordinance.

**B. Measuring Distances**

1. Measurements are Shortest Distance. When measuring a required distance, such as the minimum distance between a structure and a parcel line, the measurement is made at the closest or shortest distance between the two objects.
2. Distances are Measured Horizontally. When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography or slope of the land.
3. Block length is measured centerline to centerline.

**C. Measurements Involving a Structure. Measurements of distance to a structure are measured to the closest exterior wall of the structure. Structures or portions of structures that are entirely underground are not included in measuring required distances.**

**D. Measurement of Vehicle Queuing or Travel Areas. The minimum travel distance for vehicles, such as garage entrance setbacks, is measured down the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along the center arc of the driveway or traffic lane.**

**E. Measuring Radius. When a specified land use is required to be located a minimum distance from another land use, the minimum distance is measured in a straight line from all points along the parcel line of the subject project.**

**F. Measuring Height**

1. Height shall be the vertical distance from the highest point of any structure to the ground level directly below, except as otherwise provided in this section.

**G. Measuring Building Height.**

1. Building height is the vertical distance at any point in a given plane measured from the Average Natural Grade (ANG) or Theoretical Grade (TG).
2. Average Natural Grade is the average elevation of the ground level of the parcel surface as measured at the intersection of the minimum rear and front setback lines (or parcel lines if no setbacks are required) with the minimum side setback lines (or parcel lines if no setbacks are required) of the parcel.

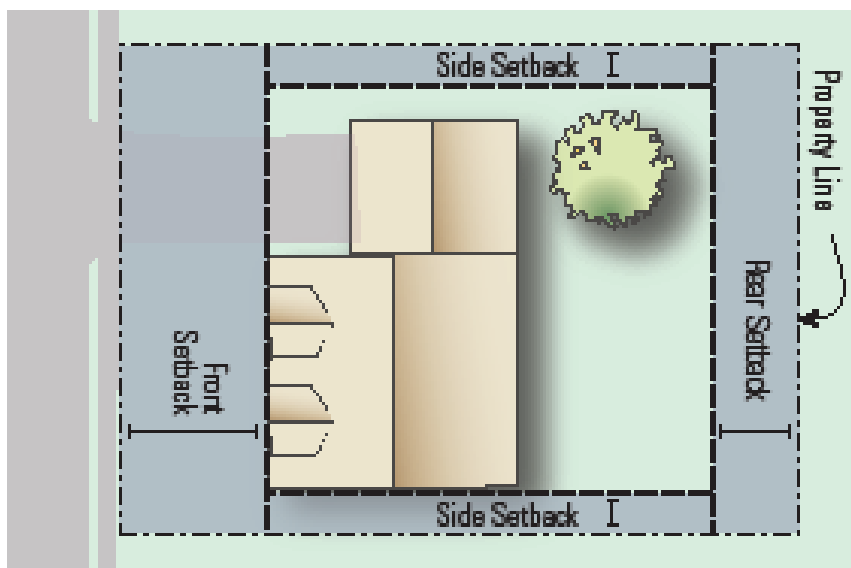
**H. Measuring Façade Height. Façade height is measured from the average level of the highest and lowest point of the sidewalk along the adjacent property line to the highest point of the structure directly above.**

**I. Measuring Fence Height. The height of any fence or wall shall be determined by measuring the vertical**

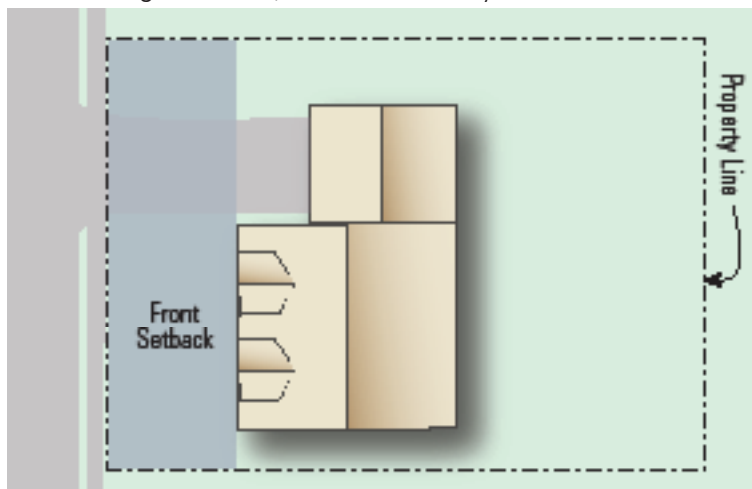
**distance from the lowest existing grade as verified through a site survey at a point within a 3-foot radius of any point on such fence or structure to the highest point of such structure. The height shall be measured in a continuum at each point along the fence. In the case of walls that are parallel to and within 5 feet of a public sidewalk or other public way, grade shall be the elevation of the closest point on the sidewalk or public way.**

#### J. Measurement - Definitions

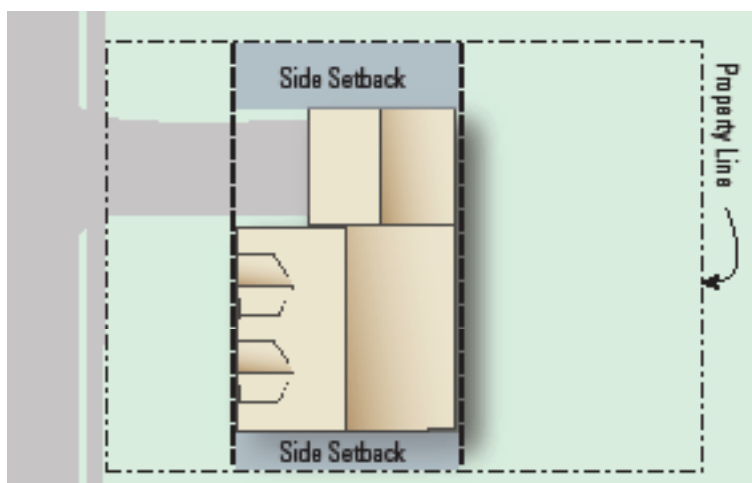
1. **Minimum Lot Size.** The smallest area established by this Ordinance on which a use, structure or building may be located in a particular district and which does not include any street right-of-way.
2. **Minimum Lot Width.** This refers to the minimum width a lot must have in order to be considered developable by this Ordinance. The minimum lot width is the minimum allowable horizontal distance between the side property lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the front setback line. Lot width on cul-de-sac lots and other lots with curving frontages is measured as a line parallel to the frontage and at the front setback line.
3. **Minimum Lot Frontage.** The frontage of a lot shall be construed to be the portion nearest the street. For the purpose of determining setback requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontages. The minimum length of a lot frontage shall be measured between side lot lines at the street right-of-way or private street easement. Lots that have more than one frontage may combine the width of both frontages to meet the minimum lot frontage standard.
4. **Maximum Building Height.** The maximum allowable vertical distance of a building or structure. Building height shall be defined as the vertical distance as measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.
5. **Yard Setback:** The minimum required distance by which any building or structure must be separated from a street right-of-way or lot line.



6. **Front Setback.** The horizontal space between the Front Lot Line and the Front Setback Line, extending to the side lines of the lot, generally parallel with and measured from the front lot line, defining the area in which no building or structure may be located above ground, except as may be provided in this Ordinance. The front setback applies to all frontages of a lot facing a street or right-of-way. The setback is usually based on the classification of the road on which the building is located, as determined by INDOT or the Administrator.

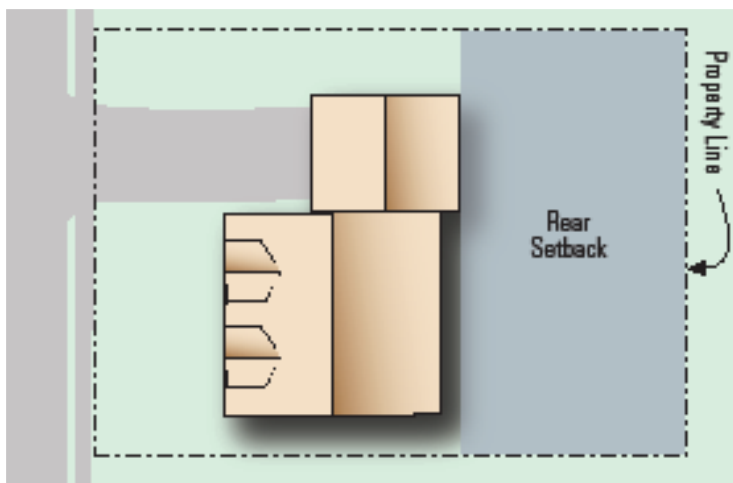


7. **Side Setback.** The horizontal space between the Side Lot Lines and the Side Setback Lines, extending to the Front and Rear Lot Lines, generally parallel with and measured from each side lot line, defining the area in which no building or structure may be located above ground, except as may be provided in this Ordinance. However, for corner and through lots, any side of a structure that faces a street shall meet front setback requirements.



8. **Rear Setback.** The horizontal space between the Rear Lot Line and the Rear Setback Line, extending to the side lines of the lot, generally parallel with and measured from the rear lot line, defining the area in which no building or structure may be located above ground, except as may be provided in this Ordinance. For through lots, the rear of the structure facing a street shall meet front setback requirements. Rear Setbacks for Corner Lots will apply to the portion of the lot that is furthest in the opposite direction of the general orientation of the structure.





