

UNIFIED DEVELOPMENT ORDINANCE

Revised 9 March 2022



Contents

155.001 SHORT TITLE	6
155.002 PURPOSE AND INTENT	6
155.003 INTERPRETATIONS	6
155.004 ADMINISTRATION OF CHAPTER	6

Districts, Uses, and Map

155.005 ZONE DISTRICTS AND MAP	8
155. 006 ZONE MAP	10
155. 007 TABLE OF USES	12
155.008 DT - DOWNTOWN DISTRICT	16
155.009 TN - TRADITIONAL NEIGHBORHOOD DISTRICT	22
155.010 CN - COMMERCIAL NORTH GATEWAY DISTRICT	28
155.011 NR - NATIONAL ROAD GATEWAY DISTRICT	32
155.012 CS - COMMERCIAL SOUTH GATEWAY DISTRICT	38
155.013 BP - BUSINESS PARK DISTRICT	42
155.014 IM - INNOVATION AND MANUFACTURING DISTRICT	49
155.015 RU - RESIDENTIAL URBAN DISTRICT	54
155.016 RM - THE RESIDENTIAL MODERATE DENSITY ZONE DISTRICT	58
155.017 RL - RESIDENTIAL LOW DENSITY DISTRICT	64
155.018 NC - NEIGHBORHOOD COMMERCIAL NODE OVERLAY	68
155.019 PUD – PLANNED UNIT DEVELOPMENTS	70
155.020 RTO - RECREATIONAL TRAIL OVERLAY	74
155.021 PK – PARK DISTRICT	78
155.022 IB - INTERCHANGE BUSINESS DISTRICT	80

General Regulations

155.030 GENERAL PERFORMANCE STANDARDS	85
155.031 NONCONFORMITIES	86

155.032 PUBLIC UTILITY EXEMPTIONS	88
155.033 IMPROPER USE OF RESIDENTIAL LOTS	88
155.034 CONVERSIONS	88
155.035 BUILDINGS RELOCATED	89
155.036 STORAGE	89
155.037 ABOVE GROUND STORAGE OF FLAMMABLE MATERIALS	90
155.038 HOME-BASED BUSINESSES (Home Occupation)	91
155.039 SETBACKS, YARD AND HEIGHT EXCEPTIONS	92
155.040 FLOODPLAIN REGULATIONS	93
155.041 COUNTY LEGAL DRAIN	105
Use-Specific Regulations	
155.050 ACCESSORY STRUCTURES AND USES	105
155.051 TEMPORARY USES	107
155.052 WIRELESS FACILITIES	109
155.053 MOBILE AND MANUFACTURED HOMES, RECREATIONAL VEHICLE PARKS	115
155.054 DRIVE-THRU FACILITIES & VEHICLE DEPENDENT USES	119
Development Requirements	
155.062 CLUSTER SUBDIVISION PROCEDURES	120
155.063 LANDSCAPING AND BUFFERING	122
155.064 FENCES, APPURTENANT STRUCTURES, AND SCREENING	127
155.065 SIGNS	130
155.066 OFF-STREET PARKING AND LOADING	145
155.067 DRIVEWAYS	151
155.068 ACCESS AND FRONTAGE	151
155.069 INTERSECTION SITE VISIBILITY	152
Subdivisions	
155.070 SUBDIVISION APPLICATIONS, GENERALLY	153
155.071 APPLICATION FOR PRIMARY APPROVAL OF A PLAT OF A SUBDIVISION	154

Subdivisions (Continued)

155.072 SECONDARY APPROVAL 157

155.073 CONSTRUCTION PLANS, SPECIFICATIONS, & SUPPLEMENTAL INFORMATION 159

155.074 MAINTENANCE OF PUBLIC IMPROVEMENTS 161

155.075 OWNER’S ASSOCIATION 161

155.076 SUBDIVISION STANDARDS MODIFICATIONS 161

155.077 PLAT CERTIFICATE LANGUAGE 162

155.078 DEED OF DEDICATION LANGUAGE 163

155.079 SAMPLE FORMS FOR SUBDIVISION PROCEDURES 164

Commissions, Boards, and Permit Procedures

155.080 PLATTED LOT COMBINATION FOR PERMITTING & CONSTRUCTION PURPOSES 169

155.083 DEVELOPMENT PLAN APPROVAL 169

155.084 ZONE MAP AND ORDINANCE AMENDMENTS 171

155.085 WRITTEN COMMITMENTS, ZONING OR PLAT APPROVAL 172

155.086 PROCEDURE FOR ANNEXATION 173

155.093 VARIANCES 173

155.094 CONDITIONAL USES 174

155.095 APPEALS 180

155.096 RESERVED 181

155.097 RESERVED 181

155.098 APPLICATION FOR AN IMPROVEMENT LOCATION PERMIT 181

155.099 EXPIRATION OF PERMITS AND INCOMPLETE WORK 182

Design Standards

155.100 RESERVED 183

155.101 DESIGN STANDARDS FOR ONE- AND TWO-UNIT STRUCTURES 183

155.102 DESIGN STANDARDS FOR RESIDENTIAL ACCESSORY STRUCTURES 187

155.103 DESIGN STANDARDS FOR MULTI-UNIT DWELLINGS 188

Design Standards (Continued)

155.104 DESIGN STANDARDS FOR COMMERCIAL/INDUSTRIAL STRUCTURES 189

Enforcement

155.105 MODIFICATIONS FROM DESIGN STANDARDS 191

155.998 COMPLAINTS, COMMON NUISANCES, REMEDIES 192

APPENDICES

155.999 ENFORCEMENT, VIOLATIONS, and PENALTIES 192

APPENDIX A - DEFINITIONS 198

155.001 SHORT TITLE

Chapter 155 comprises the following ordinances and shall be formally referred to as the “Greenfield Unified Development Ordinance, 2020” and may be cited as the “Zoning Ordinance,” “Subdivision Control Ordinance,” “Unified Development Ordinance,” or “UDO”.

155.002 PURPOSE AND INTENT

The purpose of this UDO is to preserve, protect, and promote the public health, safety, and general welfare of residents and businesses within the City of Greenfield. This UDO is adopted to achieve the following objectives:

1. Implement the policies and goals contained within officially adopted plans, including the Comprehensive Plan;
2. Improve the built environment and human habitat;
3. Encourage environmentally responsible development practices, including the preservation of water quality within watershed areas;
4. Promote development patterns where multiple modes of transportation can coexist, including auto, pedestrian, bicycle and transit;
5. To continue the widespread goals of making healthier lifestyle choices simpler and more convenient, including active living;
6. To ensure adequate facilities are constructed to serve new development;
7. To provide for straight-forward, but thorough, project review and implementation.

155.003 INTERPRETATIONS

In their interpretation and application the provisions of this chapter shall be minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity and general welfare. It is not intended by this Zoning Code to repeal, abrogate, annul, or in any way impair or interfere with any existing provisions of law or ordinance, or with any rules, regulations, or permits previously adopted or issued pursuant to law relating to the use of buildings and land. However, where this Zoning Code imposes a greater restriction on the use of a building or premises, or on the heights of buildings, or requires larger yards, courts, or other open spaces than are imposed or required by such existing provisions of law or ordinance, or by such rules, regulations, or permits, the provisions of this chapter shall prevail and control. This UDO repeals and replaces all prior Zoning Ordinances, Unified Development Ordinances, and Subdivision Control Ordinances, and is hereby incorporated in to the Code of Ordinances of Greenfield, Indiana. This code does not repeal any previously granted variances or conditions/commitments made as part of a Planned Unit Development or other development proposal seen before the Board of Zoning Appeals or Plan Commission, and the contents therein shall remain in full force and effect.

155.004 ADMINISTRATION OF CHAPTER

1. **Regulations apply.** No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
2. **Authority of Plan Commission, Board of Zoning Appeals, and staff.** The Plan Commission, Board of Zoning Appeals and staff shall have the following authority respectively:
 - A. The Plan Commission is hereby authorized to perform those duties and functions specified in I.C. 36-7-4-400 et seq. and other applicable sections of Indiana law and such other responsibilities as may be assigned to it from to time by the Mayor or the Common Council. The Commission shall adopt written rules of procedure pertaining to the administration of this chapter and the conduct of hearings.
 - B. The Board of Zoning Appeals is hereby authorized to perform those duties and functions specified in I.C. 36-7-4-900 et seq. and other applicable sections of Indiana law. The Board shall adopt written rules of procedure pertaining to the administration of this Chapter and the conduct of hearings.
 - C. Appeals. The Commission, the Board, the Planning Director, or any designated enforcement official may in-

stitute a suit for injunction in the Circuit Court or Superior Court of Hancock County to restrain an individual or a governmental unit from violating the provisions of this Code.

- i. The Commission or the Board may also institute a suit for mandatory injunction directing any individual, corporation, or a governmental unit to remove a structure erected in violation of the provisions of this Code.
- ii. Any building erected, raised, or converted, or land or premises used in violation of any provision of this Code, or the requirement thereof, is declared to be a common nuisance and as such may be abated in such manner as nuisances are now or may hereafter be abated under existing law, including suit for mandatory injunction.

D. The staff is hereby authorized to perform those duties specified by I.C. 36-4-700 et seq. and such other duties as may be assigned to them from time to time by the Plan Commission, Board of Zoning Appeals, Mayor or Common Council.

- i. Enforcement Officer. The Planning Director or his/her staff designee is hereby designated and authorized to enforce the Unified Development Ordinance.

3. **Questions of interpretation of chapter.** All questions of interpretation of this chapter shall first be presented to the Planning Director or designated staff. Recourse from their decision shall only be to the Board of Zoning Appeals and recourse from the Board's decision shall only be to the courts as provided by law.

4. **Staff power and duties.** The staff shall have the authority to take those lawful actions necessary to enforce the terms of this chapter on behalf of the Plan Commission and Board of Zoning Appeals.

A. The authority to perform inspections, review applications and issue permits is hereby delegated to the staff. The staff is authorized to make inspections of all lands located within the jurisdiction of the Plan Commission in order to enforce this Article. In order to execute inspections, the staff shall have the right to enter upon any premises at any reasonable time for the purpose of carrying out their duties in the enforcement of these regulations after receiving permission from the owner or occupant. If the owner or occupant of the premises refuses to permit entry, the staff may make application to any judge of the Circuit or Superior Courts of Hancock County, Indiana, for the issuance of an administrative search warrant. Such application shall identify the premises upon which entry is sought and the purpose for which entry is desired. The application shall state the facts giving rise to the belief that a condition which is in violation of a zoning ordinance or land use regulation of the City of Greenfield exists on such premises, or that a violation in fact, exists and shall be abated, and that the condition or violation is not a lawful nonconforming use to the best of the affiant's belief. Any warrant issued pursuant to such application shall order such owner or occupant to permit entry to the inspectors for the purposes stated therein.

B. If the staff shall find that any of the Sections of this Chapter are being violated, the staff shall take action to correct such violations as specified in Section 155.999.

155.005 ZONE DISTRICTS AND MAP

- Districts and designations.** For zoning purposes, the territory within the jurisdiction of the City of Greenfield is divided into districts with the following names and designations:

District Name	District Acronym
Commercial North Gateway	CN
Commercial South Gateway	CS
National Road Gateway	NR
Innovation and Manufacturing	IM
Business Park	BP
Downtown District	DT
Traditional Neighborhood	TN
Neighborhood Commercial Overlay	NC
Residential Urban Density	RU
Residential Moderate Density	RM
Residential Low Density	RL
Planned Unit Development	PUD
Recreational Trail Overlay	RTO
Park District	PK
Interchange Business District	IB

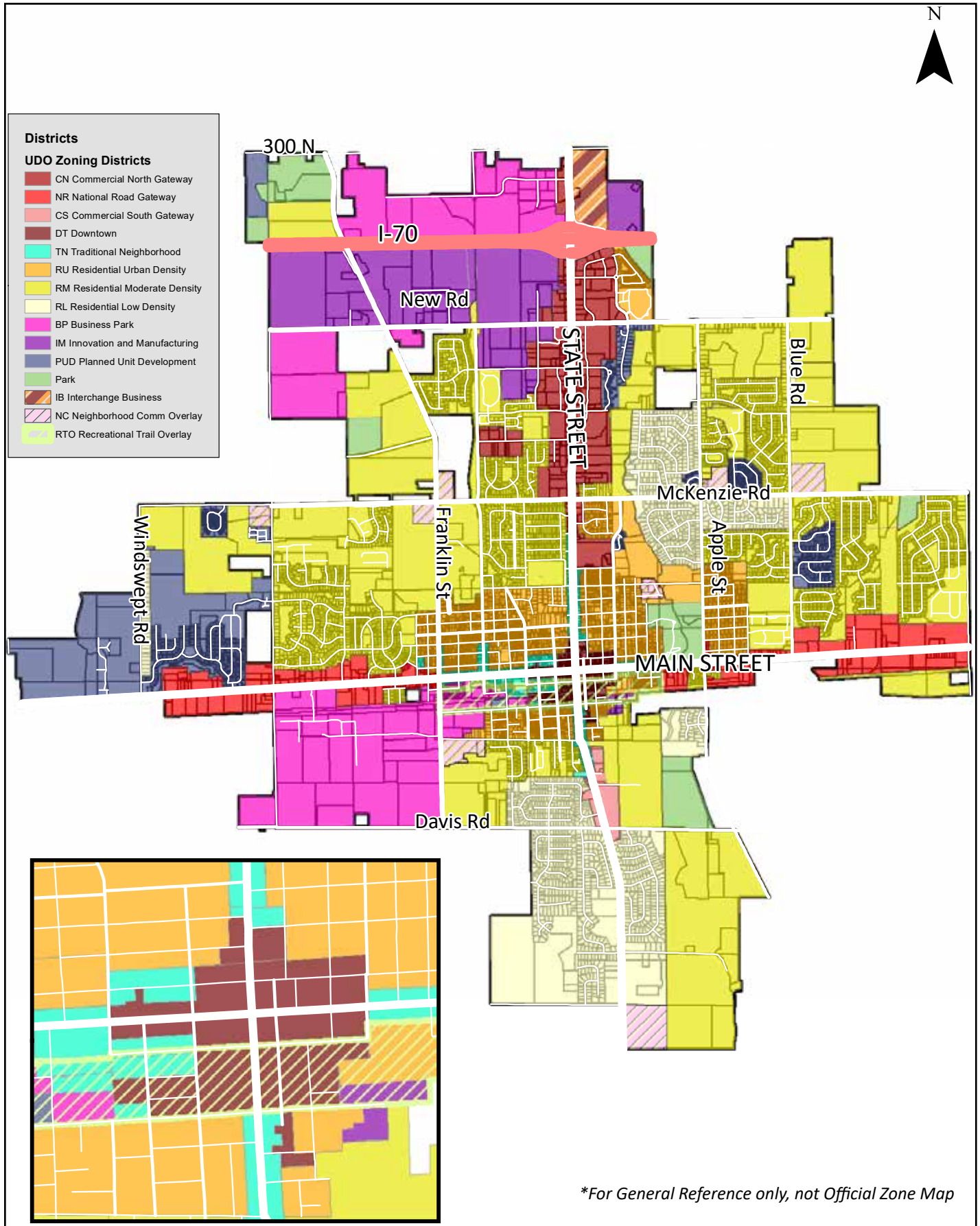
- Zone map.** The Zone Map, which accompanies and is hereby declared to be a part of this Code, shows the boundaries of the area covered by the districts.
- A part of the Code.** The boundaries of the districts are established on a map entitled, Zone Map, Greenfield, Indiana, dated 2020, as amended, hereinafter referred to as the “Official Zone Map” which accompanies and is incorporated in and made a part of this chapter. Notations, references, indications, and other matters shown on the Zone Map are as much a part of this chapter as if they were fully described herein.
- Verification.** The Official Zone Map shall be identified by the signature of the Mayor attested by the Clerk-Treasurer, and bearing the seal of the city under the following words: “This is to certify that this is the Official Zone Map referred to in the Code of Ordinances of the City of Greenfield, Indiana.”
- Future map entries.** If, in accordance with the provisions of this chapter, changes are made in district boundaries or other matter portrayed on the Official Zone Map, such changes shall be entered on the map promptly after the amendment has been approved by the Council, with a revision date and amendment reference placed on the map.
- Amendments; map changes; text changes.** All amendments to the ordinance establishing this chapter shall be in conformance with Title 36 of the Indiana Code and all acts amendatory thereto. No changes of any nature shall be made in the Official Zone Map or matter shown thereon except in conformity with the procedures set forth in this chapter. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this chapter and punishable as provided under Section **155.999**.
- Location of zone map.** Regardless of the existence of purported copies of the Official Zone Map which may from time to time be made or published, the Official Zone Map which shall be located in the office of the Planning Director shall be the final authority as to the current zoning status of land and water areas, building, and other structures in the city.
- Damaged, lost, or destroyed map.** In the event the Official Zone Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Council may direct the Plan Commission to prepare a new Official Zone Map which shall supersede the prior map on approval by the Council. The new Official Zone Map may correct drafting or other errors or omissions in the prior map, but no such correction shall have the effect of amending the original Official Zone Map or any subsequent amendment. The new Official

Zone Map shall be identified by the signature of the Mayor attested by the Clerk-Treasurer and bearing the seal of the city under the following words: “This is to certify that this Official Zone Map supersedes and replaces on this day (date) the Official Zone Map adopted (date of adoption of map being replaced) as part of Ordinance Number of the City of Greenfield, Indiana.”

9. **Map to be preserved.** Unless the prior Official Zone 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.

10. **Interpretation of district boundaries.** Where uncertainty exists as to the boundaries of districts as shown on the Official Zone Map, the following rules shall apply:
 - A. Center lines of streets and boundaries. Unless otherwise indicated, the district boundary lines are the center lines of streets, parkways, alleys, or railroad right-of-way, or such lines extended.
 - B. Approximations. Boundaries indicated as approximately following section lines, half section and quarter section lines, city corporate limit lines, or platted lot lines shall be construed as following such lines.
 - C. Railroad lines. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
 - D. Shore lines and waterways. Boundaries indicated as following shore lines shall be construed to follow the shore lines, and in the event of change in the shore lines shall be construed as moving with the actual shore lines. Boundaries indicated as approximately following the center lines of streams, creeks, lakes, or other bodies of water shall be construed to follow such center lines.
 - E. Use of scale on the Official Zone Map. Boundaries indicated as parallel to or extensions of features indicated in divisions (A) through (D) above shall be so construed. Distances not specifically indicated on the Official Zone Map shall be determined by the scale of the map.
 - F. Commission may determine. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zone Map, or in other circumstances not covered by divisions (1) through (6) of this section, the Planning Commission shall interpret the district boundaries.
 - G. Vacations and relocations. The vacation or relocation of rights-of-way and lot lines shall not affect the location of district boundaries. However, whenever any right-of-way is vacated by proper authority, the districts adjoining each side of such vacation shall be extended automatically to the center of such vacation.
 - H. Lines splitting lots. Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance (2020), the Board of Zoning Appeals, on appeal, shall interpret the applicable regulations for either portion of the lot not to exceed 50 feet beyond the district boundary line into the remaining portion of the lot.

155. 006 ZONE MAP



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155. 007 TABLE OF USES

USES ALLOWED BY DISTRICT												
P – Permitted Use				C – Conditional Use (Board of Zoning Appeals)								
D- Development Plan (Plan Commission)				Not Permitted								
RESIDENTIAL USES												
Use	District	RL	RM	RU	DT	TN	CN	NR	CS	IM	BP	IB
All Residential Developments over 40,000 Sq. Ft. Require Development Plan Approval												
See Section 155.083 regarding approval required for amendments and revisions to existing developments.												
Detached Single-Unit		P	P	P		P						
Two-Unit		C	P	P		P			C			
Dwelling Unit Accessory to a Business Use				C	P	P			P			D**
Mixed-Use Multi-Unit Residential with Commercial Uses				C*	D	C*	D	D	D		D**	D
Multi-Unit (3 or more Units)			C*	C*	D	C*	D	D	D	D	D	D
Assisted Living or Nursing Homes		C	C	C	C	C	P	P	P			
Group Homes <i>(For IM/BP Districts, multi-unit developments required)</i>		P	P	P	P	P	P	P	P	C	C	D
Dormitory		D	D	D	D	D	D	D	D	D	D	D
Accessory Dwelling Units		C	C	C		C						
**See District For Additional Requirements and Uses												
* If use is over 40,000 Sq. Ft. Development Plan submittal replaces Conditional Use submittal												
COMMERCIAL USES												
Use	District	RL	RM	RU	DT	TN	CN	NR	CS	IM	BP	IB
All Non-Residential Developments over 50,000 Sq. Ft. Require Development Plan Approval												
See Section 155.083 regarding approval required for amendments and revisions to existing developments.												
Neighborhood Scale Retail, Grocery, Food Markets, or Artisan Food and Beverage <i>(Under 10,000 Sq. Ft.)</i>					P		P	P	P		D	D
Corridor Scale Retail, Grocery, or Food Markets <i>(10,000 Sq. Ft. or Larger)</i>					D		P	P	P		D	D
Restaurants, No Drive-Thru					P	C	P	P	P			D**
Restaurants With Drive-Thru							D	D	D			
Brewing/Distilling With Tap or Tasting Rooms					P	C	P	P	P	D	D	D
Brewing/Distilling Without Tap or Tasting Rooms							P	P	C	D	D	
**See District For Additional Requirements and Uses												

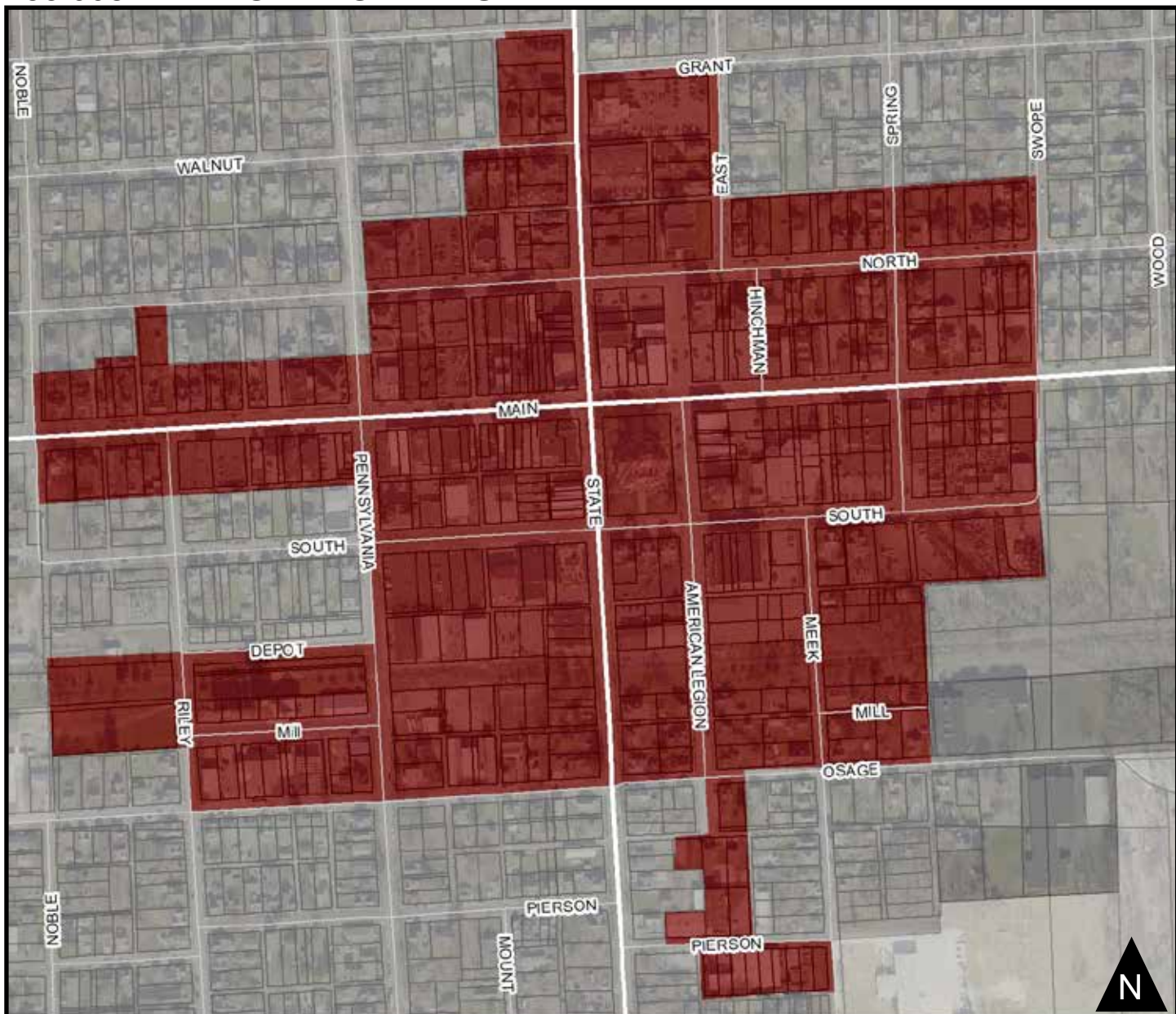
COMMERCIAL USES													
Use	District	RL	RM	RU	DT	TN	CN	NR	CS	IM	BP	IB	
All Non-Residential Developments over 50,000 Sq. Ft. Require Development Plan Approval													
See Section 155.083 regarding approval required for amendments and revisions to existing developments.													
Art and Creative Studios, Galleries, Sales					P	P	P	P	P			D	
Fitness and Health Studios/Gyms					P	C	P	P	P	P	P	D	
Personal Care, Beauty, and Spa Services					P	P	P	P	P			D	
Garden Centers and Nurseries							P	P	C	P			
Dry-Cleaning					P		P	P	P			D**	
Neighborhood Scale Professional Offices (6,000 Sq. Ft. or Under)					P	P	P	P	P			D	
Corridor Scale Professional Offices (Larger than 6,000 Sq. Ft.)					P	C	P	P	C	P	P	D	
Financial Services Without Drive-Thru					P	P	P	P	P			D**	
Financial Services With Drive-Thru							D	D	D				
Pharmacy, No Drive-Thru					P	P	P	P	P			D	
Pharmacy With Drive-Thru							DP	D	D				
Convenience Store With Gasoline Sales							C	C	C			D**	
Gasoline Sales Without Convenience Store							C	C		C			
Car Wash/Detailing (Excluding heavy equipment and semi-trailer uses)							P	P	P	P			
Automobile Services, and Repairs (Work Occurring in Enclosed Buildings only)							P	P	C	P			
Automobile Sales/Leasing								D	D	D			
Recreational Vehicle and Boat Sales/Leasing								D		D			
Adult Entertainment and Sexually-Oriented Businesses							C			C			
Auction Facilities								C	C	C			
Self-Storage (Mini-Warehouse)							D	D	D				
Commercial Parking Uses (Structured and Non)					C		C	C	C	C			
**See District For Additional Requirements and Uses													

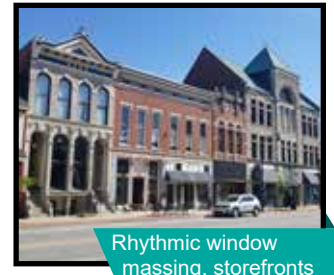
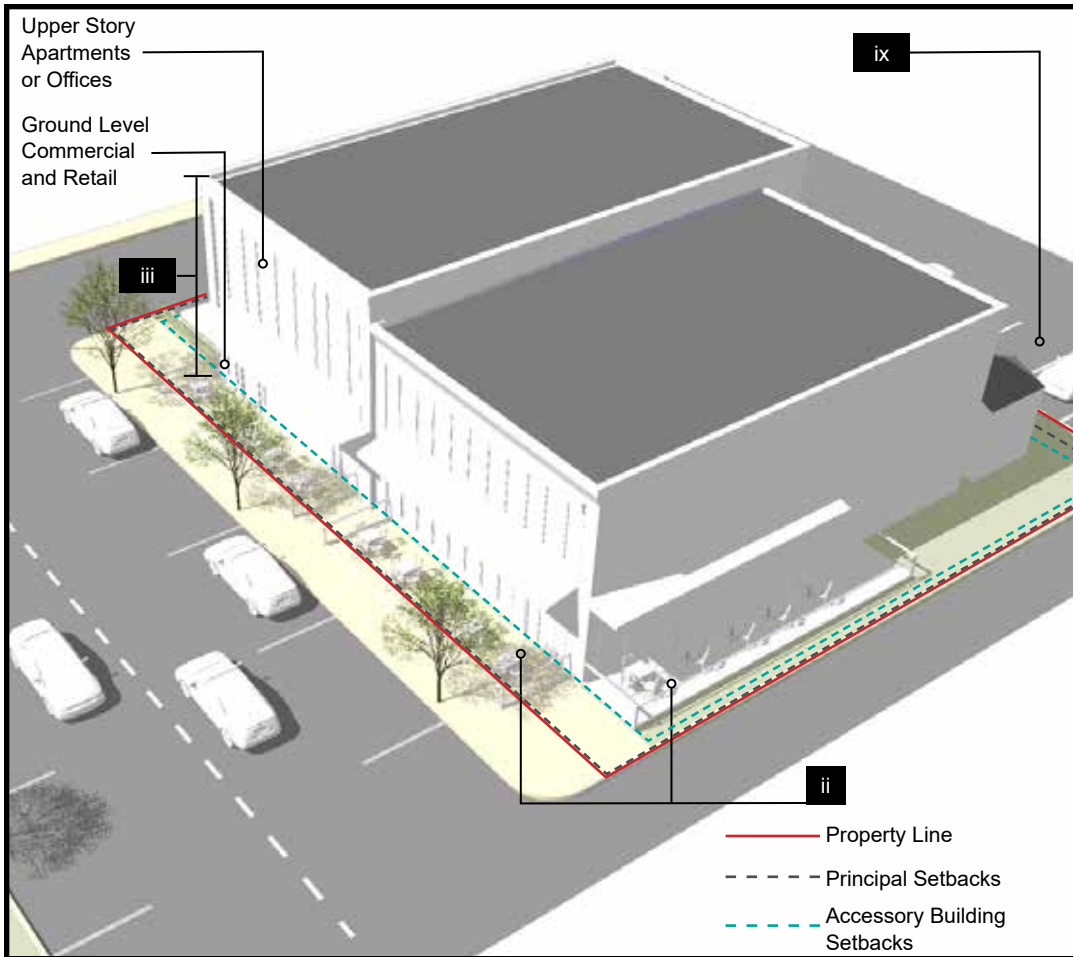
TOURISM, RECREATION, AND LODGING USES													
Use	District	RL	RM	RU	DT	TN	CN	NR	CS	IM	BP	IB	
All Non-Residential Developments over 50,000 Sq. Ft. Require Development Plan Approval													
See Section 155.083 regarding approval required for amendments and revisions to existing developments.													
Public or Private Outdoor Recreation		C	C	C	P		P	P	P				D
Public or Private Indoor Recreation					P		P	P	P				D
Conference, Event, and Performance Venues					P		P	P	P	P	P		D
Movie Theater and Indoor Entertainment					P		P	P	P				D
Library, Museum, or Visual Arts Center		C	C	C	P	C	P	P	P				D
Private Recreation Club				C	P		P	P	P				D
Indoor Shooting Range							C	C	C	C			
Boutique Hotel					P		P	P	P		P		D
Hotel					P		P	P	P		P		D
Resort			C	C	P		P	P	P				D
Bed and Breakfast		C	C	C	C	C	C	C	C				
**See District For Additional Requirements and Uses													
INDUSTRIAL AND HEAVY USES													
Use	District	RL	RM	RU	DT	TN	CN	NR	CS	IM	BP	IB	
All Non-Residential Developments over 50,000 Sq. Ft. Require Development Plan Approval													
See Section 155.083 regarding approval required for amendments and revisions to existing developments.													
Manufacturing / Small Scale (Under 20,000 Sq. Ft.)					P		P	P	C	P		D	
Manufacturing / Medium Scale(20,000-50,000 Sq. Feet)					C		C	C		P		D	
Manufacturing / Large Scale(Over 50,000 Sq. Feet)							D	D		D	D		
Engineering or Research Laboratories					D		P	P	D	P		D	D
Printing, Publication, and Similar Uses					C	C	P	P		P		D	
Trade, Artisan, and Vocational Schools or Fabrication Shops					C		C	C	C	C	P		D
Airport, Heliport, or Helipad as Primary or Accessory Uses							C	C		C	C		
Public and Mass Transit Stations and Accompanying Uses					C		C	C	C	C	C		
Storage, Wholesale, and Distribution Uses								C		C		D	

Recreational Vehicle, Boat, Automotive, Enclosed								C	C	C				
Outdoor Storage								D		D				
Storage of Commercial Gases								C		C				
Manufacturing of Food or Beverages								C		C				
Enclosed Heavy Equipment Repair, Wash, Detailing							C	P		P				
Wireless Facilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C
INSTITUTIONAL, EDUCATIONAL, AND CARE USES														
Use	District	RL	RM	RU	DT	TN	CN	NR	CS	IM	BP	IB		
All Non-Residential Developments over 50,000 Sq. Ft. Require Development Plan Approval														
See Section 155.083 regarding approval required for amendments and revisions to existing developments.														
Hospital					C			C	C	C	C	C		
Emergency Services					C			C	C	C	C	C		
Outpatient Medical and Urgent Care Services					P			P	P	P	P	P		
Psychiatric Facility					P			P	P	P	P		D	
Medical Clinic					P			P	P	P	P	P	D	
Neighborhood Scale Medical Offices (6,000 Sq. Feet or Under)					P	C		P	P	P		P	D	
Corridor Scale Medical Offices (Larger than 6,000 Sq. Feet)					C			P	P	C		P	D	
Veterinary without Kennel					P	P		P	P	P	P			
Veterinary With Kennel					C			C	C	C	C			
Boarding/Kennel								C	C	C	C	C		
Trade, Public, Or Private School or University	C	C	C	C	C	C	C	C	C	C	C	P	D	
Government Administration and Courts					C	C		C	C	C	C	D	D	
Detention and Corrections Facilities								C	C	C				
Public Health and Safety Services	C	C	C	C	P	P		P	P	P	P	C	C	
Religious Assembly	C	C	C	C	C	C	C	C	C	C	C	C	D	
Child Daycare or Development Center	C	C	C	C	C	C	C	C	C	C	C	C	D**	
Adult Daycare	C	C	P	P	P	P	P	P	P	P	P	P	D	

**See District For Additional Requirements and Uses

155.008 DT - DOWNTOWN DISTRICT





155.008 DT - DOWNTOWN DISTRICT

1. Purpose and Intent

The “DT” Downtown District is a destination for retail, office, entertainment, and walkable downtown living. It is the seat of government for the City of Greenfield and Hancock County. Residential uses are encouraged above ground-level commercial uses to increase the vibrancy of downtown. New and redeveloped commercial structures should be built to the sidewalk, contain two or more stories with large front windows for transparency, and high-quality signage. Parking is an important component of downtown infrastructure but should not be visible from the street or be a prominent feature of the built environment.

Downtown Greenfield has a traditional nineteenth-century urban core development pattern and is a center of activity for the community. Commercial buildings generally do not have front or side yards and are of a height and massing typical of late nineteenth and early twentieth century mixed-use commercial buildings. The city desires to maintain the form and character of the historic urban core and the National Road with buildings of a similar scale and a mix of commercial and residential uses. Where infill opportunities exist, buildings should be developed in keeping with the traditional walkable urban development pattern.

2. Permitted and Conditional Uses

See Table 155.007 for uses permitted by district. Some uses may require Development Plan Approval. Business uses not otherwise permitted in this district may be considered by the Board of Zoning Appeals as a Conditional Use application provided that the Board finds that the requested use is consistent with the spirit and intent of this ordinance and the Comprehensive Plan.

3. Building Placement and Standard

Buildings in the DT shall be developed in accordance with the following standards per the individual development tables below. **Table A** applies to all development within the DT District:

A. Development Standards for All Buildings	
Dimension	Standard
i. Lot Dimensions	Lot Width: N/A Lot Size: N/A
ii. Setbacks <i>Parcels platted under previous codes shall follow the setbacks platted unless the plat is revised</i>	Front lot line: None allowed* Side lot line: 0 foot minimum, 5 feet maximum* Rear lot line: 5 feet minimum *Commercial establishments may have a maximum setback of 20' when accommodating outdoor dining, plazas, art, and seating areas in the front or side yard.
iii. Principal Building Height	80 feet maximum, new construction buildings must be a minimum of 35' in height
iv. Lot Coverage	N/A
v. Accessory Building Location	Rear yard only
vi. Accessory Building Setbacks	Shall follow that of the primary structure <i>*Accessory buildings must be located outside of any easements</i>
vii. Accessory Building Height	20 feet maximum Must be subordinate in height to the primary structure
viii. Accessory Building Size	Not more than 30% of the square footage of the primary structure
ix. Parking Lot Location (Applies to new parking areas being created or expansions of existing parking areas over 40% of the size of the original lot)	Rear yard; or Side yard parking is permitted through Development Plan Approval only if it is buffered with a planting strip no less than three (3) feet in width, or a wall made of masonry, stone, or wrought iron at least three (3) feet in height. The resulting side yard setback will be determined through the Development Plan Approval Process.

4. Additional Standards

A. Design Standards. The goal of the Downtown District is allow for appropriate infill of commercial and mixed-use structures while maintaining the unique character of the downtown. The following design standards apply to new construction. Any expansion of an existing building should aspire to meet these standards in a way that is appropriate to the current building's architecture. Any guidelines or standards found in the Downtown District are meant to complement and guide, but not supersede, the Historic District or required approvals from the Historic Board.

i. New Construction of Primary and Accessory Structures

1. General Requirements

- a. All HVAC and similar equipment shall be screened from view with a parapet or other sufficient screen. Any additional height due to such screening will not be counted

toward the maximum. Ground-mounted HVAC shall be screened in accordance with **155.062**.

- b. Pedestrian Oriented Designs. New construction in the downtown shall have architectural features, signage, and entrances that are oriented toward the pedestrian and consistent with the district.

2. Primary Structures

- a. Blank, Monolithic Walls Prohibited. Featureless or monolithic walls are prohibited in new construction for all facades or portions thereof visible from any public way. Facades shall generally incorporate a combination of the following features:
 - i. Storefronts. Storefronts create an engaging atmosphere in the downtown for pedestrians. Downtown Greenfield has a mix of storefronts featuring large window bays, garage doors high in transparency, and groupings of individual windows that create a storefront. New construction shall incorporate at least one storefront feature at the pedestrian scale on the first floor of the structure.
 - ii. Windows. Windows provide visual interest along the vertical plane of a building and provide critical cohesion in the rhythm of the historic core. New construction and expansions shall feature windows in size and mass similar to other buildings in the downtown. Upper story windows should be complementary to other buildings of similar scale, have details or features that accentuate the window, and have complementary features to those in the downtown (recessed from the front plane with detailing or trim to accentuate the window).
 - iii. Materials. Appropriate materials such as those found on buildings of similar mass or style shall be used singularly or in combination. This primarily includes stone, masonry, EIFS, stucco, and like materials. Siding, cement block, or other like materials shall be limited in use and shall not account for more than 25% of the materials used unless approved by the Plan Commission.
 - iv. Roof Features. Cornices, rooflines, pediments, or like characteristics shall be utilized in a complementary fashion to those used throughout the downtown. Rooftop terraces may be used to provide diversity to rooflines.
 - v. Corner Structures. New commercial construction on corner lots in the Downtown District are encouraged to include corner features such as pronounced entrances, overhangs with pedestrian walkways beneath,



2.a.i. Storefronts and large display windows are inviting and provide visual interest and depth to the district.



