

CHAPTER 10

ZONING, PLANNING AND DEVELOPMENT

ARTICLE 1 THROUGH 24 REPEALED PER Greenwood Common Council Ordinance 20-29, adopted October 5, 2020.

ARTICLE 25. UNIFIED DEVELOPMENT ORDINANCE

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DIVISION I.

INTRODUCTION AND USING THIS ORDINANCE.

Sec. 10-01-01. Title; Effective Date.

This Ordinance shall hereinafter be known and cited as "City of Greenwood Unified Development Ordinance," and hereinafter referred to as the "Ordinance." This Ordinance shall become effective on the date of passage and adoption by the Greenwood Common Council as provided by law.

Sec. 10-01-02. Statutory Authority.

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any provision of this Ordinance refers to or cites a section of the Indiana Code and that section is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

Sec. 10-01-03. Purpose and Intent.

In adopting this Ordinance, the Council has given reasonable consideration to, among other things: the Comprehensive Plan; current conditions and the character of current structures and uses in each district and zone; the most desirable use for which the land in each district and zone is adapted; the conservation of property values throughout the City; and, responsible development and growth of the City, and hereby adopts this Ordinance for the purpose of:

- A. securing adequate light, air, convenience of access, and safety from fire, flood, and other danger;
- B. lessening or avoiding congestion in public ways;
- C. promoting the public health, safety, comfort, morals, convenience, and general welfare;
- D. guiding the future development of the City;
- E. ensuring that growth be commensurate with and promotive of the efficient and economical use of public funds; and
- F. otherwise accomplishing the purposes of Indiana Code § 36-7-4 et seq.

Sec. 10-01-04. Findings for Adoption of this Ordinance.

The Council, in adopting this Ordinance, finds that the Ordinance has paid reasonable regard to:

- A. the general policies and patterns of development set out in the Comprehensive Plan for the City;
- B. current conditions and the character of current structures and uses in each district and zone;
- C. the most desirable use for which the land in each district and zone is adapted;
- D. the conservation of property values throughout the City; and,

- E. the responsible development and growth of the City.

Sec. 10-01-05. Applicability.

- A. All ordinances or parts thereof in conflict with this Ordinance or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.
- B. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or altered except in conformity with all of the regulations herein specified for the district or zone in which it is located.
- C. In those instances where buildings and structures exist on a lot or parcel that is subsequently rezoned to another district or zone (zone map amendment), those buildings and structures shall be exempt from seeking variances from the required development standards of that district or zone. All existing structures at the time of the rezoning shall be deemed to be legal nonconforming buildings or structures and shall comply with all provisions of this Ordinance from that point forward.
- D. Government projects such as parking lots, garages, rights-of-way, parks and other property wholly owned by a government agency shall not be subject to the provisions of this Ordinance.
- E. The provisions of this Ordinance are not intended to nullify, abolish or repeal any easement, covenant or other private agreement or restriction.

Sec. 10-01-06. Districts and Zones.

The following districts and zones are hereby established for the corporate limits of the City and land within said areas shall be designated on the Official Zone Map by the following symbols:

Districts and Zones	Symbol
Zones	
Residential Large	RL
Residential Medium	RM
Residential - Attached Single-Family	RA
Residential - Multi-Unit Complex	RMC
Residential - Mobile Homes	RMH
Commercial – Small Format	CS
Commercial – Medium Format	CM
Commercial – Large Format	CL
Industrial – Medium Format	IM
Industrial – Large Format	IL
Interstate Commerce	IC
Districts	
Agricultural	AG

Districts and Zones	Symbol
Airport Commerce District	AC
Open Space	OS
Old Town	OT
Old Town Residential	OTR
Airspace Overlay District	AO
Flood Hazard District	FD
Planned Unit Development	PUD

Sec. 10-01-07. Planned Unit Development (PUD).

Planned Unit Developments are intended to promote the development of unique products across residential, commercial, and industrial uses. PUDs are not to be utilized to circumvent the standards of this Ordinance.

PUD ordinances shall meet the following minimum requirements:

- A. Minimum area
 - 1. Residential: 15 acres
 - 2. Commercial and Mixed Use: 20 acres
 - 3. Industrial: 30 acres

Division III, Section 10-03-05 through Sec. 10-03-07, and Sec. 10-03-13 of this Division may not be reduced through the PUD process.

All PUDs existing at the adoption of this Division shall be maintained until otherwise rezoned. These PUDs may continue to function under the established PUD Ordinance previously adopted and specific to that development. Any project within the same geographic boundaries of the existing PUD may be redeveloped under the same provisions that were previously adopted. A property owner, at the approval of the Planning Director, may instead select to designate the existing PUD into applicable districts or zones that most closely relate to the existing uses and building form.

Sec. 10-01-08. Official Zoning Map.

- A. The City is divided into district and zones as shown on the official zoning map which, together with all explanatory matter thereon, is adopted by reference and declared to be a part of this Chapter, as amended.
- B. The new official zoning map shall be identified by the signature of the Plan Commission President and attested by the Planning Director under the following words: "This is to certify that this is the Official Zoning Map of the City of Greenwood, adopted on October 5, 2020, and hereby supersedes and replaces any and all previous zoning maps. Plan Commission President, Planning Director."
- C. The Official Zoning Map shall be located on the City's official website. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the official zoning map which shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the City.
- D. No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this Ordinance and in Indiana State Code. Any

unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under this Chapter.

- E. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered herein, the Board of Zoning Appeals shall interpret the district or zone boundaries.

Sec. 10-01-09. Replacement of Official Zoning Map.

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Plan Commission may by resolution adopt a new official zoning map which shall supersede the prior official zoning map. Unless the prior official zoning map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map and shall be identified by the signature of the President of the Plan Commission and Attested by the Planning Director under the following words: "This is to certify that this is the Official Zoning Map of the City of Greenwood, adopted this October 5, 2020, and hereby supersedes and replaces any and all previous zoning maps. Plan Commission President, Planning Director."

Sec. 10-01-10. Rules for Interpreting District and Zone Boundaries on Official Zoning Map

A. Where uncertainty exists as to the boundaries of districts and zones as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following City limits shall be construed as following such City limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as following shorelines shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
6. Boundaries indicated as parallel to or extensions of features listed above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

B. Where confirmation of zoning is required for due diligence, financing, or permitting purposes, a zoning verification letter may be requested from the city. A "Zoning Verification Letter" (ZVL) is an official document issued by the Planning Division.

1. Zoning Verification Letter serves as an official document that provides essential zoning information to assist in property transactions, development proposals, and compliance with local zoning regulations.

2. Includes current zoning district, existing and proposed uses, and whether the use is permitted by right or is legal non-conforming.
3. Outlines zoning classifications and uses of adjacent properties, confirms if property is part of a Planned Unit Development (PUD) or Overlay District, and indicates status of site plan approvals, variances, and commitments.
4. Addresses any open zoning, building, or fire code violations, and confirms the existence of open building permits and Certificates of Occupancy.
5. The City shall charge a fee for the issuance of a Zoning Verification Letter to cover administrative costs.

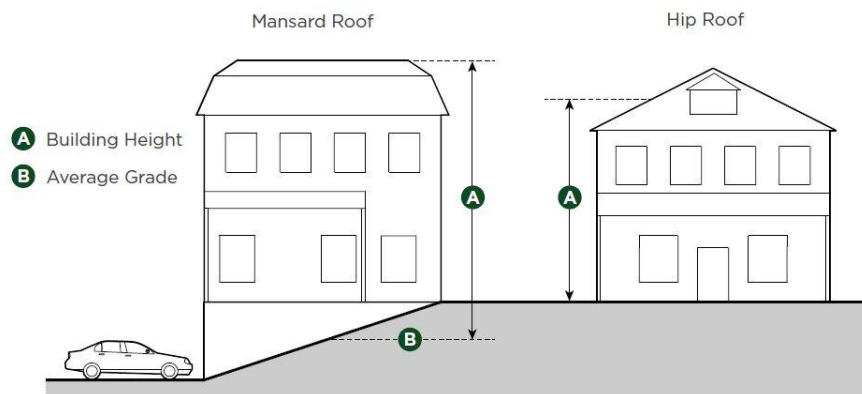
Sec. 10-01-11. Lots Divided by District or Zone Boundaries.

Where a district or zone boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Board of Zoning Appeals may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district or zone line into the remaining portion of the lot.

Sec. 10-01-12. Rules of Measurement and Calculation

A. Height Measurement.

1. In measuring heights, a habitable basement or attic shall be counted as a story. A story in a sloping roof, the area of which story at a height of four (4) feet above the floor does not exceed two-thirds ($2/3$) of the story immediately below it and which does not contain an independent apartment, shall be counted as a half story. Height shall be measured from ground level to the highest point of the building or the mid-point of a sloped or hipped roof. Chimneys, elevators, poles, spires, tanks, towers, and other projections not used for human occupancy are not included in calculating height and may extend above the height limit.



B. Yards, Open Space, and Parking

1. Unless otherwise permitted herein, no part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

C. Lot or Yard Dimensions.

1. No yard or lot existing at the time of passage of this Ordinance, shall be reduced in dimension or area below the minimum or above the maximum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum and shall not exceed the maximum requirements established by this Ordinance.

Sec. 10-01-13. Rules of Interpretation.

- A. In the case of any conflict or inconsistency between two or more provisions of this Ordinance or any other Ordinance of the City, the provision which imposes the greater or higher or more restrictive standard of performance shall control.
- B. All references to other regulations or manuals in this Ordinance refer to the most current version and citation for those regulations or manuals, unless expressly indicated otherwise. When the referenced regulations or documents have been repealed and not replaced by other regulations or manuals, Ordinance requirements for compliance are no longer in effect.
- C. Illustrations, diagrams, and flowcharts are included in this Ordinance to illustrate the intent and requirements of the text. In the case of a conflict between the text and any illustration, diagram, or flowchart, the text controls.
- D. Except as otherwise noted, any fraction greater than or equal to 0.5 will be rounded up to the nearest whole number. Any fraction less than 0.5 will be rounded down to the nearest whole number.
- E. The language of this Ordinance shall be interpreted in accordance with the following regulations:
 1. The word "person" includes the following:
 - a. a firm;
 - b. an association;
 - c. an organization;
 - d. a partnership;
 - e. a trust;
 - f. a limited liability company;
 - g. a corporation;
 - h. other legal entity;
 - i. an individual; or
 - j. any applicant.
 2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular, in each case, if the context so requires.
 3. The word "shall" is mandatory, the word "may" is permissive.
 4. The words "used" or "occupied" include the words "intended", "designed", "constructed", "altered", or "arranged" to be used or occupied.

5. The word "lot" includes the words "plot", "tract", or "parcel".
 6. The terms "standards", "regulations", and "requirements" are used to mandate a specific course of action or built outcome.
 7. Section headings are provided for ease of use and organization and shall not be interpreted as regulatory.
- F. Where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "either ... or", the conjunction shall be interpreted as follows:
1. "And" indicates that all the connected items, conditions, provisions or events shall apply;
 2. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination; and
 3. "Either ... or" indicates that all the connected items, conditions, provisions or events shall apply singly but not in combination.

Sec. 10-01-14. Minimum Requirements.

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, and general welfare. Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, Ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern. Wherever special or unusual conditions or circumstances exist, or wherever there is an apparent safety hazard, the Plan Commission may prescribe additional requirements in order to promote and protect the health, safety, morals and general welfare of the City. The regulations contained in each district or zone herein shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

Sec. 10-01-15. Effect of Annexation on Zoning.

All territory which may hereafter be annexed to the City shall be considered to be in the AG – “Agriculture” zone until or as otherwise classified by the Plan Commission prior to annexation.

Sec. 10-01-16. Determination of Land Uses Not Listed in this Ordinance

Uses herein are listed as “Permitted” or “Special Exceptions.” Those uses not listed are prohibited; provided, however, it is recognized that this Ordinance may require interpretation to assign all possible uses to individual districts or zones. Therefore, any use which is not specifically set forth in this Ordinance shall be reviewed by the Planning Director for consistency with the intent set forth in each district or zone and for compatibility with use characteristics typical of uses permitted within those districts or zones. Based upon this review, the Planning Director shall determine the appropriate district or zone for any use which is not specifically set forth herein. In case of disagreement with the determination of the Planning Director in assigning a use to an appropriate district or zone, any aggrieved party may file an appeal with the Board of Zoning Appeals pursuant to the provisions of Sec. 10-04-04 – Board of Zoning Appeals of this Ordinance.

Sec. 10-01-17. Saving Provision for Pending Enforcement Actions.

Except as shall be expressly provided for in this Ordinance, the adoption of this Ordinance shall not:

- A. nullify or make void any action pending under, or by virtue of, any prior zoning Ordinance or subdivision control ordinance;
- B. discontinue, nullify, void, abate, modify or alter any penalty accruing or about to accrue under, or by virtue of, any prior zoning Ordinance or subdivision control ordinance;
- C. affect the liability of any person, firm, corporation, or other entity under, or by virtue of, any prior zoning ordinance or subdivision control ordinance;
- D. waive any right of the City under any section or provision of any prior zoning ordinance or subdivision control ordinance; or,
- E. vacate or annul any rights obtained by any person, firm, corporation, or other entity, by lawful action of the City under, or by virtue of, any prior zoning ordinance or subdivision control ordinance.

Sec. 10-01-18. Invalidity/Severability.

Should any section or provision of this Ordinance be declared to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Sec. 10-01-19. How to Navigate this Ordinance.

- A. Step One: Locate your property and applicable district or zone on the Official Zoning Map.
- B. Step Two: Locate the applicable district or zone regulations in Division II below.
- C. Step Three: Determine the use, building placement, parking, landscaping and signage regulations in the applicable district or zone in Division II below.
- D. Step Four: Determine if any generally applicable regulations apply in Division III.
- E. Step Five: Determine if any nonconformities exist and how to address them in Division V.
- F. Step Six: Determine if any approvals are necessary and how to apply for them in Division IV.
- G. Step Seven: Determine if any subdivision is necessary and how to address it in Division VI.
- H. Step Eight: Reference the Glossary for use and general terms in Division VII.

Sec. 10-01-20 through Sec. 10-01-50 Reserved for Future Use.

Pages 774 through 824 Reserved for Future Use.

DIVISION II.

DISTRICTS AND ZONES.

Sec. 10-02-01. Intent.

The following zones, districts, and overlays are hereby established for the City. The specific purpose of each zone, district or overlay shall serve as guidance for regulating existing and future development.

Sec. 10-02-02. Compliance with Regulations.

The regulations for each district or zone set forth by this Ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided or as otherwise granted by the applicable review authority set forth herein.

- A. No building or structure shall be permitted to be erected on any lot other than a lot shown on an approved plat.
- B. No building, structure or land shall be used or occupied, and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district or zone in which it is located.
- C. No building or other structure shall be erected or altered:
 - 1. To provide for greater height or bulk;
 - 2. To accommodate or house a greater number of dwelling units or households;
 - 3. To occupy a greater percentage of lot area; or
 - 4. To have narrower or smaller yards or other open spaces than herein required, or in any other manner be contrary to the provisions of this Ordinance.
- D. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum or above the maximum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements and shall not exceed the maximum requirements set forth herein.
- E. Notwithstanding anything to the contrary contained herein, any single lot of record existing before the effective date of this Ordinance shall comply with the yard dimension requirements in effect at the time such lot was platted and/or created.
- F. Applicable setbacks shall be maintained from all lot lines; provided, however, a building or structure may be constructed over an interior lot line without regard for setbacks in cases where two or more lots are under common ownership and subject to a covenant or deed restriction acceptable to the City attorney that prohibits the sale of the lots separate from one another. In such instances, front yard, rear yard, and side yard setbacks from adjacent lots not under common ownership shall be maintained at all times in accordance with the requirements set forth herein.

Sec. 10-02-03. District and Zone Regulations.

- A. The base use regulations and development standards applicable to each district and zone shall be as set forth in this Division. Regulations for mobile home parks shall be those specified in Division III below.
- B. Supplemental regulations applicable to Principally Permitted (PP) uses, Special Exceptions (SE), or Permitted Accessory uses (PA) shall be set forth in Division III “Generally Applicable Standards”. Special Exceptions require the grant of a Special Exception permit by the Board of Zoning Appeals, and the standards for Special Exceptions are set forth in Sec. 10-02-12.

Sec. 10-02-04. Chapter Order and list of Districts and Zones.

Residential Zones

Large Lot (RL)
Medium Lot (RM)
Attached Single-Family (RA)
Multi-Unit Complex (RMC)
Mobile Homes (RMH)

Commercial Zones

Small Format (CS)
Medium Format (CM)
Large Format (CL)

Industrial Zones

Medium Format (IM)
Large Format (IL)

Districts

Open Space (OS)
Agricultural District (AG)
Airport Commercial (AC)
Old Town (OT)
Old Town Residential (OTR)
Interstate Commerce (IC)
Airspace Overlay (AO)
Flood Hazard Overlay
District (FD)

Sec. 10-02-05. Development Regulations.

Development regulations are listed for each respective district or zone. The dimensional standards for the district or zone establish intensity, lot dimensions, and height standards for all development applications. These standards allow for variety in building types while maintaining the overall character of neighborhoods and commercial areas of the City. This approach to regulating development standards promotes development intensities that match existing and proposed infrastructure investments.

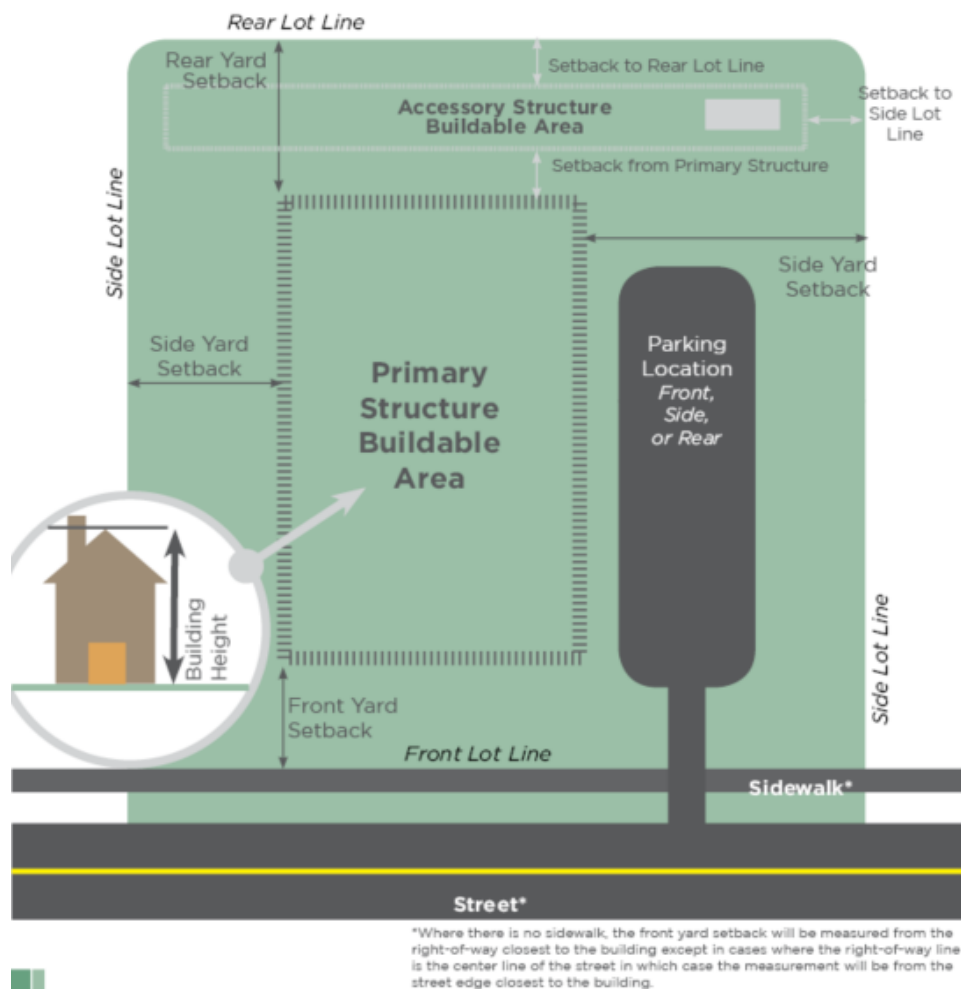
The following page contains a graphic representation of the various development standards found within the development tables for each section.

Sec. 10-02-06. Zoning Map.

The Official Zoning Map is located on file at the Planning Division and on the City’s website (<https://www.greenwood.in.gov/>). The Zoning Map is incorporated into this chapter as a reference only.

Sec. 10-02-07. Diagram of Standards.

The following diagram illustrates the building placement and height standards set forth in each district or zone. This diagram is for informative purposes and is not regulatory.



Sec. 10-02-08. Infill Lot Development.

For development on an infill lot, the applicable setbacks shall be adjusted so that the minimum and maximum setbacks for the new construction shall be within ten percent (10%) of the average setbacks of the buildings on the adjacent lots.

Sec. 10-02-09. Classification of Permitted Uses.

Permitted uses are listed in the use table below. The following symbols are used and have a meaning as assigned below:

- A. "PP" indicates that a use is Principally Permitted in the respective district or zone as a principal use. The use is also subject to all other applicable requirements of this Division.

- B. “SE” indicates a use may be permitted in the respective district or zone only where approved in accordance with the Special Exception standards listed herein, and a Special Exception approval granted by the Plan Commission as outlined in Division VI. Special Exceptions are subject to all other applicable requirements of this Ordinance, including any applicable use standards. In the instance that a use already exists on a property within a district or zone where the use becomes a Special Exception upon adoption of this Ordinance, then said use may continue exempt from the Special Exception approval requirement.
- C. “PA” indicates a use may be permitted as an accessory use to a Principally Permitted use. Permitted Accessory uses are subject to all other applicable requirements of this Division, including any applicable use standards.
- D. A blank cell indicates that a use is not permitted in the respective district or zone. Uses not listed as Principally Permitted uses, Permitted Accessory uses or Special Exceptions are prohibited from the applicable district or zone.

Sec. 10-02-10. Similar Use Determinations.

- A. It is not possible for a list of permitted uses to capture every possible use that could be established. The City will occasionally receive an application for approval of a use that is not expressly listed in the use table. If a particular use is not listed in the use table, the Planning Director will determine if a proposed use is similar to a listed use.
- B. If the Planning Director determines that a proposed use is similar to a listed use, the regulations governing that use apply to the particular use not listed. The Planning Director may consider the following in deciding whether a use is similar:
 - 1. Whether the proposed use is consistent with the Comprehensive Plan, Master Plan, or Area Plan and the purposes of the district or zone.
 - 2. Whether the use has similar impacts on the neighborhood, such as traffic, noise, lighting, or similar considerations.
 - 3. Whether the unlisted use has the same characteristics as a listed use in terms of building and site arrangement, site area or floor space, equipment devoted to the activity, customer type, number of employees in each activity, hours of operation, vehicles used and parking requirements, number of vehicle trips generated, signs, and how the use is advertised.
- C. The Planning Director may record a decision about whether a use is similar to an unlisted use in writing.
- D. If the Planning Director determines that a similar use does not exist, the applicant has the following options:
 - 1. Request a text amendment to establish a specific listing for the use in question under Division IV.. If the Common Council declines to approve a text amendment, the use is not permitted.
 - 2. Request a variance under Division VI. If the variance is approved, the use is treated as a permitted use. If it is denied, the use is prohibited.

3. Appeal the determination to the Board of Zoning Appeals under Division VI.

Sec. 10-02-11. Master List of Uses by Zone and District

The uses found in the table below are applicable by zones and districts; the zones and districts are abbreviated, and the abbreviations are as follows:

Residential Zones

RL = Residential – Large Lot

RM = Residential – Medium Lot

RA = Residential – Attached Single-Family

RMC = Residential – Multi-Unit Complex

RMH = Residential – Mobile Homes

Commercial Zones

CS = Commercial – Small Format

CM = Commercial – Medium Format

CL = Commercial – Large Format

Industrial Zones

IM = Industrial – Medium Format

IL = Industrial – Large Format

Districts

OT = Old Town District

OTR = Old Town Residential

IC = Interstate Commerce District

AC = Airport Commerce District

OS = Open Space District

AG = Agricultural District

USES (PP = Permitted Principal) (SE = Special Exception) (PA = Permitted Accessory)	RL	RM	RA	RMC	RMH	CS	CM	CL	IM	IL	OT	OTR	IC	AC	OS	AG
Agriculture																
Plant Cultivation	PA														PA	PP
Outdoor Processing																PA
Elevator/Feedmill, Fertilizer/Other Services																PA
Confined Feeding Operation																PA
Animal Cultivation	SE														PA	PP
Animal Care Services																
Boarding/Kennel									PP	PP						PA
Animal grooming (without kennel)						PP	PP	PP			PP		PP			PA
Veterinary Clinic						PP	PP	PP			PP		PP			PA
Arts and Entertainment																
Museum						PP	PP	PP			PP				PP	
Motion Picture or Live Theater						PP	PP	PP	PP	PP	PP	PP	PP		PP	PP
Arts Center/Studio/Gallery						PP	PP	PP			PP		PP	PP	PP	
Automotive Retail																
Truck Stop/Travel Plaza										PP						
Vehicular, Gasoline Sales							PP	PP	SE				SE			
Vehicular, Impound										PP						
Vehicular Sales, Automobiles								PP					SE			
Vehicular Sales, Motorcycles								PP	PP				SE			
Vehicular Sales, Recreational Vehicles and Boats							SE		PP				SE			
Automotive Services																
Vehicular Care Services, Major							SE	PA	PP	PP			SE			
Vehicular Care Services, Minor							PP	PA	PP	PP			SE			
Personal Care Services																
Adult Day Care						PP	PP	PP	PA		PP					
Cemetery															PP	
Child Day Care - Center						PP	PP	PP	PA	PA	PP		PP			

Child Day Care - In Home	PA	PA	PA	PA		PA					PA	PA				
Crematorium (stand-alone)						PA	PA	PA	PP	PP					PA	
Funeral Home						PP	PP	PP	PP	PP	PP				PP	
Congregation																
Event Center							PP	PP	PP	PP	PP	PP	PP	PP	PP	PP
Social/Civic Club						PP	PP	PP	PP				PP		PP	
Religious Assembly	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP
Eating and Drinking																
Bar Establishment						PP	PP	PP			PP		PP			
Drive Thru							PP	PP					PP			
Eating/Drinking Establishment						PP	PP	PP			PP		PP	PP		
Medical/Health																
Health and Wellness - Fitness Facility/Gym				PA		PP	PP	PP	PP		PP		PP	PP		
Health and Wellness - Massage or Therapy					PP	PP	PP	PP			PP		PP	PP		
Hospital							PP	PP	PP	PP			PP	PP		
Medical Office						PP	PP	PP			PP		PP	PP		
Studio - Gymnastics/dance/fitness					PP	PP	PP	PP	PP		PP		PP	PP		
Industrial																
Data Center																
Equipment Repair - Heavy									PP	PP						
Equipment Repair - Light									PP	PP				PP		PA
Beverage Production/Distribution									PP	PP						
Food Service – Processing/Production									PP	PP						
Manufacturing - Artisan						PP	PP	PP	PP	PP	PP		PP	PP		
Manufacturing - Heavy									PP	PP						
Manufacturing - Light									PP	PP						
Outdoor Processing - Composting										PP				PP		
Outdoor Processing - Concrete and Asphalt										PP				PP		
Power Generation Facility										PP						
Storage - Outdoor										SE						
Storage - Contractor									PP	PP						
Storage - Commercial Gases									PP	PP						

Warehouse - Large										PP						
Warehouse – Small (under 150,000 square feet)									PP	PP					PP	
Education																
School - Post-Secondary	SE	SE	SE	SE	SE	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP
School - Primary	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP
School - Secondary	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP
Lodging																
Lodging – Bed and Breakfast						PP	PP	PP			PP	PP			PP	SE
Lodging – Extended Stay								PP								
Lodging - Hotel							PP	PP			PP		PP			
Lodging – Motel								PP					PP			
Office																
Office - Corporate							PP	PP	PA	PA	PP		PP	PP		PA
Office - Call Center								PP	PA	PA	PP		PP	PP		PA
Office - Professional Services						PP	PP	PP			PP		PP	PP		
Institutional																
Library	PP	PP	PP	PP	PP	PP	PP	PP			PP	PP	PP		PP	
Detentions and Corrections										PP					PP	
Government Administration and Courts	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP		PP	PP
Recreation	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP		PP	PP
Park	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP		PP	PP
Public Health Safety	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP	PP		PP	PP
Recreation																
Golf Course	SE	SE	SE	SE											PP	PP
Shooting Range - Indoor Only							PP	PP		PP					PA	PA
Commercial Recreation Facilities						PP	PP	PP	PP	PP	PP		PP		PP	
Amusement Facilities Outdoor								PP	PP	PP	PP		PP		PP	
Camping															SE	
Residential																
Dwelling, Attached Single-Family			PP	PP	PP	SE	SE	SE			PP	PP	PP			
Dwelling, Detached Single Family	PP	PP	PP		PP							PP				PA
Dwelling, Mobile Home					PP											PA
Dwelling, Multi-Unit Building			PP	PP			PP	PP			PP	PP	PP			

Dwelling, Multi-Unit Building Complex				PP			PP	PP					PP	PP		
Dwelling, Two-family			PP	PP	PP							PP				
Dwelling, Live/work Unit											PP	PP				
Residential Care																
Dwelling, Assisted Living Facility				PP	PP		PP	PP			PP	SE	PP	PP		
Dwelling - Group	PP	PP	PP	PP	PP		PP	PP				PP	PP			PP
Dwelling - Nursing				PP	PP		PP	PP					PP	PP		
Dwelling - Developmental Disability		PP	PP	PP	PP		PP	PP	PP	PP	PP	PP	PP		PP	PP
Retail																
Gallery - Art						PP	PP	PP			PP		PP	PP		
Neighborhood Grocery/Market < 5,000 GFA	PP	PP	PP	PP	PP	PP	PP	PP			PP	PP	PP	PP		PP
Roadside Produce Stand	PA					PA							PA			PA
Beverage Sales - Liquor Store						PP	PP	PP								
Garden Center - Indoor and Outdoor						PP	PP	PA					PP			PA
Retail - Large (>25,000 GFA)								PP					PP	PP		
Retail - Medium (10,000-25,000 GFA)							PP	PP				PP	PP	PP		
Retail - Small (0-10,000 GFA)				PA		PP	PP			PA	PP	PP	PP	PP		
Bakery, Retail				PA		PA		PA			PA	PA	PA	PA		
Retail Services																
Storage - Self-Store Indoor								PP		PP			PP	PP		
Storage - Vehicular and Boat								PA		PP						
Beauty Care				PA		PP	PP	PP			PP	PP	PP			
Personal Services						PP	PP	PP		PP	PP		PP			
Laundromat						PP	PP						PP			
Mixed Use																
Mix Use Development (mix of residential and commercial)				PP		SE	PP	PP			PP	PP	PP	PP		
Wholesale																
Auction Facility									SE	PP						PA

Sec. 10-02-12. Standards for Special Exceptions.

Uses permitted as special exceptions in the master use table above must adhere to the following special exception standards for the respective use:

Special Exception Use	Additional Use Standard if permitted as a Special Exception
Vehicular Sales - Recreational Vehicles and Boats	<p>Recreational vehicle and boat sales, where permitted as a special exception, must comply with the following standards.</p> <ul style="list-style-type: none">• Recreational vehicles stored on site may not be visible to adjacent properties and must be shielded via fence or tree line that provides full opacity.
Vehicular Care Services - Major	<p>Major vehicular care services, where permitted as a special exception, must comply with the following additional standards:</p> <ul style="list-style-type: none">• Vehicles undergoing repair may not stay on site longer than 80 days from the date of service intake.
School - Post-Secondary	<p>Post-secondary educational facilities, where permitted as a special exception, must submit a parking and circulation plan which displays the following.</p> <ul style="list-style-type: none">• All curb cuts that connect the main thoroughfare to internal circulation;• All internal thoroughfares and travel lanes for all modes of transportation;• All parking areas; and• The anticipated daily automobile flow at the site, in addition to the maximum person capacity on the property.
Camping	<p>A campground must submit a full site plan displaying all structures, thoroughfares, pedestrian paths, lighting, water/drainage/sewage provision, and lighting, in addition to compliance with the following additional regulations:</p> <ul style="list-style-type: none">• There must be at least one common building on site that complies with the State of Indiana Building Code where campground guests may shelter in the case of an emergency.• There may be only one recreational vehicle allowed per camp site space.• At least one potable water supply must be located per property.

Data Center	<ul style="list-style-type: none"> Noise levels from the data center must not exceed 55 decibels (dB) at the property line during daytime hours (7 AM to 10PM) and 50dB during nighttime hours (10 PM to 7 AM) Required eight (8) foot berm with landscaping to block visual from right-of-way and surrounding uses Low Impact Development (LID) feature of water recycling must be incorporated in design Shall not be located within 1000' of residential property
Golf Course	Golf courses are permitted adjacent to residential properties so long as there is a buffer yard 30 feet in width between residential property lines and any areas of active play, clubhouse or club social activities, parking areas, or pro shops.
Dwelling - Attached Single-Family	An attached single-family dwelling must be separated by a fire separation wall that meets the requirements of the State of Indiana Building Code.
Dwelling, Assisted Living	Assisted living facilities located in the OTR District may not house more than 20 residents/clients at a given time.
Mixed Use Development (mix of residential and commercial)	<p>A mixed-use structure may locate in the Commercial – Medium (CM) and Commercial – Large (CL) zones only if it complies with the following Standards:</p> <ul style="list-style-type: none"> At least 50% of the Gross Floor Area (GFA) must be comprised of a commercial use(s). <p>Within the Commercial – Small (CS) zone, mixed-use structures must comply with the following standards:</p> <ul style="list-style-type: none"> The building height of mixed-use structures in the CS may not exceed the building height of the tallest immediately adjacent primary structures by more than 15 feet. <p>A mixed-use structure may locate in the Old Town Residential (OTR) District only if it complies with the following Standards:</p> <ul style="list-style-type: none"> A mixed-use structure may locate only next to an existing mixed-use structure. The building height of mixed-use structures in the OTR may not exceed the building height of the tallest immediately adjacent primary structures by more than 15 feet.

Auction Facility	<p>Auction Facilities shall comply with the following standards:</p> <ul style="list-style-type: none"> • Auctions must be conducted in an enclosed structure. • No merchandise used in the auction may be stored outside of an enclosed structure. • Auctions must be operated as part of, and in the space occupied by, a retail business which is open for retail sales on a regular on-going basis. • No auction, or the retail business in conjunction therewith, may be licensed as a pawn shop.
Storage - Outdoor	<p>Storage that is located outside as the primary use of the property, not located within a primary or secondary structure, must adhere to the following standards:</p> <ul style="list-style-type: none"> • All outdoor storage of goods and materials shall be enclosed with a solid, opaque wall or fence, including solid gates. The wall or fence shall have a height tall enough to conceal all materials therein from the view of any observer standing at grade level. However, in no case shall the height of the fence or wall be less than six feet. The solid wall or fence and the associated gates shall be maintained in good condition. • All areas of the outdoor storage use shall be organized in such a way that it is accessible to fire-fighting equipment and emergency vehicles at all times. • Areas devoted to outdoor storage shall be located in a rear yard so that it is behind the principal building and not visible from any public street, unless the outdoor storage is located on a corner lot. It shall also be setback 30 feet from any residential property boundary. Any outdoor storage of equipment for more than 180 days each calendar year is prohibited.
Animal Cultivation	<p>Properties engaging in animal cultivation must have a minimum lot size of five (5) acres and all activities must be setback from all property lines by a minimum of 50 feet.</p>

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Sec. 10-02-13. Residential Large Lot Zone (RL).

The Residential Large Lot (“RL”) zone provides for areas of the City devoted to single-family residential dwellings and small-scale agriculture. Lots in the RL are larger than traditional suburban-style single-family residential lots, have large yards, and promote the preservation of natural features and open space. The RL zone includes other complimentary low-intensity principal and accessory uses by right and as special exceptions. Standards generally applicable to certain uses and dimensional standards can be found in Division III, “Generally Applicable Standards”.

A. Development Standards

RL STANDARDS	Minimum	Maximum
Lot Size (Sq. Ft.)	12,000	N/A
Lot Width (Ft.)	75	N/A
Front Yard Setback (Ft.)	30	N/A
Side Yard Setback (Ft.)	10 for each side yard	N/A
Rear Yard Setback (Ft.)	25	N/A
Building Height (Ft.)	N/A	35
Impervious Lot Coverage (Maximum Percentage of Total Lot Area)	N/A	40
Residential Unit Size (Sq. Ft.)	1,100	N/A
Accessory Building Location	Rear Yard, 10 feet from any lot line - permitted in a side yard only if there is 15 feet between the front building line/setback and the accessory building	
Accessory Building Height (Ft.)	N/A	20
Parking Location	Driveway or Garage	
Signage	Division III, Sec. 10-03-08	
Landscaping	Division III, Sec. 10-03-06	
Parking	Division III, Sec. 10-03-02	
Design Standards	Division III, Sec. 10-03-14	
Uses	See Master Use Table above	

Sec. 10-02-14. Residential Medium Lot Zone (RM).

The Residential Medium Lot (“RM”) zone provides for areas of the City devoted to detached single-family residential dwellings and subdivisions. The RM zone includes other complimentary principal and accessory uses by right and as special exceptions. Development standards specific to the RM zone are set forth herein. Standards generally applicable to certain uses and dimensional standards can be found in Division III, “Generally Applicable Standards”.

A. Development Standards

RM STANDARDS	Minimum	Maximum
Lot Size (Sq. Ft.)	7,700	N/A
Lot Width (Ft.)	55	N/A
Front Yard Setback (Ft.)	20	N/A
Side Yard Setback (Ft.)	10 for each side yard	N/A
Rear Yard Setback (Ft.)	25	N/A
Building Height (Ft.)	N/A	35
Residential Unit Size (Sq. Ft.)	1,100	N/A
Impervious Lot Coverage (Maximum Percentage of Total Lot Area)	N/A	50
Accessory Building Location	Rear Yard, min. 8 feet from any lot line - permitted in a side yard only if there is 15 feet between the front building line/ front setback and the accessory building	
Accessory Building Height (Ft.)	N/A	20
Parking Location	Driveway or Garage	
Signage	Division III, Sec. 10-03-08	
Landscaping	Division III, Sec. 10-03-06	
Parking	Division III, Sec. 10-03-02	
Design Standards	Division III, Sec. 10-03-14	
Uses	See Master Use Table above	

Sec. 10-02-15. Residential Attached Single-Family Zone (RA).

The Residential Attached Single-Family (“RA”) zone provides areas of the City devoted to attached single-family homes, such as duplexes and townhomes within and complimentary to areas devoted to single-family dwellings to promote a greater mix of residential housing options. The RA Zone includes other complimentary principal and accessory uses by right and as special exceptions. Standards generally applicable to certain uses and dimensional standards can be found in Division III., “Generally Applicable Standards”.

A. Development Standards

RA STANDARDS	Minimum	Maximum
Lot Size (Sq. Ft.)	5,400*	N/A
Lot Width (Ft.)	40; 24 for units attached on both sides	N/A
Units per Acre	N/A	10
Front Yard Setback (Ft.)	20	N/A
Side Yard Setback (Ft.)	8 for each side yard; 0 between attached dwelling units	N/A
Rear Yard Setback (Ft.)	20	N/A
Building Height (Ft.)	N/A	40
Impervious Lot Coverage (Maximum Percentage of Total Lot Area)	N/A	60*
Residential Unit Size (Sq. Ft.)	900	N/A
Accessory Building Location	Rear Yard, min. 8 feet from any lot line - permitted in a side yard only if there is 15 feet between the front building line/front setback and the accessory building	
Accessory Building Height (Ft.)	N/A	20
Parking Location	Driveway or Garage	
Signage	Division III., Sec. 10-03-08	
Landscaping	Division III., Sec. 10-03-06	
Parking	Division III., Sec. 10-03-02	
Design Standards	Division III., Sec. 10-03-14	
Uses	See Master Use Table above	

*For attached, single-family townhomes the coverage shall apply for the project as a whole, not the individual lots

Sec. 10-02-16. Residential Multi-Unit Complex Zone (RMC)

The Residential Multi-Unit Complex (“RMC”) zone provides for areas of the City devoted to multi-unit buildings, attached single-family dwellings, and duplexes, arranged and operating as a complex. The RMC zone includes other complimentary principal and accessory uses by right and as special exceptions. Standards generally applicable to certain uses and dimensional standards can be found in Division III., “Generally Applicable Standards”.

A. Development Standards

RMC STANDARDS	Minimum	Maximum
Lot Size (acres)	4 acres	N/A
Lot Width (Ft.)	300	N/A
Units per Acre	N/A	30
Front Yard Setback (Ft.)	20	N/A
Side Yard Setback (Ft.)	20 for each side yard	N/A
Rear Yard Setback (Ft.)	20	N/A
Building Height (Ft.)	30	80
Residential Unit Size (Sq. Ft.)	700	N/A
Impervious Lot Coverage (Maximum Percentage of Total Lot Area)	N/A	70
Accessory Building Location	N/A	N/A
Accessory Building Height (Ft.)	N/A	20
Parking Location	Lot, Driveway or Garage	
Signage	Division III., Sec. 10-03-08	
Landscaping	Division III., Sec. 10-03-06	
Parking	Division III., Sec. 10-03-02	
Design Standards	Division III., Sec. 10-03-14	
Uses	See Master Use Table above	

Sec. 10-02-17. Residential Mobile Home Zone (RMH).

The Residential Mobile Homes (“RMH”) zone provides for areas of the City developed as mobile and manufactured home parks. The RMH zone includes a number of complimentary principal and accessory uses by right and as special exceptions. Standards generally applicable to certain uses and dimensional standards can be found in Division III., “Generally Applicable Standards”.

A. Development Standards

RMH STANDARDS	Minimum	Maximum
Lot Size (Acres)	5	10
Lot Width (Ft.)	N/A	N/A
Units per Acre	N/A	20
Front Yard Setback (Ft.)	40 from any right-of-way	N/A
Side Yard Setback (Ft.)	40 for each side yard; 16 between individual buildings	N/A
Rear Yard Setback (Ft.)	25	N/A
Impervious Lot Coverage (Maximum Percentage of Total Lot Area)	N/A	N/A
Building Height (Ft.)	N/A	30
Accessory Building Location	Rear Yard, min. 5 ft. from any lot line; permitted in a side yard only if there is 15 ft. between the front building line/front setback and the accessory building	
Accessory Building Height (Ft.)	N/A	15
Parking Location	Side Yard / Rear Yard	
Signage	Division III., Sec. 10-03-08	
Landscaping	Division III., Sec. 10-03-06	
Parking	Division III., Sec. 10-03-02	
Design Standards	Division III., Sec. 10-03-14	
Uses	See Master Use Table above	

Sec. 10-02-18. Commercial Small Format Zone (CS).

The Commercial Small Format (“CS”) zone provides for areas of the City devoted to small-scale businesses located in buildings that would serve more small and local businesses located along corridors surrounded by less intense residential uses. The CS zone includes a number of complimentary principal and accessory uses by right and as special exceptions. Standards generally applicable to certain uses and dimensional standards can be found in Division III., “Generally Applicable Standards”.

A. Development Standards

CS STANDARDS	Minimum	Maximum
Lot Size (Sq. Ft.)	5,000	20,000
Lot Width (Ft.)	N/A	N/A
Units per Acre	N/A	N/A
Front Yard Setback (Ft.)	20	50
Side Yard Setback (Ft.)	10 for each side yard; 0 internal	N/A
Rear Yard Setback (Ft.)	10	N/A
Building Height (Ft.)	N/A	35
Impervious Lot Coverage (Maximum Percentage of Total Lot Area)	N/A	60
Accessory Building Location	N/A	N/A
Accessory Building Height (Ft.)	N/A	N/A
Parking Location	Side Yard / Rear Yard	
Signage	Division III., Sec. 10-03-08	
Landscaping	Division III., Sec. 10-03-06	
Parking	Division III., Sec. 10-03-02	
Design Standards	Division III., Sec. 10-03-14	
Uses	See Master Use Table above	

Sec. 10-02-19. Commercial Medium Format Zone (CM)

The Commercial Medium Format (“CM”) zone provides for areas of the City devoted to medium-scale businesses located in buildings that will serve small to larger-scale businesses along corridors that are interspersed with commercial and residential uses. The CM zone includes a number of complimentary principal and accessory uses by right and as special exceptions. The following table contains the list of uses that are permitted by right, or by special exception in the CM zone. Standards generally applicable to certain uses and dimensional standards can be found in Division III., “Generally Applicable Standards”.

A. Development Standards

CM STANDARDS	Minimum	Maximum
Lot Size (Sq. Ft.)	20,000	100,000
Lot Width (Ft.)	N/A	N/A
Units per Acre	N/A	N/A
Front Yard Setback (Ft.)	20	80
Side Yard Setback (Ft.)	20: aggregate combined both side yards	N/A
Rear Yard Setback (Ft.)	30	N/A
Building Height (Ft.)	N/A	45
Residential Unit Size (Sq. Ft.)	600	N/A
Impervious Lot Coverage (Maximum Percentage of Total Lot Area)	N/A	70
Accessory Building Location	N/A	N/A
Accessory Building Height (Ft.)	N/A	N/A
Parking Location	Side Yard / Rear Yard	
Signage	Division III., Sec. 10-03-08	
Landscaping	Division III., Sec. 10-03-06	
Parking	Division III., Sec. 10-03-02	
Design Standards	Division III., Sec. 10-03-14	
Uses	See Master Use Table above	

Sec. 10-02-20. Commercial Large Format Zone (CL).

The Commercial Large Format (“CL”) zone provides for areas of the City devoted to large-scale commercial uses in buildings on lots generally larger than 80,000 sf along major commercial corridors. These uses tend to draw customers from inside and outside the City and have convenient access and greater visibility. The CL zone includes a number of complimentary principal and accessory uses by right and as special exceptions. Standards generally applicable to certain uses and dimensional standards can be found in Division III., “Generally Applicable Standards”.

A. Development Standards

CL STANDARDS	Minimum	Maximum
Lot Size (Sq. Ft.)	100,000	N/A
Lot Width (Ft.)	N/A	N/A
Units per Acre	N/A	N/A
Front Yard Setback (Ft.)	40	N/A
Side Yard Setback (Ft.)	40 for each side yard	N/A
Rear Yard Setback (Ft.)	40	N/A
Building Height (Ft.)	N/A	60
Residential Unit Size (Sq. Ft.)	600	N/A
Impervious Lot Coverage (Maximum Percentage of Total Lot Area)	N/A	80
Accessory Building Location	N/A	N/A
Accessory Building Height (Ft.)	N/A	N/A
Parking Location	Side Yard / Rear Yard	
Signage	Division III., Sec. 10-03-08	
Landscaping	Division III., Sec. 10-03-06	
Parking	Division III., Sec. 10-03-02	
Design Standards	Division III., Sec. 10-03-14	
Uses	See Master Use Table above	

Sec. 10-02-21. Industrial Medium Format Zone (IM).

The Industrial Medium Format (“IM”) zone provides for areas of the City devoted to smaller-scale industrial, manufacturing, storage, and warehouse activities surrounding by less-intense activities. The IM zone includes a number of complimentary low-intensity principal and accessory uses by right and as special exceptions. Standards generally applicable to certain of the uses and development standards are set forth in Division III., “Generally Applicable Standards.”

A. Development Standards

IM STANDARDS	Minimum	Maximum
Lot Size (Acres)	1	N/A
Lot Width (Ft.)	200	N/A
Units per Acre	N/A	N/A
Front Yard Setback (Ft.)	40 or the height of the building – whichever is greater	N/A
Side Yard Setback (Ft.)	20 or the height of the building – whichever is greater	N/A
Rear Yard Setback (Ft.)	40 or the height of the building – whichever is greater	N/A
Building Height (Ft.)	N/A	40
Impervious Lot Coverage (Maximum Percentage of Total Lot Area)	N/A	80
Accessory Building Location	Behind forward building edge	
Accessory Building Height (Ft.)	N/A	20
Parking Location	Front Yard / Side Yard / Rear Yard	
Signage	Division III., Sec. 10-03-08	
Landscaping	Division III., Sec. 10-03-06	
Parking	Division III., Sec. 10-03-02	
Design Standards	Division III., Sec. 10-03-14	
Uses	See Master Use Table above	

Sec. 10-02-22. Industrial Large Format Zone (IL).

The Industrial Large Format (“IL”) zone provides for areas of the City devoted to large-scale industrial, manufacturing, warehouse, and distribution activities of a regional scale generally oriented around Interstate 65. The IL zone includes a number of complimentary principal and accessory uses by right and as special exceptions. Standards generally applicable to certain of the uses and development standards are set forth in Division III., “Generally Applicable Standards.”

A. Development Standards

IL STANDARDS	Minimum	Maximum
Lot Size (Acres)	N/A	N/A
Lot Width (Ft.)	300	N/A
Units per Acre	N/A	N/A
Front Yard Setback (Ft.)	60 or the height of the building – whichever is greater	N/A
Side Yard Setback (Ft.)	40 or the height of the building – whichever is greater	N/A
Rear Yard Setback (Ft.)	60 or the height of the building – whichever is greater	N/A
Impervious Lot Coverage (Maximum Percentage of Total Lot Area)	N/A	80
Building Height (Ft.)	N/A	80; 60 within 300 feet of residential use
Accessory Building Location	Behind forward building edge	
Accessory Building Height (Ft.)	N/A	40
Parking Location	Front Yard / Side Yard / Rear Yard	
Signage	Division III., Sec. 10-03-08	
Landscaping	Division III., Sec. 10-03-06	
Parking	Division III., Sec. 10-03-02	
Design Standards	Division III., Sec. 10-03-14	
Uses	See Master Use Table above	

Sec. 10-02-23. Open Space (OS).

The Open Space (“OS”) district provides for areas of the City devoted to greenspace, parkland, civic spaces, and public utilities for use by the people of Greenwood. The OS district includes a number of complimentary low-intensity principal and accessory uses by right and as special exceptions. Standards generally applicable to certain uses and dimensional standards can be found in Division III., “Generally Applicable Standards”.

A. Development Standards

OS STANDARDS	Minimum	Maximum
Lot Size (Acres)	N/A	N/A
Lot Width (Ft.)	N/A	N/A
Units per Acre	N/A	N/A
Front Yard Setback (Ft.)	N/A	N/A
Side Yard Setback (Ft.)	N/A	N/A
Rear Yard Setback (Ft.)	N/A	N/A
Building Height (Ft.)	N/A	N/A
Impervious Lot Coverage (Maximum Percentage of Total Lot Area)	N/A	N/A
Building Height (Ft.)	N/A	N/A
Accessory Building Location	N/A	N/A
Accessory Building Height (Ft.)	N/A	N/A
Parking Location	N/A	N/A
Signage	Division III., Sec. 10-03-08	
Landscaping	Division III., Sec. 10-03-06	
Parking	Division III., Sec. 10-03-02	
Design Standards	Division III., Sec. 10-03-14	
Uses	See Master Use Table above	

Sec. 10-02-24. Agricultural District (AG).

The Agricultural (“AG”) district provides for areas of the City devoted to maintaining and preserving existing agricultural land and activities in a manner compatible with surrounding land uses. The AG district includes a number of complimentary low-intensity principal and accessory uses by right and as special exceptions. Standards generally applicable to certain uses and dimensional standards can be found in Division III., “Generally Applicable Standards”.

A. Development Standards

AG STANDARDS	Minimum	Maximum
Lot Size (Acres)	5	N/A
Lot Width (Ft.)	N/A	N/A
Units per Acre	N/A	N/A
Front Yard Setback (Ft.)	40	N/A
Side Yard Setback (Ft.)	60 each side yard	N/A
Rear Yard Setback (Ft.)	N/A	N/A
Impervious Lot Coverage (Maximum Percentage of Total Lot Area)	N/A	N/A
Building Height (Ft.)	N/A	40
Accessory Building Location	Behind forward building edge	
Accessory Building Height (Ft.)	40; Silos do not have a height limitation	
Parking Location	N/A	
Signage	Division III., Sec. 10-03-08	
Landscaping	Division III., Sec. 10-03-06	
Parking	Division III., Sec. 10-03-02	
Design Standards	Division III., Sec. 10-03-14	
Uses	See Master Use Table above	

Sec. 10-02-25. Old Town District (OT).

The Old Town (“OT”) district is intended to preserve and promote infill development and adaptive reuses of buildings within the City’s historic town center generally located at the intersection of Madison Avenue and Main Street. The OT contains a mix of uses and flexible standards to promote a vibrant, walkable town center in a manner that is mindful of the character and context of the district. The OT district includes a number of complimentary principal and accessory uses by right and as special exceptions. Standards generally applicable to certain uses and dimensional standards can be found in Division III., “Generally Applicable Standards”.

A. Development Standards

OT STANDARDS	Minimum	Maximum
Lot Size (Acres)	N/A	N/A
Lot Width (Ft.)	N/A	N/A
Units per Acre	N/A	N/A
Front Yard Setback (Ft.)	0	10’ unless outdoor café space or porch, 15 feet allowed
Side Yard Setback (Ft.)	0	25 max. on either side
Rear Yard Setback (Ft.)	N/A	N/A
Impervious Lot Coverage (Maximum Percentage of Total Lot Area)	N/A	N/A
Building Height (Ft.)	24	80
First Floor Height (Ft.)	25% of the first-floor ceiling height in buildings over 40,000 sq. ft. must be at least 10 ft. in height including finishes	
Residential Unit Size (Sq. Ft.)	600	N/A
Accessory Building Location	Rear Yard, min 5 feet from any lot line	N/A
Accessory Building Height (Ft.)	N/A	15
Parking Location	Rear Yard, Garage, or Structured Parking	
Signage	Division III., Sec. 10-03-08	
Landscaping	Division III., Sec. 10-03-06	
Parking	Division III., Sec. 10-03-02	
Design Standards	Division III., Sec. 10-03-14	
Uses	See Master Use Table above	

Sec. 10-02-26. Old Town Residential District (OTR).

The Old Town Residential (“OTR”) district to preserve and promote infill development and residential uses of buildings within the periphery of the City’s historic town center generally located at the intersection of Madison Avenue and Main Street. The regulations in the OTR district promote walkable residential neighborhoods with small-scale lots and dwellings to support a vibrant, walkable town center in a manner that is mindful of the character and context of the district. The OTR district includes a number of complimentary principal and accessory uses by right and as special exceptions. Standards generally applicable to certain uses and dimensional standards can be found in Division III., “Generally Applicable Standards”.

A. Development Standards

OTR STANDARDS	Minimum	Maximum
Lot Size (Sq. Ft.)	2,000	7,500
Lot Width (Ft.)	30	N/A
Units per Acre	N/A	N/A
Lot Coverage (%)	N/A	60
Front Yard Setback (Ft.)	5	20
Side Yard Setback (Ft.)	6 for each side yard	N/A
Rear Yard Setback (Ft.)	10	N/A
Building Height (Ft.)	N/A	40
Impervious Lot Coverage (Maximum Percentage of Total Lot Area)	N/A	70
Residential Unit Size (Sq. Ft.)	600	N/A
Accessory Building Location	Rear Yard, min. 5 ft. from any lot line - permitted in a side yard only if there is 15 ft. between the front of the structure and the accessory building	
Accessory Building Height (Ft.)	N/A	24
Parking Location	Driveway or Garage	
Signage	Division III., Sec. 10-03-08	
Landscaping	Division III., Sec. 10-03-06	
Parking	Division III., Sec. 10-03-02	
Design Standards	Division III., Sec. 10-03-14	
Uses	See Master Use Table above	

Sec. 10-02-27. Interstate Commerce District (IC).

The Interstate Commerce (“IC”) district will maintain and support the area of the City that serves as a region-drawing center of activity along County Line Road and I-65. This district is intended to contain a mix of commercial, office, recreation and entertainment uses that reflect the regional importance of the area. Standards generally applicable to certain uses and dimensional standards can be found in Division III., “Generally Applicable Standards”.

A. Development Standards

IC STANDARDS	Minimum	Maximum
Lot Size	20,000 sf	N/A
Lot Width (Ft.)	150	N/A
Units per Acre	N/A	N/A
Min. Front Yard Setback (Ft.)	60	N/A
Side yard setback (Ft.)	20 for each side yard	N/A
Rear yard setback (Ft.)	20	N/A
Impervious Lot Coverage (Maximum Percentage of Total Lot Area)	N/A	70
Building Height (Ft.)	N/A	80
Residential Unit Size (Sq. Ft.)	600	N/A
Accessory Building Location	N/A	N/A
Accessory Building Height (Ft.)	N/A	N/A
Parking Location	Side Yard / Rear Yard	
Signage	Division III., Sec. 10-03-08	
Landscaping	Division III., Sec. 10-03-06	
Parking	Division III., Sec. 10-03-02	
Design Standards	Division III., Sec. 10-03-14	
Uses	See Master Use Table above	

Sec. 10-02-28. Airport Commerce District (AC).

The Airport Commerce (“AC”) district will accommodate the unique commerce and industries that surround the airport. These uses will generally be warehousing, shipping, and transportation-oriented. Standards generally applicable to certain uses and dimensional standards can be found in Division III., “Generally Applicable Standards”.

A. Development Standards

AC STANDARDS	Minimum	Maximum
Lot Size (Sq. Ft.)	5,000	N/A
Lot Width (Ft.)	30	N/A
Units per Acre	N/A	N/A
Setback from any Lot Line (Ft.)	15	N/A
Impervious Lot Coverage (Maximum Percentage of Total Lot Area)	N/A	70
Building Height (Ft.)	N/A	60
Accessory Building Location	Not Permitted	
Parking Location	Shared parking with adjacent uses permitted with a legal covenant	
Signage	Division III., Sec. 10-03-08	
Landscaping	Same as IM District	
Parking	Shared parking with adjacent uses permitted with a legal covenant	
Design Standards	Division III., Sec. 10-03-14	
Uses	See Master Use Table above	

Sec. 10-02-29. Airspace Overlay District (AO).

The Airspace Overlay (“AO”) district shall consist of Airport Instrument and Non-Instrument Approach Surface Areas, Airport Transitional Surface Areas, Airport Horizontal Surface Areas and Conical Surface Areas, Heliport Approach Surface Areas and Heliport Transitional Surface Areas as defined in this Ordinance and indicated on the official zoning map where the AO district is identified. The following development standards shall apply to all property within the AO district; provided, however, if the development standards herein are less restrictive than or in any way contradictory to the standards promulgated by the Federal Aviation Administration (FAA), the FAA’s standards shall govern and control.

A. Development Standards

AO STANDARDS	
Height Limits for The Airport Instrument Approach Surface	One (1) foot in height for each 100 feet in horizontal distance beginning at a point 200 feet from the end of the instrument runway and extending to a distance of 10,200 feet from the end of the runway; thence one (1) foot in height for each 50 feet in horizontal distance to a point 50,200 feet from the end of the runway.
Height Limits for The Airport Non-Instrument Approach Surface Area	One (1) foot in height for each 50 feet in horizontal distance beginning at a point 200 feet from the end of the non-instrument runway and extending to a point 5200 feet from the end of the runway; thence one (1) foot in height for each 16 feet in horizontal distance to a horizontal distance of 10,200 feet from the end of the runway.
Height Limits for The Airport Transitional Surface Area	One (1) foot in height for each seven (7) feet in horizontal distance beginning at a point 250 feet from the centerline of non-instrument runways and 500 feet from the centerline of instrument runways, measured at right angles to the longitudinal centerline of the runway, extending upward to a maximum height of 150 feet above the established airport elevation as indicated on the Airspace District Zoning Map; one (1) foot vertical height for each seven (7) feet of horizontal distance measured from the outer lines of all Instrument and Non-Instrument Approach Surface Areas for the entire length of said Approach Surface Areas, extending to their intersection with the outer line of the Conical Surface Area; and, beyond said point of intersection, beginning at the outer lines of all Instrument Approach Surface Areas and extending a horizontal distance to 5,000 feet therefrom, measured at right angles to the continuation of the runway centerline, one (1) foot vertical height for each seven (7) feet of horizontal distance.
Height Limit for The Airport Horizontal Surface Area	150 feet above the established airport elevation as indicated on the Airspace District Zoning Map.

AO STANDARDS

Height Limit for The Airport Conical Surface Area	One (1) foot in height for each 20 feet of horizontal distance beginning at the periphery of the Horizontal Surface Area and measured perpendicularly to the periphery of the Horizontal Surface Area to a height of 350 feet above the airport elevation.
Height Limits - Heliports	Except as otherwise provided herein, no structure or tree shall be erected, altered, allowed to grow or maintained within the Airspace District to a height in excess of the following height limits herein established for the applicable Heliport Approach Surface Area and Heliport Transitional Surface Area, as defined in this Ordinance and designated on the Airspace District Zoning Map. (Such height limits shall be computed from the applicable heliport landings and take-off area elevation as designated on the Airspace District zoning Map)
Height Limit for The Heliport Approach Surface Area	One (1) foot in height for each eight (8) feet in horizontal distance beginning at the end of the heliport primary surface (such primary surface coinciding in size and shape with the designated take-off and landing area of the heliport) with the same width as the primary surface and extending outward and upward for a horizontal distance of 4,000 feet where its width is 500 feet.
Height Limit for The Heliport Transitional Surface Area	<p>One (1) foot in height for each two (2) feet in horizontal distance extending outward and upward from the lateral boundaries of the heliport primary surface and from the approach surface for a distance of 250 feet measured horizontally from the centerline of the primary and approach surfaces.</p> <p>Provided, however, if any area is subject to more than one of the above height limitations, the more restrictive limitation shall control. Provided further, however, nothing in this Ordinance shall be construed as prohibiting the erection, construction, growth or maintenance of any structure or tree to a height of 50 feet or less above the surface of the land.</p>

PERFORMANCE STANDARDS: The following performance standards shall apply to all land within the perimeter of the Airport Conical Surface Area and Heliport Transitional Surface Area as defined in this Ordinance and indicated on the Airspace District Zoning Map.

Interface with Communications	No use shall create interference with any form of communication the primary purpose of which is for air navigation.
Glare; Marking and Lighting of Airspace Hazards	<p>a. All lights shall be located or shielded in such a manner that they do not interfere with runway, taxi, tower or any other airport and heliport lights or result in glare which may interfere with the use of the airport and heliport in landing, taking-off or maneuvering of aircraft.</p> <p>b. Such markers and lights as may be required by the Federal Aviation Administration, the Indiana Department of Transportation, Division of Aeronautics, or the Greenwood Board of Aviation Commissioners to indicate to air crews the presence of structures or trees constituting airspace hazards, as defined in this Ordinance, shall be permitted.</p>

Sec. 10-02-30. Flood Hazard Overlay District.

Repeal by Ord. 23-07, adopted February 8, 2023

Sec. 10-02-31 Flood Hazard Overlay District.

A. *Background*

The flood hazard areas of the City of Greenwood are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

B. *Purpose.* It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;
6. Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight area;
7. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
8. Minimize the impact of development on adjacent properties within and near flood prone areas;
9. Ensure that the flood storage and conveyance functions of the floodplain are maintained;
10. Minimize the impact of development on the natural, beneficial values of the floodplain;
11. Prevent floodplain uses that are either hazardous or environmentally incompatible; and
12. Meet community participation requirements of the National Flood Insurance Program.

C. *Methods of Reducing Flood Loss.* In order to accomplish its purposes, these regulations include methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
5. Preventing or regulating the construction of flood barriers, which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

D. *Definitions*

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them meaning they have in common usage and to give these regulations the most reasonable application.

Accessory Structure means a structure with a floor area of 400 square feet or less that is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure; an accessory structure specifically excludes structures used for human habitation.

1. Accessory structures are considered walled and roofed where the structure includes at least two outside rigid walls and a fully secured roof.
2. Examples of accessory structures include but are not necessarily limited to two-car detached garages (or smaller), carports, storage and tool sheds, and small boathouses.
3. The following may have uses that are incidental or accessory to the principal structure on a parcel but are generally not considered to be accessory structures by the NFIP:
 - a. Structures in which any portion is used for human habitation, whether as a permanent residence or as temporary or seasonal living quarters, such as a detached garage or carriage house that includes an apartment or guest quarters, or a detached guest house on the same parcel as a principal residence;
 - b. Structures used by the public, such as a place of employment or entertainment; and,
 - c. Development that does not meet the NFIP definition of a structure for floodplain management purposes. Examples includes, but are not necessarily limited to, a gazebo, pavilion, picnic shelter, or carport that is open on all sides (roofed but not walled).

Addition (to an existing structure) means any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

Alteration of a watercourse means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other modification which may alter, impede, retard or change the direction and/or velocity of the flow of water during conditions of the base flood.

Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance, a request for a variance, or a challenge of a board decision.

Area of special flood hazard is the land within a community subject to a one percent (1%) or greater chance of being flooded in any given year.

Base flood means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% annual chance flood or one hundred (100) year flood.

Base Flood Elevation (BFE) means the water surface elevation of the base flood in relation to a specified datum, usually the North American Vertical Datum of 1988.

Basement means that portion of a structure having its floor sub-grade (below ground level) on all sides.

Best Available Flood Layer (BAFL) means floodplain studies and any corresponding floodplain maps prepared and/or approved by the Indiana Department of Natural Resources which provide base flood elevation information, floodplain limits, and/or floodway delineations for flood hazards identified by approximate studies on the currently effective FIRM (Zone A) and/or for waterways where the flood hazard is not identified on available floodplain mapping.