9. Rear Parcel Line Abutting an Alley. Where a rear parcel line abuts an alley, the rear setback shall be measured from the alley right-of-way line.
10. Minimum Distance Between Structures on Same Lot. This distance, measured between the points of shortest distance on the exterior facades of two (2) structures, shall determine the minimum separation of multiple structures within one (1) developed lot.
11. Minimum Ground Floor Living Area (Per Unit). The sum of the livable horizontal areas on the ground level of a building measured from the interior faces of the exterior walls, exclusive of basements, unfinished attics and attached garages. The minimum for a specific residential structure shall be dependent on the number of stories within the residential structure.
12. Total Minimum Living Area (Per Unit). The sum of the livable horizontal areas on all levels of a building measured from the interior faces of the exterior walls, exclusive of basements, unfinished attics and attached garages. Each residential dwelling unit shall have separate and individual kitchen and bathroom facilities.
13. Minimum Living Area Facade Width. The minimum width required for the front facade of a residential structure, exclusive of garages, porches, decks, or terraces. This requirement may apply to a continuous facade for multi-family or single-family attached units.
14. Maximum Lot Coverage (structures and buildings). The maximum amount of enclosed Ground floor area of all buildings on a lot expressed as a percentage of the horizontally projected area representing the bulk and mass on the lot.
15. Maximum Lot Coverage (all impervious surfaces). The maximum amount of ground floor area occupied by buildings, structures, parking lots, or other impervious surfaces on a lot expressed as a percentage of the horizontally projected area of the lot.

### 8.3 Abbreviations

ADA- Americans with Disabilities Act
AFO - Animal Feeding Operation
BFE - Base Flood Elevation
BZA - Board of Zoning Appeals
CAFO - Concentrated Animal Feeding Operation
CFO - Confined Feeding Operation
FCC - Federal Communications Commission
FEMA - Federal Emergency Management Agency (Federal Agency)
FIRM - Flood Insurance Rate Map
FIS - Flood Insurance Study
HOA- Homeowners Association
HUD - Department of Housing and Urban Development (Federal Agency)
IDEM - Indiana Department of Environmental Management
IN - State of Indiana
ILP - Improvement Location Permit
INDOT - Indiana Department of Transportation
LEED - Leadership in Energy & Environmental Design
PC - Advisory Plan Commission
PD - Planned Development
PUD - Planned Unit Development
TRC - Technical Review Committee
ROW - Right of Way
UDO - Unified Development Ordinance

**All Use Type Definitions are found within Section 4.2 of this Ordinance and not within Section 8 text.**

### 8.4 Definitions

#### A

**ABANDONMENT:** The relinquishment of property or a cessation of the use of the property for a continuous period of one year by the owner.

**ABUT OR ABUTTING:** To physically touch or border upon; or to share a common property line.

**ACCESSORY BUILDING, STRUCTURE:**, see "Structure, Accessory

**ACCESSORY USE:** A use which is secondary to a primary use in area, extent, and/or purpose; contributes to the comfort, convenience, or necessity of occupants of the primary use; does not alter or change the character of the property; and is located on the same lot as the primary use.

**ACCESSORY DWELLING:** An accessory dwelling unit or detached accessory dwelling unit (sometimes called a mother-in-law apartment) is a separate living space within a house or on the same property as an existing house.

**ACRE:** A measure of land area containing forty three thousand five hundred and sixty (43,560) square feet.

**ADMINISTRATOR:** The professional appointed and/or delegated the responsibility for the administration of this Ordinance's regulations by the Pulaski County Commissioners. Staff of the Zoning Department of Pulaski County

**ADVISORY PLAN COMMISSION:** A planning commission serving a single local government jurisdiction established as defined under Indiana Code, 36-7-1-2 (1983) as amended. The Pulaski County Plan Commission is an Advisory Plan Commission.

**AGENCY, PUBLIC:** An agency or government department acting under the aegis of and representing an elected or appointed Commissioners, commission, or other policy making or advisory body of federal, state or local government to whom it is responsible.

**AESTHETICS:** The pleasantness of the total environment related to the perceptual aspects of the surroundings including their appearance to the eye and the comfort and enjoyment offered to the other senses.

**AGRICULTURE:** The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any accessory uses shall be secondary to that of the normal agricultural activities. "Agriculture" shall not include feed lots, stock yards, or the commercial feeding of garbage or offal to swine or other animals.

**AGRICULTURE ZONING DISTRICT:** Refers to an A-1, or A-2 District.

**AIRPORT:** Any runway, land area, or other facility designed, used either publicly or privately by any person for the landing and taking off of aircraft including all necessary taxiways, aircraft storage and tie-down areas, hangers and other necessary buildings and open spaces.

**AISLE** - The traveled way by which cars enter and depart parking spaces.

**ALLEY:** A public right-of-way, other than a street, road, crosswalk, or easement, that provides secondary access to abutting properties.

**ALTERATION:** Any change, addition, or modification in construction or use of an existing structure or property.

**ANIMAL SHELTER** - A facility used to care for and house lost, stray, homeless, abandoned, or unwanted animals; including those found running at-large or otherwise subject to impoundment consistent with applicable laws. Animal shelter includes facilities for adoption, medical treatment, and cremation.

**ANNEXATION:** The process by which a municipality may add territory to itself, as specified in Indiana Code 36-4-3-1 to 36-4-3-21, as amended.

**ANTENNA:** Equipment usually attached to a tower, building or other structure, used for transmitting or receiving signals, images, sounds, or information of any nature by visual, or electromagnetic waves, radio frequency signals, including but not limited to a series of directional panels, microwave or satellite dishes, or omni-directional "whip" antennas.

**ANTENNA SUPPORT STRUCTURE:** Any building, pole, telescoping mast, tower, tripod, or any other structure which supports an antenna.

**APPLICANT:** The owner, owners, or legal representative of real estate who makes application to the Plan Commission and/or Board of Zoning Appeals for action by the Pulaski County Plan Commission or Board of Zoning Appeals.

**APPLICATION:** The completed form or forms, together with any other required materials, exhibits, and fees required of an applicant consistent with the procedures established by this Ordinance.

**ARTERIAL STREET** - SEE "STREET, ARTERIAL"

**AWNING:** A temporary roof-like cover Any structure made of cloth, metal, or glass with a frame attached to a building and projecting over a window, sidewalk, or door, when the same is so erected as to permit its being raised or retracted to a position flat against the building when not in use. that projects from the wall of a building and overhangs the public way.

## B

**BALCONY:** A platform that projects from the wall of a building and is surrounded by a railing or parapet.

**BASEMENT:** A story all or partly underground but having at least one-half (½) of its interior height below the average finished grade adjoining ground. A basement shall not be counted as a story for the purpose of height regulations unless it has been subdivided into rooms and used for tenant purpose.

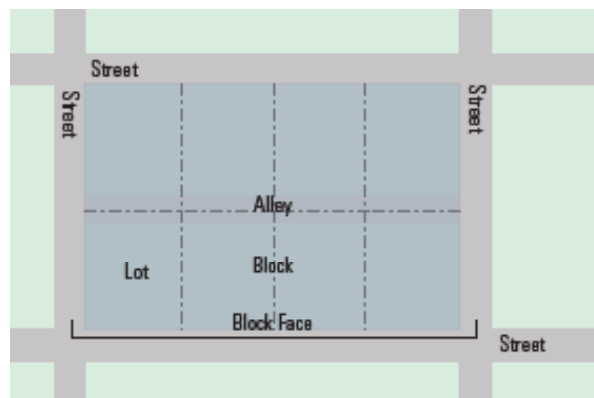
**BERM;** Berms are earthen mounds that block or screen the view, similar to a hedge, fence, or wall.

**BEST MANAGEMENT PRACTICES:** The utilization of the natural environment, artificial structures, scheduling, and/or prohibition to ensure the long-term operation and maintenance of features that control stormwater filtration, erosion and/or the discharge of polluting elements.

**BILLBOARD** - SEE "SIGN, OUTDOOR ADVERTISING"

**BLOCK:** Property abutting on one side of a street and lying between the two (2) nearest intersecting or intercepting streets, intersecting railroad, intersecting waterway, or the end of a dead end street. Block length is measured centerline to centerline.

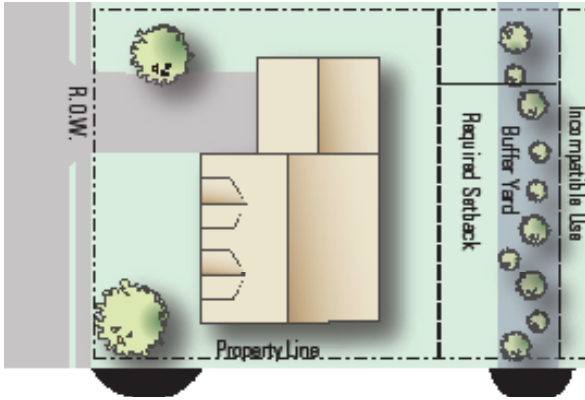
**BLOCK FACE:** One (1) edge of a block that lies between street or railroad rights-of-way, or waterways, and faces the street.



**BOARD / BOARD OF ZONING APPEALS / BZA:** A board consistent with the Indiana Code 36-7-4-900 series. The Pulaski County Board of Zoning Appeals or any division thereof, as the case may be.

**BOND:** Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Plan Commission. Also known as a Surety Bond.

**BUFFER, LANDSCAPING:** Any trees, shrubs, walls, fences, berms, space, or related landscaping features required under this Ordinance on private lots, and privately maintained, for buffering lots from adjacent properties or public rights-of-way for the purpose of increasing privacy and aesthetics.



**BUILDABLE AREA:** The three dimensional portion of a lot remaining after the setback, easement, buffers, maximum height, landscaping, or open space requirements of this Ordinance have been met.

**BUILDING:** A structure having a roof supported by columns or walls, for the shelter, support, or enclosure of persons, property, or animals; and when separated by division walls from the ground up and without openings, each portion of such building shall be deemed as a separate building.