2.a.ii. Repetitive window massing, taller windows, and accentuating details add character and interest.



2.a.iii. The DT District includes a mix of materials and finish that create its unique tapestry.



2.a.iv. Roof features and detailing are key characteristics of the Downtown District.



2.a.v. This building accentuates the corner with a rounded window feature and wrapped storefront.

enhanced building features such as turrets, corner quoining, or like treatments that create a focal feature. Plazas or areas featuring art are also encouraged in the design.

- b. Lighting. Enhanced exterior lighting such as wall sconces, building-mounted accent lighting, lighting over patio and seating areas, or art incorporating light into the design is encouraged.

3. Accessory Structures

- a. Materials. Materials used in accessory uses for commercial structures shall be complementary to the primary structure. Metal storage buildings shall be prohibited.
- b. Location. Accessory structures shall be located to the side and rear of primary structures in the downtown, unless the structure serves a purpose for pedestrians or visitors such as covered seating, performance spaces, and the like.
- c. Screening. Accessory structures and uses such as dumpsters, freezers, storage containers, and the like shall be screened with a 100% opaque screen such as a fence, wall, or artistic installation.

- ii. Rehabilitation, Additions and Demolition to existing structures

1. Changes or additions to existing buildings should strive to maintain the historic character of the building. Features such as arches, name blocks, windows or similar features shall be preserved and restored to all reasonable extents.
2. Proposals that include the partial or complete demolition of structures in the Downtown District, other than those that have been deemed unsafe and ordered to be demolished through the City of Greenfield's Unsafe Building process, will submit to the Plan Commission the proposal including the reuse of the lot. The Plan Commission will approve the demolition if it finds one or more of the following:
 - a. The structure poses an immediate and substantial threat to public safety.
 - b. The historic or architectural significance of the structure or part thereof is such that, in the Commission's opinion, it does not contribute to the traditional character of the structure and context of the district.
 - c. The demolition is necessary to allow new development that, in the Commission's opinion, is of greater significance to the conservation of the district than is the retention of the structure, or portion thereof, for which demolition is sought.
 - d. The structure or property cannot be put to any reasonable economically beneficial use for which it is or may be reasonably adapted without the approval of the demolition.

- iii. Boarded and covered windows

1. At times, historic buildings may need to be secured with boarded windows or openings to secure the structure while other improvements are made. These shall not be used as permanent features, and shall be replaced in accordance with 155.099.

B. Outdoor Display and Storage. The conduct of permitted uses shall be within completely enclosed buildings, except for accessory uses which clearly demonstrate subordination to the permitted use in area, extent, and purpose.

- i. Outdoor display is permitted, and each establishment shall be permitted a maximum display area not to exceed 1% of the gross floor area of the primary building.
- ii. Outdoor display shall only be located immediately adjacent to the primary building unless otherwise

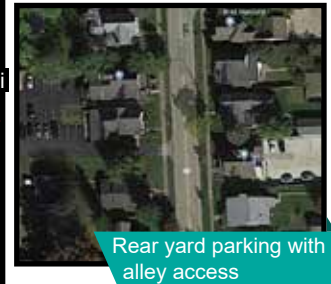
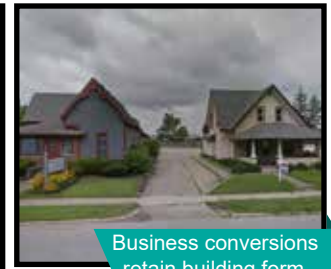
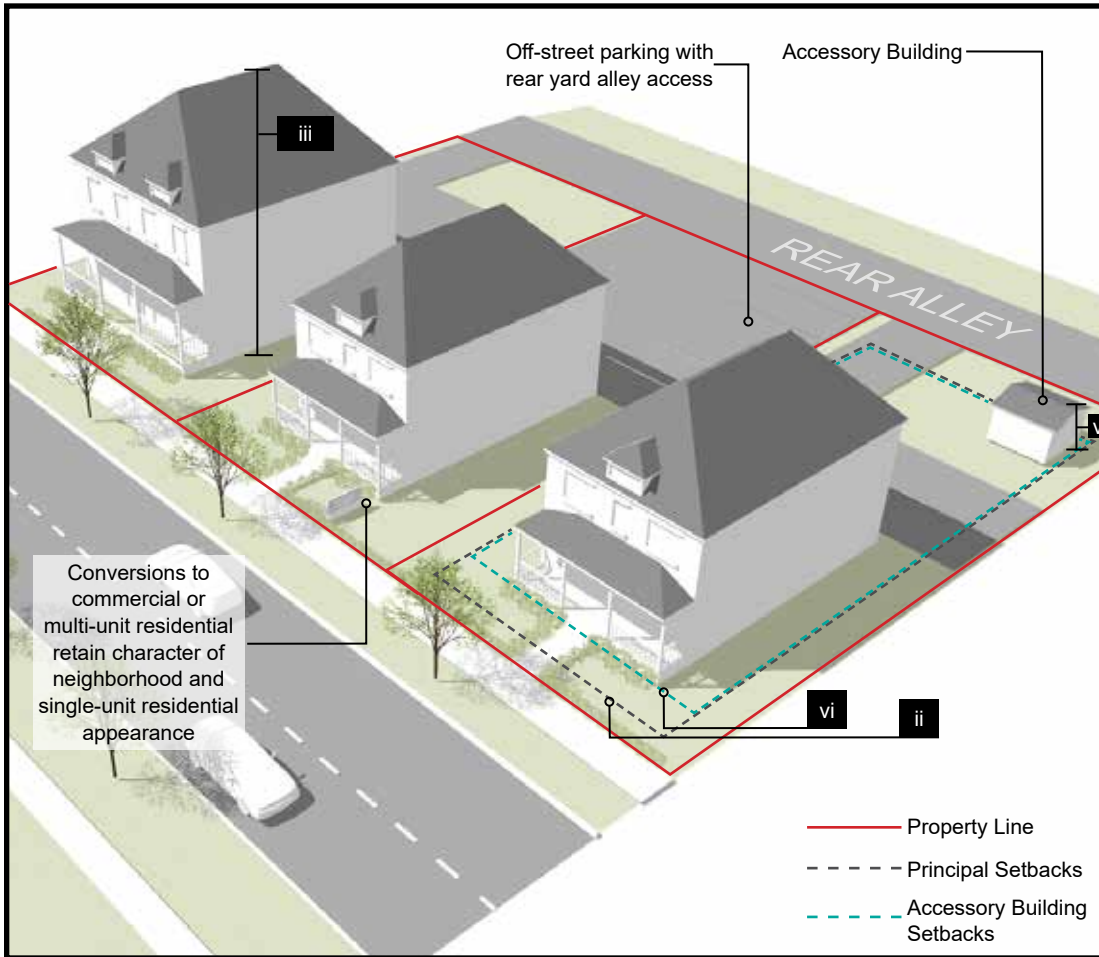
approved by the Plan Commission.

- iii. Outdoor display shall not impede pedestrian or vehicular traffic and shall be maintained in an orderly fashion.
 - iv. Outdoor storage of merchandise is prohibited, unless it is located behind in a rear yard, completely enclosed by a solid opaque wall or fence at least seven (7) feet in height, and the materials stored do not exceed the height of the fence or wall.
- C. Greenfield Historic District.** For properties located in the Greenfield Historic District, which includes the Court-house Square National Historic District, Chapter 156 Historic Preservation Code shall prevail in any conflicting requirements of this code and supersedes the Historic Overlay District.
- D. Recreational Trail Overlay District.** In addition to the standards and requirements of the DT, the Recreational Trail Overlay District regulations in 155.020 shall apply to all property located within its boundaries.
- E. Drive-Thrus.** Drive-thrus are not permitted in the DT.
- F. Parking Standards.** Uses within the Downtown District should maximize the use of on- and off-street public parking in the surrounding area. For larger new-construction uses, additional parking is required as listed below. Any required parking shall adhere to the parking development standards in 155.066 and shall be landscaped/ screened in accordance with this section.
- i. Office: 1 off-street parking space for every 400 square feet over 5,000 square feet
 - ii. Residential/Multi-Family: 1 off-street parking space for every residential unit over 10 units
 - iii. Full service restaurant over 2,000 square feet: 1 off-street parking space for every four seats
 - iv. Any other use over 5,000 square feet: 1 off-street parking space for every 500 square feet of floor area
- G. Additional References.** The following table contains additional major sections that are common references needed across districts. This list is not meant to be considered an exhaustive list, and other sections may apply to individual properties or projects.

Common Sections of Pertinent Reference	
155.052 Wireless Facilities	155.083 Development Plan Approval
155.064 Fences and Screening	155.093 Variances
155.065 Signs	155.094 Conditional Uses
155.066 Off-Street Parking and Loading	
155.068 Access and Frontage	
155.069 Intersection Site Visibility	

155.009 TN - TRADITIONAL NEIGHBORHOOD DISTRICT





155.009 TN - TRADITIONAL NEIGHBORHOOD DISTRICT

1. Purpose and Intent

The “TN” Traditional Neighborhood District is a natural extension of the Downtown, where character-rich homes provide space for both living and working. It is intended to provide for a mix of single-unit, two-unit, multi-unit residential dwellings, and indoor business services that retain the traditional neighborhood aesthetics found within the district. Existing structures that have been primarily designed for residential use shall not be structurally altered on the exterior to indicate business use except in compliance with the requirements of the zone district. Alterations shall not adversely affect the character of the district or interfere with the reasonable enjoyment of adjoining properties.

Conversions to business or combination spaces (live/work) must include appropriate provisions for parking, which is typically provided on the rear (preferred) or side of the property. Much of the TN District has rear access to alleys. Additional standards are detailed in Subsection 4.

2. Permitted and Conditional Uses

See Table 155.007 for uses permitted by district. Some uses may require Development Plan Approval. Other uses similar to those allowed in this district may be considered by the Board of Zoning Appeals as a Conditional Use application provided that the Board finds that the requested use is consistent with the spirit and intent of this ordinance and the Comprehensive Plan.

3. Building Placement and Standard

Buildings in the TN shall be developed in accordance with the following standards per the individual development tables below. **Table A** applies to Commercial, Multi-Unit and Mixed-Use Structures, and **Table B** applies to Single and Two-Unit Structures within the TN District:

A. Commercial, Multi-Unit and Mixed-Use Structures	
Dimension	Standard
i. Lot Dimensions	Width: N/A Area: N/A
ii. Setbacks <i>Parcels platted under previous codes shall follow the setbacks platted unless the plat is revised</i>	Front lot line: 5 feet, minimum Side lot line: 5 feet, minimum Rear lot line: 10 feet when abutting an alley, otherwise 15 feet
iii. Principal Building Height	35 feet, maximum
iv. Lot Coverage	70% of lot area, maximum
v. Accessory Building Location	Rear yard and side yard
vi. Accessory Building Setbacks	Shall follow that of A.ii <i>*Accessory buildings must be located outside of any easements</i>
vii. Accessory Building Height	20 feet maximum height, or subordinate in height to the primary structure, whichever is less
viii. Accessory Building Size	1000 total square feet in size for all accessory structures on a single property, or no more than 80% of the main floor area of the primary structure, whichever is less
ix. Parking Lot Location	Rear and side yard parking only. Except in cases where parking is shared between uses on separate parcels in compliance with 155.066, a 3' wide planting strip shall be provided along the perimeter of any parking areas and planted with shrubs and grasses of not less than 2' in height at the time of installation.
x. Required Open Space	Multi-Unit and Mixed-Use Structures shall provide not less than 15% Usable Open Space (excluding impervious surfaces) shall be provided. Drainage ponds, play areas, common areas, and the like may apply toward this provision.

B. Single- and Two-Unit Residential Building Standards	
Dimension	Standard
i. Lot Dimensions	Width: 40 feet, minimum Area: 4,000 square feet, minimum
ii. Setbacks <i>Parcels platted under previous codes shall follow the setbacks platted unless the plat is revised</i>	Front lot line: 5 feet, minimum Side lot line: 5 feet, minimum Rear lot line: 10 feet, minimum
iii. Principal Building Height	35 feet, maximum
iv. Lot Coverage	45% of lot area, maximum
v. Common Open Space	Not less than 15% Common Open Space (excluding impervious surfaces) shall be provided. Drainage ponds, play areas, common areas, and the like may apply toward this provision.
vi. Accessory Building Location	Rear and side yard
vii. Accessory Building Setbacks	Shall follow that of B.ii <i>*Accessory buildings must be located outside of any easements</i>
viii. Accessory Building Height	20 feet maximum height, or subordinate in height to the primary structure, whichever is less
ix. Accessory Building Size	1000 total square feet in size for all accessory structures on a single property, or no more than 80% of the main floor area of the primary structure, whichever is less
x. Parking Lot Location	Driveway/garage in rear of property along established alleys where available. Where alley access is not available, garages accessed from the front of the property must be set back from the front façade no less than 20' and may be attached or detached structures. In the case of corner lots, the garage should be accessed from the road with a lower functional classification as based on the Thoroughfare Plan, and should be setback from the front lot line along that street no less than 20 feet.

4. Additional Standards

- A. Plan Commission approval required.** Plan Commission approval is required through the Development Plan Process when alterations within the TN District involve any of the following:
- i. Uses that will extend or expand the use to cover two or more existing lots.
 - ii. Alterations to the front facade of the primary structure on the lot.
 - iii. The partial or complete demolition of the primary structure on the lot. The Plan Commission shall approve the demolition if it finds one or more of the following:
 - 1. The structure poses an immediate and substantial threat to the public safety.
 - 2. The historic or architectural significance of the structure or part thereof is such that, in the Commission’s opinion, it does not contribute to the traditional character of the structure and the context of the district.

3. The demolition is necessary to allow new development that, in the Commission's opinion, is of greater significance to the conservation of the district than is the retention of the structure, or portion thereof, for which demolition is sought.
 4. The structure or property cannot be put to any reasonable economically beneficial use for which it is or may be reasonably adapted without the approval of the demolition.
- iv. Minimum design standards. When reviewing site plans, the Plan Commission and/or Plan Commission staff shall evaluate the appropriateness of the proposed development or alterations based upon design unity with other nearby structures in the TN District. The cohesiveness of the design shall be evaluated based upon the similarity between the proposed and existing buildings regarding the following criteria:
1. Building silhouette - similar pitch and scale to a roof line.
 2. Spacing between building facades - setbacks or notches between primary facades that frame the structure.
 3. Setback from property line - building setback and/or primary facade setback from the property line.
 4. Proportion of windows, bays, doorways, and other features - vertical or horizontal elements tied together in bands across facade lengths.
 5. Proportion of primary facade - size of facades similar in area and height to width ratios.
 6. Location and treatment of entryway - to provide important visual commonality between structures.
 7. Exterior materials used - similar materials and treatment add to detail and monumentality of a building.
 8. Shadow patterns from decorative features - the light and dark surfaces from materials used and projections from windows, bays and setbacks create visual breaks.
 9. Building scale - similarity of building height and configuration.
 10. Landscaping - ties together buildings and defines space.
- v. Landscaping and Screening
1. Screening of parking areas. The following landscaping shall be provided to mitigate against impacts of parking areas within the TN District.
 - a. Screening parking areas from the street. A planting areas between a street and the parking area at least three feet wide shall be provided at the perimeter of the parking area, exclusive of walks and driveways. Within the planting area, an evergreen or densely deciduous hedge shall be planted. The plant material shall be at least 18 inches tall at the time of installation and reach a height of at least 36 inches within two growing seasons. Shrubs shall be spaced in order to create a continuous, solid hedge. As an alternative, an opaque fence or wall at least 36 inches tall may be used in place of the hedge.
 - b. Screening parking areas from adjoining residential uses. Where a business adjoins a residential use, a six foot high opaque fence, wall, or evergreen landscaping shall be provided along the property line to separate the parking area from the residential use. A three foot wide planting area shall be placed between the parking area and the fence. The planting area shall be planted with shrubs and groundcover.

- c. Screening parking areas from adjoining business uses. Where a business use adjoins another business use, a three foot wide planting area shall be placed between the parking area and the property line, except where parking is shared between uses. The planting areas shall be planted with low shrubs (three feet high maximum) and groundcover. Shrubs shall be spaced in order to create a continuous, solid hedge.
- d. Screening of trash containers. Trash containers shall be located within or adjacent to the parking area and shall be located in the rear of the property, and shall not be permitted in any front yard. Trash containers six cubic yards or larger shall be gated and screened from view with a six foot high opaque screen on all four sides. Screening materials can be any combination of evergreen plantings, wood or masonry material.

B. Standards for a Dwelling Unit Accessory to Business Use. Dwelling units may be established in conjunction with a business use in the TN District when the following criteria are met:

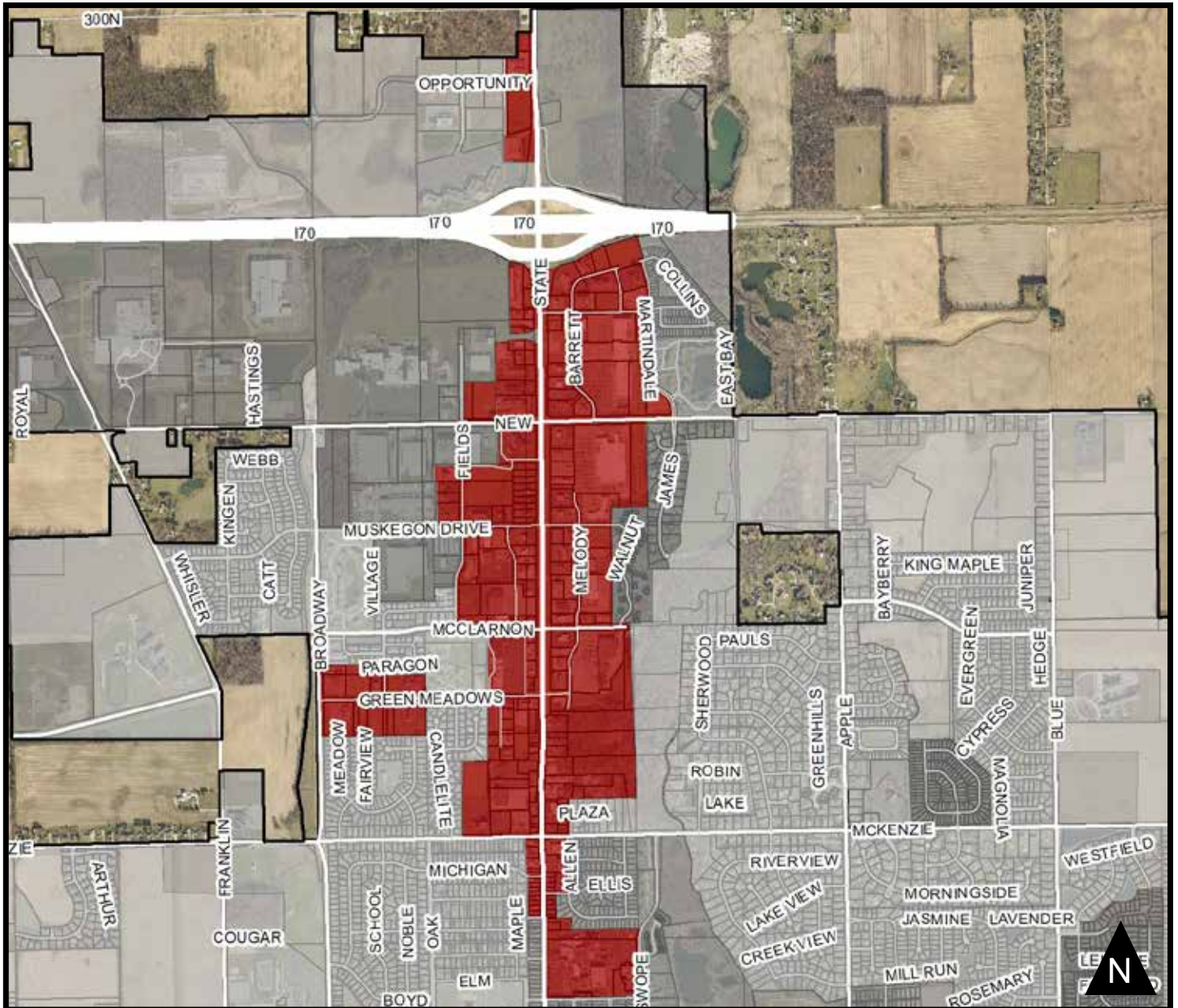
- i. The dwelling unit must be located in the same building as the business use.
- ii. At least one off-street parking space shall be provided on the lot in addition to the spaces required by the business use.
- iii. Each such dwelling unit shall conform to the requirements set forth in Chapter 150, Building Code. The unit shall meet the building code requirements in the current applicable codes in use by the State of Indiana, including the International Residential Code, Indiana Residential Code, Indiana Building Codes, and others as applicable.

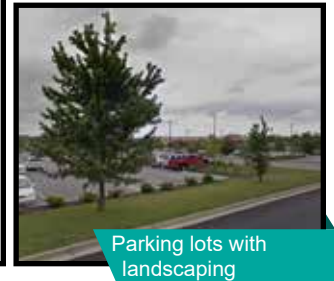
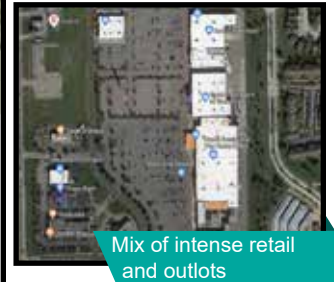
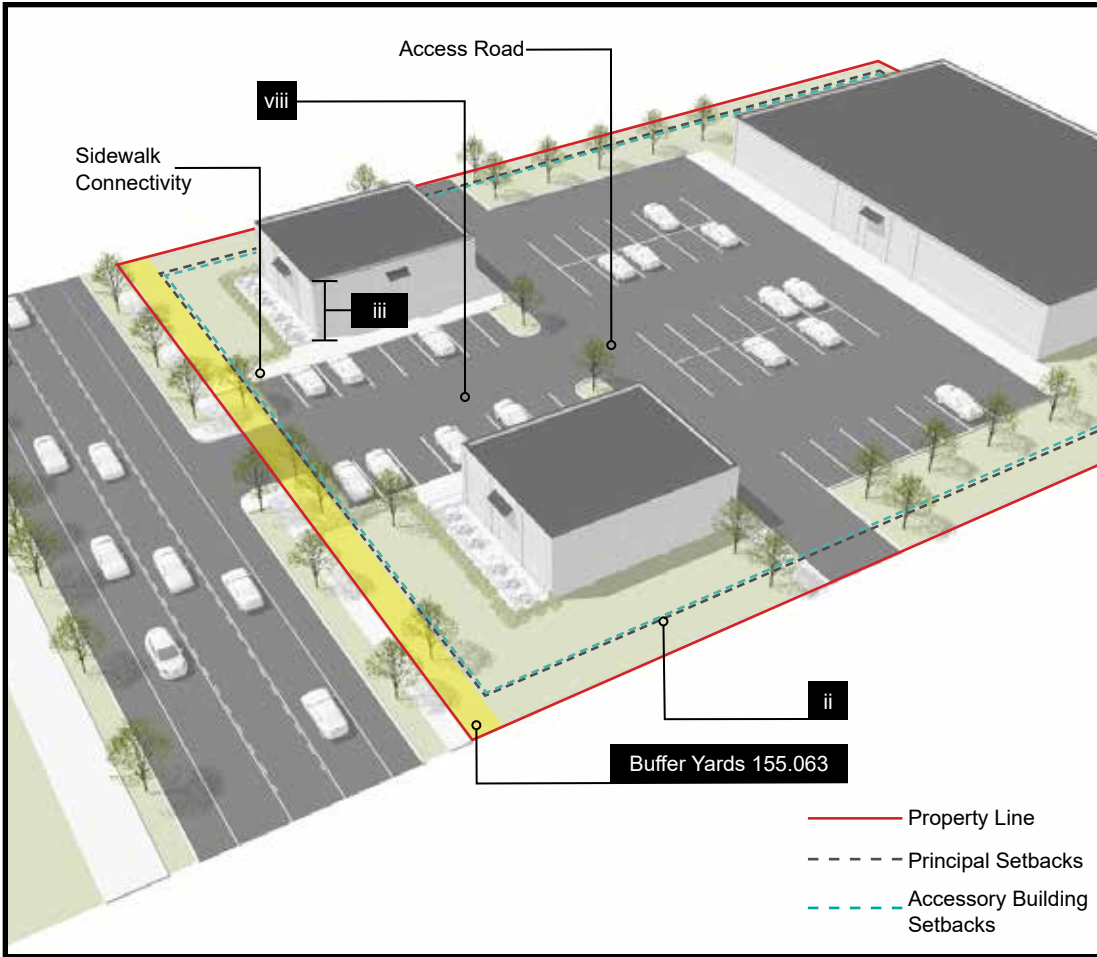
C. Recreational Trail Overlay District. In addition to the standards and requirements of the TN, the Recreational Trail Overlay District regulations in 155.020 shall apply to all property located within its boundaries.

D. Additional References. The following table contains additional major sections that are common references needed across districts. This list is not meant to be considered an exhaustive list, and other sections may apply to individual properties or projects.

Common Sections of Pertinent Reference	
155.052 Wireless Facilities	155.083 Development Plan Approval
155.063 Landscaping	155.093 Variances
155.064 Fences and Screening	155.094 Conditional Uses
155.065 Signs	
155.066 Off-Street Parking and Loading	
155.068 Access and Frontage	
155.069 Intersection Site Visibility	

155.010 CN - COMMERCIAL NORTH GATEWAY DISTRICT





155.010 CN - COMMERCIAL NORTH GATEWAY DISTRICT

1. Purpose and Intent

The “CN” Commercial North Gateway District regulates all land in the city fronting on or oriented towards State Street/ State Road 9 from McKenzie Road to Route 300N. This stretch of State Road 9 is an important gateway to the city from Interstate 70 and is the city’s major modern commercial corridor. The existing development pattern within the CN is auto-oriented and a mix between small businesses, large institutional uses, and medium-to-large-format retail uses primarily between McKenzie Road and Interstate 70. Most properties within the CN are single-use, single-story buildings such as strip retail centers, corner chain drug stores, fast-food restaurants, and big-box retail centers.

The desired development pattern for the CN is a commercial scale and mix of uses and intensities necessary to support the continued growth and success of the businesses along the corridor. Aesthetics and building placement are a particular focus in the CN as it is a first-impression gateway to Greenfield from Interstate 70. Underutilized surface parking lots and empty retail buildings are encouraged to be redeveloped with a new mix of uses, including higher density residential developments, that front on State Street/State Road 9 and create a more defined sense of place and identity for this important gateway. The portion of the CN north of Interstate 70 is a prime area for development of a mix of office, research and development, laboratory, and residential uses.

2. Permitted and Conditional Uses

See Table 155.007 for uses permitted by district. Some uses may require Development Plan Approval. Business uses not otherwise permitted in this district may be considered by the Board of Zoning Appeals as a Conditional Use application provided that the Board finds that the requested use is consistent with the spirit and intent of this ordinance and the Comprehensive Plan.

3. Building Placement and Dimensional Standards

More than one principal building or use(s) shall be permitted on the same lot in the Commercial North (CN) District. Buildings in the CN shall be developed in accordance with the following standards per the individual development tables below. **Table A** applies to Commercial Buildings, and **Table B** applies to Multi-Unit and Institutional Uses within the CN District:

A. Commercial Buildings Development Standards	
Dimension	Standard
i. Lot Dimensions	Width: N/A Area: N/A
ii. Setbacks. Setbacks shall be the minimum listed here, or the size of the applicable buffer yard required by 155.063 whichever is greater. <i>Parcels platted under previous codes shall follow the setbacks platted unless the plat is revised</i>	Front Lot Line: 15' minimum or as platted, 60' maximum* Side Lot Line: 10 feet minimum except where common party wall developments are constructed Rear Lot Line: 10 feet minimum * See viii for requesting larger front setbacks.
iii. Principal Building Height	65 feet, maximum
iv. Lot Coverage	The total floor area of the building(s) shall not exceed 70% of the lot area
v. Accessory Building Location	Rear and side yard
vi. Accessory Building Setbacks	Shall follow that of A.ii
vii. Accessory Building Height	20 feet, maximum
viii. Parking Lot Location	Rear yard and side yard preferred. No more than 25% of parking shall be located between the building façade and any public street or trail, unless approved through Development Plan Approval. Structures on corner lots will be considered to have two front building facades facing public streets. Uses requesting a front setback larger than 60' to accommodate parking in the front yard shall provide a 25 foot landscaped greenspace along any front property line. Shared parking is encouraged on immediately adjacent lots in accordance with 155.066.

B. Multi-Unit Residential and Institutional Use Development Standards	
Dimension	Standard
i. Lot Dimensions	Width: N/A Area: N/A
ii. Setbacks. Setbacks shall be the minimum listed here, or the size of the applicable buffer yard required by 155.063 whichever is greater. <i>Parcels platted under previous codes shall follow the setbacks platted unless the plat is revised</i>	Front Lot Line: 20 feet* minimum, or as previously platted Side Lot Line: 15 feet, minimum Rear Lot Line: 15 feet, minimum *At least ten feet in the front setback along the property line shall be reserved as greenspace with landscaping.
iii. Principal Building Height	65 feet, maximum
iv. Lot Coverage	The total floor area of the building(s) shall not exceed 70% of the lot area

v. Accessory Building Location	Rear and side yard
vi. Accessory Building Setbacks	Shall follow that of B.ii
vii. Accessory Building Height	20 feet, maximum
viii. Parking Lot Location	Rear yard and side yard preferred. No more than 20% of parking should be located between the front building façade and any public street or trail, unless approved through a Development Plan Process. Structures on corner lots will be considered to have two front building facades facing public streets.
ix. Required Open Space	Multi-Unit Residential Use Structures shall provide not less than 15% Usable Open Space (excluding impervious surfaces) shall be provided. Drainage ponds, play areas, common areas, and the like may apply toward this provision.

4. Additional Standards

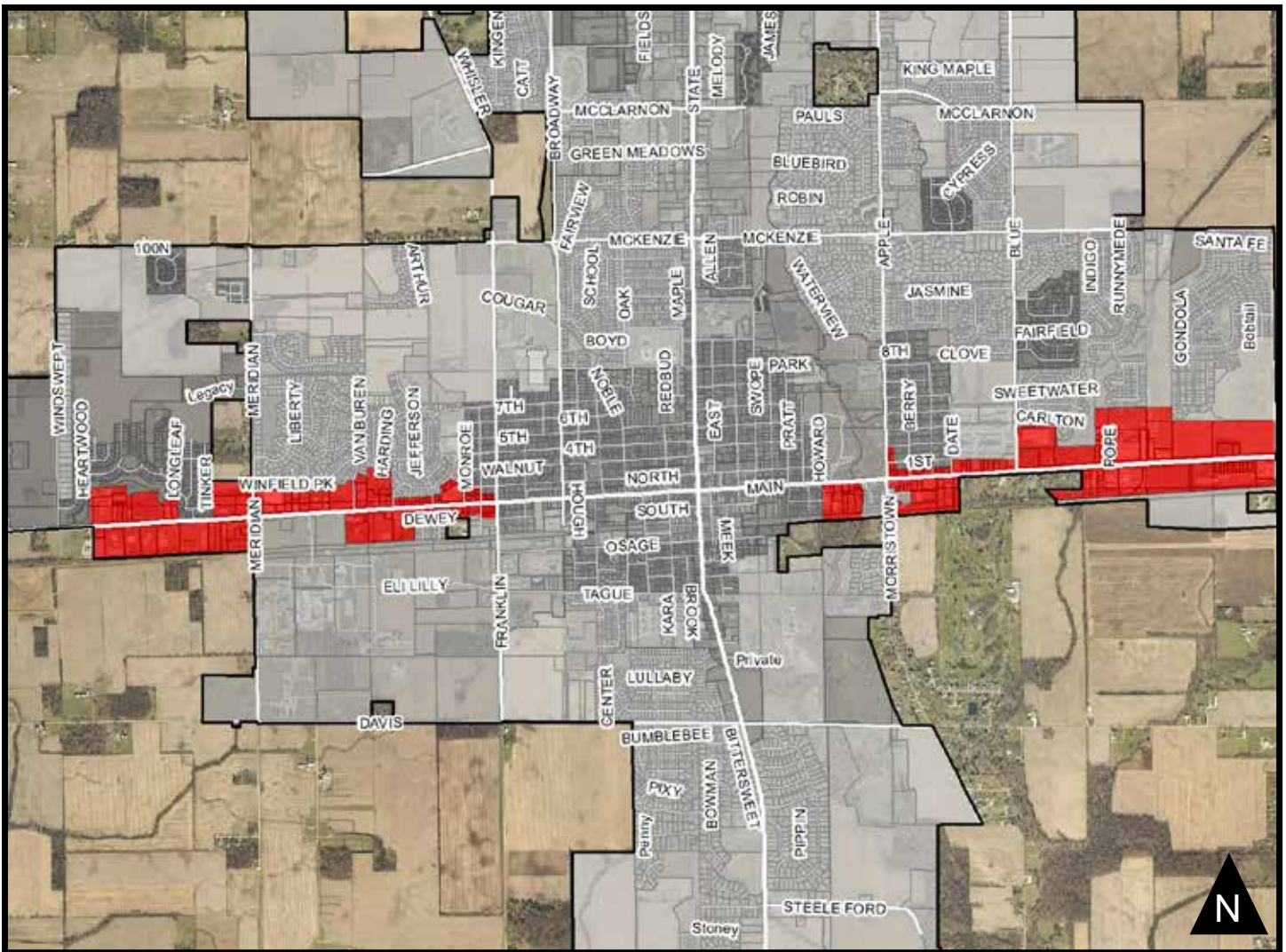
A. Outdoor Display and Storage

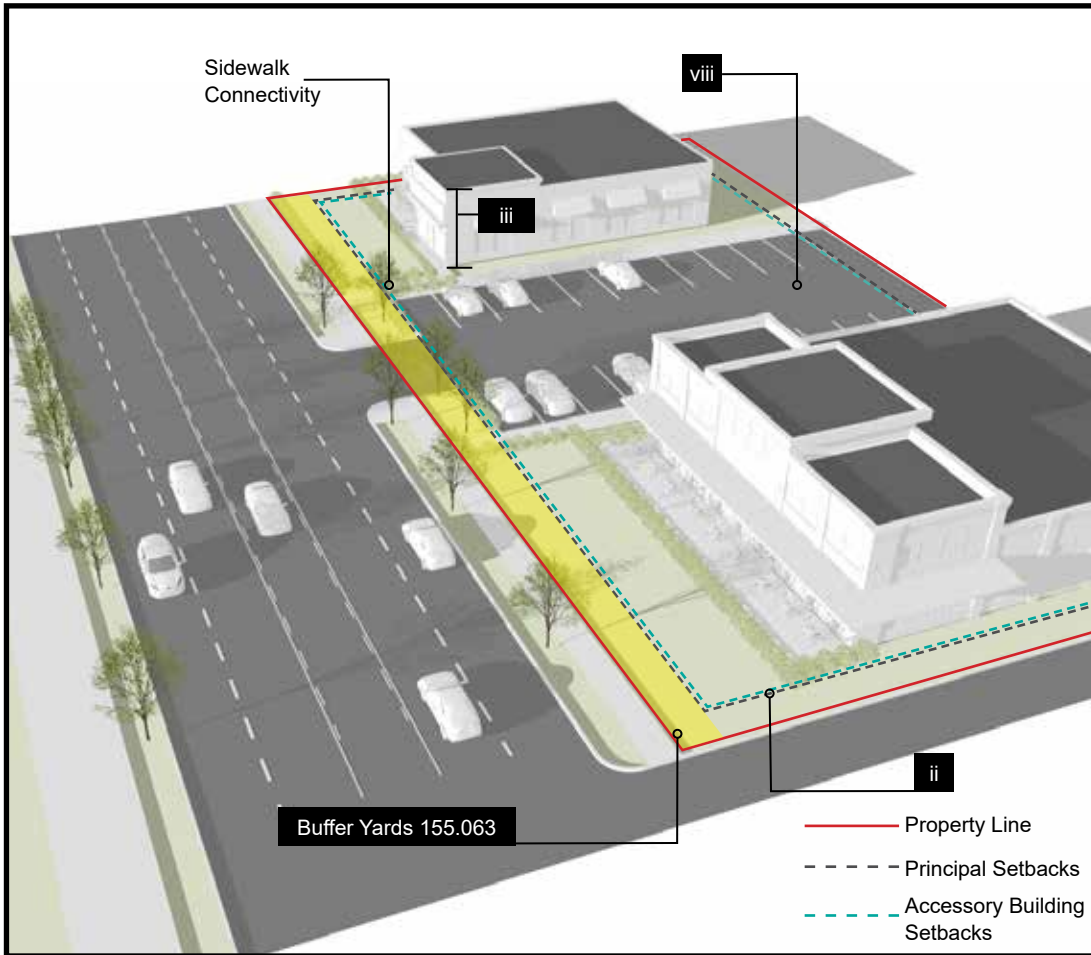
- i. The conduct of permitted uses shall be within completely enclosed buildings, except for accessory uses which clearly demonstrate subordination to the permitted use in area, extent, and purpose.
 - 1. Outdoor display is permitted, and each establishment shall be permitted a maximum display area not to exceed 1% of the gross floor area of the primary building.
 - 2. Outdoor display shall only be located immediately adjacent to the primary building unless otherwise approved by the Plan Commission.
 - 3. Outdoor display shall not impede pedestrian or vehicular traffic and shall be maintained in an orderly fashion.
- ii. Outdoor storage of merchandise is prohibited, unless it is located behind in a rear yard, completely enclosed by a solid opaque wall or fence at least seven (7) feet in height, and the materials stored do not exceed the height of the fence or wall.

B. The following table contains additional major sections that are common references needed across districts. This list is not meant to be considered an exhaustive list, and other sections may apply to individual properties or projects.

Common Sections of Pertinent Reference	
155.052 Wireless Facilities	155.083 Development Plan Approval
155.063 Landscaping	155.093 Variances
155.064 Fences and Screening	155.094 Conditional Uses
155.065 Signs	155.054 Drive-Thru Facilities and Vehicle Dependent Uses
155.066 Off-Street Parking and Loading	
155.068 Access and Frontage	
155.069 Intersection Site Visibility	
155.104 Commercial/Industrial Design Standards	

155.011 NR - NATIONAL ROAD GATEWAY DISTRICT





155.011 NR - NATIONAL ROAD GATEWAY DISTRICT

1. Purpose and Intent

The “NR” National Road District is intended to regulate all land in the city fronting on or oriented towards Main Street/ U.S. 40 at the eastern and western peripheries of the city. These areas act as gateways into the city from the east and west when traveling on the National Road into the core of Greenfield. The existing development pattern within the NR District is auto-oriented and includes small- and medium- scale commercial uses, gas stations and vehicle sales, vacant land, places of worship, offices, single-family residences, and medium-to-large format industrial uses. The Pennsy Trail runs along the southern boundary of the NR. The desired development pattern within the NR is medium-to-large scale commercial with some higher density residential infill development that provides a pronounced and attractive gateway to Greenfield. All development should consider multi-modal mobility throughout the corridor and create a walkable, bikeable environment.