Building – See "Structure."

Community means a political entity that has the authority to adopt and enforce floodplain ordinances for the areas within its jurisdiction.

Critical facility means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, and installations which produce, use or store hazardous materials or hazardous waste.

Development means, for floodplain management purposes, any man-made change to improved or unimproved real estate including but not limited to:

1. construction, reconstruction, or placement of a structure or any addition to a structure;
2. installing a manufactured home on a site, preparing a site for a manufactured home, or installing a recreational vehicle on a site for more than 180 days;
3. installing utilities, erection of walls and fences, construction of roads, or similar projects;
4. construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
5. mining, dredging, filling, grading, excavation, or drilling operations;
6. construction and/or reconstruction of boat lifts, docks, piers, and seawalls;

7. construction and/or reconstruction of, bridges or culverts;
8. storage of materials; or
9. any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing structures 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 structures.

Elevation Certificate means a FEMA form that is routinely reviewed and approved by the White House Office of Management and Budget under the Paperwork Reduction Act, that is encouraged to be used to collect certified elevation information.

Enclosed area (enclosure) is an area of a structure enclosed by walls on all sides.

Enclosure below the lowest floor. See "Lowest Floor" and "Enclosed Area."

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the community's first floodplain ordinance.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA means the Federal Emergency Management Agency.

Fill for floodplain management purposes, means any material deposited or placed which has the effect of raising the level of the ground surface above the natural grade elevation. Fill material includes but is not limited to consolidated material such as concrete and brick and unconsolidated material such as soil, sand, gravel, and stone.

Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.
3. Mudslides (i.e., mudflows) which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

Flood or flooding also includes the collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or current of water exceeding anticipated cyclical levels that result in a flood as defined above.

Flood hazard area means areas subject to the one percent (1%) annual chance flood. (See “Special Flood Hazard Area”)

Flood Insurance Rate Map (FIRM) means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS) means the official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM and the water surface elevation of the base flood.

Flood prone area means any land area acknowledged by a community as being susceptible to inundation by water from any source. (See “Floodplain”)

Flood Protection Grade (FPG) is the BFE plus two (2) feet at any given location in the SFHA. (See “Freeboard”)

Floodplain or flood prone area means any land area susceptible to being inundated by water from any source. (See “Flood”)

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance), and other applications of police power which control development in flood-prone areas. The term describes such state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing (dry floodproofing) is a method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

Floodproofing certificate is a form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG.

Floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulative increasing the water surface elevation more than a designated height.

Freeboard means a factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

Fringe or Flood Fringe is the portion of the floodplain lying outside the floodway.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Hardship (as related to variances of this ordinance) means the exceptional hardship that would result from a failure to grant the requested variance. The City of Greenwood 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.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

Historic structure means any structure that is:

1. listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by (a) an approved state program as determined by the Secretary of Interior, or (b) directly by the Secretary of Interior in states without approved programs.

Hydrologic and hydraulic engineering analysis means analyses performed by a professional engineer licensed by the State of Indiana, in accordance with standard engineering practices that are accepted by the Indiana Department of Natural Resources and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

International Code Council-Evaluation Service (ICC-ES) Report means a document that presents the findings, conclusions, and recommendations from a particular evaluation. ICC-ES reports provide information about what code requirements or acceptance criteria were used to evaluate a product, and how the product should be identified, installed.

Letter of Final Determination (LFD) means a letter issued by FEMA during the mapping update process which establishes final elevations and provides the new flood map and flood study to the community. The LFD initiates the six-month adoption period. The community must adopt or amend its floodplain management regulations during this six-month period unless the community has previously incorporated an automatic adoption clause.

Letter of Map Change (LOMC) is a general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They are broken down into the following categories:

1. **Conditional Letter of Map Revision (CLOMR)** means FEMA's comment on a proposed project that would, upon construction, result in modification of the SFHA through the placement of fill outside the existing regulatory floodway.
2. **Conditional Letter of Map Revision Based on Fill (CLOMR-F)** means a letter from FEMA stating that a proposed structure that will be elevated by fill would not be inundated by the base flood.
3. **Letter of Map Amendment (LOMA)** means an amendment by letter to the currently effective FEMA map that establishes that a building or land is not located in a SFHA through the submittal of property specific elevation data. A LOMA is only issued by FEMA.
4. **Letter of Map Amendment Out as Shown (LOMA-OAS)** means an official determination by FEMA that states the property or building is correctly shown outside the SFHA as shown on an effective NFIP map. Therefore, the mandatory flood insurance requirement does not apply. An out-as-shown determination does not require elevations.
5. **Letter of Map Revision (LOMR)** means an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.
6. **Letter of Map Revision Based on Fill (LOMR-F)** means FEMA's modification of the SFHA shown on the FIRM based on the placement of fill outside the existing regulatory floodway.

Lowest adjacent grade means the lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

Lowest floor means, for floodplain management purposes, the lowest elevation described among the following:

1. The lowest floor of a building.
2. The basement floor.
3. The garage floor if the garage is connected to the building.
4. The first floor of a structure elevated on pilings or pillars.
5. The floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of floodwaters. Designs for meeting the flood opening requirement must either be certified by a registered professional engineer or architect or meet or exceed the following criteria:
 - a. The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of floodwaters.
 - b. At least two (2) openings are designed and maintained for the entry and exit of floodwater; and these openings provide a total net area of at least one (1) square inch for every one (1) square

- c. foot of enclosed area. The bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher. Doorways and windows do not qualify as openings.
6. The first floor of a building elevated on pilings or columns in a coastal high hazard area (as that term is defined in 44 CFR 59.1), as long as it meets the requirements of 44 CFR 60.3.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mitigation means sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the cost of disaster response and recovery.

Natural grade for floodplain management purposes means the elevation of the undisturbed natural surface of the ground. Fill placed prior to the date of the initial identification of the flood hazard on a FEMA map is also considered natural grade.

New construction for floodplain management purposes means any structure for which the "start of construction" commenced on or after the effective date of a floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community's first floodplain ordinance.

North American Vertical Datum of 1988 (NAVD 88) as adopted in 1993 is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

Obstruction includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-percent annual chance flood is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. See "Regulatory Flood".

Physical Map Revision (PMR) is an official republication of a community's FEMA map to effect changes to base (1-percent annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

Prefabricated Building is a building that is manufactured and constructed using prefabrication. It consists of factory-made components or units that are transported and assembled on-site to form the complete building.

Principally above ground means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

Recreational vehicle means a vehicle which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. designed to be self-propelled or permanently towable by a light duty truck;
4. designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

Regulatory flood means the flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Subsection E., General Provisions, 2., of this Section. The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".

Repetitive loss means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equaled or exceeded 25% of the market value of the structure before the damage occurred.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Solid waste disposal facility means any facility involved in the storage or disposal of non-liquid, non-soluble materials ranging from municipal garbage to industrial wastes that contain complex and sometimes hazardous substances. Solid waste also includes sewage sludge, agricultural refuse, demolition wastes, mining wastes, and liquids and gases stored in containers.

Special Flood Hazard Area (SFHA), synonymous with "areas of special flood hazard" and floodplain, means those lands within the jurisdiction of the City of Greenwood subject to a one percent (1%) or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps and Flood Insurance Studies as Zones A, AE, AH, AO, A1-30, A99. The SFHA includes areas that are flood prone and designated from other federal, state or local sources of data including but not limited to best available flood layer maps provided by or approved by the Indiana Department of Natural Resources, historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

Start of construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent

construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building, including a gas or liquid storage tank, which is principally above ground. The term includes a manufactured home, as well as a prefabricated building. It also includes recreational vehicles installed on a site for more than 180 consecutive days.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred **“repetitive loss” or “substantial damage”** regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements.

Variance is a grant of relief from the requirements of this ordinance consistent with the variance conditions herein.

Violation means the failure of a structure or other development to be fully compliant with this ordinance.

Walled and roofed means a building that has two or more exterior rigid walls and a fully secured roof and is affixed to a permanent site.

Watercourse means a lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

E. *General Provisions*

1. Lands to Which This Ordinance Applies

This ordinance shall apply to all areas of special flood hazard (SFHAs) within the jurisdiction of the City of Greenwood, Indiana as identified in Subsection E., General Provisions, 2., of this Section, including any additional areas of special flood hazard annexed by the City of Greenwood, Indiana.

2. Basis for Establishing the Areas of Special Flood Hazard

- a. The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs within the jurisdiction of the City of Greenwood delineated as an “AE Zone” on the Johnson County, Indiana and Incorporated Areas Flood Insurance Rate Map dated August 2, 2007 shall be determined from the one-percent annual chance flood profiles in the Flood Insurance Study of Johnson County, Indiana and Incorporated Areas and the corresponding Flood Insurance Rate Maps (FIRM) dated August 2, 2007 as well as any subsequent updates, amendments, or

revisions, prepared by the Federal Emergency Management Agency with the most recent date. Should the floodway limits not be delineated on the Flood Insurance Rate Map for a studied SFHA designated as an “AE Zone”, the limits of the floodway will be according to the best available flood layer as provided by the Indiana Department of Natural Resources.

- b. The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the jurisdiction of the City of Greenwood, delineated as an "A Zone" on the Johnson County, Indiana and Incorporated Areas Flood Insurance Rate Map, dated August 2, 2007, as well as any subsequent updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best available flood layer provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the best available flood layer data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review and subsequently approved.
- d. In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community's known flood prone areas shall be according to the best available flood layer as provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile.
- e. Upon issuance of a Letter of Final Determination (LFD), any more restrictive data in the new (not yet effective) mapping/study shall be utilized for permitting and construction (development) purposes, replacing all previously effective less restrictive flood hazard data provided by FEMA.

F. *Establishment of Floodplain Development Permit*

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities in areas of special flood hazard.

G. *Compliance*

- 1. No structure shall hereafter be located, extended, converted, or structurally altered within the SFHA without full compliance with the terms of this ordinance and other applicable regulations.
- 2. Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this ordinance applicable to the most restrictive flood zone and the most conservative (highest) base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.
- 3. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this ordinance and other applicable regulations.

H. *Abrogation and Greater Restrictions*

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail

I. *Discrepancy between Mapped Floodplain and Actual Ground Elevations*

1. In cases where there is a discrepancy between the mapped floodplain (SFHA) with base flood elevations provided (riverine or lacustrine Zone AE) on the FIRM and the actual ground elevations, the elevation provided on the profiles or table of still water elevations shall govern.
2. If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.
3. If the natural grade elevation of the site in question is at or above the base flood elevation and a LOMA or LOMR-FW is obtained, the floodplain regulations will not be applied provided the LOMA or LOMR-FW is not subsequently superseded or invalidated.

J. *Interpretation*

In the interpretation and application of this ordinance all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

K. *Warning and Disclaimer of Liability*

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this ordinance does not create any liability on the part of the City of Greenwood, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this ordinance, or any administrative decision made lawfully thereunder.

L. *Penalties for Violation*

Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance shall be deemed to be a violation of this ordinance. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for the City of Greenwood. All violations shall be punishable by a fine as prescribed in Sec. 10-04-09 (F).

1. A separate offense shall be deemed to occur for each day the violation continues to exist.
2. The City of Greenwood Planning Director shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
3. Nothing herein shall prevent the City of Greenwood from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

M. *Administration.*

1. Designation of Administrator.

The Common Council of the City of Greenwood hereby appoints the Planning Director to administer and implement the provisions of this ordinance and is herein referred to as the Floodplain Administrator.

2. Floodplain Development Permit and Certification Requirements.

An application for a floodplain development permit shall be made to the Floodplain Administrator for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Such applications shall include, but not be limited to plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

a. **Application Stage.**

- i. A description of the proposed development;
- ii. Location of the proposed development sufficient to accurately locate property and structure(s) in relation to existing roads and streams;
- iii. A legal description of the property site;
- iv. For the reconstruction, rehabilitation, or improvement of an existing structure, or an addition to an existing building, a detailed quote and description of the total work to be completed including but not limited to interior work, exterior work, and labor as well as a certified valuation of the existing (pre-improved or pre-damaged) structure;
- v. A site development plan showing existing and proposed development locations and existing and proposed land grades;
- vi. A letter from a licensed professional surveyor or engineering noting that an elevation reference benchmark has been established or confirmed for those projects requiring elevations to be met;
- vii. Verification that connection to either a public sewer system or to an approved on-site septic system is available and approved by the respective regulatory agency for proposed structures to be equipped with a restroom, kitchen or other facilities requiring disposal of wastewater.
- viii. Plans showing elevation of the top of the planned lowest floor (including basement) of all proposed structures in Zones A, AE. Elevation should be in NAVD 88;
- ix. Plans showing elevation (in NAVD 88) to which any non-residential structure will be floodproofed;

- x. Plans showing location and specifications for flood openings for any proposed structure with enclosed areas below the flood protection grade;
- xi. Plans showing materials to be used below the flood protection grade for any proposed structure are flood resistant;
- xii. Plans showing how any proposed structure will be anchored to resist flotation or collapse;
- xiii. Plans showing how any electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities are designed and/or located. Elevation should be in NAVD 88;
- xiv. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. A hydrologic and hydraulic engineering analysis is required, and any watercourse changes submitted to DNR for approval. Once DNR approval is obtained, a FEMA Conditional Letter of Map Revision must be obtained prior to construction. (See Subsection M. Administration, 3. H. and 5. for additional information.)
- xv. Any additional information, as requested by the Floodplain Administrator, which may be necessary to determine the disposition of a proposed development or structure with respect to the requirements of this ordinance.

b. Construction Stage.

- i. Upon establishment of the lowest floor of an elevated structure or structure constructed on fill, it shall be the duty of the applicant to submit to the Floodplain Administrator an elevation certificate for the building under construction. The Floodplain Administrator shall review the elevation certificate. Any deficiencies detected during the review shall be corrected by the applicant before work is allowed to continue. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

c. Finished Construction.

- i. Upon completion of construction of any structure requiring certification of elevation, an elevation certificate which depicts the “as-built” lowest floor elevation and other applicable elevation data is required to be submitted by the applicant to the Floodplain Administrator. The elevation certificate shall be prepared by or under the direct supervision of a registered land surveyor and certified by the same.
- ii. Upon completion of construction of an elevated structure constructed on fill, a fill report is required to be submitted to the Floodplain Administrator to verify the required standards were met, including compaction.
- iii. Upon completion of construction of a floodproofing measure, a floodproofing certificate is required to be submitted by the applicant to the Floodplain Administrator. The floodproofing certificate shall be prepared by or under the direct supervision of a registered professional engineer or architect and certified by same

3. Duties and Responsibilities of the Floodplain Administrator.

The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this ordinance. The administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose.

Duties and Responsibilities of the Floodplain Administrator shall include, but are not limited to:

- a. Enforce the provisions of this ordinance.
- b. Evaluate application for permits to develop in special flood hazard areas to assure that the permit requirements of this ordinance have been satisfied.
- c. Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
- d. Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met or refuse to issue the same in the event of noncompliance.
- e. Advise permittee that additional Federal, State and/or local permits may be required. If specific Federal, State and/or local permits are known, require that copies of such permits be provided and maintained on file with the floodplain development permit.
- f. Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas, must meet the development standards of these regulations.
- g. For applications to improve structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator shall:
 - i. Verify and document the market value of the pre-damaged or pre-improved structure;
 - ii. Compare the cost to perform the improvement; or the cost to repair a damaged building to its pre-damaged condition; or, the combined costs of improvements and repair, if applicable, to the market value of the pre-damaged or pre-improved structure. The cost of all work must be included in the project costs, including work that might otherwise be considered routine maintenance. Items/activities that must be included in the cost shall be in keeping with guidance published by FEMA to ensure compliance with the NFIP and to avoid any conflict with future flood insurance claims of policyholders within the community;
 - iii. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement" for proposed work to repair damage caused by flood, the determination requires evaluation of previous permits issued to repair flood-related damage as specified in the definition of substantial damage; and

- iv. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the applicable general and specific standards in Subsection N., Provisions for Flood Hazard Reduction, of this Section are required.
- h. Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse and submit copies of such notifications to FEMA.
- i. Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to Subsection N., Provisions for Flood Hazard Reduction, 1. a., 1. c. i., or 1. d. of this ordinance. Maintain a record of such authorization (either copy of actual permit/authorization or floodplain analysis/regulatory assessment).
- j. Verify the upstream drainage area of any proposed development site near any watercourse not identified on a FEMA map to determine if Subsection M. Administration, 3. i is applicable.
- k. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- l. Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Subsection M, Administration, 2.
- m. Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed in accordance with Subsection M., Administration, 2..
- n. Make on-site inspections of projects in accordance with Subsection M., Administration, 4.
- o. Coordinate with insurance adjusters prior to permitting any proposed work to bring any flood-damaged structure covered by a standard flood insurance policy into compliance (either a substantially damaged structure or a repetitive loss structure) to ensure eligibility for ICC funds.
- p. Ensure that an approved connection to a public sewer system or an approved on-site septic system is planned for any structures (residential or non-residential) to be equipped with a restroom, kitchen or other facilities requiring disposal of wastewater.
- q. Provide information, testimony, or other evidence as needed during variance hearings.
- r. Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with Subsection M, Administration, 4.
- s. Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Change (LOMC), copies of DNR permits, letters of authorization, and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and “as-built” elevation and floodproofing data for all buildings constructed subject to this ordinance in accordance with Subsection M., Administration, 4.
- t. Coordinate map maintenance activities and associated FEMA follow-up in accordance with Subsection M., Administration,

- u. Utilize and enforce all Letters of Map Change (LOMC) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.
- v. Request any additional information which may be necessary to determine the disposition of a proposed development or structure with respect to the requirements of this ordinance.

4. Administrative Procedures.

- a. **Inspections of Work in Progress.** As the work pursuant to a permit progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and terms of the permit. In exercising this power, the administrator has a right, upon presentation of proper credential, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.

- b. **Stop Work Orders.**

- i. Upon notice from the floodplain administrator, work on any building, structure or premises that is being done contrary to the provisions of this ordinance shall immediately cease.
 - ii. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

- c. **Revocation of Permits.**

- i. The floodplain administrator may revoke a permit or approval, issued under the provisions of this ordinance, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
 - ii. The floodplain administrator may revoke a permit upon determination by the floodplain administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.

- d. **Floodplain Management Records.**

- i. Regardless of any limitation on the period required for retention of public records, records of actions associated with the administration of this ordinance shall be kept on file and maintained under the direction of the Floodplain Administrator in perpetuity. These records include permit applications, plans, certifications, Flood Insurance Rate Maps; Letter of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations required by this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance.

- ii. These records shall be available for public inspection at the City of Greenwood's City Hall located at 300 South Madison Avenue, Greenwood, IN 46142.
- f. **Periodic Inspection.** Once a project is completed, periodic inspections may be conducted by the Floodplain Administrator to ensure compliance. The Floodplain Administrator shall have a right, upon presentation of proper credential, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

5. Map Maintenance Activities.

To meet NFIP minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the City of Greenwood flood maps, studies and other data identified in Subsection E., General Provisions, 2. accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

- a. Requirement to Submit New Technical Data
 - i. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:
 - 1. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 - 2. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
 - 3. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and Subdivision or large-scale development proposals requiring the establishment of base flood elevations.
 - ii. It is the responsibility of the applicant to have required technical data for a Conditional Letter of Map Revision or Letter of Map Revision and submitted to FEMA. The Indiana Department of Natural Resources will review the submittals as part of a partnership with FEMA. The submittal should be mailed to the Indiana Department of Natural Resources at the address provided on the FEMA form (MT-2) or submitted through the online Letter of Map Change website. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
 - iii. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for proposed floodway encroachments that increase the base flood elevation.
 - iv. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to this section.

b. Right to Submit New Technical Data

The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Mayor of the City of Greenwood and may be submitted to FEMA at any time.

c. Annexation / Detachment

Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Greenwood have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the Johnson County, Indiana and Incorporated Areas Flood Insurance Rate Map accurately represent the City of Greenwood boundaries, include within such notification a copy of a map of the City of Greenwood suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Greenwood has assumed or relinquished floodplain management regulatory authority.

6. Variance Procedures.

- a. The Board of Zoning Appeals (the board) as established by the Common Council of the City of Greenwood shall hear and decide appeals and requests for variances from requirements of this ordinance.
- b. The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this ordinance. Any person aggrieved by the decision of the board may appeal such decision to the Johnson County Court.
- c. In considering such applications, the board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
 - i. the danger to life and property due to flooding or erosion damage;
 - ii. the danger that materials may be swept onto other lands to the injury of others;
 - iii. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - iv. the importance of the services provided by the proposed facility to the community;
 - v. the necessity to the facility of a waterfront location, where applicable;
 - vi. the compatibility of the proposed use with existing and anticipated development;
 - vii. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - viii. the safety of access to the property in times of flood for ordinary and emergency vehicles;

- ix. the expected height, velocity, duration, rate of rise, and sediment transport of the floodwaters at the site; and,
 - x. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- d. written report addressing each of the above factors shall be submitted with the application for a variance.
- e. Variances from the provisions of this ordinance shall only be granted when the board can make positive findings of fact based on evidence submitted at the hearing for the following:
- i. A showing of good and sufficient cause.
 - ii. A determination that failure to grant the variance would result in exceptional hardship as defined in Subsection D, Definitions.
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
- f. No variance for a residential use within a floodway subject to Subsection N., Provisions for Flood Hazard Reduction, 1. a., 1. c. i., or 1. d. may be granted.
- g. Any variance granted in a floodway subject to Subsection N., Provisions for Flood Hazard Reduction, 1. a., 1. c. i., or 1. d. will require a permit from the Indiana Department of Natural Resources. Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- h. Variances to the Provisions for Flood Hazard Reduction of Subsection N, Provisions for Flood Hazard Reduction, may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.
- i. Variances may be issued for the repair or rehabilitation of “historic structures” upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as an “historic structure” and the variance is the minimum to preserve the historic character and design of the structure.
- j. Variances may be issued for new construction, substantial improvements, and other development necessary for the conduct of a functionally dependent use.
- k. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- l. Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

- m. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Flood Protection Grade and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- n. The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request.

N. *Provisions for Flood Hazard Reduction*

1. Floodplain Status Standards.

a. Floodways (Riverine)

Located within SFHAs, established in Subsection E., General Provisions, 2., are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. Under the provisions of the Flood Control Act (IC 14-28-1) a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing, and paving undertaken before the actual start of construction of the structure. General licenses and exemptions to the requirements of the Flood Control Act (IC 14-28-1 and 312 IAC 10) may apply to qualified additions/improvements to existing lawful residential structures, rural bridges, logjam removals, wetland restoration, utility line crossings, outfall projects, creek rock removal, and prospecting.

- i. If the site is in a regulatory floodway as established in Subsection E., General Provisions, 2., the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for approval for construction in a floodway, provided the activity does not qualify for a general license or exemption (IC 14-28-1 or 312 IAC 10).
- ii. No action shall be taken by the Floodplain Administrator until approval has been granted by the Indiana Department of Natural Resources for construction in the floodway, or evidence provided by an applicant that the development meets specified criteria to qualify for a general license or exemption to the requirement of the Flood Control Act. The Floodplain Development Permit shall meet the provisions contained in this article.
- iii. The Floodplain Development Permit cannot be less restrictive than an approval issued for construction in a floodway issued by the Indiana Department of Natural Resources, or the specified criteria used to qualify for a general license or exemption to the Flood Control Act for a specific site/project. However, a community's more restrictive regulations (if any) shall take precedence.

- iv. In floodway areas identified on the FIRM, development shall cause no increase in flood levels during the occurrence of the base flood discharge without first obtaining a Conditional Letter of Map Revision and meeting requirements of Subsection M. Administration, 5. a. A Conditional Letter of Map Revision cannot be issued for development that would cause an increase in flood levels affecting a structure and such development should not be permitted.
- v. In floodway areas identified by the Indiana Department of Natural Resources through detailed or approximate studies but not yet identified on the effective FIRM as floodway areas, the total cumulative effect of the proposed development, when combined with all other existing and anticipated development, shall not adversely affect the efficiency of, or unduly restrict the capacity of the floodway. This adverse effect is defined as an increase in the elevation of the regulatory flood of at least fifteen-hundredths (0.15) of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses.
- vi. For all projects involving channel modifications or fill (including levees) the City of Greenwood shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data per mapping standard regulations found at 44 CFR § 65.12.

b. Fringe (Riverine)

If the site is in the fringe (either identified on the FIRM or identified by the Indiana Department of Natural Resources through detailed or approximate studies and not identified on a FIRM), the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in this article have been met.

c. SFHAs without Established Base Flood Elevation and/or Floodways/Fringes (Riverine)

- i. Drainage area upstream of the site is greater than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

No action shall be taken by the Floodplain Administrator until written approval from the Indiana Department of Natural Resources (approval for construction in a floodway, letter of authorization, or evidence of general license qualification) or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

Once the Floodplain Administrator has received the proper written approval, evidence of general license qualification, or floodplain analysis/regulatory assessment approving the proposed development from the Indiana Department of Natural Resources, a Floodplain Development Permit may be issued, provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in this section have been met.

- ii. Drainage area upstream of the site is less than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodplain and one-percent annual chance flood elevation for the site.

Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in this article have been met.

d. SFHAs not Identified on a Map

- i. If a proposed development site is near a waterway with no SFHA identified on a map, the Floodplain Administrator shall verify the drainage area upstream of the site. If the drainage area upstream of the site is verified as being greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.
- ii. No action shall be taken by the Floodplain Administrator until written approval from the Indiana Department of Natural Resources (approval for construction in a floodway, letter of authorization, or evidence of general license qualification) or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.
- iii. Once the Floodplain Administrator has received the proper written approval, evidence of general license qualification, or floodplain analysis/regulatory assessment approving the proposed development from the Indiana Department of Natural Resources, a Floodplain Development Permit may be issued, provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in this article have been met.

2. General Standards.

In all areas of special flood hazard, the following provisions are required:

- a. All new construction, reconstruction or repairs made to a repetitive loss structure, and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- b. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG;
- c. New construction and substantial improvements must incorporate methods and practices that minimize flood damage;
- d. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be located at/above the FPG for residential structures. Electrical, heating,

- e. ventilation, plumbing, air conditioning equipment, and other service facilities shall be located at/above the FPG or designed so as to prevent water from entering or accumulating within the components below the FPG for non-residential structures. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG;
- f. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- g. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- h. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- i. Any alteration, repair, reconstruction, or improvements to a structure that is in compliance with the provisions of this ordinance shall meet the requirements of “new construction” as contained in this ordinance;
- j. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty (50) lots or five (5) acres;
- k. Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this ordinance applicable to the most restrictive flood zone and the highest base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.
- l. Fill projects that do not involve a structure must be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3’ horizontal to 1’ vertical.
- m. Non-conversion agreements shall be required for all new or substantially improved elevated structures with an enclosure beneath the elevated floor, accessory structures, and open-sided shelters.
- n. Construction of new solid waste disposal facilities, hazard waste management facilities, salvage yards, and chemical storage facilities shall not be permitted in areas of special flood hazard.
- o. Parking lots, driveways, and sidewalks within the SFHA shall be constructed with permeable materials; and
- p. Whenever any portion of the SFHA is authorized for use, the volume of space that will be occupied by the authorized fill or structure below the base flood elevation (BFE) shall be compensated for and balanced by an equivalent volume of excavation taken below the BFE;
 - i. The excavation volume shall be at least equal to the volume of storage lost (replacement ratio of 1:1) due to the fill or structure;

- ii. The excavation shall take place in the floodplain and in the same property in which the authorized fill or structure is located;
- iii. Under certain circumstances, the excavation may be allowed to take place outside of but adjacent to the floodplain provided that the excavated volume will be below the regulatory flood elevation, will be in the same property in which the authorized fill or structure is located, will be accessible to the regulatory flood water, will not be subject to ponding when not inundated by flood water, and that it shall not be refilled;
- iv. The excavation shall provide for true storage of floodwater and shall not be subject to ponding when not inundated by flood water;
- v. The fill or structure shall not obstruct a drainage way leading to the floodplain;
- vi. The grading around the excavation shall be such that the excavated area shall be accessible to the regulatory flood water;
- vii. The fill or structure shall be of a material deemed stable enough to remain firm and in place during periods of flooding and shall include provisions to protect adjacent property owners against any increased runoff or drainage resulting from its placement; and
- viii. Plans depicting the areas to be excavated and fill shall be submitted prior to the actual start of construction or any site work; once site work is complete, but before the actual start of construction, the applicant shall provide to the Floodplain Administrator a certified survey of the excavation and fill sites demonstrating the fill and excavation comply with this Section.

3. Specific Standards.

In all areas of special flood hazard where base flood elevation data or flood depths have been provided, as set forth in Subsection E., General Provisions, 2., the following provisions are required:

- a. **Building Protection Requirement.** In addition to the general standards described in Subsection N., Provisions for Flood Hazard Reduction, 2. structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:
 - i. Construction or placement of a residential structure;
 - ii. Construction or placement of a non-residential structure;
 - iii. Addition or improvement made to an existing structure where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land). An addition and/or improvement project that is continuous in scope or time is considered as one project for permitting purposes;
 - iv. Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to its before damaged condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before damage occurred (the costs of any

- v. proposed additions or improvements beyond restoring the damaged structure to its before damaged condition must be included in the cost);
- vi. Installing a manufactured home on a new site or a new manufactured home on an existing site;
- vii. Installing a travel trailer or recreational vehicle on a site for more than 180 days; and
- viii. Reconstruction or repairs made to a repetitive loss structure.

b. Residential Construction.

- i. New construction or substantial improvement of any residential structures shall meet provisions described in Subsection N., Provisions for Flood Hazard Reduction, 1., and applicable general standards described in Subsection N., Provisions for Flood Hazard Reduction, 2.
- ii. In **Zone A and Zone AE**, new construction or substantial improvement of any residential structure shall have the lowest floor; including basement, at or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Subsection N., Provisions for Flood Hazard Reduction, 3. b. iii. Should fill be used to elevate a structure, the standards of Subsection N., Provisions for Flood Hazard Reduction, 3. b. (iv.) must be met.
- iii. **Fully enclosed areas** formed by foundation and other exterior walls below the flood protection grade shall meet the following requirement:
 - 1. Designed to preclude finished living space and designed to allow for the automatic entry and exit of floodwaters to equalize hydrostatic flood forces on exterior walls. Flood openings must be designed and installed in compliance with criteria set out in FEMA Technical Bulletin 1. Flood openings must be designed and certified by a registered design professional (requires supporting engineering certification or make/model specific ICC-ES Report), or meet the following criteria for non-engineered flood openings:
 - a. Provide a minimum of two openings on different sides of an enclosure. If there are multiple enclosed areas, each is required to meet the requirements for enclosures, including the requirement for flood openings in exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area);
 - b. The bottom of all openings shall be no more than one foot above the higher of the final interior grade (or floor) and the finished exterior grade immediately under each opening;
 - c. Doors and windows do not qualify as openings;
 - d. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;

- e. Openings are to be not less than 3 inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device.
- 2. The floor of such enclosed area must be at or above grade on at least one side.
- iv. A residential structure may be constructed on **fill** in accordance with the following
 - 1. Fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file;
 - 2. Fill shall extend 10 feet beyond the foundation of the structure before sloping below the BFE;
 - 3. Fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3' horizontal to 1' vertical;
 - 4. Fill shall not adversely affect the flow of surface drainage from or onto neighboring properties;
 - 5. Fill shall be composed of clean granular or earthen material.
- v. A residential structure may be constructed using a **stem wall foundation** (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill) must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No flood openings are required for this type of construction.

c. Non-Residential Construction.

- i. New construction or substantial improvement of any non-residential structures (excludes accessory structures) shall meet provisions described in Subsection N., Provisions for Flood Hazard Reduction, 1. and applicable general standards described in Subsection N., Provisions for Flood Hazard Reduction, 2.
- ii. In **Zone A and Zone AE**, new construction, or substantial improvement of any commercial, industrial, or non-residential structure (excludes accessory structures) shall either have the lowest floor, including basement, elevated to or above the FPG or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Subsection N. Provisions for Flood Hazard Reduction, 3. c. iii. Should fill be used to elevate a structure, the standards of Subsection N., Provisions for Flood Hazard Reduction, 3. c. iv. must be met.
- iii. **Fully enclosed areas** formed by foundation and other exterior walls below the flood protection grade shall meet the following requirement:

1. Designed to preclude finished living space and designed to allow for the automatic entry and exit of floodwaters to equalize hydrostatic flood forces on exterior walls. Flood openings must be designed and installed in compliance with criteria set out in FEMA Technical Bulletin 1. Flood openings must be designed and certified by a registered design professional (requires supporting engineering certification or make/model specific ICC-ES Report), or meet the following criteria for non-engineered flood openings:
 - a. Provide a minimum of two openings on different sides of an enclosure. If more than one enclosed area is present, each must have openings on exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area);
 - b. The bottom of all openings shall be no more than one foot above the higher of the final interior grade (or floor) and the finished exterior grade immediately under each opening;
 - c. Doors and windows do not qualify as openings;
 - d. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;
 - e. Openings are to be not less than 3 inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device.
 2. The floor of such enclosed area must be at or above grade on at least one side.
- iv. A nonresidential structure may be **constructed on fill** in accordance with the following:
1. Shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file;
 2. Shall extend 10 feet beyond the foundation of the structure before sloping below the BFE;
 3. Shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3' horizontal to 1' vertical;
 4. Shall not adversely affect the flow of surface drainage from or onto neighboring properties;
 5. Shall be composed of clean granular or earthen material.
- v. A nonresidential structure may be **floodproofed** in accordance with the following:
1. A Registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are

2. watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the Floodplain Administrator.
3. Floodproofing measures shall be operable without human intervention and without an outside source of electricity.
- vi. A nonresidential structure may be constructed using a **stem wall foundation** (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall foundation must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No flood openings are required for this type of construction.

d. Manufactured Homes and Recreational Vehicles.

- i. These requirements apply to all manufactured homes to be placed on a site in the SFHA:
 1. The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 2. Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Subsection N., Provisions for Flood Hazard Reduction, 3. b. iii.
 3. Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.
- ii. Recreational vehicles placed on a site in the SFHA shall either:
 1. Be on site for less than 180 days and be fully licensed and ready for use on a public highway (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions), or
 2. Meet the requirements for “manufactured homes” as stated earlier in this section.

e. Accessory Structures

Within SFHAs, new construction or placement of an accessory structure must meet the following standards:

- i. Shall have a floor area of 400 square feet or less;
- ii. Use shall be limited to parking of vehicles and limited storage;
- iii. Shall not be used for human habitation;
- iv. Shall be constructed of flood resistant material;

- v. Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
- vi. Shall be firmly anchored to prevent flotation;
- vii. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the FPG;
- viii. Shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Subsection N., Provisions for Flood Hazard Reduction, 3. c. iii., and,
- ix. Shall not have subsequent additions or improvements that would preclude the structure from its continued designation as an accessory structure.

f. Free-standing Pavilions, Gazebos, Decks, Carports, and Similar Development.

Within SFHAs, new construction or placement of free-standing pavilions, gazebos, decks, carports, and similar development must meet the following standards:

- i. Shall have open sides (having not more than one rigid wall);
- ii. Shall be anchored to prevent flotation or lateral movement;
- iii. Shall be constructed of flood resistant materials below the FPG;
- iv. Any electrical, heating, plumbing and other service facilities shall be located at/above the FPG;
- v. Shall not have subsequent additions or improvements that would preclude the development from its continued designation as a free-standing pavilion, gazebo, carport, or similar open-sided development.

g. Above Ground Gas or Liquid Storage Tanks.

Within SFHAs, all newly placed aboveground gas or liquid storage tanks shall meet the requirements for a non-residential structure as required in Subsection N., Provisions for Flood Hazard Reduction, 3. c.

4. Standards for Subdivision and Other New Developments.

- a. All subdivision proposals and all other proposed new development shall be consistent with the need to minimize flood damage.
- b. All subdivision proposals and all other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- c. All subdivision proposals and all other proposed new development shall have adequate drainage provided to reduce exposure to flood hazards.

- d. In all areas of special flood hazard where base flood elevation data area not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and all other proposed new development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty (50) lots or five (5) acres, whichever is less.
- e. All subdivision proposals shall minimize development in the SFHA and/or limit density of development permitted in the SFHA.
- f. All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).
- g. Streets, blocks, lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds.

5. Standards for Critical Facilities.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.

Sec. 10-02-32 through Sec. 10-02-50 Reserved for Future Use.

Pages 887 through 922 Reserved for Future Use.

DIVISION III.

GENERALLY APPLICABLE REGULATIONS

Sec. 10-03-01. Applicability

A. The following regulations are applicable generally to all property within the City as set forth herein.

B. Waivers

1. The Commission may, in its discretion, authorize and approve waivers from the requirements and standards of the generally applicable regulations in this Ordinance upon a finding that:
 - a. The approval of the waiver request will not be detrimental to the public safety, health, and welfare, or injurious to property within a reasonable proximity to the subject property involved in the waiver request.
 - b. The strict application of the applicable Ordinance standard will result in practical difficulties in the development due to the particular physical surroundings, unique constraints, or topographical conditions of the subject property. These conditions will not substantially alter the character of the subject district or zone.
 - c. The practical difficulties were not self-imposed and cannot be overcome by reasonable design alternatives. Financial hardship does not constitute a practical difficulty.
 - d. The waiver request is necessary and represents a minimal deviation from explicit Ordinance standards.
2. In approving waivers, the Commission may impose such conditions as will, in its judgment, substantially secure the objectives of these regulations.
3. Applications for waivers shall be submitted to the Commission with application forms as prescribed by the Plan Commission. On the application, the applicant shall describe the requested waivers and shall submit proposed findings of fact in support of each requested modification. The applicant shall bear the burden of establishing a sufficient factual basis for each requested modification.

Sec. 10-03-02. Parking and Access

A. Intent

Every use of land must include on-premises parking sufficient for the needs normally generated by the use. Parking shall be provided in a manner that is safe, accessible, well-designed, and mitigates environmental impacts.

B. Applicability

The standards of this section shall apply to new development and expansions greater than 20%, as described below:

1. Expansion of a structure (GFA), use, number of dwelling units, or seating capacity beyond 20% requires that the entire site must be compliant with the standards herein.
2. If the expansion is less than 20%, then only the expanded part of the use, building or site must be compliant with these standards.
3. If only the site, and not the use or building, is expanded by more than 20%, then only the site must be compliant with these standards.
4. Where the development standards tables in Division II of this code identify parking as located in side or rear yards, one double-row of parking is permitted in front of the primary structure.

C. Calculation of Required Parking Spaces

In determining the required number of parking spaces, fractional spaces are rounded to the nearest whole number, with one-half or more counted as an additional space. Where multiple uses exist on the same lot, the required parking minimum will be the sum of the required parking for each use. Parking reductions may be granted for shared parking as listed herein.

D. Minimum Parking Standards

The table below displays the minimum required parking standards by use. Uses not included in the table do not have prescribed parking space counts.

USES	Off-Street Parking Count
Animal Care Services	
Boarding/kennel	1 per every six kennels
Animal grooming (without kennel)	1 per animal grooming station
Veterinary Clinic	2 per examination room
Arts and Entertainment	
Motion Picture or Live Theater	1 per 3 theater seats
Automotive Retail	
Retail - Convenience with gasoline	1 per 350 sq. ft. of gross indoor showroom / office floor area
Vehicular Sales - Automobiles	1 per 350 sq. ft. of gross indoor showroom / office floor area
Vehicular Sales - Motorcycles	1 per 700 sq. ft. of gross indoor showroom / office floor area
Vehicular Sales - Recreational Vehicles and Boats	1 per 700 sq. ft. of gross indoor showroom / office floor area
Automotive Services	
Vehicle Care Services – Major	2 per repair bay
Vehicle Care Services – Non-major	2 per repair bay
Personal Care Services	
Adult Day Care	1 per employee

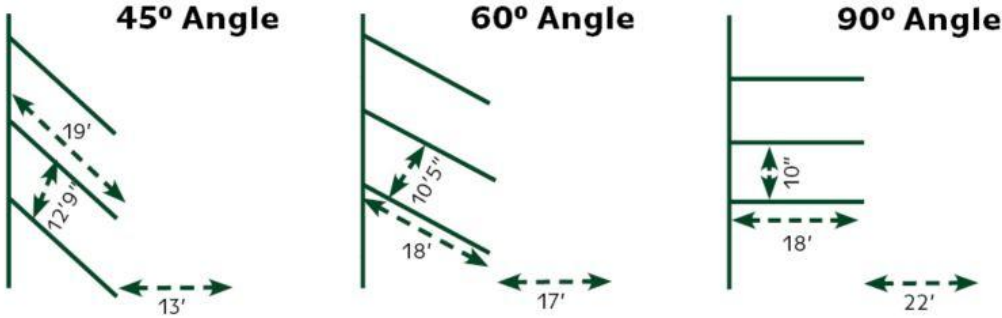
Child Day Care - Center	1 per 200 sq. ft. of gross floor area
Child Day Care - In Home	2 spaces required
Crematorium (standalone)	1 per 700 sq. ft. of gross floor area
Funeral Home	1 per 250 sq. ft. of gross floor area
Congregation	
Event Center - Private Events and Conferences	50% of total maximum occupancy
Religious Assembly	50% of total maximum occupancy
Eating and Drinking	
Beverage - Brewing and Distilling w/on-premise consumption	1 per 350 sq. ft. of gross floor area
Beverage Sales - Liquor and Beer Sit Down/Bar Establishment	50% of total maximum occupancy
Food Service - Quick Serve/Fast Food with Drive Through	1 per 3 dining room seats and two waiting spaces per drive through lane
Food Service - Quick Serve/Fast Food without Drive Through	1 per 3 dining room seats
Food Service - Fast Casual Restaurant	1 per 200 sq. ft. of gross floor area
Food Service - Full Service Restaurant	50% of total maximum occupancy
Medical	
Health and Wellness - Fitness Facility/Gym	1 per 300 sq. ft. of gross floor area
Health and Wellness - Massage or Therapy	2 per licensed professional
Medical - Full Service Hospital	3 per inpatient care room
Medical - Outpatient and Urgent Care	2 per licensed professional
Medical - Psychiatric Facility - Standalone	2 per licensed professional
Medical - Office	2 per licensed professional
Medical - Standalone Emergency Services	2 per licensed professional
Studio - Gymnastics/dance/fitness	1 per 300 sq. ft. of gross floor area
Industrial	
Beverage - Distribution	1 per 1,500 sq. ft. gross floor area
Equipment Repair - Heavy	2 per service bay
Equipment Repair - Light	2 per service bay
Beverage – Brewing and Distilling w/out on-premise consumption	1 per 1,500 sq. ft. gross floor area
Food Service - Processing	1 per 1,500 sq. ft. gross floor area
Food Service - Production	1 per 1,500 sq. ft. gross floor area
Manufacturing - Heavy	1 per 2,500 sq. ft. gross floor area
Manufacturing - Light	1 per 1,500 sq. ft. gross floor area
Storage - Outdoor	1 per 250 sq. ft. of gross office/sales floor area
Warehouse - Large Format	1 per 5,000 sq. ft. gross floor area
Warehouse - Small Format	1 per 2,500 sq. ft. gross floor area

Lodging	
Camping	1 spot per camping space
Overnight Lodging - Bed and Breakfast	1 per available room
Overnight Lodging - Extended Stay	1 per available room
Overnight Lodging - Hotel	1 per available room
Overnight Lodging - Transient Occupancy	1 per available room
Office	
Office - Corporate	1 per 350 sq. ft. gross floor area
Office - Call Center	1 per 350 sq. ft. gross floor area
Office - Professional Services	1 per 350 sq. ft. gross floor area
Institutional	
Event Center - Public Meetings and Conventions	50% of total maximum occupancy
Library	1 per 750 sq. ft. gross floor area
Recreation	
Shooting Range - Indoor Only	1 per 750 sq. ft. gross floor area
Residential	
Dwelling - Attached Single-Family	2 per dwelling unit
Dwelling - Detached Single-Family	2 per dwelling unit
Dwelling - Multi-Family Building	1 bedroom
Dwelling - Multi-Family Building Complex	1.75 per dwelling unit
Dwelling - Mobile Home	2 per pad
Dwelling - Two-Family	1 per dwelling unit
Residential Care	
Dwelling - Assisted	.75 per dwelling unit
Dwelling - Group	.50 per bedroom
Dwelling - Nursing	.50 per bed
Dwelling - Developmental Disability	.50 per bedroom
Retail	
Neighborhood Grocery/Market (< 10,000 GFA)	1 per 500 sq. ft.
Retail - Large Format (>25,000 GFA)	1 per 500 sq. ft.
Retail - Medium Format (10,000-25,000 GFA)	1 per 500 sq. ft.
Retail - Small Format (0-10,000 GFA)	1 per 500 sq. ft.
Retail Services	
Storage - Self-Store Indoor	1 per 250 sq. ft. of gross office/sales floor area
Storage - Vehicular and Boat	1 per 250 sq. ft. of gross office/sales floor area
Financial Services	1 per 250 sq. ft. of gross office/sales floor area
Tattoo Services	1 per 250 sq. ft. of gross office/sales floor area
Personal Care and Beauty Services	2 per client station
Clothing Services - Dry Cleaning	1 per 250 sq. ft. of gross sales floor area
Mixed Use	
Mixed-Use (mix of permitted uses)	Residential: 1 per unit (must be a reserved space) Non-Residential: As required by specific use

Wholesale	
Auction Facility	10 per auction bay

E. Parking Space Dimensions and Drive Aisles

Parking spaces and drive aisles shall conform to the following minimum dimensions:

<i>Parking Space Angles (One-way travel unless otherwise stated)</i>	Minimum Width (feet unless indicated by " as inches)	Minimum Length (feet)	Minimum Drive Aisle Width (feet)
Parallel parking	8	22	12
Parallel parking (two-way travel)	9	22	24
Ninety-degree parking	10	18	22
Sixty-degree parking	10'5"	18	17
Forty-five-degree parking	12'9"	19	13
Angled parking measurements are illustrated below:			
			
Parking dimensions for spaces in the Old Town District may be reduced to nine (9) feet by eighteen (18) feet.			

F. Parking Area Surfaces

All driveways and parking areas for all uses shall be paved with concrete, asphalt, pavers, or pervious pavers. Porous pavement should be used to the greatest degree possible, and the Stormwater Technical Standards Manual should be referenced for Best Management Practices (BMP).

G. Parking Reductions

Reduction of the number of parking spaces required for a property under this Ordinance may be reduced if any of the following conditions are satisfied. Conditions that warrant a reduction in required parking spaces are listed in the table below:

Parking Reduction	Rate	Maximum Reduction
Shared Parking	The minimum parking provision for shared parking between multiple uses shall be the largest required minimum parking of all users, plus 20% of the parking minimum assigned for every subsequent use.	Total parking demand shall not be reduced by more than 30 percent of overall demand. No two of the same use shall share parking.
Bicycle Parking	Parking spaces may be reduced at a rate of one (1) vehicular space per four (4) bicycle parking spaces.	Four (4) parking spaces - if a property is within 800 feet of a multi-use trail or on-street bicycle lane, the maximum reduction shall be increased to eight (8) parking spaces.
Transit	A primary entrance located within 1,300 feet of an operational transit stop, shall be eligible for a reduction of three (3) parking spaces.	Three (3) spaces per every transit stop
Public Parking	A primary entrance located within 1,000 feet of a public parking facility, regardless of whether such public parking is publicly or privately owned, shall be eligible for a reduction at a rate of two (2) parking spaces for every thirty (30) parking spaces available to the general public at such parking facility; subject to availability as identified by the garage owner.	No Maximum Reduction
Rideshare	A primary entrance located within 500 feet of an active ridesharing program.	Three (3) spaces for every rideshare car, or 25% of required spaces, whichever is larger
On-Street Parking	The existence of public, striped on-street parking abutting the applicant's property shall be eligible for a reduction in the required minimum number of parking spaces at a rate of one (1) space for each on-street parking space adjacent to the subject property.	25%
Mature Tree Preservation	The preservation of a mature tree with a trunk diameter greater than 12 inches shall be eligible for a reduction in the required minimum number of parking spaces at a rate of four parking spaces for each mature tree preserved on the subject property.	25%

H. Bicycle Parking

1. Applicability
 - a. Bicycle parking shall be provided for all new construction and building expansions beyond 20% that are located within 500 feet of a multi-use trail.
2. Bicycle Parking Design, Location and Count

- a. Bicycle parking areas shall be designed so that when fully occupied, bicycles, including trailers, shall not obstruct an adjacent sidewalk, path, or other pedestrian way.
- b. Bicycle parking spaces shall be near the main entryway into the primary structure or located inside the primary structure.
- c. Bicycle parking spaces shall be provided at a rate of 1 bicycle parking space per 20 vehicle parking spaces. No more than 10 bicycle parking spaces shall be required for any primary structure.

I. Parking Provision Greater than the Required Minimum

1. Parking may be provided at a rate that exceeds the required minimum number of parking spaces. However, if the amount of parking provided exceeds 150% of the required parking minimum, additional perimeter tree planting will be required at a rate of one tree with a minimum caliber diameter of three (3) inches at the time of planting for every eight (8) parking spaces that exceed 150% of the minimum required number of parking spaces.

Sec. 10-03-03. Commercial Off-Street Loading Facilities.

- A. The requirements for commercial off-street loading facilities shall be provided in accordance with the following standards for any new structure which requires the receipt or distribution of materials or merchandise by trucks or similar commercial vehicles.
- B. The following requirements shall pertain to the location of loading berths:
 1. All required loading berths shall be located on the same lot as the use served;
 2. Loading facilities shall not be located within 200 feet of a residential property;
 3. In no case shall a loading berth be located in such a manner as to require loading/unloading vehicles to back into or maneuver within a public right-of-way or overhang adjacent property;
 4. A plan shall be submitted and approved during the review process that shows how the loading will occur; and
 5. No permitted or required loading berth shall be located within 50 feet of the nearest point of intersection of any two streets.
 6. Loading or unloading may not interfere with or encroach on fire and emergency vehicle lanes, parking areas, sidewalks, bike lanes, drive aisles or queuing areas.
 7. Loading areas are not permitted within 100 feet of a residential dwelling.
 8. Loading areas may not block required parking, or the associated circulation for required parking.

9. Loading areas must be located to the side or the rear of the building and may not be placed between the street and the building or any front façade of a building.
- C. Unless otherwise specified, a required off-street loading berth shall be as follows:
 1. For local pickup and delivery trucks: Twelve feet (12') in width by 30 feet in length with a 45-foot maneuvering apron and shall have a vertical clearance of at least 12 feet. Maneuvering apron shall be at least 20 feet from the centerline of the street.
 2. For over-the-road tractor-trailers: Twelve feet, six inches (12' 6") in width by 60 feet in length with a 70-foot maneuvering apron and shall have a vertical clearance of at least 15 feet. In no case, shall the loading berth be less than 145 feet from the centerline of the street.
 - D. Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.
 - E. All off-street loading berths shall be surfaced with concrete or other appropriate material meeting the durability requirements. Bituminous asphalt may be used on the portions of the apron outside of the landing/parking space.
 - F. Space allocated for off-street loading use shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
 - G. Uses for which off-street loading facilities are required herein, but which are located in buildings of less floor area than the minimum prescribed, shall provide adequate receiving facilities accessible by motor vehicles off any adjacent alley, service drive, or open space on the same lot.
 - H. Vehicle loading areas shall be screened from adjacent uses with a 5 feet buffer area planted with shrubs or trees to form a fully opaque planted screen. A fence made of wood may be substituted for the fully opaque planted screen.
 - I. The overnight parking of semi-trucks shall not occur between the hours of 10 p.m. and 7 a.m. except in designated areas in the rear of a building.

Sec. 10-03-04. Loading and Drop-off for Deliveries and Rideshare

A. Applicability

All new construction of buildings over 10,000 square feet of GFA within the Old Town district must provide facilities for the loading, pick-up, and drop-off for rideshare passengers and postal deliveries.

B. Standards

For every 10,000 square feet of GFA, not fewer than one (1) and not more than four (4) designated delivery and rideshare drop-off spaces must be provided within 100 feet from an entrance.

Sec. 10-03-05. Drive-thru(s)

A. Applicability

The following standards apply to all new or expanded drive-thru(s), which shall include any pick-up window, and the addition of drive-thru facilities on existing properties:

1. Drive-thru(s) may not be located within 100 feet of a residential dwelling or school.
2. If within 200 feet of a residential dwelling, drive-thru(s) may not operate between the hours of 11:00 PM and 6:00 AM.
3. Drive-thru(s) are not permitted anywhere in Old Town.

B. Stacking Lane Requirements

The following table displays the minimum number of stacking spaces required in the lane that provides access to the service window, or service machine. The number of stacking spaces is determined by use as per the table below. All drive-thru(s) windows must be located so that they do not interfere with vehicular or pedestrian circulation.

Minimum Required Drive-Thru Stacking Spaces (from first window)	
Use	Minimum Spaces
Financial Services (per bay)	3
Food Service with Drive-Thru (1 window)	6
Food Service with Drive-Thru (2 window)	8
Automotive services - self-serve (per bay)	3
Car Wash (automated)	3 for each bay; 5 for a conveyor wash facility
Clothing Services – Dry Cleaning, Other Uses	3

C. Stacking Lane Design and Construction

Drive-thru stacking lanes must adhere to the following standards:

1. All stacking spaces must have a minimum width of 10 feet along straight segments, 12 feet along curved segments, and the stacking space length must be a minimum of 20 feet.
2. Drive-thru lanes must be separated by striping and may not interfere with off-street parking or the lanes utilized for maneuvering in and out of off-street parking spaces.
3. Establishments with drive-thrus must provide a by-pass lane whereby vehicles may circulate around the structure separate from the drive-thru lanes.
4. There must be one trash receptacle provided per drive-thru lane.

5. Pedestrian walkways shall be clearly visible and emphasized by enhanced paving or markings where they intersect drive-in or drive-thru aisles.

D. Menu Board Count and Area

The following regulations shall apply to menu boards and directional signage within drive-thru facilities:

1. Two menu boards per drive-thru aisle are permitted.
2. Associated directional signage that gives directions to vehicles through the parking lot and drive-thru is permitted and may not be used for advertising purposes. These boards may not exceed 32 square feet.
3. Drive-thru directional signs may not be larger than 5 square feet and must be located adjacent to the drive through lane.
4. Menu boards may internally illuminate for the sole purpose of lighting menu writing or graphics and may not flash or have any visible bulbs or LED lighting. Electronic menu boards are permitted provided the content does not change more than four (4) times in any 24-hour period.
5. All menu boards must be oriented toward the driver in the drive-thru aisle that it is serving and may not face the right-of-way.

E. Drive-thru Noise and Hours

1. Drive-thru speakers shall not emit more than 50 decibels and shall not be audible above ambient noise from adjacent properties. When adjacent to a residential zone or a building not in a residential zone but used for residential purposes, the hours of operation of the drive-thru shall not be earlier than 6 a.m. and not later than 11 p.m. each night of the week.

Sec. 10-03-06. Landscaping and Buffering

A. Applicability

The standards of this section shall apply to new development and expansions greater than 20%, as described below:

1. Expansion of a structure or use beyond 20% requires that the entire site must be compliant with the standards herein;
2. If the expansion is less than 20%, then only the expanded part of the use, building or site must be compliant with these standards; and
3. If only the site, and not the use or building, is expanded by more than 20%, then only the site must be compliant with these standards.

B. Enforcement

Failure to implement the approved landscape plan shall constitute a violation of this Ordinance.

C. Maintenance

All landscaping shall be maintained in accordance with the approved landscape plan with landscaped areas maintained with plantings in good health, and free of refuse or debris.

D. Vegetation

All proposed plant material shall be:

1. Included on the Greenwood Planting Guide kept on file at the Department of Planning and Buildings and in the appendix of this document, as approved by the Plan Commission;
2. All plants must be non-invasive species;
3. Not more than 30% of any single plant genus; and
4. Living, disease free, undamaged, and free of material defects.

E. Mature Tree and Plant Conservation

The preservation of plants and trees that exist on a site shall count toward the requirements of this Ordinance, provided that:

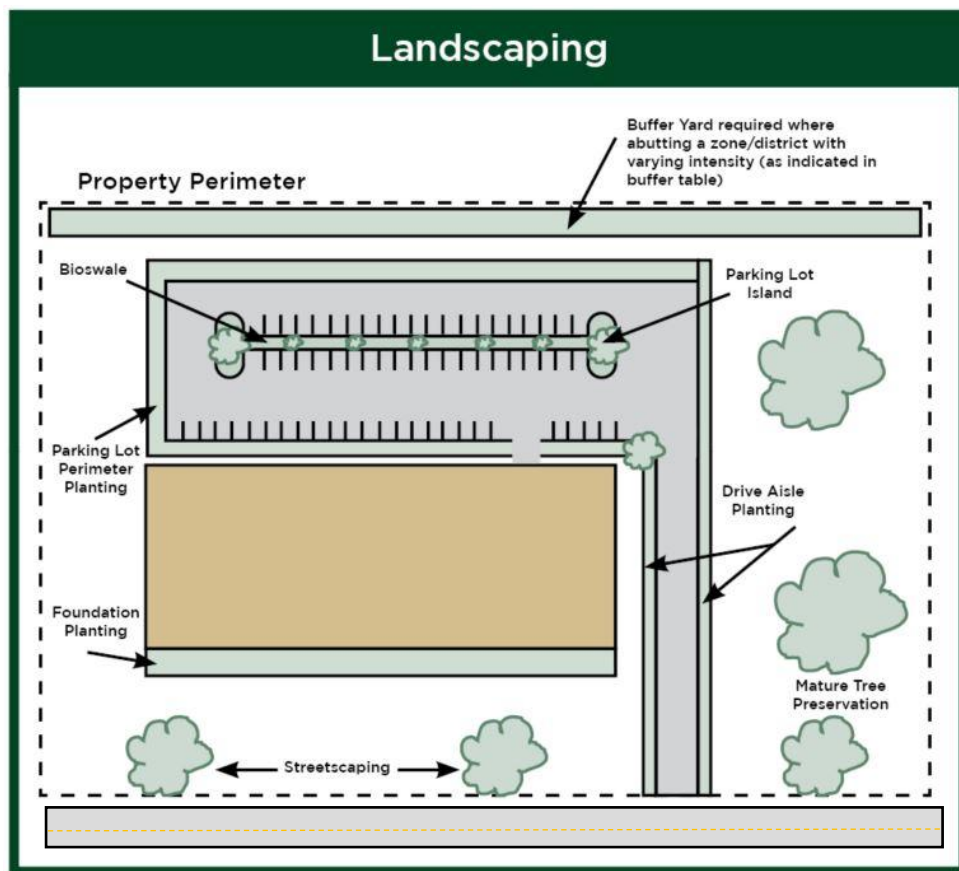
1. Existing preserved trees must be greater than 6 inches in caliper measured diameter;
2. Existing vegetation is clearly indicated on the landscaping plan;
3. Existing vegetation is not an invasive species; and
4. Existing vegetation is in good health or can reasonably be brought into good health.

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F. Types of Landscaping

The following types of landscaping described in this section are illustrated in the graphic below.

1. Mature Tree Preservation
2. Foundation Planting
3. Parking Lot Perimeter Planting, Parking Lot Islands, Drive Aisle Planting
4. Streetscaping
5. Buffering



G. Foundation Plantings

Foundation landscaping shall be provided as per the property groupings listed below:

Standard	Single-family residential properties and duplexes	Multi-family properties	Commercial properties under 25,000 sf of GFA and institutional properties	Industrial Properties, and any commercial property over 25,000 sf of GFA
Front Yard Landscaping	Planting strip with minimum width of three (3) feet along the full length of the foundation facing a street.	Planting strip with minimum width of five (5) feet along the full length of the foundation facing a street.	Planting strip with minimum width of 10 feet along the full-length of the foundation facing a street.*	Planting strip with minimum width of 15 feet along the full length of the foundation facing a street.*
Type of Planting	Five small shrubs and one shade tree per street frontage.	Shrubs, flowers, long grasses, shade or evergreen trees at the recommended spacing by plant type. Spacing distance for plantings may not be greater than the recommended spacing by plant type.	Shrubs, flowers, long grasses, shade/ evergreen trees at the recommended spacing by plant type. Spacing distance for plantings may not be greater than the recommended spacing by plant type.	Shade, ornamental and/or evergreen trees are required at one (1) per 40 feet of linear foundation length facing the front street. Shrubs, grasses, and flowers may be interspersed at the recommended spacing by plant type. Spacing distance for plantings may not be greater than the recommended spacing by plant type.
	*If a decorative masonry wall is erected, the planting strip may be decreased to four (4) feet in width.			
	Old Town development where the structure physically abuts the public sidewalks shall be exempt from the foundation landscape requirement.			

H. Streetscaping

Street trees shall be planted at a rate of one tree per 40 linear feet of frontage. Trees shall be planted in the front yard no closer than three feet from the curb or edge of the right-of-way, or if there is a sidewalk then three feet on the sidewalk opposite the street, as the case may be. Tree plantings shall not be placed in the visibility triangle located at an intersection. Street trees may be spaced 30-60 feet apart depending on site conditions provided the spacing averages to one tree per 40 feet of curb line adjacent to the subject properties.

I. Buffering

A landscaped buffer shall be required where districts and zones abut to mitigate the impact of adjacent uses that vary in intensity. Buffer yards shall be categorized as Small, Medium, or Large; the standards for each buffer yard are listed in the table below.

Buffer Yards	Small	Medium	Large
Width (min)	20'*	30'	40'
Canopy or Evergreen Trees (min per 100')	3	4	5
Ornamental Trees (min per 100')	2	3	4
Shrubs (min per 100')	10	15	20
*Where a residential subdivision is being established, a perimeter buffer yard 20 feet in width must be planted along all thoroughfares which abut the subdivision, irrespective of whether front, side or rear yards abut the thoroughfare, and provide access to the subdivision. All such buffers shall be located within common areas and not on an individual lot or lots.			
Trees shall be prorated and rounded up to the nearest whole number for every foot over the initial 100 feet of contiguous boundary with the conflicting district, zone or use.			
Undulating mounds or berms may be substituted for a perimeter buffer yards. Mounds or berms shall be a minimum height of six (6) feet, a minimum crown width of two (2) feet, and a side slope not greater than three (3) feet horizontal to one (1) foot vertical. Mounds or berms shall be planted and covered with live vegetation. One tree must be planted on the berm for every 40 feet in length.			
For the Medium and Large buffer yards, the erection of a high-quality fence made of wood or masonry six (6) feet in height as measured from the nearest visible street or adjacent property shall reduce the required buffer yard by 10 feet. Landscape must be installed on the outward side of the fence.			
Buffers shall be located along the outer perimeter of the lot, parallel to and extending along 100% of the shared lot lines, except the lot line abutting the right-of-way.			
If the difference in GFA between a minor commercial use and a major commercial use is less than 10,000 sf of GFA, then a buffer yard is not required.			

The small, medium and large buffering as described above shall be applied at the perimeter of properties that abut a different district or zone. The buffer yard is the responsibility of the developing use, and shall be applied as per the matrix below:

District or Zone Where Developing Use is Located*						
Adjoining District or Zone		RL/RM/RA/ OTR	RMC/RMH	CS/OT	CM/CL/ IC	IM/IL
	RL/RM/ RA/OT R		Small	Small	Large	Large
	RMC/ RMH	Small		Small	Medium	Large
	CS/OT	Small	Small		Medium	Large
	CM/CL / IC	Medium	Medium	Medium		Large
	IM/IL	Large	Large	Large	Large	

J. Parking Lot Landscaping:

1. Off-Street Parking Islands

- a. Within off-street parking lots, a landscaped interior island must be provided every 14 parking spaces and islands must be distributed evenly throughout the parking area.
- b. Interior islands may be consolidated, or intervals may be expanded in order to preserve existing trees.
- c. An interior island must be a minimum of 10 feet in width and 180 square feet in area.
- d. Interior islands must be installed below the level of the parking lot surface to allow for runoff capture.
- e. All interior islands must contain at least one tree with a minimum diameter of 4 inches.
- f. Islands are not required to utilize curbs. If desired, roll or stand up curbs may be utilized not exceeding four (4) inches in height.
- g. Bioswales that include tree plantings may be provided between parking rows in lieu of parking islands so long as 10% of the parking lot is landscaped. Bioswales must contain one shade tree per 40 lineal feet of bioswales.

- h. For parking lots exclusively serving semi-trucks and trailers, interior islands and any bioswales may be situated along the perimeter of the parking lot; In such instances the islands and bioswales shall be in addition to any applicable buffer requirements herein.
- i. No landscape interior islands must be included within two rows of parking directly adjacent to a loading dock so that trucks have adequate space to maneuver.

Parking Lot Landscaping – (left) Parking Islands, (right) Bioswale



2. Perimeter Parking Lot Landscaping

- a. A minimum 5-foot wide, landscaped area with a continuous row of shrubs must be provided at the perimeter of the parking lot. Shrubs must be a minimum of 18 inches in height when planted and must reach a minimum size of 3 feet in height within 3 years of planting.
- b. Per 35 feet of lineal feet of planting, a minimum of one (1) tree and three (3) shrubs must be planted.
- c. The required 5-foot landscaped area may be reduced to 3 feet when a 3-foot high masonry wall, wrought iron or wood picket fence is erected.
- d. Beyond the 5-foot wide landscaped area, when abutting a Primary or Secondary Arterial, an additional buffer area 10 feet in width must be given between the parking lot landscaping and the edge of the right-of-way.
- e. Drive aisles must also have perimeter plantings.
- f. Where parking lot perimeter landscape conflicts with tractor-trailer parking, alternate landscape placement may be approved by the Planning Director.