**BUILDING, ACCESSORY:** A subordinate building or structure on the same property or on an approved property as the principal building or structure. See also "Structure, Accessory."

**BUILDING AREA:** The horizontal area of the buildings on a lot, measured from the outside exterior walls, excluding open areas or terraces, unenclosed porches or decks, and architectural features that project no more than two (2) feet.

**BUILDING, ATTACHED:** A building that is structurally connected to another building by a foundation, wall, or roof line. Also known as accessory structure.

**BUILDING CODE:** The County Ordinance establishing and controlling the standards for constructing mechanical equipment, and all forms of permanent structures and related matters within the County. Also referred to herein as the State Building Code. Also referred to as the the Pulaski County Building Code as per Ordinance 2006-2 as passed and with any subsequent amendments.

**BUILDING COMMISSIONER:** The person authorized and directed to administer and enforce the provisions of the Pulaski County Building Code.

**BUILDING, DETACHED:** A building having no structural connection with another building.

**BUILDING HEIGHT:** see "Height"

**BUILDING INSPECTOR:** That individual designated by the Building Commissioner to assist in enforcing the provisions of the building code.

**BUILDING PERMIT:** A certificate issued by the County to erect, construct, enlarge, alter, repair, move, improve, or convert any building or structure within its jurisdiction, or cause the same to be done.

**BUSINESS:** The engaging in the purchase, sale, barter, or exchange of goods, wares, merchandise, or services, or the maintenance or operation of offices, recreational, or amusement enterprises.

**BZA – SEE "BOARD / BOARD OF ZONING APPEALS / BZA"**

## C

**CANOPY:** Any structure, other than an awning, made of cloth or metal with frames attached to a building, projecting over a sidewalk.

**CERTIFICATE OF OCCUPANCY:** A certificate stating that the occupancy and use of a building or structure meets all the requirements of inspection and complies with the provisions of this Ordinance, other applicable County Codes and Ordinances and the State Building Code.

**CHANGE OF USE:** Any use which substantially differs from the previous use of a building or parcel of land.

**CHANNEL :**The bed and banks of a natural stream which convey the constant or intermittent flow of the stream.

**CHANNELIZATION :**The straightening and deepening of channels and/or the surfacing thereof to permit water to move rapidly and/or directly.

**CO-LOCATION:** The location of wireless telecommunications equipment from more than one provider on a common tower, building or structure.

**COLLECTOR STREET - SEE "STREET, COLLECTOR"**

**COMMERCIAL ZONING DISTRICT - Refers to an C-1 or C-2 District.**

**COMMISSION / PLAN COMMISSION:** The County of Pulaski Advisory Plan Commission.

**COMMISSION ATTORNEY:** The licensed attorney who furnishes legal assistance to the Plan Commission for the administration of this Ordinance or as provided by statute. Unless otherwise provided by the Commissioners, the County Attorney is the Commission Attorney. (See County Attorney). Also known as County Attorney.

**COMMITMENTS:** The Board may require the owner of the property to make written commitments concerning the use or development of the property as specified under IC 36- 7-4-921.

**COMMON AREA:** Land within a development which is not individually owned or dedicated to the public, but which is designed and intended for the use, enjoyment, and maintenance of the property owners within that development or other specific area. The common area may include complementary structures and/or other improvements.

**COMPATIBLE:** Having harmony and consistency in design, function, and/or appearance.

**COMPOSTING:** A controlled process of degrading organic material by microorganisms.

**COMPREHENSIVE PLAN - SEE "PLAN, COMPREHENSIVE"**

**COMMERCIAL RECEIVING AND/OR TRANSMITTING ANTENNA:** Any antenna erected to transfer information for commercial use

**COMMERCIAL ZONING DISTRICT - see C1 or C2 districts**

**CONCEPTUAL PLAN - SEE "PLAN, CONCEPTUAL"**

**CONDITIONAL USE:** Special provisions or requirements applicable to specific uses in certain zoning districts. If specified conditions are met as determined in this Ordinance or by the Administrator, no further approval is required.

**CONDITION(S) (OF APPROVAL):** Stipulations or provisions set forth as a prerequisite for approval of an application.

**CONSERVATION SUBDIVISION:** A development design technique that concentrates buildings/structures in specific areas on a site to allow the remaining land to be used for recreation, common open space, and/or preservation of historic or environmentally sensitive features.

**CONSTRUCTION, NEW:** Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

**CONSTRUCTION PLAN(S):** The maps or drawings accompanying a subdivision plat that detail the specific location and design of utilities, streets and other improvements to be installed for the subdivision in accordance with the requirements of this Ordinance.

**CONTIGUOUS:** see "Abut or Abutting"

**COUNCIL:** The County Council of the County of Pulaski County, Indiana.

**COUNTY:** Pulaski County, Indiana.

**COUNTY ATTORNEY:** Licensed Attorney responsible for handling business of the Plan Commission, Board of Zoning Appeals and

all staff, and sub-committees contained therein.

**COUNTY TREASURER:** That County Official empowered to examine and settle all accounts and demands that are chargeable against the County and not otherwise provided for by statute.

**COUNTY COMMISSIONERS OR COMMISSIONERS :** The County Commissioners of Pulaski County, Indiana.

**COUNTY ENGINEER:** The licensed engineer designated by the County to furnish engineering assistance in the administration of this Ordinance.

**COUNTY HEALTH OFFICER - SEE "HEALTH DEPARTMENT AND COUNTY HEALTH OFFICER"**

**COUNTY RECORDER:** That County Official empowered to record and file land description plats.

**COUNTY SURVEYOR:** The County Official so designated by the laws of the State of Indiana.

**COVENANTS:** Private and legal restrictions of various kinds on the usage of lots within a subdivision which are proposed by the subdivider and, in the case of public health, safety and welfare, by the Commission, that are recorded with the plat and deed and enforceable in a civil court by interested or affected parties. Covenants can also be placed on commercial and industrial developments.

**CROSSWALK:** A strip of land dedicated to public use, which is reserved across a street to provide pedestrian access to adjacent areas.

**CUL-DE-SAC :** A short street having one (1) end open to traffic and being permanently terminated by a vehicular turn-around.

**CULVERT:** A structure designed to convey a watercourse not incorporated in a closed drainage system under a road or pedestrian walk.

**CURB:** A concrete boundary marking the edge of a street or other paved area and providing for a change in grade between the street surface and the adjacent unpaved portions of the street right-of-way.

## D

**DECK:** A platform, either freestanding or attached to building that is supported by pillars or posts.

**DECIBEL:** A unit of measurement of the intensity of loudness of sound . Sound level meters are used to measure such intensities

and are calibrated in decibels.

**DECIDUOUS TREE:** see “Tree, Deciduous”

**DEDICATION:** The setting apart of land or interests in land for use by the public by ordinance, resolution, or entry in the official minutes as by the recording of a plat.

**DENSITY:** A unit of measurement that indicates the number of units per acre of land.

1. Gross Density: A number of units per acre of the total land to be developed, including public rights-of-way and dedicated open space.
2. Net Density: A number of units per acre of land when the acreage involved includes only the land devoted to intended uses and common open space, and excluding public right-of-way and dedicated open space.

**DESIGN STANDARDS:** Standards that set forth specific improvement requirements..

**DETACHED STRUCTURE :** A building that has no structural connection with the principal structure.

**DETENTION BASIN:** A man-made or natural water collector facility designed to collect surface and subsurface water in order to impede its flow and to release the same, gradually, at a rate not greater than that prior to the development of the property, into natural or man-made outlets.

**DEVELOPER:** The owner (or agent thereof) of land proposed to be subdivided who is responsible for the layout of the land and the public improvements involved.

**DEVELOPMENT:** Any man-made change to improved or unimproved real estate including but not limited to:

1. Construction, reconstruction, or placement of a building or any addition to a building;
2. Installing utilities, erection of walls, construction of roads, or similar projects;
3. Construction of flood control structures such as levees, dikes, dams, or channel improvements;
4. Mining, dredging, filling, grading, excavation, or drilling operations;
5. Construction or reconstruction of bridges or culverts;
6. Storage of materials; or
7. Any other activity that might change the direction, height, or velocity of flood or surface waters.
8. Development does not include activities such as the maintenance of existing buildings and facilities such as painting, re-roofing, resurfacing roads, or gardening, plowing and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent buildings.

**DEVELOPMENT PLAN** - Also referred to as Site Development

**Plan or Site Plan.** A detailed, dimensioned plan including a legal or site description of the real estate involved, which shows the location and size of all existing and proposed easements; widths and lengths of all entrances and exits to and from said real estate; location of all adjacent or adjoining streets; all of which presents a unified and organized arrangement of buildings and service facilities and other improvements such as planting areas, which shall have a functional relationship to the real estate comprising the planned development and to the uses of properties immediately adjacent to the proposed development.. In addition a development plan illustrates the proposed development or alterations of a site, which would normally include architectural, engineering, landscape architectural, lighting and signage plans, prepared in accordance with the rules and regulations of Pulaski County, and submitted to the Plan Commission or other designated body or authority for review and approval.

**DEVELOPMENT STANDARDS VARIANCE** - SEE “VARIANCE, DESIGN STANDARDS / DEVELOPMENT REGULATIONS”

**DISTRICT:** A section of the County of Pulaski County zoning jurisdiction for which uniform zoning regulations govern use, height, area, size, intensity of use of buildings and land, and open spaces about buildings, as established by this Ordinance.

**DOUBLE FRONTAGE LOT:** see “Lot, Through”

**DRAINAGE:** The outflow of surface water or groundwater from land by drains, grading, or other means.

**DRAINAGE BOARD:** The Pulaski County Drainage Board for land Within the County limits.

**DRAINAGE FACILITY:** Any component of the drainage system.

**DRAINAGE SYSTEM:** The system through which water flows from the land, including all watercourses, water bodies, and wetlands.