2. Permitted and Conditional Uses

See Table 155.007 for uses permitted by district. Some uses may require Development Plan Approval. Business uses not otherwise permitted in this district may be considered by the Board of Zoning Appeals as a Conditional Use application provided that the Board finds that the requested use is consistent with the spirit and intent of this ordinance and the Comprehensive Plan.

3. Building Placement and Standard

More than one principal building or use(s) shall be permitted on the same lot in the National Road (NR) District. Buildings in the NR shall be developed in accordance with the following standards per the individual development tables below. **Table A** applies to Commercial Uses, **Table B** applies to Multi-Unit and Institutional uses, and **Table C** applies to Industrial or Other Uses within the NR District:

A. Commercial Uses Development Standards	
Dimension	Standard
i. Lot Dimensions	Width: N/A Area: N/A
ii. Setbacks. Setbacks shall be the minimum listed here, or the size of the applicable buffer yard required by 155.063 whichever is greater. <i>Parcels platted under previous codes shall follow the setbacks platted unless the plat is revised</i>	Front Yard: 15' minimum** or as platted, 60' maximum* Side Yard: 10 feet minimum Rear Yard: 10 feet minimum <i>*See viii for requesting larger front setbacks.</i>
iii. Principal Building Height	60 feet, maximum
iv. Lot Coverage	The total floor area of the building(s) shall not exceed 60% of the lot area
v. Accessory Building Location	Rear and side yard
vi. Accessory Building Setbacks	Shall follow that of A.ii
vii. Accessory Building Height	20 feet, maximum
viii. Parking Lot Location	Rear yard and side yard preferred. No more than 30% parking should be located between the building façade and any public street or trail, unless approved through Development Plan Approval. Structures on corner lots will be considered to have two front building facades facing public streets. Uses requesting a front setback larger than 60' to accommodate parking in the front yard shall provide a 25 foot landscaped greenspace along any front property line. Shared parking is encouraged on immediately adjacent lots in accordance with 155.064.

B. Multi-Unit Residential and Institutional Uses	
Dimension	Standard
i. Lot Dimensions	Width: N/A Area: N/A
ii. Setbacks. Setbacks shall be the minimum listed here, or the size of the applicable buffer yard required by 155.063 whichever is greater. <i>Parcels platted under previous codes shall follow the setbacks platted unless the plat is revised</i>	Front Lot Line: 20* feet minimum, or as previously platted Side Lot Line: 15 feet, minimum Rear Lot Line: 15 feet, minimum <i>*At least ten feet in the front setback along the property line shall be reserved as greenspace with landscaping.</i>
iii. Principal Building Height	65 feet, maximum
iv. Lot Coverage	The total floor area of the building(s) shall not exceed 60% of the lot area
v. Accessory Building Location	Rear and side yard
vi. Accessory Building Setbacks	Shall follow primary
vii. Accessory Building Height	20 feet, maximum
viii. Parking Lot Location	Rear yard and side yard preferred. No more than 20% of parking should be located between the building façade and any public street or trail, unless approved through a Development Plan Process. Structures on corner lots will be considered to have two front building facades facing public streets.
ix. Required Open Space	Not less than 15% Usable Open Space (excluding impervious surfaces) shall be provided. Drainage ponds, play areas, common areas, and the like may apply toward this provision.

C. Industrial and Other Uses or Development Types	
Dimension	Standard
i. Lot Dimensions	Width: N/A Area: N/A
ii. Setbacks. Setbacks shall be the minimum listed here, or the size of the applicable buffer yard required by 155.063 whichever is greater. <i>Parcels platted under previous codes shall follow the setbacks platted unless the plat is revised</i>	Front Lot Line: 25* feet minimum, or as previously platted Side Lot Line: 15 feet, minimum Rear Lot Line: 15 feet, minimum <i>*At least ten feet in the front setback along the property line shall be reserved as greenspace with landscaping.</i>
iii. Principal Building Height	65 feet, maximum
iv. Lot Coverage	The total floor area of the building(s) shall not exceed 60% of the lot area
v. Accessory Building Location	Rear and side yard
vi. Accessory Building Setbacks	Shall follow primary
vii. Accessory Building Height	20 feet, maximum
viii. Parking Lot Location	Rear yard and side yard preferred. No more than 20% parking should be located between the building façade and any public street or trail, unless approved through a Development Plan Process. Structures on corner lots will be considered to have two front building facades facing public streets.
ix. Required Open Space	Uses other than industrial “Other Uses or Development Types” shall provide not less than 15% Usable Open Space (excluding impervious surfaces). Drainage ponds and the like may apply toward this provision.

4. Additional Standards

A. Outdoor Display and Storage

- i. The conduct of permitted uses shall be within completely enclosed buildings, except for accessory uses which clearly demonstrate subordination to the permitted use in area, extent, and purpose.
 - 1. Outdoor display is permitted, and each establishment shall be permitted a maximum display area not to exceed 1% of the gross floor area of the primary building, except as provided by the following:
 - a. Uses that are primarily based on outdoor display such as automobile and vehicular sales, landscaping or garden centers may be approved for additional outdoor display through a Development Plan request of the Plan Commission, provided that:
 - i. No more than 30% of merchandise shall be located in front of the building line.
 - ii. Bulk merchandise such as loose mulch, stone, or any merchandise on pallets shall be located in the rear yard only and enclosed by a seven (7) foot or taller opaque fence or wall. In no circumstance shall bulk items exceed the height of the fence or wall.
 - 2. Outdoor display shall only be located immediately adjacent to the primary building.

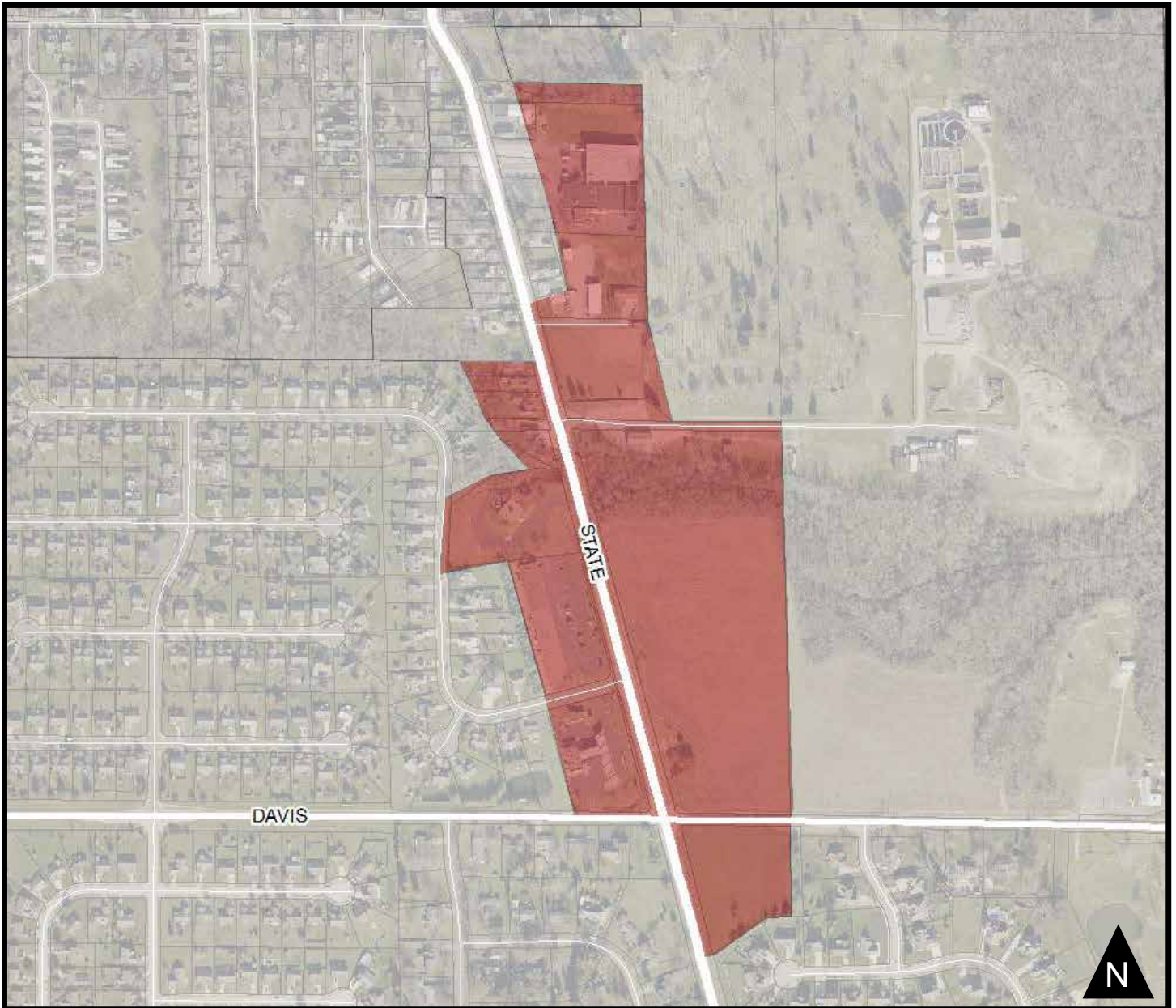
- 3. Outdoor display shall not impede pedestrian or vehicular traffic and shall be maintained in an orderly fashion.
 - ii. Outdoor storage of merchandise is prohibited, unless it is located behind in a rear yard, completely enclosed by a solid opaque wall or fence at least six (6) feet in height, and the materials stored do not exceed the height of the fence or wall.
- B. Performance Standards. All uses shall comply with the General Performance Standards set forth in Section 155.030 and the following provisions:
- i. Any use creating immense earth-shaking vibrations such as those created by a heavy drop forge shall be set back from a residence district boundary or use by at least 250 feet, and set back from a business district boundary or commercial use at least 150 feet.
 - ii. At no point 125 feet from the boundary of any district which permits an enclosed industrial use shall the bound pressure level of any operation or plant (other than background noises produced by sources not under the control of this chapter) exceed the decibel limits in the octave bands designated in the following table:

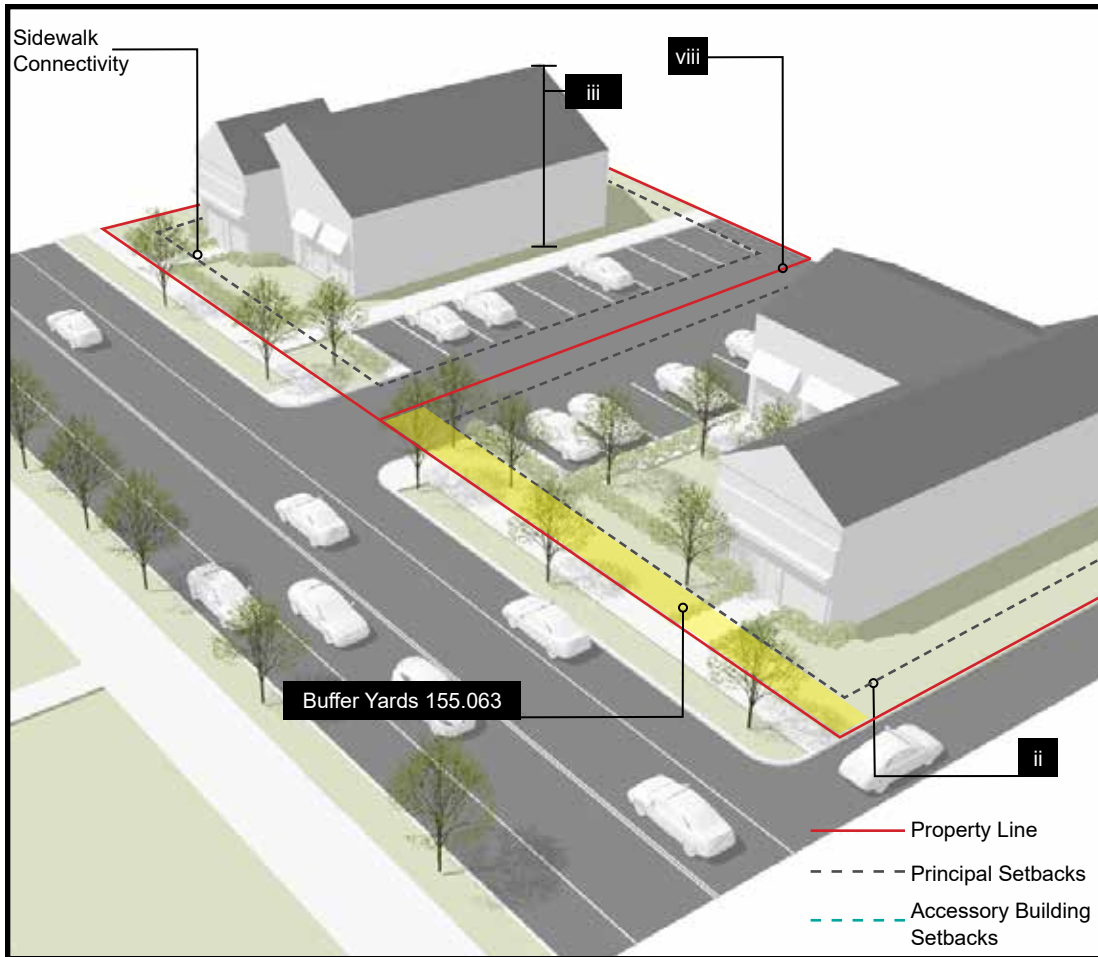
Octave Band Frequency (Cycles Per Second)	Maximum Permitted Sound Level (In Decibels) 125 feet from District Adjoining Residence District Boundaries	Maximum Permitted Sound Level (In Decibels) 125 Feet from District Adjoining Business District Boundaries
0 to 75	75	80
75 to 150	70	75
150 to 300	65	70
300 to 600	59	64
600 to 1200	53	58
1200 to 2400	48	53
2400 to 4800	48	49
Above 4800	41	46

- C. The following table contains additional major sections that are common references needed across districts. This list is not meant to be considered an exhaustive list, and other sections may apply to individual properties or projects.

Common Sections of Pertinent Reference	
155.052 Wireless Facilities	155.083 Development Plan Approval
155.063 Landscaping	155.093 Variances
155.064 Fences and Screening	155.094 Conditional Uses
155.065 Signs	155.054 Drive-Thru Facilities and Vehicle Dependent Uses
155.066 Off-Street Parking and Loading	
155.068 Access and Frontage	
155.069 Intersection Site Visibility	
155.104 Commercial/Industrial Design Standards	

155.012 CS - COMMERCIAL SOUTH GATEWAY DISTRICT





155.012 CS - COMMERCIAL SOUTH GATEWAY DISTRICT

1. Purpose and Intent

The desired development pattern within the CS is small-scale commercial and business infill development that provides a strong gateway to Greenfield. The “CS” Commercial South Gateway District remains an important gateway to the City from the south and the last impression of the City from the north. The existing development pattern within the CS is auto-oriented and includes a small-scale retail strip center, corner gas station, vacant land, a park and small-scale commercial uses. Future development and redevelopment should maintain a walkable, but more pastoral setting than more intense commercial districts and incorporate open space and natural elements into the built environment.

Desirable development patterns include one- and two-story commercial buildings featuring masonry and stone as the primary material on the façade. Internal access between uses should be prioritized and planned during individual development proposals.

2. Permitted and Conditional Uses

See Table 155.007 for uses permitted by district. Some uses may require Development Plan Approval. Business uses not otherwise permitted in this district may be considered by the Board of Zoning Appeals as a Conditional Use application provided that the Board finds that the requested use is consistent with the spirit and intent of this ordinance and the Comprehensive Plan.

3. Building Placement and Standard

More than one principal building or use(s) shall be permitted on the same lot in the Commercial South (CS) District. Buildings in the CS shall be developed in accordance with the following standards per the individual development tables below. **Table A** applies to all developments within the CS:

A. Development Standards for All Buildings	
Dimension	Standard
i. Lot Dimensions	Width: N/A Area: N/A
ii. Setbacks. Setbacks shall be the minimum listed here, or the size of the applicable buffer yard required by 155.063 whichever is greater. <i>Parcels platted under previous codes shall follow the setbacks platted unless the plat is revised</i>	Front lot line: 10' minimum* setback, 50' maximum Side lot line: 10 feet minimum, 20' when abutting a residential property or use Rear lot line: 10 feet minimum, 20' when abutting a residential property or use
iii. Principal Building Height	45 feet, maximum
iv. Lot Coverage	The total floor area of the building(s) shall not exceed 60% of the lot area
v. Accessory Building Location	Rear yard
vi. Accessory Building Setbacks	Shall follow that of A.ii
vii. Accessory Building Height	20 feet, maximum
viii. Parking Lot Location	Rear yard and side yard parking is preferred. No more than 20% of parking should be located between the front building façade and any public street or trail, unless approved through Development Plan Approval. Structures on corner lots will be considered to have two front building facades facing public streets. Shared parking is encouraged on immediately adjacent lots in accordance with 155.066.
ix. Required Open Space	Not less than 15% Usable Open Space (excluding impervious surfaces) shall be provided. Drainage ponds, play areas, common areas, and the like may apply toward this provision.

4. Additional Standards

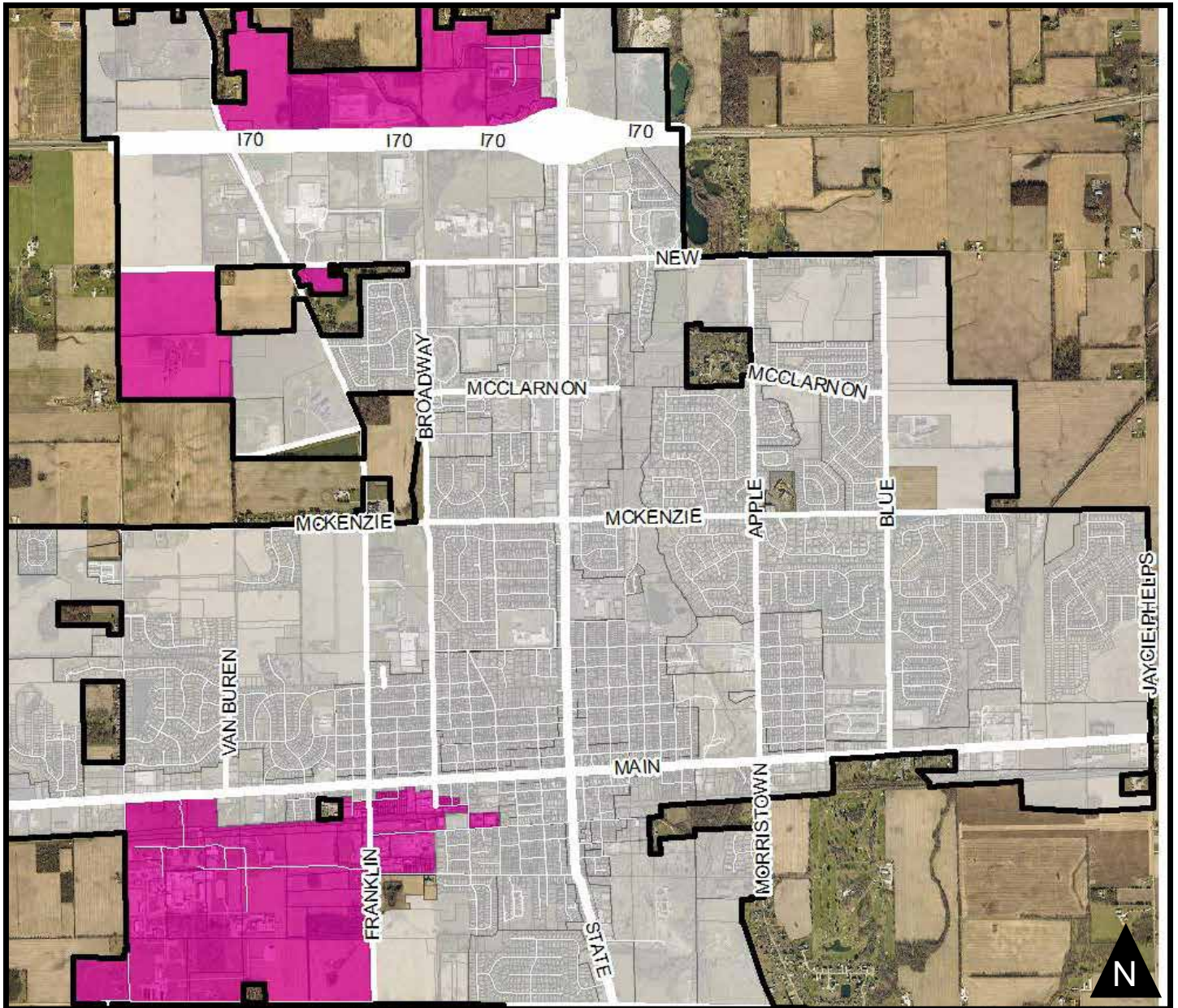
A. Outdoor Display and Storage

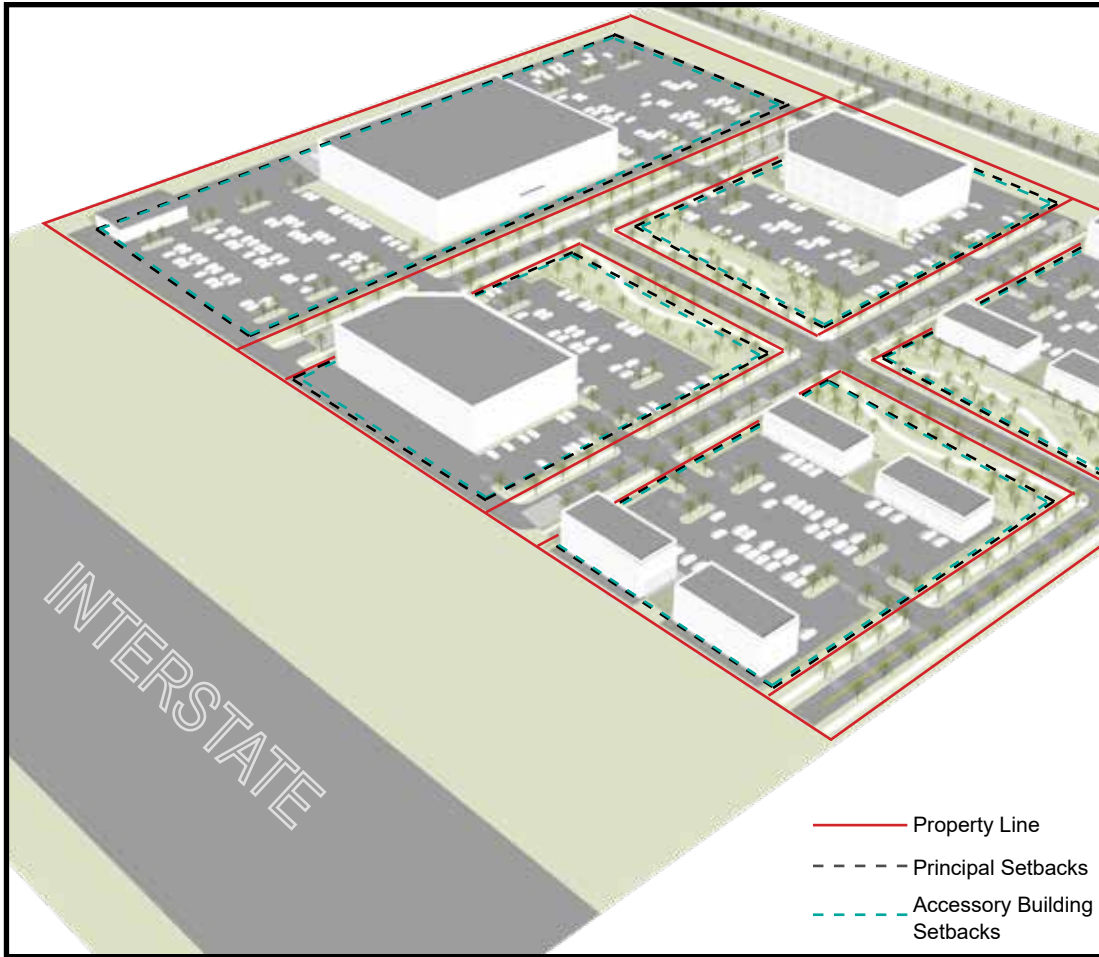
- i. The conduct of permitted uses shall be within completely enclosed buildings, except for accessory uses which clearly demonstrate subordination to the permitted use in area, extent, and purpose.
 - 1. Outdoor display is permitted, and each establishment shall be permitted a maximum display area not to exceed 1% of the gross floor area of the primary building.
 - 2. Outdoor display shall only be located immediately adjacent to the primary building.
 - 3. Outdoor display shall not impede pedestrian or vehicular traffic and shall be maintained in an orderly fashion.

- ii. Outdoor storage of merchandise is prohibited, unless it is located behind in a rear yard, completely enclosed by a solid opaque wall or fence at least six (6) feet in height, and the materials stored do not exceed the height of the fence or wall.
- B. The following table contains additional major sections that are common references needed across districts. This list is not meant to be considered an exhaustive list, and other sections may apply to individual properties or projects.

Common Sections of Pertinent Reference	
155.052 Wireless Facilities	155.083 Development Plan Approval
155.063 Landscaping	155.093 Variances
155.064 Fences and Screening	155.094 Conditional Uses
155.065 Signs	155.054 Drive-Thru Facilities and Vehicle Dependent Uses
155.066 Off-Street Parking and Loading	
155.068 Access and Frontage	
155.069 Intersection Site Visibility	
155.104 Commercial/Industrial Design Standards	

155.013 BP - BUSINESS PARK DISTRICT





155.013 BP - BUSINESS PARK DISTRICT

1. Purpose and Intent

The “BP” Business Park District is intended to encourage well-planned office park and industrial park uses, particularly with respect to unified design, scale, ingress and egress, adequate and properly- located parking and service facilities, and convenient and safe pedestrian accessibility. Campus-style development and amenities for employees such as walking trails or sitting areas are encouraged.

Mixed-use buildings that bring services and amenities to employment hubs and provide housing for employees are also desirable uses within this district. Retail, service, and personal care uses are encouraged as part of creating a desirable live-work district. Ingress and egress points should be of thoughtful design and placement to reduce potential conflict areas between pedestrians, cyclists, and business park traffic.

2. Permitted and Conditional Uses

See Table 155.007 for uses permitted by district. Some uses may require Development Plan Approval. Business uses not otherwise permitted in this district may be considered by the Board of Zoning Appeals as a Conditional Use application provided that the Board finds that the requested use is consistent with the spirit and intent of this ordinance and the Comprehensive Plan. The following uses are also allowed when developed as part of a mixed-use structure through a Development Plan Approval through the Plan Commission.

A. Additional Uses Permitted as Part of a Mixed-Use Development

- i. Personal care such as Salons, Barber Shop, Tailors, Shoe Repair, Dry Cleaning, Spas, and the like.

- ii. Banking, Accounting, Tax Preparation, and other financial services.
- iii. Professional services including doctors, dentists, lawyers, optometrists, and the like.
- iv. Child-care center in compliance with all applicable Indiana State Codes and requirements from the appropriate state agencies.
- v. Retail shops including apparel, jewelry, variety, toy, music, sporting goods, or similar stores.
- vi. Bakery, delicatessen, coffee shop, and restaurants.
- vii. Drive-thru in conjunction with any permitted or conditional use.
- viii. Outdoor seating areas or gathering areas intended for live music, performances, and similar.
- ix. Other uses similar to these but not otherwise listed in this section.

3. Building Placement and Standard

Buildings in the BP shall be developed in accordance with the following standards per the individual development tables below. **Table A** applies to Manufacturing / Large Scale Developments, **Table B** applies to Manufacturing / Small/ Medium Scale Developments, and **Table C** applies to Office, Commercial, Multi-Unit and Mixed-Use Developments within the BP District:

A. Manufacturing / Large Scale (50,000 Square Feet or More)	
Dimension	Standard
i. Lot Dimensions	Width: N/A Area: N/A
ii. Setbacks. Setbacks shall be the minimum listed here, or the size of the applicable buffer yard required by 155.063 whichever is greater. <i>Parcels platted under previous codes shall follow the setbacks platted unless the plat is revised</i>	Front lot line: 40 feet minimum, unless previously platted Side lot line: 10 feet minimum Rear lot line: 10 feet minimum
iii. Principal Building Height	45 feet maximum
iv. Lot Coverage	60% of lot area, maximum
v. Accessory Building Location	Rear or side yard preferred
vi. Accessory Building Setbacks	Setbacks for accessory structures shall follow those of the primary structure
vii. Accessory Building Height	20 feet, maximum
viii. Parking Lot Location	Front, Side, or Rear Yard. Parking located in the front yard shall be screened and buffered in accordance with 155.063.

B. Manufacturing / Small/Medium Scale (Under 50,000 Square Feet)	
Dimension	Standard
i. Lot Dimensions	Width: N/A Area: N/A
ii. Setbacks. Setbacks shall be the minimum listed here, or the size of the applicable buffer yard required by 155.063 whichever is greater. <i>Parcels platted under previous codes shall follow the setbacks platted unless the plat is revised</i>	Front lot line: 25 feet minimum, unless previously platted Side lot line: 10 feet minimum Rear lot line: 10 feet minimum
iii. Principal Building Height	45 feet maximum
iv. Lot Coverage	60% of lot area, maximum
v. Accessory Building Location	Rear and Side Yard
vi. Accessory Building Setbacks	Setbacks for accessory structures shall follow those of the primary structure
vii. Accessory Building Height	20 feet, maximum
viii. Parking Lot Location	Front, Side, or Rear Yard. Parking located in the front yard shall be screened and buffered in accordance with 155.063.

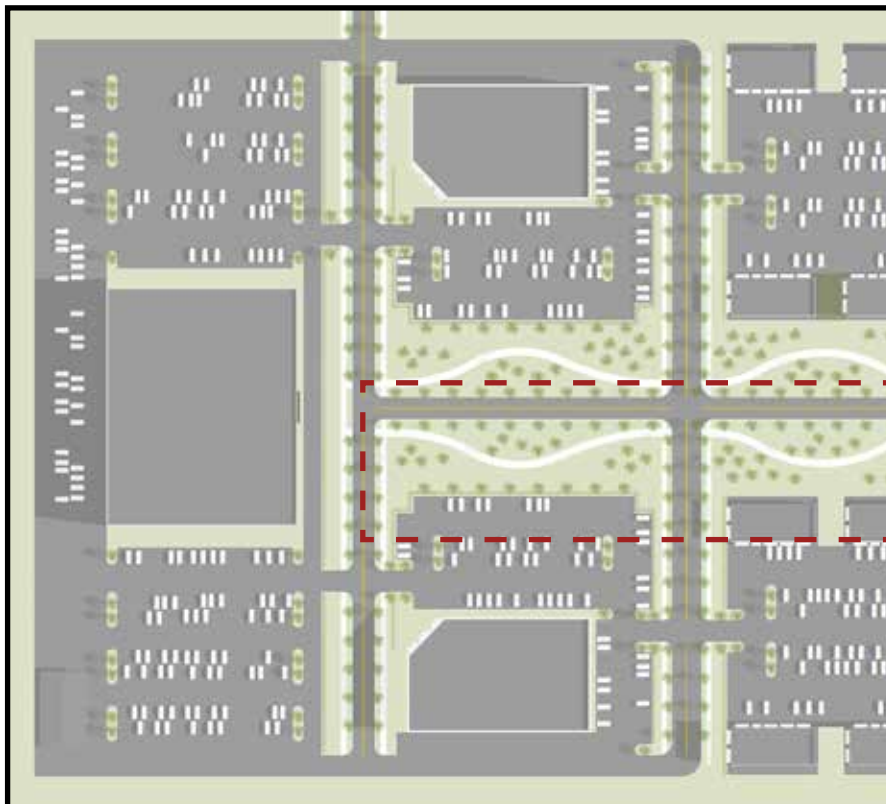


Figure 1. Business Parks should provide for planned access for future parcels near the development, common entry features or boulevards, and signage plans that ensure that navigation through the business park is intuitive to vehicles and semi trailers.

Ideal developments should include internal connectivity or employee amenities such as sidewalks, trails, or outdoor areas.

C. Commercial, Multi-Unit, Mixed-Use, and Other Non-Industrial Uses Development Standards	
Dimension	Standard
i. Lot Dimensions	Width: N/A Area: N/A
ii. Setbacks. Setbacks shall be the minimum listed here, or the size of the applicable buffer yard required by 155.063 whichever is greater. <i>Parcels platted under previous codes shall follow the setbacks platted unless the plat is revised</i>	Front lot line: 20 feet minimum for two or less stories, 35 feet if over two stories Side lot line: 10 feet minimum Rear lot line: 10 feet minimum
iii. Principal Building Height	45 feet maximum
iv. Lot Coverage	70% of lot area, maximum
v. Accessory Building Location	Rear or Side yard Accessory uses shall not occupy an area in excess of 30% of the total floor area used in the same building by the same firm or enterprise.
vi. Accessory Building Setbacks	Setbacks for accessory structures shall follow those of the primary structure
vii. Accessory Building Height	20 feet maximum



Figure 2. Business Parks are often located on major corridors with excellent visibility and access. As such, parking should be minimized in the front yard and dispersed on the site. Internal and perimeter parking lot landscaping helps soften the impact of larger parking areas.

C. Commercial, Multi-Unit, Mixed-Use, and Other Non-Industrial Uses Development Standards	
Dimension	Standard
viii. Parking Lot Location	Rear and side yard parking preferred. No more than 30% of the required parking should be located between the building façade and any public street or trail. Landscaping shall be in accordance with 155.063.
ix. Required Open Space	Multi-Unit, Mixed-Use, and Other Non-Industrial Uses shall provide not less than 15% Usable Open Space (excluding impervious surfaces). Drainage ponds, play areas, common areas, and the like may apply toward this provision.

4. Additional Standards

A. General Standards.

- i. The conduct of permitted uses herein shall be within completely enclosed buildings, except for accessory uses which clearly demonstrate subordination to the permitted use in area, extent, and purpose. Outside display of merchandise for immediate sale to the public shall be located behind the setback lines, shall not be located on required parking spaces, and shall not include duplicate items.
- ii. Outside storage of merchandise is prohibited, unless it is located behind the setback lines, completely enclosed by a solid six (6) foot tall minimum opaque wall or fence, and the materials stored do not exceed the height of the fence or wall. Unenclosed storage is allowed if it is not visible from any public or private road or street.

B. Performance Standards. All uses shall comply with the General Performance Standards set forth in Section 155.030 and the following provisions:

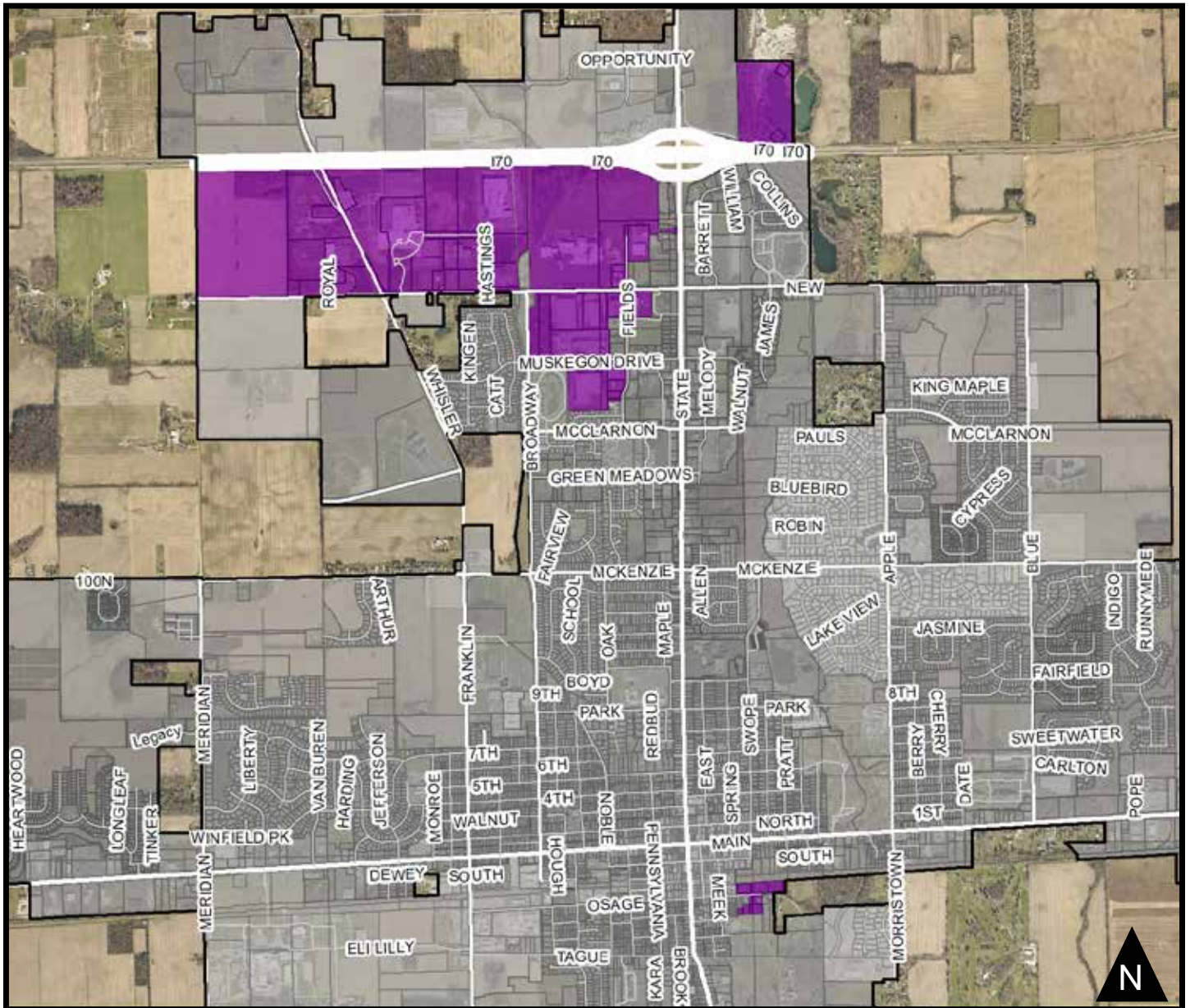
- i. Any use creating immense earth-shaking vibrations such as those created by a heavy drop forge shall be set back from a residence district boundary or use by at least 250 feet, and set back from a business district boundary or commercial use at least 150 feet.
- ii. At no point 125 feet from the boundary of any district which permits an enclosed industrial use shall the bound pressure level of any operation or plant (other than background noises produced by sources not under the control of this chapter) exceed the decibel limits in the octave bands designated in the following table:

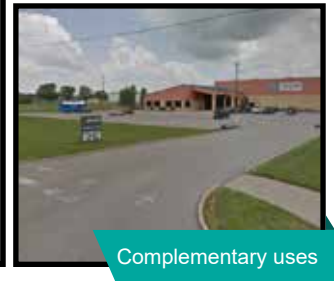
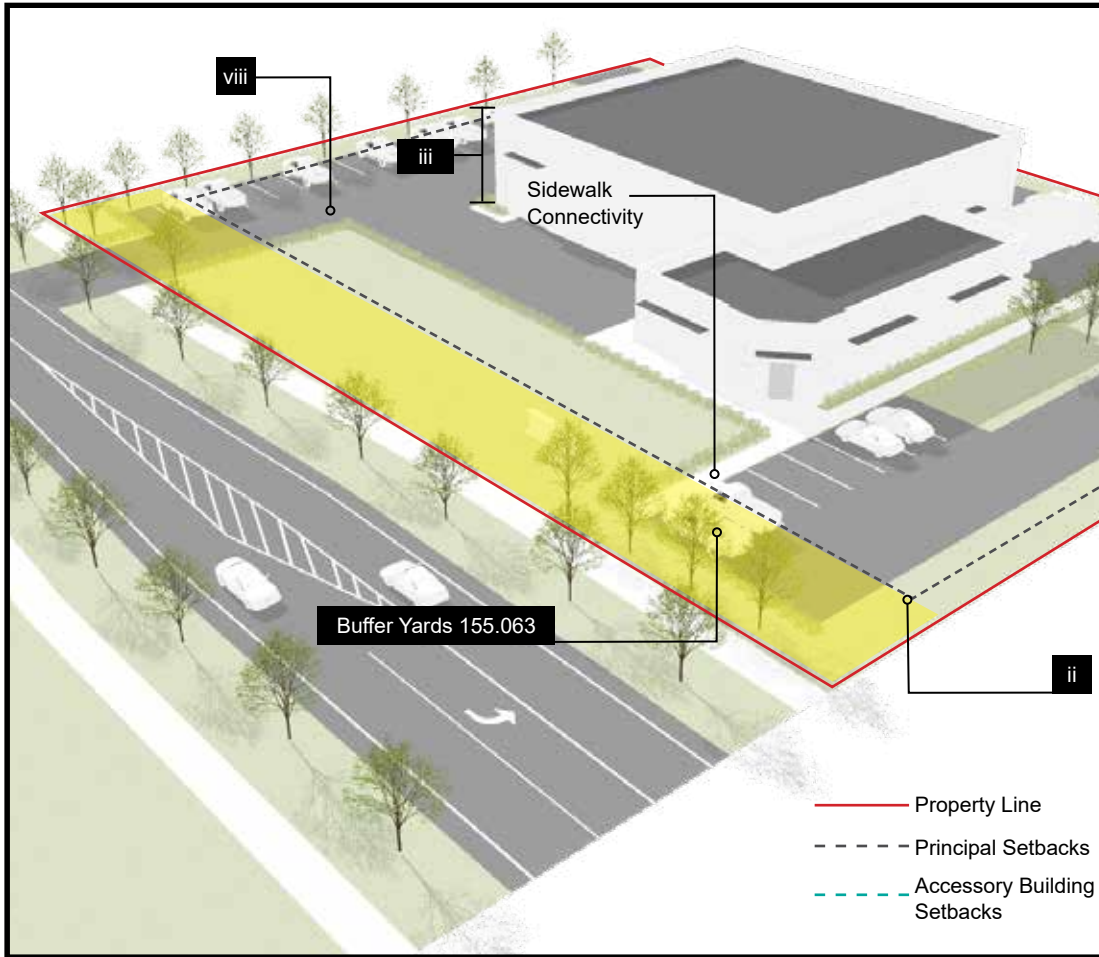
Octave Band Frequency (Cycles Per Second)	Maximum Permitted Sound Level (In Decibels) 125 feet from District Adjoining Residence District Boundaries	Maximum Permitted Sound Level (In Decibels) 125 Feet from District Adjoining Business District Boundaries
0 to 75	75	80
75 to 150	70	75
150 to 300	65	70
300 to 600	59	64
600 to 1200	53	58
1200 to 2400	48	53
2400 to 4800	48	49
Above 4800	41	46

- C. The following table contains additional major sections that are common references needed across districts. This list is not meant to be considered an exhaustive list, and other sections may apply to individual properties or projects.