3. Perimeter Parking Garage Landscaping

- a. A minimum 5-foot wide, landscaped area with a continuous row of trees and shrubs must be provided at the perimeter of the parking garage. Shrubs must be a minimum of 18 inches in height when planted and must reach a minimum size of 3 feet in height within 3 years of planting and trees must have a minimum trunk diameter of 2 1/2 inches at the time of planting. Trees and shrubs shall be planted at the minimum recommended plant spacing by genus.

4. Landscaping Site Constraints

- a. Where landscaping site constraints exist and there is not sufficient space to provide all landscaping elements, reconfiguration is permitted only if the required number of vegetative units is provided, albeit in a reconfigured format approved by the Technical Review Committee.

Sec. 10-03-07. Outdoor Lighting

A. Photometric Plan Review

A photometric plan showing compliance with these standards shall be submitted along with all final site plans. The photometric plan may be incorporated into the site plan if all photometric plan components are included. The lighting plan shall include all of the following:

1. All structure(s), parking spaces, building entrances, traffic areas (both vehicular and pedestrian);
2. Vegetation that might interfere with lighting;
3. Adjacent uses that might be adversely impacted by the lighting;
4. All exterior lighting, including but not limited to, architectural, building-entrance, landscaping, flag, accent, etc.); and
5. A layout of all proposed fixtures by location, orientation, aiming direction, mounting height and type.

B. Exempt Exterior Lighting

The following exterior lighting is exempt from the requirements of this section:

1. FAA-mandated lighting associated with a utility tower or airport;
2. Lighting for the United States flag, State flag, a County or City flag, a corporate flag, or any other flag;
3. Holiday lighting during the months of November, December, and January, provided the lighting does not create unsafe glare on street rights-of-way;
4. Battery-powered emergency lighting;
5. Architectural lighting of 450 lumens or less;
6. Public safety lighting;
7. Street lighting in the public right-of-way, though every attempt shall be made to select glare free fixtures and use shields and other devices to direct lighting downward; and
8. Residential garage, porch, and architectural and landscape accent lighting.

C. Light Level Measuring

1. Light levels are specified, calculated and measured in foot-candles. All foot-candles values are maintained foot-candles.
2. Measurements are to be made at ground level, with the light-registering portion of the meter held parallel to the ground pointing up

D. Design and Installation Requirements

1. All light fixtures shall meet the following requirements:
 - a. Except in the OT District, the maximum light level of any light fixture cannot exceed 0.5 foot-candles measured at the property line of any residential zone or district containing a residential use, 2.0 foot-candles measured at the property line of any non-residential zone or district non-containing a residential use, and 2.5 foot-candles at the property line of a parking lot.
 - b. Lighting must not be oriented to direct glare or excessive illumination onto adjacent properties, streets or sidewalks.
 - c. All lighting fixtures and poles within a single development shall be consistent in style, color, size, height, and design and are compatible with the architecture character of the development. Service connections for all freestanding lighting fixtures must be installed underground.
 - d. All lighting fixtures, except sports field lighting and decorative architectural lighting shall be full 90-degree cutoff fixtures. Decorative architectural lighting from commercial and industrial properties shall not be permitted on facades facing an adjacent residential use.

E. Parking and Pedestrian Areas

1. Light fixtures within parking and vehicular areas may be no higher than 30 feet.
2. Light fixtures along pedestrian paths and sidewalks may be no higher than 15 feet.
3. Light fixture located within 300 feet of a property line of a residential zone or district containing a residential use may be no higher than 15 feet.
4. Light fixtures in parking and vehicular display areas must be full cutoff.
5. Parking lot, site, and building lighting shall not be located within 50 feet of a residential zone or use, except in the OT zone.
6. Light sources internal to parking garages must include 90-degree cutoffs or recessed fixtures. Rooftop lighting for parking structures shall be no more than 15 feet above the rooftop parking surface and shall be mounted a minimum of 15 feet in from the edge of the structure.

7. In all other areas, light fixtures with more than 2,000 lumens must be full cutoff unless they meet the following:
 - a. Decorative, non-cutoff fixtures can be used when the maximum initial lumens generated by each fixture does not exceed 9,500 lumens;
 - b. If the unshielded fixture has all metal halide, fluorescent, induction, white high-pressure sodium and color-corrected high-pressure sodium lamps, the outer lamp envelope must be coated with an internal white frosting to diffuse light;
 - c. All metal halide fixtures equipped with a medium base socket must use either an internal refractive lens or a wide-body refractive globe; or
 - d. All non-cutoff fixture open-bottom lights must have equipped with full cutoff fixture shields.

F. Flood Lights and Flood Lamps

1. Flood lights are only permitted on residential properties and must not be directed toward adjacent properties or rights-of-way.

G. Canopy Lighting

Lighting under canopies must be designed to prevent glare off-site. Acceptable lighting designs include the following:

1. Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom of the surface canopy;
2. Lighting fixture incorporating shields or is shielded by the edge of the canopy itself;
3. Surface mounted fixture incorporating a flat glass that provides a cutoff design or shielded light distribution;
4. Surface mounted fixture measuring no more than 2 feet by 2 feet, with a lens cover that contains at least 2% white fill diffusion material; or
5. Indirect lighting where light is beamed upward and then reflected down from the underside of the canopy, provided the fixture is shielded so that direct illumination is focused exclusively on the underside of the canopy.

H. Sports and Performance Venues

Lighting of outdoor sports areas, athletic fields, and performance areas shall comply with the following standards:

1. Sport field lights shall not exceed 100 feet in height.

2. 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.
3. 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

I. Building and Security Lighting

1. Lighting fixtures shall be selected, located, aimed and shielded so that direct illumination is focused exclusively on the building façade, plantings and other intended site features and away from adjoining properties and the street right-of-way.
2. All wall pack fixtures must be full cutoff fixtures.
3. Only lighting used to accent architectural features, landscaping, or art may be directed upward, if the fixture is located, aimed or shielded to avoid light spill into the night sky.

J. Pedestrian Lighting

1. The primary building frontage for all single/two-story, multi-tenant commercial buildings and big box tenant spaces shall feature pedestrian-scaled lighting. Lights shall be provided at the primary sidewalk connection. Parking lot lighting not exceeding 12 feet in height may be utilized in lieu of separate fixtures.
2. Decorative light fixtures shall be provided along entrance drives, public rights-of-way, buildings, and pedestrian pathways. Natural areas or conservation areas are exempt from this requirement.

Sec. 10-03-08. Signage

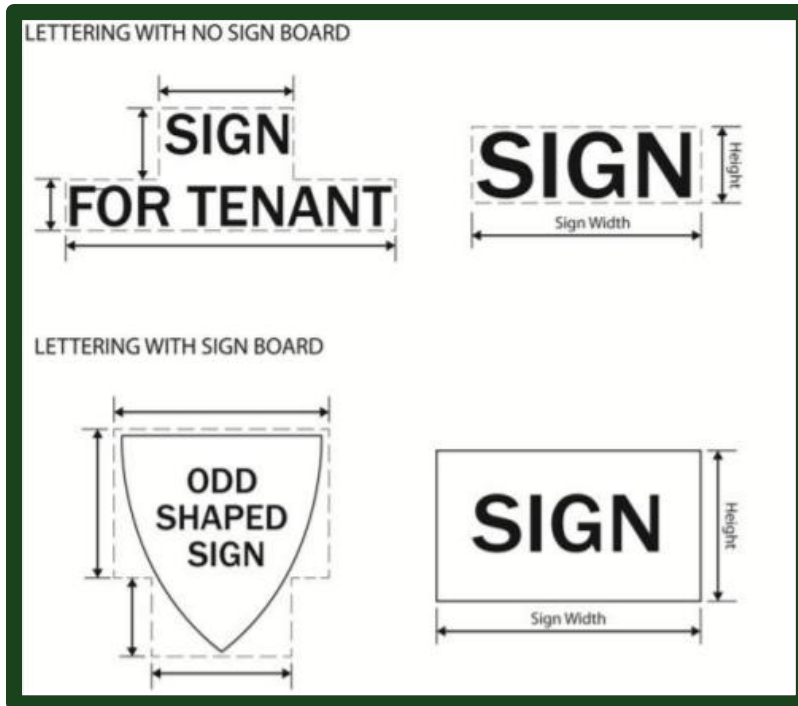
A. Purpose and Intent

1. The purpose of this section is to regulate the size, color, illumination, movement, materials, location, height and condition of all signs placed on private property for exterior observation, thus ensuring the protection of the health, safety and morals; the protection of property values; the character of the various neighborhoods; the creation of a convenient, attractive and harmonious community; protection against destruction of or encroachment on historic convenience to citizens; encouraging economic development; and enhancing the quality of life.
2. This section is intended to promote signs that are compatible with the use of the property to which they are appurtenant, the landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
3. This section does not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the City. Rather, it is intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.

4. Old Town Business District shall follow the “Business Façade Signage Guidelines”, dated August 3, 2016, and any amendments thereof

B. How to Measure Signs

1. Signs shall be measured as illustrated below:



C. Prohibited Signs

The following types of signs are expressly prohibited in all Districts and Zones:

1. Abandoned Signs.
2. Animated and intensely lighted signs. No sign shall be permitted which is animated by means of flashing, scintillating, blinking or traveling lights or any other device or means not providing constant illumination except as allowed in subsection K (ix.) below for Digital/Electronic Variable Message (EVMS) Signs.
3. Lights and balloons. Search lights, twirling signs, balloons or other gas-filled figures shall be prohibited.
4. Off-premise signs. Off-premise signs shall be prohibited with the exception of those allowed in subsection M. below
5. Snipe Signs/Public Areas. No sign shall be permitted which is placed on any curb, sidewalk (excepting Portable Sidewalk/A Frame Signs legally conforming to subsection D. below) a post, pole, electrolier, hydrant, bridge, tree or other surface located on public property, on public right-of-way or over or across any street or roadway

6. Signs that bear or contain statements, words, or pictures of an obscene or pornographic manner.
7. Signs that operate or employ any stereopticon or motion picture projection or media, or have visible moving parts, or any portion of which moves or gives the illusion of movement.
8. Signs that emit audible sound, odor, or visible matter.
9. Signs which, by reason of their size, location, movement, content, 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 or signal or device;
10. Bench Signs. The use of benches as signs shall be prohibited.
11. Roof Signs. Signs, mounted letters, painted letters or other types of signs shall be prohibited from placement on a roof or roof deck.
12. Pennant strings and streamers.
13. Signs which prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part. No sign other than a safety sign shall be attached to a standpipe or fire escape.
14. Reflective signs or signs containing mirrors.
15. Interactive signs.
16. Signs erected without the permission of the property owner, with the exception of Government/Regulatory signs.
17. Signs that promote an illegal activity.
18. Vehicle signs. It shall be prohibited to park or use a vehicle in such a way as to function as a sign, defined to include the parking of any vehicle, trailer or similar movable structure containing or supporting any signage between the right-of- way line and any public street and the lesser of two distances: forward of the Front Line of Building of the Principal Building or one hundred fifty (150) feet from the public right-of-way, with the exception of:
 - a. Vehicles actively involved in construction on or serving of the site;
 - b. Vehicles delivering products to the site in designated loading areas;
 - c. Vehicles parked in designated truck parking areas of a development that have been screened from or are not generally visible from the public right-of-way;
 - d. Vehicles parked on sites where parking is not available one hundred-fifty(150) feet or more from the public right-of-way. In such cases, vehicles supporting signage shall be located as far as possible from the public right- of- way;

- e. Passenger vehicles, pick-up trucks, and passenger vans of a size that can fully fit within a standard parking space, containing signs painted on or permanently affixed on the doors or integral body panels.
19. Banners. Banners and pennants shall be prohibited unless utilized as a temporary wall sign or utilized as a Pole Banner Sign. Banners and pennants shall not be used as a freestanding sign or as a component thereof, except in the case of the aforementioned Pole Banner Sign. A banner may be used as a temporary wall sign provided the length of time for which the banner is used shall not exceed ninety (90) days or the date that the permanent wall sign is installed, whichever occurs first. The maximum permitted sign area for a banner shall be twenty-five percent (25%) of that permitted for a wall sign in the underlying zoning district as described in subsequent sections of this Division. A temporary sign permit for the banner shall be required, but does not count against the maximum annual permit limitation for temporary signs set forth in subsection E., below, as it is not a freestanding temporary sign.

D. Signs Authorized Without a Permit

The following signs shall be allowed without a sign permit and shall not be included in the determination of the type, number, or area of permanent signs allowed within a District or Zone, provided such signs comply with all regulations in this Division.

1. Government/Regulatory signs when erected and maintained pursuant to law.
2. Traffic control devices on private or public property that must be erected and maintained to comply with the Indiana Manual on Uniform Traffic Control Devices or with the Manual on Uniform Traffic Control Devices adopted by the Federal Highway Administration.
3. Each property owner must mark his/her property using numerals that identify the address of the property so that public safety departments can easily identify the address from the public street. The size and location of the identifying numerals and letters if any must be proportional to the size of the building and the distance from the street to the building and in no case smaller than four inches in height and no larger than twelve inches in height. In cases where the building is not located within view of the public street, the identifier must be located on the mailbox or other suitable device such that it is visible from the street.
4. Where a federal, state or local law requires a property owner to post a sign on the owner's property to warn of a danger, to prohibit access to the property either generally or specifically, or display required information, the owner may comply with the federal, state or local law to exercise that authority by posting a sign on the property. Size limitations shall be 9 (nine) square feet.
5. The signs described in subsection D. 1. through D. 4 above are an important component of measures necessary to protect the public safety and serve the compelling governmental interest of protecting traffic safety, serving the requirements of emergency response and protecting property rights or the rights of persons on property.
6. Parking signs. Signs for public and private parking shall be permitted. Such signs shall be subject to a three-foot setback from right-of-way. Signs shall be at least seven feet (7) from top of curb elevation to bottom of sign 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.

7. Traffic direction signs. Signs directing traffic movement onto or within premises. The leading edge of such signs shall be a minimum of three (3) feet from any curb or traffic movement aisle, and the sign shall be no greater than three (3) feet in height, and no greater than six (6) square feet in area in any zone or district, except in the IM and IL zones, such signs shall be no greater than six (6) feet in height and no greater than sixteen (16) square feet in area.
8. Interior Signs. Signs located on the interior of buildings, courts, lobbies, athletic fields, stadiums, or other structures (which may include fences) which are not intended to be seen from the exterior of said buildings or structures and are located at least three (3) feet from the window.
9. Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of official or directed duties; provided, that all such signs must be removed no more than ten (10) days after their purpose has been accomplished.
10. A property owner may place an additional temporary sign on business, commercial, industrial and multi-family property during the period of time the property is for sale or lease provided the sign is removed within seven (7) days of sale or lease.
11. Window signs on commercial properties that comprise less than 10% of a window (maximum of two per window). Window signs over 10% shall require a wall sign permit.
12. Small Temporary Residential District Signs as per the standards below:
 - a. Small temporary residential signs allowed at any time: A residential property owner may place one temporary sign with a sign face no larger than four (4) square feet on residential property at any time unless otherwise provided herein.
 - b. During the 50 day period between November 20 to January 10, a residential property owner may place an unlimited number of additional temporary signs on the residential property and may use lights as measured at the property line to decorate the residential property even if the lights might be arranged to form a sign.
 - c. The sign face of any small temporary residential sign, unless otherwise limited in this Division must not be larger than four (4) square feet.
13. One (1) portable Sidewalk/A-Frame Sign with the following requirements:

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Illumination. Illumination of any portable sidewalk/A-frame board sign (hereafter “sign or “signs”) is prohibited.
Permitted Duration. All portable signs must be taken in during inclement weather, and signs shall not be displayed on any premises before 6:00 AM and shall be removed each day at or before 11:00 PM. However, all portable signs must be taken in during hours of non-operation of the property in which they are placed.
Area. Each sign shall have a maximum area of seven (7) sq. ft. per sign face.
Height. Signs shall have a maximum height of three and one-half (3.5) feet.
Sign Placement. If a sign is located on a public or private sidewalk, a minimum of 36 inches of unobstructed sidewalk clearance must be maintained between the sign and any building or other obstruction. The sign must be located on the premises and within 12 feet of the primary public entrance but may not cause a hazard to pedestrians or drivers. For the purposes of this subsection, a public entrance includes a vehicular entrance into a parking garage or parking lot. Portable signs shall be weighted, temporarily secured, or strategically placed so as to avoid being carried away by high winds.
Manual Changeable Copy. Manual changeable copy signs are permitted when integrated into a sidewalk/A-frame board sign.

E. General Regulations Pertaining to Temporary Signs

1. Residential Districts temporary signs allowed as per the regulations below:
 - a. A maximum of four (4) pole banner or street pole banner signs for show models in newly constructed subdivisions shall be permitted per single- family residential access to an arterial street. The maximum sign surface area per pole banner sign shall not exceed twenty-four (24) square feet in area. Pole Banners Signs are subject to the requirements of this section.
2. Business, Commercial, Industrial Owners Associations, and Multi-Family use temporary signs allowed as per the regulations below:
 - a. Temporary sign limitations: A business, commercial, industrial, or multi-family property owner may place no more than one temporary sign with a sign face no larger than thirty-two (32) square feet on display on the property at a time, except as permitted in subsection b) below A temporary sign may be displayed for a period up to fifteen (15) days no more than six (6) times per calendar year.
 - b. Sign Permit required. A temporary sign permit is required for each temporary sign displayed, except signs displayed pursuant to subsection D. 12. above. The temporary sign permit shall expire fifteen (15) days from the date of issuance; however, should the applicant specify an alternate commencement date, the duration of sign display shall not exceed fifteen (15) consecutive days.
 - c. All temporary signs must be installed in such a way that they do not create a safety hazard.
 - d. All temporary signs must be made of durable materials and shall be well maintained.

- e. Illumination of temporary signs is prohibited.
- f. Portable signs that adhere to the standards of this subsection that have a maximum height of seven (7) feet.
- g. Property owner consent is required.

3. Construction Sign.

- a. One construction sign is permitted per construction site and a construction sign permit must be issued prior to erecting the sign.
- b. The sign face must be no larger than thirty-two (32) square feet and no taller than seven (7) feet in height.
- c. The sign must be constructed with durable materials and well maintained.
- d. The sign must be placed on private property with written property owner consent.
- e. The sign may not obstruct visibility to motorists, cyclists, or pedestrians in any way.
- f. The sign may remain on site until construction is complete.

F. Sign Permits

Except as otherwise provided within this Division, it shall be unlawful for any person to erect, construct, enlarge, structurally alter or modify or relocate any sign within the jurisdiction of the Plan Commission, or cause the same to be done, without first obtaining a sign permit.

G. Permit Application

An application for a sign permit must be filed with the Department of Community Development Services on forms furnished by that department for permanent and temporary signs which require a permit. The applicant must provide sufficient information to determine if the proposed sign is allowed under this section and other applicable laws, regulations, and ordinances.

H. Permit Processing

1. Department of Community Development Services must promptly process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application, within ten (10) business days of the date of the application.
2. If the application is rejected, Department of Community Development Services must provide a list of the reasons for the rejection in writing. An application must be rejected for non-compliance with the terms of this section, other sections of this Ordinance, or other applicable law, regulation, or ordinance.

3. Duration and revocation of permit. If a permanent sign is not installed within three (3) years following the application date of a sign permit, the permit shall be void. The Planning Director or his/her designee may revoke a sign permit under any of the following circumstances:
 - a. The Planning Director/Designee determines that information in the application was materially false or misleading;
 - b. The sign as installed does not conform to the sign permit application;
 - c. The sign violates this section, this Ordinance, the Building Code, or other applicable law, regulation, or ordinance; or
 - d. Department of Community Development Services determines that the sign is not being properly maintained or has been abandoned.

I. Permit Fee

The application, including all required documentation, shall be filed with the Department of Community Development Services together with payment of a permit fee as adopted by the Greenwood Common Council in the Official Fee Schedule.

J. Appeals

If the Planning Director/designee denies a permit the applicant may appeal to the Board of Zoning Appeals per Indiana Code.

K. General Regulations

1. Sign Location

- a. No sign shall be placed in such a position as to endanger pedestrians, bicyclists, or traffic on a street by obscuring the view or by interfering with official street signs or signals by virtue of position or color, and signs may not be placed in the right-of-way.
- b. No sign may be located within the Visibility Triangle.
- c. Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground utility and communications lines or equipment. No sign shall be placed on utility easements or drainage easements as defined on recorded plats or site plans without the express consent of the Board of Public Works and Safety.
- d. All freestanding signs shall be subject to a minimum setback from any street right of way of not less than ten (10) feet; and shall not be installed in a manner that obstructs vision of, or otherwise creates, a hazard to traffic entering or leaving the premises. Ground and pole signs shall be no closer to the rear and side property line than fifteen (15) feet.

2. Sign Area

- a. The area of a sign shall mean the area of all lettering, wording, and accompanying designs, logos, and symbols. The area of a sign shall not include any supporting framework, bracing

or trim which is incidental to the display, provided that it does not contain any lettering, wording, or symbols.

b. Where the sign consists of individual letters, designs, or symbols attached to a building, awning, wall, or window, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.

c. Signs may be double-sided.

i. Sign Area: On-premises signs

(a) Only one (1) side shall be considered when determining the sign area, provided that the faces are equal in size, the interior angle formed by the faces is less than 45 degrees, and the two faces are not more than 18 inches apart.

(b) Where the faces are not equal in size, but the interior angle formed by the faces is less than 45 degrees and the two faces are not more than 18 inches apart, the larger sign face shall be used as the basis for calculating sign area.

(c) When the interior angle formed by the faces is greater than 45 degrees, or the faces are greater than 18 inches apart, all sides of such sign shall be considered in calculating the sign area.

ii. Sign Area: Off-premises signs

(a) Only one (1) side shall be considered when determining the sign area, provided that the faces are equal in size, the interior angle formed by the faces is less than 45 degrees, and the two faces are not more than five (5) feet apart.

(b) Where the faces are not equal in size, but the interior angle formed by the faces is less than 45 degrees and the two faces are not more than five (5) feet apart, the larger sign face shall be used as the basis for calculating sign area.

(c) When the interior angle formed by the faces is greater than 45 degrees, or the faces are greater than five (5) feet apart, all sides of such sign shall be considered in calculating the sign area.

(d) Signs or advertising structures with more than two (2) faces are prohibited.

d. Signs that consist of, or have attached to them, one or more three-dimensional or irregularly shaped objects, shall have a sign area of the sum of two adjacent vertical sign faces of the smallest cube encompassing the sign or object.

e. If elements of a sign are movable or flexible, such as a flag or banner, the measurement is taken when the elements are fully extended and parallel to the plane of view.

3. Sign Height

a. Sign height shall be measured as the distance from the highest portion of the sign to grade level.

- b. Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other structural elements.
- 4. Sign Spacing
 - a. The spacing between sign structures shall be measured as a straight-line distance between the closest edges of each sign.
- 5. Sign Illumination
 - a. Signs erected or maintained which, by use of lights or illumination, creates a distracting or hazardous condition to a motorist, pedestrian, the general public, or adjacent properties shall be prohibited. Light rays must shine only upon the sign and upon the property within the premises. In addition:
 - i. No more than 0.2 foot-candle of light shall be detectable at the boundary of any abutting property.
 - ii. Hours of Operation: Signs within 300 feet of a residential area or mixed-use area with residential may be illuminated from 5 am until 11 pm, or ½ hour past the close of business of the facility being identified or advertised, whichever is later. Signs not facing the residential use are exempt from this requirement.
 - iii. Fluctuating or Flashing Illumination. No portion of any sign may fluctuate in light intensity or use intermittent, strobe or moving light or light that changes in intensity in sudden transitory bursts, streams, zooms, twinkles, sparkles or in any manner that creates the illusion of movement.
- 6. Brightness: Message center signs and digital displays are subject to the following brightness limits:
 - a. Signs must not exceed a maximum illumination of 460 foot-candles during daylight hours and a maximum illumination of 46 foot-candles for the time period between one half hour before sunset and one half hour after sunrise as measured from the sign's face at maximum brightness, measured at grade level within 10 feet of the sign face.
 - b. Each sign must have a light sensing device that will automatically adjust the brightness of the display as the natural ambient light conditions change to comply with the limits set here within.
- 7. Message Duration
 - a. The length of time each message may be displayed on a message center sign, digital display, or Tri-Vision Board sign shall have a minimum duration of eight (8) seconds and must be a static display.

8. Glare Control

- a. Glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields, and baffles, and appropriate application of fixture mounting height, wattage, aiming angle, and fixture placement. Vegetation screens shall not be employed to serve as the primary means for controlling glare.

9. Regulations for Digital/Electronic Variable Message Signs (EVMS)

- a. Where permitted. EVMS shall be permitted as a component of a sign for any freestanding use or integrated center.
- b. Permitted sign types. EVMS shall be permitted as a component of any pole or ground sign for freestanding uses or integrated centers. In addition, EVMS shall also be permitted as a component of wall signs.
- c. Amount of a sign that can contain an EVMS. The portion of a sign dedicated for an EVMS shall not exceed forty (40%) percent of the sign size.
- d. Distance separation from a signalized intersection. No sign containing an EVMS as a component shall be located within one hundred twenty-five (125) feet of any signalized intersection of two (2) or more streets. The distance shall be measured from the point where the existing right-of-way lines of the intersecting streets meet. In a case where rounded or cut property corner exists, this measurement shall be taken from the point of the intersection of the existing rights-of-way lines, as extended. The distance shall be measured along the right-of-way line from the point of intersection.
- e. Distance separation from a residential use. EVMS shall not be located within three-hundred (300) feet of any residential use. Any EVMS that is located within three hundred (300) feet of any residential use must automatically turn off between the hours of 11:00 p.m. and 6:00 a.m. daily
- f. Transition. In all districts where the full sign image or any portion thereof changes, the change sequence must be accomplished by means of fading, dissolving, scrolling or traveling, and be completed in no less than 1 second but no more than 2.0 seconds.
- g. Video Display. No portion of any sign may change its message or background in a manner or by a method of display characterized by motion or pictorial imagery, or depicts action or a special effect to imitate movement, or the presentation of pictorials or graphics displayed in a progression of frames that give the illusion of motion or the illusion of moving objects, moving patterns or bands of light or expanding or contracting shapes
- h. EVMS shall be designed to either freeze the display in one static position, display a full black screen, or turn off in the event of a malfunction
- i. Portable or temporary EVMS shall be prohibited.

10. Signs Materials & Construction

- a. Every sign shall be constructed of durable materials, using noncorrosive fastenings; shall be structurally safe; and shall be maintained in safe condition and good repair at all times so that all sign information is clearly legible.

L. Menu of On-Premises Signs Allowed by Permit

The table below list signage as permitted by zone or district. Sign types are permitted in the various zones or districts based on their compatibility with the development and the built context. Signs authorized without a permit, as stated hereinabove, are also permitted in all zones and districts if they comply with all applicable standards.

1. Number of Permitted Signs

All properties may display one building mounted and one ground mounted sign as permitted below subject to the following exceptions:

- a. If a property has frontages on three separate public streets, one sign shall be permitted for each of the three street frontages thereby increasing the maximum number of signs to three. In the event that a property has three frontages, signs located adjacent to the rights-of-way may not be closer than 100 feet apart.
- b. Where multiple businesses are located on one property, two signs are permitted to advertise the entire property in keeping with this section, and additionally one of the following signs is permitted per every individual business located on site: Awning Sign; Projecting Sign or Blade Sign; Wall Sign; Window Sign.

2. On Premises Sign Menu: Building Signs

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CANOPY OR MARQUEE SIGN: One per storefront

ZONES/DISTRICTS PERMITTED:
OT, CS, CM, CL, IM, IL, IC

One Marquee sign is permitted per building for the following uses: Movie Theaters, Arts Centers, Community Facilities, Events Centers, and Museums

Such signs shall be located only above the principal public entrance of a building facing a public street or parking lot and may be illuminated in accordance with the illumination standards above.

Standards:

Such signs shall be located only above the principal public entrance of a building facing a public street, sidewalk, or parking lot.

No canopy/marquee shall be wider than the entrance it serves, plus two (2) feet on each side thereof.

No canopy/marquee shall extend closer to the street curb than three (3) feet.

Marquee signs may have changeable copy.

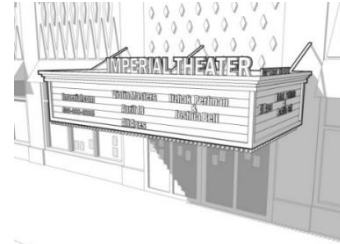
Dimensions:

Marquee Sign: The total area of signs on a single marquee structure shall not exceed 200 square feet in area.

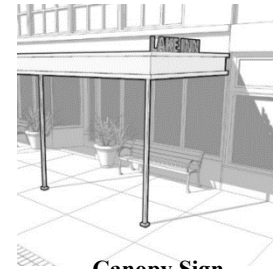
No portion of a marquee sign shall extend vertically above the eaveline.

The lowest edge of the marquee sign shall be at least eight (8) feet above the finished grade.

A logo or emblem is permitted on the top or angled portion of the canopy up to a maximum of three (3) square feet.



Marquee Sign



Canopy Sign

AWNING SIGN: One per building

ZONES/DISTRICTS PERMITTED:
OT, CS, CM, CL, IM, IL, IC, AC

A sign that is mounted, painted, or otherwise applied on or attached to an awning or other fabric, plastic, or structural protective cover over a door, entrance, or window of a building.

Standards:

An awning without lettering or other advertising shall not be regulated as a sign.

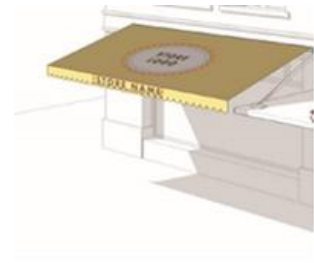
Awning signs must be centered within or over architectural elements such as windows or doors.

No awning sign shall be wider than the building wall or tenant space it identifies.

Dimensions:

The lowest edge of the awning sign shall be at least eight (8) feet above the finished grade.

A logo or emblem is permitted on the top or angled portion of the awning up to a maximum of three square (3) feet.



Awning Sign

PROJECTING / BLADE SIGN: One per storefront

ZONES/DISTRICTS PERMITTED:

OT, CS, CM, CL, IC, IM, IL, AC

A sign that is wholly or partly dependent upon a building for support or suspended from a pole attached to a building. Such signs must be perpendicular to the building face upon which they are attached.

Standards:

- A. Base materials (where affixed to building): Wood or Metal.
- B. External or internal illumination is permitted.
- C. The outermost portion of a projecting sign shall project no closer than five (5) feet from a curbline or shoulder of a public street, with exception of projecting signs in the Old Town Commercial District which are exempt from this requirement.

Dimensions:

Maximum sign width: 48 inches.

Maximum sign depth: 12 inches.

No portion of a projecting sign shall project more than four (4) feet from the face of the building.

The lowest edge of a projecting sign shall be at least eight (8) feet above the finished grade.

Where there are multiple tenants in a multi-story building, the sign may be affixed to the second story, with each tenant permitted a sign no taller than 18 inches.



Projecting Sign



Blade Sign

WALL SIGN

ZONES/DISTRICTS PERMITTED:

OT, CS, CM, CL, IM, IL, IC

Any sign attached to, mounted, engraved, or erected against the outside wall of a building or structure, with the exposed display surface of the sign in a plane parallel to the building facade. Shall not be above an eave/roof line.

Standards:

- A. External or internal illumination is permitted.
- B. The sign shall be mounted a raceway, painted directly on wall; supports and wiring components concealed from public view; flush with wall not protruding more than 12 inches from wall.

Dimensions:

The maximum sign area shall be 1.5 sq. ft. per lineal foot of building frontage to a maximum of 200 sq. ft.

The face area may be increased by seventy-five (75) percent if the sign is for two (2) or three (3) businesses and may be increased by 100% if the sign is for more than three businesses.

A freestanding building situated on a corner lot (with two street frontages) may have front wall signage on both walls with street frontage. The other building walls should be considered one side and one rear wall.



Wall Sign

Multi-tenant office buildings within the CM, CL, IM, IL, and IC zones shall be permitted one wall sign not to exceed 100 sq. ft. of face area per tenant, not to exceed a total square footage of 400 sq. ft. per building façade.

Wall signs shall be permitted on each wall facing an enclosed mall shopping center's parking lot and may exceed 15 feet at grade. Maximum sign area on each of such walls shall be two (2) square feet for each lineal foot of building frontage on such parking lot; however, in no instance shall any individual sign exceed four hundred (400) square feet.

Strip commercial centers and commercial subdivisions shall meet the following:

Signage on a building wall with street frontage shall be permitted four (4) square feet for each lineal foot of building frontage up to a maximum of two-hundred (200) square feet;

Side Wall. Signage on a side wall of a building shall be permitted two (2) square feet for each lineal foot of building depth up to a maximum of one-hundred (100) square feet;

Rear Wall. Signage on a rear wall of a building shall be permitted one (1) square foot for each lineal foot of the rear wall up to a maximum of fifty (50) square feet.

WINDOW SIGN: One per storefront
ZONES/DISTRICTS PERMITTED:
OT, CS, CM, CL, IC

Any signs, posters, symbols and other types of identification directly attached to the window of a building or erected on the inside of the building and visible from any public right-of-way or adjacent property.

Dimensions:

- A. In the OT and CS, 30% of the total window area of any single business may be covered by a sign.
- B. In the CM, CL and IC, a maximum of 40% of the total window area of any single storefront may be covered by a sign.



Window Sign

HANGING SIGN: One per street front
ZONES/DISTRICTS PERMITTED:
OT, CS, CM, IC

Any sign supported wholly or in part by a structure other than the building or buildings housing the business to which the sign pertains and that is not a pole sign.

Standards:

- A. Sign face materials: wood or metal.
- B. Sign base materials: wood or metal.
- C. External illumination is permitted

Dimensions:

Maximum sign face area: 16 sq. ft.

Maximum sign height: 8 feet.

No two free-standing signs may be closer in distance than 20 feet.



Hanging Sign

DUAL PIER GROUND SIGN: One per street front

ZONES/DISTRICTS PERMITTED:

AC, IC, CS, CM, CL, IM, IL, OT

Ground signs on non-residential properties which have one section permanently affixed to two base support piers and not mounted on a single pole or attached to any part of a building.

Standards:

External Illumination is prohibited..

Dimensions:

The maximum area of the sign face is 25 sq. ft.

The topmost portion of the sign shall not exceed beyond 10 feet at grade.



Dual Pier Ground Sign

MULTIPLE USE SITE GROUND SIGN: One per street front

ZONES/DISTRICTS PERMITTED:

CS, CM, CL, IM, IL

Ground signs for multiple use properties shall be considered as having a combination of business identification sections, with each section identifying one business, visually separated from the others by a cabinet frame, support, or other structural or decorative sign component. For the purposes of this Section, gas stations and associated convenience stores located on the same lot shall be considered as two separate uses when operated and branded separately.

Standards:

A. The maximum number of business identification sections shall be equal to the number of businesses on site.

Changeable copy signs shall be permitted for gasoline fueling stations only.

Dimensions:

Sign area will be delineated by the amount of street frontage – one

(1) sq. ft. of sign face is permitted per four (4) lineal feet of street frontage, up to a maximum of 240 sq. ft.

No individual tenant may comprise more than 100 sq. ft. of the total sign face.

The topmost portion of the sign shall not exceed beyond 23 feet at grade.

Up to three (3) feet may be permitted for a sign base which shall not be counted toward the maximum dimensions. The base shall be made of stone or metal.



Multiple Use Site Ground Sign

MONUMENT SIGN: Residential neighborhood identification only – one per street front, two per neighborhood subdivision entrance

ZONES/DISTRICTS PERMITTED:
AC, OTR, OS, OT, RL, RM, RA, RMC, RMH, CM, CL, IC

A freestanding sign erected directly on the ground and structurally independent from any building or structure, made of stone or masonry. This sign is permitted only to identify residential subdivisions or neighborhoods from a major thoroughfare and may not exist on an individual residential lot.

Standards:

- A. Sign face materials: wood carved and painted, stone or brick.
- B. Sign face surround materials: stone or masonry.
- C. External illumination is permitted.
- D. Changeable copy not permitted.

Dimensions:

The face of any such sign shall not exceed thirty-two (32) square feet in area. Excepting, however, for each additional foot (beyond 10) that the setback distance is increased, the face area of the sign may be increased by one square foot; up to a maximum allowable size of one hundred (100) square feet.

The height of any ground sign shall be such that no part of the sign structure shall exceed a maximum height of eight (8) feet from grade level



**Monument Sign – Residential
Neighborhood Identification**

MONUMENT SIGN: one per street front

ZONES/DISTRICTS PERMITTED:
AC, CS, CM, CL, IM, IL, IC, OS, OT

The sign is ground mounted and has a base and a structure surrounding the sign face, which includes copy that cannot be changed without replacing the sign face.

Standards:

- A. Sign face surround materials: brick or stone.
- B. Sign base materials: brick or stone.
- C. External or internal illumination is permitted.

Dimensions:

Maximum sign face area: 48 sq. ft.

The topmost portion of the sign shall not exceed beyond six (6) feet at grade.

No two monument signs may be closer in distance than 20 feet.



Monument Sign

MONUMENT SIGN, CHANGEABLE COPY: one per street front

ZONES/DISTRICTS PERMITTED:

AC, CM, CL, IL, IC, OS, OT

Additionally, permitted for schools, community facilities, and religious assembly

A ground sign with little or no open space between the ground and the sign and having a base and a structure surrounding the sign face, which includes copy that can be electronically or manually changed from time to time.

Standards:

Sign face surround materials: brick or stone.

A. External illumination is permitted.

B. See additional standards for changeable copy signs.

Dimensions:

Maximum sign face area: 24 sq. ft.

The topmost portion of the sign shall not exceed beyond six (6) feet at grade.

Changeable copy shall not comprise more than 40% of the total sign face area; provided, however no changeable copy portion of a sign may exceed 12 square feet in area.



**Monument Sign –
Changeable Copy**

POLE SIGN: one per business parcel

ZONES/DISTRICTS PERMITTED:

CL, CM, IC

A freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or a base structure. They may be two-sided.

Standards:

A. Internal and external illumination, as well as EVMS are permitted and must adhere to the illumination standards of this section.

B. Changeable copy is permitted.

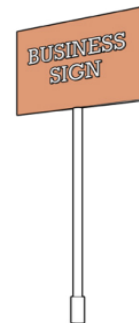
C. Enclosed Mall Shopping Centers may have one (1) pole sign along each street or highway right-of-way abutting such enclosed mall shopping center. Such sign shall have a maximum surface area not exceeding three hundred (300) square feet. Such sign shall not exceed thirty-five (35) feet in height.

D. Where an enclosed mall shopping center has in excess of six hundred (600) feet of street frontage along any given street or highway right-of way, one (1) additional free standing pole sign may be permitted provided that the distance between such signs along such street or highway right-of-way shall be not less than five hundred (500) feet.

Dimensions:

Such signs shall have a minimum height of nine (9) feet from grade level to the bottom of the sign and a maximum height of thirty-five (35) feet from grade level to the top of the sign.

Maximum sign face area: 100 sq. ft.



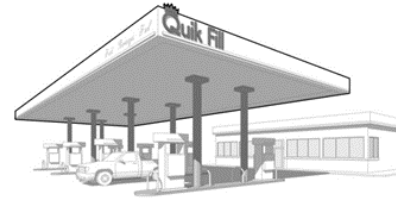
Pole Sign

GASOLINE SALE SIGNAGE: one per business parcel

Signage Below Permitted Only for the 'Retail – Convenience with Gasoline' use

The following standards apply to signage advertising or supporting the sale of gasoline, only in areas where gasoline sale is permitted:

- A. One (1) on-site dual faced pole sign is permitted for gasoline sales; the sign height shall not exceed 40 feet, and the sign area shall not exceed 100 sq. ft.
- B. One (1) on-site dual faced business ground sign is permitted for gasoline sales; the sign height shall not exceed 20 feet, and the sign area shall not exceed 60 sq. ft.
- C. The changeable area of the changeable message gasoline price signs shall not exceed 75 percent of the total sign area.
- D. A maximum of two canopy signs per gas station, not to exceed a total of 18 sq. ft.
- E. The following signs are permitted for gasoline sale and do not require a permit:
- F. Two (2) non-illuminated "self-serve" or "full-serve" signs per pump island not to exceed two (2) sq. ft. each; and
- G. One (1) fuel price or promotional information sign per fuel pump not to exceed two sq. ft.



Gasoline Sale Signage

M. Off-Premises Sign Allowed by Permit - Billboard

The purpose of this section is to control and regulate off-premises signage visible along interstate highways located within the jurisdiction of the Plan Commission in a manner that is fair and equitable, and in compliance with state and federal regulation of interstate signs. These regulations serve the compelling governmental interests of preserving and maintaining the scenic and aesthetic environment so as to protect and promote the tourist industry and the quality of life of the City's residents and visitors; of improving safety for local and visiting motorists by reducing the negative distracting influence of uncontrolled off-premise signs, and of minimizing possible adverse effects of off-premise signs on nearby public and private property.

1. Permitted locations.

- a. Outdoor advertising structures and signs are permitted only along an interstate highway where the site is zoned commercially or industrially. They may not be attached to the external wall or otherwise affixed to any part of any building and shall not extend over any public property or right-of-way, or on or over a bridge. Off-premises signs may not be located on sewer or drainage easements or rights-of-way, or water, electric, or petroleum pipelines or easements without written consent of the Board of Public Works and Safety or the appropriate utility company.

2. Size and height restrictions

Type	Minimum Setback	Minimum Height	Maximum Height	Maximum Face Area	Permitted Location
Billboard	20'	12'	40'	750 sq. ft. (includes extensions)	On- or Off-Premise
High-Rise	65'	50'	85'	550 sq. ft.	On-Premises ONLY
On back-to-back or "V-ed" double-faced sign structures, the maximum face area shall be permitted for each face. Signs or advertising structures with more than two (2) faces are prohibited.					
Minimum and maximum heights shall be measured from the grade level at the base of the sign.					

3. Minimum Proximity

- a. There shall be a minimum spacing of one thousand (1,000) feet between any type of off-premise outdoor highway advertising structures and signs on each side of the interstate highway.
- b. No off-premises billboard shall be allowed within five hundred (500) feet of an interchange. Said five hundred (500) feet to be measured along the interstate from the beginning or ending of pavement widening at the exit from or entrance to the main traveled way. This five hundred (500) foot prohibition does not apply to on premise signs which otherwise meet the requirements of this section.
- c. Vertically or horizontally stacked signs are be permitted.

4. Structure Specifications

- a. All pole and structural members shall be of steel. All billboard type signs shall be mounted on single-pole or I-beam structures. High-rise type signs may be erected on one or more steel support structures. All members shall be painted.
- b. All frames surrounding poster or bulletin signs shall be of painted metal, rough sawn cedar, or of a framing material of equivalent quality.
- c. Each sign structure shall have the name, address, and telephone number of the owner posted thereon. On sign structures utilizing electricity for illumination and so forth, the sign structure shall feature Underwriter's Laboratory approval of said installation.
- d. A sign may be mounted with two (2) faces back-to-back (or "V-ed") at an angle not to exceed sixty (60) degrees.
- e. When a structure is constructed in such a manner as to have copy material facing in a single direction, the exposed rear of the sign and the structural members shall be finished and maintained to a degree equal to that of the copy side of the sign.
- f. Landscaping shall be provided and maintained at the base of all off-premises signs. Trees and shrubbery, including evergreen and flowering trees, of sufficient and appropriate species, size and quantity shall be used to achieve the purpose of this section.

- g. Trees greater than four (4) inches in diameter removed for construction of the sign shall be replaced on-site at a ratio of one (1) replacement tree for each removed tree using native species no less than three (3) inches in diameter.

N. Temporary Signs Allowed by Permit

The following permitted temporary signs require a permit, and the requirements and general regulations for each sign type, are listed below:

1. Banners

Duration. A banner may be used as a temporary wall sign provided the length of time for which the banner is used shall not exceed ninety (90) days or the date that the permanent wall sign is installed, whichever occurs first.
Area. The maximum permitted sign area for a banner shall be twenty-five percent (25%) of that permitted for a wall sign in the underlying zoning district as described in the relevant sections of this Division. A temporary sign permit shall be required.
Anchor. Banners shall be prohibited unless utilized as a temporary wall sign or utilized as a Pole Banner Sign or Street Pole Banner Sign. Banners shall not be used as a freestanding sign or as a component thereof, except in the case of the aforementioned Pole Banner Sign/Street Pole Banner Sign.

2. Street Pole Banners

Illumination. Illumination of any street pole banner is prohibited.
Area. Each street pole banner shall have a maximum area of 18 square feet and a maximum width of three (3) feet. Up to two (2) street pole banners are permitted per street pole.
Height. When the street pole banner's edge is less than 18 inches from the curb, the lowest edge of the Street Pole Banner shall be at least 14 feet above the finished grade. When the street pole banner's edge is greater than 18 inches from the curb, the lowest edge of the street pole banner shall be at least eight (8) feet above the finished grade.
Location. <ul style="list-style-type: none"> • No street pole banner shall extend beyond the curb line. • Street pole banners shall maintain a minimum of three (3) foot vertical clearance below any luminaries located on the pole measured from where the ballasts connect to the poles. • Street pole banners shall not interfere with the visibility of traffic signals or signs. • No street pole banner shall be located on a pole that has traffic or pedestrian control signals. • Off-premise street pole banners are permitted within downtown Greenwood on Main Street between U.S. 31 and Polk Street and on Madison Avenue between Smith Valley and Fry Roads.
Materials. <ul style="list-style-type: none"> • All street pole banners must be made of lightweight and durable fabrics with wind slits. Street pole banners that are frayed, torn, or faded so that they are no longer legible will be deemed unmaintained and will be required to be removed.

3. Pole Banners

Illumination. Illumination of any pole banner is prohibited.
Area. Each pole banner shall have a maximum area of 24 square feet and a maximum width of four (4) feet. Up to two (2) pole banners are permitted per light pole.
Height. The lowest edge of a pole banner shall be at least eight (8) feet above the finished grade.
Location. Pole banners shall maintain a minimum of three (3) foot vertical clearance below any luminaries located on the pole measured from where the ballasts connect to the poles. Pole banners shall not interfere with the visibility of traffic signals or signs.
Materials. <ul style="list-style-type: none">• All pole banners must be made of lightweight and durable fabrics with wind slits. Pole banners that are frayed, torn, or faded so that they are no longer legible will be deemed unmaintained and will be required to be removed.• Strip shopping centers may have one (1) pole banner sign permitted per five (5) poles up to a maximum of eight (8) pole banner signs. Such sign shall have a maximum surface area not exceeding twenty-four (24) square feet; except as otherwise permitted below.

4. Flags

Requirements, Single-Family Districts. Four (4) flags per property shall be permitted at a maximum of 25 feet in height. Flag size shall be limited to 40 (forty) square feet. a) One flag per twenty-five (25) feet of street frontage up to a maximum of ten flags per premises.
Requirements, Non-Residential and Multi-Family Districts. In a non-residential Zone or multi-family residential Zone, one (1) flag per twenty-five (25) feet of street frontage up to a maximum of ten (10) flags per premises. Poles shall be located no closer than ten (10) feet from any right-of-way or private street. Height of poles shall be no more than fifty (50) feet. Flag size shall be limited to 96 (ninety-six) square feet.

O. Nonconforming Signs and Modification

1. Signs lawfully in existence on the date the provisions of this section were first advertised, which do not conform to the provisions of this section, but which complied with the applicable regulations at the time they were constructed, erected, affixed or maintained must be regarded as nonconforming.
2. All nonconforming signs shall be kept in good repair, safe, neat, clean and attractive condition. In the event signs are not kept in said condition or are demolished by any force whatsoever to the extent of fifty (50) percent of their surface area or the structure of the sign is destroyed, said signs shall then conform to this section.
3. Nonconforming signs which are structurally altered, relocated or replaced shall comply immediately with all provisions of this section. Nothing in this section shall be construed to give a legal status to any sign without a sign permit.
4. All illegal signs existing at the time of enactment of this section shall be removed. Illegal signs are those which do not have a valid permit, or do not qualify as nonconforming under prior Ordinance, as amended.

P. Enforcement

The Planning Director or the Director's designee is hereby authorized and directed to enforce all the provisions of this section. Upon presentation of proper credentials, the Planning Director and/or his/her duly authorized representative(s) may enter in and upon, at reasonable times, any building, structure, property and/or premises in the City to perform any duty imposed upon him/her by this section.

Q. Interpretation

Where there is any ambiguity or dispute concerning the interpretation of this section, the decision of the Planning Director shall prevail, subject to appeal as provided herein.

R. Right to Appeal

Any person aggrieved by any decision or order of the Planning Director or the Director's designee may appeal to the Board of Zoning Appeals. The Planning Director shall take no further action on the matter pending the Board's decision, except for unsafe signs which present an immediate and serious danger to the public, as provided elsewhere in this section.

S. Penalties

Any person who violates this section shall be subject to the enforcement procedures and penalties for civil zoning violations set forth in Division IV. of this Ordinance.

T. Civil Remedies

The Board of Zoning Appeals, or any enforcement official designated by this section, may institute a suit for an injunction in the appropriate court of jurisdiction to restrain a person or a governmental unit from violating this section. The Board of Zoning Appeals, the Plan Commission or any designated enforcement official may also institute a suit for mandatory injunction directing an individual or governmental unit to remove a structure erected in violation of this section. A suit for mandatory injunction is an additional remedy which does not preclude any designated enforcement officials from utilizing any and all other statutory remedies available to the City for the enforcement of City ordinances.

U. Removal of Sign

The Planning Director may order the removal of any sign erected or maintained in violation of this section. He/she shall give thirty (30) days' notice in writing to the owner of a permanent sign or place a notice of such violation on the building, structure, property or sign in violation, to remove the sign or to bring it into compliance within 30 days of the notification. He/she shall give a three (3) day notice for temporary or portable signs. The Planning Director or his/her agent may remove a sign immediately and without notice if, in his/her opinion, and with the consent of the Director the Department of Community Development Services, the condition of the sign is such as to present an immediate threat to the safety of the public. Any sign removed by the Planning Director and/or his/her agent, pursuant to the provisions of this section, shall be held by the City for redemption by the owner, unless the sign was removed from the public right-of-

way. To redeem, the owner shall pay all costs incurred by the City for removal. 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 City. The cost of removal of the sign by the City shall be considered a debt owed to the City by the owner of the sign and owner of the property and may be recovered in an appropriate court action by the City. The cost of removal shall include any and all incidental expenses incurred by the City in connection with the sign's removal. Signs removed from the public right-of-way shall be considered abandoned and disposed of immediately.

V. Maintenance

All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition, including landscaping around ground signs which shall be maintained so that the sign may be visible at all times and from all visual angles. Legally established signs, which were either located prior to the requirement for a sign permit or were the subject of a permit and the permit records have been subsequently destroyed, shall also be considered in violation of this provision of the Ordinance and enforcement proceedings may be initiated to compel appropriate maintenance to comply with these requirements.

W. Abandoned Signs

A sign, including any accessory sign structure, equipment and lighting fixtures, shall be removed by the owner or lessee of the premises upon which the sign is located when the business is no longer conducted on the premises; unless, however, it is possible to remove only a sign panel (such as in the case of a box sign), then the insertion of a blank, translucent panel shall be considered removal under this section. If the owner or lessee fails to remove it, the Planning Director shall give the owner ten (10) days written notice to remove it (except in the cases of signs abandoned in the public right-of-way which shall be removed and disposed of immediately). Upon failure to comply with this notice, the Planning Director or his/her duly authorized representative may remove the sign at cost to the owner. Where a successor to a defunct business agrees to maintain the sign(s) as provided in this section, this removal requirement shall not apply. The new sign user shall forthwith notify the Planning Director's office, in writing, of this change. No new sign permit is required, unless the sign is altered or relocated. The Planning Director shall be notified in any matters relating to sign relocations.

Sec. 10-03-09. Fences and Screens

A. General

1. It shall be the sole responsibility of the property owner to avoid erection of a fence over or within an easement and the City shall have no responsibility or liability for determining the location of an easement or for permitting the erection of a fence within an easement. Furthermore, fences may not encroach into a public right-of-way.
2. No fence shall be located within two feet of a public sidewalk.
3. Fences must be securely fastened to the ground.
4. Privacy fence gates must not swing outward across pedestrian or cycling infrastructure.

B. Materials

1. For residential properties, front yard fences must be decorative in design, or made from wood, brick, iron, or stone, coated chain link, or an approved synthetic material;
2. Walls and fences shall be constructed with structural elements (e.g., posts, beams) facing inward (e.g., away from the property line). Walls or fences on a property line in which two (2) or more property owners share in the expense of the wall or fence, shall not be subject to this provision;
3. Fences shall not contain an electric charge except when located in the AG zone or on lots containing a commercial agricultural use;
4. No fence shall have as part of its design or construction metal prongs or spikes, or barbed wire; provided, however barbed wire may be permitted on the top of chain link fences only in the IM and IL zones; and
5. No person shall maintain or construct any fence composed in whole or in part of barbed wire or similar material designed to cause injury to persons, or any wire charged with electric current, within three (3) feet of any street, sidewalk, alley, or other public way or place.
6. Non-coated chain-link fences shall be permitted only within the IM and IL zones and only in rear and side yards. No slat fencing is to be used in conjunction with a chain link fence.

C. Height

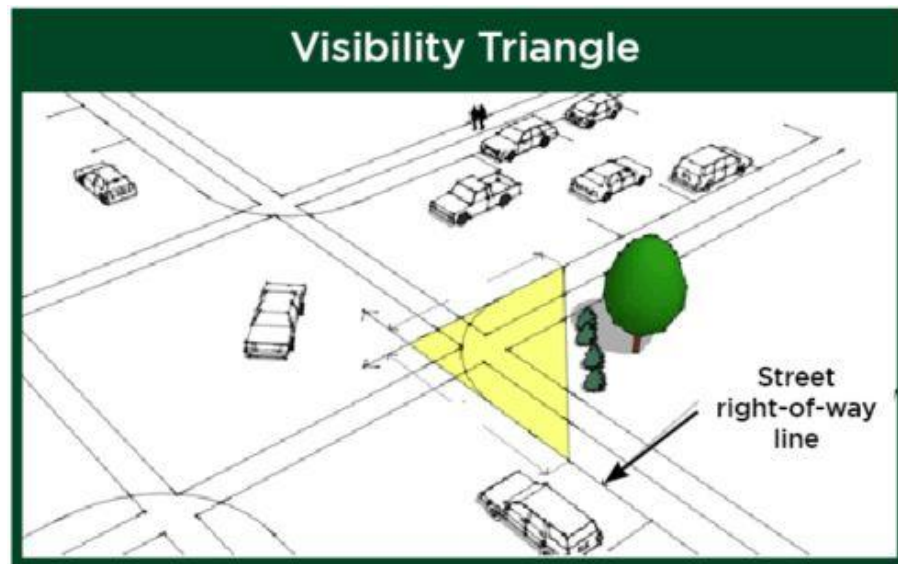
1. Fence height is measured from the topmost point of the fence to the grade of the ground adjacent to the wall or fence.
2. Any portion of a fence that extends along the front lot line, or between the primary structure and the front street which runs parallel to and faces the front of the building, may not exceed four (4) feet in height for residential buildings.
3. No fence shall exceed six (6) feet in height; provided, however within the IM and IL zones, fence heights may not exceed 10 feet. Furthermore, fences for schools, parks, and recreation complexes may exceed six (6) feet in height to accommodate specific safety and operational needs as determined by the Planning Director.

D. Transparency

1. Fencing in any front yard for a commercial or residential property may not have less than 50% transparency.

E. Visibility Triangle

1. No fence erected in any district or zone shall intrude within or interfere with the visibility triangle as described herein.



F. Screening: Trash Storage and Collection Areas

1. Trash storage and collection areas must be screened by either of the following means:
 - a. A hedge-like screen of evergreen plant material, capable of providing a minimum height of six (6) feet within three (3) years of planting and full opacity; or
 - b. A solid wood and/or masonry fence shall be installed and maintained at a height of 12 inches above the vertical height of the trash receptacle.
 - c. Trash receptacles and the required screening may not be located in the front yard and may not have chain-link gates.
 - d. Slat enclosure doors are not permitted.
 - e. Enclosures shall be painted or finished in the same paint or finish as the substantial paint and finish on the primary structure.
 - f. Concrete block enclosures are not permitted.
 - g. Trash enclosures shall not be located in a front yard or located within five (5) feet of any property line.

G. Screening: Mechanical Equipment

1. Ground and building-mounted. Mechanical equipment or other utility hardware on ground or building shall be screened from public view with a 100% opaque screen and located as not to be visible from any public ways. Enough room shall be between the equipment and the screening for access to the mechanical equipment for maintenance. The following requirements are for various types of screening:

- a. Architectural Screening: Screening made from architectural elements shall be constructed from harmonious material(s) and/or colors consistent with the design of the building.
 - b. Landscaping: Screening made from plants must create a 100% opaque screen during all months of the year. When planted, landscaping should cover 50% of the mechanical equipment and must reach to 100% opacity when fully grown.
2. Roof-mounted Mechanical equipment or other utility hardware on roofs shall be 100% screened from public view using a parapet wall, fence, or similar screening method that is consistent with the building's design and materials.



3. Residential meters are excluded from this requirement.

H. Signage not permitted

1. Signage is not permitted on any fencing or screening; provided, however, up to a one foot square foot metal or wood sign may be affixed to a fence.

Sec. 10-03-10. Outdoor display and storage

- A. Applicability. The standards of this section shall apply to new development and expansions of existing spaces as described below:
 1. Expansion of a structure or use beyond 20% requires that the entire site must be compliant with the standards herein.
 2. If the expansion is less than 20%, then only the expanded part of the use, building or site must be compliant with these standards.
 3. If only the site, and not the use or building, is expanded by more than 20%, then only the site must be compliant with these standards.

4. Automobile sales are exempt from the standards of this section; provided, however, that no more than one vehicle may be offered for sale on a property containing a residential use for more than four consecutive weeks each calendar year.

B. Display Area. Outdoor display areas shall adhere to the following standards:

Standards	
Size	Outdoor sales display areas may not exceed 30 percent of a yard which is located adjacent to a right-of-way and must be directly adjacent to the primary structure.
Landscaping and Screening	A landscaped strip five feet in width shall be maintained at the periphery of the outdoor storage area with at least two rows of plantings in a staggered form at seven foot planting intervals so as to provide room for the planting to grow and spread while also providing adequate screening.
Lighting	Any lighting used to illuminate an outdoor sales display area shall be full cutoff and directed to not illuminate surrounding properties.
Materials	Outdoor storage areas shall be paved with pervious pavers, asphalt or cement. The outdoor storage or display of merchandise, inventory or materials shall not include the use of banners, pennants or strings of pennants.
Location	The outdoor storage or display of merchandise, inventory or materials shall not interfere with parking or the safe and unobstructed use of vehicular or pedestrian access ways or walkways.
Screening	All outdoor storage shall be screened from adjacent uses with a wooden or stone fence, or an opaque wall of shrubs the greater of 6 feet in height or one-half the height of the equipment being screened. This includes outdoor storage facilities and any stored vehicles or equipment being serviced.

Sec. 10-03-11. Manufactured and Mobile Homes

Manufactured Homes. Manufactured homes are permitted provided that the proposed manufactured home shall be affixed to a permanent foundation and shall otherwise comply with all other requirements for residential structures under applicable ordinances and codes.

Mobile Home Parks. Mobile Home Parks are permitted as per the Official ZoningMap within Residential Mobile Home (RMH) zone, and must adhere to the following standards:

A. Improvement Location Permit-Required

Prior to the location, relocation or establishment of any manufactured or mobile home, the homeowner or authorized representative shall secure from the Building Commissioner an improvement location permit, which states that the building and its location conform with the Comprehensive Plan.

1. Each application for an improvement location permit shall be accompanied by:

- a. those plot plans as required for all dwelling units, but which at a minimum include elevations or photographs of all sides of the home, exterior dimensions, roof materials, foundation siding or perimeter retaining wall treatment, foundation siding or perimeter retaining wall treatment, foundation construction and materials, exterior finishes and the like;
 - b. health department approval for any sewage disposal or water supply, where applicable;
 - c. PUD or subdivision permit approval, where applicable; and
 - d. such other information, as may be required by the Building Commissioner for proper enforcement of this Ordinance (including data sheet provided by the Building Commissioner).
2. Failure to obtain either an improvement location permit or a certificate of occupancy shall be in violation of this Division and punishable under the provisions of Division IV.. Failure to notify the Building Commissioner for all applicable inspections shall be a violation of this Ordinance and punishable under the provisions of this Ordinance.
3. Temporary use certificates may be issued in the following instances, and is valid for two years:
- a. to an applicant in the process of building a conventional dwelling to locate a manufactured or mobile home on a building lot during the course of construction of the dwelling, such permit shall not be issued until after a building permit for the dwelling has been issued;
 - b. to an applicant to use a manufactured or mobile home as a caretaker's quarters or construction office at a job site;
 - c. to an applicant whose own health or the health of another necessitates care, and where the facts show that an unnecessary hardship would occur if not permitted to locate a manufactured home adjacent to the residence of one who is able to provide such care or in need of such care.
4. At the time the temporary permit expires, the manufactured or mobile home and all appurtenances shall be removed from the property within ninety (90) days.

B. Minimum Lot Size and Spacing

- 1. All mobile home plots shall have a minimum lot size of 3,000 sf and shall be situated on the lot so that mobile homes are separated by a minimum of 16 feet.

C. Storage of Travel Trailer or RV

- 1. It shall be unlawful for any person to keep, park, store or maintain a travel trailer or RV within the City outside a properly zoned mobile home park which is duly licensed by the Indiana State Department of Health except as specifically permitted in this section:
- 2. It shall be permissible for a bona fide guest of a house holder to park a travel trailer or RV in the rear yard or driveway of any single-family dwelling house for a period of time not to exceed fifteen (15) days in any one calendar year provided that such travel trailer or RV is used only

for sleeping purposes during such fifteen (15) day period. Such travel trailer or RV may not exceed thirty-two (32) feet in length.

3. A travel trailer or RV may be parked or stored in the City provided that it is not used for living or sleeping purposes during such time as it is so stored or parked, or it does not constitute a nuisance or fire hazard. If such vehicle is parked in a residential zone, it shall meet front, side, or rear setback requirements of that zone. Mobile home parks or campgrounds may set aside designated areas for unoccupied parking or storage of travel trailers or RV's.
4. No travel trailer or RV shall be maintained in the City as a permanent office. However, a vehicle may be used as a contractor's office on a construction site during periods of construction provided that it is not used for living or sleeping purposes during such time. A vehicle may also be used as an office for a mobile home park or for a mobile home or RV sales lot.

D. Prohibited Uses

1. It shall be unlawful for any person to keep, park, store, or maintain any mobile home within the City's jurisdiction that does not comply with the requirements of this Section. It shall be understood that this regulation does not pertain to vehicles classified as "campers" or "recreational vehicles", except as specifically noted.

E. Attachment or Addition

1. Any action to attach a mobile home to the ground by means of posts, piers, foundations, or otherwise, or to add thereto in any way shall be subject to the requirements of the building code of the City as well as this Division and if said building code does not permit the addition, said addition shall be prohibited.

F. Damaged or Dilapidated Mobile Homes

1. Wrecked, damaged or dilapidated mobile homes shall not be kept or stored either within or without a mobile home park at any time. The Building Commissioner shall determine if a mobile home is damaged or dilapidated to a point which makes said mobile home unfit for human occupancy on either a temporary or permanent basis. Whenever such a determination is made, the mobile home shall be vacated and removed from the premises. Nothing contained herein shall be deemed to supersede or interfere with any nuisance declaration.

G. Storage of Equipment or Materials

1. All outdoor storage of equipment or materials shall be in an enclosure fully screened from public view.

H. Permitted Mobile Home Park Amenities

1. Complimentary, non-intensive accessory uses shall be permitted to facilitate the management and maintenance of the mobile home park and provide community amenities. Permitted non-residential accessory uses shall include the following, which must be specifically identified on the site plan submitted for approval under this section:
 - a. Clubhouse;

- b. Snack bar;
- c. Laundry facilities;
- d. Management office;
- e. Recreation facilities, including playgrounds, swimming pools, tennis courts, basketball courts and community buildings; or
- f. Storage area for maintenance equipment.
- g. Each mobile home dwelling site shall include a paved parking area with a length of 20 feet and a width of ten (10) feet.

I. Mandatory Mobile Home Amenities

- 1. If 50 or more housing units are located in a mobile home park, then a minimum of ½ acre of parkland must be provided for residents.
- 2. If 30 or more housing units are located in a mobile home park, then laundry facilities must be provided.

J. Mobile Home Park Street Standards

- 1. Each mobile home park shall be comprised of paved private streets designed to accommodate the contemplated parking capacity and traffic load of the proposed mobile home park. Such streets shall be installed as follows:
 - a. All internal streets shall be two-way and a minimum of 28 feet in width.
 - b. All mobile home park private streets shall be maintained in a safe, passable condition at all times.
 - c. If 30 or more housing units are located in a mobile home park, then guest parking spaces must be provided in a location that is accessible by an internal street at a rate of one parking space per every five mobile homes.