**DRIVES, PRIVATE:** Vehicular streets, and driveways paved or unpaved which are wholly within private property except where they intersect with other streets within public rights of way.

**DRIVEWAY:** A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure intended for motor vehicle access.

**DRIVEWAY, COMMON:** An access shared by adjacent property owners.

**DWELLING UNIT :** Any structure or portion thereof designed for or used for residential purposes as a self-sufficient or individual unit by one (1) family or other social association of persons and having permanently installed sleeping, cooking and sanitary facilities. The term shall include manufactured homes but shall not include recreational vehicles.

## E



**E.I.F.S.:** Acronym for Exterior Insulation Finishing System, a construction siding material.

**EASEMENT:** An authorization or grant by a property owner for the use by another of any designated part of his property for a clearly specified purpose.

**ELEVATION:** A flat scale drawing of the front, rear, or side of a building.

**ENVIRONMENTAL CONSTRAINTS:** Features, natural resources, or land characteristics that are sensitive to improvements and may require conservation measures or the application of creative development techniques to prevent degradation of the environment, or may require limited development, or in certain instances may preclude development.

**EROSION:** The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice or gravity.

**ESCROW:** A deposit of cash with the Commission in lieu of an amount required and still in force on a performance or maintenance bond. Such escrow funds shall be held by the County Clerk Treasurer.

**EVERGREEN TREE:** see "Tree, Evergreen"

**EXTERNAL ILLUMINATION:** see "Illumination, External"

## F

**FACADE:** The portion of any exterior elevation on a building, extending from grade level to the top of the parapet, wall, or eaves for the entire width of the building elevation.

**FAMILY:** An individual, or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than FIVE (5) persons, not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit. A family does not include any society, club, fraternity, sorority, group living in a boarding house, hotel, motel, bed and breakfast facility, lodging house, rooming house, assisted living facility, nursing home, or club.

**FARM:** A tract of land devoted to agricultural operations along with buildings and equipment essential to agricultural production and primary processing. A farm shall not include the commercial raising of animals, confined feeding, or the commercial feeding of garbage or offal to swine or other animals. See also "Agriculture."

**FEMA:** see "Floodplain Management"

**FENCE:** A structure designed and constructed for enclosures and/or screening.

**FENCE, BARBED-WIRE/RAZOR-WIRE:** One or more strands of

wire or other material having intermittent sharp points of wire or metal that may puncture, cut, tear, or snag persons, clothing, or animals.

**FEE SCHEDULE -** (see OFFICIAL FEE SCHEDULE)

**FILL:** Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface. Shall also include the conditions resulting therefrom. Also the difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade, or the material used to make a fill.

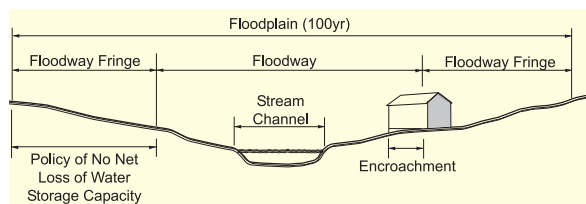
**FINAL APPROVAL:** The official action of the Plan Commission taken on a preliminarily approved major subdivision or site plan, after all conditions, engineering plans, and other requirements have been completed or fulfilled and the required improvements have been installed, or guarantees properly posted for their completion, or approval conditioned upon the posting of such guarantee (generally referred to as secondary approval)."

**FIRM:** Flood Insurance Risk Map

**FIXTURE, LIGHT:** The assembly that holds the lamp (bulb) in a lighting system. It includes the elements that provide light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

**FLAG LOT:** A flag lot is a more uncommon real estate design, though it is seen in many neighborhoods nationwide. A flag lot is basically a recessed interior lot, with an extended driveway, that sits above the homes to the left and right.

**FLOOD HAZARD AREAS:** Those flood plains which have not been adequately protected from flooding by the Regulatory Flood by means of dikes, levees, or reservoirs, and are shown on the Floodway Flood Boundary Maps of the Federal Insurance Administration or maps provided to the Commission from the State Natural Resources Commission.



**FLOOD PLAIN:** The area adjoining the river, stream or watercourse which has been or may hereafter be covered by flood water from the Regulatory Flood. The floodplain includes both the floodway and the fringe districts.

**FLOOD PROTECTION GRADE:** The elevation of the lowest point around the perimeter of a building at which flood waters may enter the interior of the building.

**FENCE, BARBED-WIRE/RAZOR-WIRE:** One or more strands of

FLOODWAY - SEE "REGULATORY FLOODWAY"

FLOODWAY FRINGE: Those portions of the Flood Hazard Areas lying outside the floodway, shown on the floodway Flood Boundary Maps of the Federal Insurance Administration.

FLOOR AREA: The horizontal area of all floors of buildings or structures measured from the exterior face of exterior walls or from the center line of a wall separating two (2) buildings. The gross floor area shall not include interior parking spaces, loading space for motor vehicles or any space where the floor to ceiling height is less than six (6) feet..

FLOOR AREA RATIO: The total floor area of all stories of all buildings or structures on a lot, divided by the total land area of such lot.

FOOT CANDLE: A measure of illumination on a surface that is everywhere (1) one foot from a uniform point source of light of (1) one candle and equal to (1) one lumen per square foot.

FOOTPRINT - SEE "BUILDING FOOTPRINT"

FOUNDATION : The supporting member of a wall or structure.

FOUNDATION, PERMANENT: A structural system, constructed of masonry or poured concrete, for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

FRONT LINE : With respect to a building, the foundation line that is nearest the front lot line.

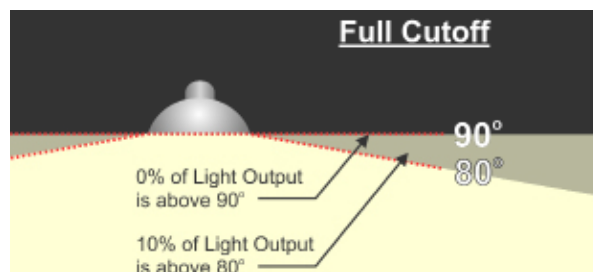
FRONT LOT LINE: See "LOT LINE, FRONT"

FRONT YARD: See "YARD FRONT"

FRONTAGE ROAD: A road which parallels a major arterial or collector street, providing access from abutting property and separated from the thoroughfare by a common dividing strip.

FULLY SHIELDED: A fixture constructed, installed, and/or mounted so that a line of sight to the bulb is obstructed by an opaque material when viewed At ground level or above from all adjoining residential and public right-of-way property lines and from twenty (20) feet inside all other adjoining property lines.

FULL CUTOFF: A light fixture which prevents distribution of light above a horizontal line through the lowest point of the bulb



or lens, diffuser, reflective passing enclosure, or other parts intended to distribute light

## G

GLARE: The reflection of harsh, bright light producing an effect that causes annoyance, discomfort, or loss of visual performance and visibility.

GRADE: The surface slope of the ground, street, or other public way, specified in percentage (%) terms.

GRADE, ADJACENT: The average of grade immediately adjacent to the structure in question.

GRADE, EXISTING: The vertical elevation of the ground prior to any excavation, filling, or other construction activity.

GRADE, FINISHED: The finished ground level adjoining the building at all external walls after man-made alterations have been completed.

GRADING: Any stripping, cutting, filling, stockpiling or any combination thereof; also the land in its cut or filled condition.

GRAIN BIN: A vertical storage structure equipped with mechanical lifting devices of any height or diameter used for the storage of grain.

GRAIN BIN LEGS: A grain conveyor system utilized for the transfer of grain.

GRANDFATHERED: A description of the a status of certain properties, uses, activities, and conditions that were legally existing prior to the effective date of this Ordinance.

GREENWAY : A linear park, alternative transportation route, or open space conservation area.

GROUND COVER: Low-growing living plant materials that in time forms a dense mat covering the area, preventing both soil from being blown or washed away and the growth of unwanted plants.

GROUND FLOOR AREA – SEE "BUILDING AREA"

GROUP HOME: A residential facility licensed by the State of Indiana which provides room and board, and personal care and supervision for not more than eight (8) persons with developmental or mental disabilities, as defined and regulated under I.C. 12-28-4.

GUTTER: A shallow channel usually set along a curb or the pavement edge of a road for purposes of catching and carrying off runoff water.



## H

**HARDSHIP:** A difficulty stemming from the application of this Ordinance, which may or may not be subject to relief by means of variance. The exceptional hardship that would result from a failure to grant the requested variance. The Board of Zoning Appeals requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

**HAZARDOUS WASTE:** Any refuse, solid waste or combination of solid wastes that, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may:

1. Cause or significantly contribute to an increase in mortality or increase in serious irreversible, or incapacitating reversible illness; or
2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**HAZARDOUS MATERIAL:** Any substances or materials that by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such material or substance.

**HEALTH DEPARTMENT AND PULASKI COUNTY HEALTH OFFICER:** The agency and that person designated by Pulaski County to administer the health regulations within the County's jurisdiction.

**HEIGHT OF BUILDING (Commercial/Agricultural and Residential):** The vertical distance measured from the highest ground level at the foundation to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

**HISTORIC DISTRICT :** An area related by historical events or themes, by visual continuity or character, or by some other special feature that helps give it a unique historical identity, which may be designated as such by local, state, or federal government.

**HISTORIC STRUCTURE:** Any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

**HISTORIC SITE :** A structure or place of historical significance, which may be designated as such by local, state, or federal government.