Common Sections of Pertinent Reference	
155.052 Wireless Facilities	155.083 Development Plan Approval
155.063 Landscaping	155.093 Variances
155.064 Fences and Screening	155.094 Conditional Uses
155.065 Signs	155.054 Drive-Thru Facilities and Vehicle Dependent Uses
155.066 Off-Street Parking and Loading	
155.068 Access and Frontage	
155.069 Intersection Site Visibility	
155.104 Commercial/Industrial Design Standards	

155.014 IM - INNOVATION AND MANUFACTURING DISTRICT





155.014 IM - INNOVATION AND MANUFACTURING DISTRICT

1. Purpose and Intent

The “IM” Innovation and Manufacturing District is intended to regulate the portions of the city devoted to enclosed manufacturing, innovation, and research and development uses. The existing development pattern in the IM is large lot, low density industrial properties interspersed with greenspace and auto-oriented commercial uses. The desired development pattern is to provide context-sensitive infill development that maximizes productivity while respecting surrounding land uses.

2. Permitted and Conditional Uses

See Table 155.007 for uses permitted by district. Some uses may require Development Plan Approval. Business uses not otherwise permitted in this district may be considered by the Board of Zoning Appeals as a Conditional Use application provided that the Board finds that the requested use is consistent with the spirit and intent of this ordinance and the Comprehensive Plan.

3. Building Placement and Standard

Buildings in the IM shall be developed in accordance with the following standards per the individual development tables below. **Table A** applies to Manufacturing / Large-Scale Developments, **Table B** applies to Small/Medium Scale Industrial Developments, and **Table C** applies to Office, Commercial, or Other Uses within the IM District:

A. Manufacturing / Large Scale Buildings (50,000 Square Feet or More)	
Dimension	Standard
i. Lot Dimensions	Width: N/A Area: N/A
ii. Setbacks. Setbacks shall be the minimum listed here, or the size of the applicable buffer yard required by 155.063 whichever is greater. <i>Parcels platted under previous codes shall follow the setbacks platted unless the plat is revised</i>	Front lot line: 40 feet minimum, unless previously platted Side lot line: Shall be determined by required buffer yards in 155.063 Rear lot line: Shall be determined by required buffer yards in 155.063
iii. Principal Building Height	45 feet, maximum
iv. Lot Coverage	60% of lot area, maximum
v. Accessory Building Location	Rear yard
vi. Accessory Building Setbacks	Shall follow that of A.ii
vii. Accessory Building Height	20 feet, maximum
viii. Parking Lot Location	Front, Side, or Rear Yard. Parking located in the front yard shall be screened and buffered in accordance with 155.063 .

B. Manufacturing / Small/Medium Scale (Under 50,000 Square Feet)	
Dimension	Standard
i. Lot Dimensions	Width: N/A Area: N/A
ii. Setbacks. Setbacks shall be the minimum listed here, or the size of the applicable buffer yard required by 155.063 whichever is greater. <i>Parcels platted under previous codes shall follow the setbacks platted unless the plat is revised</i>	Front lot line: 25 feet minimum, unless previously platted Side lot line: Shall be determined by required buffer yards in 155.063 Rear lot line: Shall be determined by required buffer yards in 155.063
iii. Principal Building Height	45 feet, maximum
iv. Lot Coverage	60% of lot area, maximum
v. Accessory Building Location	Rear and Side Yard
vi. Accessory Building Setbacks	Shall follow that of B.ii
vii. Accessory Building Height	25 feet, maximum
viii. Parking Lot Location	Front, Side, or Rear Yard. Parking located in the front yard shall be screened and buffered in accordance with 155.063 .

C. Office, Commercial, and All Other Uses Development Standards	
Dimension	Standard
i. Lot Dimensions	Width: N/A Area: N/A
ii. Setbacks. Setbacks shall be the minimum listed here, or the size of the applicable buffer yard required by 155.063 whichever is greater. <i>Parcels platted under previous codes shall follow the setbacks platted unless the plat is revised</i>	Front lot line: 20 feet minimum for two or less stories, 35 feet if over two stories Side lot line: Shall be determined by required buffer yards in 155.063 Rear lot line: Shall be determined by required buffer yards in 155.063
iii. Principal Building Height	45 feet, maximum
iv. Lot Coverage	70% of lot area, maximum
v. Accessory Building Location	Rear or Side yard
vi. Accessory Building Setbacks	Shall follow that of C.ii
vii. Accessory Building Height	25 feet, maximum
viii. Parking Lot Location	Rear and side yard parking preferred. No more than 30% of the required parking shall be located in a front yard.
ix. Required Open Space	All Uses other than office and commercial shall provide not less than 15% Usable Open Space (excluding impervious surfaces). Drainage ponds, play areas, common areas, and the like may apply toward this provision.

4. Additional Standards

- A. Performance Standards. All uses in the Innovation and Manufacturing District shall comply with the General Performance Standards set forth in Section 155.030 and prior to the issuance of an improvement location permit the following requirements shall be met:
 - i. Written approval of proposed connection to the public utilities shall be obtained from the Board of Public Works and Safety.
 - ii. Plans and Specifications for proposed storm drainage facilities shall be submitted to and written approval obtained from the City Engineer.
 - iii. All operations, serving, or processing, except storage of production materials and off-street loading, shall be conducted within completely enclosed buildings
 - iv. All outside storage of materials or products shall be effectively screened by a fence or other barrier not less than seven (7) feet in height, and storage within such enclosure shall not be in excess of the height of said screen.
 - v. No operation, activity, or structure shall cause heat or glare in such a manner as to be a public nuisance at or beyond any residence or business district boundary.
 - vi. Any use creating immense earth-shaking vibrations such as are created by a heavy drop forge shall be set back from a residence district boundary at least 250 feet, or at least 150 feet from a business district boundary.
 - vii. At no point 125 feet from the boundary of any district which permits an enclosed industrial use, shall the bound pressure level of any operation or plant (other than background noises produced

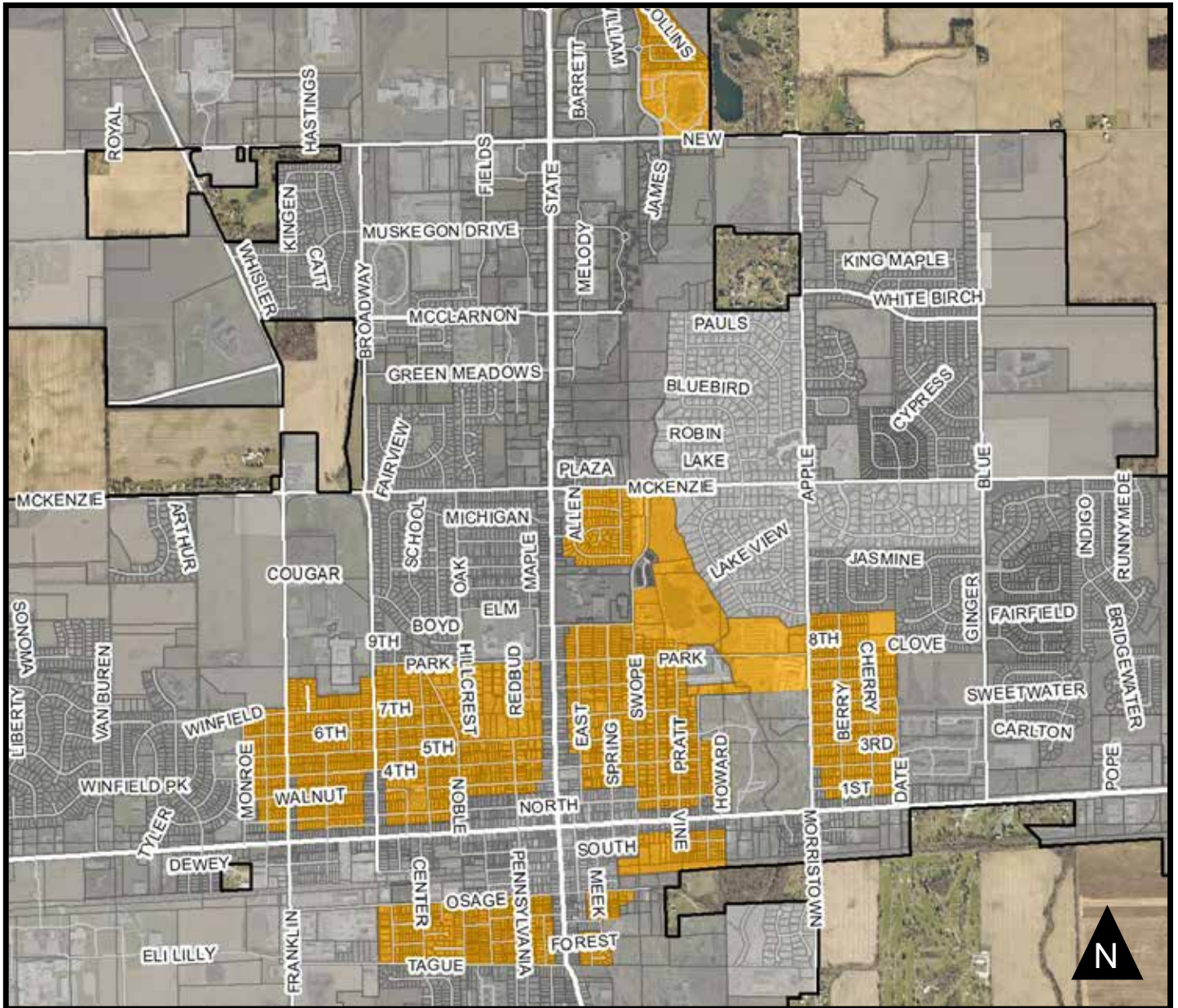
by sources not under the control of this chapter) exceed the decibel limits in the octave bands designated in the following table:

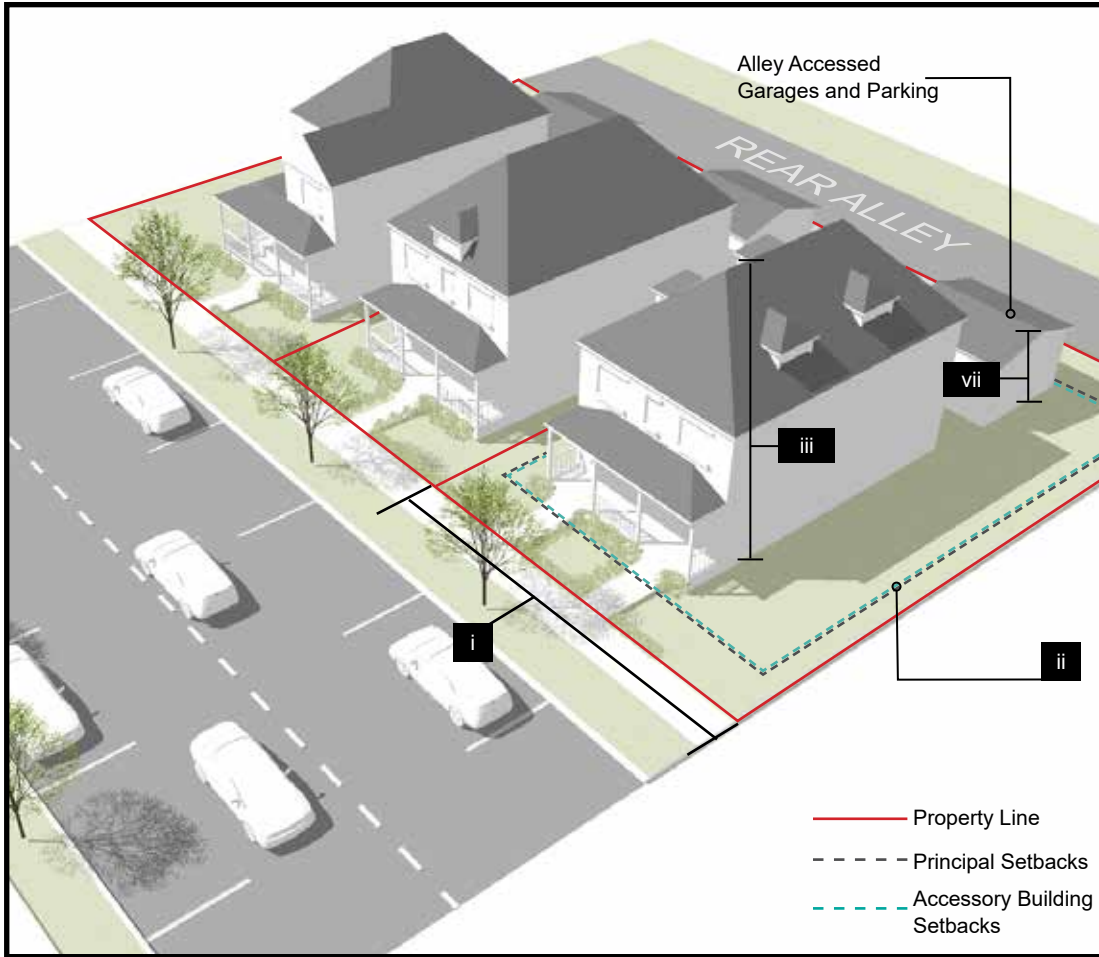
Octave Band Frequency (Cycles per Second)	Maximum Permitted Sound Level (In Decibels) 125 feet from District Adjoining Residence District Boundaries	Maximum Permitted Sound Level (In Decibels) 125 feet from District Adjoining Business District Boundaries
0 to 75	75	80
75 to 150	70	75
150 to 300	65	70
300 to 600	59	64
600 to 1200	53	58
1200 to 2400	48	53
2400 to 4800	48	49
Above 4800	41	46

- B. The following table contains additional major sections that are common references needed across districts. This list is not meant to be considered an exhaustive list, and other sections may apply to individual properties or projects.

Common Sections of Pertinent Reference	
155.052 Wireless Facilities	155.083 Development Plan Approval
155.063 Landscaping	155.093 Variances
155.064 Fences and Screening	155.094 Conditional Uses
155.065 Signs	
155.066 Off-Street Parking and Loading	
155.068 Access and Frontage	
155.069 Intersection Site Visibility	
155.104 Commercial/Industrial Design Standards	

155.015 RU - RESIDENTIAL URBAN DISTRICT

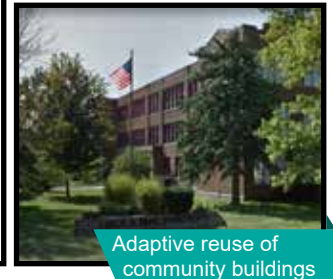




Front porches and walkable settings



Alley access to rear or detached garages



Adaptive reuse of community buildings

155.015 RU - RESIDENTIAL URBAN DISTRICT

1. Purpose and Intent

The “RU” Residential Urban District is intended to regulate all land in the city located in the urban areas surrounding Downtown and other neighborhoods exhibiting a traditional development pattern. This zoning district is appropriate for higher density, walkable areas and developments greater than those allowed in the RM and RL. New developments or rezone requests seeking the RU District Designation should be considered when the development has:

- A walkable, socially connected design (example: active open areas and usable community space);
- Is in close proximity to an established or proposed commercial or service node;
- Has densities comparable to that of existing neighborhoods in the RU District; AND
- Meets a need or goal identified in the Comprehensive Plan.

The existing development pattern in the RU is traditional late eighteenth and early twentieth century single-unit residential, residential conversions, and small apartment house developments. Residences typically have front porches with access to sidewalks. Parking tends to be located on drives leading to detached garages in the rear yard or accessed from an alley, as well as public on-street parking. Buildings have small front and side yard setbacks and are situated on platted lots in manageable block lengths for walkability. Future development should conform to the existing, traditional development patterns within the RU.

2. Permitted and Conditional Uses

See Table 155.007 for uses permitted by district. Some uses may require Development Plan Approval. Other uses similar to those allowed in this district may be considered by the Board of Zoning Appeals as a Conditional Use application provided that the Board finds that the requested use is consistent with the spirit and intent of this ordinance and the Comprehensive Plan.

3. Building Placement and Standards

Structures in the RU shall be developed in accordance with the following standards per the individual development tables and contain uses allowed in the district per 155.007. **Table A** applies to Residential Single and Two-Unit Structures, and **Table B** applies to all other structures within the RU District:

A. Residential Single- and Two-Unit Structure Standards	
Dimension	Standard
i. Lot Standards	Lot Width: 40 feet minimum Lot Area: 3,000 square feet minimum
ii. Setbacks <i>Parcels platted under previous codes shall follow the setbacks platted unless the plat is revised</i>	Front Lot Line: 10 feet minimum Side Lot Line: 5 feet minimum, with a 12' aggregate for new subdivisions developed under the RU District Rear Lot Line: 10 feet minimum, plus any distance dedicated to a rear easement
iii. Principal Building Height	35 feet, maximum
iv. Lot Coverage	The total floor area of the building(s) shall not exceed 55% of the lot area
v. Common Open Space	Not less than 15% Common Open Space (excluding impervious surfaces) shall be provided. Drainage ponds, play areas, common areas, and the like may apply toward this provision.
vi. Accessory Building Location	Rear yard or side yard, such that the accessory building shall be located behind any front façade of the primary structure or other façade facing a street
vii. Accessory Building Setbacks	Side Lot Line: 5 feet* minimum, or the distance of any easement, whichever is greater Rear Lot Line: 10 feet* minimum, or the distance of any easement, whichever is greater <i>* Accessory Dwelling Units shall follow the setbacks of the primary structure.</i>
viii. Accessory Building Height	20 feet maximum height, or subordinate in height to the primary structure, whichever is less
ix. Accessory Building Size	1000 total square feet in size for all accessory structures on a single property, or no more than 80% of the main floor area of the primary structure, whichever is less
x. Parking Location	Rear access garages or parking areas where alley access is available. Where alley access is not available, garages accessed from the front of the property must be set back from the front façade no less than 20' and may be attached or detached structures. This shall supersede garage standards in 155.101. In the case of corner lots, the garage should be accessed from the road with a lower functional classification as based on the Thoroughfare Plan, and should be setback from the front lot line along that street no less than 20 feet.

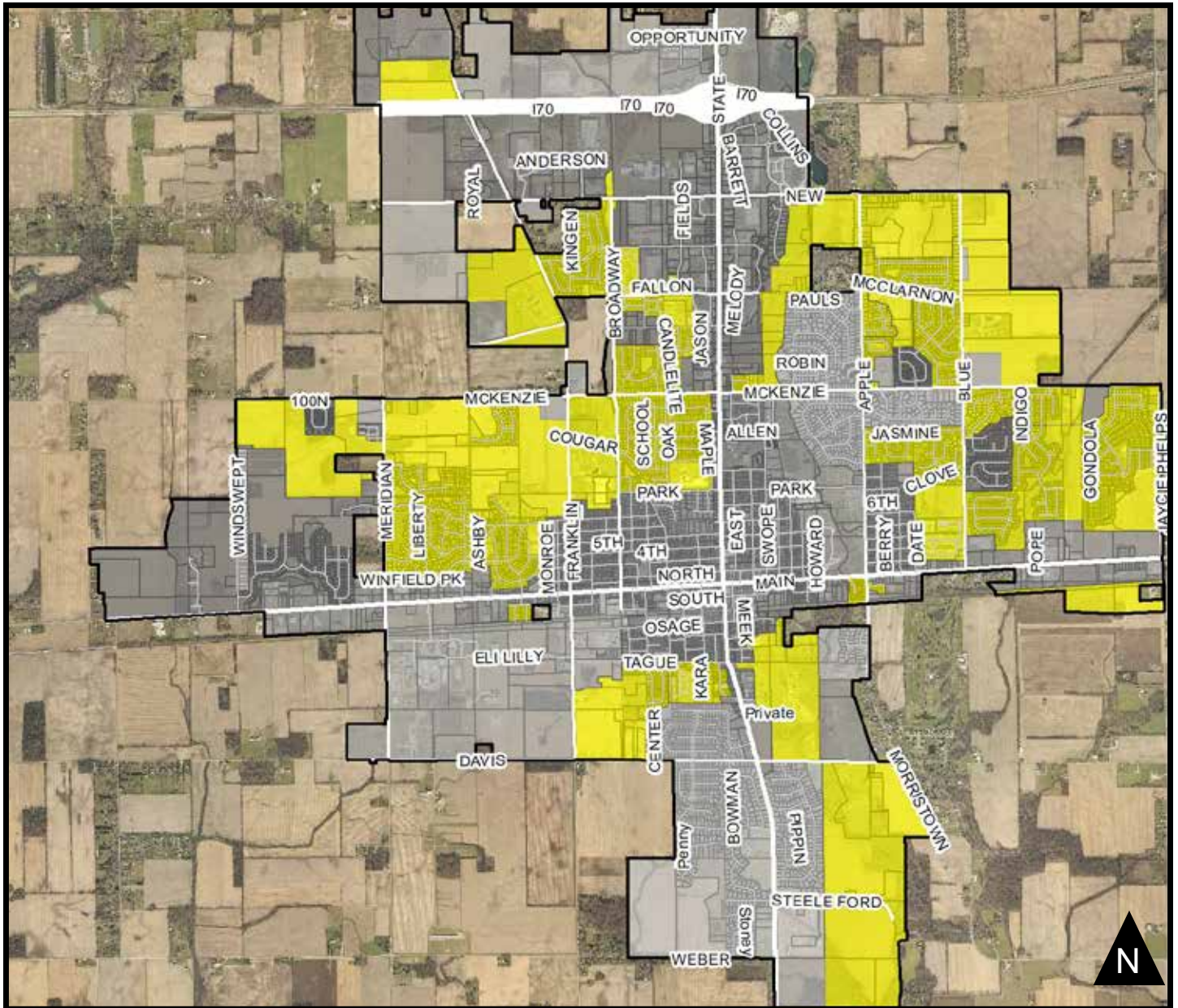
B. Multi-Unit Residential and All Other Structures and Developments	
Dimension	Standard
i. Lot Standards	Lot Width: N/A Lot Size: N/A
ii. Setbacks <i>Parcels platted under previous codes shall follow the setbacks platted unless the plat is revised</i>	Front lot line: 12 feet minimum Side lot line: 10 feet* minimum Rear lot line: 10 feet minimum
iii. Principal Building Height	45 feet, maximum
iv. Lot Coverage	The total floor area of the building(s) shall not exceed 75% of the lot area
v. Accessory Building Location	Rear yard
vi. Accessory Building Setbacks	Setbacks shall follow B.ii
vii. Accessory Building Height	20 feet maximum, or subordinate in height to the primary structure, whichever is less
viii. Parking Lot Location	Rear and side yard only
ix. Buffering	Parking lots shall be screened with a brick or masonry opaque wall of at least 3' in height or landscaping of similar mass. Opaque walls may use a combination of wrought iron and masonry/stone so long as the masonry or brick portion is at least 2' in height for the length of the wall.
x. Required Open Space	Not less than 15% Usable Open Space (excluding impervious surfaces) shall be provided. Drainage ponds, play areas, common areas, and the like may apply toward this provision.

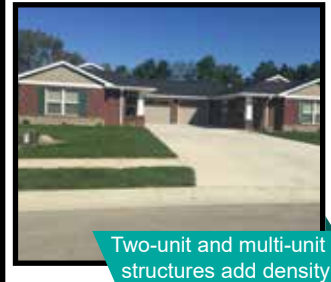
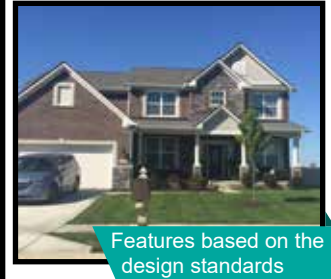
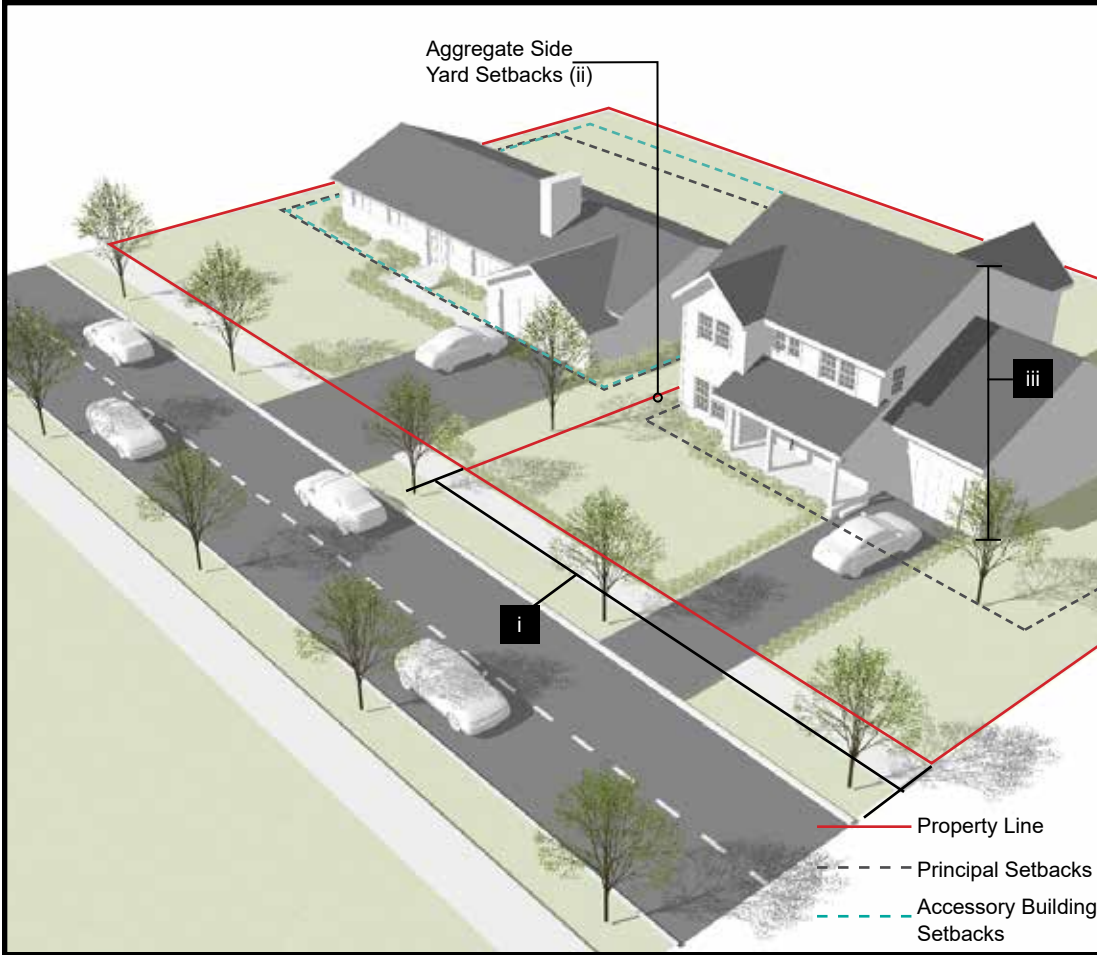
4. Additional Standards

The following table contains additional major sections that are common references needed across districts. This list is not meant to be considered an exhaustive list, and other sections may apply to individual properties or projects.

Common Sections of Pertinent Reference	
155.052 Wireless Facilities	155.083 Development Plan Approval
155.063 Landscaping	155.093 Variances
155.064 Fences and Screening	155.094 Conditional Uses
155.065 Signs	
155.066 Off-Street Parking and Loading	
155.068 Access and Frontage	
155.069 Intersection Site Visibility	
155.101 Design Standards for One and Two Unit Dwellings	
155.102 Design Standards for Multi-Unit Dwellings	

155.016 RM - THE RESIDENTIAL MODERATE DENSITY ZONE DISTRICT





155.016 RM - RESIDENTIAL MODERATE DENSITY DISTRICT

1. Purpose and Intent

The “RM” Residential Moderate Density District is intended to regulate all land in the city platted for medium scale suburban residential development. The existing development pattern in the RM is traditional suburban subdivisions and multi-family developments. The desired development pattern in the RM is to accommodate a mix of traditional single-family residential developments and multi-unit developments, with some variations in sizes and styles to meet diverse market desires. Ideal developments should create welcoming neighborhood settings with excellent road and pedestrian connectivity to adjacent developments, perimeter trails, open space, and neighborhoods for all ages. This District is intended to promote a range of housing types and densities that create diverse combinations of neighborhoods. The following densities are appropriate for this district:

Development Type	Density Range
Single-Unit	0-5 dwelling units per acre
Multi-Unit Single Story	0-10 dwelling units per acre
Multi-Unit Two Story	0-14 dwelling units per acre
Multi-Unit Three Story	0-18 dwelling units per acre

2. Permitted and Conditional Uses

See Table 155.007 for uses permitted by district. Some uses may require Development Plan Approval. Other uses

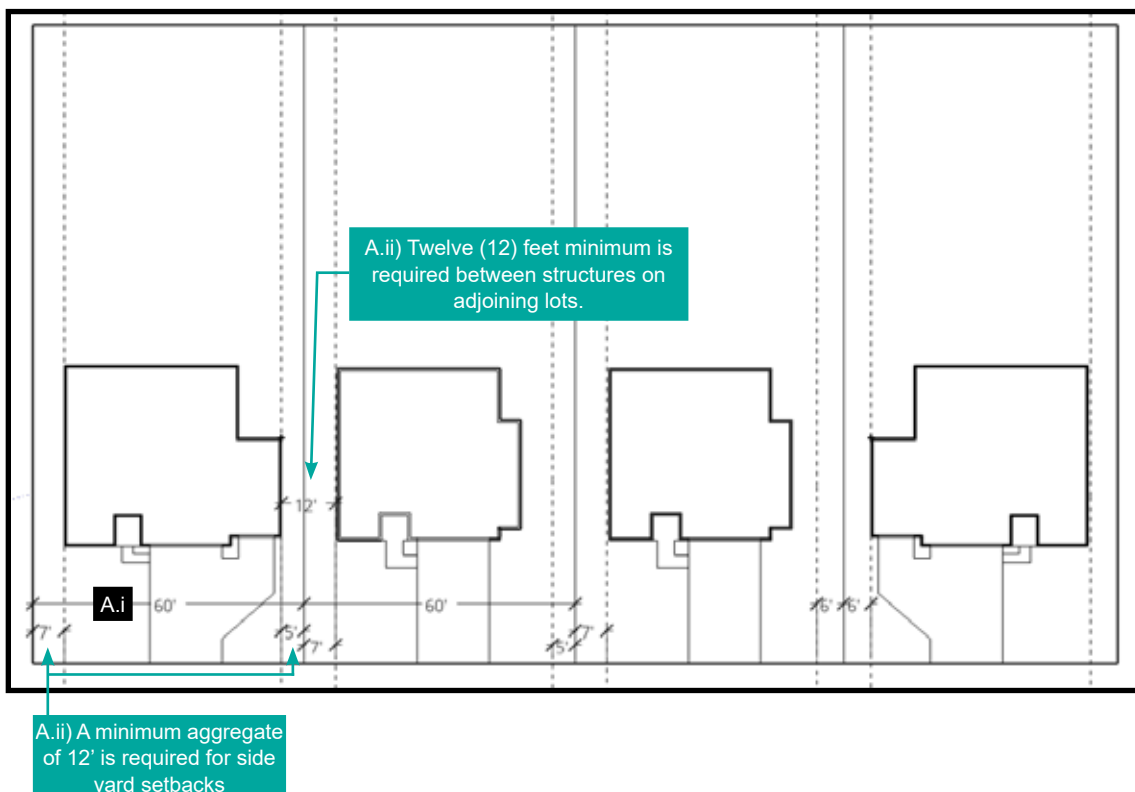
similar to those allowed in this district may be considered by the Board of Zoning Appeals as a Conditional Use application provided that the Board finds that the requested use is consistent with the spirit and intent of this ordinance and the Comprehensive Plan.

3. Building Placement and Standards

Structures in the RM shall be developed in accordance with the following standards per the individual development tables and contain uses allowed in the district per 155.007. **Table A** applies to Residential Single and Two-Unit Structures, and **Table B** applies to all other structures within the RM District:

A. Residential Single and Two-Unit Development Standards	
Dimension	Standard
i. Lot Standards	Lot Width: 60 feet minimum Lot Area: 7,000 square feet minimum
ii. Setbacks <i>Parcels platted under previous codes shall follow the setbacks platted unless the plat is revised</i>	Front Lot Line: 25 feet minimum Side Lot Line: 12 feet (lot aggregate) with 5' minimum per side; 12' minimum distance required between structures on adjoining lots Rear Lot Line: 20 feet minimum plus any distance dedicated to a rear easement
iii. Principal Building Height	35 feet, Maximum
iv. Lot Coverage	The total floor area of the building(s) shall not exceed 45% of the lot area
v. Common Open Space	Not less than 15% Common Open Space (excluding impervious surfaces) shall be provided. Drainage ponds, play areas, common areas, and the like may apply toward this provision.
vi. Accessory Building Location	Rear yard or side yard, such that the accessory building shall be located behind the any front façade of the primary structure or other façade facing a street
vii. Accessory Building Setbacks	Side Lot Line: 5 feet* minimum, or the distance of any side easement on the property, whichever is greater Rear Lot Line: 10 feet* minimum, or the distance of any rear easement on the property, whichever is greater <i>*Accessory Dwelling Units shall follow the setbacks of the primary structure.</i>
viii. Accessory Building Height	20 feet maximum height, or subordinate in height to the primary structure, whichever is less
ix. Accessory Building Size	1000 total square feet in size for all accessory structures on a single property, or no more than 80% of the main floor area of the primary structure, whichever is less
x. Parking Location	Garages may be side, rear, or front-loading

B. Multi-Unit Residential and All Other Structures and Development Types	
Dimension	Standard
i. Lot Standards	Lot Width: N/A Lot Area: N/A
ii. Setbacks <i>Parcels platted under previous codes shall follow the setbacks platted unless the plat is revised</i>	Front: 25 feet minimum Side: 15 feet minimum, 25 feet if abutting the RL District Rear: 15 feet minimum, 30 if abutting the RL District
iii. Principal Building Height	45 feet, maximum
iv. Lot Coverage	The total floor area of the building(s) shall not exceed 65% of the lot area
v. Accessory Building Location	Rear yard
vi. Accessory Building Setbacks	Shall follow that of B.ii
vii. Accessory Building Height	20 feet maximum height, or subordinate in height to the primary structure, whichever is less
viii. Parking Location	Not more than 20% of parking shall be located in any front yard of any development in the RM District. Parking areas shall be screened and buffered in accordance with the Landscaping Section 155.063.
ix. Required Open Space	Not less than 15% Usable Open Space (excluding impervious surfaces) shall be provided. Drainage ponds, play areas, common areas, and the like may apply toward this provision.