K. Lighting

All mobile home parks shall be furnished with lighting units which maintain levels of illumination adequate for the safe movement of pedestrians and vehicles at night of no less than 0.2 foot-candles measured at grade

L. Walks

All mobile home parks shall be equipped with a safe common walkway system with a minimum width of five (5) feet. The walkway system shall be designed to facilitate pedestrian movement between mobile home dwelling sites, along interior streets, and to provide access to park facilities and amenities. The walkway system shall further provide for handicap accessibility along at least one side of each private street.

M. Refuse Handling and Common Collection Points.

1. The storage, collection, and disposal of refuse in a mobile home park shall not be conducted in a manner that creates health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.
2. All refuse shall be stored in fly-tight, watertight, rodent-proof containers, which shall be located not more than 150 feet from any mobile home pad.
3. Containers shall be provided in sufficient number and capacity to properly store all refuse.
4. Refuse collection stands shall be provided for all refuse containers. The container stands shall be designed to prevent containers from being tipped, to minimize spillage and container deterioration, and to allow cleaning around them.
5. All refuse containers shall be collected at least one (1) time per week.

N. Storage Buildings.

1. A storage building shall be provided in each park for inside storage of all equipment and other items used to maintain the park.

O. Water Supply.

1. An adequate supply of pure water for drinking and domestic purposes shall be supplied to all service buildings and to all mobile home spaces within the park to meet the occupancy requirements of the park.
2. Each mobile home space shall be provided with a cold water tap at least four (4") inches above the ground. Said tap shall have a shut-off valve that meets current plumbing code requirements.

P. Fire Protection.

1. Every mobile home park shall be equipped at all times with a sufficient number of fire hydrants spaced throughout the park. The total number of hydrants and location of hydrants shall be subject to the approval of the City Fire Chief, who shall submit his recommendations to the Plan Commission.
2. No open fires shall be permitted at any place within any mobile home park. Campfires shall be permitted in recreational campgrounds.

Q. Sewers and Sewage Disposal.

1. Each mobile home space shall be provided with a sanitary sewer line at least four (4) inches in diameter, which shall be connected to receive the waste from the showers, bathtubs, flush toilets, lavatory and kitchen sinks, and washing machines of the mobile home harbored in such space and having any or all such facilities.
2. The sewer line in each space shall be connected to discharge the mobile home waste into a public sanitary sewer system in compliance with applicable Ordinances, or into a privately

owned and operated wastewater treatment plant and disposal system, provided said privately owned system is approved by the administrative agency having charge of approvals of such systems.

R. Responsibilities of Mobile Home Park Residents

1. Each mobile home park resident shall comply with all applicable requirements of this chapter and shall maintain his or her mobile home site, its facilities, and its equipment in good repair and in a clean and sanitary condition. With the supervision and assistance of the mobile home park operator or his or her designee, each mobile home park resident shall be responsible for the placement of his or her mobile home on the mobile home slab in accordance with this section.

Sec. 10-03-12. Home Occupations

A. Standards

Home occupations must be conducted in accordance with the following standards:

1. Child-home daycare businesses are exempt from the home occupation standards. Child-home daycares are regulated by the State of Indiana.
2. A maximum of twenty-five percent (25%) of the gross floor area of the dwelling shall be utilized for a home occupation.
3. The external appearance of the structure in which the use is conducted shall not be altered to accommodate the home occupation use.
4. There shall be no outside storage of any kind related to the home occupation use and only commodities made on the premises may be sold on the premises. No display of any products shall be visible from the outside of the dwelling.
5. No expansion of existing off-street parking shall be permitted to accommodate the home occupation use. Furthermore, no additional parking burden, due to the home occupation use, shall be created.
6. No equipment, process, materials, or chemicals shall be used which create offensive noises, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances.
7. Not more than one person who is not a resident of the dwelling may participate in the home occupation as an employee, independent contractor, or volunteer.
8. Not more than two (2) non-resident vehicles shall be permitted at the home occupation at any time.
9. Not more than one (1) vehicle shall be utilized by to the home occupation.
10. No sign shall be permitted on the outside of the structure or on the property which draws attention to the home occupation.
11. In no event, shall any home occupation cause or result in persons arriving at or entering the premises before 8:00 a.m. or after 8:00 p.m.

12. The following uses by the nature of the investment or operation have a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations, and thereby impair the use and value of a residentially zoned area for residence purposes. Therefore, the uses specified below shall not be permitted as home occupations:
 - a. Auto/vehicle repairs, minor or major, Barbershop, Beauty shop, Dance studio, Dental office or clinic, Medical office or clinic, Painting of vehicles, trailers, boats, etc., Photography studio, Photo developing, Private schools with organized classes, Upholstering, Television and radio repair, Lawn mower or bicycle repair, Large or small appliance center, Freight/trucking or shipping, Tooling, welding or machinery shops, Antique or gift shops, Tool or equipment rental, Veterinary clinic, kennel, or stables, Restaurants, eating or drinking establishments, Any other use not meeting the conditions of this section.

Sec. 10-03-13. Accessory Uses and Structures

A. Accessory Dwelling Unit (ADU)

1. An Accessory Dwelling Unit (ADU) may be created through new construction, conversion of an existing structure, addition to an existing structure, or conversion of an existing house to an ADU while simultaneously constructing a new primary dwelling on the site where there is adherence to all zoning regulations for both structures. A permit is required for the construction or addition of an ADU. The following standards apply to ADU's:
 - a. Only one accessory dwelling unit is allowed on a lot;
 - b. Exterior finish materials must visually match in type, size and placement, the exterior finish materials of the primary dwelling;
 - c. The property owner must permanently reside in either the principal unit or the accessory unit;
 - d. The maximum size of a detached ADU shall be limited to 30% of the primary home's total floor area of 800 square feet, whichever is greater and the maximum height must adhere to the accessory dwelling height maximum for the respective district or zone. All other requirements for an accessory structure must be met;
 - e. There must be a sidewalk from the street to the primary entrance of a detached accessory unit;
 - f. An accessory dwelling unit on the upper floors of the principal structure shall have an interior stairway to the primary entrance of the accessory unit. Secondary stairways may be located on the exterior, but not on the front exterior of the building;
 - g. Provided that the parking requirement is met for the principal one-family dwelling, no additional parking is required; and

- h. All utilities extended to serve the ADU must be underground. All ADUs must adhere to Indiana State Building Codes.

B. Private Swimming Pool

Private above-ground or below-ground swimming pools may be constructed as an accessory use to any primary use. The following standards apply:

1. Shall conform to the current Indiana Building Code.
2. Swimming pools are permitted in the side or rear yards only and must be set back at least 10 feet from side and rear property lines;
3. Every swimming pool shall be provided with a suitable draining method, and in no case shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located or in the general vicinity.

C. Accessory Structures

The location and height of accessory structures, where permitted, are regulated based on the district or zone where subject property is found. The following additional standards apply:

1. Accessory structures may be constructed only on a property where there is an existing primary structure.
2. Two accessory structures of differing types shall be permitted per property. Accessory Structures not listed are exempt from the two accessory structure limit. Types shall be defined as:
 - a. Detached Garage
 - b. Accessory Dwelling Unit
 - c. Pool house
 - d. Shed or Barn
3. Properties greater than two (2) acres may have one additional accessory structure of any type per acre of land to a maximum of five accessory structures.
4. Playground equipment must comply with accessory structure location criteria.
5. Greenhouses are exempt from the specified building materials but must still adhere to all other regulations outlined in this section.
6. Accessory structures 300 square feet and less shall be made of wood, fiber cement, masonry or the same materials as the primary structure. In no instance shall steel be utilized.
7. Accessory structures over 300 square feet shall utilize wood, fiber cement, masonry, steel or the same materials as the primary structure. If steel is utilized one of the following options is required:

- a. A masonry wainscot shall be used on all sides up to a height of no less than 36 inches.
 - b. Shrubs or shade/evergreen trees at the recommended spacing by plant type in a planting strip with a minimum width of five (5) feet along all public right of way facing façades.
 - c. The accessory structure shall be located in an area that is not visible from the public right of way, such as behind the primary structure or within a fenced area, ensuring that it is screened from public view.
- 8. Residential accessory structures shall not exceed 150 percent of the enclosed square footage of the primary structure. This is aggregate for all accessory structures on the property.
 - 9. Commercial and Industrial accessory structures shall not exceed 25 percent of the enclosed square footage of the primary structure. This is aggregate for all accessory structures on the property.
 - 10. Agricultural accessory structures shall not exceed 400 percent of the enclosed square footage of the primary structure. This is aggregate for all accessory structures on the property.

D. Temporary Accessory Structures

Temporary accessory structures may be utilized on private property provided the following criteria are met:

- 1. One (1) temporary accessory structure may be placed on any commercial or industrial property for up to 45 days per calendar year and shall not exceed eight (8) feet by forty (40) feet.
- 2. One (1) temporary accessory structure may be placed on any residential, agricultural, or institutional property for up to 30 days per calendar year and shall not exceed eight (8) feet by twenty (20) feet.
- 3. Temporary accessory structures must be placed on a paved surface and must not interfere with site circulation.

Sec. 10-03-14. Building Design Standards

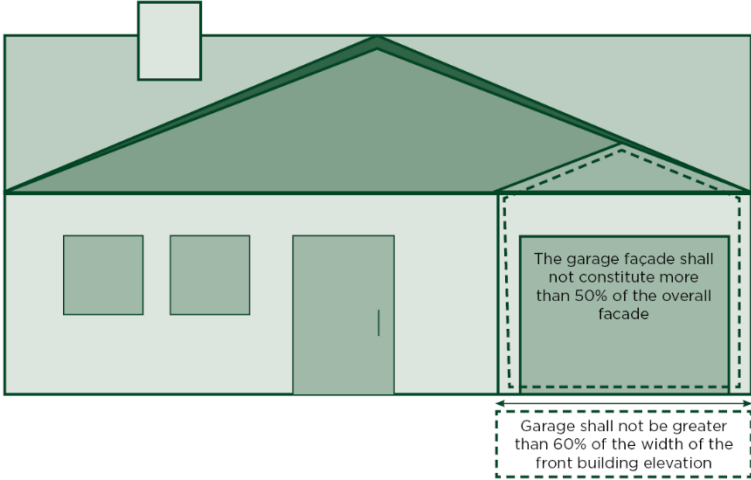
A. Applicability and Purpose

- 1. The building design standards herein are intended to promote high-quality, aesthetically consistent, but not monotonous, well diversified in style and finishes in design for the promotion of the durability and longevity of buildings and the preservation of property values in the City.
- 2. The building design standards herein shall apply to all new development.
- 3. Allowed exterior materials are determined by building elevation. Additional design standards specific to certain building elevations and circumstances may also apply as set forth herein.

4. An applicant shall provide a sample of proposed materials to be reviewed and approved by the Planning Director/Staff for compliance when requested by the Planning Director.
 5. These standards are in addition to the development standards applicable in each district and zone. Where there is a conflict between the development standards and these building design standards, the building design standards herein shall govern and control.
 6. Materials percentages stated herein are exclusive of window and door openings.
- B. Single-Family Residential Building Design Standards
1. All residential building expansion and/or alterations shall substantially conform to the existing materials, style, and finishes. Exterior finish materials must visually match in type, size and placement, the exterior finish materials of the primary dwelling
 2. All new detached and attached single-family dwelling structures shall meet the following:
 1. The following table sets forth required design standards for all new detached and attached single-family residential dwelling structures and all new additions to detached and attached single-family structures that are greater than or equal to 20% of the gross floor area of the structure being expanded:

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Single-Family (Detached and Attached) Residential Building Design Standards

Feature	Standards
<u>General Design</u>	<p>1. New structures on adjoining properties, excluding the rear yard lines, may not utilize the same front elevation. Variation in elevation due to one, two, or three car garages, and transposing the elevation shall not count toward this non-monotony standard. Where rear yards are visible from a public or private street through a common area the non-monotony standard shall also apply to rear elevations.</p> <p>2. On individual structures, there shall be no blank exterior façades.</p> <p>3. A front building elevation may contain an attached garage and visible garage door(s), provided that the portion of the front building elevation of the single-family structure devoted to the attached garage shall not be greater than 60% of the width of the front building elevation (50% for ranch-style homes).</p> <p>4. The garage façade shall not constitute more than 50% of the overall façade (60% for ranch-style homes).</p> <p>5. Attached, single-family townhomes shall not have front-loaded garages.</p> <p>6. Accessory third-car garages are exempt from the width requirement and shall be recessed from the remaining portion of the garage elevation by a minimum of two (2) feet.</p> <p>Garages facing the public right-of-way may not extend more than two (2) feet from the front wall of the main house / porch structure.</p>  <p>8. A front building elevation shall have a prominent front clear path entryway and door visible from the front lot line and at least two windows of no less than eight (8) square feet each in size.</p> <p>9. Remaining elevations shall have a minimum of one window per floor per side. Windows shall be no less than eight (8) square feet in size.</p> <p>10. Window units shall not be perfectly flush with exterior walls.</p> <p>11. If a front porch is provided, the front porch shall be finished to match the style and character of the house.</p> <p>12. Structures with a zero-foot side yard setback are exempt from side elevation standards for those side elevations facing the zero-foot side setback.</p> <p>13. Eaves, overhangs, and gable ends shall overhang by no less than six (6) inches. Gutters do not count towards the overhang requirement.</p> <p>14. Covered porch overhangs shall be no less than eight (6) inches. Gutters do not count towards the overhang requirement.</p>

Single-Family (Detached and Attached) Residential Building Design Standards

Feature	Standards
	<p>15. Fiber cement panels are not permitted.</p> <p>16. A single-family home driveway measurement must have a minimum of 18 feet between the edge of the sidewalk closest to the building and the garage. OT and OTR shall be excluded from this requirement.</p> <p>17. A sidewalk is required from either the driveway or public sidewalk to the residential structure main entry.</p> <p>18. Glass block shall not be used on any front elevation.</p> <p>Trim shall complement the building design. Metal trim shall be prohibited.</p>
Exterior Materials	In order to give property owners flexibility for meeting the exterior materials requirements for single-family dwellings, three paths have been developed. One of the following set of “Paths” below, which are comprised of different sets of standards, may be chosen:
<i>Path 1</i>	<p>1. Front Elevation. The front elevation shall be comprised of any one or any combination of the following materials: stone, brick, heavy-gauge vinyl (minimum of 0.046 inch gauge), fiber cement siding, engineered wood siding, or stucco, provided that a minimum of 50% of the front elevation shall be clad in mortared masonry and fiber cement siding shall not count toward this minimum requirement.</p> <p>2. Side Elevations. Side elevations facing public ways or common areas shall be comprised of a minimum 50% mortared masonry. Where mortared masonry is required on a side elevation, it shall be required on both side elevations and the rear elevation. Permitted siding materials are stone, brick, fiber cement siding, heavy-gauge vinyl (minimum of 0.046 inch gauge), engineered wood siding, or stucco, and any remaining portion may be a durable, synthetic material designed and rated for building exteriors.</p> <p>3. Rear Elevations. Rear elevations facing public ways or common areas shall be comprised of a minimum 50% mortared masonry. Where mortared masonry is required on a rear elevation, it shall be required on both side elevations. Permitted siding materials are stone, brick, fiber cement siding, heavy gauge vinyl (minimum of 0.046 inch gauge), engineered wood siding, or stucco, and any remaining portion may be a durable, synthetic material designed and rated for building exteriors.</p>
<i>Path 2</i>	<p>1. Mortared masonry shall be used on any street-facing or common area-facing façade up to a height of no less than 36 inches or 20% of the façade. Where mortared masonry is required on one side façade or rear façade, it shall be required on all side and rear façades.</p> <p>2. Fiber cement and engineered wood siding shall be permitted on the rest of the elevation. However, any elevation may be 100% mortared masonry.</p>
<i>Path 3</i>	<p>1. Brick, masonry, stone, or fiber cement siding, and up to 20% accent metals per elevation may be used in any combination if four of any of the following architectural features are provided. Fiber cement panels are not permitted. (definitions for items below can be found in the glossary):</p> <ul style="list-style-type: none"> a. Coach garage/detached garage; b. Any of the following styles of roof design: dormer roof, gable roof with dormer window(s), cross-gabled roof, a-frame, gambrel, mansard or pyramid mansard; c. Wrap-around porch (two or more sides); d. Three separate siding/exterior material types; e. Side load garage;

Single-Family (Detached and Attached) Residential Building Design Standards	
Feature	Standards
	<ul style="list-style-type: none"> f. A portico over the front entrance; g. Horizontal transom windows above all first-floor doors and windows; h. An outdoor balcony space; and <ul style="list-style-type: none"> 1. Front entrance courtyard. Horizontal transom windows above all first-floor doors and windows; 2. An outdoor balcony space; and 3. Front entrance courtyard.
Corner Elevations	A. Side elevations facing a street, such as those on a building situated on a corner lot, shall contain at least three (3) windows of eight (8) square feet each.
Trim	A. All trim on all building elevations shall be clad in painted wood, engineered wood, or fiber cement.
Eaves/Roof Overhangs	<ul style="list-style-type: none"> A. Eaves and roof overhangs shall be a minimum of 12 inches from any exterior surface on all elevations. The distance shall be measured from the adjacent exterior surface. B. Gutters shall not count toward this requirement.
Foundation	A. Foundations shall be a minimum of four (4) inches exposed or such greater amount as required by the Indiana Building Code where a masonry finish is not utilized at the building base..
Window Profiles	<ul style="list-style-type: none"> A. Windows shall not be flush with exterior walls. B. Glass shall be inset from the exterior wall and/or frame surface to add relief to the wall surface. C. Bay windows or other windows designed to protrude beyond the exterior wall surface are permitted.
Driveway Measurement	A. A single-family home must have a minimum of 18 feet between the edge of the sidewalk closest to the building and the garage.

C. Multi-Family Residential Building Design Standards

The following table sets forth required design standards for all new structures containing a multi-family use, all new additions to structures containing a multi-family use, and alterations to the front elevation of structures containing a multi-family use:

Multi-Family Residential Building Design Standards	
Feature	Standards
Front Elevation	<ul style="list-style-type: none"> 1. Front elevations shall be comprised of any one or any combination of the following materials: stone, brick, fiber cement siding, stucco, wood, engineered wood siding, pre-cast concrete, provided that a minimum of 50% of the front elevation shall be clad in mortared masonry. Fiber cement panels are not permitted. 2. The front elevation shall comply with the minimum transparency requirement of 30 percent. 3. In any event, pre-cast concrete panels shall not exceed an area more than 50% of the front elevation. However, precast panels may be utilized if clad to resemble mortared masonry. 4. All columns, pilasters, and pillars on the front elevation shall be clad in stone, brick, ornamental metal, wood, stucco, or other material allowed by Planning Director.

Multi-Family Residential Building Design Standards	
Feature	Standards
	<ol style="list-style-type: none"> 5. Metal cladding may be permitted on not more than 20% of the front elevation. 6. Metal grills and thru-air units are not permitted on the front elevation. 7. The front façade must articulate two (2) feet for every 50 feet of facade width.
Side Elevations	<ol style="list-style-type: none"> 1. Side elevations shall be comprised of a minimum 50% mortared masonry. All remaining areas shall be clad in one or more of the same materials as those used on the front elevation. 2. The total transparency of each side elevation shall be at least 20%
Rear Elevation	<ol style="list-style-type: none"> 1. Rear elevations shall be comprised of a minimum 50% mortared masonry. All remaining areas shall be clad in one or more of the same materials as those used on the side elevation.
Trim	<ol style="list-style-type: none"> 1. Shall complement the building design.
Eaves/Roof Overhangs	<ol style="list-style-type: none"> 1. Eaves and roof overhangs shall be a minimum of 12 inches from any exterior surface on all elevations. 2. Gutters shall not count toward this requirement.
Foundation	<ol style="list-style-type: none"> 1. Foundations shall be a minimum of four (4) inches exposed or such greater amount as required by the Indiana Building Code.
Window Profiles	<ol style="list-style-type: none"> 1. Window units shall not be perfectly flush with exterior walls. 2. Glass block shall not be used on any front or side elevation.
Mechanical Equipment	<ol style="list-style-type: none"> 1. All mechanical equipment located on the ground must be screened in the same manner as a dumpster. Rooftop mechanical equipment shall not be visible; the visibility of rooftop mechanical equipment shall be measured from the opposite right-of-way or at the adjacent property line when not on right of way, 20 feet off of the ground.

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D. Commercial Building Design Standards

The following table sets forth required design standards for all new structures containing a commercial use, all new additions over 20% GFA to structures containing a commercial use, and alterations to the front elevation of structures containing a commercial use:

Sample Commercial Building:



Commercial and Mixed-Use Building Design Standards	
Feature	Standards
Front Elevation	<ol style="list-style-type: none">1. Front elevations shall be comprised of any one or any combination of the following materials: stone, brick, fiber cement siding, stucco, wood, engineered wood siding, pre-cast concrete, aluminum composite panels, or insulated metal panels provided that a minimum of 50% of the front elevation shall be clad in mortared masonry. Fiber cement panels are not permitted.2. The front elevation shall comply with the minimum transparency requirements of 30 percent.3. Glass block shall not be used on any front or side elevation.4. In any event, pre-cast concrete panels shall not exceed an area more than 50% of the front elevation.5. All columns, pilasters, and pillars on the front elevation shall be clad in stone, brick, ornamental metal, wood, stucco, or material allowed by Planning Director.6. Metal cladding may be permitted on not more than 20% of the front elevation.7. Metal grills and thru-air units are not permitted on the front elevation.8. The front façade must articulate two (2) feet for every 50 feet of façade width,9. Façades visible from a public or private street through a common area, or park, shall be treated as a front façade.
Side Elevations	<ol style="list-style-type: none">1. Side elevations shall be clad in one or more of the same materials as those used on the front elevation.
Rear Elevation	<ol style="list-style-type: none">1. Rear elevations shall be clad in one or more of the same materials as those used on the side elevation.

Commercial and Mixed-Use Building Design Standards	
Feature	Standards
	Rear elevations may contain docks and overhead doors
Corner Elevations	1. Side elevations facing a street, such as those on a building situated on a corner lot, shall include not less than 30% transparency on the portion of the elevation closest to the street corner.
Pre-Cast Concrete	1. Pre-cast concrete exteriors shall not have a plain, smooth surface. 2. The surface of pre-cast concrete walls shall be textured, veneered, stamped, imprinted, or otherwise finished with architectural designs, details, patterns or materials.
Parapet Walls	1. Parapet walls shall be of the same finish materials as the front elevation directly below the parapet wall and both sides of the wall shall be finished. 2. Extensions above the roof line must return a minimum of six (6) feet back on side elevations.
Balconies	1. If balconies are included, balconies shall be incorporated into the façade of the structure and shall contain a metal, powder-coated aluminum, engineered wood, or natural wood railing. If natural wood is used, it shall be stained, painted, or treated to complement the building and resist the elements/decay.
Overhead Doors	1. Right-of-way facing elevations shall not contain any loading docks or overhead doors unless such overhead doors are used in connection with an eating/drinking establishment. 2. A single right-of-way facing overhead door for entering a parking garage, carwash, or an automotive dealership service department entrance is permitted.

E. Industrial Building Design Standards

The following table sets forth required design standards for all new structures containing an industrial use, all new additions over 20% to structures containing an industrial use, and alterations to the front elevation of structures containing an industrial use:

Sample Industrial Building



Industrial Building Design Standards	
Feature	Standards
Front Elevation	<ol style="list-style-type: none"> 1. Front elevations shall be comprised of any one or any combination of the following materials: stone; brick; fiber cement siding; engineered wood siding; pre-cast concrete; aluminum composite panels; or insulated metal panels provided that a minimum of 15% of the front elevation shall be clad in mortared masonry not including split-faced block. 2. The front elevation shall comply with the minimum transparency requirements of 10 percent. 3. Glass block shall not be used on any front or side elevation. 4. The front façade shall articulate horizontally a minimum of two (2) feet per every 150 feet of façade width. Articulation points do not have to be evenly spaced and cannot be combined. 5. Metal cladding may be permitted on not more than 20% of the front elevation. 6. Metal grills and thru-air units are not permitted on the front elevation. 7. Industrial buildings larger than 50,000 square feet must break up the front elevation by providing a pronounced entry that is either protruding or recessed from the front wall face.
Side Elevations	<ol style="list-style-type: none"> 1. Side elevations shall be fully clad in the predominant material of the front elevation.
Rear Elevation	<ol style="list-style-type: none"> 1. Rear elevations shall be clad in the same material as the side elevations.
Corner Elevations	<ol style="list-style-type: none"> 1. Side elevations facing a street, such as those on a building situated on a corner lot, shall include not less than 30% transparency on the portion of the elevation closest to the street corner.
Pre-Cast Concrete	<ol style="list-style-type: none"> 1. Pre-cast concrete exteriors shall not have a plain, smooth surface. 2. The surface of pre-cast concrete walls shall be textured, veneered, stamped, imprinted, or otherwise finished with architectural designs, details, patterns or materials.

F. Old Town Design Standards

1. Waivers

- a. The Plan Commission may, in its discretion, authorize and approve waivers from the Old Town Design Standards upon finding that:
 1. The approval of the waiver request will not be detrimental to the public safety, health, and welfare, or injurious to property within a reasonable proximity to the subject property involved in the waiver request.
 2. The strict application of the applicable Ordinance standard will result in practical difficulties in the development due to the particular physical surroundings, unique constraints, or topographical conditions of the subject property. These conditions will not substantially alter the character of the subject district or zone.
 3. The practical difficulties were not self-imposed and cannot be overcome by reasonable design alternatives. Financial hardship does not constitute a practical difficulty.

4. The waiver request is necessary and represents a minimal deviation from explicit Ordinance standards.
- b. In approving waivers, the Plan Commission may impose such conditions as will, in its judgment, substantially secure the objectives of these regulations.
 - c. Applications for waivers shall be submitted to the Plan Commission with application forms as prescribed by the Plan Commission. On the application, the applicant shall describe the requested waivers and shall submit proposed findings of fact in support of each requested modification. The applicant shall bear the burden of establishing a sufficient factual basis for each requested modification.
2. The following table sets forth required design standards for all new structures within the Old Town district, all new additions to structures in the Old Town district, and alterations to any elevation of structures within the Old Town district:

Old Town Design Standards	
Feature	Standards
Front Elevation	<ol style="list-style-type: none"> 1. Front elevations shall be comprised of any one or any combination of the following materials: stone, brick, stucco, engineered wood, fiber cement siding, engineered wood siding, glass curtain wall, or wood, provided that a minimum of 75% of the front elevation shall be clad in mortared masonry not including split-faced block (exclusive of window and door openings). Fiber cement panels are not permitted. 2. The front elevation shall comply with the minimum transparency requirements of 60 percent for the ground floor and 40 percent for additional floors. 3. Glass block shall not be used on any front or side elevation. 4. All columns, pilasters, and pillars on the front elevation shall be clad in stone, brick, ornamental metal, wood, stucco, or material allowed by Planning Director. 5. The front entrance shall be defined by one of the following features: arcade, portico, stoop, building recess, awning, or moldings. 6. Blank, windowless walls in excess of 750 square feet are prohibited when facing a public street. In instances where a blank wall exceeds 750 sq. ft., it shall be articulated. 7. All garage and overhead doors on the front elevation shall include some transparency; provided, however, if the overhead door is on the front elevation of any commercial building, it shall be part of the storefront and not used for loading.
Side Elevations	<ol style="list-style-type: none"> 1. Side elevations shall be clad in the materials that comprise the front elevation. 2. Side elevations shall not contain any loading docks or overhead doors unless such overhead doors are used in connection with an eating/drinking establishment. 3. Side elevations for a single-unit detached structure shall be permitted to have overhead doors for residential garage applications.
Rear Elevation	<ol style="list-style-type: none"> 1. Rear elevations shall be clad in the same materials as the side elevations. 2. Rear elevations may contain docks and overhead doors.

Old Town Design Standards	
Feature	Standards
Corner Elevations	1. Side elevations facing a street, such as those on a building situated on a corner lot, shall be required to have the same proportion of transparency as the front street elevation.
Parapet Walls	1. Parapet walls shall be of the same finish materials as the front elevation directly below the parapet wall and both sides of the wall shall be finished. 2. Extensions above the roof line must return a minimum of six (6) feet back on side elevations.
Balconies	1. Shall contain a metal, powder-coated aluminum, engineered wood, or natural wood railing. If natural wood is used, it shall be stained, painted, or treated to complement the building and resist the elements/decay.

G. General Design Standards:

1. Concrete block shall not be permitted on any exterior elevation. Split-faced concrete block shall not be used on any front elevation but may be used on a side and rear elevation of a building containing a commercial use so long as the elevation does not face a street or public way.
2. Fiber cement siding is permitted; however, fiber cement panels are not permitted on any building type.
3. PVC piping, plastics, pressboard, cardboard, or veneers or panels for interior applications shall not be permitted on any building elevation.
4. Glass block shall not be used on any front or side elevation.
5. An applicant shall provide a sample of all proposed materials to be reviewed and approved by the Commission for compliance with the standards set forth herein.
6. All materials shall be rated and certified for exterior usage and shall be fully compliant with all applicable building and fire codes, regulations, and ordinances.
7. A material other than those permitted herein may be proposed by an applicant and approved by the Plan Commission if all of the following are satisfied:
 - a. The material is present on at least 50% of the total area of front elevations of all existing buildings within 500 feet of the subject building located along the same street frontage and the existing buildings were not constructed as part of a subdivision or common development scheme; and
 - b. The material is existing on more than one building located in the same district or zone that has been constructed, expanded, or altered within the five-year time period immediately preceding the application.
8. All sides of a structure shall be architecturally similar with no blank facades.
9. Articulation on side and front facades shall equal a minimum of two feet per every 50 feet of façade length

Sec. 10-03-15. Telecommunications Facilities

A. Procedure

1. All Telecommunications facilities must apply for a location improvement permit that indicates compliance with the standards listed herein.

B. Setbacks

1. All telecommunication towers shall be set back from any property line a distance equal to at least 80% of the height of the tower;
2. A telecommunication tower shall be 500 feet from any residential structure; and
3. Telecommunication towers are generally not permitted in established front yards, except where evidence provided by the petitioner demonstrates that placement in an established front yard would provide the best camouflage for the tower.

C. Buffer Requirements

1. The location of the tower and equipment buildings shall comply with all local, State and federal natural resource protection standards. The following buffer planting shall be located around the outermost perimeter or security fence of a telecommunication facility:
 - a. An eight-foot (8') high wood fence or brick masonry wall shall completely surround the entire telecommunications facility, excluding guy wires;
 - b. A live evergreen screen consisting of a hedge, planted five (5) feet on center maximum, or a row of evergreen trees planted a maximum of 10 feet on center shall be planted outside the fence around the entire telecommunication facility and each of the guy wires and anchors, if used, and the height of all plants at the time of planting shall be no less than five (5) feet;
 - c. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible on the entire site;
 - d. Existing evergreen vegetation outside the fence or wall may be counted toward the evergreen screen.

D. Access

Proposed telecommunication towers and antennas shall meet the following access requirements:

1. Vehicular access to the tower and equipment building shall be provided along any existing driveways, whenever feasible; and
2. The telecommunication facility shall be fully automated and unattended daily, and may be visited only for periodic maintenance, emergencies, installations or equipment removal.

E. Design.

Proposed telecommunication towers and antennas shall meet the following design requirements:

1. All telecommunication towers shall be a monopole design.
2. Telecommunication towers and antennas shall be designed to blend into the surrounding environment using camouflaging, color and architectural treatment, except in an instance where the color is dictated by federal or State authorities such as the Federal Aviation Administration (FAA).
3. The entire facility shall be aesthetically and architecturally compatible with its environment. The use of materials compatible with the surrounding environment such as wood, brick, or stucco is required for associated support structures, which shall be designed to architecturally match the exterior of residential or commercial structures within the neighborhood or area. If the facility is screened 100% during all seasons with an eight-foot (8') tall wood privacy fence and evergreen screen, other materials may be approved.
4. Lighting for safety or security reasons or required by the FAA or other federal or State authority is permitted. All required lighting shall be oriented inward so as not to project onto surrounding residential properties.

F. Collocation Requirements.

1. At a minimum, a monopole shall be constructed to support the initial user plus the anticipated loading of the number of additional users required in accordance with this Ordinance.
2. Minimum number of additional antenna sites to be provided on an 80-foot tower is two (2).
3. The site of the initial telecommunication tower and telecommunication facility shall be of sufficient area to allow for the location of additional equipment.
4. Any proposed telecommunication tower shall be designed, and engineered structurally, electrically and in all other respects, to accommodate both the initial use and the additional users as required in accordance with this Ordinance. Telecommunication towers shall be designed to allow for future rearrangement of cellular communication equipment and antennas upon the tower and to accept cellular communication equipment and antennas mounted at varying heights.

G. Siting Requirements.

A proposal for a new telecommunication tower shall not be approved unless the petitioner submits verification that the telecommunication equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or buildings or other structure due to one or more of the following reasons:

1. The planned telecommunication equipment would exceed the structural capacity of the existing or approved towers, buildings, or structures as documented by a qualified and licensed professional engineer, and the existing or approved towers, buildings or structures cannot be

reinforced, modified, or replaced to accommodate the planned telecommunication equipment at a reasonable cost.

2. The planned telecommunication equipment would cause interference impacting the usability of other existing telecommunication equipment at the site if placed on existing structures. Supportive documentation by a qualified and licensed professional engineer indicating that the interference cannot be prevented at a reasonable cost.
3. The existing or approved towers, buildings or structures within the search radius cannot accommodate the planned telecommunication equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
4. Other unforeseen reasons that make it unfeasible or impossible to locate the planned telecommunication equipment upon an existing or approved tower, building or structure.
5. The petitioner has been unable to enter a commonly reasonable lease term with the owners of existing towers, buildings or structures.
6. Additional land area is not available at the base of existing towers, buildings or structures to accommodate the proposed telecommunication facility.

H. Construction Requirements

All antennas, telecommunication towers, accessory structures and any other wiring constructed within the Plan Commission's jurisdiction shall comply with the following requirements:

1. All applicable provisions of this Ordinance and the Building Code of the State of Indiana, as amended, and the Federal Communications Commission (FCC) when applicable.
2. All telecommunication towers and telecommunication equipment shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the Building Code, as amended, and the Electronics Industry Association.
3. Except for necessary electric and telephone service and connection lines approved by the Board of Public Works and Safety (BPWS), no part of any telecommunication equipment, telecommunication tower, lines, cables, equipment, wires or braces in connection with either shall, at any time, extend across or over any part of a right-of-way, public street, highway, sidewalk, trail or property line without appropriate approval in writing.
4. All telecommunication towers and telecommunication equipment shall be designed to conform to accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code, as amended.
5. All telecommunication towers and telecommunication equipment shall be constructed to conform to the requirements of the Occupational Safety and Health Administration (OSHA).
6. All signal and remote-control conductors of low energy extending substantially horizontally above the ground between a tower and other telecommunication equipment, or between towers, shall be at least 10 feet above the ground at all points, unless buried underground.

7. All telecommunication towers and telecommunication equipment shall be designed and constructed to all applicable standards of the American National Standards Institute (ANSI) manual, as amended.
8. An engineer's certification shall be submitted for all telecommunication towers and all other telecommunication equipment to document and verify the design specifications, including, but not limited to, the foundation for all towers, anchors for all guy wires (if used), the location of all collocation sites, strength requirements to withstand natural forces such as ice, wind, earth movements, etc.
9. All telecommunication towers and telecommunication equipment shall be designed and constructed, at a minimum, to withstand wind gusts of at least 80 miles per hour with one-half (1/2) inch of ice and to accommodate all collocation sites as required by this Ordinance.

I. Existing Structures

The following shall apply to existing antennas, telecommunication towers and telecommunication equipment:

1. Existing structures may continue in use for the purpose now used and as now existing but may not be replaced or significantly structurally altered without complying in all respects to the requirements set out in this Ordinance.
2. All requests to install any telecommunication equipment on an existing approved or "grandfathered" tower, building or structure shall be submitted to City Engineer for approval. All such requests will only require an electrical permit, City Engineer approval, and the contract between the petitioner and the owner of the existing tower, building or structure, unless other approvals are required as set out in this Ordinance.

J. Inspection of Towers

The following shall apply to the inspection of telecommunication towers:

1. All telecommunication towers may be inspected at least once every year - or more often as needed to respond to complaints received - by the City Engineer, and/or a qualified and licensed consulting engineer to determine compliance with the original construction standards. Deviation from original construction for which any permit was obtained constitutes a violation of this Ordinance.
2. Notice of Violation will be sent by registered mail to the owner and the owner will have 30 days from the date the notification is issued to make repairs. The owner is required to notify the City Engineer that the repairs have been made, and as soon as possible thereafter, another inspection will be made and the owner notified of the results.

K. Abandoned Towers

Any telecommunication tower unused or left abandoned for six (6) months will be removed by the tower owner at its expense. Should the owner fail to remove the telecommunication tower after 30

days from the date a notice of violation is issued, the City may remove the telecommunication tower and bill the owner for the costs of removal and cleanup of the site.

L. Small Cell Wireless Facilities

The placement of small cell facilities and associated supporting structures in the right-of-way is considered a permitted use and exempt from local zoning review as per the State of Indiana so long as the height does not exceed 50 feet, or the height of any utility pole placed on or before July 1, 2017 within 500 of the proposed small cell facility, plus 10 feet. Small cell wireless facilities must comply with additional standards set by the Federal Communications Commission (FCC).

Sec. 10-03-16. Specific Uses Standards

The land uses and activities within this section shall comply with the use-specific provisions provided herein, in addition to all other applicable provisions of this Ordinance. The use-specific provisions are listed below:

A. Detached Single-Family Home

1. All detached single-family homes require sixteen (16) feet of separation between the neighboring detached single-family homes, which shall be measured from the nearest wall of the primary structure.
2. Carports and sheds shall not be constructed from metal.

B. Community Garden

1. Community Gardens are permitted in any district or zone and may include the following uses:
 - a. The cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity;
 - b. A community garden may not exceed one (1) acre;
 - c. Animals may not be kept in community gardens;
 - d. Greenhouses, hoop houses, cold frames, and similar structures for the growing of plants;
 - e. Sheds, gazebos, and pavilions, and similar structures as accessory uses; and
 - f. Compost bins as an accessory use.
2. Community Gardens must adhere to the following standards:
 - a. Composting receptacles must be located no less than 10 feet from adjacent lot line and must be screened using plantings no less than 4 feet tall, or a wood, stone or brick fence. Composting receptacles must be kept in good order, free of vermin;
 - b. Impervious surfaces shall be limited to a maximum of 20% of the total property area;

- c. Accessory structures shall adhere to the accessory structure heights limits for its respective district or zone; and
- d. Signage must adhere to the regulations that pertain to the underlying district or zone. If the community garden is located in a residential zone, one unlit sign is permitted, affixed to a fence or accessory structure, no larger than 10 square feet.

C. Manufacturing - Artisan

Artisan manufacturing uses shall not create smoke, gas, odor, dust, sound, vibration, soot, heat, glare or lighting to a degree that is readily detectable at any point beyond the property line of the use.

D. Auction Facility

- 1. Speakers related to the auction use may not face toward adjacent uses and must face inward to the site and the auction activities;
- 2. No speaker shall be allowed within 30 feet of a lot line;
- 3. All noises generated shall comply with the Greenwood Noise Regulations; and
- 4. Outdoor storage areas shall be screened from adjacent uses by shrubs that are a minimum of 4' feet tall.

E. Equipment Repair - Heavy

- 1. No more than 20 vehicles shall be stored at any one time, and no individual vehicle may be stored for longer than 80 days;
- 2. All noises generated shall comply with Greenwood Noise Regulations; and
- 3. Outdoor storage areas must comply with the standards of this Division.

F. Bed and Breakfast

- 1. The principal building of the bed and breakfast establishment shall be the primary residence of the owner or manager of the bed and breakfast use;
- 2. A bed and breakfast establishment shall comply with all other provisions of the zone in which it is located and shall comply with all other ordinances of the City; and
- 3. Meals, if provided, shall be served only to residents and overnight guests of the bed and breakfast establishment.

G. Short-Term Rental Residences

- 1. Within the RL, RM, and RA zones the proprietor of the short-term rental property must also have a primary residence on site;

2. Within the RL, RM, and RA zones, guests over the age of 18 shall be limited to six (6) for any single property;
3. All short-term rental units must have operational fire extinguishers, smoke detectors and carbon monoxide detectors; and
4. Guest stays within short-term rental properties shall not exceed 40 days.

H. Indoor Sporting/Entertainment Complex

1. All recreational activities must take place in an enclosed space;
2. All noise, whether directly from the activity or from a facility announcement system, may not be audible to adjacent uses; and
3. Outdoor storage of associated equipment is not permitted.

I. Outdoor Sporting/Entertainment Complex

1. If within 1,000 feet from a residential property, all noise generated from amplified entertainment or announcement systems may only operate between the hours of 7:00 am and 11:00 pm and must adhere to Greenwood Noise Ordinance; and
2. All exterior night lighting fixtures shall be fully shielded and downward casting and do not cause glare or spill over onto neighboring properties or roadways.

J. Agricultural uses

1. Agricultural uses includes Agricultural Processes, Enclosed Confined Feeding, Animal Cultivation Facilities must adhere to the following standards:
2. Agricultural processing, due to potential noise, odor or other negative externalities, may not occur within 300 feet of a lot line;
3. Agricultural processing activities must occur in an enclosed or covered facility;
4. For all new Agricultural Processing facilities, a waste management plan addressing the storing, handling and disposing of all waste by-products of the processing activities shall be submitted with the site plan for review and approval. This plan should characterize the volumes and types of waste generated, and the operational measures that are proposed to manage and dispose or reuse the wastes in an environmentally sound manner which does not result in adverse environmental impacts, nuisance complaints or health hazards; and
5. All exterior night lighting fixtures shall be fully shielded and downward casting and do not cause glare or spill over onto neighboring properties or roadways.

K. Vehicular Care Services – Major / Vehicular Care Services – Non-Major

Vehicular Care Services, whether Major or Non-Major, must adhere to the following standard:

1. Vehicular Care Services may not be located outside and must be located within an enclosed primary or secondary structure.
2. Equipment associated with Vehicular Care Services may not be located outside and must be located within an enclosed primary or secondary structure.

L. Fueling Stations

1. May include up to 8 fuel stations with up to 16 total pumps.
2. Shall not be located within 150' of State Road 135.
3. Shall not be located within 600' of another fueling station; except that two fueling stations may be allowed at street intersections.
4. May not be located with 400' of residential properties.
5. Support columns of canopies shall be brick wrap.

M. Alcohol Sales

1. Package liquor stores are not permitted in the Interstate Commercial Zone.

N. Tractor-Trailer Parking, Impound

1. Shall only be permitted in IL.
2. Shall not be within 500 feet of residential property.
3. Shall not be along Main Street, Worthsville Road, or County Line Road.
4. Requires a large buffer yard on all sides.

O. Outdoor storage

1. Must be completely screened from view of neighboring properties or rights-of-way.
2. Shall not be located within 1000' of residential property.
3. Shall not be located in any front yard.

P. Solar Facilities

1. Solar array is allowed in connection with any residential, institutional, industrial or commercial use when they meet all of the following requirements in addition to the requirements for accessory structures herein shall not:
 - a. Be located in any front yard.
 - b. Be attached to the front elevation of any structure or building.

- c. Wherever practical and possible, be located on a lot so as not to be visible from the public right-of-way.
 - 2. Roof-mounted solar array is permitted in all residential and commercial zones or districts containing residential or commercial uses provided they are integrated into the roof, mounted no higher than four (4) inches above the roof on sloped residential roofs, or are located on a flat roof behind a parapet wall.
 - 3. No infrastructure, including but not limited to conduit, mounting structures, and cables, related to any solar array shall be visible from any right-of-way.
- Q. Emergency Radio Coverage in All New Commercial Buildings over 10,000 Sq. Ft. All new commercial buildings over 10,000 sq.ft. GFA shall have approved radio coverage for emergency responders within buildings based on the existing coverage levels of the public safety communication system of the jurisdiction at the exterior of the building, except in the following instances:
- 1. A wired communication system is allowed in lieu of an approved radio coverage system;
 - 2. Where the City's fire code official determines that the system is not needed; or
 - 3. Where the City's fire code official approves an automatically activated emergency responder radio coverage system in cases where the otherwise required system or its components or equipment could have a negative impact on the normal operations of the facility.
- R. The following uses are excluded for all parcels located within 150' of State Road 135:
- Auction house/lot;
 - Automotive repair and service (south of Stones Crossing Road only);
 - Automobile sales;
 - Mobile home sales;
 - Truck/equipment sales;
 - Trucks tops, vehicle wash or vehicle fuel stations;
 - Truck garages, body shops, vehicle service and repair stations;
 - Truck or trailer storage yards;
 - Farm implement sales;
 - Children's home/group home (those protected under Ind. Code § 16-13-21-12 and all other types of group homes);
 - Billiard parlor;
 - Recreations vehicle sales;
 - Boat sales;
 - Cold storage locker;
 - Meat locker/freezer;
 - Grain elevator/feed/fertilizer;
 - Junk yard/salvage yard;
 - Vehicle/boat/RV storage;
 - Kennels;
 - Construction other than buildings – heavy contractor;
 - Construction – special trade contractors;

Above-ground bulk storage tanks;
Mobile homes/mobile home parks;
Outdoor theater;
Public warehouse/self-storage facilities;
Race track;
Raising breeding non-farm fowl/animals;
Riding academies/boarding stables;
Roadside sales/stands (Except for agricultural uses);
Plant nurseries;
Vineyards/orchards;
Wildlife/nature preserves;
Conservation district;
Forestry preserve;
Building construction – general contractor;
Botanical/zoological gardens

S. Bee Keeping

1. Residential properties up to one acre are permitted one hive. Additional hives shall be allowed at a rate of one per acre of property to a total of four hives.
2. Hives on residential properties must be placed no closer than 30 feet from a property line.
3. Agricultural properties are not limited on the number of hives, but the hives shall be located at least 100 feet from any property line.

Sec. 10-03-17. Planned Unit Development (PUD)

A. Purpose

The purpose of the Planned Unit Development (PUD) is to encourage flexibility in the development of land in order to promote its most appropriate use; to improve the design, character, and quality of new developments; to encourage a harmonious and appropriate mixture of uses; to facilitate the adequate and economic provision of streets, utilities, and City services; to preserve the natural environmental and scenic features of the site; to encourage and provide a mechanism for arranging improvements on sites so as to preserve desirable features; and to mitigate the problems which may be presented by specific site conditions. It is anticipated that Planned Unit Developments will offer one or more of the following advantages:

1. Reflect the policies of the Comprehensive Plan specific to the neighborhood in which the PUD is to be located;
2. Provide substantial buffers and transitions between areas of different land use and development densities;
3. Enhance the appearance of neighborhoods by conserving areas of natural beauty, and natural green spaces;
4. Counteract urban monotony and congestion on streets;

5. Promote architecture that is compatible with the surroundings;
6. Buffer differing types of land use and intensities of development from each other so as to minimize any adverse impact which new development may have on existing or zoned development;
7. Promote and protect the environmental integrity of the site and its surroundings and provide suitable design responses to the specific environmental constraints of the site and surrounding area; and
8. Effectuate implementation of the Comprehensive Plan.

B. Conformance

Planned Unit Development is an area under single ownership or control to be developed in conformance with an approved PUD master plan, consisting of a map showing the development area and all improvements to the development area, a text which sets forth the uses and the development standards to be met, and exhibits setting forth any aspects of the PUD master plan not fully described in the map and text. The map, exhibits, and text constitute a PUD master plan. The uses and standards expressed in the PUD master plan constitute the use and development regulations for the Planned Unit Development site in lieu of the regulations for the underlying district or zone.

C. Requirements

1. The area designated in the Planned Unit Development map must be a tract of land under single ownership or demonstrated control. Single control of property under multiple ownership may be accomplished through the use of enforceable covenants and commitments, which run to the benefit of the Plan Commission.
2. The Concept Plan shall indicate the land use, development standards, and other applicable specifications of the Municipal Code, which shall govern the Planned Unit Development. If the Concept Plan is silent on a particular land use, development standard, or other specification of the Municipal Code, the standard of the underlying district or zone, the applicable regulations shall apply.
3. The Planned Unit Development map shall show the location of all improvements. The location of Planned Unit Developments shall be designated on the Official Zoning Map and adopted pursuant to this Division.
4. The Planned Unit Development must comply with all required improvements, construction standards, design standards, and all other engineering standards contained within the Municipal Code and other pertinent regulations, except where specifically varied through the provisions of this Section.
5. Designation and Conveyance of Permanent Open Space.
 - a. Definition. Permanent open space shall be defined as parks, playgrounds, waterways (as defined in paragraph b) of this subsection, landscaped green space, and natural areas, not

residential yard space surrounding dwelling units, and not including schools, community centers or other similar areas in public ownership.

- b. Designation. No plan for a Planned Unit Development shall be approved unless such plan provides for permanent landscaped or natural open space. A minimum of 25% of the proposed Planned Unit Development area shall be designated as Permanent Open Space. No more than 35% of the required permanent open space can be covered by water defined as the high- water elevation, including detention and retention ponds. The remaining permanent open space must be usable space, and the developer must provide the necessary facilities to make them usable.
- c. In the case of mixed uses, permanent open space shall be allocated to the property in proportion to the uses assigned to the Planned Unit Development and shall be located in a reasonable proximity to those uses. Provided, however, the permanent open space need not be located in proximity to the use in the case of preservation of existing features.
- d. If the Concept Plan provides for the Planned Unit Development to be constructed in stages, open space must be provided for each stage of the Planned Unit Development in proportion to that stage.
- e. Conveyance. Permanent open space shall be conveyed in one of the following forms:
 - i. To a municipal or public corporation; or
 - ii. To a not-for-profit corporation or entity established for the purpose of benefiting the owners and tenants of the Planned Unit Development, or where appropriate and where approved by the Plan Commission and the Common Council, adjoining property owners, or both. All conveyances shall be structures to ensure that the grantee has the obligation and the right to effect maintenance and improvement of the common open space; and that such duty of maintenance and improvement is enforced by the owners and tenants of the Planned Unit development and, where applicable, by adjoining property owners; or
 - iii. To owners other than those specified in subsections i. and ii. above, and subject to restrictive covenants describing and guaranteeing the open space and its maintenance and improvement, running with the land for the benefit of residents of the Planned Unit Development or adjoining property owners; or both; or
 - iv. Uses permitted in a Planned Unit Development may be any use which is found in the Master List of Uses by Zone and District, Division II, Sec. 10-02-11, subject to the approval of the Plan Commission and Common Council.

D. Procedure for Approval.

1. Introduction

Application shall be accompanied by all plans and documents required by Sec. 10-03-17 E. A three-step application process shall be used. The steps in the process are:

- a. Pre-Design Conference;

- b. Concept Plan Approval; and
 - c. PUD Master Plan Approval.
2. Pre-Design Conference

Prior to filing a formal application for approval of a Planned Unit development, the applicant shall schedule a pre-design conference with the planning staff. The purpose of the pre-application conference shall be to:

- a. Allow the applicant to present a general concept and to discuss characteristics of the development concept in relation to adopted City policies.
 - b. Allow the planning staff to inform the applicant of applicable policies, standards, and procedures for the Planned Unit Development.
 - c. The pre-design conference is intended only for the above purposes. Neither the developer nor the jurisdiction is bound by any decision made during a pre-application conference.
3. Procedure for Concept Plan Approval (PUD Rezoning)

- a. The Concept Plan, application for the Planned Unit Development, and written development standards shall be submitted to the Planning Director. Written development standards shall include, at a minimum, the following information:
 - i. Minimum lot size;
 - ii. Maximum height;
 - iii. Maximum density;
 - iv. Minimum setbacks;
 - v. Maximum floor area;
 - vi. Minimum open space;
 - vii. Any other relevant development standard, as determined by planning staff. The planning staff shall certify the application to be complete. Planning staff shall initiate review of complete applications by the technical review committee.
- b. Review
 - i. The application and the results of the review shall then be forwarded to the Plan Commission for its consideration, public hearing, and recommendations, together with the Planning Department's report and such other documents as may be pertinent to the Planned Unit Development.
 - ii. The Plan Commission shall hold a public hearing in accordance with its Rules of Procedure.

- iii. Where there are environmentally sensitive features on the site or the PUD master plan is expected to be complex, or there are other important planning implications involved, the Plan Commission shall review the PUD master plan. And, where the Plan Commission recommends denial of a Concept Plan and the Common Council approves the plan, the Plan Commission shall review the PUD master plan.
 - iv. Upon completion of its review, the Plan Commission shall certify the application to the Common Council with a favorable recommendation, an unfavorable recommendation, or no recommendation.
 - v. The Common Council shall vote on the proposal within 90 days after the Plan Commission certifies the proposal. The Common Council may adopt or reject the proposal. If the Plan Commission has given the proposal a favorable recommendation and the Common Council fails to act on the proposal within 90 days, the Ordinance takes effect as if it had been adopted as certified 90 days after certification. If the Plan Commission has failed to make a recommendation or has given the proposal an unfavorable recommendation and the Common Council fails to act on the proposal within 90 days, the proposal is defeated.
 - c. Effect of Approval of Concept Plan
 - i. When a PUD Concept Plan has been approved by the Common Council, the PUD zoning shall become effective and its location shall be shown on the Official Zoning Map. The Official Zoning Map shall be amended to designate the site as a Planned Unit Development.
 - ii. Upon such amendment of the Official Zoning Map, the use and development of the site shall be governed by the Planned Unit Development Concept Plan, subject to approval of a PUD master plan.
 - iii. No permit of any kind shall be issued until the PUD master plan has been approved.
 - d. PUD Master Plan
 - i. Purpose of PUD Master Plan Approval. The purpose of the PUD master plan is to designate the controls for development of the Planned Unit Development. The PUD master plan shall show the exact location of each building and improvement to be constructed and a designation of the specific internal use or range of uses to which each building shall be put.
 - ii. Time Limit for PUD Master Plan Approval. The PUD master plan shall be submitted to the Planning Department not more than 18 months following Common Council approval of the Concept Plan. The Concept and PUD master plans may be submitted as a single plan if all requirements herein are met. The PUD master plan may be submitted and approved in stages, with each stage representing a portion of the Concept Plan, at the discretion of the Plan Commission. The time limit for submitting each stage for approval may be set forth in the Concept Plan, in which case that schedule shall control the timing of development, rather than the time period contained in this paragraph. The Plan Commission may extend the time for application for approval of the PUD master plan for good cause, consistent with the purposes of this Ordinance.

e. Expiration of Time Limit

- i. Periodically, the planning staff shall report to the Plan Commission on Planned Unit Developments whose time limits have expired. The applicants shall be notified. The Plan Commission shall determine whether to consider extending the time or to initiate action to amend the Official Zoning Map so as to rescind the Planned Unit Development designation.
- ii. Relationship of Development and Concept Plan. The PUD master plan shall conform to the Concept Plan as approved.
- iii. Procedure for approval of a PUD master plan shall be:
 - 1) The PUD master plan and supporting data shall be filed with the planning staff.
 - 2) The planning staff shall review the PUD master plan to include site plan review, in accordance with the requirements of this Ordinance (Development Plans).
 - 3) If the Plan Commission has retained PUD master plan approval authority, as provided herein, or where a new PUD master plan is required, the Plan Commission shall hold a public hearing in accordance with its Rules of Procedure. The Plan Commission may approve, deny, or approve with modifications.
 - 4) Staff Approval. If the Plan Commission has authorized staff to approve any PUD master plans during the PUD concept plan approval process, staff shall have approval authority for said PUD master plans. Staff decisions may be appealed by the property owner to the Plan Commission.
- iv. Expiration of PUD master plan. The PUD master plan shall expire two years after approval, unless grading and/or building permits have been obtained and site work is still current and valid on that date. This rule shall also apply to each stage of a PUD master plan approved in stages. The applicant may request an extension of time in writing, and the approving authority may extend the time limit where appropriate. Such extension may be considered at the time of PUD master plan approval.
- v. Effect of Approval of PUD Master Plan. No permit of any kind shall be issued for any purpose within a Planned Unit Development except in accordance with the approved PUD master plan, and after acceptance by the City of all required guarantees for improvements herein.

E. Contents of Plans

PUD master plan and supporting data shall include all documentation listed in this subsection unless certain documentation is deemed superfluous by the planning staff due to the specific circumstances of the particular request

1. Pre-Design Conference Requirements

- a. A written letter of intent from the applicant describing the applicant's intention for developing the site. This letter shall set forth proposed uses and developmental standards.
 - b. A scaled drawing of the site, in simple sketch form, showing the proposed location and extent of the land uses, major streets, and the approximate location of all existing easements, natural features, and topographic or geologic constraints.
2. Concept Plan Requirements.
- a. A drawing of the Planned Unit Development shall be prepared at a scale not less than 1"=50', or as considered appropriate by the planning staff, and shall show in concept major circulation; generalized location and dimensions of buildings, structures, and parking areas; open space areas, recreation facilities, and other details to indicate the character of the proposed development. The submission shall include:
 - i. A site location map.
 - ii. The name of the development, with the words "Concept Plan".
 - iii. Boundary lines and acreage of each land use component.
 - iv. Existing easements, including location, width and purpose.
 - v. Existing land use on abutting properties.
 - vi. Other conditions on adjoining land; topography (at two-foot contours) including any embankments or retaining walls; use and location of major buildings, railroads, power lines, towers and other influences; name of any adjoining subdivision plat.
 - vii. Existing streets on and adjacent to the tract, including street name, right-of-way width, walks, curbs, gutters, and culverts.
 - viii. Proposed public improvements; streets and other major improvements planned by the public for future construction on or adjacent to the tract.
 - ix. Existing utilities on the tract.
 - x. Any land on the tract within the 100-year floodplain.
 - xi. Other conditions on the tract, including water courses, wetlands, sinkholes, wooded areas, isolated trees six inches or more in diameter, existing structures and other significant features.
 - xii. Existing vegetation to be preserved and the locations, nature, and purpose of proposed landscaping.
 - xiii. Map data such as north point, scale and date of preparation.
 - b. Written Statement of Character of the Planned Unit Development. An explanation of the character of the Planned Unit Development and the reasons why it has been planned to take

advantage of the flexibility of these regulations. The written statement shall be considered the proposed draft ordinance, and shall include:

- i. A specific explanation of how the proposed Planned Unit Development meets the objectives of all adopted land use policies which affect the land in questions.
- ii. Ownership. A statement of present and proposed ownership of all land within the project including the beneficial owners of a land trust.
- iii. Development scheduling indicating:
 - 1) Stages in which the project will be built, including the area, density, use, public facilities, and open space to be developed with each stage. Each stage shall be described and mapped.
 - 2) Projected dates for beginning and completion of each stage.
- iv. Proposed uses.
 - 1) Residential Uses: gross area, architectural concepts (narrative, sketch, or representative photo), number of units, bedroom breakdown, and proposed occupancy limits for each residential component.
 - 2) Nonresidential Uses: specific nonresidential uses including gross areas, architectural concepts (narrative, sketch, or representative photo), and building heights.
- v. Facilities Plan. Preliminary concepts and feasibility reports for:
 - 1) Roads
 - 2) Sidewalks
 - 3) Sanitary Sewers
 - 4) Stormwater Management
 - 5) Water Supply System
 - 6) Street Lighting
 - 7) Public Utilities
- c. Miscellaneous. The planning staff shall inform the applicant of any additional documents or data requirements after the pre- application conference.
- d. Traffic Analysis

If requested by the planning staff or the Plan Commission, a study of the impact caused by the Planned Unit Development and any measures proposed to accommodate that impact.

e. Notification

The petitioner shall notify all interested property owners, as directed by the Plan Commission's Rules of Procedure, of the proposed Planned Unit Development and the scheduled hearing date. Notices shall include a reduced copy of the proposed concept plan and a copy of the proposed uses section of the written statement of character of the Planned Unit Development.

3. PUD Master Plan Requirements.

The application for PUD Master Plan approval shall include, but not be limited to, the following documents:

- a. Such additional information as may have been required by the Concept Plan approval.
- b. An accurate map exhibit of the entire phase for which PUD master plan approval is being requested, which complies with the requirements of this Ordinance (Development Plans). Single family residential development on individual lots need not show precise locations of buildings on each lot, but plans shall show setback and other bulk constraints.
- c. If lands to be subdivided are included in the Planned Unit Development, a subdivision plat meeting the requirements of a preliminary plat, as modified by the Concept Plan approval, is required where platting is to be done concurrent with the PUD master plan approval.
- d. Projected construction schedule.
- e. Agreements and covenants which govern the use, maintenance, and continued protection of the Planned Unit Development and its common spaces, shared facilities, and private roads.
- f. Guarantee of Performance for Completion of Improvements. A bond or other guarantee acceptable to the City shall be provided for all required improvements and shall be executed at time of permit application or platting, whichever comes first. Improvements that must be guaranteed include facilities which shall become public and may include other facilities or improvements as may be specified in the Concept or PUD master plan approval. If the project is to be built in phases, the guarantee shall specify the time for completion of improvements and shall be in an amount of 125% of the estimated cost of the improvement.

F. Review Considerations

In their consideration of a Planned Unit Development Concept Plan, the planning staff in its report to the Plan Commission, the Plan Commission in its recommendation, and the Common Council in its decision, shall consider as many of the following as may be relevant to the specific proposal.

1. The extent to which the Planned Unit Development meets the purposes of this Ordinance, the Comprehensive Plan, and any other adopted planning objectives of the City.
2. The extent to which the proposed plan meets the requirements, standards, and stated purpose of the Planned Unit Development regulations.

3. The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to the density, dimension, bulk, use required improvements, and construction and design standards and the reasons which such departures are or are not deemed to be in the public interest.
4. Whether proposal will not be injurious to the public health, safety, and general welfare.
5. The physical design of the Planned Unit Development and the extent to which it makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects designated permanent open space, and furthers the amenities of light and air, recreation, and visual enjoyment.
6. The relationship and compatibility of the proposed plan to the adjacent properties and neighborhood, and whether the proposed plan would substantially interfere with the use or diminish the value of adjacent properties and neighborhoods.
7. The desirability of the proposed plan to the City's physical development, tax base, and economic well-being.
8. The proposal will not cause undue traffic congestion and can be adequately served by existing or programmed public facilities and services.
9. The proposal preserves significant ecological, natural, historical, and architectural resources to the extent possible

G. Changes in the Planned Unit Development

1. Changes Requiring New Concept Plan Approval by the Common Council. Changes which alter the concept or intent of the Planned Unit Development including but not limited to:
 - a. Significant changes in the proportion or allocation of land uses;
 - b. Changes in the list of approved uses;
 - c. Changes in the location of uses;
 - d. Changes in functional uses or open space, where such change constitutes and intensification of use of the open space; and/or
 - e. Changes in the final governing agreements where such changes conflict with the Concept Plan approval.
2. The following changes are considered major modifications to the PUD master plan and shall require new PUD master plan approval by the Plan Commission. Major modifications shall include, but are not limited to, the following:
 - a. Changes in site design requirements such as location of required landscaping, signage, building height, cube and/or footprint, or other such requirements of this Ordinance;
 - b. Increases in the number or size of signs;

- c. Reduction in landscaping;
 - d. Reduction of parking spaces or setbacks by 5% or more;
 - e. Increase in building square footage or height of 10% or more;
 - f. Density increases by 10% or more;
 - g. Changes to the internal street system or off-street parking areas which the City Engineer considers to be significant;
 - h. Significant changes in drainage management structures, as determined by the City Engineer;
 - i. Changes in access to the development site, where such change amounts to an intensification in the traffic patterns of roadways; and/or
 - j. All other changes not expressly addressed under subsection G. 2. shall require new PUD master plan approval by the Plan Commission.
3. The following changes are considered minor modifications to the PUD master plan and may be approved by the Planning Director. The Planning Director may choose to send a minor modification request directly to the Plan Commission, if in his opinion it would be in the best interest of the community, or if the request appears to be controversial. The Planning Director's decision may be appealed to the Planning Commission by the property owner. Minor modifications shall include, but are not limited to, the following:
- a. Changes in lot arrangements which are not detrimental to the proposed thoroughfare pattern of the development;
 - b. Substitutions of plants which are considered by the Planning Director to be equivalent to those shown on the Plan Commission approved PUD master plan;
 - c. Reduction of parking spaces or setbacks by less than 5%;
 - d. Increase in building square footage or height by less than 10%;
 - e. Addition of buildable lots that result in density increases of less than 10%;
 - f. Changes to the internal street system or off-street parking areas, which are considered minor by the City Engineer;
 - g. Minor changes in drainage management structures, as determined by the City Engineer;
 - h. Changes in access to the development site, where such change amounts to a reduction in intensity in the traffic patterns of roadways, as determined by the City Engineer.

Sec. 10-03-18 through Sec. 10-03-40 Reserved for Future Use.

Pages 1006 through 1055 Reserved for Future Use.

DIVISION IV.

ADMINISTRATION AND PROCEDURES

Sec. 10-04-01. Applicability

This Division sets forth the powers and duties of the Planning Director, the Advisory Plan Commission (“Plan Commission”), and the Board of Zoning Appeals relative to the administration and enforcement of this Ordinance.

Sec. 10-04-02. Planning Director

The Planning Director shall be the chief administrative official of the Division of Planning and Zoning within the Community Development Services Department. Unless otherwise directed by the Mayor, the Planning Director, or their designee, shall have the following responsibilities and powers:

- A. Upon finding that any of the provisions of this Ordinance are being violated notify in writing the person responsible for such violation, ordering the action necessary to correct such violation;
- B. To order discontinuance of illegal uses of land, buildings, or structures;
- C. To order removal of illegal buildings or structures or illegal additions or structural alterations; and/or
- D. To order discontinuance of any illegal work being done.
- E. To take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of this Ordinance, including, but not limited to, the issuance of and action on land alteration permits and such other similar administrative duties as are permissible under the law.
- F. To perform other duties included in the official job description for the position and the power and discretion to delegate authority to other administrative officials.