## I

**ILLUMINATION, EXTERNAL:** Illumination of a sign that is affected by an artificial source of light not contained within the sign itself.

**IMPERVIOUS SURFACE:** A hard-surfaced, man-made area that is highly resistant to infiltration by water, such as concrete, cement, asphalt, brick, paving block, rooftops, etc.

**IMPROVEMENT:** Any man-made building, structure, bridge, work of art, area, parking facility, public facility, fence, gate, wall, landscaping, or other immovable item which becomes part of, is placed upon, or is affixed to, real estate; facilities which aid in land development.

**IMPROVEMENT LOCATION PERMIT (ILP):** A permit signed by the Administrator stating that a proposed improvement of the land or change in the use or occupancy of a property complies with the provisions of this Ordinance and such other ordinances as may be applicable.

**INCINERATOR:** A device, structure, or facility designed to reduce waste volume by combustion, consisting of refuse handling and storage facilities, furnaces, combustion chambers, subsidence chambers, residue handling and removal facilities, and chimneys.

**INDIANA CODE:** The Current Indiana Code maybe referenced online. Usually abbreviated as I.C. herein.

**INDUSTRIAL DISTRICT :** Refers to the L-I or H-I Districts.

**INFILL DEVELOPMENT:** The development of new housing or other principally permitted buildings on scattered development sites in a developed or built-up area.

**INFRASTRUCTURE:** Facilities and services needed to sustain industry, residential, commercial, and all other land use activities, including utilities and streets.

**INTERESTED PARTIES:** Those parties who are the owners of property, to whom notice must be given for a particular proceeding

**INTERIOR LOT - SEE "LOT, INTERIOR"**

**ISLAND:** With respect to street design, a raised area, usually curbed, placed to guide traffic and separate lanes, or uses for landscaping, signing, or lighting

## J

**JUNK:** As defined by IC 8-23-1-26, as amended; Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles or automobile parts, iron, steel, and other old scrap ferrous or nonferrous material.

**JUNK YARD / SALVAGE YARD (or Automotive Recycling Facility):** A structure or place, as defined by IC 8-23-1-27, as amended; usually outdoors, where waste or discarded used property other than putrefying matter is accumulated or stored and is or may be salvaged for re-use or resale, including, but not limited to, one (1) or more unlicensed or inoperable motor vehicle or farm machinery or equipment of any kind.

**JURISDICTION:** The territory under the regulatory control of the Pulaski County Plan Commission as described on the map entitled Jurisdictional Area of Pulaski County, Indiana.

## L

**LANDSCAPING:** The improvement of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flowerbeds, berms, fountains and other similar natural and manmade objects designed and arranged to produce an aesthetically pleasing effect.

**LANDSCAPING BUFFER:** (See BUFFER, LANDSCAPING)

**LEASE:** To rent, to permit the possession of, or to grant the right of possession or use of a lot, parcel, tract, land or group of lots, parcels, tracts, or lands for compensation.

**LEGAL DRAIN:** Any drainage system consisting of an open drain, a tiled drain, or any combination of the two, and is under the jurisdiction of the County drainage board as provided by I.C. 36-9-27.

**LOADING AND UNLOADING BERTHS:** The off-street area required for the receipt or distribution by vehicles of material or merchandise, which in this Ordinance is held to be, at minimum, a twelve (12) foot by thirty (30) foot loading space with a fourteen (14) foot height clearance, paved with a hard surface.

**LOCAL STREET - SEE "STREET, LOCAL"**

**LOT:** A parcel of land occupied or to be occupied by one (1) principal building and one principal use and its accessory buildings including the open spaces to meet minimum requirements under this Ordinance. A lot may be land so recorded on official records or it may include parts or a combination of such lots when adjacent to one another, provided such ground is used for only one (1) principal use, or may be a parcel of land described by metes and bounds. Such lot shall have frontage on

an improved public street, or on a private street which meets County standards.

**LOT AREA:** The horizontal area within the exterior lines of a lot, including any easements, but excluding any rights-of-way or other similar dedications to the public.

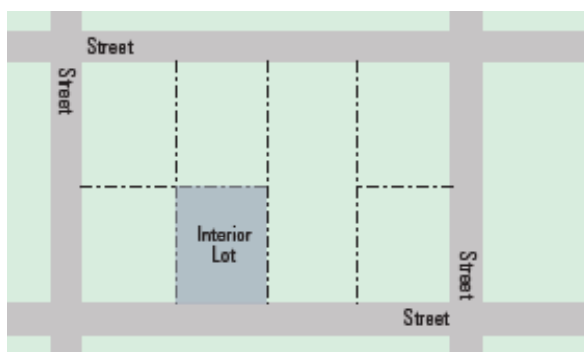
**LOT, CORNER:** A lot situated at the intersection of two streets which fronts a street on two (2) or more sides, with an interior angle of such intersection not exceeding 135 degrees.

**LOT COVERAGE (all impervious surfaces) MAXIMUM:** The area of a lot occupied by the principal building and any accessory buildings, parking areas, driveways, walkways, and other paved or impervious surface expressed as a percentage of the total horizontally projected area of the lot.

**LOT DEPTH:** The mean horizontal distance measured between the front and rear lot lines (see illustration at Lot Width).

**LOT IMPROVEMENT:** Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.

**LOT, INTERIOR:** A lot other than a corner lot or through lot.



**LOT FRONTAGE:** The frontage of a lot shall be construed to be the portion adjacent to street right-of-way. For the purpose of determining setback and other lot requirements on corner lots and through lots, all sides of a lot adjacent to street right-of-way shall be considered frontage.

**LOT, IRREGULAR:** A lot that is characterized by elongations, angles, shapes, and/or configuration that is inconsistent with the topography, street systems, other lots, and other features of the area in which it is located.

**LOT LINE:** The property lines defining the legal boundary of a lot.

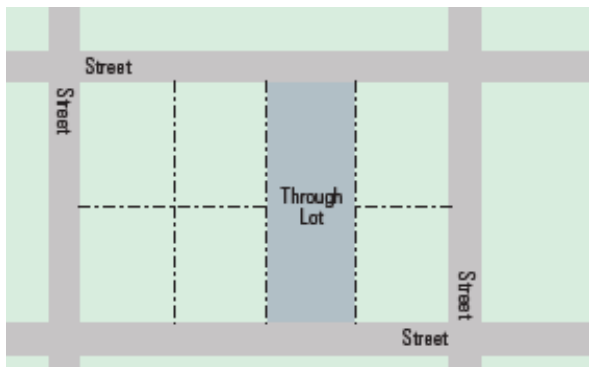
**LOT LINE, FRONT:** The line separating a lot from the adjacent street right-of-way on which the lot fronts. For a corner lot, the line marking the boundary between the lot and each of the abutting street rights-of-way.

**LOT LINE, REAR :** A lot line which is opposite and most distant

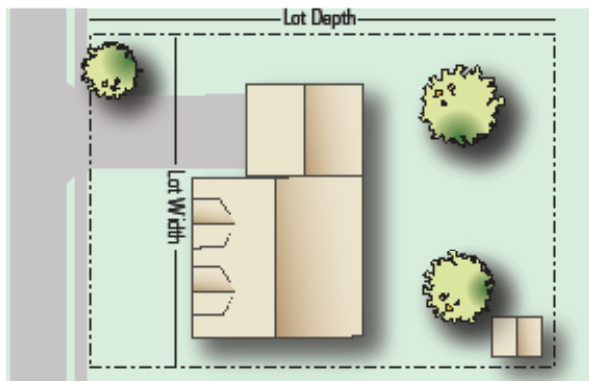
from the front lot line, and in case of an irregular or triangular-shaped lot, a line ten (10) feet in length within the lot, parallel to and at a maximum distance from the front lot line.

**LOT LINE, SIDE:** Any lot boundary line not a front lot line or a rear lot line.

**LOT, THROUGH:** A lot fronting on two (2) parallel or approximately parallel streets and includes lots fronting on both a street and a watercourse or lake.



**LOT WIDTH:** The distance between the side lot lines as measured on the building line measured at right angles to its depth along a straight line parallel to the front lot line at the front setback line. Lot width on cul-de-sac lots and other lots with curving frontages is measured as a line parallel to the frontage and at the front setback line.



**LUMINAIRE:** A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

## M

**MAIN:** In any system of continuous piping, the principal artery of the system to which branches may be connected.

**MAINTENANCE GUARANTEE:** Any security which may be required and accepted by a governmental agency to ensure that necessary improvements will function as required for a specific period of time.

**MANEUVERING SPACE:** An open space in a parking area which:

- A. is immediately adjacent to a parking space;
- B. is used for and/or is necessary for turning, backing or driving forward a motor vehicle into such parking space, but;
- C. is not used for the parking or storage of motor vehicles.

**MAP:** A representation of a part or the whole of the earth's surface, in signs and symbols, on a plane surface, at an established scale, with a method of orientation indicated.

**MARKER (SURVEY):** A stake, pipe, rod, nail, or any other object which is not intended to be a permanent point for record purposes.

**MARQUEE:** Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

**MASONRY:** Construction material that consists of brick, stone, tile, rock, granite, marble, or other built-up panels of these materials, or molded concrete that is held together with mortar, as long as the molded concrete does not make up a continuous wall section.

**MAST:** The vertical pole portion to which the antenna, transmitter, or other type of installation is attached.

**MASTER PLAN - SEE "PLAN, COMPREHENSIVE"**

**MAXIMUM BUILDING HEIGHT:** see "Height, Building Maximum"

**MAXIMUM LOT COVERAGE (all impervious surfaces):** see "Lot Coverage (all impervious surfaces), Maximum"

**MEDIAN:** That portion of a divided highway separating lanes of traffic proceeding in opposite directions.

**METES AND BOUNDS:** A description of land prepared by a state-registered land surveyor providing measured distances and courses from known or established points on the surface of the earth.