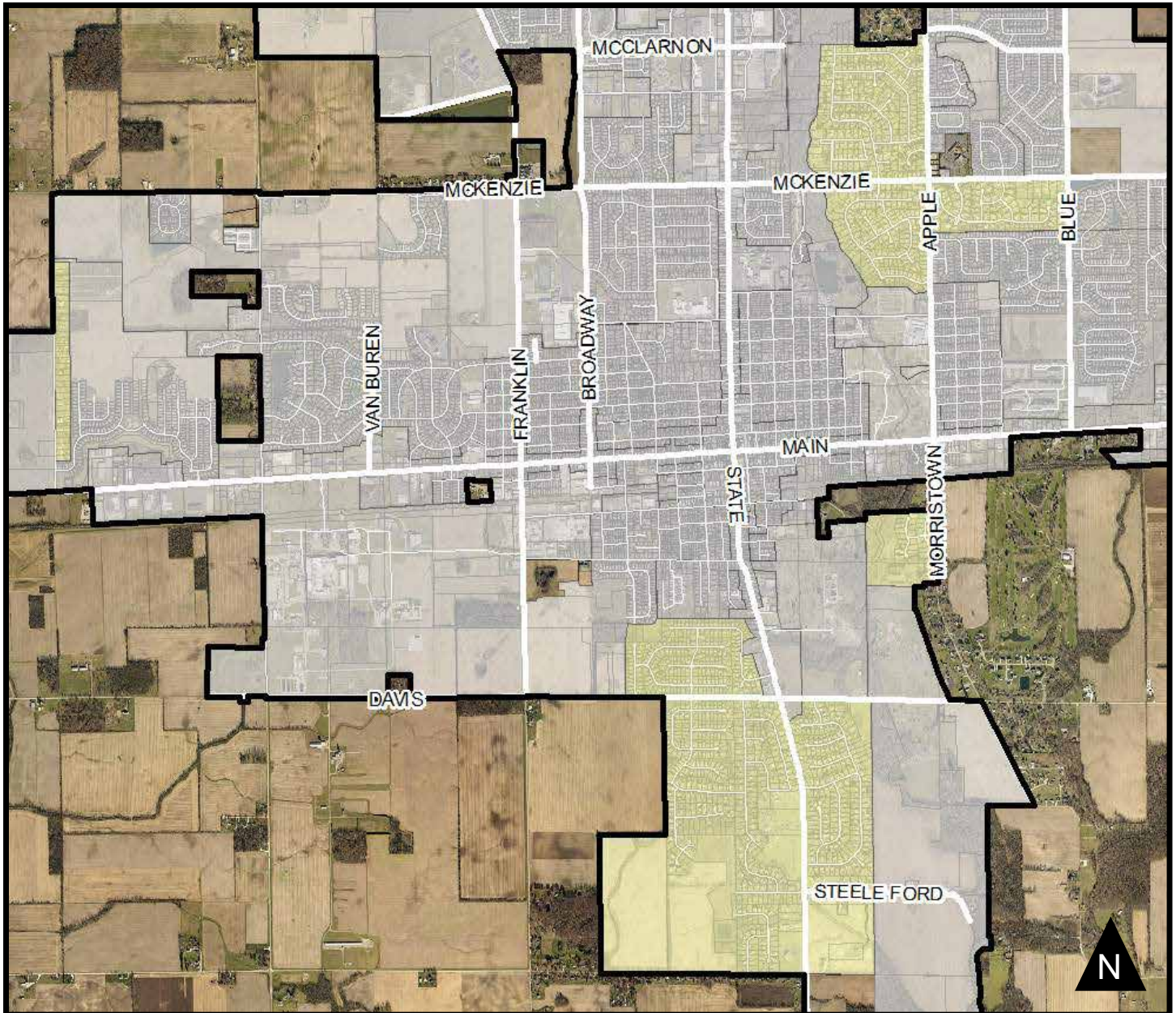
4. Additional Standards

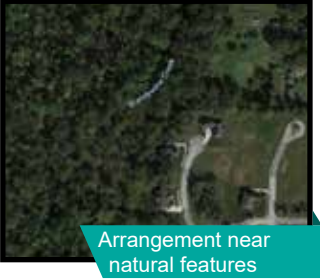
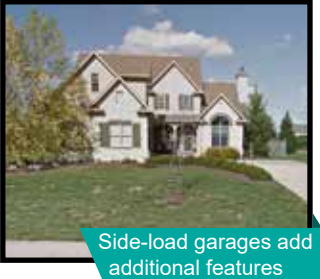
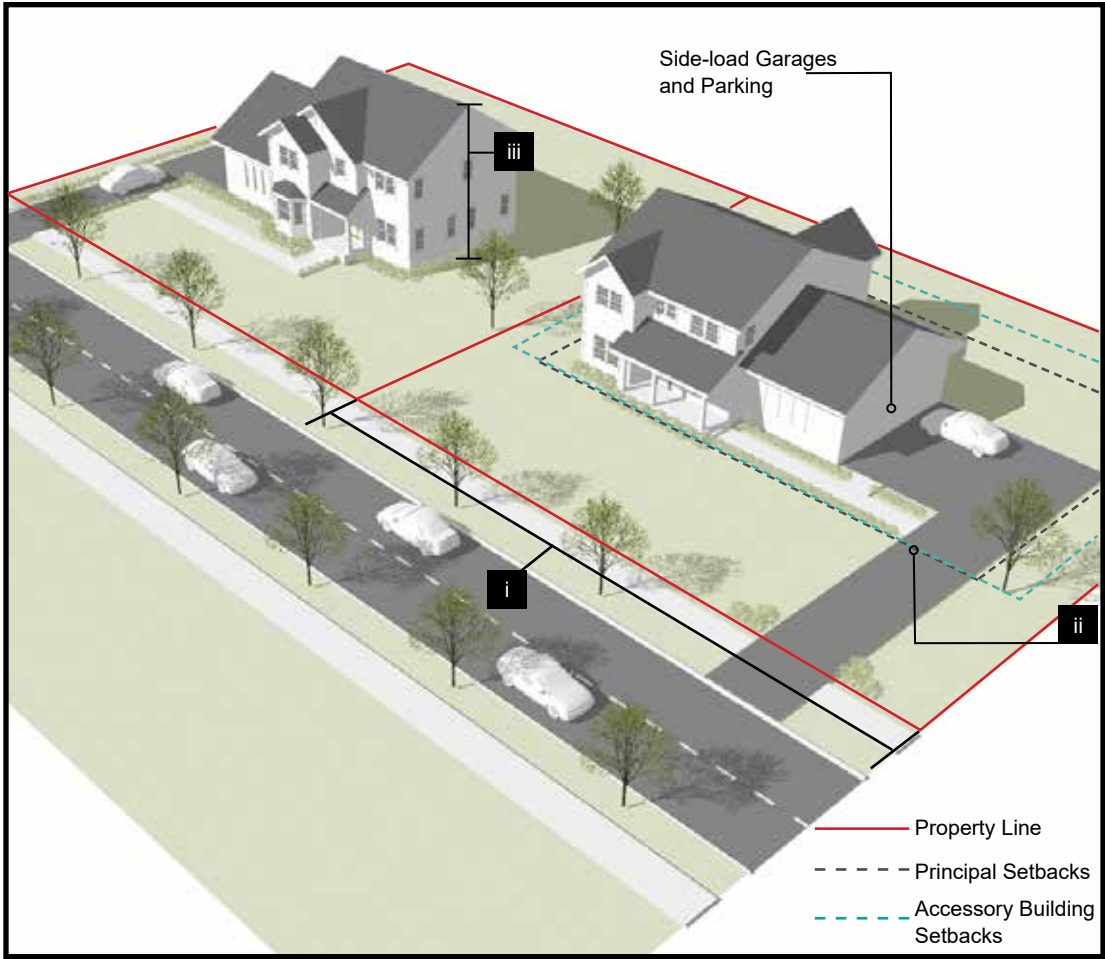
The following table contains additional major sections that are common references needed across districts. This list is not meant to be considered an exhaustive list, and other sections may apply to individual properties or projects.

Common Sections of Pertinent Reference	
155.052 Wireless Facilities	155.083 Development Plan Approval
155.063 Landscaping	155.093 Variances
155.064 Fences and Screening	155.094 Conditional Uses
155.065 Signs	
155.066 Off-Street Parking and Loading	
155.068 Access and Frontage	
155.069 Intersection Site Visibility	
155.101 Design Standards for One and Two Unit Dwellings	
155.102 Design Standards for Multi-Unit Dwellings	

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155.017 RL - RESIDENTIAL LOW DENSITY DISTRICT





155.017 RL - RESIDENTIAL LOW DENSITY DISTRICT

1. Purpose and Intent

The “RL” Residential Low Density District is intended to regulate all land in the city platted for large lot single-family residential development around natural areas and features. This district is for developments that range from less than one (1) dwelling unit per acre up to three (3) dwelling units per acre. The existing and desired development pattern for the RL is for low-density, single-unit residential subdivisions clustered around natural features.

Developments should minimize the visual impact of garages by establishing side-loaded or angled-garage products, utilizing decorative and upgraded doors and finishes, or pushing the garage back from the front façade. This allows for additional design features that enhance the character of this district. Preserving established trees and accentuating natural features should be integral components to any new developments within this district.

2. Permitted and Conditional Uses

See Table 155.007 for uses permitted by district. Some uses may require Development Plan Approval. Other uses similar to those allowed in this district may be considered by the Board of Zoning Appeals as a Conditional Use application provided that the Board finds that the requested use is consistent with the spirit and intent of this ordinance and the Comprehensive Plan.

3. Building Placement and Standards

Structures in the RL shall be developed in accordance with the following standards per the individual development tables and contain uses allowed in the district per 155.007. **Table A** applies to Residential Single-Unit Structures, and **Table B** applies to all other structures within the RL District:

A. Residential Single-Unit Development Standards	
Dimension	Standard
i. Lot Standards	Lot Width: 80 feet minimum Lot Area: 12,000 square feet minimum
ii. Setbacks <i>Parcels platted under previous codes shall follow the setbacks platted unless the plat is revised.</i>	Front Lot Line: 30 feet minimum Side Lot Line: 15 feet minimum Rear Lot Line: 20 feet minimum, plus any distance dedicated to a rear easement
iii. Principal Building Height	35 feet, maximum
iv. Lot Coverage	The total floor area of the building(s) shall not exceed 30% of the lot area
v. Accessory Building Location	Rear yard or side yard, such that the accessory building shall be located behind the any front façade of the primary structure or other façade facing a street
vi. Accessory Building Setbacks	Side Lot Line: 5 feet* minimum, or the distance of any side easement on the property, whichever is greater Rear Lot Line: 10 feet* minimum, or the distance of any rear easement on the property, whichever is greater <i>*Accessory Dwelling Units shall follow the setbacks of the primary structure.</i>
vii. Accessory Building Height	20 feet maximum height, or subordinate in height to the primary structure, whichever is less
viii. Accessory Building Size	1000 total square feet in size for all accessory structures on a single property, or no more than 80% of the main floor area of the primary structure, whichever is less

B. All Other Structures and Development Types	
Dimension	Standard
i. Lot Standards	Lot Width: N/A Lot Area: N/A
ii. Setbacks <i>Parcels platted under previous codes shall follow the setbacks platted unless the plat is revised</i>	Front lot line: 50 feet minimum Side Lot Line: 20 feet minimum Rear Lot Line: 30 feet minimum
iii. Principal Building Height	35 feet
iv. Lot Coverage	The total floor area of the building(s) shall not exceed 55% of the lot area
v. Accessory Building Location	Rear yard
vi. Accessory Building Height	20 feet maximum height, or subordinate in height to the primary structure, whichever is less
vii. Parking Location	Not more than 20% of parking shall be located in the front yard of a community use or other residential structure in the RL District. Parking areas shall be screened and buffered in accordance with the Landscaping Section 155.063.
viii. Required Open Space	Not less than 25% Open Space (excluding impervious surfaces) shall be provided. Drainage ponds, play areas, common areas, and the like may apply toward this provision.

4. Additional Standards

- A. The following table contains additional major sections that are common references needed across districts. This list is not meant to be considered an exhaustive list, and other sections may apply to individual properties or projects.

Common Sections of Pertinent Reference	
155.052 Wireless Facilities	155.083 Development Plan Approval
155.063 Landscaping	155.093 Variances
155.064 Fences and Screening	155.094 Conditional Uses
155.065 Signs	
155.066 Off-Street Parking and Loading	
155.068 Access and Frontage	
155.069 Intersection Site Visibility	
155.101 Design Standards for One and Two Unit Dwellings	

155.018 NC - NEIGHBORHOOD COMMERCIAL NODE OVERLAY

1. Purpose and Intent

The “NC” Neighborhood Commercial Node is intended to provide a mix of uses in districts not zoned for commercial uses such as the RM, RU and RL Districts at node intersections or areas where a large attraction or draw may benefit light commercial and retail uses. The NC allows for the establishment of walkable neighborhood-scale commercial nodes supported by surrounding single-family residential developments. The NC modifies the underlying zone on all applicable standards. Anything not modified by the NC will follow the standards of the underlying zone. The desired development pattern in the NC is small-scale commercial districts connected to and integrated in suburban-style residential developments.

2. Permitted and Conditional Uses

A. Permitted Uses

i. Commercial

1. Neighborhood scale grocery or food markets under 10,000 square feet
2. Retail uses under 6,000 square feet
3. Restaurants under 6,000 square feet, Drive-Thru features prohibited
4. Personal services such as salons, barbers, spas, dry-cleaners, and the like
5. Small health services such as dentists, yoga studios, dance, fitness studios, optometrists, and similar
6. Financial services, Drive-thru features prohibited
7. Art and creative studios, galleries, and cultural anchors such as libraries, museums, and similar
8. Child care facilities in compliance with all applicable Indiana State Codes and requirements from the appropriate state agencies.

B. Conditional Uses

- i. Mixed-use, multi-unit residential with commercial space
- ii. Indoor and outdoor recreation uses
- iii. Small-scale outdoor performance areas intended as an accessory use to a business for the enjoyment of patrons. Large-scale or outdoor performance areas meant as a primary use shall not be located in the Neighborhood Commercial Node.
- iv. Religious Institutions
- v. Other businesses similar to those permitted in this section but not specifically listed subject to Conditional Use Approval by the Board of Zoning Appeals.

3. Building Placement Standards

Buildings under the NC Overlay shall be developed in accordance with the following standards per the individual development tables below. **Table A** applies to Commercial, Mixed-Unit, and Mixed-Use Developments, and **Table B** applies to Residential Single and Two-Unit Structures within the NC District:

A. Commercial, Multi-Unit and Mixed-Use Structures	
Dimension	Standard
i. Lot Dimensions	Width: N/A Area: N/A
ii. Setbacks	Front lot line: 10 feet, minimum Side lot line: 10 feet minimum, 20 feet when abutting residential districts or uses unless sharing a common party wall Rear lot line: 10 feet, 20 feet when abutting residential districts or uses
iii. Principal Building Height	35 feet, maximum
iv. Lot Coverage	70% of lot area, maximum
v. Accessory Building Location	Rear yard and side yard
vi. Accessory Building Setbacks	Shall follow that of A.ii <i>*Accessory buildings must be located outside of any easements</i>
vii. Accessory Building Height	20 feet maximum height, or subordinate in height to the primary structure, whichever is less
viii. Parking Lot Location	Rear and side yard parking only
ix. Required Open Space	Not less than 15% Usable Open Space (excluding impervious surfaces) shall be provided. Drainage ponds, play areas, common areas, and the like may apply toward this provision.

4. Additional Standards

- A. The following table contains additional major sections that are common references needed across districts. This list is not meant to be considered an exhaustive list, and other sections may apply to individual properties or projects.

Common Sections of Pertinent Reference	
155.052 Wireless Facilities	155.083 Development Plan Approval
155.063 Landscaping	155.093 Variances
155.064 Fences and Screening	155.094 Conditional Uses
155.065 Signs	
155.066 Off-Street Parking and Loading	
155.068 Access and Frontage	
155.069 Intersection Site Visibility	
155.104 Commercial Design Standards	

155.019 PUD – PLANNED UNIT DEVELOPMENTS

1. Purpose and Intent. The “PUD” Planned Unit Development District is intended to provide for development on large sites where the uses, standards and requirements of a standard zone, **or a combination of existing zones**, cannot achieve the desired development pattern for the proposed land use(s).. (Examples include: Combination of residential and commercial uses; master planned communities; unique design, scale or location of manufacturing and or warehouse and distribution uses.)

2. Applicability. PUD Districts shall only be available for proposed new developments on parcels of land greater than two acres in total area, and where all of the following are present:

- A. The proposed planned unit development produces an environment of stable and desirable character in keeping with the principles of good neighborhood design, and shall provide high quality examples of open space/recreation facilities, efficiency in street patterns, and areas for parking adequate for the occupancy proposed, or equal to the requirements of this UDO.
- B. The proposed planned unit development’s intensity and density is consistent with the land use goals and objectives of the Comprehensive Plan, is compatible with the character of surrounding lots, and in the best interest of the City.
- C. The proposed planned unit development is necessary to permit special consideration of property with unique features, such as historical significance, unusual topography, landscape amenities, or unusual property size and shape.

3. Procedure. The procedure for rezoning a lot as a PUD District is set forth in Section 155.084. Petitioners may elect to file a PUD Zoning petition and a Preliminary Plat concurrently. The procedure for Preliminary Platting is set forth in 155.071.

- A. At the time of a petition for rezoning a parcel(s) of land to a PUD District, a land use and development plan shall be provided that shows in general terms the following:
 - i. Major circulation patterns with complete street concepts;
 - ii. General locations of land uses and estimated acreage;
 - iii. Generalized proposal for built pattern including buildings, structures, and parking areas/locations;
 - iv. Open space, buffer yards, preservation areas, and recreational facilities;
 - v. Areas in which structures may be built (buildable area), including areas for cluster type residential development without lot lines;
 - vi. Phasing of the proposed development;
 - vii. Other details to indicate unique features and character of the proposed development.
- B. A Statement of Development Standards shall be required with the petition for rezoning for approval by the Plan Commission. This and any commitments made shall be recorded with the appropriate office and adopted in to the UDO. The Statement of Development Standards shall include all proposed standards for the following:
 - i. Lot and Floor Area minimums;
 - ii. Ratios of floor space to land area;
 - iii. Minimum open space required for different use types;
 - iv. Setback lines and minimum yards, including perimeter yards when abutting a lower density use;
 - v. Building separations;
 - vi. Height of structures;

- vii. Signs;
 - viii. Off-street parking and loading/unloading areas;
 - ix. Architectural Design requirements;
 - x. Other provisions being modified from the UDO or applicable to the proposed Planned Unit District.
 - xi. Must designate a zoning district as a default for the purpose of any development standard omitted or not established in the Statement of Development Standards for the PUD.
- C. In any case where land use development standards have not been specified for a particular use within the PUD Overlay District, the highest standards of the UDO for that particular land use or comparable district shall be applicable.
- D. A Detailed Unit Development Plan and a Secondary Plat shall be considered the same. No Secondary Plat shall be approved in a PUD without an approved land use plan and preliminary plat in accordance with sections 155.072 and 155.073. Plat submissions shall be in majority conformance with the land use plan submitted and approved, unless such plan has been amended by the Plan Commission.
- E. A refusal by the Plan Commission to approve a detailed site plan shall not be construed as a denial, and any such refusal shall not operate as a limitation on the right of the petitioner to continue to seek approval, nor shall it impair the right of the petitioner to obtain an extension of time for approval.
- F. An approved PUD Final Development Plan, Ordinance, and modifications thereof shall be recorded in the appropriate books in the offices of the County Recorder within six (6) months after approval by the Plan Commission or the Planning Director.

4. Continuing Jurisdiction. The Plan Commission and Planning Director shall oversee the continuing jurisdiction over the PUD.

- A. The City Plan Commission shall not initiate any amendments to the UDO or Official Zone Map concerning the property that is the subject of the PUD District before completion of the development, as long as development is in conformity with the approved PUD Development Plan and proceeding in accordance with the time requirements herein.
- B. Where a platting, replatting or vacation of streets within all or a portion of the land involved is contemplated, the Commission shall handle such matters in accordance with its regular procedures in accordance with law.
- C. In the exercise of its continual jurisdiction, the Plan Commission may from time to time modify the approved PUD requirements in a manner consistent with the originally approved PUD land use plan and Statement of Development Standards to allow for changed circumstances and conditions unforeseen at the time of original approval. The Plan Commission is authorized to review and approve modifications such as:
 - i. Changes or updates to the base mapping of the property showing the physical features, general topography, drainage ways, water bodies, tree cover, and existing land uses;
 - ii. The ingress and egress to the tract;
 - iii. Location of different general land use areas to be developed;
 - iv. Proposed density levels of each residential area up to a maximum of 15% increase;
 - v. Proposed acreage of commercial or industrial areas up to a maximum of 15% increase;
 - vi. Changes to development statements related to the order and estimating timing of development, phasing plans, and overall construction timeline;
 - vii. Proposed treatment of existing topography, drainage ways, and tree cover;

- viii. Proposed general location of major internal vehicle circulation and any relation or impact to the official Thoroughfare Plan of the City;
 - ix. Location of schools, parks, and other community facility sites, if any, provided that changes to such do not reduce the total square footage original set aside for such uses. The Plan Commission may from time to time consider modifications to the approved PUD requirements that will change the type of public use designated for such areas.
- D. In the exercise of its continual jurisdiction, the Plan Commission designates the ability to approve certain minor modifications to the Planning Director. The Planning Director is authorized to approve minor modifications that do not:
- i. Alter the basic relationship of the proposed development to adjacent property;
 - ii. Change the uses permitted;
 - iii. Increase the maximum density, floor area, or height by more than 10%;
 - iv. Decrease the amount of off-street parking;
 - v. Reduce the minimum yards or setbacks by more than 10%;
 - vi. Alter site ingress or egress in any way, or create a substantial change to on-site circulation, as determined by the city engineer;
- E. Upon submission of a request for a minor modification, the director shall have fourteen (14) working days to respond to the petitioner, by either approving or rejecting the request. An applicant may appeal the decision of the director to the Plan Commission. The applicant shall provide and record a written description of the modification and the section of the PUD Ordinance being modified.

5. Abandonment or Expiration. Upon the abandonment of a development zoned as a PUD District, the PUD District shall terminate and the previous zoning shall control for all purposes.

- A. Abandonment shall be deemed to have occurred when no improvements have been made pursuant to the approved final/secondary plat for twenty-four (24) consecutive months, or upon the expiration of five (5) years from the approval by the Plan Commission for a development which has not been completed, or the expiration of an extension granted by the Plan Commission.
- B. The approval of a detailed site plan and final plat for each section where a primary plat has been filed and approved shall extend the length of the PUD District in its entirety for two (2) years.

6. No construction or installation work shall be done on any public improvement until satisfactory plans and specifications therefore have been submitted to the office of the Plan Commission or its designee in accordance with the subdivision control charter of this UDO and the Public Improvement Design Standards Manual. The petitioner shall, at least twenty-four (24) hours in advance, complete a pre-construction meeting with the Planning and Engineering Departments and all applicable utilities.

7. The Plan Commission shall take cognizance of any material deviations from the approved PUD Development Plan and Statement of Development Standards and take appropriate enforcement action.

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155.020 RTO - RECREATIONAL TRAIL OVERLAY

1. Purpose and Intent

The purpose and intent of the “RTO” Recreational Trail Overlay District is to protect and enhance the Pennsy Trail and other public recreational trails in the city by providing a consistent design treatment for properties along public trails, providing controls for development patterns that establish continuity between projects and to improve the physical relationship and human scale between new buildings and trails, protecting the character. The primary goal of the overlay is buildings and development patterns facing and enhancing the Pennsy Trail and other recreational trail amenities in the community.

The RTO supersedes the base zone where in conflict. The existing development pattern along the Pennsy Trail is largely industrial and commercial uses oriented toward the former rail right-of-way. The desired development pattern for the RT is mixed-use commercial and residential development with dual orientation toward the trail and a vehicular roadway where applicable. First floor trail oriented retail or entertainment uses are encouraged with commercial or residential uses above. Development should promote multi-modal transportation and support the use and vibrancy of the trail.

2. Permitted and Conditional Uses

See Table 155.007 for uses permitted by district.

3. Building Placement Standards

Buildings under the RT Overlay shall be developed in accordance with the following standards:

A. All Trail-Adjacent Buildings	
Dimension	Standard
i. Principal Building Setbacks	Trail-facing lot line: 0 feet min. / 15 feet max. to accommodate outdoor seating, covered entryways and walks, public art, and plazas Side lot line: 6 feet, unless a common wall is shared by an adjacent structure Rear lot line: 5 feet min.
ii. Maximum Principal Building Height	60 feet maximum, new construction buildings must be at least 35' minimum height
iii. Lot Coverage	N/A
iv. Accessory Building Location	Rear or side yards only, 5 feet from any lot line
v. Accessory Building Height	20 feet
vi. Parking Lot Location	Side and rear yard. Parking structures are permitted adjacent to the Pennsy Trail provided that the ground floor levels facing the trail are a non-parking use. Additional trail-facing levels shall be either non-parking in use or screened with a decorative covering or art. Shared parking is encouraged on nearby or offsite lots within 300' of the primary structure. A shared parking arrangement shall be permitted in accordance with 155.066 .
vii. Required Bicycle Parking	One bicycle parking space shall be provided for every five vehicular parking spaces. No more than fifteen bicycle parking spaces shall be required for any primary structure.

4. Additional Standards

A. Design Standards. The goal of the Recreational Trail Overlay is to provide a unique corridor in the heart of Greenfield with a mix of uses and buildings. The following design standards apply to new construction. Any expansion of an existing building should aspire to meet the intent of these standards in a way that is appropriate to the current building's architecture.

- i. Facades. Large blank facades are prohibited in new construction and should be avoided to the highest extent in expansion projects. Architectural features and materials used should provide vertical and/or visual interest throughout the design as detailed in the following:
 1. Primary and Secondary Materials. Materials used for the primary finish of buildings shall be brick, stone, fiber cement, stucco, EIFS or similar materials. Finishes and materials such as vinyl, textured concrete panels, prefabricated steel, and precast concrete panels should be used as complementary components only unless approved by the Plan Commission.
 2. Vertical Interest: Facades over 20' in height shall utilize at least one of the following methods to add interest along vertical planes of the overall structure:
 - a. Dimensional or varied color masonry or stone work. Decorative masonry or stonework such as soldier course, belt course, or similar that adds a dimensional feature or variation in color may be used along the vertical face of the building. In general, cohesive features should be applied to each floor in the building.
 - b. Architectural Features. Detailing and architectural features such as wall sign plates, cornices, decorative window sills and lintels, balconies, projections/recessions, ledges, or similar may be used add visual interest in the vertical plane of the building.
 - c. Variations in materials and offsets. Variations in materials, projections, recesses, material or pattern banding and similar as standalone features or in conjunction with features like balconies or structural awnings can provide interest along the vertical plane.
 - d. Where a larger structure is being made to look like a collection of smaller buildings, decorative features should be cohesive along the vertical face of each *perceived* "building".
 3. Horizontal Interest: Facades over 50' in length shall utilize at least one of the following methods to add interest along horizontal planes of the overall structure:
 - a. Material changes. Material changes should be used in moderation, with heavier materials on lower levels. In general one or more change(s) in materials should occur on facades over 50' in length.
 - b. Transparency and window treatments. First floor should be designed for storefront spaces with large transparent windows. Additional features such as arched windows or entryways provide additional ways to add visual interest to a structure.
 - c. Projecting entryways or unique site features. A prominent entryway for one or more of the entrances along a building is an acceptable way to add interest to a design.
 - d. Varied roof lines and heights. Parapets, rooftop terraces with decorative railing, varied roof lines, or similar features are encouraged to provide interest along the top line of the building.

- ii. Consideration of All Facades. Consideration should be given to this area as a high visibility corridor, with parcels often flanked by a trail corridor and a public street(s). Architectural features and design elements should be incorporated on all sides of the buildings. This may include, but is not limited to:
 - 1. Material Changes. Where materials transition or terminate, detailing such as wrapping the material around the corners of a projection or similar should be included for an authentic look versus the look of a thin veneer. Banding or other features may accentuate a transition to a different material on a façade as well.
 - 2. Significant treatment of corners. Structures on corner lots are encouraged to incorporate significant design features on the corner such as a covered seating or entryway, small plaza or landscaping features, public art, or similar that emphasize the public entry.
 - 3. Visual interest features. Any of the horizontal or vertical features provided for visual interest in the preceding section are encouraged to be utilized on all sides of the design as applicable.
 - 4. Windows. Windows shall be provided on all facades visible from a public way. Where windows are not feasible due to service or storage areas, and appropriate feature should be substituted.
 - 5. Public art. Murals, banners, or artistic screens for dumpsters or service areas can provide visual interest. Murals, art banners, and screens shall not contain logo and business advertising.
 - iii. Natural Materials and Landscaping. Developments are encouraged to celebrate the natural and parklike setting of local recreational trails. At least 50% of ground-floor entrances to residential or commercial developments shall include a minimum of 20 square feet of landscaping adjacent to the entry.
 - iv. Lighting. Enhanced exterior lighting such as wall sconces, building-mounted accent lighting, decorative pedestal lights, or art incorporating light into the design should not spill on to adjacent properties nor disrupt area residential uses.
 - v. Pedestrian oriented designs. The trail corridor should celebrate and prioritize pedestrians and cyclists.
 - 1. Outdoor seating and dining, integral plantings or wing walls that provide areas of rest or shade, and pedestrian-scale lighting and signage are encouraged features.
 - 2. Commercial and Ground-Floor Residential Units shall be directly accessible to the trail or open space adjacent to the trail.
- B. Off-Street Parking.** Parking in the Recreational Trail Overlay should follow the underlying zone and prioritize shared parking among uses.
- C. Telecommunications Facilities.** All telecommunications facilities are subject to the regulations in 155.052.
- D. Additional References.** The following table contains additional sections that may apply to developments within this district. This is not an exhaustive list and other sections may apply based on the type of development and features therein.

Common Sections of Pertinent Reference	
155.052 Wireless Facilities	155.083 Development Plan Approval
155.064 Fences and Screening	155.093 Variances
155.065 Signs	155.094 Conditional Uses
155.066 Off-Street Parking and Loading	
155.068 Access and Frontage	
155.069 Intersection Site Visibility	

155.021 PK – PARK DISTRICT

1. Purpose and Intent

The purpose and intent of the “PK” Park District is to establish and encourage a mix of active and passive greenspace throughout the City of Greenfield. Areas within the Park District may provide a range of services from outdoor sports venues, trails and open space, playgrounds, shelters and pavilions, passive greenspace, and other features commonly associated with park amenities.

2. Permitted and Conditional Uses

A. Permitted Uses Shall Include the Following:

- i. Playgrounds and individual play components
- ii. Shelter houses, community centers, and pavilions with a capacity of 50 persons or less
- iii. Sports fields, courts, or courses used for non-competitive play
- iv. Trailheads, bike racks and repair stations, bike rental stations
- v. Museums
- vi. Libraries
- vii. Administration, maintenance, and utility buildings
- viii. Botanical gardens, nature preserves, community gardens, and the like
- ix. Passive or un-programmed open space
- x. Infrastructure and incidental uses associated with parks such as trails, paths, sidewalks, safety equipment, communication equipment, water fountains, restrooms, and the like

B. Conditional Uses Shall Include the Following:

- i. Amphitheaters or outdoor performance spaces with amplified sound
- ii. Shelter houses, community centers, and pavilions with a capacity of more than 50 persons
- iii. Sports fields, courts, or courses that will be used for competitive play and/or include spectator viewing
- iv. Splashpads, pools, waterways, beaches, or lakes that may be actively used
- v. Any new development or changes to existing developments that affects vehicular ingress and egress to a park
- vi. Dog parks or animal-based amenities
- vii. Other uses similar to but not specifically listed in this section that include amplification of sound, rental facilities with a capacity of more than 100 persons, or any feature that is determined by the Planning Director to merit or require additional approvals.

3. Building Placement Standards

Buildings under the PK District shall be developed in accordance with the following standards:

A. Development Standards for All Structures	
Dimension	Standard
i. Principal Building Setbacks	Front lot line: 25 feet, minimum Side lot line: 20 feet, minimum, 35 feet when abutting a residential district or use Rear lot line: 20 feet, minimum, 35 feet when abutting a residential district or use
ii. Maximum Principal Building Height	35 feet maximum
iii. Lot Coverage	The total floor area of all buildings shall not exceed 35% of the total park area
iv. Accessory Building Location	Shall follow setbacks of the primary building
v. Maximum Accessory Building Height	20 feet
vi. Parking Lot Location	No parking area shall be located closer than 10' to any lot line and shall be screened and landscaped in accordance with 155.063.

4. Additional Standards

A. Design Standards.

- i. Lighting. Any lighting used to illuminate areas, fields, parking, structures, or signs shall be downlit in nature and shall measure not greater than 0 footcandle at the property line.
- ii. Parking. Parking for uses that do not have a matched or similar use listed in section 155.066 should generally be provided at a rate of one-fifth the maximum capacity of the facility, feature, or use within the park unless otherwise determined by the City Engineer.
- iii. Landscaping. Landscaping should generally be provided per 155.063. Substitutions for landscaping requirements where mature trees exist, or where stands of trees may be created, may be approved by the Planning Director.

B. Additional References. The following table contains additional sections that may apply to the developments within this district. This is not an exhaustive list and other sections may apply based on the type of development and features therein.

Common Sections of Pertinent Reference	
155.052 Wireless Facilities	155.083 Development Plan Approval
155.063 Landscaping	155.093 Variances
155.064 Fences and Screening	155.094 Conditional Uses
155.065 Signs	
155.066 Off-Street Parking and Loading	
155.068 Access and Frontage	
155.069 Intersection Site Visibility	

155.022 IB - INTERCHANGE BUSINESS DISTRICT



155.022 IB - INTERCHANGE BUSINESS DISTRICT

155.022 IB INTERCHANGE BUSINESS DISTRICT

1. Purpose and Intent

The “IB” Interchange Business District is intended to provide a mix of uses and context sensitive design for the northeast corner of the Interchange of State Road 9 at Interstate 70. The IB strives to balance the excellent location for business and employment uses with the topographical and natural features of the area. The desired development pattern in the IB includes commercial, retail, employment, and some residential living uses that anchor the community in cultural and employment opportunities while creating a gateway development for the interchange. Developments are encouraged to use Cluster Subdivision options that allow an increase in development density when stands of mature trees are preserved on the site.

2. Uses

A. Permitted Uses

See Table 155.007 for uses permitted by district. All permitted uses in the IB District require Development Plan Approval.

Uses not otherwise permitted in this district may be considered by the Board of Zoning Appeals as a Conditional Use application:

- i. provided that the Board finds that the requested use is consistent with the spirit and intent of this ordinance and the Comprehensive Plan, and
- ii. Only if use is not prohibited in 2.B. below.

B. Prohibited Uses

- i. Truck Stop
- ii. Gasoline sales and convenience stores (Except as permitted below in 2.C.)
- iii. Automobile, recreational vehicle, and/or boat service, storage, or repair establishments
- iv. Automobile, recreational vehicle, and/or boat sales
- v. Outdoor and/or unenclosed storage of production materials and merchandise
- vi. Garden centers and plant nurseries
- vii. Hospitals and emergency medical services

C. Additional Standards

- i. Attached single-unit developments shall be designed to include a minimum of two-story living structures
- ii. Dwelling units accessory to businesses uses shall:
 - a. Be located in the same building as the business use; and
 - b. Each such dwelling unit shall conform to the requirements set forth in Chapter 150, Building Code. The unit shall meet the building code requirements in the current applicable codes in use by the State of Indiana, including the International Residential Code, Indiana Residential Code, Indiana Building Codes, and others as applicable.
- iii. Restaurants without drive-thru features are permitted, drive-thru features may be allowed as part of a Development Plan Approval through the Plan Commission
- iv. Financial services without drive-thru features are permitted, drive-thru features may be allowed as part of a Development Plan Approval through the Plan Commission
- v. Convenience Store with Gasoline Sales providing:
 - a. As an accessory use only as a part of a development with a primary use having a minimum of 85,000 square feet in size;
 - b. Shall utilize the same building materials and design as the primary use; and
 - c. Shall be subject to the Design Standards in 155.104

3. Building Placement Standards

Buildings located in the IB District shall be developed in accordance with the following standards:

A. Commercial, Multi-Unit and Mixed-Use Structures	
Dimension	Standard
i. Lot Dimensions	Width: N/A Area: N/A
ii. Setbacks	Front lot line: 10 feet, minimum, 40' maximum* Side lot line: 10 feet, minimum unless sharing a common party wall Rear lot line: 10 feet, 15 feet when abutting residential districts or uses <i>*see viii for larger front setbacks</i>
iii. Principal Building Height	65 feet, maximum
iv. Lot Coverage	70% of lot area, maximum

v. Accessory Building Location	Rear yard and side yard
vi. Accessory Building Setbacks	Shall follow the primary building
vii. Accessory Building Height	20 feet maximum height, or subordinate in height to the primary structure, whichever is less
viii. Parking Lot Location	For individual development sites, no more than 20% of the total parking should be located in any front yard For sites that contain multiple uses, such as an anchor use and out-lots, parking should be dispersed throughout the site to minimize the visibility of parking from State Road 9 and I-70. Larger setbacks or additional front-yard parking may be requested as part of a Development Plan Approval through the Plan Commission.

B. Residential Single- and Two-Unit Structure Standards	
Dimension	Standard
i. Lot Standards	Lot Width: 35 feet minimum Lot Area: 3,000 square feet minimum
ii. Setbacks	Front Lot Line: 10 feet minimum Side Lot Line: 5 feet minimum, unless structures are attached Rear Lot Line: 10 feet minimum
iii. Principal Building Height	35 feet, maximum
iv. Lot Coverage	55% of lot area, maximum
v. Accessory Building Location	Rear yard, Side yard
vi. Accessory Building Setbacks	Side Lot Line: 5 feet* minimum Rear Lot Line: 10 feet* minimum <i>*Accessory buildings must be located outside of any easements</i>
vii. Accessory Building Size	20 feet maximum height, or subordinate in height to the primary structure, whichever is less 1000 total square feet in size for all accessory structures on a single property, or no more than 80% of the main floor area of the primary structure, whichever is less
viii. Parking Location	Rear access garages or parking areas are preferred designs for the Interchange Business District. Walkability and community cohesiveness should be prioritized.

4. Additional Standards

A. Development Plan Approval Required.

- i. All development proposals in the Interchange Business District shall submit Development Plan to the Plan Commission.
 - a. Developments proposed for this district shall meet or exceed the Design Standards in the 100 series of this Unified Development Ordinance.
 - b. Developments shall adhere to the following goals of the district:
 - 1. Shall be pedestrian-friendly with connected sidewalk and trail features between uses

- 2. Shall maintain a consistent architectural scheme while maintaining visual diversity in buildings
 - 3. Shall preserve and protect natural features and large existing trees to the greatest extent possible by using logical and efficient massing and clustering of uses
 - 4. Shall promote the goals of the Comprehensive Plan whenever possible
- ii. Uses permitted conditionally through the Board of Zoning Appeals shall submit a Development Plan to the Plan Commission for design and layout approval.
- B. Additional References.** The following table contains additional sections of the Unified Development Ordinance that are commonly referenced in development proposals. This list is not exhaustive and other sections may need to be referenced additionally.

Common Sections of Pertinent Reference	
155.052 Wireless Facilities	155.083 Development Plan Approval
155.063 Landscaping	155.093 Variances
155.064 Fences and Screening	155.094 Conditional Uses
155.065 Signs	155.103 Multi-Unit Design Standards
155.066 Off-Street Parking and Loading	155.104 Commercial Design Standards
155.068 Access and Frontage	
155.069 Intersection Site Visibility	

155.030 GENERAL PERFORMANCE STANDARDS

All uses established or placed into operation after the effective date of this chapter shall comply with the following performance standards in the interest of protecting the public health, safety, and welfare and lessening injury to property. No use shall exhibit obnoxious characteristics to the extent that it constitutes a public nuisance or interferes with the reasonable enjoyment of neighboring properties. No use in existence on the effective date of this chapter shall be so altered or modified to conflict with these standards.