All petitions and applications for approvals or permits desired or required under this Ordinance shall be filed with the Division of Planning and Zoning within the Community Development Services Department on forms approved by the Plan Commission annually, which shall require, among other things, submission of final CAD drawings.

Sec. 10-04-03. Plan Commission

- A. The Plan Commission is established pursuant to Sec. 2-7 of the Greenwood Municipal Code and in accordance with Ind. Code § 36-7-4. The Plan Commission shall adopt rules of procedure consistent with the provisions of Ind. Code § 36-7-4-400 series, as enacted by the Indiana General Assembly and acts amendatory thereof and supplementary thereto.
- B. Meetings of the Plan Commission shall be held at the call of the President and at such other times as the Plan Commission may determine. All meetings, excluding executive sessions permitted by law, shall be open to the public. At the first meeting of each year the Plan Commission shall elect a President and Vice-President from among its members.

- C. The Plan Commission shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions of which shall be of public record and be maintained in the office of the Plan Commission.
- D. For the purpose of this Ordinance, the Plan Commission shall have the following responsibilities:
 - 1. Initiate proposed amendments to the Ordinance;
 - 2. Review all proposed amendments to the Ordinance referred to it by the Common Council and make recommendations on the same to the Common Council;
 - 3. Review, hear, and act on applications for Site Development Plans, Subdivision Plats, Planned Unit Development master plans, and other determinations as required from time to time in accordance with state law; the Plan Commission may delegate to, and designate, planning staff to review and approve Secondary Plats and Site Development Plans;
 - 4. Review and make recommendations to the Common Council on Zoning Map change applications, annexation applications, and Planned Unit Development concept plans;
 - 5. Review and approve waivers from any of the regulations in this Ordinance if expressly permitted herein; and
 - 6. Initiate and/or perform other planning functions, such as comprehensive planning, drafting amendments to the Comprehensive Plan, and perform studies as may be deemed appropriate or required by statute.
- E. The Plan Commission shall establish a schedule of fees, charges, and expenses and a collection procedure for Improvement Location Permits, appeals, and other applications or petitions pertaining to this Ordinance. The schedule of fees shall be available to the public in the office of the Community Development Services Department or its representative and may be altered or amended only by recommendation of the Plan Commission and approval by the Common Council.
- F. The Plan Commission shall establish a Technical Review Committee for the purpose of providing detailed review and recommendations to the Plan Commission concerning any proposed Site Development Plans or Subdivision Plats that may from time to time be submitted to the Plan Commission, which shall consist of the following:
 - 1. City Engineer, or his/her qualified designee;
 - 2. Director (Chairman);
 - 3. Building Inspector;
 - 4. Chief of Police;
 - 5. Fire Chief;
 - 6. Street Superintendent;

7. Sanitation Superintendent;
 8. Director of Parks and Recreation; and
 9. Any other persons deemed appropriate by the Plan Commission or the Director.
- G. The Technical Review Committee shall limit its attention and recommendations to the design and construction aspects of the proposed development or subdivision with emphasis placed on public improvements, development plans, landscaping, traffic safety and circulation, utilities and drainage. The purpose of the Technical Review Committee is to provide technical assistance and recommendations. Approval or disapproval of a Site Development Plan or a Subdivision Plat is the responsibility of the Plan Commission or its designee.
- H. The Technical Review Committee shall comply with the open meetings provisions of Ind. Code § 5-14-1.5-3, as amended from time to time. The committee shall meet prior to a Plan Commission meeting at which a subdivision plat or site development plan is to be heard and shall then submit its review comments and recommendations in writing to the Plan Commission or its designee. The Planning Director, or his or her designated representative, shall be responsible for scheduling meetings of the Technical Review Committee and keeping all records of the Committee's comments and recommendations on file.
- I. Zoning Text Amendments. Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Common Council may by ordinance, after receipt of recommendations from the Plan Commission, and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.
1. Amendments to this Ordinance in accordance with Ind. Code § 36-7-4-602 (b) may be initiated in one of the following ways:
 - a. By adoption of a motion by the Plan Commission; or
 - b. By adoption of a motion by the Common Council and referral to the Plan Commission for its review and recommendation.
 2. The Plan Commission shall hold a public hearing within sixty (60) days of filing of the petition for zoning text amendment. The commission shall review the proposed zoning text amendment, and within ten (10) days of the Plan Commission's determination, shall certify its recommendations to the Common Council.
 3. Notice of the Plan Commission public hearing shall be given by the Plan Commission by at least one (1) publication in two (2) or more newspapers of general circulation in the City. Said notice shall be in the form prescribed by the written rules of procedure for the Plan Commission and shall be in accordance with Ind. Code § 5-14-15.5.
 4. Recommendations of the Plan Commission and actions by the Common Council shall be performed in compliance with the time periods and requirements of Ind. Code § 36-7-4-607 et seq.
 5. After receiving the recommendation of the Plan Commission, the Common Council at a public meeting thereof shall either adopt or fail to adopt the Ordinance. In the event that the

recommendation of the Plan Commission is unfavorable to a property annexation or text amendment ordinance referred to it, the Ordinance shall not be passed except by affirmative vote of a least the simple majority of the members of the Common Council.

J. Zoning Map Changes. The Common Council may, from time to time, amend, supplement or change the regulations and districts or zones of this Ordinance or any regulations or districts or zones subsequently established.

1. Petitions requesting a zoning map change in accordance with Ind. Code § 36-7-4-602 (c) shall be filed with the Planning Director. Said petitions may be initiated by:
 - a. The Common Council;
 - b. The Plan Commission; or
 - c. The owner(s) of fifty-one (51) percent or more of the area involved in the petition.
2. Any proposed ordinance for the amendment, supplement, change or repeal of this Ordinance not originating from petition of the Plan Commission shall be referred to the Plan Commission for consideration and recommendation before any final action is taken by the Common Council.
3. Written Application - All Zoning Map Change petitions shall be filed on application forms as prescribed by the Plan Commission. All applications must be submitted in accordance with the provisions herein.
4. Applicants shall serve notice to all “interested parties” as defined in the written rules of procedure of the Plan Commission. Such notice shall be in the form prescribed by the Plan Commission.

K. Waiver of Minimum Standards: Conditions and Procedure.

1. The Plan Commission may, in its discretion, authorize and approve waivers from the minimum requirements and standards herein upon finding that:
 - a. The approval of the waiver request will not be detrimental to the public safety, health, and welfare, or injurious to property within a reasonable proximity to the subject property involved in the waiver request;
 - b. The strict application of the applicable Ordinance standard will result in practical difficulties in the development due to the particular physical surroundings, unique constraints, or topographical conditions of the subject property. These conditions will not substantially alter the character of the subject district or zone;
 - c. The practical difficulties were not self-imposed and cannot be overcome by reasonable design alternatives. Financial hardship does not constitute a practical difficulty; and
 - d. The waiver request is necessary and represents a minimal deviation from explicit Ordinance standards.
2. In approving waivers, the Plan Commission may impose such conditions as will, in its judgment, substantially secure the objectives hereof.

3. Applications for waivers shall be submitted to the Plan Commission in accordance with this Ordinance. On the application, the applicant shall describe the requested waivers and shall submit evidence in support of each requested modification. The applicant shall bear the burden of establishing a sufficient factual basis for each requested modification.
4. The Plan Commission's decision to grant or deny a modification or to impose a condition is discretionary.

Sec. 10-04.04 Board of Zoning Appeals

A. For the purpose of this Ordinance, the Board of Zoning Appeals shall have the following duties:

1. Hear and determine appeals of:
 - a. any order, requirement, decision, or determination made by an administrative official, hearing officer, or staff member under this Ordinance;
 - b. any order, requirement, decision, or determination made by an administrative board or other body except the Plan Commission in relation to the enforcement of this Ordinance; and
 - c. any order, requirement, decision, or determination made by an administrative board or other body except the Plan Commission in relation to the enforcement of an ordinance adopted under this chapter requiring the procurement of an Improvement Location Permit or Certificate of Occupancy.
2. Approve or deny all:
 - a. Special Exceptions from the terms of this Ordinance, but only in the classes of cases or in the particular situations specified in this Ordinance;
 - b. Variances from the development standards (such as height, bulk, or area, and including signs) of this Ordinance; and
 - c. Variances of use from the terms of this Ordinance.

B. The Board of Zoning Appeals shall adopt rules, which may not conflict with this Ordinance, concerning:

1. the filing of appeals;
2. the application for variances, special exceptions, special uses, contingent uses, and conditional uses, as applicable under this Ordinance;
3. the giving of notice;
4. the conduct of hearings; and

5. the determination of whether a variance application is for a variance of use or for a development standards variance.
- C. The Board of Zoning Appeals may also adopt rules providing for:
1. the allocation of cases filed with the Board of Zoning Appeals; and
 2. the fixing of dates for hearings by the divisions.
 3. Rules adopted by the board of zoning appeals shall be printed and be made available to all applicants and other interested persons.
- D. Every decision of the Board of Zoning Appeals shall be subject to review by petition as prescribed in Ind. Code § 36-7-4-1000 series.
- E. Variances. Pursuant to Ind. Code § 36-7-4-918.2 et. seq., the Board of Zoning Appeals may authorize upon petition in specific cases such variances from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship or practical difficulty, and further that the criteria set forth herein are satisfied.
1. Filing and Notification Requirements.
 - a. All variance requests shall be filed on application forms as prescribed by the Board of Zoning Appeals.
 - b. Applicants shall serve notice to all “interested parties” as defined in the written rules of procedure of the Board of Zoning Appeals. Such notice shall be in the form prescribed by the Board of Zoning Appeals.
 2. Public Hearings. All determinations of the Board of Zoning Appeals made on petitions for variance shall be made at a public meeting and following a public hearing. The Board of Zoning Appeals shall hold a public hearing within a reasonable length of time after receipt of an application but not sooner than ten (10) days after its receipt.
 3. Board Action and Findings. The Board of Zoning Appeals shall adopt written findings of fact for each petition based on the following criteria:
 4. Variances of use from the terms of this Ordinance, in accordance with Ind. Code § 36-7-4-918.4 may be approved only upon a determination in writing that:
 - a. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
 - b. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
 - c. The need for the variance arises from some condition peculiar to the property involved;

- d. The strict application of the terms of this Ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the variance is sought; and
 - e. The approval does not interfere substantially with the Comprehensive Plan.
5. Developmental Standards Variance.
- a. Variances from the development standards of this Ordinance, in accordance with Ind. Code § 36-7-4-918.5 may be approved only upon a determination in writing that:
 - i. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
 - ii. 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
 - iii. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property.
 - b. Before approval of a proposal involving a structure regulated under Ind. Code § 8-21-10 (Regulation of Tall Structures) may become effective, the Board of Zoning Appeals must have received:
 - i. a copy of:
 - 1) the permit for the structure issued by the Indiana Department of Transportation; or
 - 2) the Determination of No Hazard to Air Navigation issued by the Federal Aviation Administration; and
 - ii. evidence that notice was delivered to a public use airport as required in Ind. Code § 8-21-10-3 not less than sixty (60) days before the proposal is considered.
 - c. Supplemental Conditions or Commitments. In granting a variance, the Board of Zoning Appeals may prescribe appropriate conditions or commitments, per Ind. Code § 36-7-4-918.2, Ind. Code § 36-7-4-918.4, Ind. Code § 36-7-4-918.5, and Ind. Code § 36-7-4-1015. Violation of such conditions or commitments, when made a part of the terms under which the variance is granted shall be deemed a violation of this Ordinance and grounds for revoking said variance. Written commitments shall be subject to the requirements herein and to written rules of procedure adopted by the Board of Zoning Appeals in relation thereto.
 - d. Revocation of a Use Variance. A use variance shall be subject to revocation following notice to interested parties and an opportunity to be heard, under one or all of the following conditions:
 - i. If the use for which the variance was granted ceases for any continuous period greater than six (6) months in length;
 - ii. If the property or structures for which the variance was granted change ownership;

- iii. If there is a change in use of the property or structures for which the variance was granted;
- iv. If the applicant to whom the variance was granted fails to comply with any of the conditions or commitments made a part of the variance;
- v. If the Board of Zoning Appeals discovers at some future date that the variance has created some previously unforeseen problem, nuisance, or hazard that is adversely affecting the health, safety, or welfare of adjacent properties or the general public; or
- vi. If the approved use does not commence within three (3) years of the date that the application is filed.

F, Special Exceptions. The authority to review plans and grant special exceptions shall rest with the Board of Zoning Appeals.

1. Filing and Notification Requirements.

- a. Written Application - All requests for a special exception shall be filed on written application forms as prescribed by the Board of Zoning Appeals. All applications must be submitted in accordance with the provisions herein.
- b. Interested Parties - Applicants shall serve notice to all “interested parties” as defined in the written rules of procedure of the board. Such notice shall be in the form prescribed by the Board.

2. Public Hearings. All determinations of the Board made on a request for special exception shall be made at a public meeting and following a public hearing. The Board of Zoning Appeals shall hold a public hearing within a reasonable length of time after receipt of an application but not sooner than ten (10) days after its receipt.

3. Factors for Granting a Special Exception. Before granting a special exception, the Board of Zoning Appeals shall consider the following factors:

- a. Appropriate screening and buffering of the site, including refuse and other service areas, is provided to ensure that the use will be compatible with neighboring properties and will present acceptable views from public ways;
- b. Ingress and egress to the site and to structures is safe and adequate, and on-site circulation is also safe and adequate. The Board of Zoning Appeals may receive recommendations regarding ingress and egress and site circulation from the City Engineer and the Fire Chief. The Board of Zoning Appeals may also request that the applicant provide a traffic impact analysis;
- c. Satisfactory parking and loading facilities are provided;
- d. Adequate utility services and related facilities are available. The Board of Zoning Appeals may require written evidence of this availability from utility authorities;

- e. Adequate yards and open space are provided;
 - f. The proposed use does not generate environmental impacts which may threaten public health and safety, including, but not limited to, negative impacts to air quality (such as odor, smoke or air pollution), increased flooding due to filling of the floodplain, or a loss of wetlands;
 - g. Compatibility with surrounding uses. The proposed special exception shall not cause a loss of use or enjoyment of adjacent properties;
 - h. The design of the structures is in harmony with the surrounding area, in both style and scale; and
 - i. The petition is not in conflict with the Comprehensive Plan.
4. Supplemental Conditions or Commitments. In granting any special exception, the Board of Zoning Appeals may prescribe appropriate conditions or commitments, per Ind. Code § 36-7-4-918.2 and Ind. Code § 36-7-4-1015. Violation of such conditions or commitments, when made a part of the terms under which the special exception is granted shall be deemed a violation of this Ordinance and grounds for revoking said special exception. Written commitments shall be subject to the requirements established herein and to written rules of procedure adopted by the Board in relation thereto.
 5. Revocation of Special Exception. All special exception approvals shall be considered conditional approvals. A special exception shall be deemed subject to revocation following notice to interested parties and an opportunity to be heard, under one or all of the following conditions:
 - a. If the use for which the special exceptions was granted ceases for any continuous period greater than six (6) months in length;
 - b. If there is a change in use of the property or structures for which the special exception was granted; and/or
 - c. If the applicant fails to comply with specific conditions or commitments made a part of the approval by the Board or fails to comply with a reasonable request of the Board for furnishing specific information related to the proposed use.
 6. Revocation for Failure to Obtain a Permit or Commence Use. The granting of a special exception becomes official (final) only upon actual commencement of the approved use for the subject property. Commencement of the approved use must occur within three (3) years of the date that the application was filed, or the special exception shall become null and void. The Board of Zoning Appeals may grant a one-time extension not to exceed three (3) additional years. If a land alteration permit is needed in order to affect the requested use, the issuance of said permit must occur within the same three-year period from the date that the application was filed, or the approval becomes null and void. Any actual construction required to affect the requested use must also begin within that same three years from the date that the application was filed or said permit shall become null and void.

Sec. 10-04-05. Site Development Plan Review Process

- A. **Site Development Plan Required.** No land within the jurisdiction of the Plan Commission shall be developed or altered for the purpose of constructing buildings or establishing uses - except for Detached Single-Unit Dwellings, Two-Unit Dwellings, and Manufactured Homes in an approved Manufactured Home Park - without first having received Site Development Plan approval from the Plan Commission.
- B. **Site Development Plan Application.** All Site Development Plan applications must be submitted in accordance with the submittal requirements set forth thereon.
- C. **Site Development Plan Review.** Site Development Plan review may be performed by Plan Commission staff or by outside private consultants at the joint discretion of the Plan Commission and Board of Public Works and Safety. Applicants shall follow rules of procedure adopted by the Plan Commission and the Board of Public Works and Safety.
- D. **Design Requirements and Improvements Requirements.** Requirements, standards and specifications for engineering design for construction of improvements for Site Development Plans shall be equal to or greater than the minimum requirements, standards, and specifications established for design and improvements in this Ordinance. The City Engineer may approve other engineering designs or practices when he/she deems necessary.
- E. **Contents of Site Development Plans.** All Site Development Plans shall be submitted under the seal and signature of a Professional Engineer or Registered Land Surveyor licensed to practice in the State of Indiana. Site Development Plans submitted for review shall observe the format as outlined in the application.
- F. **Other Required Submittals for Approval of a Site Development Plan.** The Applicant shall be required to submit written documentation of the following, when applicable:
 - 1. Utility encroachment approvals;
 - 2. Johnson County Drainage Board approval;
 - 3. Other local, state, and federal approvals, including other City boards, commissions, or departments;
 - 4. Inspection and testing agreements with the Board of Public Works and Safety;
 - 5. Outside reviews as required by the City;
 - 6. Easements and rights-of-way not on a plat-like document shall be submitted in the form prescribed by the Board of Public Works and Safety and include both a full legal description and a drawing exhibit; and
 - 7. An outdoor lighting plan.
- G. **Engineering Assurances.**

1. Each application for approval of a Site Development Plan shall be accompanied by the following:
 - a. Certificate of Sufficiency of Plans; and
 - b. Certificate of Obligation to Observe.
 2. Both certificates shall be properly executed in the form prescribed by the Plan Commission by the licensed engineer, or surveyor preparing the Site Development Plan.
- H. Grounds for Rejection of a Site Development Plan Application. The Planning Director may reject any application for the following reasons:
1. Failure to complete the application;
 2. Failure to include a complete Site Development Plan;
 3. Failure to include all required submittals; or
 4. Failure to provide legible submittals.
- I. Resubmittal of Site Development Plan. Submit two (2) physical, one (1) digital, and one (1) CAD sets of the final, revised plans showing conditions required by the Plan Commission. Final revised plans shall be submitted at least ten (10) working days prior to issuance of a permit.
- J. Financial Assurances. As a condition of granting approval for a Site Development Plan, the City reserves the right to require financial assurances to guarantee construction according to plans of all public improvements proposed in a Site Development Plan and for certain private improvements, including but not limited to site grading, drainage improvements, erosion control, sanitary sewers, private streets, landscaping and buffering, or other improvements which may directly impact adjacent properties or the health, safety, or welfare of the general public. Such assurances of performance shall be in an amount and form as prescribed by the City. Public improvements shall be dedicated within two (2) years of the date of Plan Commission approval unless time extensions are granted by the City. If public improvements are not dedicated within two (2) years, the City may take any action deemed necessary to ensure completion to a point of dedication.
- K. Site Development Plan Approval Valid for Three Years.
1. Upon expiration of the three-year period the Site Development Plan approval shall be deemed null and void unless:
 - i. The Plan Commission has granted a time extension not to exceed two (2) years; or
 - ii. A permit has been issued to permit commencement of site improvements.
 2. The Plan Commission shall not grant more than one (1) time extension for Site Development Plan approval (not to exceed two (2) years).

3. Once a permit has been issued and development has commenced the improvements shall be completed within ten (10) years of the date the application was filed. Failure to complete improvements within said time frame shall void the plan approval and the permit.
- L. Deviation from an Approved Site Development Plan and Additions to Existing Structures.
1. If the installation of the elements on the Site Development Plan materially deviates from the approved Site Development Plan (as determined by the Planning Director or City Engineer), the Site Development Plan shall be resubmitted to the Plan Commission for a new Site Development Plan approval in accordance with the procedures and requirements for Site Development Plan approval. For purposes of this section, material deviation is one that:
 - a. Adds, removes, or reconfigures an internal street or relocates an access point;
 - b. Affects a condition of Site Development Plan approval that was established by the Plan Commission during the Site Development Plan approval stage;
 - c. Reduces the area devoted to open spaces or buffer landscaping;
 - d. Would require a waiver of the requirements and standards of these regulations or would negate the basis for a modification that was granted; or
 - e. Involves the enlargement of a nonresidential building footprint on the site due to future additions that are more than ten percent (10%) of the gross floor area or five thousand (5,000) square feet, whichever is less.
 2. Minor changes that do not constitute material deviation shall be reviewed and approved by the Planning Director.
- M. Record Drawings and Certificate of Completion and Compliance. The developer or owner shall cause record drawings to be prepared and submitted to the Planning Director for all streets, drainage ditches and facilities, utility pipes and structures, and finished grade elevations for the project, showing compliance with the approved Site Development Plan. Said record drawings shall be filed with the Planning Director prior to the release of any performance assurances. The record drawings shall be accompanied by a Certificate of Completion and Compliance properly executed in the form prescribed by the Plan Commission by the licensed engineer, or surveyor preparing the Site Development Plan and/or record drawings. Record drawings, including the approved final plat shall be submitted on the forms specified by the Plan Commission.
1. General Requirements. Plans are to contain a certification statement that the improvements have been installed in reasonable compliance with the original design plans with respect to horizontal locations and grades and any deviations of locations, grade or material use are shown in these record drawings. Said certification is to be sealed and signed.
 2. Specific Requirements. The plans shall contain such additional detail as required by the Plan Commission, including, but not limited to, a waiver of liability in favor of the City related to the installation and construction of the same.
- N. All requests for a decision or approval under this subsection begins with the property owner or agent thereof filing a complete site development plan application(“application”) with the Planning

Director on forms provided for and in the quantities specified by the Plan Commission or the Board in its written rules of procedure.

- O. A complete application shall include all required submissions and the payment in full of all applicable fees.
- P. The Planning Director, or his/her designee, will determine whether an application is complete and is ready to be processed. In some instances, an additional application may be deemed necessary by the Planning Director and, if so, an application will not be deemed to be complete unless and until all applications are submitted and reviewed and determined to be in accordance with all submittal requirements. The applicant will be notified in writing of any deficiencies in the completeness of the application and shall have thirty (30) days from the date thereof to complete the application or the application will be deemed null and void.
- Q. Until all applicable fees, charges, and expenses have been paid in full, no final action or release shall be taken on any application.
- R. If a decision on the application is to be made by someone other than the Planning Director, then the complete application shall be forwarded to the appropriate body for review.
- S. Permits to be Issued by Building Commissioner. No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore issued by the Building Commissioner or his/her representative in accordance with Plan Commission policies and procedures. No improvement location permit shall be issued by the Building Commissioner or his/her representative except in conformity with the provisions of this Ordinance, unless he/she first receives a written order from the Board of Zoning Appeals in the form of an administrative review, special exception, or variance as provided by this Ordinance.
- T. Application for a Land Alteration Permit. All applications for improvement location permits shall be accompanied by plans drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of building already existing, if any; and the location and dimensions of the proposed building or alteration. The improvement location application shall include such other information as lawfully may be required by the Planning Director, Building Commissioner or their representatives, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot. The Building Commissioner or his/her representative shall retain the plans for a minimum period of five years from the date of issuance of a certificate of occupancy.

Sec. 10-04-06. Written Commitments

- A. This section grants authority to the Plan Commission and the Board of Zoning Appeals, within their respective jurisdictions, to allow or require commitments in connection with the following approvals or actions, in compliance with Ind. Code § 36-7-4-1015:
 - 1. Adoption of a rezoning proposal;
 - 2. Primary approval of a proposed Subdivision Plat or Site Development Plan;
 - 3. Approval of a vacation of all or part of the plat; or

4. Approval of an application for a:
 - a. Special Exception;
 - b. Special Use;
 - c. Contingent Use;
 - d. Conditional Use; or
 - e. Variance.
5. This section also grants authority to the Plan Commission and Board of Zoning Appeals to adopt rules:
 - a. Governing the creation, form, recording, effectiveness, modification and termination of commitments that are made before the Plan Commission or the Board of Zoning Appeals; and
 - b. Designating which specially affected person and classes of specially affected persons are entitled to enforce commitments.

B. Standard Forms.

1. The Plan Commission may adopt written commitment forms as the standard forms for written commitments which are permitted or required by the Plan Commission.
2. The Board of Zoning Appeals may adopt written commitment forms as the standard forms for written commitments which are permitted or required by the Board .
3. The appropriate form shall be used whenever a written commitment is permitted or required by the Plan Commission or Board of Zoning Appeals. When necessary, the standard forms may be modified in order to conform to the type of commitment needed and not already provided for in one of the standard forms. However, the content shall only be modified as needed to conform to the type of commitment permitted or required. An otherwise modified form may be rejected by a majority vote of the Plan Commission or Board of Zoning Appeals (whichever body permitted or required the commitment).

C. Term of a Commitment. A commitment may contain terms providing for its own expiration. A commitment may also contain terms providing that the commitment automatically terminates:

1. If the district or zone or classification applicable to the parcel is changed;
2. If the land use to which the commitment relates is changed; or
3. Otherwise in accordance with the rules of the body to which the commitment was made.

D. Modification or Termination of a Commitment. Except for a commitment that expires or automatically terminates, or except as otherwise provided herein, a commitment may be modified or terminated:

1. By a decision of the Plan Commission or Board of Zoning Appeals (whichever body permitted or required the commitment); or
 2. By the decision of the Common Council, if the commitment is made to the Common Council as part of a rezoning proposal.
- E. A decision by the Plan Commission or Board of Zoning Appeals must be made at a public hearing after notice of the hearing has been provided under the rules of the deciding body.
- F. **Modification to Commitments Made Prior to Annexation.** A commitment running with a parcel of land that is annexed by the City may be modified or terminated only by a decision of the Common Council. The decision must be made by the Common Council after considering the recommendation of the Plan Commission after a public hearing held by the Plan Commission. The rules of the Plan Commission must include a provision requiring notice to be sent by certified mail at least ten (10) days before the date of the hearing to the following:
1. The Plan Commission, the Board of Zoning Appeals, or the legislative body to which the commitment was made; and
 2. Each owner of real property, as shown on the county auditor's current tax list, whose real property is located within three hundred (300) feet of the parcel subject to the commitment.
- G. **Enforcement.** An action to enforce a commitment may be brought in the circuit or superior court of Johnson County, Indiana by one of the following bodies before whom the commitment was made:
1. The Plan Commission;
 2. the Board of Zoning Appeals;
 3. the Common Council;
 4. Any person who was entitled to enforce a commitment under the rules of the Plan Commission or Board of Zoning Appeals in force at the time the commitment was made; or
 5. Any other specially affected person who was designated in the commitment.
- H. **Validity of Other Land Use Restrictions.** This section does not affect the validity of any covenant, easement, equitable servitude, or other land use restriction created in accordance with law.

Sec. 10-04-07. Annexation.

- A. **General.** The Common Council may by annexation ordinance, and subject to the following procedures and Indiana law, annex property into the corporate limits of the City.
- B. **Initiation of Annexation.**
1. Annexation to the City may be initiated in one of the following ways:

- a. By the Common Council, in accordance with Ind. Code § 36-4-3-3 and Ind. Code § 36-4-3-4; or
 - b. By the filing of a petition signed by at least one of the following:
 - i. Fifty-one percent (51%) of the owners of land in the territory sought to be annexed, in accordance with Ind. Code § 36-4-3-5;
 - ii. Owners of seventy-five percent (75%) of the assessed value of the land for property tax purposes, within the area proposed to be annexed, in accordance with Ind. Code § 36-4-3-5; or
 - iii. One hundred percent (100%) of the owners of land within the territory that is proposed to be annexed, in accordance with Ind. Code § 36-4-3-5.1.
2. Petitions to the Common Council shall be filed with the Plan Commission.
- C. Public Hearing by Common Council. After the filing of a petition for annexation, said petition shall be transmitted to the Common Council for introduction. The Common Council shall schedule a public hearing after a petition is received. Said hearing shall be held no earlier than sixty (60) days after the annexation ordinance is introduced by the Common Council, with notice given at least sixty (60) days before the public hearing, except in cases of voluntary annexation under Ind. Code §36-4-3-5.1, when the notice shall be given at least twenty (20) days before the hearing. All notices shall be given in the manner prescribed in Ind. Code § 36-4-3-2.1.
- D. Adoption of Fiscal Plan. A fiscal plan that meets the requirements of Ind. Code § 36-4-3-13 shall be prepared for all annexations, as required by Ind. Code § 36-4-3-3.1. The fiscal plan for each annexation shall be adopted by the Common Council prior to the adoption of the annexation ordinance.
- E. Common Council Action. Following adoption, an annexation ordinance shall be published in accordance with Ind. Code § 36-4-3-7. The annexation ordinance shall take effect ninety (90) days after publication, unless a petition for written remonstrance is initiated in accordance with Ind. Code § 36-4-3-11 et. seq. Said remonstrance must be filed within ninety (90) days following the publication of the annexation ordinance.
- F. Zoning of Annexed Land.
- 1. The Common Council shall zone all land annexed to the City as follows, unless otherwise requested by the property owner at the time of filing:
 - a. Land which was zoned to an agricultural or residential classification pursuant to the zoning ordinance of Johnson County and improved with a non-agricultural use shall be assigned to a RL zone under this Ordinance upon annexation to the City;
 - b. Land which was zoned to a business classification pursuant to the zoning ordinance of Johnson County shall be assigned to a CS zone under this Ordinance upon annexation to the City;

- c. Land which was zoned to an industrial classification pursuant to the zoning ordinance of Johnson County shall be assigned to an IL zone under this Ordinance upon annexation to the City;
 - d. Land which was zoned to any zoning classification pursuant to the zoning ordinance of Johnson County other than those identified above shall be assigned a RL zone of this Ordinance upon annexation to the City; and
 - e. Land which was zoned to any zoning classification pursuant to the zoning ordinance of Johnson County and improved with an agricultural use shall be zoned to the AG district and be eligible for municipal tax exemption in accordance with Ind. Code § 36-4-3-4.1 upon annexation into the City.
2. In any of the foregoing circumstances, the Common Council may assign different zoning classification(s) to the land in the ordinance annexing the land based upon evidence or testimony presented at the annexation hearing required under Ind. Code § 36-4-3-2.1.

Sec. 10-04-08. Appeals

- A. Procedure for Filing an Appeal. Appeals to the Board of Zoning Appeals shall be filed and hearings conducted in accordance with Ind. Code §§ 36-7-4-919 and 920. All appeals shall be filed within such time and in such form as may be prescribed by the by rules adopted by the Board of Zoning Appeals. The notice of appeal shall specify the grounds for such appeal. Upon receipt of a notice of appeal, the administrative official or staff member from whom the appeal is taken shall at the request of the Board of Zoning Appeals transmit to the Board all of the documents, plans, and papers constituting the record of the action from which an appeal was taken.
- B. Board Hearing and Notice. The Board of Zoning Appeals shall select a reasonable time and place for the hearing of an appeal and give at least ten (10) days written notice thereof to the interested parties. The party taking the appeal may be required to assume the cost of public notice and due notice to interested parties. At the hearing, each party may appear and be heard at the hearing in person, by agent, or by attorney.
- C. Interested Parties to Appeal. The Board of Zoning Appeals shall, by rule, determine who are interested parties, how notice is to be given them and who is required to give that notice.
- D. Publication of Notice. In addition, public notice of such hearings as to the time, place, date and subject of the hearing, shall be published one (1) time, at least ten (10) days prior to the date of the hearing.
- E. Board Action. Upon appeal, the Board of Zoning Appeals may reverse, affirm or modify the order, requirement, decision or determination appealed from. The Board of Zoning Appeals shall have all the powers of the official, officer, board or body from which the appeal is taken with respect to such decision. The Board of Zoning Appeals shall make a decision on an appeal either:
 - i. At the meeting at which the matter is first presented; or
 - ii. At the conclusion of the hearing on that matter, if it is continued.

- F. Filing of Decision. Within five (5) days after the Board of Zoning Appeals' decision, the Board shall file a copy of the decision in the Board's office.

Sec. 10-04-09. Violations; Remedies

- A. Civil Zoning Violation. Any person who uses property in violation of this Ordinance shall be deemed to have committed a civil zoning violation and may be issued a citation by the designated enforcement entity.
- B. Citations for Civil Zoning Violations.
1. The Planning Director or his/her designee(s) may issue a civil zoning violation to a person who commits a civil zoning violation, the legal owner, the contract vendee, or any person or entity with a possessory interest in the real estate upon which the violation occurs, The citation may be served by personal service, by certified mail, or by placement in a conspicuous place on the property where the violation occurs and which shall serve as notice to a person that he or she has committed a civil zoning violation.
 2. No citation shall be issued for the first offense unless the person who commits a civil zoning violation, or the legal owner, the contract vendee, or any person or entity with a possessory interest in the real estate upon which the violation occurs has been issued a warning ticket before the issuance of the citation to allow said person to correct the violation to come into compliance with the prescribed zoning Ordinance or regulations.
 3. If the violation is determined by the Planning Director or his/her designee to be a threat to public health or safety, the Planning Director or his/her designee shall order the land use or activity to cease and desist immediately, regardless of whether a warning ticket or citation has been issued.
 4. The warning ticket shall be in the form prescribed and approved by the Plan Commission.
 5. The citation shall appear on serialized, designated form and be in the form prescribed by the Plan Commission.
- C. Curing a Violation.
1. A person who receives a warning ticket or a citation may either choose to abate or deny the violation or file a petition for a variance, special exception, rezoning, or other means provided by this Ordinance to correct the violation, as prescribed herein.
 2. A person who elects to file such a petition shall indicate this intent in writing to the issuing agency. A person shall have ten (10) working days after issuance of the warning ticket to file the petition, and additional monetary fines as prescribed herein shall be stayed upon the filing of such petition, as long as the violation does not continue. A person who files the petition within said time period shall pursue the petition in an expedited fashion.
 3. If the petition is denied, withdrawn, or dismissed for want of prosecution, and the civil zoning violation continues at the real estate, then a lawsuit may be commenced by the designated enforcement entity in a court of competent jurisdiction in Johnson County, Indiana.

D. Appealing a Violation.

1. If a person believes that the warning ticket or citation received results from an incorrect interpretation of the Ordinance by a municipal official, the aggrieved person may file an administrative appeal of the decision for a hearing by the Board of Zoning Appeals. Said appeal shall be conducted in accordance with this Ordinance.
2. A person who elects to file such an appeal shall indicate this intent in writing to the issuing agency. A person shall have ten (10) working days after issuance of the warning ticket to file the appeal, and additional monetary fines as prescribed above shall be stayed upon the filing of such appeal, as long as the violation does not continue at the real estate.
3. A person who files the appeal within said time period shall pursue the appeal in an expedited fashion. If the Board of Zoning Appeals affirms the interpretation of this Ordinance which led to issuance of the warning ticket or citation, and the civil zoning violation continues at the real estate, then a lawsuit may be commenced by the designated enforcement entity in a court of competent jurisdiction in Johnson County, Indiana.

E. Failure to Cure Violations.

1. A person who received a citation may elect to stand trial for the offence by indicating on the citation his/her intent to stand trial and returning a copy of the citation to the Planning Director. The returned copy of the citation shall serve as notice of the person's intent to stand trial, and the additional monetary fines prescribed herein shall be stayed upon receipt of the notice. On receipt of the notice of intention to stand trial, a lawsuit will be commenced by the City's legal department in a court of competent jurisdiction in Johnson County, Indiana.
2. If a person who received a citation fails to pay the assessed fine within seventy-two (72) hours and fails to give notice of his/her intention to either file a petition as prescribed herein, file an appeal as prescribed herein, or stand trial as prescribed herein, the City's legal department may file a civil lawsuit as prescribed by applicable laws and ordinances, and seek penalties as prescribed in this section.
3. A person adjudged to have committed a civil zoning violation is liable for the court costs and fees. No costs shall be assessed against the enforcement agency in any such action.
4. In proceeding before the court for a civil zoning violation, the Indiana Rules of Trial Procedure shall govern. The designated enforcement entity has the burden of proving the civil zoning violation by a preponderance of the evidence.
5. Seeking a civil penalty as authorized by this section does not preclude the City from seeking alternative relief from the court in the same action, or from seeking injunctive relief or other remedy in a separate action for the enforcement of this Ordinance.
6. A change of venue from Johnson County shall not be granted in such a case, as provided in Ind. Code § 36-7-4-1014.

F. Remedies and Penalties

- Each Citation in Excess of Two: \$100.00

- Pages 1076 through 1125 Reserved for Future Use.**

1056 [Rev. 10-20]

DIVISION V.

NONCONFORMITIES

Sec. 10-05-01. Applicability.

- A. This Division governs lots, structures, and uses that were either:
 - 1. lawful and conforming before the adoption of this Ordinance and any amendments thereto, and that are no longer lawful under this Ordinance; or
 - 2. lawfully nonconforming under the previous Zoning Ordinance and remain lawfully non-conforming under this Ordinance and any amendments thereto.
- B. It is the intent of this Ordinance to permit lawfully existing nonconformities to continue until they are discontinued or removed, but not to encourage their survival. It is further the intent of this Ordinance that nonconformities shall not be enlarged, expanded or extended, nor used as grounds for adding other structures or uses prohibited elsewhere in the same district or zone.
- C. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any structure on which actual construction lawfully began prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently since. Actual construction is hereby defined to include the placement of construction materials in permanent position and their fastening in a permanent manner, and shall include any excavation, demolition or removal that has substantially begun in preparation for building.

Sec. 10-05-02. Continuation

- A. Except as hereinafter specified, the lawful use of a building or lot, or the lawful existence of a structure at the time of the effective date of adoption or amendment of this Ordinance, which would render the use or the structure non-conforming, may be continued as a lawfully existing nonconformity.
- B. A use or structure can at any time be brought into conformance with the regulations in this Ordinance. Upon bringing the use or structure into conformance with this Ordinance, the use or structure shall be considered conforming and shall thereafter conform to the regulations for the district or zone, the nonconforming use not thereafter be resumed, and the terms and provisions of this Division shall no longer apply unless the use or structure becomes non-conforming as a result of an amendment to this Ordinance.
- C. In any district or zone in which single-family dwellings are permitted, a single-family dwelling and permitted accessory structures may be erected on any lot of record lawfully existing as of the effective date of adoption or amendment of this Ordinance so long as the lot is not adjacent to lots with the same ownership.
- D. If two or more adjacent lots under the same ownership are lawfully existing at the time of passage or amendment of this Ordinance, they shall be considered to be an undivided parcel for purposes of this Ordinance. No portion of said lots shall be used or sold in a manner which diminishes compliance with the applicable requirements of this Ordinance.

Sec. 10-05-03. Enlargement or Substitution.

- A. No nonconformity shall be enlarged, extended, reconstructed, substituted, or altered to increase its nonconformity beyond an amount equal to 20% of the GFA of the building or 20% of the property. Should a property be modified beyond 20%, the building may retain a legal, non-conforming status but the entire property must then meet current standards. Should a building be modified beyond 20% of the GFA, the property can retain legal, non-conforming status.
- B. A nonconforming use may be extended throughout any part of a building which was manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any area outside of such building.
- C. No nonconforming use shall be moved in whole or in part to any portion of the lot other than that occupied by such use as of the effective date of adoption or amendment of this Ordinance.
- D. No additional structure not conforming to the requirements of this Division shall be erected in connection with any nonconforming uses of property.
- E. A nonconforming use can only be substituted with a permitted use or an approved use by special exception.

Sec. 10-05-04. Repairs, Maintenance and Alterations.

- A. On any nonconforming structure or structure containing a nonconforming use, ordinary repairs, or the repair or replacement of nonbearing walls, fixtures, wiring, or plumbing may be performed to the extent that the total cost of such repair or replacement during any 12-month period does not exceed 51% of the current replacement cost of the nonconforming structure or the nonconforming portion of the structure, as the case may be. Nothing contained herein shall be deemed to permit the enlargement or expansion of the area of any such structure.
- B. If a nonconforming structure or a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, is declared by any duly authorized official to be unsafe or unlawful due to lack of repairs and maintenance, or is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with this Ordinance.
- C. Regular maintenance of the nonconforming use or structure is permitted. This includes painting, roofing, repaving, and replacement of windows and siding with like materials.

Sec. 10-05-05. Replacement of Non-Residential Structure.

- A. Any nonconforming structure used for non-residential purposes that is damaged to an extent of more than 75% of its fair market value at the time of the event causing the damage, exclusive of foundations, shall not be restored, reconstructed, repaired, renovated, reused, or reoccupied. If such damage amounts to 75% or less of the then fair market value, the non-conforming structure may be restored, reconstructed, repaired, renovated, reused or reoccupied, provided a building permit is obtained and the restoration shall begin within 12 months from the time of the event that cause the damage.

Sec. 10-05-06. Replacement of Residential Structure.

- A. If a legal nonconforming structure used for residential purposes, other than such a structure that is subject to the jurisdiction of a preservation commission organized under Ind. Code § 36-7-11-11.3, et seq. or a structure location within a flood plain as defined in Ind. Code § 14-8-2-99, is damaged or destroyed, the owner shall be permitted to reconstruct, repair, or renovate the structure if the reconstruction, repair, or renovation satisfies all of the following:
1. The structure will continue to be used for residential purposes; and
 2. The new foundation of the reconstructed, repaired, or renovated structure may not exceed the square footage of the foundation of the damaged or destroyed structure.

Sec. 10-05-07. Discontinuance.

- A. Where -a non-conforming use has been discontinued or abandoned for six consecutive months, or for 18 months during any three-year period (except when government action impedes access to the property), the use shall be considered discontinued and the property shall not thereafter be used except in conformity with the applicable regulations of this Ordinance.

Sec. 10-05-08. Summary Table.

The following table summarizes the decisions relative to nonconformities and the role of each of the administrative, quasi-judicial, quasi-legislative, and legislative reviewing parties:

Key:

A = Administrative Decision

QJ = Quasi-Judicial Decision

QL = Quasi-Legislative Decision

LS = Legislative Decision

X = Responsible for Determination

<u>Determinations of:</u>	<u>Planning Director</u>	<u>Plan Commission</u>	<u>Board of Zoning Appeals (BZA)</u>
<i>Enlargement or Substitution</i>			
Application Submitted To:	X		
Decision By:			X
Appeal To:			
<i>Repair, Alteration or Replacement</i>			
Application Submitted To:	X		
Decision By:	X		
Appeal To:			QJ
<i>Discontinuance</i>			
Application Submitted To:	X		
Decision By:	X		
Appeal To:			QJ

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Sec. 10-05-09 through Sec. 10-05-25 Reserved for Future Use.

Pages 1130 through 1155 Reserved for Future Use.

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DIVISION VI. SUBDIVISIONS.

Sec. 10-06-01. General Provisions and Design Principles.

In determining whether an application for approval shall be granted, the Plan Commission shall review plats to determine whether the plat is in accordance with the Comprehensive Development Plan and conforms to the standards and requirements in this Division. Whenever the applicable requirements of this Ordinance or the requirements of any other applicable governmental unit or agency are higher or more restrictive, the higher or more restrictive requirements shall control.

Nothing in this Ordinance shall be construed as a rule or regulation that would prevent or restrain the complete use of any material resources by the owner. Due consideration shall be given to the preservation of natural features, including large trees, forests, waterways, scenic and historic points of interest and other community assets.

Land subject to flooding or otherwise uninhabitable shall not be platted for any use or in any manner that has the tendency to increase likelihood of danger or harm to the public health, safety or welfare.

A. General Guidelines and Design Principles

The quality of design of the built environment of the City is dependent on the quality of design of the individual subdivisions that compose it. Good community design requires the coordination of the efforts of each subdivider and developer of land within the City. Therefore, the design of each subdivision shall be prepared in accordance with the principles established by the Comprehensive Development Plan for land use, circulation, community facilities and public utility services and in accordance with the following general principles:

1. It is intended that the City shall be designed as a group of integrated residential neighborhoods and appropriate commercial and industrial and public facilities. The neighborhood, as a planning unit, is intended as an area principally for residential use. Space for religious, recreational and educational facilities to serve the residents of the neighborhood should be provided and designed as an integral part of each neighborhood.
2. The size of lots and blocks and other areas for residential, commercial, industrial and public uses should be designed to provide adequate light, air, open space, landscaping and off-street parking and loading facilities.
3. The arrangement of lots and blocks and the street system should be designed to make the most advantageous use of topography and natural physical features. Tree masses and large individual trees should be preserved. The system of sidewalks and roadways and the lot layout should be designed to take advantage of visual qualities of the area.
4. Circulation within and connections to the City's existing street network shall be provided in accordance with the following design criteria:
 - a. Each subdivision should provide for the continuation of all arterial streets and highways as shown on the Comprehensive Thoroughfare Plan Map.
 - b. Arterial streets should be located on the perimeter of a residential neighborhood.

- c. Minor streets should be designed to provide access to each parcel of land within a subdivision or development, to adjoining undeveloped tracts, and in a manner that will encourage connectivity with the existing street network but discourage heavy use by through traffic. They should be planned so that future expansion will not require the conversion of minor streets to arterial routes.
 - d. Collector streets should be designed to provide a direct route from other minor streets to the major street system. Each subdivision shall provide for the continuation of collector streets as shown on the Comprehensive Thoroughfare Plan Map.
 - e. Ingress and egress to residential properties should be provided only to minor and collector streets.
 - f. Pedestrian ways should be separated from roadways used by vehicular traffic and to provide anticipated pedestrian traffic within all residential building sites with access to neighborhood facilities, such as schools, parks and playgrounds, churches and shopping centers. An internal trail system shall be provided to connect common areas to the public sidewalks within the subdivision as well as to connect to perimeter sidewalk and trail systems.
5. Minimum standards for development are contained herein, elsewhere in this Ordinance, and in the applicable building code; provided, however, the Comprehensive Development Plan expresses policies designed to achieve an optimum quality of development in the City. If only the minimum standards are followed, a standardization of development will occur, which will produce a monotonous built environment. Subdivision design should be of a quality to carry out the purpose and spirit of the policies expressed in the Comprehensive Development Plan and in this Ordinance rather than be limited to the minimum standards required herein.

Sec. 10-06-02. Blocks.

- A. The lengths, widths, and shapes of blocks shall be determined with due regard for the following:
 - 1. To ensure a well-connected street network that considers future development;
 - 2. To avoid super blocks with limited connectivity and that discourage pedestrian activity, contribute to street congestion, and increase driving distance that can negatively impact emergency services;
 - 3. To provide safe and convenient vehicular and pedestrian access within developments and between adjacent developments and to lessen traffic congestion; and
 - 4. To promote safe, direct and convenient pedestrian, bike and vehicular access.
- B. Blocks used for residential use shall not be longer than 600 feet as measured along the centerline of the block. The Plan Commission may require a dedicated common area easement in length of not less than across any portion of the block.

- C. Blocks used for residential purposes should be of sufficient width to allow for two tiers of lots of appropriate depth.
- D. Blocks intended for business and industrial use should be of a width suitable for the intended use, with due allowance for off-street parking and loading facilities.

Sec. 10-06-03. Lots.

Subdivision lots shall be adequate for the type of development and land use proposed and shall be in conformity with applicable provisions of this Ordinance.

- A. A developer may request, at the time of submittal of a preliminary plat, use of the "20/20" option. This option allows 20% reduction of the lot area and lot width requirements for a maximum of 20% of the total number of lots. Such reduced lots must be so noted on the primary plat plans. The "20/20" option shall be available only to subdivisions located in the RM Medium Lot residential zone.
- B. The lot size, width, depth and shape, grade, location and orientation, shall be in proper relation to street and block design and to existing and proper topographical conditions.
- C. Where a primary structure spans multiple lot lines, for the purposes of development standard application, the outermost lot lines shall be considered for the assessment of front, side, and rear yard measurement.
- D. 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; provided, however, the Plan Commission may modify this requirement to include a private street. Frontage for lots facing a cul-de-sac turnaround shall be as approved by the Plan Commission.
- E. Flag lots are expressly prohibited.
- F. As a general principle:
 - 1. Side lot lines shall be approximately at right angles or radial to street lines.
 - 2. Corner lots shall be of sufficient size to permit required building setback and orientation to both streets.
 - 3. Excessive lot depth in relation to width, or more than a proportion of 3.5 to 1, shall be avoided.
 - 4. Lot driveways shall be so located, designed, and constructed as to provide a reasonable sight distance at intersections of a car behind the right-of-way line.
 - 5. Where difficult problems of driveway curvature and excessive grades are likely to be present, the developer shall submit for Plan Commission approval the details of driveway location and grade before lot lines and building sites are finally determined.

Sec. 10-06-04. Easements and Dedications.

- A. Where alleys are not provided, easements not less than 15 feet in total width (minimum 7 ½ feet each side) shall be provided along each rear lot line, and alongside lot lines where necessary, for use by public and private utilities where it is deemed necessary. Larger easements may be required for storm or sanitary sewer lines.
- B. A minimum 10' common area strip along the right-of-way at the entrance of each subdivision shall be provided to accommodate appropriate buffers and easements.

Sec. 10-06-05. Streets.

The arrangement, character, extent, width, grade, and location of all streets shall conform to all of the elements of the Comprehensive Thoroughfare Plan Map and the following:

- A. Major streets and collector streets shall be planned to conform with the Comprehensive Thoroughfare Plan Map.
- B. Whenever a subdivision abuts or contains an existing or proposed major street, the Plan Commission may require service streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line deep lots, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. The Plan Commission may require trails along abutting streets or within the subdivision in conformance with the Comprehensive Plan.
- C. Residential and cul-de-sac streets shall be laid out so that their use by through traffic will be discouraged.
- D. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Plan Commission may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. Such distances also shall be determined with due regard for the requirements of approach grades and future grades separation structures.
- E. Easements providing access to streets shall be prohibited except where their control and maintenance is defined in a manner approved by the Plan Commission.
- F. Where the plat to be submitted includes only part of the tract owned or intended for development by the party that is subdividing, a preliminary plan of a proposed future collector street system for the unsubdivided portion shall be prepared and submitted.
- G. When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and opening of future streets and appropriate subdivision, with provision for adequate utility easements and connections for such resubdivision.
- H. Street intersections shall not be closer than 150 feet centerline to centerline. This provision does not apply to frontage roads.
- I. Street right-of-way widths shall be in accordance with the Comprehensive Development Plan Map with the following standards intended as minimum guidelines (actual street right-of-way widths

may be greater). Where not designated in the Comprehensive Development Plan Map, street right-of-way widths, shall be not less than the following:

1. Major Streets:
 - a. Highways - minimum determined by State
 - b. Primary Arterial - 120 feet minimum
 - c. Secondary Arterial - 100 feet minimum
2. Minor Streets:
 - a. Collector - 70 feet minimum
 - b. Residential Service - 60 feet minimum
 - c. Cul-de-sac - 60 feet minimum

- J. The grades of all streets shall not exceed the following, except in the opinion of the Plan Commission where unusual topographic conditions justify a modification of these standards. The minimum street grade shall not be less than 0.5%.

Major Street Maximum Grades (longitudinal)	
Highways	5%
Primary Arterial	5%
Secondary Arterial	7%

Minor Street Maximum Grades (longitudinal)	
Collector	10%
Residential Service	10%
Cul-de-Sac	10%

- K. The horizontal alignment for all streets shall conform to the following:

Major Street Horizontal Alignment (center line radius, 40 mph design speed)	
Highways	Refer to Indiana Design Manual (IDM) Chapter 43 "Horizontal Alignment"
Primary Arterial	
Secondary Arterial	

Minor Street Horizontal Alignment (center line radius, 40 mph design speed)	
<i>Street</i>	<i>Minimum Radius (no super)</i>
Collector	Refer to Indiana Design Manual (IDM) Chapter 43 "Horizontal Alignment"

Local	150 feet
Cul-de-sac	100 feet

- L. The vertical alignment for all streets shall conform to the following (sight distance for vertical alignment shall be determined by measuring from a point 4.0 feet above the roadway surface along a line of sight to a point 4.0 inches above the roadway surface):

Major Street Vertical Alignment			
Street	Design Speed	Sag Vertical Curve (k-value)	Crest Vertical Curve (k-value)
Highways	40 mph	64	61
Primary Arterial	40 mph	64	61
Secondary Arterial	40 mph	64	61

Minor Street Vertical Alignment		
Street	Sag Vertical Curve (k-value)	Crest Vertical Curve (k-value)
Collector	49	44
Local	26	19
Cul-de-sac	26	19

- M. The paved width of all streets shall be adequate to serve the existing and future estimated traffic load for the facility. Lane widths (not including curbs) for streets shall be as follows:

Street Lane Widths			
Street	Lane Width (Min. Ft.)	Lane Width (Max. Ft.)	Lane Width for Parallel Parking or Emergency Stopping (Min. Ft.)
Major Street	11	12	10
Minor Street	11	12	8

- N. A cul-de-sac street shall not exceed 600 feet in length, measured from the entrance to the center of the turnaround. The right-of-way radius of the cul-de-sac shall be a minimum of 60 feet. The paved area (not including curbs) of the cul-de-sac shall have a minimum radius of 45 feet.
- O. Construction of half streets shall be prohibited; provided, however, the Plan Commission as deemed necessary may require partial right- of-way dedication.
- P. The arrangement of streets shall be such as to cause no hardship in the subdividing of adjacent properties. The Plan Commission may require the dedication of street rights-of-way to facilitate the development of adjoining properties or to facilitate future improvement or expansion of streets in accordance with the Comprehensive Development Plan.

- Q. There shall be a minimum of 50 feet between curb cuts along all streets except in the OT or OTR districts.
- R. Permanent dead-end streets shall be prohibited. When permitted, stub streets shall have approved barricades. Right-of-way shall be dedicated to allow for future cul-de-sac turnaround to comply with City of Greenwood Street Standards. Design Standards for streets are illustrated on the Standard Detail Sheets adopted by the Board of Public Works and Safety.
- S. Vehicular traffic shall be protected from bodies of water on both public and private property and from topographic or geologic hazards, including, but not necessarily limited to, streams, lakes, detention ponds, ditches, ravines, rock outcrops, hillsides, or walls by one of the following:
 - 1. "W" Beam guardrail to be installed per Indiana Department of Transportation specifications.
 - 2. Steel Backed Timber Guardrail per U.S. Department of Transportation Federal Highway Administration Federal Lands Highway Office Standards listed in Section 617 of the Federal Highway Administration Website or approved equal as supplied by the Cor-Tenn Company of Knoxville, Tennessee.
 - 3. Mounding of Dirt at least eight (8) feet in height with maximum slopes of 3:1.

Sec. 10-06-06. Alleys.

Alleys shall be of the following minimum dimensions:

Dimensions	<i>Two-Way Traffic Width (Min. Ft.)</i>	<i>One-Way Traffic Width (Min. Ft.)</i>
Pavement	22	10

- A. Alley intersections and sharp changes in alignment shall be avoided, but where unavoidable, the corners shall be a minimum 25-foot radius.
- B. Permanent dead-end alleys shall be prohibited, but if unavoidable shall be provided with adequate turnaround facilities at the dead-end, as determined by the Plan Commission.
- C. Alley pavement cross-section shall meet or exceed minimum standards and specifications for a residential public street. Performance guarantees and inspection agreement shall be required. Maintenance guarantees shall not be required for privately owned and maintained alleys.
- D. Sufficient area shall be provided by either right-of-way or easement along both sides of alleys to allow safe and sufficient maneuvering of vehicles and maintain a clear area of visibility.

Sec. 10-06-07. Intersections.

- A. Street curbs shall be rounded by radii of sufficient length to permit the smooth flow of traffic, but in no case shall said curb radii be less than 15 feet for minor streets, or a minimum of 25 feet for major streets and subdivision entrances.

- B. Street intersections shall be as nearly at right angles as is possible, and no intersection shall be at an angle of less than 60 degrees.
- C. Street intersections shall be designed to avoid the simultaneous intersection of more than two streets carrying traffic from more than four directions.
- D. All intersections shall include marked pedestrian crosswalks of not less than 12 feet in width situated to minimize crossing distances and conflicts between pedestrians and vehicles and including ADA compliant curb ramps with detectable warning strips.

Sec. 10-06-08. Sight Distance at Intersections.

The following paragraphs shall be required as a provision of the covenants of all secondary plats.

- A. No fence, wall, hedge, tree or shrub planting or other similar item which obstructs sight lines at elevation between 2.5 and 8 feet above the street, shall be permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting points 25 feet from the intersection of said street lines (25 feet for minor streets and 50 feet for arterial streets), or in the case of a rounded property corner, from the intersection of the street right-of-way lines extended.
- B. The same sight line limitations shall apply to any lot within 10 feet from the intersection of a street right-of-way line with the edge of a driveway pavement or alley line. No driveway shall be located within 70 feet of the intersection of two street centerlines. If the available distance is less than 70 feet, the driveway shall be located at the greatest distance from the intersection of street centerlines.

Sec. 10-06-09. Sidewalks.

Sidewalks shall be labeled upon the improvement plans and installed by the developer in subdivisions, as follows:

- A. Sidewalks shall be installed in all residential subdivisions, according to the following:

Residential Subdivisions	<i>Required on Both Sides of Street</i>	<i>Required in Mid-Block</i>	<i>Required Along Existing Street Bordering Subdivision</i>	<i>Width (Min. Ft. Clear)</i>	<i>Required Grass Strip Between Sidewalk and Curb</i>	<i>Curb Bump-Outs Required</i>
Sidewalks	Yes	In Plan Commission discretion	In Plan Commission discretion	Residential Perimeter: 6 ft. Residential Internal: 5 ft. Commercial & Industrial: 6 ft. Trails: 10 ft.	Yes	Yes, where on-street parking spaces are provided

				Old Town District Perimeter: 12 ft. Old Town Internal: 8 ft.		
or per adopted City master plan for Old Town District sidewalks						

- B. The Plan Commission may waive the requirements of this sub-section in instances where a park, railroad, extreme topographical conditions or other unusual conditions make sidewalk and pathway installation difficult on both sides of the street.
- C. Sidewalks and other pathways identified in the Comprehensive Plan shall take precedent over standard sidewalk widths and specifications. Where identified in the Plan, pathways shall be minimum ten (10) feet in width. The City Engineer may reduce the width of these pathways due to slope, grade, topography, or other restrictions encountered in the field.
- D. All perimeter sidewalks shall be in the right-of-way.
- E. Sidewalks shall connect to all building entrances from the front right-of-way.

Sec. 10-06-10. Trail Systems.

All proposed subdivisions shall provide for trail systems at two levels:

- A. Internal trail system within the subdivision to link common areas with the public sidewalk system and to link to perimeter or abutting regional trails; and
- B. Regional trail systems that abut or traverse the subdivision in conformance with the Comprehensive Plan. Although easements across private property may be necessary in some instances, the preferred locations for trails are common areas, public rights-of-way, or easements abutting/paralleling such areas.
- C. All perimeter trails shall be in the right-of-way.

Sec. 10-06-11. Public Sites.

All proposed subdivisions submitted for Plan Commission approval under the provisions of this Ordinance shall allocate adequate areas for park, school, recreational and other public and semi-public sites, wherever necessary in order to conform with the Comprehensive Plan, or as required by the Plan Commission in planned unit development plans. The location, shape, extent and orientation of such areas shall be consistent with existing and proposed topographical and other conditions, and public and semi- public needs created by said proposed subdivision.

Sec. 10-06-12. Underground Utilities.

All proposed installations for the transmission of water, sewage, gas, electricity, telecommunications, and stormwater and similar facilities providing service to and used by the public shall be installed underground unless otherwise authorized by the City.

Sec. 10-06-13. Driveways.

Residential Subdivisions	<i>Length (Min. Ft.)</i>	<i>Width (Max. Ft.)</i>	<i>Triangular Taper (Max. Ft.)</i>	<i>Length Between Edge of Street and Garage (Min. Ft.)</i>
Driveways	20	20, excluding turning radii unless otherwise approved by City Engineer	3 on either side of driveway	18
*Driveway width may be reduced with a waiver from the City Engineer.				

For non-residential subdivisions, the maximum width and location for a driveway providing ingress and egress for a non-residential use (office, commercial, industrial, multi-family) shall be determined by the City during the time of review of the plats or the site development plans. The City will consider the type and volume of traffic anticipated, traffic signals required, thoroughfare classification, and other pertinent information regarding each specific location. Any driveway approach that will be used by semi-trucks/trailers or large box trucks shall have a 50 foot minimum radius.

Sec. 10-06-14. Streetlights.

Streetlights shall be installed by the developer in all proposed subdivisions. Locations and quantities of streetlights shall be determined by the City after considering recommendations from the appropriate electric utility.

- A. Streetlights shall be a standard utility or City approved fixture.
- B. All street intersections, corners or major curves, end of cul-de-sacs, neighborhood entrances, and every 300-400 ft on straight road shall have a minimum of one streetlight.
- C. When co-located with telecommunications, streetlights shall not exceed 14 feet from the ground in commercial/industrial zones and 12 feet in other zones
- D. Subdivisions with private streets may substitute yard lights or other sufficient alternative lighting in lieu of street lights. The City reserves the right to require street lights where warranted for public safety. All street lights shall be installed and shall be operational prior to the execution of the final plat by the appropriate board or commission.

Sec. 10-06-15. Traffic Control Devices.

- A. **Street Name Signs.** The developer shall install street name signs in accordance with local standards and the Indiana Manual on Uniform Traffic Control Devices. One sign shall be installed at each intersection and at each point where street names change indicating the name of each street. Street name signs shall be installed by the developer prior to acceptance of the streets in a residential subdivision or primary buildings in a non-residential subdivision or project. The location of street name signs shall be shown as part of the primary plat submittal.

- B. Regulatory Signs. Speed limit, stop, yield, and other necessary regulatory signs in accordance with the Indiana Manual on Uniform Traffic Control Devices shall be provided by the developer in the type and quantity approved as part of the development plans. Installation of regulatory signs shall be the responsibility of the developer prior to acceptance of streets in any subdivision.
- C. Warning Signs and Other Devices. The local government having jurisdiction over same shall be responsible for the installation of all warning signs, traffic lights, and other traffic control devices, except when warranted in industrial and commercial areas, the developer and/or owner may be required to pay the cost of traffic signal installation. Warning signs and other devices shall be in accordance with the Indiana Manual on Uniform Traffic Control Devices.
- D. Building Numbering & Street Addresses. All buildings shall display street address numbers large enough to be visible from the street (minimum four inches tall). Numbers shall be clearly visible on the front wall of the house, building, or garage.
- E. Bollards. Bollards shall not be installed closer than five (5) feet measured from edge to edge.

Sec. 10-06-16. Street and Subdivision Names.

- A. Street names and numbers shall conform to the established pattern in the City and shall be subject to the approval of the Plan Commission.
- B. Street names shall not duplicate or too closely resemble, phonetically or in spelling, the name of any existing street within Johnson County
- C. Streets which are logical extensions or continuations of, or obviously in alignment with, any existing streets, either constructed or appearing on any validly recorded plat shall bear the names of such existing streets.
- D. Street names shall be finalized and approved by the Planning Director prior to submission of a Secondary Plat.
- E. All buildings and premises shall have street numbers clearly marked in characters not less than four inches high, on a contrasting background, clearly visible on the face of the building. When the numbers of a building or of each individual occupancy within a building are not visible from the street or when more than one building is on site or uses an access driveway, provision shall be made to clearly identify which driveway serves the appropriate address, and a sign shall be provided at the street indicating the numbers of the premises served.
- F. Subdivision or project names shall not duplicate or too closely resemble, phonetically or in spelling, the name of an existing subdivision or development project in Johnson County. Subdivision names shall be finalized and approved by the Planning Director prior to submission of a Secondary Plat.
- G. CBUs placement
 - a. CBUs shall be:
 - i. Located outside of public right-of-way, within HOA-owned and managed property or on private properties (in easements), placed behind the sidewalk or path.
 - ii. Located a minimum 50' distance from any intersection stop sign or fire hydrant

- iii. Sufficiently illuminated
- iv. Installed before the first Certificate of Occupancy for the project is issued.
- v. Enhanced utilizing one of the following options:
 - 1. Placed under a shelter that matches the style and overall character of the development
 - 2. Surrounded by decorative landscaping
- b. CBU's shall NOT be:
 - i. Located on arterial roadways
 - ii. Located on any part of a horizontal curve
- c. The City of Greenwood will not be responsible for maintenance of any part of the CBU or concrete pad, or clearing of snow or ice from adjacent curb, sidewalks or nearby ADA ramps
- d. CBU Concrete Pads shall be constructed per USPS approved specifications
- e. CBU shall include a delivery pull off

Sec. 10-06-17. Common Areas.