**METEOROLOGICAL TOWER:** A tower that hosts weather instrumentation to evaluate meteorological conditions.

**MINOR SUBDIVISION:** see "Subdivision, Minor"

**MIXED-USE DEVELOPMENT:** An area, parcel of land, or structure developed in a compact urban form for two (2) or more different, principal land uses, at least two (2) of which must be from separate use categories such as but not limited to residential, office, retail, service, public, light manufacturing, or entertainment, and planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

**MIXED USE STRUCTURE:** A building or structure which includes two (2) or more principal, compatible uses, at least two (2) of which must be from separate use categories such as but not limited to residential (not allowed on the ground floor), office, retail, service, public, light manufacturing, or entertainment, and planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

**MODIFICATION:** A specific change or lessening of the regulations established by this ordinance That may be granted by the plan commission for a specific development in response to (1) unique Site characteristics or development patterns that Justify relief from the otherwise generally applicable Regulations, or (2) an alternative development Proposal deemed by the plan commission To meet the intent and spirit of this ordinance and Representing a creative and desirable application of different standards.

**MONUMENT:** A physical structure, which marks the location of a corner or other survey point

## N

**NONCONFORMING LOT:** A lot that does not conform to the regulations of the zoning district in which it is located.

**NONCONFORMING STRUCTURE:** A building or other structure that does not conform to the regulations of the zoning

**NONCONFORMING USE:** A use of land that does not conform to the regulations of the zoning district in which it is located.

**NONRESIDENTIAL SUBDIVISION:** A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of this Ordinance.

**NUISANCE:** The use of land or behavior that brings harm or substantial annoyance to adjacent property owners or the public in general.

## O

**OFFICIAL FEE SCHEDULE:** Schedule of fees established by Pulaski County Commissioners and maintained in the Pulaski County Auditor's office, which specifies all current permit fees, rates, penalties, etc.

**OFFICIAL MAP:** The map(s) established by the County Commissioners pursuant to law showing the existing and proposed streets, highways, parks, drainage systems and set back lines theretofore laid out, adopted and established by law, and any amendments or additions thereto adopted by the County Commissioners or additions thereto resulting from the approval of subdivision plats by the Commission and the subsequent filing of such approved plats.

**OFF-SITE:** Located outside the lot lines of the lot in question but within the property (of which the lot is a part) that is the subject of a development application, or in a contiguous portion of a street or right-of-way.

**OFF-SITE IMPROVEMENTS :**Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval, upon which is located improvements required by or related to the property to be subdivided.

**OFF-STREET PARKING SPACE - SEE "PARKING SPACE, OFF-STREET"**

**ON-SITE:** Located on the lot in question.

**ON-STREET PARKING SPACE - SEE "PARKING SPACE, ON-STREET"**

**ON-TRACT:** Located on the property that is the subject of a development application or on a contiguous portion of a street right-of-way.

**OPEN SPACE:** An area of land not covered by buildings, parking structures, or accessory uses except for recreational structures. Open space may include nature areas; streams and flood plains; meadows or open fields containing baseball, football, and soccer fields; golf courses, swimming pools, bicycle paths, etc. Open Space does not include street rights-of-way, platted lot area, private yard, patio areas, retention ponds, or land scheduled for future development.

**OPEN SPACE, COMMON:** Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development. It may include complementary structures and improvements.

**OPEN SPACE, PUBLIC:** An open space area conveyed or otherwise dedicated to a municipality, municipal agency, board of education, state or county agency, or other public body for recreational or conservation uses.

**ORDINANCE:** Any legislative action, however denominated, of the County Commissioners which has the force of law, including any amendment or repeal of any Ordinance.

OUTDOOR ADVERTISING - SEE "SIGN, OUTDOOR ADVERTISING"

OUTDOOR CAFE: Any portion of food establishment or eating or drinking place located on a public sidewalk or public open space that provides waiter or waitress service and is unenclosed

OUTDOOR STORAGE - SEE "STORAGE, OUTDOOR"

OWNER: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in property land, or their legal representative.

## P

PARCEL: A piece of land having a legal description formally set forth in a conveyance together with a description of its location, shape, and size, in order to make possible its easy identification.

PARKING, OFF-STREET: A parking space provided in a parking lot, parking structure, or private driveway.

PARKING, ON-STREET: A parking space that is located on a dedicated street right-of-way.

PARKING AREA, PUBLIC: An open area, other than a street or alley, designed for use or used for the temporary parking of more than four motor vehicles when available for public use, whether free or for compensation or as an accommodation for clients or customers, and paved with a hard surface.

PARKING LANE: A lane generally located on the sides of streets, designed to provide on-street parking for vehicular traffic.

PARKING SPACE, AUTOMOBILE: Space within a public or private parking area for the storage of one (1) passenger automobile or commercial vehicle under a one and one-half (1 ½) ton capacity.

PAVEMENT: An asphalt, concrete, cement, or brick surface.

PERIMETER STREET: Any existing street to which the parcel of land to be subdivided abuts on only one side.

PERFORMANCE BOND: An amount of money or other negotiable security paid by the subdivider or the subdivider's surety to the County which guarantees that the subdivider will perform all actions required by the County regarding an approved plat, and provides that if the subdivider defaults and fails to comply with the provisions of an approved plat, the subdivider or the subdivider's surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approved plat.

PERMANENT FOUNDATION: A structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

PERMANENT PERIMETER ENCLOSURE: A permanent perimeter structural system completely enclosing the space between the floor joists of the home and the ground, except for the necessary openings, constructed in accordance with the Pulaski County Building Code.

PERSON: A corporation, firm, partnership, association, organization, unit of government, or any other group that acts as a unit, as well as a natural person.

PERSONAL WIRELESS FACILITIES: The transmitters, antenna structures, and other type of installations used for the provision of personal wireless services.

PERSONAL WIRELESS SERVICES: Licensed commercial wireless communication services including cellular telephones, personal communication services (PCS), enhanced specialized mobilized radio (EMR), paging and similar services.

PERVIOUS SURFACE: A surface that permits full or partial absorption of stormwater, such as grass and other vegetation, soil, water bodies, approved open-center paving block, etc. Decks made of wood and other materials shall be considered pervious if not built over an impervious slab or foundation and if slats are spaced a minimum of 1/8-inch apart.

PLAN: (see PLAN, COMPREHENSIVE)

PLAN, CAPITAL IMPROVEMENT: A proposed schedule of future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. Major projects requiring the expenditure of public funds, over and above the annual local government's operating expenses, for the purchase, construction, or replacement of the capital improvements for the community are included.

PLAN COMMISSION / COMMISSION: The Advisory Plan Commission of the County of Pulaski County as established in accordance with Indiana law, often referred to herein simply as the Commission.

PLAN, COMPREHENSIVE: A long-range plan intended to guide the growth and development of the community; including physical, social, and economic analysis, recommendations, proposals, plans, and policies in graphic statement forms for the development of the jurisdiction and adopted by the Commission pursuant to the I.C. 36-7-4-500 series and including any part and/or policies separately adopted and any amendment to such plan or parts thereof.

PLAN, CONCEPTUAL: A preliminary presentation and attendant documentation of a proposed subdivision or site plat showing the specific location and design of improvements to be installed for the subdivision or site in accordance with the requirements of this Plan as a condition of the approval of the plat.

PLAN, CONSTRUCTION - SEE "PLAN, CONCEPTUAL"

PLAN, GENERAL DEVELOPMENT: A plan outlining general, rather



than detailed, development intentions. It describes the basic parameters of a major development proposal, rather than giving full engineering details. As such, it allows general intentions to be proposed and discussed without the extensive costs involved in submitting a detailed proposal.

**PLAN, THOROUGHFARE:** A plan which includes a street plan, sets forth the location, alignment, dimensions, identification, and classification of existing and proposed streets, and other thoroughfares.

**PLANNED UNIT DEVELOPMENT (PUD):** A means of land regulation which permits large scale, unified land development in a configuration and possibly a mix of uses not otherwise permitted "as of right" under the County Zoning Ordinance but requiring under that Ordinance a special review and approval process.

**PLAT:** A map or chart that shows a division of land and is intended to be filed for record. A map indicating the subdivision or re-subdivision of land filed or intended to be filed for record with the County Recorder.

**PLAT, PRIMARY:** The primary plat, pursuant to I.C. 36-7-4-700 series, is the plat and plans upon which the approval of a proposed subdivision are based. The primary plat and plans shall be subject to public notice and public hearing according to law and according to Plan Commission rules. (Under former State statutes, the primary plat was referred to as a "preliminary" plat.)

**PLAT, SECONDARY:** The secondary plat, pursuant to I.C. 36-7-4-700 series, is the final plat document in recordable form. A secondary plat shall substantially conform with the preceding primary plat, or section thereof. The secondary plat and plans are not subject to public notices and public hearings. Secondary plat approval is an administrative function to be carried out in the manner prescribed by the written rules of the Plan Commission, either in public meeting or by the Administrator. (Under former state statutes, the secondary plat was referred to as the "Final" Plat.)

**PORCH:** A roofed-over structure projecting out from the wall or walls of a main structure and commonly open to the weather in part.

**PRACTICAL DIFFICULTY:** A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance.

**PRIMARY PLAT - SEE "PLAT, PRIMARY"**

**PRINCIPAL BUILDING/STRUCTURE:** The building or structure in which the principal use of the lot or premises is located or conducted, with respect to residential uses, the principal building or structure shall be the main dwelling.

**PRINCIPAL USE:** The main use of land or buildings as distinguished from an accessory use. A principal use may be either a permitted use or a special exception.