1. **Fire protection.** Firefighting equipment and prevention measures acceptable to the Greenfield and Center Township Fire Department shall be readily available and apparent when any activity involving the handling or storage of flammable or explosive materials is conducted.
2. **Electrical disturbance.** No use shall cause electrical disturbance adversely affecting radio, television, or other equipment in the vicinity.
3. **Noise.** No use shall produce noise in such a manner as to be objectionable because of volume, frequency, intermittence, beat, shrillness, or vibration. The noise shall be muffled or otherwise controlled so as not to become detrimental. No amplification of radio music or other audio advertising shall be permitted. Provided, public safety sirens and related apparatus used solely for public purposes shall be exempt from this standard.
4. **Vibration.** No use shall cause vibrations or concussions detectable beyond the lot lines without the aid of instruments.
5. **Odor.** No use shall emit across the lot lines malodorous gas or matter in such quantity as to be readily detectable at any point along the lot lines.
6. **Air Pollution.** No use shall discharge across the lot lines fly ash, dust, smoke, vapors, noxious, toxic, or corrosive matter, or other air pollutants in such concentration as to be detrimental to health, animals, vegetation, or property, or conflict with public air quality standards.
7. **Lights, Heat and glare.** No use shall produce heat or glare in such a manner as to create a hazard perceptible from any point beyond the lot lines. No lights utilizing an attracting device or lights or stringers of unshielded incandescent lamps or attention attracting lighting from apparatus of a type used by emergency vehicles shall be permitted.
8. **Water pollution.** No use shall produce erosion or other pollutants in such quantity as to be detrimental to adjacent properties or conflict with public water quality standards.
9. **Waste matter.** No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in conflict with applicable public health, safety, and welfare standards and regulations. Adequate indoor or outdoor trash containers shall be required; provided, that trash containers exceeding fifteen (15) cubic feet shall be located within a solid, decorative stall behind or beside the primary structure.
10. **Supplementary Business Standards.** In any zone district, where applicable, the following performance standards shall supplement the business use requirements of the zone district:
 - A. There shall be no exterior displays which restrict visibility in any way or which impede the movement of any vehicles. All such displays shall be maintained in an orderly manner.
 - B. Adequate employee and customer off-street parking area shall be provided, including such areas incidental to display, service and repair. No such parking shall be permitted on driveway approaches, landscape areas, adjacent alleys or streets, on any public right-of-way or in such a manner as to restrict motorists' visibility.
 - C. No vending machines shall be permitted on the exterior of any building on the premises except where contained in a shelter, stall or other area so located as not to interfere materially with the use of adjoining property.

155.031 NONCONFORMITIES

The lawful use of a building or premise, existing at the time of the passage of this chapter may be continued although such use does not conform to all the provisions of this chapter, subject to the following conditions:

1. Nonconforming structures

- A. A nonconforming commercial or industrial building or structure may be enlarged or extended along a legally established nonconforming side or rear setback line provided that the lineal footage of such enlargement or extension:
 - i. Does not exceed 50% of the lineal footage of the primary building along that side or rear setback line; or
 - ii. Be a one-time only expansion along the legally established setback line.
- B. A nonconforming single or two-family dwelling may be enlarged or extended along a legally established nonconforming side or rear setback line provided that the lineal footage of such enlargement or extension:
 - i. Does not exceed 50% of the lineal footage of the primary building along that side or rear setback line, or
 - ii. Be a one-time only expansion along the legally established setback line.
- C. A nonconforming accessory building associated with a single or two-family dwelling may be enlarged or extended along a legally established nonconforming side or rear setback line provided that the lineal footage of such enlargement or extension:
 - i. Does not exceed 50% of the lineal footage of the primary building along that side or rear setback line,
 - ii. Be a one-time only expansion along the legally established setback line, and
 - iii. Such an enlargement or extension shall not encroach into any required yard other than the existing nonconforming side or rear yard along which the expansion is occurring.

2. Nonconforming uses of structure or structures and land in combination

- A. Damage to non-conforming use structure. Any non-conforming building, other than single family and two family dwellings, and related accessory structures, damaged more than 50% of its then fair market value above the foundations at the time of the damage by fire, wind, flood, explosion, earthquake, war, riot, act-of-God or man shall not be reconstructed and used as before such calamity. However, if the building is less than 50% damaged it may be reconstructed or used provided that such reconstruction or use be accomplished within 12 months of such calamity.
- B. Non-conforming single family and two family dwellings and detached accessory buildings may be rebuilt on an existing foundation, if the existing foundation is capable of being reused.
- C. Use cannot be changed to non-conforming use. Whenever a non-conforming use has been changed to a conforming use or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a non-conforming use.
- D. No building erected in non-conforming use premises. No building shall be erected on any premises devoted to a non-conforming use, except in conformance with the provisions of this chapter.
- E. Temporary non-conforming use. The Board may authorize, by written permit, in a district permitting residential use, for a period of not more than one year from the date of such permit, a temporary building for

business or industrial use incidental to the residential construction and development of the district.

- F. May be changed. A non-conforming use may be changed to another non-conforming use of the same or greater restrictions, provided the size of the structure is not increased; and providing that the use is equally appropriate or more appropriate to the district than the existing nonconforming use.
- G. May be extended. A non-conforming use may be extended throughout a building which was manifestly arranged or designed for such use at the time of adoption or amendment to this Chapter, provided the size of the structure is not increased and the use is not extended to occupy any land outside such building.
- H. Discontinuance of non-conforming use. In the event that a non-conforming use of any building or premises is discontinued for a period of one year, except when government action impedes access to the premises, the use of the same shall thereafter conform to the uses permitted in the district in which it is located, and any non-conforming dwelling which is deficient in ground floor area, and which may be removed from the lot.
- I. Honoring previous permits. Nothing herein contained shall require any change in the plans for the construction or designated use of a building for which a building permit has been heretofore issued, and the actual construction of which has been diligently prosecuted within 90 days of the date of the permit, and which entire building shall be completed according to such plans filed on or before the completion date of this Code. Actual construction is defined to include the erection of construction materials in permanent position and fastened in a permanent manner.
- J. Non-conforming use resulting from amendment. The provisions apply in the same manner to a use which may become a non-conforming use as a result of an amendment to this chapter.

3. Repairs and maintenance

- A. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs or on repair or replacement of walls fixtures, heating, wiring or plumbing; provided that the cubic content existing when it became nonconforming shall not be increased.
- B. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to the lack of repairs and maintenance, and 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 after six months of such declaration except in conformity with the regulations of the district in which it is located.
- C. Buildings may be made safe. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any part of any building declared unsafe by proper authority.

4. Nonconforming Signs

- A. Notwithstanding any other provision of this section or any other provision of this UDC, a legal nonconforming sign may not be altered, relocated or expanded, which includes any increase in height or area, except as expressly provided herein.
- B. Ordinary maintenance is permitted and shall include replacement of supports with different materials or design from the previous supports, but shall not include any increase in the dimensions or numbers of supports. The legal non-conforming status shall terminate in such instances where signs are damaged such that the cost of repair is more than 50% of the replacement value.
- C. A legal nonconforming sign may be relocated only where the sign cannot be left in its existing location as a result of right-of-way acquisition and/or construction, widening, or other improvement to any public sidewalk, path, trail, street, road, alley, or other public way or facility, by local or state government. For purposes hereof, a sign cannot be left in its existing location where it would be within the new public right-of-way; or would physically obstruct the public improvements; or, where its location would pose a safety hazard, which shall include but not be limited to being within a redefined visibility triangle.

- i. In the case of a legally established sign that would become a legal nonconformity due to its setback from the new right-of-way line or its position within a redefined sight visibility triangle by virtue of the right-of-way acquisition by any government entity, the sign shall be required to be relocated to a position that would not interfere with the visibility triangle. The property owner or lessee shall be responsible for accomplishing the relocation.
 - ii. The cost of such relocation shall be factored into the price paid for the additional right-of-way during the condemnation proceedings, and the property owner or lessee shall be responsible for accomplishing the relocation within ninety (90) days of receiving payment for the right-of-way.
 - iii. In the case of a legal nonconforming sign for which the nonconformity is increased due to its setback from the new right-of-way line or its position within a redefined sight visibility triangle by virtue of right-of-way acquisition by any government entity, the sign shall be required to be relocated to a position that would bring it into compliance with the regulations of this UDO. The cost of such relocation should be factored into the price paid for the additional right-of-way during the condemnation proceedings, and the property owner or lessee shall be responsible for accomplishing the relocation within ninety (90) days of receiving payment for the right-of-way.
 - iv. In the case of illegal signs that may be discovered during right-of-way acquisition by any government entity the sign shall be removed immediately at the cost of the property owner or lessee.
 - v. A sign that is relocated hereunder shall be brought into compliance with all development standards in its new location to the extent practicable, as determined by the Planning Director.
- D. A nonconforming sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business it advertises is no longer conducted on the premises, or the sign shall be brought into compliance with this UDO. If the owner or lessee fails to remove the sign or bring it in to compliance with the UDO, the Administrator shall give the owner thirty (30) days written notice to remove it. Upon failure to comply with this notice, the Administrator may remove the sign at cost to the property owner or lessee.

155.032 PUBLIC UTILITY EXEMPTIONS

Structures and land used for public utility installations, while so used, shall not be affected by restrictions or regulations of this chapter, provided they are not located in a Floodplain District.

155.033 IMPROPER USE OF RESIDENTIAL LOTS

1. No mobile home shall be located outside of a mobile home park.
2. Land zoned for residential purposes as set forth in this chapter shall not be used for the purpose of parking on a lot one or more inoperative vehicles; accumulation of trash, rubbish, junk, scrap metal, household appliances, rags, filth, boards, slops, old crates, cans, bottles, cartons, grass, tree limbs, discarded food or clothing, or any offensive substance.
3. Only one automobile, boat, trailer, and the like, owned and licensed by the property owner or occupant, shall be permitted for sale on a lot. The maximum number of sales per year shall be regulated by Indiana Code.

155.034 CONVERSIONS

1. In nonresidential zone districts, those existing structures that have been primarily designed for residential use shall not be structurally altered on the exterior or facade to indicate business or industrial use, except in cases of complete renovation of the premises in compliance with the requirements of the zone district. In cases of a question as to the applicability of this requirement, such proposed conversion shall be deemed a conditional use and placed before the Board of Zoning Appeals, in accordance with Section **155.094**.
2. In applicable residential zone districts, existing one (1) or two (2) family dwellings may be converted into additional dwelling or rooming units as part of a conditional use approval only when such existing building, by reason of its size

and the character of the neighborhood in which it is located makes such dwelling unsuitable or uneconomic for its intended use.

- A. It is the purpose of this chapter to discourage the conversion of existing dwellings originally designed for occupancy by two families or less to occupancy by more than two families when the conversion is likely to lead to overcrowding, lack of privacy, lack of sufficient light and air, unsafe or unsanitary living conditions, or inadequate provisions for off-street parking and open space.
- B. Such conversions shall be consistent with the purposes of other applicable provision of this Code, including housing and building Codes and fire safety and utility programs.
- C. In connection with such conversion, there shall be no evidence of change in the building to indicate the extra dwelling units, except as may be required by the aforementioned ordinances and programs. All fire escapes or stairways leading to a second or higher floor shall be completely enclosed within the converted building, and no dwelling shall be so converted unless in connection therewith it is placed in a reasonable state of repair.
- D. In cases of question as to the applicability of these standards, such proposed conversion shall be deemed a conditional use and placed before the Board of Zoning Appeals in accordance with Section 155.060.

155.035 BUILDINGS RELOCATED

No building or structures shall be moved from one lot or premises to another unless such building shall thereupon conform to all the regulations of the zone district to which the building shall be moved.

155.036 STORAGE

- 1. **Automotive vehicles.** Automotive vehicles or trailers of any type without current license plates or in an inoperable condition so as to be deemed dead storage shall be prohibited in residential districts other than in completely enclosed buildings and shall not be parked or stored in any district unless specifically authorized.
- 2. **Commercial vehicles.** The parking of a commercial self-propelled vehicle in residential zone districts shall be prohibited, except that one commercial vehicle of not more than 10,000 pounds capacity may be parked on any lot on which there is located a principal building.
- 3. **Requirements**
 - A. Except in districts which may specifically permit outdoor storage, the long-term deposit (more than 24 hours) of any inoperable vehicles, or parts thereof, accumulation of trash, rubbish, garbage, junk, scrap metal, tent or building materials (except during construction and in accordance with the terms of this chapter), household appliances, rags, filth, boards, slops, old crates, cans, bottles, cartons, grass trimmings, tree limbs, discarded food or clothing, or any offensive substance. In any case, such long-term deposit (storage) may not occur in front of the building.
 - B. Long-term deposit (Permanent storage) for the purpose of this division shall be construed as the presence of such storage for a period of 24 or more consecutive hours.
 - C. Storage or parking of recreational vehicles in the open is subject to the following conditions:
 - i. In any zone district the wheels or any similar transporting devices of any recreational vehicle shall not be removed except for repairs, nor shall such vehicle be otherwise permanently fixed to the ground in manner that would prevent ready removal of these types of mobile structures.
 - ii. Said storage or parking must be in compliance with the Greenfield Code of Ordinances 72.42 of the municipal code.
 - D. Anything herein to the contrary notwithstanding, a recreational vehicle may be temporarily parked or stored, on the grant of a temporary certificate of occupancy, in the open in conjunction with:
 - i. A public health program sponsored by a Public Health Department.

- ii. A program sponsored by any unit of government.
 - iii. A carnival or other public affair or function authorized by proper authority.
 - iv. Other similar uses deemed temporary by the Board of Zoning Appeals and attached with such time period, conditions, and safeguards as the Board may deem necessary.
- E. No mobile home shall be located outside of a mobile home park, except for temporary use of mobile homes authorized in this chapter.

155.037 ABOVE GROUND STORAGE OF FLAMMABLE MATERIALS

1. In any district, structures, buildings, or aboveground tanks used for bulk storage of flammable or explosive liquids, gases, or other materials, shall not be located closer than 500 feet to the property line. Additional information regarding evidence of safety measures may be required in order to determine the public safety therein. For all front setbacks, such setback shall equal the setback outlined below plus one-half of the right-of-way established by the Thoroughfare Plan. All front setbacks shall be measured from the right-of-way line of an adjoining street.
2. The above-ground bulk storage of flammable or combustible liquids, gases, and other materials, including explosives and blasting agents, shall be set back from lot lines in industrial districts in accordance with the current Indiana Flammable & Combustible Liquids and Gases Code (675 IAC 22-1) and the current Indiana Fire Prevention Code (675 IAC 22-2). Front setbacks from street right-of-way shall be governed by the more restrictive of the following:
 - A. As regulated in the district development standards for the proposed project; or
 - B. As regulated in the current Indiana Flammable & Combustible Liquids and Gases Code (675 IAC 22-1) or the current Indiana Fire Prevention Code (675 IAC 22-2).
3. Whenever an industrial lot line abuts a residential district boundary, faces a residential district on the opposite side of the street, abuts a lot containing an existing residential dwelling located in a commercial or industrial district, or abuts a lot containing a public building (school, church, day care center, nursing home, etc.); the setback for the above-ground bulk storage of flammable or combustible liquids, gases, and other materials, including explosives and blasting agents, shall be at least two (2) times the requirement of the current Indiana Flammable & Combustible Liquids and Gases Code (675 IAC 22-1) and the current Indiana Fire Prevention Code (675 IAC 22-2) except that it shall not be less than 200 feet.
4. The above-ground bulk storage of flammable or combustible liquids, gases, and other materials shall in all other ways comply with all federal, state, and local laws.
5. Above-ground storage tanks containing gasoline, diesel or other flammable or combustible liquids shall not be permitted by service station uses or any other use which dispenses gasoline and other flammable or combustible liquids for public consumption. The setback for above-ground storage of flammable or combustible liquids and gases in industrial or commercial districts shall be governed by the more restrictive of the following:
 - A. Such storage shall be located at least 100 feet from the property line adjoining a residential district and 100 feet from a lot containing a public building or existing residential dwelling, or
 - B. As regulated by the current Indiana Flammable & Combustible Liquids and Gases Code (675 IAC 22-1) or the current Indiana Fire Prevention Code (675 IAC 22-2).
6. Such aggregate storage shall be limited to 50,000 gallons (water capacity) in the range from 100 to 200 feet from a residential district line or any lot containing a public building or residential dwelling.
 - A. All other above-ground storage of flammable or combustible liquids, gases, and other materials which are not included in the definitions of "bulk storage" and "storage" or that are not included elsewhere in the regulations of this Section shall be regulated in accordance with the current Indiana Flammable & Combustible Liquids and Gases Code (675 IAC 22-1), the current Indiana Fire Prevention Code (675 IAC 22-2) and all other local, state, and federal laws.
 - B. Any variance from these standards will require approval by the Board of Zoning Appeals. This variance

may be granted only if the Board finds that the general welfare and safety of the community will not be affected by the granting of this variance (extra protection measures are provided, etc.), that this variance is the minimum necessary, and that all other federal, state and local standards are adequately met.

155.038 HOME-BASED BUSINESSES (Home Occupation)

1. Any home occupation must be conducted in accordance with the following general provisions and performance standards. Where there is found to be a violation of the regulations contained herein, the Planning Director shall be authorized to revoke any permit previously granted for the operation of a home occupation.
2. **Generally applicable regulations and operation.**
 - A. The use comprising the home occupation shall be limited to artisan crafts, professional services, personal services, instructional or fitness lessons (no more than 3 customers at one time), or other similar uses approved by the Planning Director. Beauty shops or barber services are permitted but may not serve more than one customer at a time. Online sales are permitted in instances where goods and services are delivered by post, and not through commercial retail shopping on-site.
 - B. The home occupation shall be operated entirely within a principal structure or accessory structure located on the subject property and shall, at all times, remain incidental to the principal residential use of the subject property.
 - C. The home occupation must be operated by a resident of the principal structure in which the occupation is to be conducted; provided however, the operator may employ one individual who is not a resident.
3. **Performance Standards.**
 - A. Only residents of the subject residential dwelling may operate, engage in, or conduct the home-based business. Nonresidents are not allowed to work at the subject residential dwelling where a home occupation is being conducted with the exception of 2, C above.
 - B. There shall be no signs, displays, outdoor storage, or other exterior evidence of business activity. Neither the dwelling nor the lot shall be altered in appearance so that it appears other than a residence, either by color, materials, construction, lighting, sounds, vibrations, or other characteristics.
 - C. A home occupation shall be conducted only within the enclosed living area of the dwelling unit or within the garage, provided no garage space required for off-street parking is used. The home-based business shall not occupy more than 25% of the floor area of the house.
 - D. No business storage or warehousing of material, supplies or equipment is permitted outdoors.
 - E. The home occupation shall not involve manufacturing operations.
 - F. No equipment, vehicle or process may be used that creates excessive noise, vibration, glare, fumes, odors, or electrical interference, or result in a change in the fire-safety class or occupancy classification of a residential structure or which otherwise violates any law.
 - G. Only one (1) vehicle used for the home occupation shall be parked or stored on the premises; provided, however, the vehicle must not be a bus, truck, van, trailer or other vehicle over 10,000 lbs., as listed on the vehicle registration form.
 - H. The requirements for shipping and receiving of materials for the business does not create excessive noise or traffic.
4. **Structural Improvements.**
 - A. There shall be no room additions, enlargements, structural, or exterior aesthetic alterations that change the residential character of the dwelling or property.

- B. There shall be no exterior, structural, or aesthetic alterations to the dwelling to accommodate the home business that would affect the interior of the dwelling and would render it undesirable for residential use or habitation.
 - C. There shall be no additional or separate exterior entrances to the dwelling for conducting business or to accommodate the home business.
 - D. Nuisances. No home business shall create electrical interference (e.g., interfere with local radio and television reception), odors, noise, vibration, light, smoke, fumes, or anything offensive.
5. **Appeals.** Any use claimed as a home occupation may be deemed not permitted if, in a public hearing on the matter, the Board of Zoning Appeals rules the use to be a nuisance or that it does not comply with this Section. The Planning Director or any person reasonably affected by the home occupation may request such a hearing in accordance with 155.998.

155.039 SETBACKS, YARD AND HEIGHT EXCEPTIONS

- 1. Building setback lines shall be required along all public streets according to the prevailing district standards. Any yard abutting a street shall be deemed a front yard for the purpose of determining front building setback lines. In no case may a structure encroach into the right-of-way established by the Thoroughfare Plan without prior approval from the Board of Works.
 - A. For improved blocks where 25% or more of the lots in the block frontage are occupied by buildings, the average setback of those buildings may be used to determine the dimension of the front setback for any new building, provided that such structure does not encroach into any platted building line or the right-of-way as established by the Thoroughfare Plan.
 - i. For the purpose of this Section an improved block shall be defined as any block which contains at least three lots or parcels, each containing a legally established building. For the purposes of this section, a block consists of one (1) side of the street, not interrupted by any streets, alleys, or other rights-of-way.
 - ii. In any case where a proposed building site has no buildings within 300 feet in either direction on the same side of the street, the property shall be considered to be in an unimproved block.
 - B. Building lines or building setback lines established in a recorded subdivision shall establish the dimension of front yards in those subdivisions.
 - C. On double-fronted lots, a front yard is required on each street.
 - D. Corner lots shall provide a front yard setback for each yard abutting a street.
- 2. Yard Exceptions, or projections into a required residential yard, may be allowed in the following circumstances:
 - A. Front Yard Projections may only be permitted for:
 - i. An eave, cornice, overhang, awning, balcony, or bay window not exceeding four feet; however, in no event shall the encroachment protrude closer than 20 feet to a front property line. In the RU district, encroachments shall not protrude closer than 8 feet to a front property line.
 - ii. The ordinary projection of belt courses, sills, lintels, chimneys, and other similar ornamental and architectural features not exceeding 18 inches.
 - iii. Unenclosed, uncovered steps, entrance platforms, terraces, or landings not over 18 inches above grade level and not to project a distance in excess of ten feet.
 - B. Side and Rear Yard projections may only be permitted for:
 - i. The ordinary projection of belt courses, sills, lintels, chimneys, and other similar ornamental and architectural features not exceeding 24 inches; however, the encroachment shall not protrude closer than 4 feet to a side or rear lot line in any case when side or rear yards are required.

- ii. Unenclosed, uncovered steps, entrance platforms, terraces, or landings not over 18 inches above grade level.
- 3. Building heights of primary structures may be higher than the stated maximum in a district if they are setback from the front, side, and rear property lines, one foot for each two feet of additional height above the normal maximum height.
- 4. The height limitations in the zone district regulations do not apply to chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, stacks, tanks, water towers, transmission towers, spires, belfries, cupolas, parapet, silos and farm structures, antennas, essential mechanical appurtenances, or other appurtenances usually required to be placed above the roof line provided that:
 - A. Such appurtenances are not intended for human occupancy.
 - B. Such appurtenances as towers of mechanical or structural necessity with a roof area equal to or in excess of fifty percent (50%) of the average floor area of the building shall be considered a part of the height of the building.
 - C. Such height is not prohibited by other laws or the provisions of this chapter.

155.040 FLOODPLAIN REGULATIONS

- 1. Statutory Authorization, Findings of Fact, Purpose, and Objectives.
 - A. Statutory Authorization. The Indiana Legislature has in IC 36-7-4 granted the power to local government units to control land use within their jurisdictions. Therefore, the Common Council of the City of Greenfield does hereby adopt the following floodplain management regulations.
 - B. Findings of Fact.
 - i. The flood hazard areas of the City of Greenfield 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.
 - ii. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, inadequately flood-protected, or otherwise unprotected from flood damages.
 - C. Statement of Purpose.
 - i. It is the purpose of this district 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. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities.
 - 2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
 - 3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.
 - 4. Control filling, grading, dredging, and other development which may increase erosion or flood damage.

5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
6. Make federally subsidized flood insurance available for structures and their contents in the City by fulfilling the requirements of the National Flood Insurance Program.

D. Objectives. The objectives of this district are:

- i. To protect human life and health.
- ii. To minimize expenditure of public money for costly flood control projects.
- iii. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- iv. To minimize prolonged business interruptions.
- v. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains.
- vi. To 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 areas.

2. General Provisions.

A. Lands to Which This District Applies. The Floodplain Regulations Overlay District shall apply to all SFHAs and known flood prone areas within the jurisdiction of the City of Greenfield.

- i. Basis for Establishing Regulatory Flood Data.
- ii. This section's protection standard is the regulatory flood. The best available regulatory flood data is listed below.
- iii. The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs within the jurisdiction of the City of Greenfield shall be as delineated on the one-percent annual chance flood profiles in the Flood Insurance Study of Hancock County, Indiana and Incorporated Areas and the corresponding Flood Insurance Rate Map dated December 4, 2007 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date.
- iv. The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the jurisdiction of the City of Greenfield, delineated as an "A Zone" on the Hancock County, Indiana and Incorporated Areas Flood Insurance Rate Map dated December 4, 2007 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best data available as 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 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, subsequently approved.
- v. 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 data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile.
- vi. 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.

- B. Establishment of Floodplain Development Permit. A Floodplain Development Permit shall be required in conformance with the provisions of this section prior to the commencement of any development activities in areas of special flood hazard.
- C. Compliance. No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this section and other applicable regulations. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this section and other applicable regulations.
- D. Abrogation and Greater Restrictions. This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- E. Discrepancy between Mapped Floodplain and Actual Ground Elevations.
 - i. In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles shall govern.
 - ii. 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.
 - iii. If the elevation (natural grade) of the site in question is above the base flood elevation and not located within the floodway, that site shall be considered outside the SFHA and the floodplain regulations will not be applied. The property owner shall be advised to apply for a LOMA.
- F. Interpretation. In the interpretation and application of this section all provisions shall be:
 - i. Considered as minimum requirements.
 - ii. Liberally construed in favor of the governing body.
 - iii. Deemed neither to limit nor repeal any other powers granted under state statutes.
- G. Warning and Disclaimer of Liability. The degree of flood protection required by this section 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 section does not create any liability on the part of the City of Greenfield, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this section or any administrative decision made lawfully thereunder.
- H. 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 section. 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 Greenfield.
 - i. A separate offense shall be deemed to occur for each day the violation continues to exist.
 - ii. The Floodplain Administrator 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.
 - iii. Nothing herein shall prevent the City of Greenfield from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

3. Administration.

- A. Designation of Administrator. The Mayor of the City of Greenfield hereby appoints the Storm Water Coordinator to administer and implement the provisions of this section and is herein referred to as the Floodplain Administrator.

- B. Permit Procedures. Application for a Floodplain Development Permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following: plans in duplicate 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:
- i. Application Stage.
 1. A description of the proposed development.
 2. Location of the proposed development sufficient to accurately locate property and structure(s) in relation to existing roads and streams.
 3. A legal description of the property site.
 4. A site development plan showing existing and proposed development locations and existing and proposed land grades.
 5. Elevation of the top of the planned lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD.
 6. Elevation (in NAVD 88 or NGVD) to which any non-residential structure will be floodproofed.
 7. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. A hydrologic and hydraulic engineering study is required and any watercourse changes submitted to DNR for approval and then to FEMA as a Letter of Map Revision. (See division **3.B.iv** for additional information.)
 - ii. Construction Stage.
 1. 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 a certification of the NAVD 88 or NGVD elevation of the lowest floor, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. (The Floodplain Administrator shall review the lowest floor elevation survey data submitted.) The applicant shall correct deficiencies detected by such review before any further work is allowed to proceed. 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. Any work undertaken prior to submission of the elevation certification shall be at the applicant's risk. The Floodplain Administrator shall review the lowest floor elevation survey data submitted. The applicant shall correct any deficiencies detected by such review. Failure to submit the elevation certification or failure to make correction required shall be cause to issue a stop-work order for the project.
 2. Upon establishment of the floodproofed elevation of a floodproofed structure, it shall be the duty of the applicant to submit to the Floodplain Administrator a floodproofing certificate. Certification shall be prepared by or under the direction supervision of a registered professional engineer and certified by same. (The Floodplain Administrator shall review the floodproofing certification submitted.) The applicant shall correct any deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the floodproofing certification or failure to make correction required shall be cause to issue a stop-work order for the project.
 - iii. Finished Construction. Upon completion of construction, a FEMA elevation certificate, Form 81-31, which depicts all finished construction, is required to be submitted to the Floodplain Administrator. If the project includes a floodproofing measure, a FEMA floodproofing certificate, Form 81-65, is required to be submitted by the applicant to the Floodplain Administrator.
- C. 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 section. The administrator is further authorized to render interpretations of this section, which are consistent with its spirit and purpose. Duties and Responsibilities of the Floodplain Administrator shall include, but are not limited to:

- i. Review all floodplain development permits to assure that the permit requirements of this section have been satisfied.
- ii. Inspect and inventory damaged structures in the SFHA and complete substantial damage determinations.
- iii. Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to division **4.E. and 4.G.1.** of this section, and maintain a record of such authorization (either copy of actual permit/authorization or floodplain analysis/regulatory assessment).
- iv. Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit. Copies of such permits/authorizations are to be maintained on file with the floodplain development permit.
- v. Maintain and track permit records involving additions and improvements to residences located in the floodway.
- vi. 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.
- vii. 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 section.
- viii. 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.
- ix. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- x. Review certified plans and specifications for compliance.
- xi. Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with **3.B.**
- xii. Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed in accordance with **3.B.**
- xiii. Stop Work Orders
 1. Upon notice from the floodplain administrator, work on any building, structure or premises that is being done contrary to the provisions of this section shall immediately cease.
 2. 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.
- xiv. Revocation of Permits
 1. The floodplain administrator may revoke a permit or approval, issued under the provisions of the section, 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.
 2. 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 section.

4. Provisions for Flood Hazard Reduction.

A. General Standards. In all SFHAs and known flood prone areas the following provisions are required:

- i. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- ii. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- iii. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG.
- iv. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
- v. Electrical, heating, ventilation, plumbing, air conditioning equipment, utility meters, 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. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.
- vi. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- vii. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- viii. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- ix. Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of this section shall meet the requirements of “new construction” as contained in this section.

B. Specific Standards. In all SFHAs, the following provisions are required:

- i. In addition to the requirements of **4.A.**, all 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:
 1. Construction or placement of any structure having a floor area greater than 400 square feet.
 2. Addition or improvement made to any 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).
 3. Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to it's before damaged condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before damage occurred.
 4. Installing a travel trailer or recreational vehicle on a site for more than 180 days.
 5. Installing a manufactured home on a new site or a new manufactured home on an existing

site. This section does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage.

6. Reconstruction or repairs made to a repetitive loss structure.
 7. Addition or improvement made to any existing structure with a previous addition or improvement constructed since the community's first floodplain ordinance.
- ii. Residential Structures. New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor; including basement, at or above the FPG (two feet above the base flood elevation). 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 **4.B.iv**.
 - iii. Non-Residential Structures. New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured home) shall either have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation) 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 **4.B.iv**. Structures located in all "A Zones" may be floodproofed in lieu of being elevated if done 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 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 official as set forth in **4.C.i**.
 2. Floodproofing measures shall be operable without human intervention and without an outside source of electricity.
 - iv. Elevated Structures. New construction or substantial improvements of elevated structures shall have the lowest floor at or above the FPG. Elevated structures with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade 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. Designs must meet the following minimum criteria:
 1. Provide a minimum of two openings located in a minimum of two exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area).
 2. The bottom of all openings shall be no more than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher.
 3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 4. Access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
 5. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
 6. The interior grade of such enclosed area shall be at an elevation at or higher than the exterior grade.
 - v. Structures Constructed on Fill. A residential or nonresidential structure may be constructed on a permanent land fill in accordance with the following:

1. The 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 permit file.
 2. The fill shall extend 10 feet beyond the foundation of the structure before sloping below the BFE.
 3. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical.
 4. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
 5. The top of the lowest floor including basements shall be at or above the FPG.
- vi. Standards for Manufactured Homes and Recreational Vehicles. Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:
1. These requirements apply to all manufactured homes to be placed on a site outside a manufactured home park or subdivision; in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or in an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as a result of a flood:
 - a. 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.
 - b. 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 division **4.B.iv**.
 - c. Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.
 2. These requirements apply to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood:
 - a. The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - b. 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 division **4.B.iv**.
 - c. Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.
 3. Recreational vehicles placed on a site shall either:
 - a. be on site for less than 180 days;
 - b. be fully licensed and ready for highway use (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

- c. meet the requirements for “manufactured homes” as stated earlier in this section.
- vii. Accessory Structures. Relief to the elevation or dry floodproofing standards may be granted for accessory structures. Such structures must meet the following standards:
 - 1. Shall not be used for human habitation.
 - 2. Shall be constructed of flood resistant materials.
 - 3. Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters.
 - 4. Shall be firmly anchored to prevent flotation.
 - 5. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the FPG.
 - 6. 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 division **4.B.iv**.
 - 7. Above Ground Gas or Liquid Storage Tanks. All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement.

C. Standards for Subdivision Proposals.

- i. All subdivision proposals shall be consistent with the need to minimize flood damage.
- ii. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- iii. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- iv. 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.
- v. All subdivision proposals shall minimize development in the SFHA and/or limit density of development permitted in the SFHA.
- vi. All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).

D. Critical Facility. 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.

E. Standards for Identified Floodways.

- i. Located within SFHAs, established in division **2.B.**, 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. If the site is in an identified floodway, 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 a permit for

construction in a floodway. Under the provisions of IC 14281 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 etc. undertaken before the actual start of construction of the structure. However, it does exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river floodway. (IC 14-28-1-26 allows construction of a non-substantial addition/ improvement to a residence in a non-boundary river floodway without obtaining a permit for construction in the floodway from the Indiana Department of Natural Resources. Please note that if fill is needed to elevate an addition above the existing grade, prior approval for the fill is required from the Indiana Department of Natural Resources.)

- ii. No action shall be taken by the Floodplain Administrator until a permit or letter of authorization (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in the floodway. Once a permit for construction in a floodway or letter of authorization has been issued by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in division 4. of this section have been met. The Floodplain Development Permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources. However, a community's more restrictive regulations (if any) shall take precedence.
 - iii. No development shall be allowed, which acting alone or in combination with existing or future development, that will adversely affect the efficiency of, or unduly restrict the capacity of the floodway. This adverse affect 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.
 - iv. For all projects involving channel modifications or fill (including levees) the Floodplain Administrator 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.
- F. Standards for Identified Fringe. If the site is located in an identified fringe, then the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in division 4. of this section have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the FPG.
- G. Standards for SFHAs without Established Base Flood Elevation and/or Floodways/Fringes.
 - i. Drainage area upstream of the site is greater than one square mile:
 - 1. 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.
 - 2. No action shall be taken by the Floodplain Administrator until either a permit for construction in a floodway (including letters of authorization) 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.
 - 3. Once the Floodplain Administrator has received the proper permit for construction in a floodway (including letters of authorization) or floodplain analysis/regulatory assessment approving the proposed development, 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 division 4. of this section have been met.

- ii. Drainage area upstream of the site is less than one square mile:
 - 1. 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.
 - 2. Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in division 4. of this section have been met.
- iii. The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood more than 0.14 of one foot and will not increase flood damages or potential flood damages.

H. Standards for Flood Prone Areas. All development in known flood prone areas not identified on FEMA maps, or where no FEMA published map is available, shall meet applicable standards as required in division 4.

5. Variance Procedures.

A. Designation of Variance and Appeals Board. The Board of Zoning Appeals shall hear and decide appeals and requests for variances from requirements of this section.

B. Duties of Variance and Appeals Board. 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 section. Any person aggrieved by the decision of the board may appeal such decision to the Hancock County Circuit Court.

C. Variance Procedures. In passing upon such applications, the board shall consider all technical evaluations, all relevant factors, all standards specified in this section, and;

- i. The danger of life and property due to flooding or erosion damage.
- ii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- iii. The importance of the services provided by the proposed facility to the community.
- iv. The necessity to the facility of a waterfront location, where applicable.
- v. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
- vi. The compatibility of the proposed use with existing and anticipated development,
- vii. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
- 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 of transport of the floodwaters at the site.
- 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. Conditions for Variances.

- i. Variances shall only be issued when there is:

1. A showing of good and sufficient cause.
 2. A determination that failure to grant the variance would result in exceptional hardship.
 3. 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.
- ii. No variance for a residential use within a floodway subject to division **4.E.** or **4.G** of this section may be granted.
 - iii. Any variance granted in a floodway subject to division **4.E.** or **4.G** of this section will require a permit from the Indiana Department of Natural Resources.
 - iv. Variances to the Provisions for Flood Hazard Reduction of division **4.B.** 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.
 - v. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - vi. Variances may be granted for the reconstruction or restoration of any structure that meets the historic structure definition as defined in the definitions section of Appendix A.
 - vii. 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 (See division 5.E).
 - viii. 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 (See division 5.E).
- E. Variance Notification. Any applicant to whom a variance is granted that allows the lowest floor of a structure to be built below the flood protection grade shall be given written notice over the signature of a community official that:
- i. The issuance of a variance to construct a structure below the flood protection grade will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and;
 - ii. Such construction below the flood protection grade increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
- F. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance.
- G. Historic Structure. 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.
- H. Special Conditions. Upon the consideration of the factors listed in division 5, and the purposes of this section, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this section.

155.041 COUNTY LEGAL DRAIN

In any district where a proposed use is within 75 feet of a county legal drain, or in the event a proposed use intends to drain into a county legal drain, a letter of approval from the Hancock County Drainage Board and shall be furnished to the Planning Director before an improvement location permit shall be issued.

155.050 ACCESSORY STRUCTURES AND USES

1. Accessory uses shall be permitted in all zone districts in accordance with the provisions of this section. Accessory uses shall:
 - A. Be incidental and subordinate to, and commonly associated with, the operation of the principal use of the lot.
 - B. Be operated and maintained under the same ownership and on the same lot as the principal use.
 - C. Be clearly subordinate in height, extent, and purpose to the principal use served. The height of an accessory building or structure, with the exception of communication towers or flagpoles, shall be less than or equal to that of the primary structure, or determined by the district in which the accessory structure is located, whichever is less.
 - D. Be a maximum size and bulk as determined by the district standards.
 - E. Not be located closer to any lot line than the minimum setback line required, unless specified otherwise in this Code.
 - F. Not be permitted prior to the erection and operation of the principal use, unless a temporary improvement location permit is obtained in accordance with Section **155.051**.
 - G. Meet any architectural design criteria set forth in **155.102**.
2. Residential screening uses and landscaping
 - A. Accessory uses such as public utility installations, walks, driveways, curbs, retaining walls, mail boxes, name plates, lamp posts, bird baths, and structures of a like nature are permitted in any required front, side, or rear yard, and without the issuance of any permit.
 - B. Trees, shrubs, flowers, or plants shall be permitted in any required front, side, or rear yard, except that vision clearance on corner lots shall be provided in accordance with Section **155.069**.
 - C. Gardening and landscaping, provided it is not sold for profit, is allowed without a permit.
3. The keeping of domestic pets, provided they are not sold for profit and not construed as a kennel, is allowed without a permit.
4. Fences and walls are allowed with a permit and they shall not impede intersection sight visibility (see Section **155.069**).
5. Structures such as decks under 18" in height, patios, outdoor fire places, doghouses, children's play structures, and also detached storage buildings, bath houses and cabanas not exceeding 200 square feet in size and not having a permanent foundation are allowed without an improvement location permit when the yard and development requirements of this Code are adhered to. At no time shall any of these structures be permitted to encroach into any easement on a property.
6. Swimming pools.
 - A. In addition to the following provisions, swimming pools shall also comply with the provisions of safety of Indiana Administrative Code and all amended provisions thereof.
 - B. No person shall construct, remodel, or alter any swimming pool until a permit to do so is obtained from

the Planning Director. An application for such permit shall be filed with the Planning Director, on a form furnished by them, together with the plans and specifications for such pool. The Planning Director or their designee, shall examine such plans and specifications to determine whether or not the pool will comply with the provisions of all applicable Indiana Building Codes and amendments. If it appears that the pool will comply therewith, approval shall be noted on the plans and specifications and a permit authorizing the work to proceed shall be issued. The Planning Director, or their designee is authorized to enter on any premises to determine whether or not the owner has complied with the provisions of this chapter.