- A. All development is required to have perimeter landscaping, open space, conservation, detention, retention, and/or drainage ways.
- B. All development that electively has amenities in the development or on private streets shall designate those areas as common area on the Primary Plat, Land Alteration Permit, or within a Planned Unit Development District.
- C. Where a common area is designated in a Planned Unit Development, a plat, or a Development Plan, an owner's association shall be formed and shall be required to provide necessary maintenance to said common areas. Neighborhood signage shall be located within land controlled by the owner's association.
- D. The following features shall not count toward the minimum open space requirement, unless they are preserved as conservation areas:
 - 1. The floodway of any stream, regulated drain, river or other water body;
 - 2. The 100-year floodplain of any stream, regulated drain, river or other water body;
 - 3. Any area with slopes exceeding a 25% grade;
 - 4. Any wetlands on the development site.

Sec. 10-06-18. Underground Utilities.

All proposed installations for the transmission of water, sewage, gas, electricity, telecommunications, and stormwater and similar facilities providing service to and used by the public shall be installed underground unless otherwise authorized by the City or applicable law.

Sec. 10-06-19. Stormwater.

- A. Storm sewers and drainage shall be provided in accordance with the specifications of the Stormwater Drainage and Sediment Control Ordinance of the City .
- B. The Board of Public Works and Safety may choose to reject any or all improvements not complying with City of Greenwood Standards.

Sec. 10-06-20. Sanitary Sewers

- A. The developer shall install sanitary sewers as determined by the City.
- B. Sanitary sewers shall be installed in compliance with the standards and specifications adopted by the City in the Ordinance and written policies of the Greenwood Sanitation Department and Board of Public Works and Safety.
- C. The Board of Public Works and Safety may choose to reject any or all improvements not complying with City of Greenwood Standards.

Sec. 10-06-21. Fire Protection.

- A. Fire Hydrants.
 - 1. General.
 - a. Fire hydrants shall be installed as per the requirements of the water utility having jurisdiction, the quantity and location of hydrants to be determined by the Fire Chief or his/her designee.
 - b. Fire hydrant(s) shall be placed on eight inch or larger water main and outlets 18 inches above finished grade.
 - c. Fire hydrants shall be located not more than eight feet from the edge of pavement.
 - d. If a temporary water system is to be used, prior approval shall be given by the Fire Chief or his/her designee.
 - e. Fire hydrants out of service shall be covered with a bag indicating "Out of Service".
 - f. Fire hydrants shall only be used for Fire Protection, or as so directed by the water utility having jurisdiction.
 - g. Fire hydrants shall be kept clear and accessible at all times. There shall be no obstructions of any kind within a four-foot radius of any fire hydrant.

- h. Fire hydrants shall be in service prior to any issuance of an improvement location permit for the structure.
2. Multiple Family, Commercial and Industrial Development. Fire hydrants shall be installed no more than 300 feet apart on a public or private road. When any portion of a building being protected is in excess of 150 feet from a water supply on a public or private road, there shall be provided on site, mains and hydrants capable of supplying the required fire flow as required by the Fire Chief or his/her designee. Required fire flow shall be calculated in accordance with National Fire Protection Association Standard 1231.
3. Single Family Residential Development. Fire hydrants shall be installed no more than 500 feet apart on a public or private road.
4. Sprinkler Systems or Standpipes. Fire hydrants installed to service sprinkler systems or standpipes shall be installed within 50 feet of Fire Department Connection or as required by the Fire Chief or his/her designee.
5. Public and Private Fire Hydrants. Public fire hydrants shall be painted SAFETY YELLOW in accordance with the regulations of the water utility having jurisdiction. Private fire hydrants shall be painted per NFPA 291 (Fire Flow Testing and Marking of Hydrants). Barrel to be painted SAFETY YELLOW. The top portion (bonnet) and nozzle caps to be painted with the following color scheme to indicate flow capacity.

<u>Class</u>	<u>Capacity</u>	<u>Color</u>
Class AA	1500 gpm or greater	Light blue
Class A	1000 gpm to 1400 gpm	Green
Class B	500 gpm to 999 gpm	Orange
Class C	499 gpm or less	Red

The type and model of fire hydrants to be installed shall be in accordance with the requirements of the water utility having jurisdiction.

B. Fire Department Access.

A minimum of two means of access shall be provided for:

1. Any subdivision with 50 or more one or two family residential lots.
2. Any development having one or more commercial, multi family, or industrial structures, three stories or greater in height.
3. Any development having three or more commercial, multi family, or industrial structures of any height.

C. Fire Department Access Roads.

Fire Department or emergency access roads shall be a minimum 20 feet in width, with a minimum 10-inch sub-grade base, and shall be subject to approval by the Fire Chief.

Sec. 10-06-22. Minor Subdivision Procedures.

The review and approval of a minor subdivision is a one-step process that includes approval of a Primary Plat, submitted in accordance with the requirements for a Preliminary Plat for a major subdivision below, for four or fewer lots and does not involve new public rights-of-way and complies with all other requirements of this Ordinance. A minor subdivision primary plat may be approved by the Planning Director without public notice and a public hearing, subject to appeal to the Plan Commission. Within 10 days after the minor subdivision primary plat approval, the Department shall provide notice to interested parties of their right to appeal to the Plan Commission.

Sec. 10-06-23. Major Subdivision Procedures.

The review and approval processes as set forth in this chapter may be performed by City staff members or private consultants or a combination of both, as jointly determined by the Plan Commission and the Board of Public Works and Safety ("BPWS"). Applicants shall follow rules of procedure adopted by the Plan Commission and the BPWS. The procedures are outlined as follows:

A. Primary Plat - Plan Commission

1. Required Pre-filing Consultations:
 - a. Planning Director;
 - b. City Engineer;
 - c. Fire Department; and
 - d. Stormwater Board;
2. File application, primary plat plans (including preliminary drainage plans and calculations) and supporting documents per published schedule deadline, both digitally and on paper (the Planning Division reserves the right not to docket incomplete submittals);
3. Outside consultant review;
4. Technical Review Committee meeting;
5. Sanitation clearance letter;
6. Johnson County Drainage Board (if applicable);
7. Miscellaneous agency approvals/notifications; and
8. Plan Commission public hearing - Primary Determination. Plan Commission's Primary Determination of Approval is required prior to filing secondary application. Indiana Code requires a minimum ten-day period between primary and secondary approvals. Submission deadlines shall be pursuant to Plan Commission Rules of Procedure.

B. Secondary Plat - Plan Commission

1. File application, secondary plat plans (including final drainage plans and calculations) and supporting documents per published schedule deadline, both digitally and on paper (the Planning Division reserves the right not to docket incomplete submittals);
2. Outside consultant review;
3. Technical Review Committee meeting (street names shall be submitted for review and approval before this meeting occurs);
4. Sanitary Sewer -- outside consultant review, if applicable;
5. Submit six copies of final revised secondary plat and development plans to Plan Commission office; and
6. Plan Commission or Designated Official-- Secondary Determination.

C. Secondary Plat - Board of Public Works and Safety

1. File documents with City Engineer
 - a. Secondary Plat with rights-of-ways, easements, covenants;
 - b. Performance Guarantees;
 - c. Off-site easements if applicable;
 - d. Inspection/Testing agreement(s).
2. Acceptance of performance guarantees and inspection/testing agreements by Board of Public Works and Safety or its designee. Posting of performance guarantee for erosion control shall be mandatory prior to issuance of a land alteration permit.

D. Land Alteration Permit - Plan Commission.

1. Submit one copy of inspection/testing agreement(s) executed with Board of Public Works and Safety.
2. Land Alteration permit - authorization to commence work, per the process set forth in this Ordinance. A copy of the Land Alteration Permit and stamped approved final plans shall be kept on site during the course of construction.

E. Installation and Acceptance of Improvements - Board of Public Works and Safety - The developer shall install the associated infrastructure improvements (public and private) and gain the City's acceptance before recording the Secondary Plat for a single- family or two-family residential subdivision. For commercial or industrial subdivisions the developer shall have the option of posting performance guarantees with the Board of Public Works and Safety and recording the Secondary Plat prior to the installation of the associated infrastructure improvements.

1. Install infrastructure improvements.
2. Inspection of improvements as required by the Ordinance.
3. Prepare and submit Record Drawings of improvements.
4. Post maintenance guarantees and submit original final plat.
5. Board of Public Works and Safety acceptance of improvements, release of performance guarantees, and acceptance of maintenance guarantees.
6. Board of Public Works and Safety signatures on recordable plat and acceptance of other easements and dedications.

F. Plan Commission Designated Official - Plat Recording & Submittal.

1. Submit plat with Board of Public Works and Safety members' signatures to the Designated Official for final signatures.
2. Record secondary plat.
3. Submit one electronic copy and one reproducible, legible, recorded secondary plat to the Community Development Services, Planning Division Office.
4. Eligible for building permit application.

G. Re-subdivision of Multi-family, Industrial and Commercial Plats.

1. Land zoned for multi-family, industrial, or commercial use may initially be platted into blocks, with the understanding that these blocks may eventually be re-subdivided into lots, and recorded, without completing a new primary plat. If, in the opinion of the Plan Commission, there are indications that such future re-subdivision will occur, including the presence of parcels containing more than one acre of land, the Plan Commission may require that the initial plat allow for the future opening of streets and the ultimate extension of adjacent streets. Easements or right-of-ways providing for the future opening and extension of such streets may be made a requirement of the plat.

Sec. 10-06-24. Submittal and Contents of Plat and Plans.

A. Initial Consultation/Conceptual Plan.

The applicant's first step shall be to consult with the staff of the Planning Division, the Fire Department and the City Engineer to provide general information concerning the proposed plat, as well as to familiarize the applicant with the procedures and requirements of the Plan Commission and applicable City ordinances, rules, and regulations. .

B. Drainage Plan Review.

Drainage plan review shall conform to the process outlined in the City's Stormwater Drainage and Sediment Control Ordinance. The General (Preliminary) Drainage Plan shall be incorporated into

the Primary Plat Plans. The Detailed (Final) Drainage Plan shall be incorporated into the Secondary Plat Plans.

C. Utility Service Clearance.

The applicant shall obtain written clearances from the appropriate agency providing utility services, which confirms that the utility has adequate access and capacity to serve the proposed subdivision.

D. Submittal of Plats and Development Plans.

The applicant shall comply with Plan Commission's Rules and Procedure for "Primary Approval" when filing the required documents.

All submittals are subject to a cursory review. Applicants with incomplete submittals will not be granted a place on the public hearing docket. Prior to or at the meeting of the Technical Review Committee, the applicant shall file the County Drainage Board Report (Preliminary).

E. Licensed Professional Required.

All plats and development/construction plans shall be prepared by a qualified professional licensed in the state of Indiana.

F. Contents of Primary Plat.

As set forth herein, plats and plans shall be submitted under the seal and signature of a professional licensed engineer or surveyor on forms approved by Plan Commission, if applicable. All sheets for plats and development/construction plans shall be 24" x 36" size drawn to scale at a minimum 1"=50' and a maximum 1"=10' with the exception of the maps on Sheet One, unless otherwise approved by the City Engineer. Each sheet of the plat plans shall be sealed and signed. Plans submitted for review shall observe the following format:

1. All sheets shall contain the following information (at a minimum):
 - a. The proposed name by which the project shall be legally and commonly known;
 - b. Date of survey, scale, and north point;
 - c. All lots or outlots intended for sale or lease shall be designated with boundary lines and numbered or labeled for identification purposes;
 - d. Private parks, common areas, or excluded parcels shall be designated as such and clearly labeled on the plans;
 - e. Such other information as may be deemed necessary for proper review of the primary plat by the administrator, City Engineer, or Plan Commission; and
 - f. All necessary reference points tying the subject property to the appropriate section corners.
 - g. Each sheet shall be sealed and signed by the professional preparing the drawings.
 - h. All sheets shall be tied to state plane coordinates for horizontal and vertical controls.

2. Sheet One (Title Sheet). The following information (at a minimum) shall be submitted as part of Sheet One:
 - a. Full legal description with sufficient reference to section corners and boundary map of the subject project, including appropriate benchmark references;
 - b. Name of the Project;
 - c. Name and address of the owner, developer, and person who prepared the plans;
 - d. Total acreage within the project and the number of residential dwelling units or the gross square footage of non-residential buildings whichever is applicable;
 - e. Existing zoning of the subject land and all adjacent lands;
 - f. Boundary lines of adjacent tracts of land, showing owners of record;
 - g. A key or vicinity map at a scale of one-inch equals four hundred feet or less, showing the boundaries of the proposed project and covering the general area within which it is to be located;
 - h. A statement of the proposed uses, stating the type and size of residential and non-residential buildings, and the type of business, commercial or industry, so as to reveal the effect of the project on traffic, fire hazards, or congestion of population;
 - i. Proposed covenants, restrictions, by-laws, or articles of incorporation affecting property owners and/or homeowners associations; and
 - j. Statement of proposed starting and completion dates for the project, including any proposed phasing and sequencing.
3. Sheet Two (Existing Site Conditions): Note that the General (Preliminary) Drainage Plan information must be incorporated onto this sheet. The following information shall be submitted as part of Sheet Two:
 - a. Location, widths, and type of construction of all existing streets, street names, alleys, or other public ways and easements, street classifications as per the Thoroughfare Plan, railroad and utility rights-of-way or easements, parks, wooded areas, trails, cemeteries, watercourses, drainage ditches, designated wetlands, low areas subject to flooding, permanent buildings, bridges, and the locations of all existing stormwater facilities. Storm drains, manholes and other structures shall be located by dimensions on the plans, in relation to surrounding physical features. Show the direction of flow, elevation of inverts, gradient, materials and size of existing storm drains. Other data may be added which is considered pertinent by the commission or the administrator for the subject land. Existing site conditions shall include all land within 300 feet of the proposed project.
 - b. Existing water mains, fire hydrants, storm sewers, sanitary sewers, culverts, bridges, and other utility structures or facilities within, adjacent to, or serving the subject land, including

- pipe sizes, grades, and exact locations, as can best be obtained from public or private records;
- c. Existing contours based in U.S.G.S. datum with intervals of not more than five feet where the slope is greater than 10% and not more than two feet where the slope is less than 10%. Off-site watershed boundary maps can be submitted at an appropriate contour interval sufficient to depict drainage areas and slopes. A benchmark, which is easily accessible and re-locatable, shall be shown. The benchmark shall be determined by use of NAVD 88 datum (vertical), and elevations shall be based on sea level datum; and
 - d. The water elevation at the date of the survey of lakes, streams, or designated wetlands within the project or affecting it, as well as the approximate high and low water elevation of such lakes, streams, or designated wetlands. The plan shall also show the contour line of the regulatory flood (100-year flood) elevation and the contour line for the floodway fringe boundary. All elevations shall be based on sea level datum;
4. Sheet Three (Proposed Site Conditions): Note that the General (Preliminary) Drainage Plan information must be incorporated onto this sheet. The following information shall be submitted as part of Sheet Three:
- a. Location, widths, and type of construction of all existing and proposed streets, street names, alleys, or other public ways and easements, railroad and utility rights-of-way or easements, parks, wooded areas, trails, cemeteries, watercourses, drainage ditches, designated wetlands, low areas subject to flooding, permanent buildings, bridges, and other data considered pertinent by the Plan Commission or the administrator for the subject land, and within 300 feet of the proposed project;
 - b. Existing and proposed water mains, fire hydrants, storm sewers, sanitary sewers, culverts, bridges, and other utility structures or facilities within, adjacent to, or serving the subject land, including pipe sizes, grades, and exact locations, as can best be obtained from public or private records;
 - c. Building setback lines, showing dimensions;
 - d. Full description and details, including engineering calculations, for provision of stormwater drainage plans and facilities, including basin mapping. The standard for drainage detention is that the run-off rate of a 100-year post-development event cannot exceed the rate for a 10-year pre-development event;
 - e. Internal and perimeter sidewalk system/pedestrian circulation plan; and
 - f. Proposed contours with intervals of not more than five feet where the slope is greater than 10% and not more than two feet where the slope is less than 10%. The plan shall also show the contour line for the floodway fringe boundary.
 - g. Show the location and detail plans for all trash dumpsters.
5. Sheet Four (Erosion Control Plan) - not required with this submittal erosion control plan shall be required as part of secondary plat submittal.
6. Sheet Five (Landscape Plan) - not required with primary plat submittal; landscape plan shall be required as part of secondary plat submittal.

7. Sheet Six (Plat-like dedication sheet, if necessary) - not required with this submittal; plat-like dedication sheet shall be required as part of secondary plat submittal.
8. Sheet Seven (Storm Plan and Profile) - not required with this submittal storm plan and profile shall be required as part of secondary plat submittal.
9. Standard Detail Sheets - not required with this submittal; standard detail sheets shall be required as part of secondary plat submittal.

G. The following provisions shall be included verbatim on all Plats:

1. The streets and rights of way shown hereon, subject to construction standards and acceptance, are hereby dedicated to public use, to be owned and maintained by the governmental body having jurisdiction over them.
2. There are strips of ground as shown on the Plat marked "D & U.E." (drainage and utility easement). These strips are reserved for public utilities, not including transportation and wires subject to all times to the proper authorities and to the easements herein reserved. No permanent or other structure of any kind are to be erected or maintained upon said strips of ground. Owners of lots in this subdivision shall take their titles subject to the rights of the public utilities and the rights of the owners of other lots in this subdivision.
3. Any field tile or underground drain which is encountered in construction of improvements within this subdivision shall be successors and assigns shall comply with the Ind. Code § 36-9-27.
4. Drainage swales (ditches) along the roadways and within the right of way and on dedicated easements are not to be altered, dug out, filled in, tiled or changed otherwise without the written permission of the Board of Public Works and Safety. Property owners must maintain these swales as sodded grass ways or other non-eroding surfaces. Water from roofs or parking areas must be contained on the property long enough to that said drainage swales (ditches) will not be damaged by such water. Driveways must be constructed over these swales or ditches only when appropriate structures have been permitted by the Board of Public Works and Safety.
5. Any property owner altering, changing, or failing to maintain these drainage swales (ditches) will be held responsible for such action and will be given 10 days' notice by certified mail to repair said damage, after which time if no action is taken by the owner, the Board of Public Works and Safety will cause such repairs to be accomplished and the costs for such repairs will be the burden of the owner of the property. Failure to pay will result in a lien against the property.
6. There are strips of ground, shown on the plat, marked "No Access Easement" (N.A.E.) which prohibit ingress/egress across said strip. No drives are to be constructed across said strip.
7. The strips of ground shown on the Plat and marked "Sanitary Sewer, Drainage, and Utility Easement" (S.S. D. & E.E.) are reserved for the use of the public utilities for the installation of water mains, poles, ducts, lines and wires, and the drainage facilities, said strips are also reserved for the City for the installation and maintenance of sanitary sewer mains and appurtenances subject at all times to the property authorities and to the easement herein

reserved. No permanent or other structures are to be erected or maintained upon said strips of land; but owners of the lots in this subdivision shall take their titles subject to the rights of the public utilities and the rights of the owners of other lots in this subdivision.

8. Where sanitary discharge can enter into a public or private sanitary sewer system by gravity flow, the lowest floor elevation where a plumbing fixture or floor drain is installed must be a minimum of 12 inches above the top of the lowest downstream or upstream manhole casting nearest to the subject lateral connection. Where the discharge cannot enter a system by gravity flow the effluent shall be directed into a tightly covered and vented sump from which the effluent shall be lifted and discharged into the system a minimum of 12 inches above the top of the lowest downstream or upstream manhole casting nearest to the subject lateral connection.
9. The sanitary sewer, and the connection thereto, shall be used only for and as a sanitary sewer system. No stormwater, run-off water, downspouts, footing drains (perimeter drains), or sub-soil drainage shall be connected to the sanitary sewer system. All sump pumps to be installed on any lot of this development must be connected, via a hard pipe connection, to a defined stormwater drainage system in a manner which is acceptable to the City.
10. No fence, wall, hedge, tree or shrub planting or other similar item which obstructs sight lines at elevation between 2.5 and 8 feet above the street, shall be permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting points feet from the intersection of said street lines (25 feet for minor streets and 50 feet for arterial streets, or in the case of a rounded property corner, from the intersection of the street right-of-way lines extended.
11. The same sight line limitations shall apply to any lot within 10 feet from the intersection of a street right-of-way line with the edge of a driveway pavement. No driveway shall be located within 70 feet of the intersection of two street centerlines. If the available distance is less than 70 feet, the driveway shall be located at the greatest distance from the intersection of the street centerlines.
12. This subdivision has been designed to include a stormwater quality best management practice (BMP(S)) that must be maintained by the BMP(S) upon the activation of the homeowners association, the operations and maintenance manual for such BMP(S) owner, said BMP(S) is currently maintained by the developer; however, upon the activation of the homeowners association, the operations and maintenance manual for such BMP(S) shall become the responsibility of said association subject to all fees and other City requirements. A "BMP Operations and Maintenance Manual" is recorded as instrument number 2019-026601 on the 20 day of November, 2019 in the office of the Recorder of Johnson County, Indiana.
13. Sump pump lateral and underdrain pipes for sump pump laterals, located within drainage easements, are to be privately owned and maintained by the homeowner's association, individual sump pump laterals are to be maintained by individual lots owners.
14. Storm sewers and tile drains 12-inch or larger within designated drain easements are extensions of the City's Stormwater Drainage System and are the responsibility of the City. Drainage swales, detention and retention ponds, and post construction stormwater quality measures shall be the responsibility of the owner or homeowner's association. If no homeowner's association exists or a homeowner's association dissolves, owners of each lot shall be equally responsible for maintenance. In the event the property owner(s) or the association fails to exercise its obligation, the City may perform the required maintenance and shall have the right to assess

each lot in the subdivision a proportionate amount of the associated costs. If necessary, a Notice of Lien shall be filed against the affected lots. The lien shall be enforced in the same manner as a mortgage lien under Indiana Law and, therefore, shall include reimbursement of attorney's fees, title expenses, interest, and costs of collection.

Sec. 10-06-25. Review and Approval Process.

A. Technical Review Committee.

At such time as the documents required in paragraph Subsection 24. f. above have been submitted in proper form and numbers, the applicant will be notified of the time and date of meeting with the Technical Review Committee. For Primary Plats, the Technical Review Committee shall meet prior to the Plan Commission meeting at which the subdivision plat or other development plan is to have "Primary Hearing". For secondary plats, the Technical Review Committee shall meet prior to action being taken by the Plan Commission or designated official. The Technical Review Committee shall review the design and construction aspects of the proposed development or subdivision with emphasis placed on public improvements, utilities, drainage, and related standards of this Ordinance. The Technical Review Committee shall then submit its review comments in writing to the Plan Commission, or the designated official, where applicable. For Primary Plats, the applicant may make the recommended revisions to the plans before said plans are submitted to the Plan Commission at the primary public hearing, however, such revisions are considered voluntary. For Secondary Plats, if the Plan Commission, or designated official (where applicable), adopts the recommendations of the Technical Review Committee, all revisions must be made to the secondary plat before final approval is granted.

B. "Primary" Public Hearing.

The Plan Commission shall hold the primary public hearing for a subdivision plat not less than 10 days following proper submittal by the applicant. After the Plan Commission has reviewed the primary plan, Technical Review Committee report, other agency reports, and heard testimony submitted at the public hearing, the Plan Commission shall then advise the applicant of its findings within 45 days of the hearing. If not approved within this time limit it is deemed automatically approved.

C. Written Finding of Facts -- Primary Plat.

1. If "primary approval" of the plat is granted, then the Plan Commission shall:
 - a. render its findings and decision in writing on the Notice of Determination form and it shall be signed by the "Designated Official".
 - b. it shall include any and all written commitments required for the primary plat and/or plat vacation, whichever is appropriate.
2. If approval is denied at primary hearing, then the Plan Commission shall:
 - a. state its finding in writing on the Notice of Determination form, citing the reasons for denial, and the findings must be signed by the "Designated Official", and presented to the applicant.

3. If primary approval is denied, the applicant shall correct all deficiencies noted by the Plan Commission prior to re-submitting for primary approval.

D. Primary Approval Valid for Three Years:

1. "Primary approval" of a subdivision plat shall be valid for a minimum period of three (3) years from the date the primary application was filed. Upon expiration of said three-year period the "Primary approval" shall be deemed null and void unless:
 - a. the Plan Commission has granted a time extension not to exceed two years; or
 - b. the secondary plat application has been filed with the Plan Commission.
2. The Plan Commission shall not grant more than one extension for "primary approval" (not to exceed two years).

E. Period of Remonstrance.

"Secondary" approval may be granted by the Plan Commission no sooner than 15 calendar days following official notice of primary approval. During such period, an applicant or other interested party may appeal to the Plan Commission the primary approval or disapproval of a plat or the imposition of a condition on primary approval. The primary approval or disapproval of a plat by the Plan Commission or the imposition of a condition on primary approval is a final decision of the Plan Commission that may be appealed to the Johnson County Circuit Court.

F. Prerequisites for Filing Secondary Application.

Following primary approval by the Plan Commission, and prior to applying for secondary approval, the applicant shall complete the following requirements and obtain the following approvals, and submit same along with the secondary application:

1. Submit the take-off sheets for estimates for the financial guarantees for the public (and private when applicable) improvements.
2. Submit to the City Engineer the proposed dollar amounts for the financial guarantee for the required public improvements;
3. Satisfy any other conditions of primary approval as required by the Plan Commission.
4. Submit written documentation of the following, when applicable:
 - a. Utility encroachment approvals;
 - b. Johnson County Drainage Board approval and approval of the General (Preliminary) Drainage Plan by the City Engineer;
 - c. Other local, state, and federal approvals, including other City boards, commissions, or departments;
 - d. Outside reviews as required by the City.

G. Contents of Secondary Plat.

The secondary plat shall show all items required for the primary plat, as listed in Sec. 10-06-24.

H. Contents of Final Development and Construction Plans.

All final development and construction plans shall be submitted under the seal and signature of a qualified professional licensed in the state of Indiana. All sheets shall be 24" x 36" size drawn to scale at a minimum 1"=50' and a maximum 1"=10' with the exception of the maps on Sheet One, unless otherwise approved by the City Engineer. Plans submitted for review shall observe the following format:

1. All sheets shall contain the following information:
 - a. The proposed name by which the project shall be legally and commonly known;
 - b. Date of survey, scale, and north point;
 - c. All lots or outlots intended for sale or lease shall be designated with boundary lines and numbered or labeled for identification purposes;
 - d. Private parks, common areas, or excluded parcels shall be designated as such and clearly labeled on the plans;
 - e. Such other information as may be deemed necessary for proper review of the primary plat by the administrator, City Engineer, or commission; and
 - f. All necessary reference points tying the subject property to the appropriate section corners.
 - g. Each sheet shall be sealed and signed by the professional preparing the drawings.
 - h. All sheets shall be tied to state plane coordinates for horizontal and vertical controls.
2. Sheet One (Title Sheet). The following information shall be submitted as part of Sheet One:
 - a. Full legal description with sufficient reference to section corners and boundary map of the subject project, including appropriate benchmark references;
 - b. Name of the Project;
 - c. Name and address of the owner, developer, and person who prepared the plans;
 - d. Total acreage within the project and the number of residential dwelling units or the gross square footage of non-residential buildings whichever is applicable;
 - e. Existing zoning of the subject land and all adjacent lands;
 - f. Boundary lines of adjacent tracts of land, showing owners of record;

- g. A key or vicinity map at a scale of one inch equals four hundred feet or less, showing the boundaries of the proposed project and covering the general area within which it is to be located;
 - h. A statement of the proposed uses, stating the type and size of residential and non-residential buildings, and the type of business, commercial or industry, so as to reveal the effect of the project on traffic, fire hazards, or congestion of population;
 - i. Proposed covenants, restrictions, by-laws, or articles of incorporation affecting property owners and/or homeowners associations; and
 - j. Statement of proposed starting and completion dates for the project, including any proposed phasing and sequencing;
3. Sheet Two (Existing Site Conditions): Note that the Detailed (Final) Drainage Plan information must be incorporated onto this sheet. The following information shall be submitted as part of Sheet Two:
- a. Location, widths, and type of construction of all existing streets, street names, alleys, or other public ways and easements, street classifications as per the Thoroughfare Plan, railroad and utility rights-of-way or easements, parks, wooded areas, trails, cemeteries, watercourses, drainage ditches, designated wetlands, low areas subject to flooding, permanent buildings, bridges, and the locations of all existing stormwater facilities. Storm drains, manholes and other structures shall be located by dimensions on the plans, in relation to surrounding physical features. Show the direction of flow, elevation of inverts, gradient, materials and size of existing storm drains. Other data may be added which is considered pertinent by the commission or the administrator for the subject land. Existing site conditions shall include all land within 300 feet of the proposed project.
 - b. Existing water mains, fire hydrants, storm sewers, sanitary sewers, culverts, bridges, and other utility structures or facilities within, adjacent to, or serving the subject land, including pipe sizes, grades, and exact locations, as can best be obtained from public or private records;
 - c. Existing contours based in U.S.G.S. datum with intervals of not more than five feet where the slope is greater than 10% and not more than two feet where the slope is less than 10%. Off-site watershed boundary maps can be submitted at an appropriate contour interval sufficient to depict drainage areas and slopes. A benchmark, which is easily accessible and re-locatable, shall be shown. The benchmark shall be determined by use of NAVD 88 datum (vertical), and elevations shall be based on sea level datum; and
 - d. The water elevation at the date of the survey of lakes, streams, or designated wetlands within the project or affecting it, as well as the approximate high and low water elevation of such lakes, streams, or designated wetlands. The plan shall also show the contour line of the regulatory flood (100-year flood) elevation and the contour line for the floodway fringe boundary. All elevations shall be based on sea level datum;
4. Sheet Three (Proposed Site Conditions): Note that the Detailed (Final) Drainage Plan information must be incorporated onto this sheet. The following information shall be submitted as part of Sheet Three:

- a. Location, widths, grades and type of construction of all existing and proposed streets, street names, alleys, or other public ways and easements, railroad and utility rights-of-way or easements, parks, wooded areas, trails, cemeteries, watercourses, drainage ditches, designated wetlands, low areas subject to flooding, permanent buildings, bridges, and other data considered pertinent by the commission or the administrator for the subject land, and within 300 feet of the proposed project;
 - b. Existing and proposed water mains, fire hydrants, storm sewers, sanitary sewers, culverts, bridges, and other utility structures or facilities within, adjacent to, or serving the subject land, including pipe sizes, grades, and exact locations, as can best be obtained from public or private records;
 - c. Building setback lines, showing dimensions;
 - d. Full description and details, including engineering calculations, for provision of stormwater drainage plans and facilities, including basin mapping. The standard for drainage detention is that the run-off rate of a 100-year post-development event cannot exceed the rate for a 10-year pre-development event;
 - e. Internal and perimeter sidewalk system/pedestrian circulation plan; and proposed contours with intervals of not more than five feet where the slope is greater than 10% and not more than two feet where the slope is less than 10%. The plan shall also show the contour line for the floodway fringe boundary.
 - f. Show the location and detail plans for all trash dumpsters.
 - g. Street plans shall include proposed locations for street name signs, traffic regulatory signs, street lights, and traffic signals as deemed necessary by the City.
5. Sheet Four (Erosion Control Plan). The following information shall be submitted as part of Sheet Four:
- a. Location, widths, and type of construction of all existing and proposed streets, street names, alleys, or other public ways and easements, railroad and utility rights-of-way or easements, parks, wooded areas, trails, cemeteries, watercourses, drainage ditches, designated wetlands, low areas subject to flooding, permanent buildings, bridges, and other data considered pertinent by the commission or the administrator for the subject land, and within 300 feet of the proposed project;
 - b. Proposed contours with intervals of not more than five feet where the slope is greater than 10% and not more than two feet where the slope is less than 10%.
 - c. Details of terrain and area drainage, including the identity and location of watercourses, intermittent and perennial streams, receiving waters, and springs, and the total acreage of land that will be disturbed.
 - d. The direction of drainage flow and the approximate grade of all existing or proposed streets.

- e. Detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs, and other protective devices to be constructed with, or as part of, the proposed project, together with a map showing drainage area, the complete drainage network, including outfall lines and natural drainage ways which may be affected by the proposed development, and the estimated runoff of the area served by the drains.
 - f. A description of the methods to be employed in disposing of soil and other material that is removed from the grading site, including the location of the disposal site.
 - g. Measures for soil erosion and sediment control which must meet or exceed the methods and standards adopted by the Indiana Department of Natural Resources and/or set forth in the Indiana Handbook for Erosion Control in Developing Areas and which must comply with the design principles, performance standards, and requirements set forth in this chapter.
 - h. A schedule of the sequence of installation of planned erosion and sediment control measures as related to the progress of the project, including the total area of soil surface that is to be disturbed during each stage, the anticipated starting and completion dates, and a schedule for the maintenance of such measures.
 - i. Include the following notes on the sheet:
 - i. "All erosion control practices shall be in accordance with the IDNR "Indiana Handbook for Erosion Control in Developing Areas" dated October 1992, and its updates and amendments, as published by the Indiana Department of Natural Resources, and the SCS "Field Office Technical Guide," and its updates and amendments.
 - ii. "The City Engineer has the right to require additional erosion control measures in the field as conditions warrant."
 - j. Copies of the letter of intent and response from the Johnson County Soil and Water Conservation District office for Rule 5 compliance, when required.
 - k. Any other information reasonably required by the commission or administrator to properly evaluate the plan.
6. Sheet Five (Landscape Plan). A landscape plan shall conform to the following requirements:
- a. It is recommended that the landscape plan be prepared by a landscape architect, nurseryman, or other professional experienced in landscape design and the installation and care of plant materials. The name and address of the plan preparer shall be included on the plan;
 - b. All plans shall show the entire lot to scale;
 - c. Show the location and dimensions of all existing and proposed structures, parking lots and drives, roadways and right-of-way, sidewalks, bicycle paths, ground signs, refuse disposal areas, bicycle parking areas, freestanding electrical equipment, recreation facilities, utility lines and easements, freestanding structural features, and other landscape improvements,

- such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights and courts or paved areas;
- d. The location, quantity, size, and name - both botanical and common - of all proposed planting materials;
 - e. The location, size and common name of existing trees and individual shrubs, areas of dense trees or shrubs, and other natural features, indicating which are to be preserved and which are to be removed;
 - f. The approximate location and generic identification of existing structures and plant materials within the yard of adjoining properties;
 - g. Existing and proposed grading of the site, including proposed berming, indicating contours at no more than two-foot intervals;
 - h. Specification of the type and boundaries of all proposed vegetative ground cover;
 - i. Design of fences and other significant accessory structures;
 - j. The location of barriers to be placed at or beyond the drip line of any trees to be preserved, and the type of material to be used for the barrier;
 - k. Planting and installation details as necessary to ensure conformance with all required standards;
 - l. Details indicating specific grading measures or other protective devices where trees are to be preserved in areas of cut and fill; and
 - m. A tabulation clearly displaying the relevant statistical information necessary for the Plan Commission to evaluate compliance with the provisions of this Ordinance.
7. Sheet Six (Plat-like dedication sheet, if necessary). The following information shall be submitted as part of Sheet Five if a plat-like dedication document for easements and rights-of-way is deemed necessary by the Plan Commission or its authorized designee:
- a. 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;
 - b. Radii, internal angles, points of curvature; tangent bearings and lengths of all arcs, chord, and chord bearings; and
 - c. Accurate location of all survey monuments erected, corners and other points established in the field in their proper places.
8. Sheet Seven (Storm Plan and Profile). For all pipe, a storm drain plan and profile shall be submitted. The plan shall be shown on the upper portion of the drawing. The plan, generally, shall be drawn on a scale that is clear and legible and not greater than 1"=50'. The plan shall show appropriate right-of-way and easement limits. The profile shall be shown under the plan

and shall extend a sufficient distance downstream of the outlet to allow any pertinent information concerning the outfall channel to be shown. All invert elevations and pipe slopes shall be listed. For each pipe, the length, size, material and class shall be annotated on the profile sheet near the dimension line. Detail title and/or number references shall be called out on the profile plan.

The storm drain and inlet profile shall generally be drawn on a scale of 1"=50' horizontal and 1"=5' vertical. Where a storm drain is located inside the limits of an existing or proposed pavement or shoulder, the centerline grade of the road shall be shown. Where a storm drain is located outside pavement or shoulder, the existing ground over the storm drain with proposed grading shall be shown. If the storm drain is to be constructed on fill, the profile of the undisturbed earth, at the storm drain location shall be shown. All utility locations at intersections with the storm drain shall be shown.

- a. Size of pipe or channel cross-section.
 - b. Pipe or channel invert's slope in percent.
 - c. Material and roughness coefficient.
 - d. Flowing velocities in feet per second.
 - e. Design capacity in cubic feet per second.
- I. Standard Detail Sheets. Standard detail sheets as adopted by the Board of Public Works and Safety, shall be included as part of the submittal.

Sec. 10-06-26. Secondary Approval.

- A. The Plan Commission or its "Designated Official" may grant secondary approval and issue a Notice of Determination of Secondary Plat/Plan Approval only after the following requirements have been satisfied:
1. Conditions and requirements set forth by the Plan Commission for primary approval;
 - a. Submittal of the final revised secondary plat in which contents and form comply with this Ordinance;
 - b. general development plans; and
 - c. final construction plans.
 2. The required performance agreement, performance guarantees and inspection/testing agreement have been submitted and approved by the Board of Public Works and Safety. Posting of performance guarantee for erosion control shall be mandatory prior to issuance of a land alteration permit.
 3. Detailed (Final) Drainage Plans have been submitted to and written approval obtained from the Department of Community Development Services (as granted by the Board of Public Works and Safety). The Plan Commission shall establish in its written Rules of Procedure the manner in which Secondary Approval is to be administered.

- B. Secondary Approval Valid for Three Years: Secondary approval of a subdivision plat and plans shall be valid for a minimum period of three (3) years from the date of secondary application was filed. Upon expiration of said three-year period the "secondary approval" shall be deemed null and void unless:
1. The Plan Commission has granted a time extension not to exceed two years; or
 2. a Land Alteration permit has been obtained and installation of infrastructure improvements has commenced. The Plan Commission shall not grant more than one time extension for "secondary approval" (not to exceed two years).

Sec. 10-06-27. Applicability to a PUD.

Following adoption of an ordinance by the Common Council providing for a Planned Unit Development, the procedure for platting within such districts or zones shall be the same as that prescribed for subdivisions in this Division and in compliance with the procedures and regulations set forth in this Division.

Sec. 10-06-28. Land Alteration Permit.

- A. A Land Alteration Permit to begin site development may be granted by the Planning Department office provided that:
1. The applicant has fulfilled all requirements of Sec. 10-06-25 H. above and received Secondary Approval from the Designated Official;
 2. The applicant has filed with the Planning Department office copies of the final revised secondary plat, and final development and construction plans.
- B. Model Homes/Sales Offices, Conditional ILP.
1. After secondary approval of the plat and plans, and prior to recording of the plat, the Plan Commission and/or its duly authorized representative(s) may conditionally authorize the issuance of conditional ILPs for show models. The conditional ILPs shall be valid for a period of one year; however, the Plan Commission may choose to renew the ILPs at one-year intervals. The Plan Commission shall adopt written Rules of Procedure for the issuance and administration of conditional model home ILPs.
 2. A model home shall serve as temporary sales office only for homes sold within the subdivision in which it is located. A model home shall not be used as a real estate sales office for properties located outside the boundaries of the Primary Plat of the subdivision in which it is located.
 3. Two ILPs shall be required initially. A standard ILP shall be required for construction of the dwelling. A one-year permit for use as a model home/sales office shall be required and may be renewed on an annual basis.
 4. The number of show model permits issued (per primary plat) shall be limited to the following:
 - a. Single-Family Dwelling Subdivision: maximum of five dwellings;

- b. Two-Family Dwelling Subdivision: maximum of four dwellings (two buildings)
 - c. Multi-Family Dwelling Subdivision: maximum of four dwellings units. Multi-Family dwellings may have more than four units in a single building, but no more than four units may be used as show models.
5. Prior to issuance of a permit for a model home, one of the following conditions shall be met:
- a. Stabilized access surface and stone base for streets, and municipal water with fire hydrant in service shall be in place or;
 - b. Applicant shall provide the city with writing verification of indemnification/hold-harmless provision provided by applicant's insurance coverage.
6. A show model shall not be occupied until the subdivision plat has been recorded.

Sec. 10-06-29. Complete Installation of Improvements.

- A. Residential Subdivisions. Infrastructure improvements, whether public or private, including but not limited to streets, curbs, manholes, catch basins, swales, storm and sanitary sewers, off-site or area drainage, street names signs, traffic regulatory signs, street lights, traffic signals, survey monumentation, and park and recreation facilities, shall be installed and accepted by the Board of Public Works and Safety prior to the recording of the Secondary Plat or issuance of Improvement Location Permits (Building Permits) for single-family or two-family residential subdivision. Erosion control measures need to be in place but need not be green and growing if installed outside the normal growing season. Erosion control shall be covered by a performance guarantee until such time that 85% of the lots have been built upon.

- 1. Withholding of Final Permits

No Building Permit shall be issued for the last 10% of lots in a final recorded subdivision plat or section thereof of if 10% be less than two, for the last two lots of a subdivision or section thereof, until all public improvements required by the City for the plat (with the exception of sidewalks) have been fully completed and accepted for maintenance guarantee by the appropriate jurisdiction.

- B. Commercial or Industrial Subdivisions. For commercial or industrial subdivisions the developer shall have the option of posting performance guarantees with the Board of Public Works and Safety and recording of the Secondary Plat prior to the installation of the associated infrastructure improvements.

Sec. 10-06-30. Provisions for Completion and Maintenance of Improvements.

- A. Financial Guarantees.

- 1. The developer shall submit separate financial guarantees for each public or private improvement and may not include any land that is not under development at the time the financial guarantees is required, such as sections of adjacent or contiguous land that remained undeveloped, except to the extent that the land not then under development is used to access the site or provide utilities or other necessary services to the land that is under development.

2. Financial guarantees shall be in the amount of an engineer's estimate or an actual contract amount, if available, to complete the portion of the area or improvement of the project, or the designated section in the project being bonded; provided, the amount may be in excess of the full value of the engineer's estimate or actual contract amount, as appropriate, and such an excess amount shall be based upon a reasonable adjustment for the estimated cost of inflation of materials and labor encompassed within the subject matter of the financial guarantees.
3. Once the form and amounts of a financial guarantee have been officially approved by the Board of Public Works and Safety, the developer may enter into a performance agreement with the Board of Public Works and Safety to provide for partial release(s) of the performance guarantee as the developer's project improvements are completed. The authority for administration and enforcement of said financial guarantee and performance agreement shall then lie with the Board of Public Works and Safety.
4. The following types of performance guarantees may be approved by and filed with the Board of Public Works and Safety:
 - a. An insurance bond securable to the City in the amount equivalent to 110% of the estimated cost of completion of the required public or private improvements.
 - b. An irrevocable letter of credit on behalf of the applicant and securable to the City in an amount equivalent to 110% of the estimated cost of completion of the required public or private improvements, written for a maximum length of one year but automatically renewed for additional one-year periods not to exceed four years.
5. The Board of Public Works and Safety shall, after a period of 10 months, determine if the public improvements have been accepted for maintenance by the governmental unit having jurisdiction over the public improvements. If they have not been accepted, the Board of Public Works and Safety shall so notify the developer of its intent to secure the funds and then commence procedures to secure the funds pledged by letter of credit. At its discretion the Board of Public Works and Safety may grant an extension for such period fixed by the BPWS, not to exceed one year. In which case the developer shall file with the BPWS a new letter of credit for the period so fixed in accordance with the requirements for letters of credit herein. The Board of Public Works and Safety may require the filing of a financial statement in determining whether or not to accept a letter of credit.
6. A performance guarantee by insurance bond shall be deemed by the City to be in full force and effect until such time said guarantee is released by official action and written notice by the Board of Public Works and Safety. Any public improvements must be completed and accepted within two years of secondary approval (the date the Notice of Determination of Secondary Approval is issued), unless an extension of time is granted by official action of the Board of Public Works and Safety. Failure to complete improvements within said time limits may result in forfeiture of financial guarantee without additional notice to financially responsible party to secure completion of said improvements.
7. Performance Guarantee Released/Maintenance Guarantee Received.
 - a. Upon completion of the public improvements within a subdivision or development (or sections thereof) and submittal of as-built drawings (in CAD) and video of any storm

- sewer, the developer shall request inspection of construction improvements and release of performance guarantee by the Board of Public Works and Safety. Upon receipt of such request the Board of Public Works and Safety shall instruct the City Engineer and other appropriate City representatives to inspect said improvements and submit recommendations to the Board of Public Works and Safety. Any deficiencies found in the design and workmanship of public improvements shall be corrected by the developer prior to release of the performance guarantee. At such time as the public improvements are acceptable to the Board of Public Works and Safety, it shall release the performance guarantee in lieu of the three-year maintenance guarantee. The amount of the maintenance guarantee shall be equal to or greater than 20% of the corresponding performance guarantee.
- b. Performance guarantee for erosion control shall remain in full force and effect until such time that 85% of the lots to which that performance guarantee pertains have been built upon.
 - c. The performance bond or other surety may be partially released on an annual or on a more frequent basis before or during development in accordance with a partial release schedule agreed to in a written performance agreement by:
 - i. the Board of Public Works and Safety; and
 - ii. the developer or his/her/its designated agent.
8. As a condition for release of a performance guarantee, the developer shall submit to the City Engineer two complete sets of record drawings of all public improvements covered by said guarantee along with a video of any storm sewers. Final record drawings shall not be accepted until the Board of Public Works and Safety accepts the improvements. Record drawings shall be initially submitted as paper copies, while the final record drawings shall be submitted as original mylar copies, and in an electronic format compatible with the City's database.
9. Maintenance guarantees shall be of one of the forms as deemed acceptable for financial guarantees above.
10. At least 60 days prior to the expiration date of a maintenance guarantee it shall be the responsibility of the developer to make a written request to the Board of Public Works and Safety for final inspection and full acceptance of responsibility of the public
11. Construction and maintenance of a public improvement shall be deemed as the full responsibility of the developer until said public improvement is accepted by official action and written notice by the Board of Public Works and Safety. Expiration of a maintenance guarantee does not relieve a developer from the responsibility of having the public improvements meet City standards and specifications prior to official acceptance by the City.

B. General Inspection Procedures

1. Execution of Contractual Agreement. As a condition for secondary approval the developer shall enter into a contractual agreement with and as prescribed by the Board of Public Works and Safety to provide for the inspection and testing services in accordance with the standards and procedures of this Ordinance, and subject to terms, conditions, and amendments as may be imposed by the Board of Public Works and Safety.

2. Duties and Powers of Inspectors. The City Engineer or his/her designated representative shall be responsible for adequate inspection and review of all public improvements constructed within the jurisdiction of the City. Private improvements (including, but not limited to, drainage, streets, grading, erosion) are also subject to inspection when they have the potential to impact adjacent property. The inspector shall perform, but not necessarily be limited to, the following duties:
 - a. monitor work being performed to insure that it complies with the standards and specifications of this Ordinance;
 - b. maintain an accurate log of his inspections and findings;
 - c. issue directives or stop-work orders when necessary to assure compliance with this Ordinance; and
 - d. make reports to the Board of Public Works and Safety when necessary or when requested.
3. Installation and Inspection of Improvements. Improvements shall be installed per approved plans. The developer shall be responsible for notifying the City Engineer for inspection of all improvements at least two working days in advance.
 - a. Street Sub-Grade: When the sub-grade has been graded to proper elevation and compacted in compliance with City specification, the developer shall request inspection by a City representative. The developer shall not proceed with any stoning or paving until having received approval to proceed from the inspector.
 - b. Street Sub-Base: When the stone sub-base has been graded and compacted in compliance with City specifications the developer shall request inspection by a City representative. The developer shall not proceed with any paving until having received approval to proceed from the inspector.
 - c. Street Paving: When ready to begin paving the developer shall give the City Engineer at least 48 hours' notice so that the inspector may be present during the time of paving.
 - d. Drainage Roughed-In: When the land has been cut to grade and properly sloped in compliance with the approved plans, then the developer shall request an inspection by a City representative.
 - e. Open Trench Storm Sewer Rough-In: When all conduits or storm sewer structures that are to be at or below grade level are in place in the open trench, the developer shall call for an inspection by a City representative.
 - f. Open Trench Sanitary Sewer Rough-In: When all conduits or sanitary sewer structures that are to be at or below grade level are in place in the open trench, the developer shall call for an inspection. In addition, the developer shall be responsible for providing the City Engineer with documentation for the appropriate tests and certification as required in this Ordinance for sanitary sewers.
 - g. Block or Street Sections of Sidewalks: If the developer installs sidewalks in relatively large sections such as sections of blocks or streets involving several lots, the developer shall

notify the City Engineer for inspection at such time as a given section of sidewalk has been poured and all forms removed. The developer shall not proceed with backfilling or grading until having received approval to proceed from the inspector.

- h. Sidewalks on a Lot-By-Lot Basis: If the developer installs sidewalks on a lot-by-lot basis he may perform all work necessary for complete installation of the sidewalk, including backfilling. The City Engineer may make periodic inspections of such sidewalks to assure compliance with standards and specifications. The developer may request a one-time reduction in the amount of the performance guarantee posted, in relation to the amount of sidewalk that has been completed, so long as at least 50% of the total sidewalks have been installed at the time of the request. The Board of Public Works and Safety shall rely on the recommendation of the City Engineer when considering this request.
- i. Final: When all work for said improvement in a given subdivision or development (or section thereof) has been completed, and record drawings and video of any storm sewer(s) have been submitted, the developer shall then request a final inspection, before a reduction of the performance guarantee is requested improvement. Failure to comply will result in immediate forfeiture of guarantee. Upon receipt of such request the Board of Public Works and Safety shall instruct the City Engineer and other appropriate representatives to inspect said improvements and submit recommendations to the Board of Public Works and Safety. Any deficiencies found in the workmanship or materials shall be corrected by the developer prior to release of the maintenance guarantee. At such time as the improvements are acceptable to the Board of Public Works and Safety, the Board shall release the maintenance guarantee and the City thereby assumes full and permanent responsibility for maintenance of the public improvement.

Sec. 10-06-31 through Sec. 10-06-50 Reserved for Future Use.

Pages 1190 through 1230 Reserved for Future Use.

DIVISION VII.

GLOSSARY.

Whenever a defined word appears in the Ordinance, its meaning is as set forth in this Division. Words not defined in this Ordinance are interpreted in accord with their usual dictionary meaning and customary usage.

A.

A-frame Roof. Roof consisting of two slopes that extend nearly to the ground and reach a high peak in the center ridge.

Abandon. To intentionally, permanently, and completely cease all business activity.

Accessory Dwelling Unit (ADU). An attached or detached to an existing single-unit dwelling structure that contains one separate, complete dwelling unit with a separate entrance.

Accessory Structure. A detached subordinate structure, the use of which is incidental to that of the primary structure and located on the same lot therewith, such as, but not limited to Detached Garages, Accessory Dwelling Units, Pool houses, and Sheds/Barns. Fences shall be excluded from this definition.

Accessory Use. Any use subordinate in both purpose and size that is incidental to and customarily associated with any principal use that is located on the same lot.

Adaptive Reuse. The reuse of a site or building for a use other than for which it was originally built, purposed or designed.

Addition. Any walled and roofed expansion to the perimeter of an existing structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

Adjoining. Sharing an edge or a boundary; touching.

Administrative Review. The non-discretionary evaluation of an application by the Administrator or designee without a public hearing.

Adult Business/Entertainment. Any commercial activity whether conducted intermittently or full time, which primarily involves the sale, display, exhibition, or viewing of books, magazines, films, photographs, or other materials, distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or sexual anatomical areas.

Adult Day Care. An establishment devoted to providing daytime training, supervision, recreation, and often medical service for adults.

Advisory Plan Commission. See “Commission” or “Plan Commission.”

Aggregate Side Setback. The sum of the least two side setbacks of a structure; one on either side.

Agriculture. The use of land for farming, including plowing, tilling, cropping, installation of best management practices, seeding, cultivating, or harvesting for the production of food and fiber products (except commercial logging and timber harvesting operations); the grazing or raising of livestock (except in confined feed operations); dairy farming; aquaculture; sod production; horticulture; orchards; tree farms; and the cultivation of products as part of a recognized commercial enterprise; and related buildings (e.g., barns, stables, sheds, feeding bins).

Livestock. Cattle, sheep, swine, goats, bison, horses, mules, poultry, or other animals, that are commonly associated with activities associated with farming or food production.

Agricultural – Outdoor Processing. The use of land for activities involving a variety of operations on crops or livestock which may generate dust, noise, odors, pollutants, or visual impacts that could adversely affect adjacent properties. Example uses include, but are not limited to: slaughterhouses, mills, refineries, canneries, coffee roasting, food processing, granaries, grain processing, commercial hatcheries, poultry processing plants, fat rendering, manufacturing of commercial fertilizer, starch manufacturing, and milk processing plants or other treatment of agricultural products which changes the naturally grown product for consumer use.

Agricultural Production. The growing and harvesting of crops for the production of food, fiber, fuel and other products. This does not include processing, preparing, or preserving of animals or plants.

Aircraft. A machine or device, such as an airplane, a helicopter, a glider, or a dirigible, that is capable of atmospheric flight.

Airport. Any area of land or use devoted to the take-off, landing and storing and servicing of aircraft, and any appurtenant areas designated, set aside, used, or intended for use for related buildings and facilities located thereon.

Airport Conical Surface Area. The land area designated as “Airport Conical Surface Area”, on the Airspace District Zoning Map, beginning at the periphery of the Horizontal Surface Area and thence extending outwardly a distance of 4,000 feet, said Conical Surface Area not including, however, the Instrument and Non-Instrument Approach Surface Areas and Transitional Surface Area.

Airport Horizontal Surface Area. The land area designated as “Airport Horizontal Surface Area”, on the Airspace District Zoning Map, the perimeter of which is determined by projecting arcs from the center of the inner line of each Instrument and Non-Instrument Approach Surface

Area (the dimension of said arcs for Instrument Approach Surface Areas being 10,000 feet and for Non-Instrument approach connecting adjacent arcs by lines tangent thereto, not including, however, as a part of the Horizontal Surface Area, the Instrument and Non-Instrument Approach Surface Areas and Transitional Surface Area).

Airport Instrument Approach Surface Area. The land area designated as “Airport Instrument Approach Surface Area” on the Airspace District Zoning Map, located at each end of each instrument runway for landings and take offs, said Surface Area having a width of 1,000 feet at a horizontal distance of 200 feet beyond each end of the runway and widening thereafter uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet beyond each end of the runway, its centerline being the continuation of the runway centerline.

Airport Non-Instrument Approach Surface Area. The land area designated as “Airport Non-Instrument Approach Surface Area” on the Airspace District Zoning Map, located at each end of each non-instrument runway for non-instrument landings and take offs, said Surface Area having a width of 500 feet at a horizontal distance of 200 feet beyond each end of the runway and widening thereafter uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet beyond each end of the runway, its centerline being the continuation of the runway centerline.

Airport Landing Area. The area of the Airport used for the landing, take-off or taxiing of aircraft.

Airport Transitional Surface Area. The land area designated as “Airport Transitional Surface Area” on the Airspace District Zoning map, located adjacent to each instrument and non-instrument runway, symmetrically on each side of such runway, said Surface Area extending outward as indicated on the Airspace District Zoning map from a line 250 feet on either side of the centerline of a non-instrument runway, for the length of such runway plus 200 feet at each end thereof, to the inner line of the Horizontal Surface Area, and from a line 500 feet on either side of the centerline of an instrument runway plus 200 feet at each end thereof, to the inner line of the Horizontal Surface Area; further symmetrically located adjacent to each Instrument and Non-Instrument Runway Approach Surface Area, on each side thereof, having variable widths, as indicated on the Airspace District Zoning Map, and extending the entire length of said Approach Surface Areas to their intersection with the outer line of the Conical Surface Area; and further located beyond said points of intersection, beginning at the outer lines of all Instrument Approach Surface Areas and extending a horizontal distance of 5,000 feet therefrom, measured at right angles to the continuation of the runway centerline, as indicated on the Airspace District Zoning Map.

Airspace Hazard. Any structure, tree, object or use of land which obstructs the airspace or is otherwise hazardous to the flight of aircraft in landing or taking off at a public airport or heliport, as determined to constitute an “airspace”, “airport” or “heliport” hazard either by the Federal Aviation Administration, the Indiana Department of Transportation, Division of Aeronautics or the Greenwood Board of Aviation Commissioners.

Alley. A public right-of-way and thoroughfare, other than a street, road, crosswalk or easement, providing a secondary means of access to the side or rear of those properties which have principal frontage and/or access on a street.

Amenity Area. An outdoor facility, which may include an accessory clubhouse, provided as part of a residential development that is owned and maintained by the owners' association or property owner primarily for the use of the residents of the development. The term includes community swimming pools, tennis courts, basketball courts, and the like.

Amusements, Outdoor. Commercial recreational activities including, but not limited to, miniature golf, bowling bungee jumping, go-kart, or amusement parks. This definition does not include any activities offered by the public sector in a park or playground or any type of auto racetrack or drag strip.

Animal Cultivation. The keeping, breeding, birthing, or raising of animals other than pets.

Animal Grooming. A facility which provides grooming services for animals but does not provide boarding or veterinary services.

Antenna. Any communications equipment that transmits or receives electromagnetic radio signals used in the provision of wireless communications service.

Antenna Height. The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

Antique Shop. Retail sales of previously used merchandise, such as clothing, household furnishings or appliances, sports/recreational equipment, either in a standalone retail space or in a group of retail spaces within an enclosed antiques mall. This classification does not include secondhand motor vehicles, parts, or accessories.

Applicant. The owner of land, or agent or legal representative, who seeks an approval, permit, certificate or determination from the Commission or Board, under the provisions of this Ordinance.

Architectural Feature. A prominent or significant part of element of a building, structure, or site.

Architectural Projections. Projections from a building which are necessary for the shading of a building or features such as sills, cornices, and chimneys. Such projections may extend into required yards only as allowed by the provisions of this Ordinance.

Arterial, Primary. A street intended to move through-traffic to and from such major attractions as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas, and similar traffic generators within the City; and/or as a route for traffic between communities; a major thoroughfare.

Arterial, Secondary. A street intended to collect and distribute traffic in a manner similar to primary arterials, except that they are designed to carry traffic from collector streets to the system of primary arterials and typically service minor traffic generating areas such as community-commercial areas, primary and secondary educational plants, hospitals, major recreational areas, churches and offices.

Arterial. Either a Primary Arterial or a Secondary Arterial as defined in this section.

Art Studio. Workspace for one or more artists or artisans, including the accessory sale of art produced on the premises.

Assembly Uses. A building or structure for the gathering together of persons for purposes of civic, social or religious functions.

Assisted Living Facility. A residential facility for elderly persons (age 60 or older) and their spouses, or for persons having such disabilities as to require assistance with daily living tasks, as suggested by their physician. The facility contains four or more dwelling units and/or rooming units, and provides, through on-site personnel, such exclusive resident services as meal preparation, laundry services and room cleaning.

Attached Single-Family Dwelling. Single-family dwelling units attached by a common wall or walls, and legally platted so that each unit sets on an individual lot providing for fee simple ownership of each lot.

Attached Structure. A structure that is connected to another structure by a foundation, wall, bridge, or roof line. Carports, garages, porch awnings and the like are considered attached structures and must abide by all regulations pertaining to primary structures.

Auction Facility. A building or any specific closed or open area where merchandise is gathered and sold by a form of sale called an auction.

Automobile. Every vehicle, except motorcycles, designed for carrying 12 passengers or less and used for the transportation of persons. Including all vehicles within Classes 1 and 2, as categorized by the Motor Vehicle Manufacturers Association of the United States, Inc.

Average Setback. An average of a given (i.e. front, side, or rear) setback of structures on either side of the subject property.

Awning. A cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

B.

Bakery, Retail. An establishment primarily engaged in the retail sale of baked products for consumption off site prepared either on or off site, which may include incidental food and coffee/tea service.

Banner. A sign which is constructed of cloth, canvas, or other type of natural or man-made fabric, or other similar light material which can be easily folded or rolled, but not including paper or cardboard.

Bar Establishment. A facility that prepares and sells food and drink that has alcoholic beverage sales more than 70% of the business's total annual sales.

Basin Sinkhole. A sinkhole shaped like a basin, usually characterized by smooth slopes and a flat bottom owing to a soil mantle on the bedrock.

Berm. A landscape feature used for screening in which earth is piled up in irregular, round or oblong shapes. Berms in combination with other landscape materials are used to block or partially block visibility from one side to the other.

Best Management Practice (BMP). Any structural or nonstructural control measure utilized to improve the quality and, as appropriate, reduce the stormwater run-off rate. The term includes schedules of activities, prohibitions of practice, treatment requirements, operation and maintenance procedures, use of containment facilities, land use planning, policy techniques, and other practices that comply with the Stormwater and Sediment Control Ordinance.

Beverage - Production. A facility that manufactures and produces beverages, including beer, distilled spirits or hard liquor, which may including ancillary tasting or sales to the general public and ancillary beverage distribution.

Beverage Production. A manufacturing plant designed to distill alcoholic spirits such as wine, beer, ale or liquor. No on-premises or consumption of drinks are allowed.

Beverage Sales - Liquor Store. Any business selling general alcoholic beverages, also known as sale of distilled spirits or hard liquor and may include wine and beer sales for off-premises consumption only.

Block. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

Board. When found in the zoning Ordinance, refers to the Board of Zoning Appeals of Greenwood, Indiana, unless explicitly stated otherwise.

Board of Aviation Commission (BOAC). The Greenwood Board of Aviation Commissioners.

Board of Public Works and Safety (BPWS). The Greenwood Board of Public Works and Safety.

Board of Zoning Appeals (BZA). The Greenwood Board of Zoning Appeals. See also, "Board."

Boarding House. A single-family dwelling other than a hotel where, for compensation and by arrangement, lodging is provided for three or more persons but not exceeding eight persons. Meals may or may not be provided, but there is one common kitchen facility. No meals are served to outside guests.

Boarding/Kennel. A place primarily for keeping more than four (4) adult dogs, or other small animals that are ordinarily bred for sale as pets, including temporary care facilities for animals for compensation.

Bond. Any form of financial guaranty including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Plan Commission.

Brick. A solid or hollow masonry unit of clay mixture with sand and molded into a rectangular shape while in a plastic state, then baked in a kiln.

Buffer Landscaping. Any trees, shrubs, walls, fences, berms, space, or related landscaping features required under the Ordinance for buffering lots from adjacent properties or public rights-of-way for increasing visual shielding or other aspects of privacy and/or aesthetics.

Buffer Yard. An area adjacent to front, side and rear property lines, measured perpendicularly from and parallel to adjacent property lines and/or right-of-way lines, intended to provide attractive spaces to reduce the impacts of proposed uses on adjacent property or natural features and to screen incompatible uses from each other and from the right-of-way. Buffers also help to maintain existing trees or natural vegetation, to block or reduce noise, glare or other emissions and to maintain privacy.

Building. Any roofed structure built for the support, shelter, or enclosure of persons or property. Any portion of a structure that is completely separated from other portions of the structure by a division wall without openings shall be deemed to be a separate building.

Building Commissioner. For the purposes of this Ordinance, the Building Commissioner shall be synonymous with the term Building Inspector and shall refer to the person employed and delegated the primary responsibility of issuing improvement location permits and conducting inspections of same.

Building Frontage. The length of an outside building wall on a public or private street.

Building Height. The vertical distance measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest elevation of the roof in the case of a slant or flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip or gambrel roof; provided that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade and the front of the building.

Building Permit. A permit signed by the Planning Director stating that a proposed improvement complies with applicable provisions of this Ordinance.

Business. Any occupation, employment, or enterprise which occupies time, attention, labor and/or materials for compensation whether or not merchandise is exhibited or sold, or services are offered.

C.

Caliper. The diameter of a tree trunk. Caliper measurements are taken six inches above finish grade for trees up to four inches in diameter and twelve inches above grade for larger diameter trees.

Campground. Any area or tract of land used or designed to be used for temporary occupancy by campers, or for temporary occupancy of recreational vehicles, travel trailers, tents, cabins, or other temporary accommodations.

Canopy. A structure other than an awning made of fabric, metal, or other material that may be supported by columns or posts affixed to the ground and may also be connected to and supported by a building that provides protection from the elements.

Catering service. A business which offers prepared food and drink for consumption elsewhere.

CBU. Cluster Box Unit; community mailboxes in a centralized unit of individually locked compartments for the delivery and collection of mail.

Cell Site. A tract or parcel of land that contains a cellular communication antenna, its support structure, accessory building(s), supporting equipment, parking and may include other uses associated with an ancillary to cellular communications transmission.

Cellular Tele-Communications. A commercial Low Power Mobile Radio Service licensed by the Federal Communications Commission (FCC) to providers in a specific geographical area in which the radio frequency spectrum is divided into discrete channels which are assigned in groups to geographic cells within a service area and which are capable of being reused in different cells within the service area.

Cellular Telecommunications Facility. A cellular telecommunications facility consists of the equipment and structures involved in receiving telecommunication or radio signals from mobile radio communications sources and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

Cemetery. Land used for the burial of the dead and dedicated for cemetery purposes, including columbaria, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

Center Line. The mid-point in the width of a public right-of-way. This shall be determined by recorded subdivision plats, or by the historic center line for all unplotted rights-of-way. In the event that acquisition of additional right-of-way has taken place on one side of a right-of-way, the original center line prior to such acquisition shall be considered the center line for the purposes of this Ordinance.

Certificate of Occupancy. A certificate stating that the occupancy and use of land or a building or structure referred to therein has been inspected and found to be in compliance with the applicable laws of the State of Indiana and Ordinances of this City.

Channel. A natural or artificial watercourse that periodically or continuously contains moving water, or that forms a connecting link between two bodies of water, and that has a defined bed and banks which serve to confine the water.