**PRIVATE STREET - SEE "STREET, PRIVATE"**

**PUBLIC IMPROVEMENT:** Any drainage ditch, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off street parking area, lot improvement, or other facility for which the County Commissioners, or applicable Town Council may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which responsibility is established. All such improvements shall be properly bonded.

**PUBLIC OPEN SPACE - SEE "OPEN SPACE, PUBLIC"**

**PUBLIC PARKING AREA - SEE "PARKING AREA, PUBLIC"**

**PUBLIC STREET - SEE "STREET, PUBLIC"**

**PUBLIC UTILITY:** Any person, firm, or corporation duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, fiber optics, transportation, water, storm water, or sewerage systems.

**PUD - SEE "PLANNED UNIT DEVELOPMENT"**

**PULASKI COUNTY BUILDING CODE - SEE "BUILDING CODE"**

## R

**RECREATIONAL ZONING DISTRICT:** Refers to the R-D District

**RESIDENTIAL DISTRICT:** Refers to the R-R District, along with R-1 through -4.

**REGISTERED LAND SURVEYOR:** A land surveyor properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

**REGISTERED PROFESSIONAL ENGINEER:** An engineer properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

**REGULATORY FLOOD:** That flood having a peak discharge which can be equaled or exceeded on the average of once in a one hundred year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Department of Natural Resources; this flood is equivalent to a flood having a probability of occurrence of one percent in any given year.

**REGULATORY FLOOD ELEVATION:** The maximum elevation reached by the Regulatory Flood at the locations in question relevant to approval of a given subdivision under construction.

**REGULATORY FLOODWAY:** The channel of a river or stream and those portions of the Flood Plains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flow of the Regulatory Flood of any river or stream shown on the Floodway Flood Boundary Maps of the Federal Insurance Administration.

**RESIDENTIAL DISTRICT:** Refers to an R-1, R-2, R-3, or R-4 District.

**RE-SUBDIVISION:** A change in a recorded subdivision plat if such change affects any street layout or area reserved thereon for public use or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

**RETAINING WALL:** A structure erected between lands of different elevation to protect structures and/or to prevent the washing down or erosion of earth from the upper slope level.

**RETENTION BASIN:** A pond, pool, or basin used for the permanent storage of water runoff.

**RIGHT-OF-WAY:** A strip of land occupied or intended to be occupied by transportation facilities including railroads and crosswalks, public utilities, or other special public uses. Rights-of-way intended for any use involving maintenance by a public agency shall be dedicated to the public use by the maker of the plat on which such right-of-way is established.

## S

**SALE, GARAGE/YARD:** A sale of household goods, furniture, equipment, utensils, appliances, tools, personal clothing or effects, novelty items, glassware, farm products, or similar personal property, including, but not limited to any sale commonly termed "PORCH SALE," "YARD SALE," "LAWN SALE," "GROUP FAMILY SALE," "RUMMAGE SALE," "WHITE ELEPHANT SALE," or "ATTIC SALE."

**SALE OR LEASE:** Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession, or other written instrument.

**SALE, ROADSIDE:** Sale of goods by one or more vendors over the age of eighteen (18), having transported such goods or services by car, truck, bicycle, trailer, or cart to a temporary roadside location and conducted only by owners of the property and not lessee's or others.

**SALE, SIDEWALK:** Sale of goods or services by one or more vendors on a sidewalk or public open space immediately outside of the commercial establishment in which such goods or services are typically sold.

**SAME OWNERSHIP:** Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, or associate, or a member of his family owns an interest

in each corporation, firm, partnership, entity, or unincorporated association.

**SATELLITE DISH:** An apparatus capable of receiving audio/visual broadcasts from a transmitter relay located in a planetary orbit.

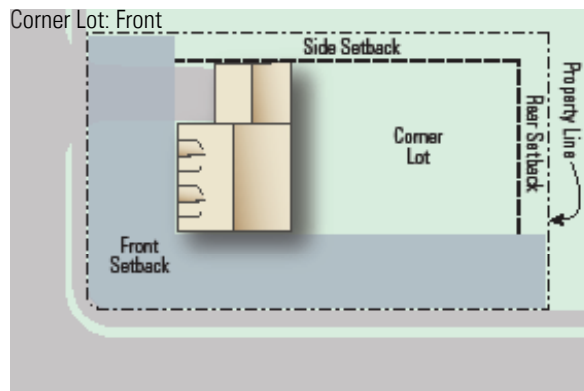
**DIGITAL DISH SYSTEM:** A small dish of approximately one (1) to two (2) feet (.3-.6m) in diameter installed on or adjacent to a building for the purpose of receiving audio/video signals transmitted by a private telecommunications company.

**SEARCH AREA:** A telecommunications company's service area.

**SECONDARY PLAT -** (see PLAT, SECONDARY)

**SECONDARY APPROVAL:** The stage of application for formal approval of a final plat of a subdivision which, if approved and signed by the designated officials, may be submitted to the County Recorder for filing.

**SETBACK:** A line parallel to and equidistant from the relevant lot line (front, back, side) between which no buildings or structures may be erected as prescribed in the Zoning Ordinance.

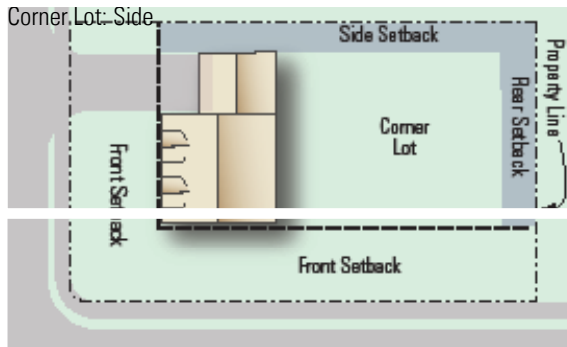


**SEXUALLY ORIENTED BUSINESS - ADULT BOOKSTORE:** An establishment having as a majority of its stock in trade or its dollar volume in trade, books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records, or other forms of electronic conveyance or visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or sexual anatomical areas.

**SEXUALLY ORIENTED BUSINESS - ADULT ENTERTAINMENT BUSINESS:** An, adult motion picture theater, adult cabaret, or adult live entertainment arcade, or like uses.

**SHADE TREE:** A tree in a public place, street, special easement, or right of way adjoining a street as provided in this Ordinance.

**SHOULDER:** The graded part of the right-of-way that lies between the edge of the main pavement (main traveled way) and the curb.



**SIDE LOT LINE:** A lot boundary line other than a front or rear lot line.

**SIDEWALK:** That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

**SIDE YARD:** (see YARD, SIDE)

**SIGHT TRIANGLE:** A triangular-shaped portion of land established at street intersections with a vision clearance area in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. Illustrated in Section 5.5.

**SIGN:** A name, identification, description, display, or illustration which is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business.

**SIGN, ELECTRONIC VARIABLE MESSAGE SIGNS (EVMS):** A sign, or component of a sign, such as an electrically or electronically controlled message center, where the characters, letters, or illustrations can be changed or rearranged either in the field, or

from a remote location, without physically altering the face or the surface of the Sign.

**SIGN, TEMPORARY:** An device not fixed to a permanent foundation for a non-permanent amount of time.

**SKETCH PLAN:** An informal, informational drawing, as described in this Ordinance, preparatory to the drawing of the preliminary plat to enable the developer or subdivider to save time and expense in reaching a general agreement with the Commission as to the form of the plat and conformance to the objectives of this Ordinance.

**SOIL SURVEY:** The National Cooperative Soil Survey prepared by the U.S. Department of Agriculture, Soil Conservation Service in cooperation with Purdue University.

**SPECIAL EXCEPTION:** The authorization of a use that is designated as such by this ordinance as being permitted in

the district concerned if it meets special conditions, and upon application, and is specifically authorized by the Board of Zoning Appeals by this Ordinance.

**SPECIAL LANDSCAPING:** Areas of tree planting, shrubs, or other landscape features serving a public purpose and maintained by the County. (See also Buffer Landscaping and Screening.)

**STATE LAW:** Such legislative acts of the State of Indiana as they affect this Ordinance.

**STATE PLANE COORDINATES SYSTEM:** A system of plane coordinates, based on the Transverse Mercator Projection for the Western Zone of Indiana, established by the United States Coast and Geodetic Survey for the State of Indiana.

**STEALTH ANTENNA :** A camouflaged antenna not readily visible.

**STORAGE, OUTDOOR:** The outdoor accumulation of goods, vehicles, equipment, products, or materials for permanent or temporary holding.

**STORY:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof.

**STREET:** A partially or fully improved public thoroughfare, including a road, highway, drive, lane, avenue, place, boulevard, and any other thoroughfare that affords vehicular access to abutting property.

**STREET, ARTERIAL:** A street which serves the major traffic movements within a community, such as between the central business district and the outlying commercial and residential areas, as well as a majority of the vehicular traffic entering and leaving the county to travel to and from adjacent communities.

**STREET, COLLECTOR:** : A street designed and used to carry moderate volumes of traffic from local streets to arterial streets.

**STREET, CUL-DE-SAC:** A street with a single common ingress and egress and with a turn-around at the end.

**STREET FRONTAGE:** The distance along which a property line of a lot abuts the right-of-way of an adjacent street.

**STREET, INTERSECTING:** Any street that joins another street at an angle, whether or not it crosses the other street.

**STREET INTERSECTION:** The point of crossing or meeting of 2 or more streets.

**STREET, LOCAL:** A street designed to provide vehicular access between individual properties and the collector and arterial street system.



**STREET, NON-RESIDENTIAL:** Any street where the primary land use of the lots which the street provides access to, as well as the lots on either side of the street is not residential.