- C. For the purpose of this division the phrase “Private Swimming Pool” shall mean and include an artificial body of water, with a controlled water supply, designed for wading and swimming and used, or intended to be used, in connection with a one or two-family dwelling, solely by the householder and their family and by friends invited to use it without payment of any fee. No private swimming pool shall be constructed except on the same lot as the dwelling or on a vacant lot immediately contiguous thereto if it is under the same ownership as the dwelling. The following conditions shall be met if the pool is to be located on the same building lot as the dwelling:
 - D. The pool shall be constructed in the rear yard but not closer at any point than six feet from the edge of water to the building itself;
 - i. The in-ground pool shall comply with the provisions of the Indiana Administrative Code, as amended;
 - ii. An above-ground pool shall be enclosed by a five (5) foot fence, complying with the provisions of the Indiana Residential Code and all other applicable codes utilized by the State of Indiana, as amended;
 - iii. A fence surrounding or partially surrounding an in-ground pool shall not be closer than six feet to the edge of the pool at any point;
 - iv. The surface area of the pool may be counted as open space and does not count as lot coverage.
 - v. When a pool is located on a lot contiguous to the lot on which the owner’s house is located and under the same ownership as the dwelling the following conditions shall be met:
 - vi. No part of the pool shall be located forward of the setback line of the owner’s dwelling;
 - vii. No part of the pool shall be closer than six feet from the owner’s dwelling and no closer than 10 feet from any property line of any other property owner;
 - viii. No pool shall be built across any property line regardless of the ownership thereof;
 - ix. If the contiguous lot has frontage on a street other than that on which the owner’s dwelling is located, no part of the pool shall be forward of the minimum front setback line.
 - x. It shall be unlawful for any person to make or cause to be made or continued at any pool, any loud noise which endangers the peace of others.
 - xi. Lights to illuminate any pool shall be so arranged and shaded as to direct light away from adjoining premises and streets.
- 7. Amateur Radio and Television and Radio Receiver Antennas. All amateur radio antenna, CB radio antenna, antenna for receiving television signals, antenna for receiving radio signals, and all other personal broadcasting equipment shall meet the following requirements:
 - A. Location. Rear yard or roof top.
 - i. Equipment shall not be located closer to any lot line than the minimum setback required.
 - ii. Antenna and guy wires shall not encroach into any easement.
 - iii. The placement of wireless telecommunication antennas on roofs may be approved by the Planning

Director, provided that the antennas meet the requirements of these regulations, after submittal of:

1. A final site and building plan as specified by these regulations; and
2. A report prepared by a qualified and licensed professional engineer indicating the existing structure's suitability to accept the antenna, and the proposed method of affixing the antenna to the structure. Complete details of all fixtures and couplings, and the precise point of attachment shall be indicated.

B. Height.

- i. In accordance with the Federal Communication Commission's preemptive ruling PRB 1, towers erected for the primary purpose of supporting amateur radio antennas may exceed 30 feet in height provided that a determination is made by the Planning Director that the proposed tower height is technically necessary to successfully engage in amateur radio communications.
- ii. No amateur radio tower shall exceed 48 feet in height from ground level or five feet in height above the highest point of the roof of the primary structure, whichever is greater. Amateur radio towers shall be permitted to exceed these height requirements if a determination is made by the Board of Zoning Appeals, through the Development Standards Variance process, that the increased tower height is technically necessary to successfully engage in amateur radio communications.

C. Unused and abandoned radio towers shall be removed immediately.

155.051 TEMPORARY USES

1. Temporary uses shall be permitted in applicable districts by the grant of a temporary improvement location permit issued by the Staff, except where otherwise indicated, in accordance with the requirements of this section.
2. The duration of the temporary period is stated hereinafter provided, however, renewal of such permit may be requested, with number of consecutive renewal requests in a 12-month period not exceeding the permitted number as outlined in this chapter.
3. Temporary uses shall be subject to all the regulations of the applicable district, shall apply for and receive an improvement location permit, and complete all necessary inspections prior to use.
4. Temporary parking lots may be constructed in conjunction with temporary uses as long as they meet all of the setbacks of the district, landscaping requirements, and development standards for parking areas.
 - A. Parking areas shall be developed in accordance with 155.066, including but not limited to being hard surfaced with parking stalls properly striped.
 - B. Parking areas shall be removed at the time the temporary use is suspended and/or the permit has expired. The lot shall be restored to character consistent with the development.
5. Charities that are registered with the state as a non-profit organization are exempt from the permit fees associated with this section.
6. Garage sales held intermittently on a property and not at a frequency that might constitute a business shall not be required to get a temporary use permit;
 - A. Garage sales are generally limited to two per property per year.
 - B. Participation in larger recognized events such as the annual garage sale on the National Road shall not be counted as part of the maximum on a property.
7. Uses which may be permitted by the Staff
 - A. Temporary office, model home or model apartment, and incidental signs thereof, both incidental and necessary for the sale, rental or lease of real property in the district. Time period: Maximum 12 months. Number of renewals: 3.

- i. Temporary use permits for sales offices and model homes must be for projects located on a lot within the development where homes are for sale.
 - ii. Such uses shall be located on streets that have been asphalted and curbed, and are free of mud and debris.
 - iii. Model home and sales office hours shall not extend passed 7:00 AM and 8:00 PM.
 - B. Non-commercial concrete batching plant, both incidental and necessary to construction in the district. Time period: Maximum 12 months. Number of renewals: 3.
 - C. Temporary building or yard for construction materials and equipment, both incidental and necessary to construction in the district. Time period: Maximum 12 months. Number of renewals: 3
 - D. Bazaars, carnivals, and similar temporary uses. Time period: Maximum 10 days. Number of renewals: 1.
 - E. Sale of Christmas trees, outdoor tent theater, sale of seasonal fruits and vegetables from roadside stands, sale of deciduous and evergreen plantings, sale of annual and perennial flowers, landscape materials including, but not limited to, bagged mulch, straw bales, finished concrete and stone products, edging materials, and tent sales. Time period: Maximum 60 days. Number of renewals: 2.
 - F. Construction trailer(s) as a temporary office during the period of construction and development, subject to the following provisions:
 - i. The construction trailer(s) is/are situated at the construction site and is/are occupied only by persons directly engaged in the supervision of the construction of the structure or development or serving as a temporary location for normal business operations.
 - ii. All yard and setback requirements of the district in which the construction trailer is located are complied with.
 - iii. All health and sanitary regulations of the Hancock County Health Department and the State Board of Health are complied with.
 - iv. Safe temporary connection to the electrical utility system is made in a manner approved by the Planning Director.
 - v. Skirting is required on all sales and construction trailers that will be installed for six (6) or more months.
 - G. A temporary permit is issued for a maximum 18 months only upon demonstration by the applicant of a validly approved improvement location permit for a permanent structure or development. Such temporary permit may be renewed for an additional specified period, in accordance with this Chapter, only if the applicant demonstrates that unavoidable circumstances caused a construction delay.
- 8. Temporary Permits (attracting devices). Upon application the Staff may issue a temporary improvement location permit for the display of pennants and other similar attractive devices in connection with a special promotional program for an open-air business. See Section 155.065, Temporary Signs, for related provisions.
 - A. During a seven consecutive day period related to a special event.
 - B. For use twice during any 12 month period, in conjunction with a promotional sales or service program, each period not to exceed three weeks in duration, and to be separated from any other such period by not less than four weeks.
- 9. Standards
 - A. Adequate access and off-street parking facilities shall be provided which shall not interfere with traffic movement on adjacent streets.
 - B. Any temporary use shall not occupy required parking spaces of the primary user(s) of the property.

- C. If a temporary use that occupies an off-street parking facility encloses a portion of a parking lot to function as a sales area that enclosure must consist of panels that fasten together and that attach to the surface of the parking lot, at a minimum height of 36 inches.
- D. Any flood lights or other lighting shall be directed upon the premises and shall not be detrimental to adjacent properties.
- E. The lot shall be put in clean condition devoid of temporary use remnants upon termination of the temporary period.
- F. Temporary sales areas provided for in subsection 6 shall not occupy more than 1,000 square feet of lot area.
- G. If stacked, materials and items displayed for sale shall not exceed six feet in height.

155.052 WIRELESS FACILITIES

These regulations shall officially be known, cited, and referred to as the Wireless Telecommunication Facility Regulations of the City of Greenfield (hereinafter “these regulations”).

1. **Purposes.** In order to protect the public health, safety and general welfare of the community, while accommodating the communication needs of residents and business these regulations are necessary in order to:
 - A. Facilitate the provision of wireless telecommunication services to the residents and businesses of the City of Greenfield;
 - B. Minimize adverse visual effects of towers through careful design and siting standards;
 - C. Encourage the location of towers in non-residential areas through performance standards and incentives;
 - D. Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and,
 - E. Provide mechanisms for the mitigation of tower proliferation through tower sharing requirements for all new tower applicants and those existing towers that are physically capable of sharing.
2. **Authority.** The Board of Zoning Appeals of the City of Greenfield (hereinafter “Board”) is vested with the authority to review, approve, conditionally approve, and disapprove applications for wireless communication facilities, including sketch, preliminary and final plans. In instances where a zone change is requested, Board approval is not required as this application will be reviewed by the Planning Commission.
3. **Jurisdiction.** These regulations apply to all wireless communications facilities located within the corporate limits of the City of Greenfield or outside the corporate limits as provided by law.
4. No wireless communications facility may be constructed without an approved and signed site plan from the Planning Commission.
5. **Enactment.** In order that wireless communications facilities may be constructed in accordance with these purposes and policies, these regulations are hereby adopted and made effective as of June 11, 1998. All applications for wireless communication facility sitings pending on the effective date of these regulations shall be reviewed under these regulations or thereafter filed.
6. **Interpretation, Conflict, and Separability**
 - A. **Interpretation.** In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the protection of public health, safety, and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.
 - B. **Conflict.** These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from any other ordinance, rule or regulation, statute, or other provision of law, the provision which is more restrictive or imposes higher standards shall control

- C. **Separability.** If any part or provision of these regulations or the application of these regulations to any service provider or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confirmed in its operations to the part, provision, or application which is judged to be invalid.

7. Amendments. For the purpose of protecting the public health, safety, and general welfare, the Planning Commission may from time to time propose amendments to these regulations which shall be approved or disapproved by the City Council at a public meeting following public notice. Realizing that communication technologies are evolving and changing quickly, future innovations may reduce the impacts of individual facilities and render portions of these regulations obsolete. Therefore, periodic review and revision of these regulations will be necessary.

8. Public Purpose. Regulation of the siting of wireless communication facilities is an exercise of valid police power delegated by the State of Indiana and as stipulated in the Federal Telecommunications Act of 1996. The developer has the duty of compliance with reasonable conditions laid down by the Planning Commission.

9. Enforcement, Violations, and Penalties. The enforcement of these regulations shall be the responsibility of the Planning Director.

- A. Any person who violates these regulations shall be subject to a fine in an amount of \$2,500 per violation. Each day the violation exists constitutes a separate violation pursuant to the provisions of the statutes of the State of Indiana.

10. Wireless Communication Facility Application Procedure and Approval Process

A. **General Procedure.** The submission of applications for wireless communications facilities shall follow the same procedure as detailed in Greenfield's Unified Development Ordinance for permitted uses and/or conditional uses as the circumstances would require.

B. **Additional Procedures.** In addition to the information required elsewhere in Greenfield's Unified Development Ordinance for permitted uses and/or conditional uses, development applications for wireless communications facilities shall include the following supplemental information:

- i. A report from a qualified and licensed professional engineer which:

- ii. Describes the tower height and design including a cross section and elevation;

- iii. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;

- iv. Describes the tower's capacity, including the number and type of antennas that can accommodate;

- v. Documents what steps the applicant will take to avoid interference with established public safety telecommunications;

- vi. Includes an engineer's stamp and registration number; and,

- vii. Includes other information necessary to evaluate the request.

C. For all commercial wireless telecommunications service towers, a letter of intent committing the tower owner and his, her or its successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.

D. Before the issuance of a building permit, the following supplemental information shall be submitted:

- i. A copy of the FAA's response to the submitted "Notice of Proposed Construction or Alteration" (FAA Form 7460-1) shall be submitted to the Planning Director;

- ii. Proof of compliance with applicable Federal Communications Commission regulations; and,

- iii. A report from a qualified and licensed professional engineer which demonstrates the tower's compliance with the municipality's structural and electrical standards;

- iv. A copy of any purchase agreement and/or lease for the land upon which the subject tower is to be

located which document shall contain language in accordance with Section (D)(9)(b) of this ordinance.

11. Site Plan Requirements. In addition to the Site Plan requirements found elsewhere in Greenfield's Unified Development Ordinance, site plans for wireless communications facilities shall include the following supplemental information:

- A. Location and approximate size and height of all buildings and structures within 500 feet adjacent to the proposed wireless communication facility.
- B. Site plan of entire development, indicating all improvements including landscaping and screening.
- C. Elevations showing all facades, indicating exterior materials and color of the tower(s) on the proposed site.
- D. Plans shall be drawn at the scale of 1 inch equals 50 feet.

12. General Approval Standards. Generally, approval of a wireless communication facility can be achieved if the following items are met:

- A. The location of proposed tower is compatible with the municipality's Master Plan and the Unified Development Ordinance.
- B. All efforts to locate on an existing tower have been made and have not been successful or legally/physically possible.
- C. The submitted site plan complies with the performance standards set in these regulations.
- D. The proposed facility/tower will not unreasonably interfere with the view from any public park, natural scenic vista, historic building or district, or major view corridor.
- E. The lowest six (6) feet of the facility/tower be visually screened by trees, large shrubs, solid walls, solid fences, and/or nearby buildings.
- F. The height and mass of the facility/tower does not exceed that which is essential for its intended use and public safety.
- G. The owner of the wireless communication facility has agreed to permit other persons/cellular providers to attach cellular antenna or other communications apparatus which do not interfere with the primary purpose of the facility.
- H. There exists no other existing facility/tower that can reasonably serve the needs of the owner of the proposed new facility/tower.
- I. The proposed facility/tower is not constructed in such a manner as to result in needless height, mass, and guy-wire supports.
- J. The color of the proposed facility/ tower will be of a light tone or color (except where required otherwise by the FAA) as to minimize the visual impact and that the tower will have a security fence around the tower base or the lot where the tower is located.
- K. The facility/tower is in compliance with any other applicable local, state or federal regulations.

13. Additional Considerations. The Board of Zoning Appeals, in reviewing the conditional use application, shall consider the particular needs and circumstances of each application and shall examine the following items as they relate to the proposed conditional use:

- A. Topography;
- B. Zoning on site;
- C. Surrounding zoning and land use;
- D. Streets, curbs and gutters and sidewalks;
- E. Access to public streets;
- F. Driveway and curb cut locations in relation to other sites;

- G. General vehicular and pedestrian traffic;
- H. Parking location and arrangement;
- I. Number of parking spaces needed for the particular special use;
- J. Internal site circulation;
- K. Building height, bulk and setback;
- L. Front, side and rear yards;
- M. Site coverage by building(s), parking area(s) and other structures;
- N. Trash and material storage;
- O. Alleys, service areas and loading bays;
- P. Special and general easements for public or private use;
- Q. Landscaping and tree masses;
- R. Necessary screening and buffering;
- S. Necessary fencing;
- T. Necessary exterior lighting;
- U. On-site and off-site, surface and subsurface storm and water drainage;
- V. On-site and off-site utilities;
- W. Dedication of streets and rights-of-way;
- X. Proposed signage (subject to regulations established by the sign ordinance); and
- Y. Protective restrictions and/or covenants.

14. Priority Locations. All commercial wireless telecommunications towers erected, constructed, or located within the municipality shall be erected, constructed, or located on any site established by the Greenfield Board of Works and Public Safety as a priority site for such towers and may only be located at other sites upon request by the applicant, and determination by the Greenfield Board of Zoning Appeals that none of the sites listed on said list meets the applicants requirements.

15. General Wireless Communications Facility Performance Standards

- A. Co-Location Requirements. All commercial wireless telecommunication towers erected, constructed, or located within the municipality shall comply with the following requirements:
 - i. A proposal for a new commercial wireless telecommunication service tower shall not be approved unless the Board of Zoning Appeal finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one mile search radius (one half mile search radius for towers under 120 feet in height, one quarter mile search radius for towers under 80 feet in height) of the proposed tower due to one or more of the following reasons:
 - 1. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be re-enforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - 2. The planned equipment would cause interference materially impacting the usability of the other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.

3. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
 4. Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.
- ii. Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height or for at least one additional user if the tower is over 60 feet in height. Towers shall be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.
- B. Tower and Antenna Design Requirements. Proposed and modified towers and antennas shall meet the following design requirements:
- i. Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
 - ii. Commercial wireless tele-communication service towers shall be of a monopole design unless the Board of Zoning Appeal determines that an alternative design would better blend in to the surrounding environment.
- C. Tower Height. The maximum tower height permitted in the City is to be calculated by applying the following:
- i. If the tower is designed to accommodate only one service provider, the maximum height shall be 120 feet from grade.
 - ii. If the tower is designed to accommodate two service providers, the maximum height shall be 160 feet from grade.
 - iii. If the tower is designed to accommodate more than two service providers, the maximum height shall be 200 feet from grade.
- D. Accessory Utility Buildings. All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground mounted equipment shall be completely screened from view by suitable landscaping and/or vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.
- E. Tower Lighting. Towers shall not be illuminated by artificial means and display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower.
- F. Antennas Mounted on Structures, Roofs, Walls, and Existing Towers. The placement of wireless telecommunication antennas on roofs, walls, and existing towers may be approved by the Planning Director, provided the antennas meet the requirements of these regulations, after submittal of:
- i. A final site and building plan as specified by these regulations, and;
 - ii. A report prepared by a qualified and licensed professional engineer indicating the existing structure of tower's suitability to accept the antenna, and the proposed method of affixing the antenna to the structure. Complete details of all fixtures and couplings, and the precise point of attachment shall be indicated.
- G. Temporary Wireless Communications Facilities. Any facility designed for temporary use is subject to the following:
- i. Use of a temporary facility is allowed only if the owner has received a temporary user permit from the City of Greenfield.
 - ii. Temporary wireless facilities are permitted for use of no longer than 30 days for use while constructing permanent facilities, and no longer than 5 days for use during a special event.

- iii. Temporary facilities are subject to all applicable portions of these regulations, excluding Sections 11 and 12 above.
- H. Interference with Public Safety Telecommunications. Neither new nor existing telecommunications service shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an intermodulation study which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems. Before the introduction of a new service or changes in existing service, telecommunication providers shall notify the City at least ten calendar days in advance of such changes to allow the City to monitor interference levels during the testing process.
- I. Abandoned or Unused Towers or Portions of Towers. Abandoned or unused towers or portions of towers shall be removed as follows:
 - i. All abandoned or unused towers and associated facilities shall be removed within 180 days of the cessation of operations at the site unless a time extension is approved by the Planning Director. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a tower is not re-moved within 180 days of the cessation of operations at a site, the tower and associated facilities may be removed by the City of Greenfield and the costs of removal assessed against the property.
 - ii. Unused portions of towers above a manufactured connection shall be removed within 180 days of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new wireless facility permit.
- J. Signs and Advertising
 - i. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

16. Zoning Specific wireless Communication Facility Performance Standards

- A. Commercial Wireless Facility Siting Standards - Zoning
 - i. Commercial wireless communications facilities are allowed only as a conditional use, requiring the approval of a conditional use permit, in the following districts, subject to Performance Criteria:
 - 1. Innovation and Manufacturing (IM)
 - 2. Business Park (BP)
 - 3. Commercial Districts including the Commercial North (CN) and South (CS) and National Road (NR)
 - 4. Residential Districts including the Residential Low (RL), Moderate (RM) and Urban (RU)
 - 5. Traditional Neighborhood (TN), Neighborhood Commercial Node (NC), and Downtown (DT) District
 - ii. Commercial wireless communications facilities are not allowed in the following districts:
 - 1. HD Historical Overlay District
 - 2. Recreational Trail Overlay District
- B. Non-Commercial Wireless Facility (Amateur Radio Antenna) Standards
 - i. Towers supporting amateur radio antennas and conforming to all applicable provisions of these regulations shall be allowed as a residential accessory use in accordance with Chapter 155.050(7).

155.053 MOBILE AND MANUFACTURED HOMES, RECREATIONAL VEHICLE PARKS

Manufactured homes and mobile home parks shall be permitted in the RU and RM districts in accordance with the applicable requirements set forth under this section.

1. **Manufactured Homes.** Manufactured homes are permitted in any residential zoning district provided the proposed manufactured home shall be affixed to a permanent foundation and shall otherwise comply with all other requirements for residential structures under the Building Code of Greenfield and other applicable ordinances and codes.
2. **Mobile Home Parks.** Mobile home parks may be located in any residential district provided the applicant or owner submits and receives Development Plan approval for a site plan from the Plan Commission in accordance with section 155.083 of this UDO. In reviewing any site plan submitted for the approval of a mobile home park under this section, the Plan Commission shall determine whether such site plan demonstrates compliance with the minimum requirements set forth under subsections (i.)-(vi.) below.
 - A. **Minimum Mobile Home Park Site Requirements.** All proposed mobile home park sites shall comply with the following minimum requirements:
 - i. Any site on which a mobile home park is proposed to be constructed shall be comprised of at least five (5) contiguous acres, with a maximum unit density of six (6) mobile home dwellings per gross acre.
 - ii. Each mobile home park shall be configured so that side setbacks and rear setbacks for the park shall be at least 30 feet.
 - iii. Front setbacks for the proposed mobile home park shall comply with the standards of the underlying district.
 - iv. Exposed ground surfaces in all parts of every proposed mobile home park shall be paved or covered with vegetation that will prevent erosion and reduce objectionable dust.
 - v. Any approved mobile home park shall require a drainage plan to be approved by the City Engineer.
 - vi. A landscaped buffer installed along the side and rear yards and any parking area of any approved mobile home park.
 - B. **Minimum Mobile Home Dwelling Site Requirements.** Each of the mobile home dwelling sites comprising a proposed mobile home park shall comply with the following minimum requirements:
 - i. Each mobile home dwelling site shall be a minimum area of 5,000 square feet with a minimum width of 30 feet.
 - ii. Each mobile home dwelling site shall abut a private street and be set back from the curb line of such street by at least ten (10) feet.
 - iii. No mobile home dwelling site shall be situated so as to provide direct access to a public street.
 - iv. Each mobile home dwelling site shall be provided with a paved walkway with a minimum width of two feet leading from the mobile home door or patio to the adjacent private street, main walkway, or parking area.
 - v. The mobile home slab located on each mobile home dwelling site shall not heave, shift, or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, or through any other forces.
 - vi. Each mobile home slab shall be equipped with anchors and tie-downs designed to adequately secure the mobile home located thereon.

- vii. At a minimum the anchors and tie-downs required hereunder shall be placed at each corner of the mobile home slab and shall each have a weight bearing capacity of not less than 2,800 pounds.
 - viii. Each mobile home shall be a maximum of 25 feet in width.
 - ix. All mobile home dwelling sites shall be equipped with a toilet, lavatory, and appropriate plumbing fixtures.
- C. Permitted Nonresidential Uses. Certain non-residential accessory uses shall be permitted to facilitate the management and maintenance of the mobile home park and to provide opportunities for residents of the mobile home park to fraternize. Except for those non-residential accessory uses set forth herein, all non-residential uses shall otherwise be prohibited from being conducted in a mobile home park. Such permitted non-residential accessory uses shall include the following, any of which must be specifically identified on the site plan submitted for approval under this section:
- i. Clubhouse;
 - ii. Laundry facilities;
 - iii. Management office;
 - iv. Recreation facilities, including playgrounds, swimming pools, tennis courts, basketball courts and community buildings; or
 - v. Storage area for maintenance equipment.
- D. Parking Requirements.
- i. Each mobile home dwelling site shall include a paved parking area with a width of eighteen (18) feet and a length of nine (9) feet.
 - ii. All structures containing permitted accessory uses shall provide off-street parking in accordance with **155.066** or as determined by the City Engineer to sufficiently accommodate parking needs.
 - iii. Open Space Requirement. Any proposed mobile home park submitted for approval under this section shall incorporate open space that is not less than twenty percent (20%) of the gross square footage of the mobile home park site. Satisfaction of the open space requirement may be satisfied through the inclusion of the recreational amenities described under subsection (c) hereof.
 - iv. Mobile Home Park Street Standards. 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:
 - 1. All entrance and exit two-way private streets shall have a minimum width of 35 feet exclusive of any median strip.
 - 2. One-way private streets shall have a minimum width of 20 feet.
 - 3. All interior private streets shall have a minimum width of 20 feet and parking shall not be permitted on such streets.
 - 4. Subject to Plan Commission approval, parking may be permitted on one side of private streets with a width of at least 35 feet.
 - 5. Subject to Plan Commission approval, parking may be permitted on one side of private streets with a width of at least 28 feet which are designated as one-way streets.
 - 6. Subject to Plan Commission approval, parking may be permitted on one side of two-way private streets with a minimum width of 28 feet.
 - 7. All mobile home park private streets shall be maintained in a safe, passable condition at all times.

- E. Lighting. All mobile home parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night.
- F. Walks. All mobile home parks shall be equipped with a safe, convenient, all season common walkway system with a minimum width of five (5) feet. Such walkway system shall be durable and convenient to maintain. The walkway system shall be designed to facilitate pedestrian movement between mobile home dwelling sites, along interior streets and to and from recreation and community facilities available to park residents. The walkway system shall further provide for handicap accessibility along at least one side of each private street.
- G. Barbecue pits, fireplaces, stoves, and incinerator. Cooking shelters, barbecue pits, fireplaces, wood-burning stoves, and incinerators shall be so located, constructed, maintained, and used as to minimize fire hazards and smoke nuisance both on the property on which used and on neighboring property. No open fire shall be left unattended. No fuel shall be used, and no material burned which emits dense smoke or objectionable odors.
- H. Refuse handling and common collection points.
 - i. The storage, collection, and disposal of refuse in a mobile home park shall be conducted so as not to create any health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.
 - ii. 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 stand.
 - iii. Containers shall be provided in sufficient number and capacity to properly store all refuse.
 - iv. Refuse collection stands shall be provided for all refuse containers. The container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.
 - v. All refuse containing garbage shall be collected at least weekly.
- I. Electrical distribution system. All electrical wiring in mobile home parks shall be installed and maintained in accordance with the Building Code of Greenfield, Chapter 150, shall such wiring to include all electrical connections from the mobile home to the connection box provided by the park operator. It shall be the responsibility of the park management to assure compliance of the installation and maintenance of all electrical connections and exposed cables with pertinent Code.
- J. Fire protection. In order to safeguard residents of a mobile home park from fire, the following minimum requirements shall apply to all mobile home parks approved under this UDO:
 - i. Mobile home parks shall be kept free of litter, rubbish, and other flammable and combustible materials.
 - ii. Portable fire extinguishers rated for class B and C fires shall be kept in service buildings and at other locations conveniently and readily accessible for use by all occupants and shall be maintained in good operating condition. Their capacity shall not be less than 2-1/2 pounds.
 - iii. Fires shall be made only in stoves, incinerators, and other equipment intended for such purposes.
 - iv. Fire hydrants shall be installed in accordance with the following requirements:
 - 1. The water supply system shall permit the operation of a minimum of two 1¼-inch hose streams.
 - 2. Each of two nozzles, held four feet above the ground, shall deliver at least 75 gallons of water per minute at a flowing pressure of at least 30 pounds per square inch at the highest elevation point of the park.

- v. Fire hydrants shall be located within 300 feet of any mobile home, service building, or other structure in the park.
 - K. Water and sewage. The water supply system and sewage disposal system serving any mobile home park approved under this section shall be a public system and shall meet the minimum requirements of the City of Greenfield Board of Public Works and Safety and the Indiana Department of Environmental Management.
 - L. Responsibilities of Mobile Home Park Operator. The person or entity granted approval for the construction of a mobile home park shall operate the mobile home park in compliance with this section, the laws of the State of Indiana, and rules promulgated by the Indiana Department of Health. Such mobile home operator shall further provide supervision to maintain the mobile home park, its facilities, and its equipment in good repair and in a clean and sanitary condition. The mobile home park operator shall notify or cause to be notified mobile home park residents of all applicable provisions of this section and their duties and responsibilities hereunder. Notwithstanding anything to the contrary contained herein, the mobile home operator shall be solely responsible for the operation of the mobile home park in compliance with this section.
 - M. Responsibilities of Mobile Home Park Residents. 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 occupant shall be responsible for the placement of his or her mobile home on the mobile home slab in accordance with this section.
3. Recreational Vehicle Parks. Recreational vehicle parks, where permitted by this chapter as a conditional use (**155.096**), shall be in accordance with the requirements of this chapter. This section is intended to provide for the accommodation needs of the transient public in either the in route park or destination type park.
- A. Minimum area and frontage requirements of a recreational vehicle park shall be 5 acres and 100 feet, respectively.
 - B. The park shall have direct access to a street designated as a secondary arterial or higher, in accordance with the official thoroughfare plan.
 - C. Minimum setback lines in accordance with the underlying zone shall be provided along all streets. Side and rear perimeter setback lines shall be at least 30 feet from an adjoining property line.
 - D. A landscape buffer shall be provided and maintained along all side and rear property lines.
 - E. Each park shall provide a recreational area or areas equal in size to at least 10% of the gross area of the park.
 - F. Maximum permitted height shall be 30 feet.
 - G. Lighting. Street lighting in accordance with the standards set forth in Greenfield's Public Improvement Design Standards and Specifications Manual.
 - H. The density of the park shall not exceed 25 recreational vehicle spaces per acre of gross site area.
 - I. Recreational vehicles shall be separated from each other and from other park buildings or structures by at least 16 feet.
 - J. **Permitted Non-Residential Uses.** In non-business districts, laundromats, dry cleaning pickup stations, and similar convenience services, may be permitted in recreational vehicle parks containing 50 or more spaces as accessory uses, provided such services and the parking area required by their use shall not occupy more than 10% of the gross area of the park, but not to exceed more than two areas in any case. Proposed playground equipment, pools, and other structures and buildings related to the recreational facility shall be located beyond and not in the required side yards or rear yard. The Board may reduce any of these areas, if in its judgment, the intent of this division is preserved.

- K. Management offices and storage, playground and picnic equipment, sanitation and laundry facilities, informational signs, and other structures customarily incidental to a recreational vehicle park shall be permitted as accessory uses.
- L. Recreational vehicle spaces shall be rented by the day, week, or month, and each recreational vehicle occupying a space shall not be permanently occupied.
- M. Off-street parking spaces shall be provided on the basis of one parking space for each recreational vehicle site, plus one additional space for each four sites.
- N. Signs. Two identification signs not exceeding 64 square feet each in surface area shall be permitted for each entrance to such park area.
- O. The ownership of individual recreational vehicle spaces may not be transferred within a recreational vehicle park.
- P. Approval by the Indiana State Board of Health and Superintendent of City Wastewater Treatment and Collection Department that sewage disposal system is adequate.

155.054 DRIVE-THRU FACILITIES & VEHICLE DEPENDENT USES

- 1. Drive-through facilities. Drive-through facilities are not permitted on any property in the DT, TN, CS, RTO or any Residential District (RU, RM, RL). The following standards apply to all drive-through facilities where permitted.
 - A. Restaurant establishments with accessory carry-out components shall provide a minimum of two parking spaces dedicated to carry-out patrons.
 - B. Drive-through establishments shall provide vehicle stacking as follows:

Use Type	Min. Number of Spaces	Measured From
ATM, Dry Cleaning, Utility Companies	3	Window or Transaction Point
Bank Teller Lane	5	Teller Window
Restaurant Drive-Thru	10 before menu board & 2 after Pick Up Window	Menu Board & Pick Up Window
Car Wash	5	Entrance
Gas Pump Island	3	End of Pump Island
Other		Determined by City Engineer

Vehicular stacking spaces shall be a minimum of 18 feet in length and may not include those vehicles at the window or order board, if there is one. The drive-through lane shall be a minimum of ten (10) feet wide, clearly marked, and required stacking spaces may not interfere with site ingress or egress, or on-site circulation.

- C. All drive-through establishments shall be subject to plan review and approval by the City Engineer prior to the issuance of any building permits. At a minimum this review shall include off-site and on-site traffic circulation related to the use, including turning movement and compatibility with pedestrian circulation.
- D. Each drive-through lane shall not have fewer than one drive-up trash receptacles.
- E. Drive-through facilities shall be in the side and rear yards only. No drive-through facility shall be located in any front yard.

- F. No drive-through facility shall be located on any property that is closer than 100 feet to a residential district.
 - G. Menu and order boards shall not count toward the maximum allowable signage on a property.
 - H. Menu boards shall not emit noise.
 - I. Order boards may emit noise of a maximum of 70 decibels but shall not be permitted to play music.
 - J. A building canopy or overhang may be installed directly over order windows of at least 20 feet in depth and 12 feet in width per lane. All canopies or overhangs shall be of the same material and architectural style as the principle building façade.
 - K. All drive-through lanes shall be separated by striping or curbs so that drive-through lanes are distinguished from designated parking areas.
 - L. Lighting for drive-through facilities shall not exceed the applicable limits for parking area lighting.
2. Other Vehicle Dependent Uses. Any establishment where the principal uses are or include a drive-in, drive-through, or food carry-out component, or open-air type of business operation shall be subject to the following standards:
- A. Gasoline pump islands, canopies and support posts, or other freestanding accessory devices which are essential to the operation of the business shall observe a setback line of at least fifteen (15) feet from the property line. However, no structure or device authorized by this section shall be located in such a manner as to impede intersection visibility. For all front setbacks, such setback shall equal one-half of the right-of-way established by the Thoroughfare Plan.
 - B. Such business uses shall be limited to the characteristics customarily associated with such use and no other.
 - C. Car wash establishments shall provide auto waiting spaces according to the following:
 - i. Not less than five (5) spaces at the entrance and three (3) outdoor drying and finishing spaces at the exit of each wash bay of a self-service car wash establishment
 - ii. Not less than ten (10) spaces at the entrance and three (3) outdoor drying and finishing spaces at the exit of each wash bay of an automatic or semiautomatic car wash establishment.

155.062 CLUSTER SUBDIVISION PROCEDURES

1. **Purpose.** Cluster subdivisions allow for more flexibility and diversity in the development of subdivisions. The goal of this section is to encourage the preservation of open area and natural features, allow for an efficient use of land, and celebrate active open space within developments.
2. **Eligibility.** The follow criterion must be met for a subdivision development to be able to use the reductions set forth under this section:
 - A. The total land used toward the development must be no less than five acres and shall be under single ownership or shall be the subject of an application filled out by the owners of the entire tract.
 - B. The overall density of the proposed cluster subdivision shall be the same as the underlying district where the development is taking place.
 - C. A natural topographical feature, mature stand of trees, wetland, or usable open space is being created or preserved in common area as part of the cluster development. Mature stands of trees or features located on private lots shall not count toward meeting this objective.

3. **Reductions and Exemptions.** The following development standards may be adjusted for individual lots within a cluster subdivision in the applicable dwelling district:
 - A. **Minimum Rear Yard Setbacks:** Rear setback minimums may be reduced by up to one-half of the requirement of the applicable district.
 - B. **Minimum Side Yard Setbacks:** Minimum side yard setbacks may be reduced to three feet. The aggregate side yard between structures must be twelve feet as measured from wall to wall of the structures.
 - C. **Lot Width:** Lot width may be reduced by up to 20% but shall not be less than 35 feet.
 - D. **Lot Size:** Lot size may be reduced by up to 20% but shall not be less than 3000 square feet.

4. **Open Space Requirements.** Any open space created as part of a cluster subdivision shall perpetually run with the land and shall not be developed or separated from the cluster subdivision at a later date. Provisions shall be made for the continuous and adequate maintenance at a reasonable and nondiscriminatory rate of change.

5. **Submittal Requirements.** The petitioner shall submit two (2) site plans for the property proposed for a cluster subdivision for review and conceptual design approval by the Planning Director prior to filing for plat approval. The following shall be required with the submittal:
 - A. Two Site Plans in accordance with the following:
 - (1) One site plan depicting the development of the site in full compliance with all use and development standards of the underlying district and the subdivision code. The site plan shall show the maximum number of lots possible on the development and set the density of the project.
 - (2) A second site plan that depicts the development of the site as proposed under a cluster subdivision option. The density shall not be greater than that of the site plan submitted in (A) above.
 - B. Documentary assurances shall be submitted with the site plans that detail that adequate provision(s) is/are being made for the continuous and adequate maintenance of project open space, common areas, and recreation areas. If approved, the assurances shall be filed with the Plan Commission at the time of Preliminary Plat filing. Assurances shall be incorporated into the plat and recorded.

6. **Appropriateness.** The Planning Director shall compare the proposed cluster subdivisions with the site plan showing the same site development in compliance with the applicable district and determine the appropriateness of utilizing a cluster design for the site. In determining appropriateness, the Administrator shall look for the following attributes:
 - A. Protection of unique topographical features on the site, including but not limited to slopes, streams, and natural wooded features.
 - B. Protection and preservation of wooded areas, individual trees of significant size, wetlands, or other environmentally sensitive features.
 - C. Development of common open space and recreational areas accessible to residents of the subdivisions including provisions for walkways and bikeways.
 - D. Providing a more efficient use of the land.
 - E. Producing innovative residential environments.
 - F. Minimizing the alteration of natural site features to be preserved through the design and situation of individual lots, streets, and buildings.
 - G. Diversity and originality in lot layout and individual building design shall be encouraged to achieve the best possible relationship between development and the land.
 - H. Relationship to surrounding properties, improvement of the view from and of buildings.
 - I. Efficient creation and delivery of infrastructure.

7. **Determination.** Upon review, the Administrator shall provide within ten (10) days a determination of appropriateness to the petitioner. The following shall apply to the determination as applicable:
 - A. **Favorable Determination.** If the Administrator determines that the proposal is appropriate with this section, the petitioner shall be informed in writing of said determination and may then proceed with the filing of the preliminary plat to the Plan Commission. The Administrator shall also notify the Plan Commission of the determination.
 - B. **Unfavorable Determination.** If the Administrator determines that the proposal is not appropriate with this section, the petitioner shall be notified in writing of the determination. The petitioner shall have fourteen (14) days from the date of the notification to appeal the decision with an application for approval through the Plan Commission.