Child Care Center. In accordance with Ind. Code § 12-17. 2, as amended, a building where at least 17 children receive child care from a provider while unattended by a parent, legal guardian, or custodian; for regular compensation; and for more than four hours but less than 24 hours in each of 10 consecutive days per year, excluding intervening Saturdays, Sundays, and holidays. The term includes a building where childcare is provided to less than 17 children if the provider has applied for a license under Ind. Code § 12-17. 2-4 and meets the requirements under Ind. Code § 12-17. 2-4.

Child Care – In Home. A residential structure in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative) at any time receive child care from a provider:

- A. while unattended by a parent, legal guardian, or custodian;
- B. for regular compensation; and
- C. for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays. The term does not include a child care center.

Child Care Home, Family. A residential structure in which less than six children receive child care from a provider while unattended by a parent, legal guardian, or custodian; for regular compensation; and for more than four hours but less than 24 hours in each of 10 consecutive days per year, excluding intervening Saturdays, Sundays, and holidays. A child for whom a provider of care in the child care home is a parent, stepparent, guardian, custodian, or other relative; and who is at least seven years of age shall not be counted in determining whether the child care home is within the above limit.

Child Care Institution. A facility that:

- A. Operates under a license issued under Ind. Code § 31-27;
- B. Provides for delivery of mental health services that are appropriate to the needs of the individual; and,
- C. Complies with the rules adopted under Ind. Code § 4-22-2 by the department of child services.

City. The City of Greenwood, Indiana.

Clothing Services - Dry Cleaning . An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises.

Clubhouse. A building used in association with an amenity, in which may be locker rooms, administration offices, golf cart storage and maintenance, restrooms, lounges, meeting space, snack bar, banquet facilities and retail sales of products related to the use of the amenity.

Club. An organization or association of persons who are united by a common interest and to which membership is required, that meet periodically for a shared activity, social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business. Use of club premises or club facilities is restricted to members and their guests.

Coach Garage. A detached garage and accessory structure located on the same site as a primary residential use.

Collector Street. A street intended to move traffic from local streets to secondary arterials. (A collector street serves a neighborhood or large subdivision and should be designed so that no residential properties face onto it and no driveway access to it is permitted unless the property is to be in multifamily use for four (4) or more dwelling units).

Collocation. The placement or installation of wireless facilities on existing structures that include a wireless facility or a wireless support structure, including water towers and other buildings or structures. The term includes the placement, replacement, or modification of wireless facilities within an approved equipment compound.

Commercial Center. A group of four or more separately operated commercial establishments, planned, developed, owned, and managed as a unit, with common off-street parking provided on the property.

Commercial Message. Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Commercial Recreation Facilities. Any activity which is generally related to the recreational field, such as bowling alleys, skating rinks, miniature golf, golf driving ranges, commercial swimming pools, and similar recreational activities such as pinball, electronic games, pool tables, etc.

Commercial/Residential Mixed-Use Building. A building containing a mix of commercial and residential activities.

Commercial Vehicle. Every vehicle designed for carrying more than 12 passengers or used for the transportation of goods, including all vehicles within Classes 3 through 8, as categorized by the Motor Vehicle Manufacturers Association of the United States, Inc. See also “Passenger Vehicle”.

Commission. The City of Greenwood Advisory Plan Commission, unless the context indicates to the contrary. See also, “Plan Commission.”

Commitment. A written condition to an approval for an application for a conditional use or variance and as defined in Ind. Code § 36-7-4-1015.

Common Council. The Common Council of the City of Greenwood.

Common Carrier. An entity licensed by the FCC or a state agency to supply local and/or long-distance telecommunications services to the general public at established and stated prices.

Common Open Space. See “Open Space, Common”.

Communications Facility. A land use facility supporting antennas and/or microwave dishes that send and/or receive radio frequency signals. Communications facilities include structures or towers, supporting equipment and accessory buildings.

Communication Tower. A guyed, monopole, or self-supporting tower, constructed as a freestanding structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting and/or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication.

Communications Trans-Mission System or Communications System. A wired communication transmission system, open video system, or wireless communications transmission system regulated by these regulations.

Compatible. A compatible land use situation is presented when a use is suitable for direct association with certain other uses because of consistency with the intent of the district or zone, similar or comparable characteristics, and indicating a mutually harmonious relationship with respect to protecting the use, value and enjoyment of property.

Comprehensive Plan. The comprehensive plan for Greenwood, Indiana, as amended according to the requirements of Ind. Code § 36-7-4-500 et seq.

Concept Plan. A plan for a subdivision or development of land, brought by the petitioner to the pre-submittal meeting, that shows in general terms the proposed land use, density, circulation, natural characteristics, and typical development of the area to be developed, as well as adjacent affected properties, and traffic.

Conditional Use. A conditional use is a use that would not be appropriate generally or without restriction throughout the district or zone but which, if controlled as to number, area, location or relation to the neighborhood could promote the public health, safety, convenience, prosperity or general welfare. Such uses may be permitted in such districts or zones as conditional uses.

Condominium. The individual ownership of a single unit, together with an interest in the common land and building areas and the underlying land, in conformance with the horizontal property law, Ind. Code § 32-1-6, as amended.

Condominium Association. The community association that administers and maintains the common property and common elements of a condominium.

Confined Feeding Operation. Any animal feeding operation subject to Ind. Code § 13-18-10; or any animal feeding operation that is causing a violation of water pollution control laws, any rules of the water pollution control board, or Ind. Code § 13-18-10. See Ind. Code § 13-11-2-40, as amended.

Construction. The on-site erection, fabrication, installation, alteration, demolition or removal of any structure, facility, or addition thereto, including all related activities, but not restricted to, clearing of land, earth moving, blasting and landscaping.

Construction Plan. The maps, drawings and textual descriptions sometimes accompanying a secondary plat and showing the specific location and design of improvements to be installed.

Construction Office. A manufactured mobile unit or similar structure, not designed for dwelling purposes, used as a temporary office or other similar use.

Contiguous. Adjoining or in actual contact with.

Contractor or Subcontractor. An individual or company hired by the project site or individual lot owner, their agent, or the individual lot operator to perform services on the project site.

Conveyance. Any pipe, swale, ditch, etc. intended to carry stormwater from one point to another.

Copy. The wording or image on a sign surface in either permanent or removable form.

Corner Lot. See Lot, Corner.

Council. The Common Council of the City of Greenwood, Indiana. See also, Common Council.

County. Johnson County, Indiana

County Recorder. The Johnson County official empowered to record and file land description plats.

Covenant. A private legal restriction on the use of land contained in the deed to the property and otherwise formally recorded.

Crematorium. A facility containing furnaces for the reduction of dead bodies to ashes by incineration.

Cul-de-sac. A local street with only one (1) outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement including public safety vehicles.

Culvert. A drainpipe that channels water under a bridge, street, or driveway.

Cut. See “Excavation”.

D.

Dead-end Street. A street or a portion of a street with only one (1) vehicular traffic outlet, and no turnaround at the terminal end.

Deciduous. A plant with foliage that is shed annually before the plant becomes dormant.

Dedication. The transfer of private property to public ownership upon written acceptance.

Deed Restriction. See “Covenant”.

Demolition. Any act or process which destroys or partially destroys a structure.

Density. A unit of measurement; the number of dwelling units per acre of land. The number of dwelling units per acre of the total land to be developed, including public right-of-way.

Detached Building. A building having no structural or roof connection with another building.

Detention and Corrections Facilities. A facility for the detention, confinement, treatment or rehabilitation of persons arrested or convicted for the violation of civil or criminal law. Such facilities include an adult detention center, juvenile delinquency center, jail, and prison. These facilities house prisoners who are in the custody of City/county/ law enforcement and the facilities are typically government owned.

Detention Pond. A facility constructed or modified to restrict the flow of stormwater through the facility’s outlet to a prescribed maximum rate and, concurrently, to detain the excess waters that accumulate behind the facility’s outlet.

Detention Storage. The temporary detaining or storage of stormwater in storage basins, on rooftops, on streets, on parking lots, on school yards, on parks, in open spaces, or on other areas, under predetermined and controlled conditions, with the rate of drainage therefrom regulated by appropriately installed devices.

Developer. The owner of land or his representative proposing changes to a parcel or parcels of land, including development, lot improvement or subdivision of land.

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

- A. construction, reconstruction, or placement of a structure or any addition to a structure;
- B. installing a manufactured home on a site, preparing a site for a manufactured home or installing recreational vehicle on a site for more than 180 days;

- C. installing utilities, erection of walls and fences, construction of roads, or similar projects;
- D. construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
- E. mining, dredging, filling, grading, excavation, or drilling operations;
- F. construction and/or reconstruction of bridges or culverts;
- G. storage of materials; or
- H. any other activity that might change the direction, height, or velocity of flood or surface waters.

“Development” does not include activities such as the maintenance of existing structures 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 structures.

Development Plan. Specific plan for the residential, commercial, or industrial developments or other development of property setting forth certain information and data required by the Plan Commission, and prepared by a professional engineer, land surveyor, or architect, and conforming to the requirements of Ind. Code § 36-7-4-1400, et seq.

Development Standards. Regulations such as bulk, height, area, or space requirements set forth by the zoning Ordinance.

Development Standards Variance. A developmental standards variance is designed to adjust the regulations of the zoning Ordinance to the land for which the variance is granted. Generally speaking, a developmental standards variance applies to developmental standards such as bulk, height, area, or space requirement of this Ordinance. Once granted, a developmental standards variance shall run with the land, unless specifically stated otherwise in the conditions or commitments of the Board’s final determination.

Diameter at Breast Height (DBH). The diameter of a tree four and one-half (4’6”) feet above the average ground level. If the tree’s trunk splits or the tree is not over four and one-half (4’6”) feet tall, the diameter measurement of the trunk taken 12 inches above the ground level or the root ball shall constitute DBH.

Digital Display. The portion of a sign message made up of internally illuminated components capable of changing the message periodically. Digital displays may include but are not limited to LCD, LED, or plasma displays.

Director. For the purposes of this Ordinance, the term Director shall mean the Director of the Division of Planning, or their designated representative.

District. Any specifically described area as indicated by the Official Zoning Map. See also “Zone”.

District, Overlay. An additional zoning designation, with corresponding regulations, that may apply to any district, zone, or parts of such districts or zones. Overlay districts shall be indicated on the official zoning map. The overlay district regulations may relax or further restrict the number or types of uses allowed as well as the way permitted activities operate within the overlay district boundaries.

District, Underlying. The district or zone to which an overlay district is added.

Disturbed Area. An area of land subjected to erosion due to the removal of vegetative cover and/or earthmoving activities, including filling.

Double Frontage Lot. A lot having frontage on two parallel public ways; in the case of a corner lot, both lot lines separate the lot from the street right-of-way shall be considered front lot lines, or in the case of a through lot, the lot line which most closely parallels the primary entrance of the primary structure shall be considered the front lot line, allowing the area located between the rear of the dwelling the minimum building setback line to function as a rear yard. When a Double Frontage Lot can also be considered a Corner Lot, then regulations related to Corner Lots shall supersede. See also, “Through Lot” and “Lot, Through.”

Drainage. The collection, conveyance, or discharge of ground water and/or surface water.

Drainage Area. The area served by a drainage system; a watershed or catchment area.

Drainage Basin. The area from which water is carried off by a drainage system; a watershed or catch area.

Drainage Facilities. All ditches, channels, conduits, retention-detention systems, tiles, swales, sewers, and other natural or artificial means of draining stormwater from land.

Drainageway. The area within which surface water or ground water is carried from one part of a lot or parcel to another part of the lot or parcel or to adjacent land.

Drip Line. A vertical line extending from the outermost branches of a tree to the ground.

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 public or private access which affords ingress or egress to a property.

Driveway, Shared. A single access to a public road shared by two tracts of land.

Dwelling. A building, or portion thereof, designed or used exclusively for residential occupancy, including single-unit dwellings, two-unit dwellings or multiple-unit dwellings, but not including hotels or motels.

Dwelling, Group. See “Group Home”.

Dwelling, Live-Work. A dwelling unit that contains, to a limited extent, a separate commercial component on the ground floor and is typically in the form similar to a townhouse or store with residential quarters above or behind the commercial use.

Dwelling, Multi-Unit Building. A building containing three or more dwelling units.

Dwelling, Multi-Unit Building Complex. A site containing two or more multi-unit buildings situated in relation to one another, which may include common facilities such as a clubhouse and/or swimming pool and common parking areas.

Dwelling, Nursing. A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.

Dwelling, Two-Unit. A building on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

Dwelling Unit. One or more rooms, designed, occupied or intended for occupancy as a separate living quarter, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single household.

E.

Easement. A right of use over designated portions of the property of another for a specified purpose.

Eating and Drinking Establishment. A business establishment that prepares and serves food and beverages to patrons and may include the sale of alcohol.

Electrical Transmission Tower. A structure that physically supports high voltage overhead power lines. The term does not include a utility pole.

Elevation. A scaled-drawing of any side of a building or structure.

Employee. A person working for another person or a business for pay.

Enclosed Mall Shopping Center. A commercial real estate development comprised of department, retail, and/or commercial stores the majority of which stores have entrances facing upon a common enclosed mall. The terms “enclosed mall shopping center” as used herein shall not include freestanding buildings located at or about such enclosed mall shopping centers.

Engineer, Professional. Any person who is licensed by the State of Indiana to practice professional engineering.

Entrance, Primary. The main entrance to a building that pedestrians are expected to use. Each building has one main entrance.

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.

Equipment Repair – Heavy. Repair services for a movable or transportable vehicle or other apparatus commonly used in commercial, industrial, or construction enterprises, such as but not limited to trucks, trailers, bulldozers, cranes, backhoes, rollers, loaders, lifts, having a gross weight of 2.5 tons or more. See “Repair, Equipment – Heavy”.

Equipment Repair – Light. Repair services for a movable or transportable vehicle or other apparatus commonly used in commercial, industrial, or construction enterprises, such as but not limited to trucks, trailers, bulldozers, cranes, backhoes, rollers, loaders, lifts, having a gross weight of less than 2.5 tons. See “Repair, Equipment – Light”.

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

Erosion and Sediment Control Measure. A practice or a combination of practices, to control erosion and resulting sedimentation.

Erosion and Sediment Control Plan. A plan that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

Erosion and Sediment Control System. The use of appropriate erosion and sediment control measures to minimize sedimentation by first reducing or eliminating erosion at the source and then, as necessary, trapping sediment to prevent it from being discharged from or within a project site.

Erosion Control/Grading Plan. A plan that fully indicates necessary land treatment measures, including a schedule of the timing for their installation, which will effectively minimize soil erosion and sedimentation caused by land disturbing activities.

Event Center. A building (which may include on-site kitchen) where indoor and outdoor activities such as weddings, receptions, banquets, corporate events and other such gatherings are held.

Evergreen. A plant with foliage that persists and remains green year-round.

F.

Façade, Street-Facing. The front façade of a building facing a street. See “Front Street Facing Wall”.

Façade. The portion of any exterior elevation on the building extending from grade to top of the parapet, wall or eaves and the entire width of the building elevation.

Fall Zone. The area within which the wireless support structure is designed to collapse.

Family. One or more persons occupying a single dwelling unit, living together as a single housekeeping unit, and sharing common living, sleeping, eating and cooking facilities. Family does not include any group living in a boarding house, hotel, club, fraternity, sorority, or rooming house.

Farm. A tract of land comprising an area which is devoted to agricultural operations, such as forestry; the growing of crops; pasturage; the production of livestock and poultry (domestic fowls, such as chickens, turkeys, ducks, or geese, raised for meat or eggs); the growing of trees, shrubs and plants; and other recognized agricultural pursuits and including accessory buildings on a lot, measured between side lot lines on the front building line.

Farm House or Farm Dwelling. The principal dwelling or residence of the owner or operator of the farm, which is located on the farm.

Farm Operation. Any of the following activities involved in carrying on a farm business:

- A. growing, producing, raising or keeping animals or plants, including mushrooms, or the primary products of those plants or animals;
- B. clearing, draining, irrigating or cultivating land;
- C. using farm machinery, equipment, devices, materials and structures;
- D. applying fertilizers, manure, pesticides and biological control agents, including by ground and aerial spraying;
- E. conducting any other activity on, in or over agricultural land required to reasonably carry on an agricultural farming operation;
- F. intensively cultivating in plantations, any
 - 1. specialty wood crops, or;
 - 1. specialty fiber crops;
- G. conducting turf production; or

- H. processing or direct marketing the products of a farm owned or operated by the farmer, as well as products not of that farm to the extent that the processing or marketing of those products is conducted on the farmer's farm.

FBFM. Flood Boundary and Floodway Map.

FCC. The Federal Communications Commission.

Feasibility Report. A written report prepared by a registered professional engineer or a registered land surveyor pertaining to the suitability of the site for various types of water and sewage disposal systems; for drainage retention or detention; and the subsoil conditions for various methods of street construction.

Feedmill. A facility where feed is processed and prepared for animals. This facility sells its product either directly to the user or may provide the service of delivery to the user.

Fence. An enclosure or barrier used as a boundary, means of protection, privacy screening or confinement, but not including, hedges, shrubs, trees or other natural growth.

Filled Sinkhole. A sinkhole of any type that is wholly or partially filled with alluvium, colluvium (heterogeneous soil and rock fragments deposited by mass-wasting and sheetwash), lacustric or paludal sediments.

Filling Station, Service Station. Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail. Uses permissible at a service station do not include major mechanical and body work, 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 service stations. The term shall not be construed to include a truck stop.

Final Plat Approval. Plan Commission approval of a final plat of a subdivision the construction of which has been completed or substantially completed.

Financial Guarantee. Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Governing Body. The Governing Body shall approve all financial guarantees whenever required by these regulations.

Financial Services and Banking - with drive thru. A bank, savings and loan, credit union, mortgage office, or automated teller machine (ATM) with a drive thru. Financial institution shall not include a currency exchange.

Financial Services and Banking - without drive thru. A bank, savings and loan, credit union, mortgage office, or automated teller machine (ATM) without a drive thru. Financial institution shall not include a currency exchange.

Finding of Fact. Information obtained with respect to a matter or a statement or a writing made by any person or entity required to make a finding under the terms of this Ordinance.

Five Hundred-year Flood (500 Year Flood). Means the flood that has a 0.2 percent chance of being equaled or exceeded in any year.

Flag Lot. A lot with two distinct parts:

- A. The flag, which is the only buildable area ; and is located behind another lot; and
- B. The pole, which connects the flag to the street; provides the only street frontage for the lot; and at any point is less than the minimum lot width for the zone.

Flag. Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Flammable Liquid. A liquid having a flash point below 100 degrees Fahrenheit and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100 degrees Fahrenheit.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal water.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- (3) Mudslides (i.e., mudflows) which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

Floodplain or Flood Prone Area. Any land area susceptible to being inundated by water from any source (See “Flood”)

Floodplain Administrator. The City official designated to authorize and enforce the floodplain regulations in this Ordinance.

Floodplain Development Permit. A permit signed and issued by the Floodplain Administrator stating that the proposed improvements for a site have been reviewed and found to follow the applicable floodplain management provisions of this Ordinance.

Flood Water. The water of any lake or watercourse which is above the banks and/or outside the channel and banks of such lake or watercourse.

Floor Area, Finished. That portion of floor area constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, working,

entertainment, common space linking rooms, areas for personal hygiene, or combination thereof. Floor area or portion thereof used only for storage purposes and not equipped for the facilities mentioned above shall not be considered finished floor area.

Floor Area, Gross. The sum, in square feet, of the floor areas of all roofed portions of a building as measured from the interior walls. It includes the total of all space on all floors of a building. It also includes porches, attached garages, or space in a basement or cellar when said basement or cellar space is used for storage or other such incidental uses. The gross floor area is generally applied in residential use for determining minimum ground level floor area.

Food Sales - Farm Market. Retail sales of agricultural products and items grown or produced in and around the City.

Food Sales - Large Grocery. A retail establishment which primarily sells food, but also may sell other convenience and household goods, and which occupies at least 25,000 square feet of gross floor area. At least 1,000 square feet of a large grocery shall be devoted to the sale of fresh produce at all times.

Food Sales - Neighborhood Grocery/Market < 5,000 GFA. A retail establishment which primarily sells food, but also may sell other convenience and household goods, and which occupies no more than 5,000 square feet of gross floor area. At least 250 square feet of a small grocery shall be devoted to the sale of fresh produce at all times.

Food Sales - Small Grocery. A retail establishment which primarily sells food, but also may sell other convenience and household goods, and which occupies at least 5,000 square feet but not more than 25,000 square feet of gross floor area. At least 500 square feet of a small grocery shall be devoted to the sale of fresh produce at all times.

Food Service - Fast Casual Restaurant. An establishment where food is preparing and purveying food on a full-service basis where customers order at the counter and where their prepared food is either delivered to them or carried by them to a table for on-premises consumption or carried out for off-premises consumption.

Food Service – Full-Service Restaurant. An establishment maintained, operated, and/or advertised or held out to the public as a place where food and beverage are served to the public on demand from a menu during stated business hours, served in and on reusable containers and dinnerware, to be consumed on the premises primarily inside the building at tables, booths, or counters, with chairs, benches, or stools. This use may include incidental delivery service using no more than two delivery vehicles.

Food Service – Processing. Manufacturing establishments processing foods for human consumption and certain related products. Includes: (1) bakery products, sugar and confectionery products (except facilities that produce goods only for on-site sales with no wider distribution); (2) dairy products processing; (3) fats and oil products (not including rendering plants); (4) fruit and vegetable canning, preserving, and related processing; (5) grain mill products and by-products; (6) meat, poultry, and sea- food canning, curing, and byproduct processing (not including facilities

that also slaughter animals); and (7) miscellaneous food preparation from raw products, including catering services that are independent from food stores or restaurants.

Food Service - Production. Manufacturing establishments producing foods for human consumption and certain related products. Includes rendering plants and animal slaughterhouses.

Food Service - Quick Serve/Fast Food with Drive-thru. An establishment engaged primarily in the business of preparing food and purveying it on a self-serve or semi self-serve basis. Customer orders and/or service may be by means of a walk-up counter or window designed to accommodate vehicular traffic. Consumption may be either on or off the premises.

Food Service - Quick Serve/Fast Food without Drive-thru. An establishment engaged primarily in the business of preparing food and purveying it on a self-serve or semi self-serve basis. Customer orders and/or service may be by means of a walk-up counter. Consumption may be either on or off the premises.

Footcandle . A measure of illumination on a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot.

Footprint. The horizontal area of a building or structure as seen in plan, measured from outside of all exterior walls and supporting columns.

Forestry Operation. Forestry Operation includes facilities, activities, or equipment used to plant, raise, manage, harvest, and remove trees on private land. The term includes site preparation, fertilization, pest control, and wildlife management.

Foundation. The supporting member of a wall or structure.

Foundation Siding (Skirting). A type of wainscoting constructed of fire and weather resistant material, such as aluminum, treated pressed wood or other approved materials, enclosing the entire undercarriage of the manufactured or mobile home.

Frequency. The number of times that a displacement completely repeats itself in one second of time. Frequency may be designated in cycles per second (cps) or Hertz (Hz).

Fringe or Flood Fringe. Those portions of the floodplain lying outside the floodway

Front Building Line. The foundation line that is nearest the front lot line.

Front Lot Line. A lot line dividing a lot from a street. On a corner lot only one street line may be considered as a front line and only one yard the front yard, which shall be the front lot line is the lot line directly opposite the front façade of a building. See also “Lot Line, Front.”

Front Elevation. The front façade of a building facing a street.

Frontage. The length along the street right-of-way line of a single lot, tract, or development area between the side lot lines of the property. It is that side of a lot abutting a street and ordinarily regarded as the front of the lot.

Frontage Street/Road. A service road, usually parallel to a highway, designed to reduce the number of driveways that intersect the highway.

Fuel/Energy Station. Structure or lot where fuel and other vehicular propulsion needs are provided to customers but are not performed by an employee (other than to pump gas).

Full-cutoff Fixture or Luminaire. A luminaire that:

- Projects at least 90% of the total lamp lumens below 80° from vertical;
- Does not allow more than 10% of the total lamp lumens above 80° from vertical; and
- Does not allow more than 2.5% of the total lamp lumens above 90° from vertical.

Funeral Home. An establishment providing services related to death, including funerals.

G.

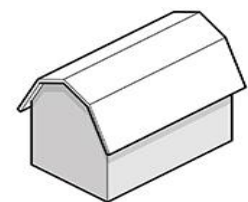
Gable Roof. A roof that consists of two slopes that meet at a common ridge at the top to form an inverted “v”.



Gable Roof

Gallery – Art. A facility or area that is open to the public and is intended for the acquisition, preservation, study, and/or exhibition of works of artistic value.

Gambrel Roof. A roof that appears rounded and contains two different slopes coming down from the apex of the roof; the lower slope is steeper than the top slope. They often appear as though they are “capping” a building, and frequently used as barn roofs.



Gambrel Roof

Garage, Attached. A portion of the principal building, used or designed to be used for the parking and storage of Class I and Class II vehicles associated with the primary use of the lot on which it is situated, including carports.

Garage, Detached. An accessory building, or part thereof, used or designed to be used for the parking and storage of Class I and Class II vehicles associated with the primary use of the lot on which it is situated, including carports.

Garage, Public. A structure, or portion thereof, other than a private customer and employee garage or private residential garage, used primarily for the parking and storage of vehicles and available to the general public.

Garden Center – Indoor and Outdoor. An establishment primarily engaged in the retail sale of garden supplies and plants grown on the premises or elsewhere. This classification includes the sale of landscape materials, topsoil and rental of landscaping equipment.

Geotechnical Consultant. An expert in a specific area of environmental concern pertinent to a specific site, having appropriate specific education and/or experience in the judgement of the approving authority.

Glare. A light ray emanating directly from a lamp, reflector or lens such that it falls directly on the eye of the observer.

Glass Block. Two sheets of plat glass with an air space between them, formed into a sealed modular hollow block.

Golf Course. An area of terrain on which the game of golf is played. A golf course includes greens, fairways, natural areas. A golf course may also include a driving range when integrated with the golf course operations and hours.

Governing Body. The body of the relevant local government having the power to adopt Ordinances.

Government Administration and Courts. A facility devoted to the operations of the City, County or State, but not including detention and corrections.

Government Services. The use of property for the provision of public services such as government administration, fire, police, road and other publicly provided services.

Governmental Facility. A government owned or operated building, structure, or land used for public purpose.

Grade. The slope of land, pavement, pipes, etc. or similar public way, specified in terms of percentage. Example: One foot of rise or fall in 100 feet would be 1%.

Grading. Any stripping, excavating, filling, and stockpiling of soil or any combination thereof and the land in its excavated or filled condition.

Grading Plan. See “Erosion Control/Grading Plan”.

Greenbelt. As used in the I-65 Corridor Overlay Zone:

- A. Corridor Greenbelt. That portion of the front yard of a lot that is immediately adjacent and parallel to the street right-of-way of Emerson Avenue, Arlington Avenue, Interstate Highway I-65, Main Street, or County Line Road and having a minimum depth of 30 feet from the street right-of-way line.

- B. **Interior Streets Greenbelt.** That portion of the front yard of a lot that is immediately adjacent and parallel to the right-of-way of other streets (other than those listed above) within the I-65 Corridor Overlay Zone and having a minimum depth of 15 feet from the street right-of-way line.

Greenhouse. A building, room, or area, usually chiefly of glass, in which the temperature is maintained within a desired range, used for cultivating tender plants or growing plants out of season.

Green Space. Areas designated for public gathering or recreation (passive or active), held in private or public ownership.

Gross Land Area. All areas (whether covered by land or water or rights-of-way) contained within the perimeter property boundaries of a proposed project.

Ground Cover. Plants, other than turfgrass, normally reaching an average maximum height of not more than 24 inches at maturity.

Ground Floor. The first floor of a building other than a cellar or basement.

Guest Room. A guest room is any room offered or used to provide sleeping accommodations to guests. For example, a guest room may be a bedroom, or any other room equipped with a bed, sofa, futon, cot, mattress, or sleeping pallet.

Gutter Spread. The spread of water on a roadway surface perpendicular from the face of the gutter into the driving lane.

Guyed Tower. A communication tower that is supported, in whole or in part, by guy wires and ground anchors.

Gymnastics/Martial Arts Studio. See “Studio, Gymnastics/martial arts”.

H.

Hardship or Unnecessary Hardship. Significant economic injury that:

- A. Arises from the strict application of this Ordinance to the conditions of a particular, existing parcel of property;
- B. Effectively deprived the parcel owner of all reasonable economic use of the parcel; and
- C. Is clearly more significant than compliance cost or practical difficulties.

Hazardous and Toxic Materials. Any substance or material that, by reason of its toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

Health Care Facility. A private or public establishment maintained and operated to provide health care services, including but not limited to:

- A.. Dental Clinic or Medical Clinic. A facility for the examination and treatment of ill and afflicted human outpatients by their regular doctor(s), provided that patients are not kept overnight.
- B. Emergency/Immediate Care Medical Facility. A facility for the examination and outpatient treatment of “walk-in” human patients, which may be open 24 hours per day.
- C. Dental Office or Doctor’s Office. Same as dental or medical clinic.
- D. Hospital. An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, clinics and administrative offices operated in connection therewith.
- E. Public Health Center. A facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics and administrative offices operated in connection therewith.
- F. Sanatorium. An institution providing health facilities for in-patient medical treatment and recuperation making use of natural therapeutic agents.
- G. Medical or Dental Labs. A facility for scientific laboratory analysis of medical or dental resources. The scientific analysis is generally performed for an outside customer. This category includes medical or veterinary laboratories for the analysis of blood, tissue, or other human medical or animal products. Forensic laboratories for analysis of evidence in support of law enforcement agencies would also be included in this category.
- H. Assisted Living Facility. Housing that is designed for and primarily occupied by elderly or handicapped residents, which offers a program of services to deal with the activities of daily living and may offer meals in a congregate dining area. An assisted living facility does not provide continuing nursing care or institutional care.

Health Care Services. The furnishing of medicine, medical or surgical treatment, nursing, hospital service, dental service, optometrical service, complementary health services or any or all of the enumerated services or any other necessary services of like character, whether or not contingent upon sickness or personal injury, as well as the furnishing to any person of any and all other services and goods for the purpose of preventing, alleviating, curing or healing human illness, physical disability or injury.

Health and Wellness – Clinic. A facility operated by one or more physicians, dentists, chiropractors or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis, including physical therapy.

Health and Wellness – Fitness Facility/Gym. A facility which promotes physical fitness, weight control, exercise, and personal improvement that may also include massage or bathing.

Health and Wellness – Massage. Any building, room, place, or establishment other than a regularly licensed and established hospital or dispensary where nonmedical or nonsurgical manipulative exercises or devices are practiced upon the human body manually or otherwise by any person other than a licensed physician, surgeon, dentist, occupational or physical therapist, chiropractor, or osteopath with or without the use of therapeutic, electrical, mechanical, or bathing devices. Shall also include any bathing establishment.

Height, Building. The vertical distance from the average grade level adjoining the building: to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between the eaves and the ridge for gable, hip and gambrel roofs.

Height, Maximum. Maximum height is measured from grade level to the highest point of the structure.

Heliport. A designated land area used for helicopter operations and any appurtenant areas, including fueling facilities, terminal buildings and maintenance and repair facilities.

Heliport Approach Surface Area. The land area designated as “Heliport Approach Surface Area” on the Airspace District Zoning Map, located at the edge of the heliport landing and take-off area. Said surface area having a width equal to the width of the heliport landing and take-off area and widening thereafter uniformly to a width of 500 feet at a horizontal distance of 4,000 feet from the landing and take-off area.

Heliport Landing and Take-Off Area. The area of the heliport used for the landing and take-off of helicopters.

Heliport Primary Surface Area. That area coinciding in size and shape with the Heliport Landing Take-Off Area.

Heliport Transitional Surface Area. The land area designated as Transitional Surface Area on the Airspace District Zoning Map, located adjacent to the heliport primary surface. Said surface extends outward perpendicular to the centerline of the primary and approach surfaces for a horizontal distance of 250 feet.

Highway, Limited Access. A freeway, or expressway, providing for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right to access to or from the same, except as such points and in such manner as may be determined by the public authority having jurisdiction over such a highway.

Highway, State. Any street which is under the jurisdiction of the Indiana Department of Highways.

Historic Structure. Any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

Home Occupation. A home occupation is an accessory use of a dwelling unit for gainful employment involving the provision or sale of goods and/or services, conducted entirely within the dwelling unit, carried on by one or more persons, all of whom reside within the dwelling unit, and where no more than one persons are employed from outside the dwelling unit. The use must be clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof or adversely affect the uses permitted in the district or zone of which it is a part. In general, a home occupation is an accessory use so located and conducted that the average neighbor, under normal circumstances, would not be aware of its existence other than for a nameplate as permitted elsewhere in this section.

Homeowners Association. A community association, other than a condominium association, that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common open space or facilities.

Homogeneity. The uniformity of the overall structure, resulting from the compatibility of components.

Hospital. An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences. This also includes standalone emergency rooms.

Household. A person living alone or two or more persons living together as a single housekeeping unit as distinguished from two or more persons living together in any congregate or group housing. For purposes of this Ordinance, the following shall create a rebuttable presumption that the group is not a single housekeeping unit:

- A. Keyed lock(s) on any interior door(s) to prevent access to any area of the dwelling unit with sleeping accommodations;
- B. Members of the group have separate leases, or sub-leases and/or make separate rent;
- C. Payments to a landlord; and
- D. The group significantly reforms over the course of a twelve (12) month period by losing and/or gaining members.

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I.

IDEM. The Indiana Department of Environmental Management.

Illicit Connection. Any method or means for conveying an illicit discharge into water bodies or the City's stormwater conveyance system.

Illicit Discharge. Any discharge to water bodies that do not consist entirely of stormwater discharges, pursuant to the terms of an NPDES permit. The following non-stormwater discharges are allowable discharges and are exempt from requirements of the Stormwater Drainage and Sediment Control Ordinance:

- A. Water line flushing with diffusion device;
- B. Landscape irrigation;
- C. Diverted stream flows;
- D. Rising ground waters;
- E. Uncontaminated ground water infiltration;
- F. Uncontaminated pumped ground water;
- G. Foundation drains;
- H. Air conditioning condensation;
- I. Irrigation water;
- J. Springs;
- K. Water from crawl space pumps;
- L. Footing drains;
- M. Lawn watering;
- N. Individual residential car washing and non-profit carwash fund raising events;
- O. Dechlorinated swimming pool discharges;
- P. Street washing/cleaning water;
- Q. Discharges from firefighting activities.

Illuminance. The total amount of visible light illuminating (incident upon) a point on a surface from all directions above the surface (i.e. how brightly a surface is illuminated). Illuminance is measured in lux.

Illumination. A source of any artificial or reflected light, either directly from a source of light incorporated in, or indirectly from an artificial source.

Immediate Sinkhole Drainage Area. Any area that contributes surface water directly to the sinkholes, not including areas that contribute surface water indirectly to a sinkhole (e.g. by streams).

Impact Areas. Areas defined and mapped by the Greenwood Stormwater Board which are unlikely to be easily drained.

Impact Drainage Area. Certain geographic area within the City where the Board of Public Works and Safety has established special regulations to address specific drainage issues of the area.

Impervious. A material through which water cannot pass, or through which water passes with difficulty.

Impervious Lot Coverage. The percentage of a lot's area covered by any building or structure or any impermeable surface other than water bodies.

Impervious Surface. Hard surface area that collects and concentrates run-off from a property or parcel of land, including:

- A. Asphalt and concrete roadways, driveways and parking and storage areas;
- B. Compacted gravel roadways, driveways and parking and storage areas;
- C. Rooftops, sidewalks, patio areas and pool decks;
- D. Other areas as deemed necessary and approved by the Greenwood Stormwater Board.

Improvement. Any building, structure, parking facility, fence, gate, wall, work or art, underground utility service or other object constituting a physical betterment of real property, or any part of such betterment. See Lot, Improvement or Public Improvement.

Improvement Location Permit (ILP). A certificate issued by the Building Commissioner permitting a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure within the locality, or cause the same to be done.

Improvement, Lot. 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. See Lot Improvement.

Improvement, Public. Any drainage ditch, roadway, sidewalk, curb, tree, lawn, off-street parking area, main, or other facility for which the local or state government may ultimately assume the responsibility for maintenance and/or operation, or which may affect an improvement for which local or state government responsibility is established. All such improvements shall require financial guarantee.

Improvement, Temporary. Improvements built and maintained by a subdivider during construction of the subdivision and which may become permanent prior to release of the performance guarantee.

Incidental. A minor occurrence or condition which is customarily associated with a permitted use and is likely to ensue from normal operations.

Increased Cost of Compliance (ICC). The cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into compliance with the local flood damage prevention Ordinance. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business flood insurance policies with effective dates on or after June 1, 1997, will include ICC coverage.

Indiana Code. The Burns Indiana Statutes Code Edition, which codifies all Indiana statutes for reference purposes. The latest edition with any amending supplements must be referred to for the laws “now” in force and applicable. (Usually abbreviated as Ind. Code herein).

Indiana Utility Regulatory Commission (IURC). The IURC regulates those telecommunications which are also considered public utilities. Where the telecommunications service being provided is a public utility, such as telephone service, including local, long distance or cellular telephone service, then those services fall under IURC jurisdiction.

Individual Sewage Disposal System. A septic tank, seepage tile, sewage disposal system, or any other approved sewage treatment device designed for use in a limited area.

Industrial, Heavy. Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district or zone boundary.

Industrial, Light. Manufacturing or other industrial uses, which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.

Industrial Park. A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation and open space.

Infill Lot. A lot bordered on at least two (2) sides by established development.

Infrastructure. The services and facilities necessary in a community, including but not limited to sewers, water systems, streets, utilities and drainage services.

Inlet (Stormwater Inlet). An opening into a storm sewer system through which surface stormwater runoff enters the system.

Innovation, Manufacturing and Production. Manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site.

Inoperable Vehicle. A motor vehicle, recreational vehicle, or any similar vehicle exhibiting one or more of the following:

- A. Any vehicle that is damaged or dismantled to such extent as to render it illegal for operation on any public street or highway, including but not limited to any of the following: broken head or taillights, broken or missing mirrors, cracked or missing window or windshield, deflated tires, missing seats or steering wheel, or other general conditions that would render a vehicle incapable of being driven on a public highway;
- B. Any vehicle, whether on public or private property and in view of the public from which, for a period of at least (14 days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power; or
- C. Not having valid vehicle license plate or registration.
- D. By way of illustration only, the term “Inoperable Vehicle” can include, without limitation, any of the following: vehicles, motorized bicycles, motorcycles, trucks, tractors, tractor-trailers, truck trailers, trailers, buses, boats, watercrafts, recreational vehicles, ATVs, golf carts, campers, camping trailers, truck campers, motor homes, travel trailers, semitrailers, or any other vehicles propelled or drawn by mechanical power or the like.

Intense Burning. A rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.

Interested Parties. Those persons who are to be notified by mail of a public hearing, or other action, on a proposed subdivision of land; namely, the applicant or developer of the property to be subdivided and the fee simple owners (executive officer or board of governmental owner) of those properties that share a common boundary line or point with the property to be subdivided or that would share a common boundary line or point with the property to be subdivided but for the existence of a public or private street or a distinct parcel owned by the applicant or developer (see Commission Rules for Procedure). If an abutting property consists of “common areas” that are

owned and/or maintained by a subdivision/condominium property owners' association, the association, rather than the individual subdivision lot/condominium owners, shall be deemed the "interested party" for purposes of notice, unless, additionally, the Administrator orders that certain individual owners be provided with notice as interested parties. The identity of interested parties shall be determined from the following sources: (1) the subdivision application; (2) the Auditor's Plat Books; and (3) the Auditor's Transfer Books.

Interior Lot. See "Lot, Interior".

Intermittent Stream. A surface watercourse which flows typically only after significant precipitation events or during a particular season, and which evidences a discernable stream bed. This does not encompass man-made drainage ways or natural swales which lack a discernable stream bed.

Internal Setback. The distance between a structure and the closest of either:

- A. An access or ingress/egress easement line; or
- B. The back of curb of an access drive or private street; or
- C. The edge of pavement of an access drive or private street; or
- D. The edge of pavement of the sidewalk running alongside an access drive or private street.

Intersection. An area within a 100' radius of the intersecting centerlines of two (2) cross streets.

J.

Junk. An automobile, truck, other motor vehicle, watercraft, large appliances, furniture or like materials which have been damaged to such an extent that they cannot be operated under their own power or used and/or will require major repairs before being made usable. This also includes such a vehicle which does not comply with State, County, or City vehicle licensing or other laws or Ordinances.

Junkyard (including automobile wrecking). Any place at which personal property is or may be salvaged for reuse, resale, or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled or assorted; including, but not limited to used or salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick and similar property except animal matter; and used motor vehicles, machinery or equipment which is used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.

Jurisdiction of the Commission. The territory within the City of Greenwood, Indiana, the boundaries of which are shown on the Official Zoning Map, which includes all of the area over which this chapter is effective.

K.

L.

Land. Any ground, soil or earth, including marshes, swamps, drainage ways, and areas not permanently covered by water, within the City.

Land Alteration. Any action taken relative to land which either:

- A. Removes the natural ground cover; or
- B. Changes the contour; or
- C. Increases the runoff rate; or
- D. Changes the elevation; or
- E. Decreases the rate at which water is absorbed; or
- F. Changes the drainage pattern; or
- G. Creates or changes a drainage facility; or
- H. Involves construction, enlargement or location of any building on a permanent foundation;
or
- I. Creates an impoundment.

Land Disturbing Activity. Any man-made change of the land surface including clearing, cutting, excavating, filling, or grading of land or any other activity that alters land topography or vegetative cover, but not including agricultural land uses such as planting, growing, cultivating and harvesting crop, growing and tending gardens and minor landscaping modifications.

Landfill. The burial of non-hazardous, non-radioactive and non-medical farm, residential, institutional, commercial, or industrial waste, usually after the waste has been compacted.

Landscape Area. Land that has been decoratively or functionally altered by contouring and planting shrubs, trees or vines, and with a living or nonliving ground cover.

Landscape Plan. A component of a development plan on which is shown: proposed landscape species (such as quantity, spacing, size at time of planting, and planting details); proposals for protection of existing vegetation during and after construction; proposed treatment of hard and soft surfaces; proposed decorative features; grade changes; buffers and screening devices; and any other information that can reasonably be required in order that an informed decision can be made by the approving authority.

Landscaping. The improvement of a lot, parcel or tract of land with a combination of living plants (such as grass, shrubs, trees and/or other plant material) and nonliving material (such as rocks, mulch, walls, fences, or ornamental objects) designed and arranged to produce an aesthetically pleasing effect.

Land Surveyor. Any person who is licensed in the State of Indiana to practice land surveying.

Large Farm Animals. Large farm animals are large domestic farm animals such as, but not limited to: cows, buffalo, llamas, goats, sheep, and pigs.

Large Grazing Type Farm Animals. Large domestic farm animals such as, but not limited to, cows, buffalo, llamas, goats, and sheep, which are typically allowed to roam within a large grazing area. Pigs shall not be interpreted as a large grazing type farm animal.

Lateral Storm Sewer. A sewer to which inlets are connected but to which no other storm sewer is connected.

Lattice Tower. A guyed or self-supporting three or four sided, open, steel frame structure used to support telecommunications equipment.

Law Department. The City department of licensed attorney(s) designated by the City to furnish legal assistance for the administration of this Ordinance.

Legal Drain. Any drain or channel that carries surplus water and was established under or made subject to any Indiana drainage statute. See Ind. Code § 36-9-27-1.

Legal Nonconforming Building or Structure. Any continuously occupied, lawfully established structure or building prior to the effective date of the Ordinance, or its subsequent amendments, that no longer meets the development standards.

Legal Nonconforming Lot of Record. Any legally established and recorded lot prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meet the lot-specific development standards.

Legal Nonconforming Sign. Any sign lawfully existing on the effective date of this Ordinance, or amendment thereto, that does not conform to all the standards and regulations of the Ordinance and has been registered within the allotted time as described in this Ordinance.

Legal Nonconforming Use. Any continuous, lawful use of structures, land, or structures and land in combination established prior to the effective date of the Ordinance or its subsequent amendments that is no longer a permitted use in the district or zone where it is located.

Library. A public facility for the use, but not sale, of literary, musical, artistic, or reference materials.

License. The rights and obligations extended by the municipality to an operator to own, construct, maintain and operate its system within the boundaries of the municipality for the sole purpose of providing services to persons or areas outside the municipality.

Light Equipment. Motorized equipment weighing six tons or less.

Light Source. Source from which light emanates either directly from the bulb, or indirectly from a reflective enclosure, lens, or diffuser.

Limited Agriculture Related Sales. On-site sales of commodities, which are produced, grown, or raised on the subject property.

Liquor Store. A facility for the sale of beer, wine, and/or liquor not for on-premises consumption that derives 75 percent or more of its gross revenue from the on-premises sale of beer, wine, and/or liquor.

Live Theater. A structure used for dramatic, operatic, or other live performance, for admission to which entrance money is received.

Livestock. Any animal which has been domesticated primarily for agricultural purposes, but not including house pets such as dogs, cats, or any other similar animal or fowl usually considered a house pet.

Livestock Auction Market. An established place of business and surroundings, where domestic animals are consigned to be sold at public auction upon a commission basis to be paid by the consignor at which place the operator of the business acts as agent for consignor, and said place has been inspected and approved on the basis of maintaining minimum standards, in conformance with regulations adopted by the State Board of Health.

Living Area - The interior, habitable space within a dwelling which is finished, heated, and accessible year-round with a minimum required ceiling height.

Loading Spaces, Loading, and Unloading Berths. The off-street area required for the receipt or distribution by vehicles of material or merchandise.

Local Street. A street intended to provide access to other streets from individual properties and to provide right-of-way beneath it for sewer, water, and storm drainage pipes.

Lodging – Bed and Breakfast. An operator-occupied residence that:

- A. Has no more than 14 guest rooms;
- B. Provides breakfast to its guests as part of the fees;
- C. Provides sleeping accommodations for no more than 30 consecutive days to a guest;

D. Provides sleeping accommodations to the public for a fee; and

E. The term does not include hotels, motels, health or limited care facilities, boarding houses, group quarters, hospice, rescue missions or food service establishments.

Lodging - Extended Stay. A building in which temporary lodging and/or boarding is provided to the public for compensation. The provider typically provides telephone service, laundry facilities, upkeep of furniture, and other services. Compensation is based upon stays of more than one day and reduced rates are typically featured for weekly/ monthly stays.

Lodging – Hotel. A building in which temporary lodging or board and lodging are provided and offered to the public for compensation assessed on a daily basis and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge an open to the public at all hours. A hotel may include full or limited dining and food services.

Lodging - Motel. A building or group of buildings in which lodging is provided to guests, offered to the public for compensation, and in which access to and from each room or unit is through an exterior door.

Logging. The practice of timber harvesting or tree harvesting involving cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products.

Lot. A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or of building development. See also, Parcel; see also, Property.

Lot Area. The area of horizontal plane bounded by the vertical planes through front, side and rear lot lines.

Lot, Corner. A lot situated at the intersection of two (2) streets. A corner lot has a front yard on each abutting street. Corner lots must observe the minimum front yard setback from both streets and observe the minimum side yard setback from the remaining property lines.

Lot Coverage. The percentage of the lot area that is covered by the building or structure, exclusive of open courts, terraces or decks. See Floor Area and Open Space.

Lot Depth. The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line. The lot depth of a multiple frontage lot may be determined from any of its front lot lines.

Lot Frontage. The front of a lot shall be construed to be the portion nearest the street right-of-way. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to street right-of-way shall be considered frontage, and yards shall be provided under Yards in this section.

Lot, Improvement. Any building, structure, work of art, or other object, or improvement of the land on which such objects are situated that constitute a physical betterment of real property.

Lot, Interior. A lot other than a corner lot with only one frontage on a street other than an alley.

Lot Line. A lot line is a property boundary line of any lot held in single or separate ownership; except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley line.

Lot Line, Front. A lot line dividing a lot from a street. On a corner lot only one street line may be considered as a front line and only one yard the front yard, which shall be the front lot line is the lot line directly opposite the front façade of a building.

Lot Line, Rear. The lot line opposite the front lot line. On a corner lot, the rear lot line shall be opposite the side of the house considered to be the front, unless otherwise designated on the subdivision plat. See “Rear Lot Line.”

Lot Line, Side. Any boundary of a lot that is not a front or rear lot line.

Lot, Out. That portion of land of a plat which is usually located adjacent to a street or frontage road and not dedicated to serving the needs of the primary development for an additional and separate building or buildings in the development.

Lot of Record. A lot which was created by subdivision, the plat of which has been approved as required by applicable County, City, and State law and recorded in the Office of the County Recorder; or a parcel of land, the bounds of which have been legally established by a separate deed and duly recorded in the Office of the County Recorder. “Legally established” means not in violation of any County, City, or State subdivision regulations existing at the time the lot was established by deed. Also, a parcel described by a single deed containing more than one (1) metes and bounds description shall be one (1) lot of record unless the parcels described by separate descriptions have, in the past, been lawfully-established, separate parcels of record.

Lot, Through. A lot having frontage on two parallel or approximately parallel streets. A through lot has a front yard on each abutting street, watercourse or lake. See also, “Through Lot” and “Double Frontage Lot.”

Lot Width. The horizontal distance between side lot lines measured at the required front setback, parallel to the street.

Luminance. An objective measurement of the brightness of illumination, including illumination emitted by an electronic sign, measured in candles per square foot (cd/ft²).

Lux (Luces plural). Unit of illuminance in the International System of Units (SI) equal to one (1) lumen per square meter.

M

Maintenance. Cleaning, removing obstructions from, and making minor repairs to a drainage facility so that it will perform the function for which it was designed and constructed.

Major Drainage System. A drainage system that carries runoff from an area greater than or equal to one square mile.

Major Street. See “Collector Street” or “Arterial Street”.

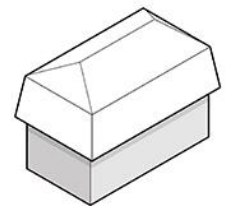
Major Subdivision. See “Subdivision, Major”.

Maneuvering Space. An open space in a parking area that is:

- A. Immediately adjacent to a parking space;
- B. Used for and/or is necessary for turning, backing or driving forward a motor vehicle into such parking space; but
- C. Not used for the parking of or storage of motor vehicles.

Manhole. A storm sewer structure through which a person may enter to gain access to an underground storm sewer or enclosed structure.

Mansard Roof. A roof consisting of four sides that each have two slopes that join at the top to form a flat panel or apex.



Mansard Roof

Manufactured BMP. A structural BMP designed for stormwater quality treatment constructed of a combination of manmade materials at an off-site facility.

Manufactured Home. A single-family dwelling unit designed and built in a factory, installed as a permanent residence, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law (1974 U.S.C. 5401 et seq.), and which also complies with the following specifications:

- A. Consists of two (2) or more sections which, when joined, have a minimum dimension of 23 feet in width for at least 60% of its length;
- B. Has a pitched roof with a minimum rise of 2:12;
- C. Has wheels, axles, and towing chassis removed;
- D. Was constructed after January 1, 1981, and exceeds 950 square feet of occupiable space per; and

- E. Is attached to a permanent foundation of masonry construction and has a permanent concrete or concrete block perimeter enclosure constructed in accordance with the One and Two-Family Dwelling Code.

See also Ind. Code §§ 22-12-2 through 5.

Manufactured Home Park. A parcel of land with required improvements and utilities containing two (2) or more dwelling sites that are leased for the long-term placement of Mobile Home Dwellings and/or Manufactured Home Dwellings. A Manufactured Home Park does not involve the sales of Mobile Home Dwellings or Manufactured Home Dwellings in which unoccupied units are parked for inspection or sale.

Manufactured Housing Construction and Safety Standards Code. Title IV of the 1974 Housing and Community Development Act (42 U.S.C. 5401, as amended, previously known as the federal Mobile Home Construction and Safety Act), rules and regulations adopted thereunder, which include HUD-approved information supplied by the home manufacturer, and regulations and interpretations of said code by the Administrative Building Council of Indiana.

Manufacturing, Artisan. An establishment, not exceeding 3,000 square feet of floor area, for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items.

Manufacturing, Heavy. The assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than minimal impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, visual impact, odors, glare, or health and safety hazards, or that otherwise do not constitute “light manufacturing”, and which may include open uses and outdoor storage. Heavy manufacturing generally includes processing and fabrication of products made from extracted or raw materials or products involving flammable or explosive materials and processes. This definition shall not include any use that is otherwise listed specifically in a district or zone as a permitted or conditional use.

Manufacturing, Light. The assembly, fabrication or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication or processing takes place, where such processes are housed entirely within an enclosed building. Light manufacturing generally includes processing and fabrication of finished products predominantly from previously prepared materials and includes processes. This definition shall not include any use that is otherwise listed specifically in any district or zone as a permitted or conditional use.

Manufacturing, Processing/Innovation. The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials including but not limited to oils, plastics, resins, etc.

Map. A representation of the earth's surface, or any part thereof, in signs and symbols, on a plane surface, at an established scale, with a method or orientation indicated.

Map Panel Number. The four-digit number followed by a letter suffix assigned by FEMA on a flood map. The first four digits represent the map panel, and the letter suffix represents the number of times the map panel has been revised. (The letter "A" is not used by FEMA, the letter "B" is the first revision.)

Market Value. The building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

Marquee. Any permanent, roof-like structure attached to and projecting beyond a building or extending along and projecting along the wall of a building, generally designed and constructed to provide protection from the weather.

Masonry. Brick, stone, cultured stone, or stucco materials.

Massage Parlor. Any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations; electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with sexual conduct, or where any person providing such treatment, manipulation or service related thereto exposes specified anatomical areas.

Medical – Clinic. A facility operated by one or more physicians, dentists, chiropractors or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis.

Medical Facilities. See "Health Care Facilities".

Medical Office. A building used exclusively by physicians, dentists, optometrists, and similar personnel for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients shall be kept on the premises.

Micro-Cell. A low power mobile radio service telecommunications facility used to provide increased capacity in high call-demand areas or to improve coverage in areas of weak coverage.

Microwave. Electromagnetic radiation with frequencies higher than 1,000 MGZ; highly directional signal used to transmit radio frequencies from point-to-point at a relatively low power level.

Mineral. Sand, gravel, rock, silica, peat, earth, clay, metallic and nonmetallic minerals, coal and other natural deposits.

Mineral Extraction. The on-site extraction of surface or sub-surface mineral products or natural resources. Typical extractive uses are quarries, borrow pits, sand and gravel operations, and mining operations.

Mineral Processing. The processing of minerals by processes and methods identified or employed in activities according to the Standard Industrial Classifications (SIC) as defined by the Occupational Safety and Health Administration of the United States Department of Labor for SIC Major Groups 10, 12, and 14 and SIC Descriptions 2951, 3271 and 3273.

Mini-Warehouse/Self Storage. A building containing separate, individual self-storage units for rent or lease. The conduct of sales, business, or any activity other than storage is prohibited within any individual storage unit.

Minor Drainage System. A drainage system that carries runoff from an area of less than one square mile.

Minor Modification. Any improvements to existing structures that do not qualify as a substantial modification, does not result in an increase to the fall zone to an extent that would result in a violation of the setback requirement and is eligible for administrative review and approval.

Minor Subdivision. See “Subdivision, Minor”.

Mixed-Use Development. A mixed-use development is any development or project which features more than one primary land use type which is permitted within the district or zone where the development is located. Examples of mixed-use developments would be office and retail, office and residential, single-family and multi-family, etc. A mixed-use development may not be solely residential.

Mobile Home Dwelling. A transportable dwelling unit which is a minimum of eight (8) feet in width and which is built on a permanent foundation or tied down with perimeter skirting when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained therein, and which was manufactured either:

- A. 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
- B. 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.

Mobile Home Space. A plot of ground within a mobile home park designated for the accommodation of one mobile home.

Mobile Home Stand. That part of an individual mobile home space that has been reserved for the placement of the mobile home, appurtenant structures, or additions

Model Home. A dwelling unit used temporarily for display purposes which typifies the type of units that will be constructed in the subdivision in which the dwelling unit is located and may contain a temporary sales office for the subdivision in which the dwelling unit is located.

Monopole. A single, freestanding pole-type structure supporting one or more Antenna. For purposes of this Ordinance, a Monopole is not a Tower.

Monument, Survey. Any permanent marker either of stone, concrete, galvanized iron pipe, or iron or steel rods, used to identify the boundary lines of any tract, parcel, lot or street lines.

Motel. A building or group of buildings in which lodging is provided to transient guests, offered to the public for compensation, and in which access to and from each room or unit is through an exterior door. See “Hotel”.

Motor Home. See “Recreational Vehicle”.

Motor Vehicle. Any automobile, truck, tractor, tractor-trailer, truck-trailer, trailer, boat, recreational vehicle, semitrailer, or any other vehicle propelled or drawn by mechanical power.

Movie Theater. See “Theater, Movie”.

MS4. Municipal Separate Storm Sewer System as defined by 327 Ind. Admin. Code § 15-13-5 Sec. 5 (43).

Mulch. Nonliving organic and synthetic materials customarily used in landscape design to retard erosion, conserve moisture, prevent weeds from growing, and aid in establishing plant cover.

Multi-Unit Dwelling. Not less than three dwelling units in a building or a group of buildings.

Multi-Use Trail. An off-road facility with a permanent alignment that is open to the general public, and that is designed, constructed for a variety of non-motorized forms of travel including walking, hiking, biking, cross-country skiing or horseback riding.

Municipal Sewage Disposal System. See “Sewage Disposal System, Public”.

Mural. A large picture/image (including but not limited to painted art) which is painted, constructed, or affixed directly onto a vertical building wall, which may or may not contain text, logos, photographs, pictures and/ or symbols.

Museum. A room or building for exhibiting, or an institution in charge of, a collection of books, or artistic, historical, or scientific objects.

N.

Nameplate. A nonelectric, on-premises identification sign giving only the name, address and/or occupation of an occupant or group of occupants.

National Flood Insurance Program (NFIP). The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the federal government and the private insurance industry.

National Geodetic Vertical Datum (NGVD). As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

Noise Pollution. A level of noise which subjects those in close proximity to such decibel levels that impair their health, general welfare and enjoyment of their property for its intended use.

Non-boundary River Floodway. The floodway of any river or stream other than a boundary river.

Noncommercial Message. A sign which carries no message, statement, or expression related to the commercial interests of the sign owner, lessee, author or other person responsible for the sign message.

Nonconforming Building. A building, structure, or portion thereof that does not conform to the regulations of the district or zone in which it is located.

Nonconforming Lot of Record. A lot which was created such that it does not conform to the regulations of the district or zone in which it is located.

Nonconforming Sign. Any sign lawfully existing on the effective date of the Ordinance, or amendment thereto, that renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended Ordinance.

Nonconforming Use. See “Use, Nonconforming”.

Non-cutoff Fixture. A luminaire with no control of the horizontal distribution of luminance.

Non-Instrument Runway. A runway other than an instrument runway.

Non-Point Source Pollution. Pollution from any source other than from any discernible, confined, and discrete conveyances, including, but not limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal, dumping, and urban runoff sources.

Non-Stormwater Discharge. Any discharge to the storm drain system that is not composed entirely of stormwater.

Non-Structural BMP. A BMP that is not constructed by physical means of land disturbance such as education, public information handouts, etc.

Not-for-Profit Corporation. An organization or activity which provides a public service not intending or intended to earn a profit, such as tax exempt 501(c)3 charitable and/or public benefit organization.

Notice of Violation. Notice issued by the Department of Community Development Services.

NPDES. National Pollution Discharge Elimination System.

Nursery. A place where plants are grown for sale, transplanting, or experimentation.

O.

Occupancy. The portion of a building or premises owned, leased, rented or otherwise occupied for a given use.

Office Activity. The use of property for management, operations, professional, or administrative functions.

Office – Corporate. An establishment primarily engaged in providing internal office administration services as opposed to customer service in a single building or a campus setting; for example, the headquarters, regional offices or the administrative offices for a corporation. Generally, the majority of the traffic generated from corporate offices comes from employees and not the general public.

Office - Call Center. An establishment where people are employed to provide customer service by phone or computer or where data contained on computers is processed for consumption by a company.

Office – Medical. See “Medical – Office”.

Office - Professional Services. Professional or government offices including: accounting, auditing and bookkeeping services; advertising agencies; architectural, engineering, planning, and surveying services; attorneys; counseling services; court reporting services; data processing and computer services; detective agencies and similar services; educational, scientific, and research organizations; employment, stenographic, secretarial, and word processing services; government offices including agency and administrative office facilities; management, public relations, and consulting services; photography and commercial art studios; writers and artists offices outside the home. Does not include: medical offices or offices that are incidental and accessory to another business or sales activity that is the principal use. Incidental offices that are customarily accessory to another use are allowed as part of an approved principal use.

Office, Warehouse, Distribution Center. A building primarily devoted to storage, warehousing, and distribution of goods, merchandise, supplies, and equipment. Accessory uses may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas. Also referred to as “flex space.”

Official Zoning Map. A map of the City of Greenwood, Indiana, that legally denotes the boundaries of the districts and zones as they apply to the properties within the planning jurisdiction.

There is only one official zoning map, and it is kept up to date by the Commission and the Director and is located on file with the Department of Community Development Services.

Off-Site (Off-Premises). Outside the limits of the area encompassed by the tract area or the parcel of record on which the activity is conducted.

Off-Site Improvement. Any premises not located within the area of the property to be subdivided, used, or built upon whether or not in the same ownership of the applicant for subdivision approval.

Off-Street Loading and Unloading Space. An open hard-surface area of land, other than a street, driveway, or public way, the principal use of which is for standing, loading and unloading of motor trucks, tractors and trailers or other motor vehicles, to avoid undue interference with the public use of streets and alleys. Such space shall not be less than twelve (12) feet in width, thirty (30) feet in length for short berths and fifty (50) feet in length for long berths and fifteen (15) feet in height, exclusive of access aisles and maneuvering space.

Old Town Commercial Historic District. The Old Town Commercial Historic District is the area roughly bound by 172-332 West Main Street and 147-211 South Madison Avenue which was entered in the National Register of Historic Places on June 14, 1991.

On Site. Any premises located within the area of the property that is the subject of an application for development.

One- and Two-family Dwelling Code, Indiana. The mandatory statewide building code adopted by the Indiana Administrative Building Council for one- and two-family residential dwellings.

Open Drain. A natural or artificial open channel that carries surplus water and that was established under or made subject to any drainage statute or Ordinance.

Open Space. Total horizontal area of all portions of the lot not covered by buildings, structures, streets, parking areas or paved walkways.

Open Space, Common. A parcel or parcels of land or an area of water, or a combination of land and water within a Planned Unit Development (PUD) site designed and intended for the use or enjoyment of the occupants of the PUD. Common open space may contain such complimentary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the occupants. Street rights-of-way, driveways, and parking lots, which directly serve dwellings or commercial buildings, shall not be counted toward area.

Open Space, Permanent. Parks, playgrounds, waterways, landscaped green space, and natural areas, not residential yard space surrounding dwelling units, and not including schools, community centers or other similar areas in public ownership.

Open Space, Usable. That portion of a zoning lot which is not covered by building or paved areas. For the purposes of this Ordinance, outdoor roof gardens, patios and decks may be counted, providing a maximum of 100 square feet per dwelling unit may be included as usable open space.

Pools and other recreational facilities may be included in the usable open space provided that a minimum of thirty (30) percent of the usable open space must be devoted to landscaping.

Orchard. A total of 25 or more fruit trees growing on a single lot, or a total of 25 or more fruit trees within any single 10,000 square foot area for an economic gain.

Ordinance. Any legislative action, however denominated, of a local government which has the force of law.

Ordinary Maintenance. Ensuring that communications facilities and wireless support structures are kept in good operating condition. Ordinary maintenance includes inspections, testing and modifications that maintain functional capacity, aesthetic and structural integrity; for example, the strengthening of a wireless support structure's foundation or of the wireless support structure itself. Ordinary maintenance includes replacing antennas of a similar size, weight, shape and color and accessory equipment within an existing wireless communications facility and relocating the antennas of approved communications facilities to different height levels on an existing monopole or tower upon which they are currently located. Ordinary maintenance does not include minor and substantial modifications.

Original Parent Parcel. The lot prior to the utilization of the Sliding Scale Option subdivision method.

Ornamental Tree. A deciduous tree planted primarily for its ornamental value or for screening purposes; tends to be smaller at maturity than a shade tree.

Outdoor Sales. The temporary use of an area near a business for storage and sales of merchandise related to a holiday, season of the year, or otherwise not offered annually.

Outdoor Display. The display of merchandise for immediate sale to the public. Display merchandise shall be located behind the setback lines and shall not be located on required parking spaces.

Outdoor Processing – Composting. An outdoor facility where organic matter that is derived primarily from off-site is to be processed by composting and/or is processed for commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.

Outdoor Processing - Concrete and Asphalt. The outdoor preparation of concrete and asphalt material for efficient shipment, or to an end-user's specifications.

Outdoor Storage. The outdoor accumulation of goods, junk, motor vehicles, equipment, products, or materials for permanent or temporary holding.

Outfall. The point or location at which stormwater runoff discharges from a sewer or drain. The term also applies to the outfall sewer of channel which carries the storm runoff to the point of outfall.

Overhang. The horizontal distance that the roof projects beyond the story immediately below.