**STREET ORIENTATION:** The direction of the architectural front façade of a building in relation to the street.

**STREET, PRIVATE:** Any street which is privately owned and maintained that is used to provide vehicular access to more than 1 property or dwelling unit.

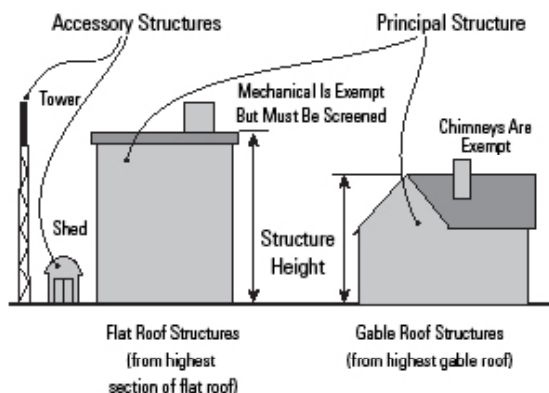
**STREET, PUBLIC:** A street constructed and maintained by a unit of government within an officially deeded and accepted public right-of-way.

**STREET, RESIDENTIAL:** Any street where the primary land use of the lots which the street provides access to, as well as the lots on either side of the street is residential.

**STREET RIGHT OF WAY WIDTH:** The distance between property lines measured at right angles to the centerline of the street.

**STRIP DEVELOPMENT:** Development that generally occurs along main highways and thoroughfares leading into and out of a community. Strip development often includes fast food restaurants, filling stations, used car lots, and shopping centers.

**STRUCTURE:** Any building constructed or erected, which requires location on the ground or attachment to something having a location on the ground.



**STRUCTURE, ACCESSORY:** A building, structure, or use which:

1. Is subordinate to and serves a principal building, structure, or use in area, extent, or purpose; and
2. Contributes to the comfort, convenience, or necessity of occupants of the principal buildings, structures, or principal uses served; and
3. Does not alter or change the character of the premises; and
4. Is located on the same zoning lot as the principal building, structure, or use; and
5. Conforms to the setback, height, bulk, lot coverage, and other requirements of this Ordinance unless otherwise

provided for by this Ordinance; and

6. May not be constructed prior to the time of construction of the principal building or structure; and
7. Is not designed for human occupancy as a dwelling or commercial use.

**STRUCTURE, DETACHED:** A structure with no common wall with another structure.

**STRUCTURE, PRIMARY:** A structure which is conducted the principal use of the lot on which it is located (see illustration above).

**STRUCTURAL ALTERATIONS:** Any change in the supporting members of a building or structure such as bearing walls, partitions, columns, beams or girders, or any substantial change in the footprint or increasing size of living space.

**SUBDIVIDER:** Any person who (a) having a proprietary interest in land, causes it, directly or indirectly, to be divided in to a subdivision; or who to), directly or indirectly sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel, site, unit, or plat in a subdivision; or who to) engages directly, or through an agent, in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision of any interest, lot, parcel site, unit, or plat in a subdivision; and who (d) is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

**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 re-subdivision. Subdivision includes the division or development of land zoned for residential and nonresidential uses, whether by deed, metes and bounds, description, devise, intestacy, lease, map, plat, or other record instrument.

**SUBDIVISION, ADMINISTRATIVE:** Types of subdivisions of land handled by the Administrator and not requiring a public hearing

**SUBDIVISION, MAJOR:** No subdivision which results in the creation of more than four (4) lots from a parent tract, whether at the same time or over the course of time, shall be considered under minor subdivision review, regardless of whether the four lots are created through one subdivision or several subdivisions over time.

**SUBDIVISION, MINOR:** A minor subdivision shall be considered any subdivision which results in the creation of four (4) or fewer lots from a parent tract, whether at the same time or over the course of time.

**SWIMMING POOL:** A self-contained seasonally permanent body of water at least eighteen (18) inches deep and eight (8) feet in diameter or width and used for recreational purposes. It may be above or below ground level, and shall be considered an accessory structure and use.

## T

**TECHNICAL REVIEW COMMITTEE:** A review committee composed of persons with technical knowledge of various county, state and federal regulations and standards regarding development responsible for working with developers or subdividers in reviewing technical aspects of plans and other development projects and making technical findings for the Commission for their consideration in reviewing said plans. The committee shall consist of the Administrator and appropriate checkpoint agencies.

**TELEVISION ANTENNA:** A metal tower located on or adjacent to a residence or other structure, for the purpose of receiving broadcast messages from signal and/or relay towers.

**TEMPORARY BUSINESS:** Any business operating at or within a movable location or structure, or any business operating at a location which lacks permanent infrastructure including full utilities, parking, permanent signage, etc.

**TEMPORARY IMPROVEMENT:** Improvements built and maintained by a developer or subdivider during construction of the subdivision and intended to be replaced by a permanent improvement prior to release of the performance bond, or turn around improvements at the ends of stub streets intended to be replaced when the adjoining area is developed and the through street connection made.

**TEMPORARY SIGN - SEE "SIGN, TEMPORARY"**

**TERRITORIAL JURISDICTION - SEE "JURISDICTION"**

**TOWER:** Any pole, spire, structure, or combination thereof, to which antennas could be attached, or which is designed for any antenna to be attached, and all supporting lines, cables, wires and braces.

**TRADE OR BUSINESS SCHOOL:** A secretarial or business school or college that is not publicly owned, is not owned, conducted, or sponsored by a religious, charitable, or non-profit organization, and is not a school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering, hairdressing, or the industrial or technical arts and like skills.

**TREE, BROADLEAF:** Trees having non-needle like leaves.

**TREE, DECIDUOUS:** Trees and shrubs that shed their leaves annually.

**TREE, EVERGREEN:** Trees and shrubs that do not shed their leaves annually.

**TREE, ORNAMENTAL:** A deciduous tree possessing qualities such as flowers or fruit, attractive foliage, bark or shape, with a mature height generally under 35 feet.

## U

**UNIFORM BUILDING CODE (UBC):** Published by the International Conference of Building Officials and referenced by the State of Indiana to provide jurisdictions with building related standards and regulations.

**UNIFIED DEVELOPMENT ORDINANCE:** A land use ordinance that combines the provisions of ordinarily separate zoning and subdivision ordinances.

**USE:** The purposes of which land, building, or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.

**UTILITY - (see PUBLIC UTILITY)**

## V

**VARIANCE, USE:** The specific approval granted by the Board of Zoning Appeals of a use other than that prescribed by this Ordinance.

**VARIANCE, DEVELOPMENT REGULATIONS/DESIGN STANDARDS:** A specific approval granted by a Board of Zoning Appeals to deviate from the development standards (such as height, bulk, or area) that the Ordinance otherwise prescribes.

**VETERINARY ANIMAL HOSPITAL OR ANIMAL CLINIC:** A place used for the care, diagnosis and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for treatment, observation and/or recuperation. It may also include boarding that is incidental to the principal activity or use.

**VISION CLEARANCE ON CORNER LOTS: (see SIGHT TRIANGLE)**

## W

**WECS:** Means a Wind Energy Convergence System.

**WECS COMMERCIAL:** A WECS that is designed and built to provide electricity to the electric utility's power grid: In general, a commercial WECS will have 100 KW (kilowatt) and above total generating capacity.

**WECS MICRO:** A type of non-commercial WECS which typically has a total generating capacity of 10 kilowatts or less and utilizing supporting towers of sixty (60) feet or less.

**WECS Non-Commercial:** In general, a non-commercial WECS has less than 40 kilowatts in total generating capacity. A Non-Commercial WECS is generally designed and built for localized power consumption.

**WIND FARM:** a wind farm is a collection of wind turbines in the same location and used for the generation of electricity.

**WECS OWNER:** means the entity or entities with an equity interest in the WECS (s), including their respective successors and assigns. Owner does not mean the property owner from whom land is leased for locating the WECS (unless the property owner has an equity interest in the WECS); or any person holding a security interest in the WECS(s) solely to secure an extension of credit, or a person foreclosing on such security interest provided that after foreclosure, such person seeks to sell the WECS(s) within one year of such event.

**WECS Applicant:** Means the entity or person who submits to the County, an application for the siting of any WECS or Substation or thereafter operates or owns a WECS.

**WECS Operator:** Means the entity responsible for the day-to-day operation and maintenance of the WECS, including any third party subcontractors.

## Y

**YARD:** A space on the same lot with a principal building that is open and unobstructed except as otherwise authorized by this ordinance. A space on the same lot with a principal building, such space being open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

**YARD, FRONT:** A yard as defined herein, encompassing the horizontal space between the nearest foundation of a building to the right of-way line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the right of way line. The front yard of a corner lot shall be that yard abutting the street upon which the lot has its least frontage.

**YARD, REAR:** The horizontal space between the nearest foundation of a building to the rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from the nearest foundation to the rear lot line. The rear yard of a corner lot shall be that yard at the opposite end of the lot from the front yard.

**YARD, SIDE:** The horizontal space between the nearest foundation of a building to the side lot line and that side lot line, unoccupied other than by architectural appurtenances projecting not more than twenty-four (24) inches into that space; steps or terraces not higher than the level of the first floor of the building; and open lattice-enclosed fire escapes, fireproof outside stairways and balconies projecting not over twenty-four (24) inches into

that space.

## Z

**ZONE:** An area or areas of the county in which certain land uses are permitted and other uses are prohibited by a zoning ordinance.

**ZONING DISTRICT -** (see DISTRICT)

**ZONING MAP:** The official zoning map of the jurisdictional area of the County of Pulaski County, Indiana, denoting zoning districts.

**ZOO:** A permanent location, building, or structure where more than one exotic animal is kept, indoors and/or outdoors, as an attraction, and where admission is collected.



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