Overland Flow-way. Surface area that conveys a concentrated flow of stormwater runoff.

Owner. Any person or other legal entity having legal title to or significant proprietary interest in the land subject to a zoning determination under these regulations.

Owners Association. See “Condominium Association” and “Homeowners Association”.

P.

Parapet. A low solid protective wall along the edge of a roof or balcony.

Parcel. Any legally described piece of land that may or may not be subdivided. Also known as a tract. See “Lot” and “Lot of Record”.

Parent Parcel Remainder. The largest lot created under the Sliding Scale Option subdivision method.

Park. Land designated and used by the public for active and passive recreation.

Park. A natural or landscaped area, buildings, or structures, provided by a unit of government, to meet the active or passive recreational needs of people.

Parking Area. An open hard-surfaced area of land, other than a street, driveway, or public way, the principal use of which is for the storage (parking) of passenger automobiles or commercial vehicles under two-ton capacity by the public, whether for compensation or not, or as an accommodation to clients or customers.

Parking Area, Private. A private parking area is an open, hard-surfaced area, other than a public way or street, designed, arranged and made available for the storage (parking) of private passenger automobiles only, of occupants of the building or buildings for which the parking area is developed and is accessory.

Parking Area, Public. A public parking area is an open, hard-surfaced area, other than a public way or street, intended to be used for the temporary, daily, or off-street parking of passenger automobiles and commercial vehicles under one and one-half (1-1/2) tons rated capacity, and available to the public, whether for compensation, free, or as an accommodation to clients or customers.

Parking Lot. An impervious structure designed and designated specifically for temporary storage of motor vehicles in parking spaces, and for the movement into and out of those parking spaces not from a street.

Parking Space. An area, not including any part of a street or an alley, designed or used for the temporary parking of a motor vehicle.

Parking Space, Accessible. A space with dimensions and location that satisfy the Americans with Disabilities Act.

Paved. A durable surface for parking, driving, riding or similar activities that utilizes asphalt, concrete, brick, paving blocks or similar material. Crushed gravel, stone, rock, or dirt, millings, sand or grass are not permitted as a paved surface.

Pavement Width. The actual width of a street surface that includes only the area that is drivable by vehicles, excluding curbs.

Peak Flow. The maximum rate of flow of water at a given point in a channel or conduit resulting from a particular storm or flood.

Pedestrian Scale. The inclusion of building design elements at the ground or street level and the relationship between building height and streetscape. Building design elements exclusive to the first and second building story (when greater than two (2)), or inclusion of streetscape elements such as trees, decorative lighting, and benches can help to create pedestrian scale.

Pediment. A crowning element used over doors, windows or niches.

Pennant. A triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles intended to flap in the wind.

Performance Bond. An amount of money or other negotiable security paid by the subdivider, developer, or property owner or his/her surety to the City which guarantees that the subdivider will perform all actions required by the City regarding an approved plat or in other situations as stated forth in the Ordinance and/or as deemed by the Director that provides that if the subdivider, developer, or property owner defaults and fails to comply with the provisions of his/her approval, the subdivider, developer, or property owner or his/her surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approval.

Performance Guarantee. An amount of money or other negotiable security paid by the subdivider or his surety to the City, which guarantees that the subdivider will perform all actions required by the Governing Body regarding an approved plat, and provides that if the subdivider defaults and fails to comply with the provisions of any approved plat, the subdivider or his surety will pay damages up to the limit of the financial guarantee, or the surety will itself complete the requirements of the approved plat.

Performance Standard. A criterion or limit established to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, and glare or heat generated by, or inherent in uses of land or buildings.

Perimeter Drain. A subsurface pipe network designed and installed around the perimeter of a septic field for the purpose of effectively collecting and draining away excess subsurface waters.

Perimeter Lot. A subdivision lot that either:

- A. Has a lot line that abuts the right-of-way of a street with a functional classification higher than “local” that either runs through or is located on the perimeter of the subdivision, or a frontage road located adjacent to such a street; or
- B. Is separated from the right-of-way of a street with a functional classification higher than “local” that either runs through or is located on the perimeter of the subdivision by a common area that is sufficiently deep to qualify as open space.

Perimeter Retaining Wall. A perimeter non-load bearing structural system completely enclosing the space between the floor joists of a manufactured or mobile home and the ground.

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 Open Space. See “Open Space, Permanent”.

Permanent Perimeter Wall. An approved non-load-bearing perimeter structural system composed of a continuous solid or mortared masonry wall having the appearance of a permanent load-bearing foundation characteristic of site constructed homes, designed to support the loads imposed and extending below the established frost line.

Permit Authority. The City board, commission, or employee that, or who, makes legislative, quasi-judicial, or administrative decisions concerning the construction, installation, modification, or siting of wireless facilities or wireless support structures.

Person. An individual, firm, limited liability company, corporation or other business entity, association, fiduciary or governmental entity.

Personal Communications Services or PCS. Digital wireless telephone technology such as portable phones, pagers, faxes and computers. Such mobile technology promises to allow each consumer the same telephone number wherever he or she goes. Also known as Personal Communication Network (PCN).

Personal Care and Beauty Services. Establishments providing nonmedically related services, including beauty and barber shops; clothing rental; dry cleaning pick-up stores; laundromats (self-service laundries); psychic readers; shoe re- pair shops; tanning salons. These uses may also include accessory retail sales of products related to the services provided.

Personal Services. An establishment primarily engaged in providing services involving the care of a person or animal.

Pesticide. A chemical substance used to kill a plant or animal that is a nuisance or harmful to humans.

Pets. Animals defined as pets by the United States Department of Agriculture Animal and Plant Health Inspection Service.

Petitioner. The property owner or a person legally empowered in writing by the property owner to act on the property owner's behalf and who thereby has the property owner's authority to make representations and decisions before City officials regarding the use and/or development of the subject real property. The term includes the petitioner's representative.

Petitioner's Representative. A person legally empowered in writing by the petitioner to act on the petitioner's behalf and who thereby has the petitioner's authority to make representations and decisions before City officials regarding the use and/or development of the subject real property.

Pipe System. Two or more pipes connected together by one or more structures such as a manhole designed to convey stormwater runoff.

Plan. See "Development Plan".

Plan Commission. See "Commission".

Plan Commission Staff. The Planning Director and other persons the Plan Commission has employed to advise it on matters pertaining to planning and zoning.

Planning Director. The Director of the Planning Division, Department of Community Development Services, City of Greenwood, Indiana.

Plan, Drainage. Written narratives, specifications, drawings, sketches, written standards, operating procedures, or any combination of these, which contain information pursuant to the Stormwater Drainage and Sediment Control Ordinance.

Planned Unit Development. A Planned Unit Development is an area under single ownership or control to be developed in conformance with an approved PUD master plan, consisting of a map showing the development area and all improvements to the development area, a text which sets forth the uses and the development standards to be met, and exhibits setting forth any aspects of the PUD master plan not fully described in the map and text. The map, exhibits, and text constitute a PUD master plan. The uses and standards expressed in the PUD master plan constitute the use and development regulations for the Planned Unit Development site in lieu of the regulations for the underlying district or zone.

Plant Community. A natural association of plants that are dominated by one or more prominent species, or a characteristic physical attribute.

Plant Cultivation. Agricultural activity that entails the growing of plant material for agricultural sale. This also includes enclosed growing and plant germination.

Plant Material. Trees, shrubs, perennials, vegetative ground cover, and the like.

Plastics. Any of the various complex organic compounds produced by polymerization.

Plat. A map indicating the subdivision or resubdivision of land filed or intended to be filed for record with the County Recorder.

Plat, Preliminary. The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Commission for approval.

Plat, Primary. The primary plat, pursuant to Ind. Code § 36-7-4-700, is the plat and plans upon which the approval of a proposed subdivision is based. The primary plat and plans shall be subject to public notice and public hearing according to law and according to Commission rules.

Plat, Secondary. The secondary plat, pursuant to Ind. Code § 36-7-4-700, 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.

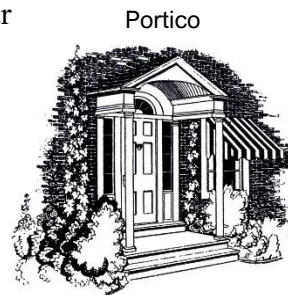
Pole Banner. A banner suspended above an area and attached to a single pole affixed at top and bottom.

Pollutant. A substance which causes or contributes to pollution, including, but not limited to, the following: any dredged spoil, solid waste, vehicle fluids, yard wastes, animal wastes, agricultural waste products, sediment, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological wastes, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, commercial and agricultural waste, or any other contaminant or other substance defined as a pollutant under the Clean Water Act.

Pollution. The human-made or human-induced alteration of the quality of waters by waste to a degree which unreasonably affects, or has the potential to unreasonably affect, either the waters for beneficial uses or the facilities which serve these beneficial uses.

Porch. A roofed-over structure projecting out from the wall or walls of a main structure and commonly open to the weather in part.

Portico. A structure consisting of a roof supported by columns at regular intervals, located over an entrance or exit and typically attached as a porch to a building.



Post-FIRM Construction. Means construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.

Power Generation Facility. A facility that converts one or more energy sources, including but not limited to water power, fossil fuels, nuclear power, or solar power, into electrical energy or steam. A power generation plant may also perform either or both of the

following: (a) operation of a transmission system that conveys the energy or steam from the generation facility to a power distribution system; (b) operation of a distribution system that conveys energy or steam from the generation facility or the transmission system to final consumers.

Power Substation Facility. An assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the needs of the general public, provided that in residential zones or districts containing a residential use, an electric substation shall not include rotating equipment, storage of materials, trucks or repair facilities, housing of repair crews, or office or place of business.

Pre-Existing Towers and Antennas. Any tower or antenna for which a permit has been issued prior to the effective date of these regulations and is exempt from the requirements of these regulations so long as the tower or antennas are not modified or changed.

Pre-FIRM Construction. Means construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

Preliminary Approval. An approval (or approval with conditions imposed) granted to a subdivision by the Commission after having determined in a public hearing that the subdivision complies with the standards prescribed in this Ordinance.

Preliminary Plat. See “Plat, Preliminary”.

Premises. An area of land with its appurtenances and buildings that, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

Primary Architectural Plane. That two-dimensional surface fronting along a street between grade and eaves.

Primary Area. The portion of a Historic District in which historic or architecturally worthy buildings, structures, sites, monuments, streetscapes, squares and/or neighborhoods are located.

Primary Conservation Areas. Unbuildable land, including but not limited to, wetlands and land that is generally inundated (land under ponds, lakes, creeks, etc.); all of the floodway and floodway fringe within the 100-year floodplain; steep slopes; karst areas; and soils subject to slumping, expansion, or erosion.

Primary Plat. See “Plat, Primary”.

Principal Building. A building or structure or, where the context so indicates, a group of buildings or structures, in which the principal use of a lot or parcel is conducted.

Principal Use. The main use of land or structures as distinguished from a subordinate or accessory use.

Private Street. A right-of-way which has the characteristics of a street, as defined herein, except that it is not dedicated to the public use. A driveway which is located on a lot and which serves only the use on that lot is not considered as a private street.

Private Through Street. A paved surface consisting of a roadway, driveway, parking lot or the like which carries vehicular traffic from a dedicated public street to a dedicated public street.

Probation. A means of formally notifying participating communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

Public Health & Safety Facilities. Facilities operated by public agencies including fire stations, other fire prevention and firefighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities.

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 local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

Public Parking Area. 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.

Public/Private Parking Area. A group of parking spaces in an open area not including any part of a street or alley, designed or used for temporary parking of motor vehicles.

Public Safety and Nuisance. Anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin.

Public Space. Facilities such as public roads, parks, pathways, and open space corridors. May also be facilities owned privately but open to the public, such as Homeowner Association pathways connected to larger networks. Common areas serving commercial and multi-family developments are also considered to be public space.

Public Use Airport or Heliport. An airport or heliport, whether private or publicly owned, which the owner or persons having a right of access and control invite, encourage or allow flight operations by the general public without prior authorization, designated as a “Public Use Airport” or “Heliport” on the Airspace District Zoning Map, for which an Airspace District is established by this Ordinance.

Public Utility. Any person, firm or corporation duly authorized to furnish electricity, gas, steam, telephone, cable or other data, and water or sewerage systems to the public under public regulation.

Public Utility Installation. The erection, construction, alteration, or maintenance by public utilities, municipal department commissions or common carriers of underground, surface or overhead gas, oil, electrical, steam, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith, by public utility or municipal departments, commissions, or common carriers, for the public health or safety or general welfare.

Q.

Qualified Geologist. A person who has met or exceeded the minimum geological educational requirement and who can interpret and apply geologic data, principles, and concepts and who can conduct field or laboratory geologic investigations.

R.

Radius of Curvature. The length of radius of a circle used to define a curve.

Ranch Style Home. Single-story, single-family, detached home.

Reach. Any length of watercourse, channel or storm sewer.

Rear Lot Line. The lot line opposite the front lot line. On a corner lot, the rear lot line shall be opposite the side of the house considered to be the front, unless otherwise designated on the subdivision plat. See “Lot Line, Rear.”

Rear Yard. See “Yard, Rear”.

Record Drawing. Drawing prepared, signed, and sealed by a professional engineer or land surveyor representing the final “as-built” record of the actual in-place elevations, location of structures, and topography, all of which shall be submitted in CAD.

Recording Secretary. For the purposes of this Ordinance, the Recording Secretary shall be the person employed and delegated the responsibility of recording and writing minutes and transcripts of the proceedings of Plan Commission and/or Board of Zoning Appeals public hearings.

Recreational Area. A place designed and equipped for the conduct of sports and leisure time activities.

Recreational Area or Facility. An outdoor facility, which may include an accessory clubhouse, provided as part of a residential development that is owned and maintained by the owners’ association or property owner primarily for the use of the residents of the development, and which is also accessible for use by the public through associate membership subscription or user fees. The term includes community golf courses, swimming pools, tennis courts, basketball courts, and the like.

Recreational Facility, Indoor. Theaters, bowling alleys, health clubs and other similar recreation uses owned and operated by a private entity, which the principal use is located within a building, but excluding any sexually oriented business.

Recreational Facility, Outdoor. A use of land for recreational purpose, either public or private, where such use requires no structure for the principal activity. Related functions such as changing rooms or restrooms, and maintenance may be housed in buildings or structures. Uses so defined shall include but not be limited to golf courses, outdoor tennis courts, and swimming pools, but shall not include uses such as miniature golf, bungee jumping, amusement parks or other similar commercial recreation uses.

Recreational Vehicle. A vehicle which is:

- A. built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projections;
- C. designed to be self-propelled or permanently towable by a light duty truck; and
- D. designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

Recycling Facility. A building or area where recyclable material only is collected, sorted, and processed, prior to shipment for remanufacture into new materials at a separate facility.

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 in the State of Indiana or, through reciprocity, permitted to practice in the State of Indiana.

Regular Program. The phase of the community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

Regulated Area. All of the land under the jurisdiction of the Stormwater Management Board.

Regulated Drain. See "Legal Drain".

Regulatory Flood. The flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined Section 10-02-31 D. of this Unified Development Ordinance. The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".

Release Rate. The amount of stormwater released from a stormwater control facility per unit of time.

Religious Assembly. A site used by a bona fide religious group primarily or exclusively for religious worship and related religious services, including a place of worship, retreat site, or religious camp.

Replacement. Removing the pre-existing wireless support structure and constructing a new wireless support structure of proportions and of equal height or such other height that would not constitute a substantial modification to a pre-existing wireless support structure in order to support a wireless communications facility or to accommodate collocation.

Replat. A subdivision or plat, the site of which has heretofore been platted or subdivided with lots or parcels of land. It may include all or any part of a previous subdivision or plat.

Research and Development Center. Facilities for research including laboratories, experimental equipment and operations involving compounding or testing of materials or equipment. Any facility that is determined by health, fire, or building official to be a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the danger of fire, explosion, or radiation is not to be included in this category.

Research Facility/Laboratory. A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Residence. A structure in which a person lives.

Responsible Party. Any person, firm or corporation that uses property in violation of this Ordinance or knowingly permits another person, firm or corporation to do so.

Restaurant. A building or portion of a building where food and drink is served for consumption in the building, and where provisions may be made for serving food on the premises outside the building. Also see “Eating and Drinking Establishment”.

Restaurant, Drive-thru Service. An establishment where food and drink are prepared, served and consumed by customers who are given the option of dining within the indoor dining area, the outdoor seating area or via a service window and Drive-thru lane to customers in motor vehicles who will be consuming the food off-premises.

Restaurant, Pick-up or Delivery Only. An establishment preparing food to the general public in which the food, once prepared, is either picked up for consumption off-premises, or is delivered to the end user by the restaurant staff.

Restrictive Covenant. Limitations of various kinds on the usage of lots or parcels of land 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 run with the land.

Resubdivision. A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line, or setback; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Retail Activity. The use of property for the sale of goods, including, but not limited to, alcoholic beverage sales, furniture and home furnishings, electronics and appliances, clothing and shoes, jewelry, luggage and leather goods, sporting goods and hobbies, books, periodicals and music, tobacco sales, department stores, florists, office supplies and stationary, gifts and novelties, pets, hardware, pawn shops, video stores and auto parts.

Retail - Large A retail establishment >25,000 GFA engaged in selling goods or merchandise to the general public as well as to other retailers, contractors, or businesses, and rendering services incidental to the sale of such goods. Bulk retail involves a high volume of sales of related and/or unrelated products in a warehouse setting and may include membership warehouse clubs (i.e., “big box” retail). Bulk retail is differentiated from general retail by any of the following characteristics: items for sale include large, categorized products (e.g., lumber, appliances, household furnishings, electrical and heating fixtures and supplies, whole- sale and retail nursery stock, etc.) and may also include a variety of carry-out goods (e.g., groceries, household, and personal care products).

Retail - Medium Establishments of 10,000-25,000 GFA engaged in the sale or rental of goods for consumer or household use. Any medium retail use where packaged food is sold must devote not less than 500 square feet to fresh produce sales.

Retail – Pharmacy. An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies.

Retail - Shopping Center – Community. A center that typically offers a wider range of apparel and other soft goods than the neighborhood center does. Among the more common anchors are supermarkets, super drugstores, and discount department stores. Community center tenants sometimes contain off-price retailers selling such items as apparel, home improvements/furnishings, toys, electronics, or sporting goods. The center is usually configured as a strip, in a strip line, or “L” or “U” shape. Of the eight center types, community centers encompass the widest range of formats. For example, certain centers that are anchored by a large discount department store refer to themselves as discount centers. Others with a high percentage of square footage allocated to off-price retailers can be termed off-price centers.

Retail - Shopping Center – Outlet. Usually located in rural or occasionally tourist locations, outlet centers consist mostly of manufacturers’ outlet stores selling their own brands at a discount. These centers are typically not anchored. A strip configuration is most common, although some are enclosed malls, and others can be arranged in a “village cluster.”

Retail – Shopping Center – Power Center. A center dominated by several large anchors, including discount department stores, off-price stores, warehouse clubs, or “category killers” (i.e., stores that offer tremendous selection in a particular merchandise category at low prices). The center typically consists of several freestanding (unconnected) anchors and only a minimum number of small tenants.

Retail – Shopping Center – Regional. A center that provides general merchandise (a large percentage of which is apparel) and services in full depth and variety. Its main attraction are anchors: traditional, mass merchandise, or discount department stores or fashion or specialty stores. A typical regional center is usually enclosed with an inward orientation of the stores connected by a common walkway and parking surrounds the outside perimeter.

Retail - Small Establishments of 0-10,000 GFA engaged in the sale or rental of goods for consumer or household use; excluding, however, animal sales or service; building materials and/or supplies, sales, or rental; and food sales or markets. Typical uses include sale of consumer goods or art or craft objects, flower shops, gift shops, and boutiques. Any small retail use where packaged food is sold must devote not less than 250 square feet to fresh produce sales.

Retail Use. Uses involved in the sale, lease, or rental of new or used products.

Retention. The permanent on-site storage of stormwater.

Retention Pond. A retention basin is designed so that a specified volume is stored indefinitely (retained), and it does not typically have an outlet to adjoining watercourses other than an emergency spillway.

Retirement Community. An age-restricted development, which may include detached and attached dwelling units, apartments, and may also have a nursing home component.

Return Period. The average interval of time within which a given rainfall event will be equaled or exceeded once.

Reverse Channel Letters. Individually mounted opaque, internally backlit letters which illuminate the wall or surface to which they are attached.

Reverse Frontage. A lot which has a pair of opposite lot lines along two substantially parallel streets and which is not a corner lot. On such lot, both street lines shall be deemed front lot lines, but in the case of two or more continuous lots, there shall be a common front lot line.

Ridge. The line of intersection at the top between the opposite slopes or sides of a roof.

Ridgeline. A line marking or following the ridgetop.

Ridgetop. The crest of the ridge.

Right-of-way. A strip of land occupied or intended to be occupied by a street, pedestrian way, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, special landscaping, or for other special uses. The usage of the term “right-of-way” for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, screening or special landscaping, or any other use involving maintenance by a public agency shall be dedicated to public use by the subdivider on whose plat such right-of-way is established.

Riparian Area. Wooded or vegetated areas along creeks, streams, rivers or designated regulated drains. The area on each bank designated as a riparian area shall be no wider than the average width of the creek, stream or river at normal flow elevation, but be no less than 10 feet in width from the top of banks.

Riparian Conservancy Areas (RCA). An area of Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways unless modifications are deemed necessary to improve drainage.

Rise Pit. A spring characterized by an upwelling of water, which may be permanently flowing or intermittent.

Road. See “Street”.

Roadside Produce Stand. Establishment engaged in the retail sale of local fresh fruits and vegetables and having permanent or temporary structures associated with such use.

Roadway Drainage. The runoff and drainage located within 20 feet of the edge of pavement of public and/or private roadways adjacent to, abutting, or within the boundaries of the property to be addressed in a proposed Stormwater Management submittal.

Roadway Width. The paved area of a street measured from back of curb to back of curb.

Roof and/or Building Mount Facility. A low power mobile radio service telecommunications facility on which antennas are mounted to an existing structure on the roof (including rooftop appurtenances) or building face.

Roof Line. In the case of a flat roof, the uppermost line of the roof of a building; in the case of a pitched roof, the midpoint of between the roof eave and the ridge of the roof exclusive of cupola, pylon, chimney or other minor projections.

Roof Ridge. The roof ridge is the top horizontal edge of a pitched roof.

Runoff. The waters derived from melting snow or rain falling within a tributary drainage basin that exceeds the infiltration capacity of the soils of that basin.

Runoff Coefficient. A decimal fraction relating the amount of rain which appears as runoff and reaches the storm drainage system to the total amount of rain falling. A coefficient of 0.5 implies that 50 percent of the rain falling on a given surface appears as stormwater runoff.

Runway. The surface of the airport used for landing and taking off of aircraft.

S.

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.

Sales Office. A trailer, model home, or the like used as a showroom or office for the sales of homes.

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.

School - College/University. An institution other than a trade school that provides full-time or part-time education beyond high school.

School – Primary. A public, private, or parochial school offering instruction at the elementary school level in the branches of learning and study required to be taught in schools within the state.

School – Secondary. A public, private, or parochial school offering instruction at the junior high or high school level in the branches of learning and study required to be taught in the schools of the state.

School – Trade. A school established to provide for the teaching of industrial, clerical, managerial, or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum.

Screening. Landscaping or a fence, wall or similar structure, or combination thereof, designed and established to shelter, protect or hide one use or property from another, possibly incompatible, use or property.

Seasonal Sales. Temporary display and sale of items customarily associated with a particular season, such as Christmas trees, holiday decorations, firewood; pumpkins, or any other similar product for sale during a recognized holiday.

Secondary Area. The portion of a Historic District which surrounds the primary area and which the control of the development or the change of which is necessary or desirable to the preservation of the primary area of the Historic District.

Secondary Conservation Areas. Land otherwise buildable under local, state, and federal regulations but placed under a conservation easement.

Secondary Plat. See “Plat, Secondary”.

Secretary. The secretary of the Commission, who shall be the Director unless the Commission takes official action to designate another person to act as secretary.

Section 1316. The section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Administration finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

Sectionalizing or Phasing. A process whereby an Applicant seeks final approval on only a portion of a plat which has been granted preliminary approval.

Sediment Basin. A barrier or dam built at suitable locations to retain rock, sand, gravel, silt, or other materials.

Sediment. Soil material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site or origin by air, water, or gravity, as a product of erosion.

Seismograph. An instrument which measures vibration characteristics simultaneously in three mutually perpendicular planes. The seismograph may measure displacement and frequency, particle velocity, or acceleration.

Self-Service Storage Facility. A building or group of buildings consisting of individual, small, self-contained units that are leased or owned for the storage of goods.

Self-Support Tower. A communication tower that is constructed without guy wires and ground anchors.

Semi-Tractor. A motor vehicle designed and used primarily for drawing or propelling trailers, semi-trailers, or vehicles of any kind and are registered with a semi-tractor license plate.

Semi-Trailer. A vehicle without motive power, designed for carrying property and for being drawn by a motor vehicle, and so constructed that some part of the weight of the semitrailer and that of the semitrailer’s load rests upon or is carried by another vehicle.

Senior Living Facility. Any building or portion thereof which is designed, built, rented, leased or let to contain three or more age-restricted (55 or older) dwelling units or apartments on a single

lot, or which is occupied as a home or place of residence by three or more age-restricted (55 or older) families living in independent dwelling units.

Services Involving Specified Sexual Activity or Display of Specified Anatomical Areas. Any combination of two or more of the following activities: (1) the sale or display of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representation which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; (2) the presentation of films, motion pictures, video cassettes, slides, or similar photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons; (3) the operation of coin- or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas; (4) live performances by topless or bottomless dances, go-go dances, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas; (5) the operation of a massage school, massage parlor, massage therapy clinic; (6) body painting/tattoo studio or nude modeling studio.

Setback. The perpendicular distance between a building and the nearest street right-of-way line or property line regardless of whether it is the front, side or rear of the building.

Setback, Interior Side Yard. An open-space area between the interior side lot line and the required interior side setback line, extending between the front setback line and the rear setback line.

Setback, Side Yard. An open space on each side of a building and on the same lot with the building situated between the building and the side line of the lot and extending between the front yard and the rear yard. Any lot line, other than the rear lot line and the front lot line, shall be deemed a side line.

Setback Line. A line within a lot which is generally parallel with and measured from the lot line (property line), defining the limits of a yard in which no structure may be located above ground, except as allowed otherwise in the Greenwood City Code. Setback lines are more specifically described as front yard, side yard and rear yard setbacks. See “Yard”.

Setback, Side Yard, Street-Facing. A side yard setback that directly fronts on a street.

Sewage. The water-carried waste derived from ordinary living processes, including, but not limited to, human excreta and waste water derived from water closets, urinals, laundries, sinks, utensil washing, washing machines, bathing facilities or similar facilities or appliances.

Sewage Disposal System. Any arrangement of devices and structures used for receiving, treating, disposing or storing of sewage.

Sewage Disposal System, Private. Any sewage disposal system not constructed, installed, maintained and operated and owned by a municipality, a taxing district or a corporation or organization possessing a “Certificate of Territorial Authority” issued by the Indiana Utilities Regulatory Commission and established for that purpose. A private sewage disposal system is typically an individual sewage disposal system that may be either a subsurface septic system or mound septic system that is surface constructed of material brought to the site.

Sewage Disposal System, Public. Any conduit for sewage constructed, installed, maintained, operated, owned or defined as a public sewage disposal system by a municipality, taxing district or a corporation or organization possessing a “Certificate of Territorial Authority” issued by the Indiana Utilities Regulatory Commission and established for that purpose.

Shade Tree. A tree, usually deciduous, planted primarily for its high crown of foliage or overhead canopy.

Shaft. A vertical-sided pit of any diameter that extends downward more than a few feet.

Sheet Flow. Drainage of water over plane surfaces at a very shallow depth, usually under one inch.

Shooting Range – Indoor Only. An indoor facility designed and developed to provide for the safe firing of firearms or archery equipment.

Shopping Center, Business Park, Office Park, Industrial Park, or Other Grouping. A project of one or more buildings that has been planned as an integrated unit or cluster on property under unified control of ownership at the time that zoning was approved by the City.

Shopping Center. A group of commercial establishments planned, constructed and managed as a total entity, with customer and employee parking provided on-site, provisions for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved plan.

Short-Term Lodging Agreement. An agreement under which rooms are provided for a fee, rate, or rental, and are occupied for overnight lodging or habitation purposes for a period of less than 30 days.

Shrub. A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen.

Side Lot Line. A lot boundary line other than a front or rear lot line. See also, “Lot Line, Side.”

Sign. Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. The definitions of various types

of signs that are set forth in this Ordinance may not be interpreted as a limitation on the scope of the foregoing definition of “sign”.

Sign, Abandoned. A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product or activity, and/or for which no legal owner can be found.

Sign Area. The entire area within a regular geometric form or combination of such forms comprising all the display area of the sign or any object which attracts attention to be drawn towards the sign. Signs which are made of individual letters shall be calculated by measuring the total vertical distance by total horizontal distance of such letters. Structural supports shall not be included in the sign area calculation provided that the structural support is not an integral portion of the sign.

Sign, Awning. A sign that is painted, stamped, perforated, stitched or otherwise applied on the surface of an awning. The awning sign area shall be calculated the same as other signs except internally or backlit awning signs shall be calculated as the entire awning surface which is allowing light to pass through that portion of the awning.

Sign, Banner. Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Sign, Billboard. A billboard sign is a large outdoor advertising display, typically located in high-traffic areas like roadsides or city centers, used to present large advertisements to pedestrians and drivers. These signs can be static, featuring a single permanent message, or digital, displaying multiple ads in rotation

Sign, Changeable Copy. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this Ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a “time and temperature” portion of a sign and not a changeable copy sign for purposes of this Ordinance.

Sign Clearance. The smallest vertical distance between the grade, grade of the adjacent street or street curb, and the lowest point of any sign, including framework and embellishments, extending over that grade.

Sign Copy. The wording or any graphic illustrations on a sign surface either in permanent or removable letterform.

Sign, Directional. A sign intending to direct the safe flow of vehicular and pedestrian traffic and includes “enter,” “exit,” and “arrow” signs.

Sign, Double-Faced. A sign having two display surfaces, not necessarily displaying the same copy, which are usually parallel and back-to-back and not more than 24 inches apart. When the

display surfaces of a double-faced sign are not parallel, the interior angle created by said surfaces shall not exceed 90° and the two surfaces shall not be more than 24 inches apart at the apex of said angle.

Sign, Exempt. Any sign not subject to normal permit regulations.

Sign, Externally Illuminated. A sign that is illuminated by an external source of light intentionally directed upon the sign face.

Sign Face. The area of a sign on which the copy is placed or that draws attention to the sign.

Sign, Flashing. Any illuminated sign which exhibits changing light or color effects.

Sign, Freestanding. Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

Sign, Governmental. Traffic or other civic signs, signs required by law or emergency, railroad crossing signs, legal notices, and any temporary, or non-commercial signs as are authorized under policy approved by the County, State, or Federal government.

Sign, Ground. Any sign other than a pole sign in which the entire bottom is in contact with or is close to the ground and is independent of any other structure.

Sign Height. The vertical distance measured from the highest point of the sign face to the grade of the adjacent street or the surface beneath the sign.

Sign, Identification. A monument or sign identifying a multi-family dwelling complex, a single-family subdivision or a mobile home park by name and/or address.

Sign, Illegal. A sign which does not meet the requirements of this Ordinance and which has not received legal nonconforming status.

Sign, Indirectly Illuminated. A sign illuminated with a light directed primarily toward such sign, including back lighted signs, and so shielded that no direct rays from the light are visible.

Sign, Inflatable. An inflated object tethered or otherwise attached to the ground, structure or other object, but excluding hot air balloons that are temporarily tethered in connection with their imminent flight. This definition includes, but is not limited to inflated representations of blimps, products, cartoon characters, animals and the like.

Sign, Internally Illuminated. A sign whose light source is either located in the interior of the sign so that the light goes through the face of the sign, or which is attached to the face of the sign and is perceived as a design element of the sign.

Sign, Legal Nonconforming. See “Legal Nonconforming Sign”.

Sign, Maintenance of. The act of permitting a sign structure, or part of each to continue; or to repair, or to refurbish a sign, structure, or part of either.

Sign, Message Center. A type of illuminated, changeable copy sign that consists of electronically changing alphanumeric text.

Sign, Monument. A freestanding sign that is detached from a building and having a support structure that is a solid-appearing base constructed of a permanent material, such as masonry or brick.

Sign, Multi-faced. If a sign has two display or advertising surfaces, the area of any face shall be no greater than 100% of the maximum area permitted for a single faced sign in the particular district or zone. Should a sign have more than two faces, the area of any single face shall be no greater than 50% of the maximum area permitted for a single faced sign, with a total maximum area no greater than 400 square feet.

Sign, Multi-Tenant. A freestanding sign used to advertise businesses that occupy a shopping center or complex with multiple tenants.

Sign, Nonconforming. See “Nonconforming Sign”.

Sign, Off-Premises. A sign which directs attention to a business, commodity, service or entertainment not conducted, sold or offered on the premises where the sign is located, or which business, commodity, service or entertainment forms only minor or incidental activity upon the premises where the sign is displayed.

Sign, On-Premises. A sign which advertises or directs attention to a business, commodity, or service conducted, offered, or sold on the premises, or directs attention to the business or activity conducted on the premises.

Sign, Painted Wall or Mural Sign. Any sign which is applied with paint or similar substance on the face of a wall. Art murals not related to commercial advertising are not considered signs and are not regulated by this Ordinance.

Sign, Permanent. A sign permanently affixed to a building or the ground.

Sign Permit. A document signed by the Department stating that a proposed sign has met with the general provisions of this Ordinance.

Sign, Pole. A freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or a base structure.

Sign, Projecting. Any sign affixed to a building or wall in such a manner that its leading edge extends more than twelve inches beyond the surface of such building or wall.

Sign, Roof. Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

Sign, Sandwich Board. A type of freestanding, portable, temporary sign consisting of two faces connected and hinged at the top and whose message is targeted to pedestrians. Also known as A-frame sign.

Sign Structure. The structure to which a sign is affixed including the structural base or supports.

Sign, Temporary. Any sign that is intended to be displayed for a limited period of time and is not permanently anchored or secured to a building or not having supports or braces permanently secured to the ground, including but not limited to: banners, pennants, or advertising displays including portable signs.

Sign, Vehicular. A sign affixed to a vehicle in such a manner that the sign is used primarily as a stationary advertisement for the business on which the vehicle sits or is otherwise not incidental to the vehicle's primary purpose.

Sign, Wall. Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined with the limits of an outside wall or any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Sign, Window. Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Single Housekeeping Unit. A single housekeeping unit may exist where the occupants of the unit enjoy common use and access to all living and eating areas, bathrooms, and food preparation and serving areas.

Single-Unit Attached Structure. A group of two (2) or more dwelling units attached by a wall, which is one or more stories in height, with each dwelling unit accessible by its own separate exterior entrance at grade level.

Single-Unit Detached Structure. A freestanding single-unit dwelling unit.

Single-Unit Dwelling. One dwelling unit within a single structure on a permanent foundation, where a dwelling unit refers to a single unit of residence for a household of one or more persons. This use includes site-built housing or manufactured housing, herein defined as a dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at a building site, which meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401), including single and double wide mobile homes and modular homes.

Sinkhole. Any depression in a karst area formed by the subsurface removal of soil or rock by erosion, dissolution or mass wasting (collapse, in part).

Sinkhole Cluster Area. An area containing two or more sinkholes located in close proximity, generally interconnected by groundwater conduits.

Sinkhole Eye. A visible opening, cavity, or cave in the bottom of a sinkhole, sometimes referred to as a swallow hole.

Site. A site is any lot or group of contiguous lots owned or functionally controlled by the same person or entity, assembled for development.

Site Depth. The horizontal distance between the front and rear property lines measured midway between the side property lines.

Site Development Plan. A detailed plan, prepared in accordance with Sec. 10-04-05 of the Greenwood Municipal Code, and submitted to the plan commission for approval, which illustrates the proposed development or alteration of a site. Site development plans are required for all uses except single-family residences, two-family residences, and manufactured homes in an approved park.

Site Width. The dimension of a lot measured between side lot lines generally running perpendicular to a street.

Small Cell Wireless Facility. (1) A personal wireless service facility (as defined by the Federal Telecommunications Act of 1996, as in effect on July 1, 2015); or, (2) a wireless service facility that satisfies the following requirements: (A) each antenna, including exposed elements, has a volume of three (3) cubic feet or less; (B) all antennas, including exposed elements, have a total volume of six (6) cubic feet or less; (C) the primary equipment enclosure located with the facility has a volume of seventeen (17) cubic feet or less. For purposes of part (2)(C) of this definition, the volume of the primary equipment enclosure does not include the following equipment that is located outside the primary equipment enclosure: electric meters; concealment equipment; telecommunications demarcation boxes; ground-based enclosures; back-up power systems; grounding equipment; power transfer switches; and cut-off switches.

Small Cell Network. A collection of interrelated small cell facilities designed to deliver wireless service.

Small Integrated Center. Small integrated center is any multi-tenant building primarily featuring commercial retail and service uses with less than 30,000 square feet.

Smoke. Small gas borne particles resulting from incomplete combustion, consisting predominantly but not exclusively of carbon, ash, and other combustible material, that form a visible plume in the air.

Social/Civic Club. A not-for-profit club that provides programming, space, or services for the community. The club shall not provide lodging, retail space, or commercial services.

Social Service Uses. Any community serving activity, other than those separately defined herein, conducted by a non-profit organization which provides a service to a segment of the community's population having particular needs as a result of specific circumstances, such as low income, illness, developmental disability, and the like.

Soil. All unconsolidated mineral and organic material of any origin.

Soil Erosion. The stripping of soil and weathered rock from land creating sediment for transportation by water, wind, or ice, and enabling formation of new sedimentary deposits.

Solar Farm. A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV) or other conversion technology, for the primary purpose of wholesale sales of generated electricity.

Solid Waste Transfer Station. A facility at which at least one of the following is located: solid waste incinerator, transfer station, solid waste baler, solid waste shredder, resource recovery system, composting facility, garbage grinding system, medical or an infectious waste treatment facility. The term does not include a facility or operation that generates solid waste.

Sound. An oscillation in pressure in air.

Special Exception. A use which may be permitted in certain zones subject to the conditions specified in this Ordinance.

Special Handling. Retail businesses that sell products that require special handling due to risks to public safety.

Specimen Tree. A particularly impressive or unusual example of a species due to its size, shape, age, or any other trait that epitomizes the character of the species.

Spectrum. Relating to any transmissions or reception of electromagnetic waves.

Stable. A structure and/or land use in or on which horses are kept primarily for breeding, boarding, training and/or giving lessons.

Standard Specifications and Details. The specification and details as approved and adopted by and for the City by the Board of Public Works and Safety.

State Acts. Such legislative acts of the State of Indiana as they affect these regulations.

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.

Steady State Vibration. A vibration which is continuous, as from a fan, compressor, or motor.

Stockyard. A facility where livestock is assembled for purchase, sale or auction. Livestock is defined as domestic or farmed animals raised for food and fiber such as poultry, hogs, sheep, cattle, and horses.

Storage, Bulk. The holding or stockpiling of material or products where such storage constitutes 40 percent of the developed site area and the storage area is at least one acre, and where at least three of the following criteria are met by the storage activity: (1) in a bulk form or in bulk containers; (2) under protective cover to the essential exclusion of other uses of the same space due to special fixtures or exposed to the elements; (3) in sufficient numbers, quantities, or spatial allocation of the site to determine and rank such uses as the principal use of the site; (4) the major function is the collection and/or distribution of the material and/or products rather than processing; and (5) the presence of fixed bulk containers or visible stockpiles for a substantial period of a year.

Storage, Commercial Gases. A tank farm or outdoor facility for the storage of gases.

Storage, Contractor. An area used or intended for the storage of contractor materials, or vehicles and equipment not in service.

Storage - Self-Store Indoor. A building containing individual, self-contained units leased for storage of business, commercial, or personal goods and belongings accessible only from the inside of building.

Storage Facility, Outdoor. A building containing individual, self-contained units leased for storage of business, commercial, or personal goods and belongings accessible only from the outside of the building. In instances where storage units are accessible from the inside and outside of a building shall be considered an Outdoor Storage Facility for purposes of this Ordinance.

Storage, Vehicular and Boat. An area used or intended for the storage of vehicles and boats not in service.

Storage Yard. A parcel of ground used in whole or part for the storage of materials or equipment not including junk occupying more than 250 square feet of area which is clean, quiet and free of any objectionable or hazardous element.

Store, Drugstore or Pharmacy. A retail establishment for preparing, preserving, compounding and dispensing of drugs and medicines; and may include the display and sale of other merchandise such as cosmetics, notions, fountain service and similar items.

Storefront. The exterior façade of a building housing a commercial use visible from a street, sidewalk, or other pedestrian way accessible to the public and containing the primary entrance to the commercial establishment.

Store, Shopping Center. A group of retail, service, commercial, and restaurant establishments planned, constructed and managed as a single entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, provision of aesthetically appropriate design and protection from the elements.

Storm Drain. A system of open or enclosed conduits and appurtenant structures intended to convey or manage stormwater runoff, groundwater, and drainage.

Storm Sewer. A closed conduit for conveying collected stormwater.

Stormwater Drainage System. Publicly owned facilities operated by the City or easements on private property by which water is collected and/or conveyed, including but not limited to, any roads with drainage systems, streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, ditches, swales, reservoirs and other drainage structures which are within the City and are not part of a publicly owned treatment works as defined at 40 CFR § 122.2.

Stormwater. Any surface flow, runoff, and drainage consisting entirely of water from rains storm events.

Stormwater Management Plan. An engineered drainage plan that effectively addresses and manages stormwater runoff and discharge.

Stormwater Quality Management Plan. A comprehensive written document that addresses stormwater runoff quality within a municipal separate storm sewer system

Stormwater Runoff. The runoff and drainage of precipitation resulting from rainfall or snowmelt or other natural event or process.

Stormwater Runoff Facility. The method, structure, area, system, or other equipment or measures that are designed to receive, control, store, or convey stormwater.

Story. That portion of a building between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be the story.

Straight Truck. A straight truck is any single vehicle with a gross vehicle weight rating (GVWR) of 26,001 pounds or more.

Stream. A river, stream or creek which may or may not be serving as a drain, or any other water body that has definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water.

Streamers. A display made of lightweight, flexible materials, consisting of long, narrow, wavy strips hung individually or in a series, with or without a logo or advertising message printed or painted on them and typically designed to move in the wind

Stream/vegetation Interface Line. The line where the unvegetated streambed meets streamside vegetation. Where plants are widely dispersed, this line shall begin where vegetation covers 75% of the ground plane.

Street. A public thoroughfare, including a road, highway, drive, lane, avenue, place, boulevard, and any other thoroughfare that affords vehicular access to abutting property.

Street, Classification. For the purpose of providing for the development of the streets, highways, and rights-of-way in the City, and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks, each existing street, highway, and right-of-way, and those located on approved and filed plats, have been designated on the Official Map of the City or Thoroughfare Plan and classified therein. The classification of each street, highway, and right-of-way, is based upon its location in the respective district or zones of the City and its present and estimated future traffic volume and its relative importance and function as specified in the Comprehensive Plan and/or its Thoroughfare Plan component. The required improvements shall be measured as set forth for each street classification on the Official Map.

Street, Dead-end. See “Dead-end Street”

Street Frontage. The distance along which a property line of a lot abuts the right-of-way of an adjacent street.

Street, Frontage. A local street or auxiliary road parallel to another thoroughfare for service to abutting property and adjacent areas, and for control of access.

Street, Local. A system of streets and roads that primarily provides local access service and access to higher order systems.

Street, Loop. A local street with both terminal points on the same street of origin.

Street, Private. A local street that is not dedicated or accepted for public use or maintenance, that provides vehicular and pedestrian access.

Street, Public. A street owned by or granted to and accepted by the proper governmental authorities.

Street Right-of-Way Width. The distance between property lines measured at right angles to the center line of the street.

Street Width. The shortest distance between the lines which delineate the right-of-way of a street.

Stripping. Any activity which significantly disturbs vegetated or likewise stabilized soil surface, including clearing and grubbing operations.

Strip Shopping Center. A commercial real estate development comprised of four or more retail or commercial stores situated side by side and generally facing a street or highway right-of-way. Any commercial real estate development comprised of less than four retail or commercial stores situated side by side shall be considered as being a “free standing building”.

Structural Alteration. Any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations.

Structural BMP. A structure designed and constructed for the purpose of stormwater quality treatment.

Structure. Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground, including but not limited to buildings, sheds, detached garages, mobile homes, manufactured homes, above-ground storage tanks, freestanding signs and other similar items.

Structure, Accessory. A detached subordinate structure, the use of which is incidental to that of the primary structure and located on the same lot therewith, such as, but not limited to storage sheds, gazebos, swimming pools, detached garages, decks, and satellite dishes. Fences shall be excluded from this definition.

Structure, Airspace. An object constructed or installed by man, including but without limitation, buildings, towers, smokestacks and overhead transmission lines.

Structure, General. Anything constructed or erected with a fixed location or attached to something having a fixed location. Among other things, structures may include, but are not limited to buildings, mobile homes, walls, fences, swimming pools, signs and towers.

Structure, Parking. Any building, or portion thereof, incidental to the primary use of the property, which is non-residential, and which is designed and used for the storage of the class I or class II vehicles belonging to the customers, employees or visitors of the property, but not for the storage of commercial vehicles.

Structure, Primary. A single structure which is the main or principal structure on the lot on which said structure is situated. See also “Principal Building”.

Stucco. A mixture of lime or gypsum, Portland cement and water to produce a pastelike material, which sets to form a hard surface.

Studio – Gymnastics/dance/fitness. A facility devoted to the instruction of gymnastics, dance, fitness and martial arts for private lessons or classes open to the general public.

Subdivider. Any person or persons, firm or corporation engaged in developing or improving a tract of land which complies with the definition of a subdivision as defined in the Ordinance.

Subdivision. Any land, vacant or improved, which is divided or proposed to be divided, into two or more lots, parcels, sites, units, plots, 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 either residential or non-residential zoned land, whether by deed, metes and bounds description, or other recorded instruments.

Subdivision, Administrative. A subdivision of land that is specifically exempted from the preliminary and final plat approval procedures and requirements of the Subdivision Standards of this Ordinance.

Subdivision Agent. Any person who represents or acts for or on behalf of a subdivider or developer in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plat in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services, and who is not involved in developing, marketing or selling real property in the subdivision.

Subdivision, Major. Any division of land including but not limited to subdivisions of five (5) or more lots, or any size subdivision requiring any new street or extension of the local governmental facilities, or the creation of any public improvements.

Subdivision, Minor. Any subdivision containing not more than four (4) lots in which all lots have at least 50 feet of frontage on an existing street that is an improved right-of-way maintained by the City (or other local government) or by a 50' wide access easement, and not involving:

Subdivision, Nonresidential. A subdivision intended for nonresidential use.

Subdivision Plat. See "Plat, Primary" and "Plat, Secondary".

Subdivision, Traditional. A subdivision utilizing the major, minor, or administrative subdivision methods established by these regulations rather than utilizing the Sliding Scale Option subdivision provisions.

Subject Property. The land, building or structure concerning which an application for a permit, certificate, review or other determination authorized by this Ordinance has been filed.

Substantial Modification of a Wireless Support Structure. The replacement of a wireless support structure and/or the mounting of a wireless facility on a wireless support structure in a manner that: (1) increases the height of the wireless support structure by the greater of: (A) ten percent (10%) of the original height of the wireless support structure; or, (B) twenty (20) feet; (2) adds an appurtenance to the wireless support structure that protrudes horizontally from the wireless support structure more than the greater of: (A) twenty (20) feet; or, (B) the width of the wireless support structure at the location of the appurtenance; (3) increases the square footage of the equipment compound in which the wireless facility is located by more than two thousand five hundred (2,500) square feet; or, (4) any improvement that results in a structure which fails to meet the General Standards and Design Requirements for Wireless Communication Facilities set forth in this Ordinance. The term does not include the following: (1) Increasing the height of a wireless support structure to avoid interfering with an existing antenna; (2) Increasing the diameter or area of a wireless support structure to: (A) shelter an antenna from inclement weather; or, (B) connect antenna to the wireless support structure by cable.

Subsurface Drainage. A system of pipes, tiles, conduits, or tubing installed beneath the ground surface used to collect groundwater from individual parcels, lots or building footings.

Sunroom. A sunroom is a structure, either attached or integrated into a building such as a home, restaurant, or office, which allows enjoyment of the surrounding landscape while being sheltered from adverse weather. Sunrooms that encroach into a required rear yard setback cannot be converted into a living, sleeping or conditioned space as defined by the International Residential Code.

Support Structure. Any structure designed and constructed specifically to support an Antenna Array, and may include a monopole, self-supporting (lattice) tower, guy-wire support tower and other similar structures. Any device used to attach an Attached WCF to an existing building or structure shall be excluded from this definition.

Support System (Foundation). A combination of footings, piers, caps, plates, and shims, which, when properly installed, support the manufactured or mobile home; footings being the part of the support system which transmit loads to the soil at or below the surface and the frost line; piers and caps being the part of the support system between the footing and the home, exclusive of plates and shims; plates and shims being the cushion of wood or other approved material, which are used to fill the gap between the top of the pier caps and the frame of the home.

Surface Drainage. A system by which the stormwater runoff is conducted to an outlet. The term encompasses the proper grading of parking lots, streets, driveways, yards, etc., so that stormwater runoff is removed without ponding and flows to a drainage swale, open ditch or storm sewer.

Suspension. The removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

Swale. A depressed earthen area designed to convey stormwater runoff with side slopes 5:1 or steeper and conveying no more than 10 cfs.

Swimming Pool, Private. A swimming pool used exclusively, without paying an additional charge for admission, by the residents and guests of a single household, a multi-family development, a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.

Swimming Pool, Public. A swimming pool for the benefit of the general public, usually operated with a charge for admission; a principal use.

System. The communications transmission system operated by a service provider in the City.

T.

Tattoo Services. A parlor or retail service space whereby tattoo services are provided that comply with all regulations for tattoo services set forth by the State of Indiana.

Technical Advisory Committee. The Technical Advisory Committee of the Greenwood Advisory Plan Commission is a committee whose purpose is to make recommendations to the Greenwood Plan Commission concerning standards, design and impact upon streets, utilities, and other facilities for planned unit development proposals, subdivision plans, and development plans, and, upon request, to review and advise the Board of Zoning Appeals on variance requests or Special Exceptions , composed of the following members (or their delegates):

- A. City Engineer;
- B. Director (Chairman);
- C. Building Inspector;
- D. Chief of Police;
- E. Fire Chief;
- F. Street Superintendent;
- G. Sanitation Superintendent;
- H. Director of Parks and Recreation; and
- I. Any other persons deemed appropriate by the Plan Commission or the Director.

Telecommunications. The transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

Telecommunications Act. The Communications Act of 1934, as it has been amended from time to time, including the Telecommunications Act of 1996, and shall include future amendments to the Communications Act of 1934.

Telecommunication Facility. A land-based facility, consisting of towers, antennas, accessory buildings and structures or other structures intended for use in connection with the commercial transmission or receipt of radio or television signals, or any other spectrum-based transmissions/receptions.

Temporary Accessory Structure. Portable on demand storage ("PODS") or other portable storage system intended for the temporary storage of good or materials.

Temporary Improvement. Improvements built and maintained by a subdivider during construction of the subdivision and intended to be replaced by a permanent improvement prior to release of the performance bond, or turnaround improvements at the ends of stub streets intended to be replaced when the adjoining area is developed and the through street connection made.

Temporary Structure. A structure designed, built, created or occupied for short and/or intermittent periods of time and shall include tents and other roofed structures or other supports used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes. For the purpose of this definition, “roof” shall include an awning or other similar covering whether or not it is permanent in nature.

Temporary Use. A use established for a fixed period of time, with the intent to discontinue such use upon the expiration of such time that does not involve the construction or alteration of any permanent structure.

Temporary Wireless Communication Facility. Any tower, pole, antenna, etc., designed for use while a permanent wireless facility is under construction, or for a special event or conference where a majority of people attending are wireless users.

Theater. A facility for audio and visual productions and performing arts, excluding adult motion picture theaters and adult entertainment businesses.

Theater, Movie. A specialized theater for showing movies or motion pictures. The primary structural difference between a theater and a movie theater is the projection screen. However, many movie theaters can easily be adapted for stage performances and many stages have folding screens for movie projections. Although screen shapes are mostly rectangular, they come in a variety of shapes. Also, some special-purpose multimedia movie theaters use multiple screens, one on each wall face, or the entire ceiling surface, which are sometimes curved or geodesic in shape.

Thoroughfare. See “Street”.

Thoroughfare Plan. A plan and/or maps adopted and amended by resolution of the Common Council as a portion of the Comprehensive Plan, in compliance with Ind. Code § 36-7-4-502 et. seq. The thoroughfare plan generally shows locations of functionally classified streets and roads, public facilities, utilities and desirable future infrastructure. The thoroughfare plan is approved, adopted and established by law and includes any amendments by the Governing Body as a continuous updating of the plan, including those resulting from the filing and approval of subdivision plats.

Through Lot. A lot having frontage on two parallel or approximately parallel streets. See also, “Lot, Through” and “Double Frontage Lot.”

Tiled Drain. A tiled channel that carries surplus water and that was established under or made subject to any drainage statute or Ordinance.

Tower. A lattice-type structure guyed or freestanding, that supports one or more antennas.

Tower Setback. The horizontal distance from the base of the tower to an abutting property line and/or proposed right-of-way.

Townhouse. One of several individual dwellings constructed with a common roof, front wall and rear wall.

Toxic Substance. Any gas, liquid, solid, semisolid substance or mixture of substances, which if discharged into the environment could, alone or in combination with other substances likely to be present in the environment, cause or threaten to cause bodily injury, illness, or death to members of the general public through ingestion, inhalation, or absorption through any body surface. In addition, substances which are corrosives, irritants, strong sensitizers, or radioactive substances shall be considered toxic substances for the purpose of this regulation.

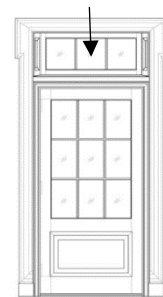
Trade, Business, or Commercial School. An educational facility which offers instruction specific to a trade, business, or commercial.

Traffic Control Devices. All signs, signals, markings and devices placed or erected by authority of the Governing Body, complying with the State Statute Manual of Uniform Traffic Control Devices.

Traffic Management Plan. A study and analysis of how a given use, plan or development will affect traffic in the surrounding area (circulation patterns, amount of vehicle trips generated, number of vehicles, etc.).

Transom Window. Windows that are typically rectangular-shaped windows located above a door frame or larger window that may be operable, meaning they can be opened and closed, or fixed.

Transom Window



Transparency. The portion of the building elevation that one can see through, such as a window or other glazing.

Travel Trailer. A vehicular, portable structure designed or used as a recreational dwelling, no more than 35 feet in length built on a chassis, having a body width not exceeding eight feet and designed to move on the highway, not under its own power.

Tree. A large, woody plant having one or several self-supporting stems or trunks and numerous branches; may be classified as deciduous or evergreen.

Tree Protection. Measures taken, such as temporary fencing and the use of tree wells, to protect existing trees from damage or loss during and after project construction.

Tributary. Contributing waters from upstream land areas.

Tri-Vision Boards. An outdoor unit with a slatted face that allows three different copy messages to revolve at intermittent intervals.

Truck Stop/Travel Plaza. A development oriented to the service of trucks, including the sale of fuel to truck drivers, and provision for support facilities for truck drivers. They may also be

utilized by non-truck traffic and the interstate traveler. Business activities which are customarily accessory and clearly incidental and subordinate to the truck stop or travel plaza, may include but not be limited to: scales, truck wash, tire repair and sales, barber shop, restaurant with or without alcohol service, shower facility, convenience store, truckers lounge (for services such as television/exercise/internet access etc.), motel/hotel, laundry, chain rental, vehicle fuel and consumer propane bottle dispensing. The facility may allow for the temporary, daily, or overnight parking (excluding for the loading and unloading of cargo) of commercial motor vehicles which are en-route to or from a destination along an interstate freeway system, for free or for a fee that may be independent of any other use on the premises. The term “truck” shall mean a commercial vehicle driven by a ‘truck driver’ who is required to have a Class “A” CDL (Commercial Driver’s License) license or equivalent.

Truck Wash. An activity conducted for the purposes of cleaning class III or higher commercial vehicles, whether performed automatically, semi-automatically or manually.

U.

Under-drain. A buried slotted or perforated pipe or other conduit (subsurface drain) or a ditch (open drain) for carrying off surplus groundwater or surface water.

USACOE. The United States Army Corps of Engineers.

USPS. The United States Postal Service.

Use. The purpose for which a lot, building or other structure or tract of land may be designated, arranged, intended, maintained or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure on a tract of land.

Use, Accessory. A use subordinate to the primary use located on the same lot and which does not change or alter the character of the premises. Accessory uses may include, but are not limited to public utility communications, electric, gas, water and sewer lines, and their supports and incidental equipment.

Use, Nonconforming. Any use of land, building or structure which use is not permitted in the zone in which the use is located.

Use, Permitted. Any use of land, building or structure which use is permitted in the zone in which the use is located.

Utilities. Infrastructure services, including those basic utilities, and the structures necessary to deliver those services. Those services may be provided by a public or private agency. Examples include water, sanitary sewer, electricity, natural gas, and telephone.

Utilities, Major. Services of a regional nature that normally entail the construction of new buildings or structures such as generating plants and sources, electrical switching facilities, and

stations or substations, community wastewater treatment plants, and similar facilities. Included in this definition are also electric, gas, and other utility transmission lines of a regional nature that are not otherwise reviewed and approved by the state. All overhead service, distribution and transmission lines are included in this definition. Major utilities require issuance of an improvement location permit.

Utilities, Minor. Services that are necessary to support development within the immediate vicinity and that involve only minor structures. Included in this definition are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations. Also included are wireless communication antennas attached to an existing building or structure, including but not limited to utility poles, signs, broadcasting or communication facilities, and water towers, and that do not increase the height of such building or structure by more than 10 feet. Minor utilities do not normally require issuance of an improvement location permit.

Utility Facility. Electrical switching facilities and primary substations, and other services which are necessary to support principal development and involve minor structures such as lines and poles. This use excludes power generating plants.

Utility Pole. A structure that is owned or operated by public utility, communications service provider, municipality, electric membership corporation, or rural electric cooperative and that is designed and used to carry lines, cables, or wires for telephony, cable television, or electrical transmission, or to provide lighting. The term does not include a wireless support structure or an electrical transmission tower.

Utility Structure. Any structure owned and/or operated by a public utility regulated by the Utilities Regulatory Commission (URC), excepting all WCF and/or Support Structures.

V.

Variance. A deviation from any term or standard contained in this Ordinance authorized by the Board of Zoning Appeals.

Vegetation, Native. Any plant species with a geographic distribution indigenous to all or part of Johnson County. Plant species that have been introduced by man are not native vegetation.

Vehicle Sales Area. An open area, other than a street, used for the display, sale or rental of new or used vehicles, including, but not limited to, trucks, recreational vehicles, boats, motorcycles, automobiles or trailers, and where no repair work is done except minor incidental repair of vehicles to be displayed, sold or rented on the premises.

Vehicle Service/Repair Facility. Facility where providing vehicular service is the primary use of the structure/ business. May require storage of vehicle outside for limited periods of time, any such areas shall be screened.

Vehicular Care Services, Major. General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including body work, framework, welding, and major painting service. This includes all automotive repair facilities.

Vehicular Care Services, Minor. The replacement and/or maintenance of any part or repair of any part that does not require removal of the engine head or pan, engine transmission or differential; incidental body and fender work, minor painting and upholstering service. Above stated is applied to passenger automobiles and trucks not in excess of 7,000 pounds gross weight. This includes detailing services and carwashes.

Vehicular, Gasoline sales. Any lot or parcel of land or portion thereof used partly or entirely for storing or dispensing flammable liquids, combustible liquids, liquified flammable gas, or flammable gas into the fuel tanks of motor vehicles and that includes a place where gasoline, motor oil, lubricants, or other minor accessories are re tailed directly to the public on the pre- mises in combination with the retailing of items typically found in a convenience market or supermarket.

Vehicular Sales – Automobiles. The use of any building or portion thereof, or other premises or portion thereof, for the display, sale, rental, or lease of new motor vehicles, or used motor vehicles as an ancillary use of a lot, and any warranty repair work and other repair service conducted as an accessory use.

Vehicular Sales – Boats. The use of any building or portion thereof, or other premises or portion thereof, for the display, sale, rental, or lease of new boats or watercraft, or used boats or watercraft as an ancillary use of a lot, and any warranty repair work and other repair service conducted as an accessory use.

Vehicular Sales – Motorcycles. The use of any building or portion thereof, or other premises or portion thereof, for the display, sale, rental, or lease of new motorbikes or motorcycles, or used motorbikes or motorcycles as an ancillary use of a lot, and any warranty repair work and other repair service conducted as an accessory use.

Vehicular Sales - Recreational Vehicles. The use of any building or portion thereof, or other premises or portion thereof, for the display, sale, rental, or lease of new recreational vehicles or campers, or used recreational vehicles or campers as an ancillary use of a lot, and any warranty repair work and other repair service conducted as an accessory use.

Veterinary Clinic. A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

Viable. When referring to a tree, shrub, or other type of plant, is a plant that, in the judgement of the zoning inspector, is capable of sustaining its own life processes, unaided by man, for a reasonable period of time.

Vibration. A reciprocating motion transferred through the earth, both in horizontal and vertical planes.

Violation. The failure of a structure or other development to be fully compliant with this Unified Development Ordinance.

Visibility Triangle. A triangular space at the intersection of any two right-of-way lines (street and street, street and alley) or street and driveway, which is free of any kind of obstruction to vision between certain heights above the established grade, determined by a diagonal line connecting two points measured at a certain distance from the intersection along each right-of-way line. The distance included in the sight visibility triangle from the corner of the intersection along the right-of-way corresponds to the type of right-of-way as follows: 35 feet for a street; 25 feet for an alley; 20 feet for a private drive where it intersects with a public right-of-way.

Voluntary Abandonment of Nonconforming Use. Any cessation or interruption of a preexisting nonconforming use that is not necessitated by litigation or a dispute over the right to possession of property. However, any such interruption shall be considered voluntary unless the parties make a good faith effort to promptly resolve the dispute or terminate the litigation.

W.

Warehouse, Large. A facility 150,000 square feet and larger used primarily for the storage of goods and may include an office incidental to the primary use.

Warehouse, Small. A facility under 150,000 square feet used for the storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive or that present hazards and may include an office incidental to the primary use.

Watercourse. A lake, river, creek, stream, wash, channel or other topographic feature, on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Water Quality Volume (WQV). The storage needed to capture and treat the volume of rainfall for 90% of the storm events which produce runoff in the watershed annually.

Watershed. See “Drainage Area”.

Water Surface Elevation. The height, in relation to the North American Vertical Datum of 1988 (NAVD 88) or National Geodetic Vertical Datum (NGVD) of 1929, (or other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

Wet Weather Spring or Rise. An intermittent emergence of underground waters through an opening in land.

Wetlands. Land characterized by the presence of water at a frequency and duration sufficient to support wetland vegetation or aquatic life.

Wholesale and Distribution Center. An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials to retailers, wholesalers, agents, brokers, and/or to industrial, commercial, institutional, or professional business users and may include an office incidental to the primary use.

Wildlife. Animals existing in their natural habitats.

Winery/brewery/distillery with On-Premise Consumption. A manufacturing plant designed to distill alcoholic spirits such as wine, beer, ale or liquor. On-premises individual sales and consumption of alcoholic drinks are allowed.

Wireless Communication. An all-encompassing definition; any towers, poles, antennas or other structures intended for use in connection with transmission or receipt of radio or television signals, or any other spectrum-based transmission/receptions.

Wireless Communications Facilities. Any unstaffed facility for the transmission and/or reception of wireless communications services, usually consisting of an antenna array, transmission cables, equipment facilities, and a support structure.

Wireless Support Structure. A freestanding structure designed to support wireless facilities. The term does not include a utility pole or an electrical transmission tower.

Wood. The wood of trees cut and prepared for use as an exterior building material.

Wood Products. Uncut trees suitable for construction are converted to lumber or lumber products by sawing, planning, or rotary cutting to produce standardized sizes of rough or dressed lumber.

Written Commitment. A condition of approval imposed upon the applicant by the Plan Commission, the Board of Zoning Appeals, or Common Council and recorded in the office of the Johnson County, Indiana Recorder.

X.

Y.

Yard. 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 Factor. The length in feet of a given yard (measured at the yard's mid-point, for a yard with varying width and depth) divided by 100, for the purpose of determining landscaping requirements.

Yard, Front. A yard as defined herein, encompassing the horizontal space between the nearest foundation of a building to the right-of-way line and that 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.

See also “Yard, Street.” No property shall have more than two front yards. Front yards shall face the roadways with the highest functional classification.

Yard, Rear. A yard, as defined herein, encompassing the horizontal space between the nearest foundation of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the rear lot line. See also Rear Yard.

Yard, Side. The area of a lot extending from the front yard to the rear yard and measured between the building and the side lot line.

Yard, Street. See “Front Yard”.

Z.

Zoning Map. See “Official Zoning Map.”