155.063 LANDSCAPING AND BUFFERING

1. Landscape is an essential element of the site design process and is an important feature in promoting the public health, safety, comfort, convenience and general welfare of the City of Greenfield. Landscape regulations are intended to:
 - A. Mitigate incompatibilities between adjacent land uses and reduce the negative impacts of higher intensity land uses on less intense adjacent land uses;
 - B. Provide a critical visual and noise buffering effect between higher intensity districts and less intense districts;
 - C. Lessen the impact of development on the environment by reducing glare and heat buildup;
 - D. Break up large expanses of pavement so as to reduce impervious surface area, storm water run-off and the level of pollutants from non-point sources; and
 - E. Ensure that the landscape is integrated and coordinated with other corresponding improvements for the site in a manner that clearly demonstrates the function, location, size and scale of plants in relation to buildings and other site improvements and minimizes conflicts with signage.
2. All applications for new construction, additions to existing development (i.e., building additions, parking area expansions, etc.), and changes in the principal use of a property, shall include landscape plans showing compliance with this section and with the development standards of each applicable zoning district. The following are **exempt** from this requirement:
 - A. New construction of one or two unit residential buildings;
 - B. Building additions less than 400 total square feet, or those amounting to an increase of less than 10% of the gross floor area of the existing building;
 - C. Parking area additions amounting to an increase of less than 10% of the total paved parking area of the existing parking area.
3. Landscape plans prepared by a certified Landscape Architect shall be submitted to the Planning Director in electronic form (portable document format (PDF) or equivalent) and on paper sheets not smaller than 11 x 17 inches, and not larger than 24 x 36 inches, and shall:
 - A. Be drawn to scale, including dimensions and distances, and drawn to correspond with all existing and planned buildings and other physical improvements, including overhead and underground utilities;
 - B. Identify locations of all current and proposed utilities and service areas, Include a schedule of new plants including a symbol key, botanical name, common name and delineate the size, and quantity;
 - C. Identify locations of new plant material with keyed symbols;
 - D. Identify locations of existing vegetation to be preserved with keyed symbols;
 - E. Include a schedule of existing plants to be preserved including a symbol key, botanical name, common name and delineating the size, and quantity of all plant material; and methods to protect during construction

- F. Identify perimeter buffer yards, foundation plantings and parking lot plantings.
 - G. Landscaping materials between 3 and 10 feet in height at maturity shall not be located within the right of way Clear Sight Triangle as defined in Section **155.069**.
4. The preservation of plants and trees that exist on the site shall count toward the fulfillment of the requirements of this UDO provided that:
- A. Existing vegetation is clearly indicated on the landscaping plan as set forth above;
 - B. Existing vegetation is not an invasive species; and
 - C. Existing vegetation is in good health or can reasonably be brought in to good health.
5. All proposed plant material shall be:
- A. Living, disease free, undamaged, and free of material defects; and
 - B. Nursery grown or an alternative approved by the Planning Director.
 - C. Encouraged to be Indiana Native Plants, unless the purpose is better served by alternative plant selections
 - D. Limited in the amount of single plant genus as follows:
 - i. Trees 35%; (if more than 2 trees are required)
 - ii. Shrubs 45%
 - iii. Ornamental Grasses 80%
 - iv. Perennials 80%
 - v. Seed/Sod N/A
 - E. Minimum size at time of planting to be as follows:
 - i. Deciduous Trees: 2" caliper measuring using standard nursery practices
 - ii. Ornamental/Understory/flowering Trees: 1.5" caliper measuring using standard nursery practices
 - iii. Coniferous/Evergreen Trees: 6 feet in height
 - iv. Shrubs, Large: (over 96" at full mature height/spread) 30-36" at installation
 - v. Shrubs, Intermediate: (36-72" full mature height/spread)-24-30" at installation
 - vi. Shrubs, Small: (12-36" full mature height/spread) 12-15" at installation
 - vii. Ground cover/perennials/grasses (all sizes) ~ sufficient size to adequately fulfill the landscape plan design within 2 years.
6. A minimum 3 foot radius shall be maintained around fire hydrants, any fire department connections, valve vaults, hose bibs, manholes, etc.
7. The Planning Director may allow the submission of an alternative landscape plan, materials, or methods as a result of natural features and physical site conditions, including, but not limited to, streams, wetlands, topography, existing mature trees/plants, lot configurations, and utility easements. The Planning Director may approve an alternative landscape plan that reduces the landscape requirements and indicates the percentage of such reduction on the plan, under any of the following circumstances:
- A. Where underground connections to public facilities or utilities, or public easements or rights-of-way are located on or near the property and do not allow for the strict application of the standards in this UDO;
 - B. Where desirable in terms of protection of existing natural resources, improved consistency with the goals of the Comprehensive Plan, or a site design that exceeds the quality of what would otherwise result under a strict application of the standards in this UDO; or

- C. Where the reduction will aid in the preservation or protection of existing natural features and native landscape area, such as wildlife habitat or unique ecosystem features.
 - D. Where existing vegetation, exclusive of invasive plants, meets the screening requirements. Existing vegetation shall be protected during construction with fencing 1 foot beyond the drip line.
8. All landscaped areas must be maintained in a clean and healthy condition. All dead plants must be removed within thirty (30) days and replaced within sixty (60) days of removal, weather permitting, with plants of equivalent size and type.
9. All applications for any new developments and all additions to existing development (i.e., building additions, parking area expansions) shall provide the installation of streetscape tree as required and in accordance with Chapter 97 of the Greenfield Municipal Code and in the Public Improvement Design Standards and Specifications Manual on file at the City.
- 10. Front, Side, and Rear Yard Landscaping.** Within any required yard, a landscape buffer is required and may include a combination of shrubs, trees, earthen mound and berms, fences, and walls that provide screening or buffering between adjacent uses or zoning districts and provided with the following:
- A. Ornamental or evergreen trees may be substituted for shade trees at the rate of one and a half (1.5) trees per required shade tree.
 - B. Evergreen trees may be substituted for shrubs at a rate of one (1) tree per three (3) shrubs.
 - C. Buffers shall be located along the outer perimeter of the lot, parallel to and extending along 100% of the shared lot line, unless otherwise indicated in the use standards.
 - D. Landscaping shall be installed in defined beds filled with mulch or river rock, or other materials as approved by the Planning Director.
 - E. Parking areas and loading are not allowed in any buffer.
 - F. Driveways are not allowed in any buffer yard with the exception of providing direct access to the right of way (See section 155.067, 2)
 - G. A buffer is not required for the following:
 - i. Where an alley separates applicable zoning districts, a buffer is not required along the rear lot line;
 - ii. If a more intense natural buffer type currently exists between a parking area and the applicable lot line that is approved by the Planning Director.
 - iii. Developments within the Downtown District (DT), Traditional Neighborhood District (TN), and Recreational Trail Overlay (RTO).
 - H. Buffer yards shall be provided in all required front, rear, and side yards between uses in accordance with the descriptions, sizes, and table below:
 - i. Small. A small 10' wide buffer yard with 2 deciduous shade trees and 10 shrubs are required per 100 linear feet.
 - ii. Medium. A medium 20' wide buffer yard is required with 3 deciduous shade trees, plus 10 shrubs per 100 feet;
 - iii. Large. A large 30' wide buffer yard with 2 deciduous shade trees and 10 shrubs, plus 6 evergreen trees are required per 100 linear feet.
 - iv. Required Buffer Yard Between Use Types. The following table describes the size of buffer yard required based on the incoming and existing uses. Where the incoming use abuts undeveloped land, the buffer yard determination shall be based on the zoning district. Standalone parking uses shall be treated as an incoming Commercial Corridor Use for buffering purposes.

		Incoming Use					
		Residential	Neighborhood Commercial	Corridor Commercial	Mixed-Use	Multi-Unit Residential	Industrial
Existing Use	Residential	X	M	M	M	M	L
	Neighborhood Commercial	M	S	S	S	S	M
	Corridor Commercial	M	S	S	M	M	S
	Mixed-Use	M	S	M	S	S	M
	Multi-Unit Residential	M	S	M	S	S	L
	Industrial	L	M	S	M	L	S
	X= No buffer yard required S = Small buffer yard required M = Medium buffer yard required L = Large buffer yard required						

- I. Additional front yard landscaping shall be provided along building foundation walls, or in at least 15% of the front yard, consisting at a minimum of mulched planting beds with shrubs, flowers, and ornamental grass, exclusive of required sign landscaping.
- J. Required buffer landscaping shall be exclusive of any required street trees. In the event that street trees and buffer trees overlap, the requirements of either may be waived by the Planning Director.
- K. Undulating mounds or berms, and solid opaque fences may be substituted for portions of the landscape requirements in perimeter buffer yards at the discretion of the Planning director. The substitution rate shall be clearly indicated on the plans. Opaque fences shall be placed 3 feet inside the property line and 10 shrubs per 100 feet shall be placed between the fence and the property line. Mounds or berms shall be a minimum height of three (3) feet and a maximum height of (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 and shall adhere to the engineering standards as specified Public Improvement Design Standards and Specifications Manual on file at the City.

11. Parking Lot Landscaping shall be provided as follows:

- A. Parking lots with fewer than 50 spaces:
 - i. Landscaping shall be provided within a 5 feet wide perimeter planting strip along all sides of the parking lot that do not abut the primary structure;
 - ii. Shrubs shall be provided within the perimeter planting strip at a rate of one shrub per 25 square feet and groundcover;
 - iii. Plants, flowers and grasses shall also be provided within the perimeter planting strip at the recommended plant spacing by plant type; and
 - iv. Tree plantings shall be required within the perimeter planting strip at a rate of 1 shade tree for every 300 square feet of landscape area with a minimum of 1 shade tree planted per parking lot.
- B. Parking lots with 51 to 200 spaces:
 - i. Landscaping shall be provided within a 5 feet wide perimeter planting strip along all sides of the parking lot that do not abut the main structure;
 - ii. Shrubs shall be provided within the perimeter planting strip at a rate of one shrub per 50 square feet and groundcover;
 - iii. Plants, flowers and grasses shall also be provided within the perimeter planting strip at the recommended plant spacing by plant type;

- iv. Tree plantings shall be required within the perimeter planting strip at a rate of 1 shade tree for every 300 square feet of landscape area with a minimum of 3 shade tree planted per parking lot;
 - v. Internal landscape islands shall be equal to at least 10% of the paved surface of the lot;
 - vi. Islands shall be at least 5 feet in width (back of curb-back of curb), and at least 100 square feet in size for single rows of parking and 200 square feet for double rows of parking;
 - vii. No unbroken rows of parking longer than 15 parking stalls in length;
 - viii. Shrubs shall be provided at a rate of one shrub per 25 square feet and groundcover and/or perennials are also required;
 - ix. All rows of parking shall be terminated at both ends with landscape islands; and
 - x. Tree plantings shall be required at a rate of 1 shade tree for every 300 square feet of landscape area with a minimum of 1 shade tree in every internal landscape island.
- C. Parking lots with 200 spaces:
- i. Landscaping shall be provided within a 5 feet wide perimeter planting strip along all sides of the parking lot that do not abut the main structure;
 - ii. Shrubs shall be provided within the perimeter planting strip at a rate of one shrub per 50 square feet and groundcover;
 - iii. Plants, flowers and grasses shall also be provided within the perimeter planting strip at the recommended plant spacing by plant type;
 - iv. Tree plantings shall be required within the perimeter planting strip at a rate of 1 shade tree for every 300 square feet of landscape area with a minimum of 5 shade tree planted per parking lot;
 - v. Internal landscape islands equal to at least 15% of the paved surface shall be provided;
 - vi. Islands shall be at least 5 feet in width (back of curb-back of curb), and at least 100 square feet in size for single rows of parking and 200 square feet for double rows of parking;
 - vii. No unbroken rows of parking longer than 15 parking stalls in length;
 - viii. Shrubs at a rate of one shrub per 25 square feet and groundcover and/or perennials are also required;
 - ix. All rows of parking shall be terminated at both ends with landscape islands; and
 - x. Tree plantings shall be required at a rate of 1 shade tree for every 300 square feet of landscape area with a minimum of 1 shade tree in every internal landscape island.
- D. In the event that parking lot plantings and yard landscaping overlap, the requirements of either may be waived by the Planning Director.
- E. Exemptions. Developments within the Downtown District (DT), Traditional Neighborhood District (TN), and Recreational Trail Overlay (RTO) are exempt from this provision and shall provide buffering or screening in parking areas as determined by the district.

12. Free Standing Sign Landscaping

- A. Freestanding signs shall be maintained in a landscaped area surrounding the base of the sign not less than two feet in minimum width and landscaped with a combination of evergreen and deciduous shrubs, perennials, annuals, and mulch.

155.064 FENCES, APPURTENANT STRUCTURES, AND SCREENING

1. Nothing contained in this division shall be deemed to prohibit the erection or maintenance of an open fence or appurtenant structure in connection with agricultural use, recreation use, or the public safety, or a security fence in nonresidential districts. The following appurtenant structures are permitted, and may be required, in any commercial zoning district or industrial zoning district provided that such are screened in accordance with the minimum requirements set forth under this code:
 - A. Dumpsters;
 - B. Trash Pads;
 - C. Outdoor Storage Areas,
 - D. Ground-Mounted HVAC Units; and
 - E. Above-Ground Storage Tanks
2. Where an appurtenant structure is permitted, such shall be located in a side yard or rear yard of the subject property so as to limit the visibility of such appurtenant structure from the public right-of-way and from adjacent properties.
3. Appurtenant structures shall be screened in accordance with this section and the following requirements:
 - A. All mechanical equipment shall be fully screened. Roof-mounted equipment shall be screened using roof lines, parapets, or other similar methods. Renderings shall be provided that show how the screening will be viewed from all nearby public rights-of-way. Ground-mounted units shall be fully screened with 100% opaque treatments that are architecturally compatible with the main structure.
 - B. Screening shall be accomplished using materials that result in the 100% opacity on all sides of the structure or appurtenance.
 - C. Permissible materials to satisfy the minimum screening requirements hereunder include brick, masonry, stone, wood, or other similar materials.
 - D. The Planning Director may approve in limited circumstances naturalized screenings provided that 100% opacity is achieved to the same degree that other materials listed in this section would afford. A combination of plant materials, berms, mounds, hedges, and evergreens may be used solely or in combination to demonstrate the opacity would be met.
 - E. All screening materials shall be compatible with the color, texture, and quality of materials employed on the principle structure of the subject property.
 - F. The height of all fences or walls installed to meet the screening requirements herein shall be a minimum of six (6) feet and a maximum of eight (8) feet for commercial districts and a maximum of twelve (12) feet for industrial districts.
 - G. Slatted fences or chain-link fences incorporating fabric or similar screening materials shall not be deemed to satisfy the minimum screening requirement.
4. Fences are permitted with an approved Improvement Location Permit in all zoning districts and overlays in accordance with the following regulations: (Also See Section 155.098, 4 for ILP site plan requirements).
 - A. The finished side of any fence shall face the public right-of-way. All structural elements shall face inward and remain invisible from adjacent properties and public right-of-way to the greatest extent possible.
 - B. Fences shall be erected within the property lines. Any applicant for an Improvement Location Permit to install a fence must demonstrate to the satisfaction of staff, that survey property markers or stakes have been located and will be easily identified by staff on inspection of the property. If the required property markers are not easily identified or do not reflect the documented shape and size of the subject property as recorded on legal land recordings, the Applicant may be required to provide, at the time of application, a survey performed by a registered land surveyor demonstrating the location of the applicable markers.

- C. Applicant shall schedule an inspection with the building or utility inspector at the fence post stage to ensure compliance with the approved Improvement Location Permit and may not proceed further with the installation of the subject fence until approved to do so by the inspector.
 - D. Fences located in a residential district shall not exceed seven (7) feet in height in the side or rear yard, and shall be no higher than four (4) feet in the front yard.
 - E. Fences located in commercial districts shall not exceed eight (8) feet in height unless they are made of a transparent material, and may be located in the front, side, or rear yards.
 - F. Fences located in industrial districts shall not exceed twelve (12) feet in height and may be located in front, side, or rear yards.
 - G. All fences shall be constructed of durable materials and shall be installed using methods that ensure that the fence will withstand natural weather conditions. All fences shall be well-maintained, upright, and without damage to fencing materials.
 - H. Fences on corner lots must keep a clear visibility zone at the corner of the lot where two rights-of-way meet. Fences that encroach the visibility zone shall not be higher than three (3) feet.
5. Fences and appurtenant structures are prohibited in certain regulated easements, as per Municipal Code 54.69, Stormwater Quality Management, and all applicable codes for the Utilities for which the use of the easement is dedicated.
- A. Fence exceptions may only be granted in cases where the affected easement does not contain any public utility infrastructure, or provide necessary easement grantee access. The written approval of all affected utilities and/or easement grantees will be required.
 - B. Upon approval of an encroachment into a regulated easement for a specific purpose, the landowner shall cause a fully executed Improvement Location Permit Easement liability Waiver to be signed, notarized, and recorded in the Office of the Recorder of Hancock County, Indiana and cross referenced to the property, prior to final issuance of the related Improvement Location Permit.
 - C. Notwithstanding any of the above and foregoing provisions, any fence in existence as of March 24, 2021, shall not be required to be removed, should it encroach into an easement or right-of-way unless and until the City and/or a City Utility Department requires access to the easement or right-of-way upon which the encroachment exists.
 - D. Sample Waiver of Liability Form

WAIVER OF LIABILITY CONCERNING EASEMENT ENCROACHMENT

_____, (“the Landowner(s)”) on behalf of themselves, their heirs, assigns, and successors in title to the following described real estate acknowledge as follows:

The Landowner(s) are the owners of the following described real property, hereinafter referred to as the “the Real Estate”:

The Landowner(s) have applied to the City of Greenfield (hereinafter referred to as “the City”) for a permit to construct a fence or other appurtenant structure upon the Real Estate.

The Landowner(s) agree the City does not represent or warrant that the location of the fence or appurtenant structure is within the boundaries of the Real Estate, or that the fence’s or appurtenant structure’s location will not encroach within any regulated easement that restricts the use of any part of the Real Estate.

To the extent that any part of the fence or appurtenant structure encroaches upon a regulated easement, the City or any utility or grantee benefited by such an easement may take any of the following actions:

- a. Remove the fence or appurtenant structure without notice in case of an emergency.
- b. Require the fence or appurtenant structure to be removed upon two days written notice.
- c. Stack the fence or appurtenant structure upon the lot of the Landowner(s), however, neither the City nor any utility or any grantee benefited by the subject easement, shall be required to reinstall the fence or appurtenant structure.

The Landowner(s) releases the City, the Department of Planning and Engineering, any utility or grantee benefited by any such easement, and their contractors, employees, agents, and assigns from any liability to the Landowner(s), his/her/ their assigns, or successors in title for the removal, damage, or destruction of the fence or appurtenant structure, including asphalt or concrete surfaces damaged by a utility or grantee, in addition to any personal injury or other property damage to a third-party that may occur as a result of said removal.

The Landowner(s) hereby releases the City from any liability for failing to inspect the location of the fence or appurtenant structure to determine that it is constructed within the boundaries of the Real Estate or within an easement.

Nothing herein shall be construed as relieving the applicant from requirements of the Hancock County Drainage Board in the event an easement is part of a regulated drain pursuant to Indiana Code 36-9-27.

ALL OF WHICH IS ACKNOWLEDGED by the undersigned Landowner(s) this _____ day of _____, 20__.

LANDOWNER(S)

By: _____

Printed: _____

By: _____

Printed: _____

STATE OF INDIANA)

) SS:

COUNTY OF HANCOCK)

Subscribed and sworn to before me, a Notary Public, this _____ day of _____, 20__, personally appeared the within named _____ and _____, as Landowner(s), and acknowledged the execution of the foregoing document.

WITNESS my hand and official seal this _____ day of _____, 20__.

My Commission Expires:

Printed: _____, Notary Public

Residing in _____ County, IN

155.065 SIGNS

1. **Purpose & Intent.** The intent of this Article is to encourage the effective use of signs as a means of communication while maintaining the City’s aesthetic environment by ensuring compatibility of signs with the area surrounding them. The purpose of these regulations is to:
 - A. Provide each sign user an opportunity for adequate identification while guarding against excessive advertising and the confusing proliferation of signs by regulating the time, place and manner under which signs may be displayed.
 - B. Ensure signs are in harmony with the building, the neighborhood (both existing or proposed), and other signs in the area by eliminating sign clutter and promoting compatibility, proportion, quality, and sign effectiveness.
 - C. Protect the safety of motorists and pedestrians by minimizing the distraction of excessive and intrusive signs as well as to protect the life, health, property, and general welfare of residents and visitors.

2. **General Limitations.** Provisions of this Section regulating the location, placement, maintenance, gross surface area, projection, height limitation, construction, removal, and number of signs shall be subject to further restrictions by the applicable provisions of this UDO.
 - A. Sign Permit Required. It is unlawful for any person to place, alter, or to permit the placement or alteration of a sign, including painted signs, upon any lot without first obtaining an approved sign permit application from the Department per section **155.065(18)**. Signs that are exempt from this requirement are listed in **Section 155.065(3) Exempt Signs** below.
 - i. When a sign permit has been issued, it shall be unlawful to change, modify, alter or otherwise deviate from the terms and conditions of said permit without prior approval of the Planning Department. A written record of such approval shall be entered upon the original permit application and maintained in the files of the Department. This shall not be interpreted to disallow change of copy per **155.065(4.H)** below.
 - ii. A permanent sign permit shall not be issued before a change of use, change of occupancy, or tenant finish permit application has been filed.
 - B. All signs and structures shall be kept in good repair, and in safe, neat, and clean condition. Signs and sign structures may be inspected periodically by the Planning Director or designee for compliance with this and other Codes of the City.
 - C. Signs may be illuminated when in conformance with the following:
 - i. Illuminated signs shall not include any features from the Prohibited Signs Section **155.065(5)** including flashing, blinking, and the like.



155.065 (3). Example of the measured area of this wall sign is highlighted by a red box. The box is drawn around the individual words that make up the sign. Additional elements, such as symbols, logos, or any related components that make up the total sign would be measured similarly with geometric boxes as appropriate.

- ii. All illuminated signs must meet the standards specified in the National Electric Code.
 - iii. The full number of illuminated elements shall be kept in satisfactory working condition or immediately repaired/replaced.
 - iv. All electrical wiring shall be in conduit and not exposed to the elements or external stress in any way.
 - v. Disconnecting switches shall be included for illuminated signs and readily accessible.
 - vi. Light (direct or reflected) from illuminated signs shall not cause a traffic hazard to operators on public and/or private roadways.
 - vii. Light intensity or brightness shall not exceed three-tenths (0.3) foot-candle at the adjoining property line upon any adjoining property located in a residentially zoned district.
 - viii. Light intensity or brightness shall not exceed eight-tenths (0.8) foot-candles at the adjoining property line upon any adjoining property located in a commercially zoned district.
 - ix. Illumination shall be measured from the nearest edge of the nearest street pavement at a height four to five feet above grade. The brightness of illuminated and electronic signs located perpendicular to the street shall be measured at a 45 degree angle, parallel signs shall be measured at a 90 degree angle.
- D. The Planning Director may order the removal of any sign or sign structure erected or maintained in violation of this code. A minimum of fourteen (14) days written notice shall be given to the owner of a permanent sign or a notice shall be placed upon the building, structure, property, or sign in violation, to remove or bring into compliance the sign or sign structure. Notice for temporary or portable signs shall be a minimum of three (3) days.
- E. The Planning Director or designee may remove or cause to be removed a sign or sign structure immediately, and without notice, if the condition of said sign or structure is such as to present an immediate threat to the safety of the public.
- F. Uses requiring Development Plan approval shall have overall sign programs.
- i. The Plan Commission may choose to modify certain provisions of this sign code as part of a proposed sign programs when a direct need can be identified that the business and community will be better served by the proposal such as:
 - 1. The number of incidental directional signs allowed on a property or other signage needed for internal site wayfinding.
 - 2. Sign size for properties along the Interstate, especially where multi-tenant signage is proposed and minor modifications would improve readability.
 - 3. Murals or art in combination with signs, unique or artistic uses of lighting, or other innovative displays that may exist in a gray area between art and advertisement.
 - ii. Sign package submittals shall be part of a larger Development Plan request or may be submitted as individual Development Plan requests and must include the following:
 - 1. An overall site plan showing where all of the signs will be located in reference to parking areas, buildings, or anywhere else where a sign shall be placed.
 - a. Site plans should show any nearby roads and should note whether a residential use or district adjoins any property line.
 - 2. The number and location of any signs, art, or displays proposed.
 - 3. Types of signs requested for review in the package (directional, freestanding, on-building,

and the like)

4. Complete color renderings of each proposed component of the package.
 - a. On-building signs shall be rendered to show the placement and scale on the building.
 - b. Freestanding signs should be shown in comparison to a person or to the building itself to assist in visualizing the scale of the sign.
 - c. Materials shall be included and called out in the renderings (e.g. brick or stone foundations, sign face material, etc.)
5. Lighting plans showing that the sign(s) is/are in conformance with this code.

iii. Modifications should be considered when the proposal provides improved navigation to and within a large development, will not result in the over-proliferation of signs, and resolves an issue unique to the type of development which is proposed.

- G. No sign or sign structure shall be permitted in the intersection visibility triangle as defined in **155.042**. This shall not apply to traffic control signs.
- H. Official Signs. Nothing contained in this Article shall prevent the installation, construction, or maintenance of notices required by law; official traffic, fire, or police signs; temporary traffic-control signs; and identification signs required to protect these utilities, devices, and markings of the state Department of Transportation, the Greenfield Board of Public Works and Safety, or of other competent public authorities.
- I. The owner of any sign that otherwise complies with all city ordinances may substitute non-commercial copy in lieu of any other commercial or noncommercial copy. This substitution of copy may be made without the issuance of any additional permit. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or the favoring of any particulate noncommercial message over any other non-commercial message. This Subsection prevails over any more specific ordinance to the contrary.
- J. Roof Signs
- K. Integral Roof Signs

3. **Sign Area & Height Calculations.** The surface area of a sign face is the entire area measured within a single, continuous perimeter enclosing all elements of the sign which form an integral part of the sign. Such elements are organized, related, and composed to form a single unit.

- A. For wall signs containing individual letters, figures, or elements, the area and dimensions of the sign shall encompass a rectangular geometric shape. Multiple geometric shapes may be utilized to encompass the related elements of the sign. Where matter is displayed in a random manner without an organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.
- B. The calculation for window signs, including windows in doors shall be the same as the calculation of wall signs in Section 155.065,3,A. Window signs will count as part of the total on-building sign allotment allowed. At no point shall permanent window sign coverage be more than 40% of the window.
- C. The calculation for a double-faced sign, when the faces are parallel and not more than 24 inches apart such that only one face may be seen at any one time, shall be computed by the measurement of a single face.
- D. The supports, uprights, bracing, and framework for the sign shall not be included in the area calculations, except as they contribute to the height of the sign.
- E. In the case of a sign structure consisting of two or more sides where the angle formed between any of the sides or projection thereof exceeds 15 degrees, each side shall be considered a separate sign structure.

- F. The height of a freestanding sign even with the street grade at the edge of the pavement shall be measured from the base of the sign, or supportive structure, or at its point of attachment to the ground, to the highest point of the sign. When below the edge of pavement, the height shall be measured from the grade of the nearest street to which the sign is oriented.

4. Exempt Signs. The following types of signs are exempt and do not require a permit in accordance with this Article:

- A. Free-standing temporary signs in residential districts not exceeding 6 square feet in size. Not more than one temporary sign shall be allowed on a single lot at any time.
- B. Free-standing temporary signs in commercial and industrial districts not exceeding 12 square feet in size. Not more than one temporary sign shall be allowed on a single lot at any time.
- C. Athletic field signage that does not face a public right-of-way and is not more than 32 square feet of sign area on any one continuous banner or material.
- D. Temporary window signs covering less than 30% of the window that are up for six months or fewer. Window signs that cover more than this amount or that remain up for a longer period of time shall be considered permanent and will count as part of the total on-building sign allotment allowed.
- E. Required signage and information such as building address, hours of operation, or information required to be displayed by federal regulations when no branding is included.
- F. Artwork, murals, sculpted elements, and the like designed for a creative and aesthetic outcome as reviewed and confirmed by the Planning Director.
- G. One corporate flag, provided it is flown in conjunction with a United States of America flag, per site.
- H. A change to the sign copy or panel replacement in a manner that will not alter or relocate the sign structure in any manner is exempt.
- I. Maintenance-Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure that does not include a structural change.
- J. Public safety, traffic control and other signs established on City owned property or within the right-of-way that have been reviewed and approved by the City.

5. Prohibited Signs.

- A. No sign or other advertising device with visible moving parts or with flashing, animated, or intermittent illumination shall be erected, nor any device be utilized that would give this illusion. No sign shall emit any form of sound.
- B. No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic control sign, signal or device. No rotating beam, beacon, or flashing illumination resembling any emergency lights shall be used.
- C. No sign shall be erected within the clear site triangle per **155.042**.
- D. No permanent sign shall contain any fluorescent paint or the like, including mirrors, which has the effect of intensifying reflected light.
- E. No sign of a permanent or temporary nature shall be affixed to any fence, bench, tree, or any utility structure.
- F. Ribbon, pennants, inflatables, streamers, strings of light bulbs, spinners, or any other advertising device is prohibited unless otherwise allowed in the UDO.
- G. No sign structure shall obstruct any window, door, fire escape, stairway, or any opening intended to provide air, egress, or ingress for any building or structure.

- H. No sign shall be placed within the right-of-way of any public street without the approval of the City Council or designee.
- I. No sign shall be placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign. This does not apply to signs or lettering on buses, taxis or vehicles operating during the normal course of business.
- J. Roof signs
- K. Integral Roof signs

6. Freestanding Signs Permitted By District.

A. General Performance Standards

- i. Landscaping shall be provided at the base of the free-standing sign in accordance with **155.063(12)**. Landscaping plans shall be included with the permit application.
- ii. In non-residential districts free-standing signs may be internally illuminated, externally illuminated, or non-illuminated. Except that in no instance shall freestanding signs face onto a residential district or residential portion of a Planned Unit Development district or master planned areas unless they utilize external lighting, reverse (halo-lit) channels or non-illuminated letters only.
- iii. In residential districts, free-standing signs shall use external lighting, reverse (halo-lit) channels or non-illuminated letters only.
- iv. Free-standing signs shall complement the materials of the residential community, primary building or non-residential center, complex, business park or campus on which it is located.
- v. Freestanding signs shall be located no closer than five (5) feet to the property line unless it is located within the Downtown (DT) or Traditional Neighborhood (TN) Districts, in which case signs shall be not less than two (2) feet inside the property line.

B. Free-Standing Sign Regulations (Individual Business Signs and Residential Community Identification Signs)			
Districts	CN, NR, CS	IM, BP	DT**, TN**, NC, and Residential Districts
Maximum Sign Area	500' or less of frontage: 60 square feet	500' or less of frontage: 60 square feet	32 square feet
	501' or more of frontage: 100 square feet	501' or more of frontage: 100 square feet	
	<i>*Properties with frontage on the interstate may increase the total square footage of the sign allowed by 20%.</i>		
Maximum Signs Per Frontage	1 per frontage, with 200 feet separating signs on double-fronted properties	1 per frontage, with 200 feet separating signs on double-fronted properties	1 per frontage, with 200 feet separating signs on double-fronted properties
			1 per quadrant for residential community signs
Maximum Height	Monument: 6' in sign height on an 18" or shorter solid base or pylons (This does not apply to the wall columns which may be eight (8) feet in height, as long as the column does not depict or become an integral part of the sign face).	Monument: 6' in sign height on an 18" or shorter solid base or pylons (This does not apply to the wall columns which may be eight (8) feet in height, as long as the column does not depict or become an integral part of the sign face).	Monument: 6' in sign height on an 18" or shorter solid base or pylons (This does not apply to the wall columns which may be eight (8) feet in height, as long as the column does not depict or become an integral part of the sign face).
			**Signs are subject to additional requirements per section 155.065(16-17)

C. Free-Standing Business Center Identification or Integrated Center Sign Regulations			
<i>Business centers with 2-4 tenant spaces may utilize a monument sign.¹</i>			
<i>Business Centers with 5 or more tenant spaces may utilize a tall pylon sign.¹</i>			
Districts	CN, NR, CS	IM, BP	DT**, TN**, NC
Maximum Sign Area	300' or Less Frontage*: 100 Square Feet	300' or Less Frontage*: 100 Square Feet	32 square feet
	301' or More Frontage*: 200 Square Feet for monument signs, 240 Square Feet for Pylon	301' or More Frontage*: 200 Square Feet for monument signs, 240 Square Feet for Pylon	
	<i>*Properties with frontage on the interstate may increase the total square footage of the sign allowed by 20%.</i>		
Maximum Signs Per Frontage	1 per frontage, with 200 feet separating signs on double-fronted properties	1 per frontage, with 200 feet separating signs on double-fronted properties	1 per frontage, with 200 feet separating signs on double-fronted properties
Maximum Height	Monument: 6' in sign height on an 18" or shorter solid base or pylons (This does not apply to the wall columns which may be eight (8) feet in height, as long as the column does not depict or become an integral part of the sign face).	Monument: 6' in sign height on an 18" or shorter solid base or pylons (This does not apply to the wall columns which may be eight (8) feet in height, as long as the column does not depict or become an integral part of the sign face).	Monument: 6' in sign height on an 18" or shorter solid base or pylons (This does not apply to the wall columns which may be eight (8) feet in height, as long as the column does not depict or become an integral part of the sign face).
	Tall/Pylon: 20' in sign height on a 36" or less solid or pylon base	Tall/Pylon: 20' in sign height on a 36" or less solid or pylon base	Tall/Pylon: Not permitted
			**Signs are subject to additional requirements per section 155.065(16-17)
<i>¹No single tenant may utilize more than 60% of the total sign area for signs under these provisions.</i>			

7. On-Building Signs Permitted by District

A. General Performance Standards

- i. On-building signs may be a mix of wall, projecting, awning, directory, and canopy signs, provided that the total square footage of all types do not exceed the maximum allowed for the applicable tenant/building.
- ii. Appropriate sign clearance shall be measured and provided in any instance where a sign projects or hangs over an area the public will utilize as ingress/egress or public right-of-way.
 - 1. Minimum clearance provided shall be eight (8) feet.
 - 2. Clearance shall be measured from the ground surface to the bottom of the sign.
- iii. Wall signs shall be attached flat to or mounted away from but parallel to the building. Cabinet signs may be permitted only in such cases where the mounting of such is flush with the façade. In no instance shall the linear measurement of a wall sign exceed 80% of the width of the tenant occupancy space or total building frontage.
- iv. Projecting signs shall be considered those attached at an angle which is typically 90 degrees to the primary face of the building.

1. In no circumstance shall the maximum size of a projecting sign exceed 20 square feet in commercial and industrial districts, and shall not exceed 9 square feet in the Downtown District, Traditional Neighborhood District, and Neighborhood Commercial Nodes.
 2. Projecting signs shall project no further than 5' from the building.
- v. Awning signs are permitted but should be applied only to the front face or drop flap of an awning. Awning signs shall not exceed 50% of the awning face square footage. Awnings shall not be internally lit.
 - vi. Window signs, including windows in doors that will remain in place for more than six months or that cover more than 30% of the window shall be counted as part of the on building sign allotment and require a permit. At no point shall permanent window sign coverage be more than 40% of the window.
 - vii. In addition to the regulations below, multi-level multi-tenant buildings shall also be authorized to place a Directory Sign listing all tenants on the exterior of the ground floor. The Directory Sign shall not be included in the total area allowed for on-building signs as long as the total sign area of the Directory Sign is 20 square feet or less. Business directory signs 21-40 square feet in size shall be counted toward the total on-building allotment. Under no circumstance shall a Business Directory Sign be larger than 40 square feet.
 - viii. A building which fronts more than one public street shall be allowed the authorized sign area for each frontage. Out lot developments which have frontage on private access drives or corridors through a larger development that are not public streets shall be allowed 75% of the maximum sign area for the additional frontage. An entrance drive shall not be considered a public or private access drive or corridor for the purpose of this provision.
 - ix. Signs located on adjacent walls of corner buildings shall be separated on the corner with adequate spacing to avoid the look of a single, continuous sign.
 - x. In no instance shall wall signs face onto a residential district or residential portion of a Planned Unit Development district or master planned areas unless they utilize external lighting, reverse (halo-lit) channels or non-illuminated letters only.
 - xi. Buildings that are two or more stories and include full first-floor brick or stone, or designs which include at least 50% brick or stone in the overall façade, are eligible for a ten percent increase in wall sign allowance.



Example of projecting sign.



Example of awning sign.



Example of on-building directory sign.

B. On-building Sign Regulations for Single-Level Buildings			
Districts	CN, NR, CS	IM, BP	DT**, TN**, NC and Conditional Uses in Residential Districts
Maximum Sign Area	2 square feet per linear foot of tenant occupancy width or building frontage*, maximum 300 square feet in total signs	2 square feet per linear foot of tenant occupancy width or building frontage*, maximum 300 square feet in total signs	1.5 square feet per linear foot of tenant occupancy width or building frontage, maximum 150 square feet in total signs
	<i>*Allowed sign area may be increased in these districts by 10% on frontages along the Interstate so long as the total of all signs does not exceed the maximum allowed</i>		
Maximum Signs Per Frontage	N/A	N/A	N/A
Maximum Height	Shall not extend more than 30% of the total sign area to a maximum of four (4) feet above the limits of the wall of the building on which the sign is displayed	Shall not extend more than 30% of the total sign area to a maximum of four (4) feet above the limits of the wall of the building on which the sign is displayed	Shall not extend more than 30% of the total sign area to a maximum of four (4) feet above the limits of the wall of the building on which the sign is displayed
			**Signs are subject to additional requirements per section 155.065(16-17)

C. On-building Sign Regulations for Multi-Level, Multi-tenant Buildings			
Districts	CN, NR, CS	IM, BP	DT**, TN**, NC and Conditional Uses in Residential Districts
Maximum Sign Area	<i>Primary Sign or Building Name Identification Sign:</i> 1.5 square feet per linear foot of frontage or a maximum of 150 square feet	<i>Primary Sign or Building Name Identification Sign:</i> 1.5 square feet per linear foot of frontage or a maximum of 150 square feet	<i>Primary Sign or Building Name Identification Sign:</i> 1.5 square feet per linear foot of frontage or a maximum of 150 square feet
	<i>Ground-Floor Tenant Signs:</i> 1.5 square feet per linear foot of frontage or a maximum of 50 square feet	<i>Ground-Floor Tenant Signs:</i> 1.5 square feet per linear foot of frontage or a maximum of 50 square feet	<i>Ground-Floor Tenant Signs:</i> 1.5 square feet per linear foot of frontage or a maximum of 50 square feet
	<i>Second- and Upper-Floor Tenants:</i> Window signs only. All multi-level, multi-tenant buildings shall create sign packages that regulate window signs to not more than two colors, with cohesive font(s), and to ensure that signs take up less than 50% of the window upon which they are placed.		
Maximum Signs Per Frontage	N/A	N/A	N/A
Maximum Height	Shall not extend more than 30% of the total sign area to a maximum of four (4) feet above the limits of the wall of the building on which the sign is displayed	Shall not extend more than 30% of the total sign area to a maximum of four (4) feet above the limits of the wall of the building on which the sign is displayed	Shall not extend more than 30% of the total sign area to a maximum of four (4) feet above the limits of the wall of the building on which the sign is displayed
			**Signs are subject to additional requirements per section 155.065(16-17)

8. **Billboards**

A. General Performance Standards

- i. One billboard may be permitted on any lot of at least 300 feet of frontage on a street designated as a secondary or primary arterial in the CN or NR District. The required distance between any two billboards shall be not less than 500 feet, inclusive of separation by roads or rights-of-way.
- ii. The minimum setback for a billboard shall be not less than 50 feet.
- iii. No billboard shall be permitted within 1,400 feet of a residential district or residential portion of a Planned Unit Development or master planned area.
- iv. The site design shall include no more than one traffic access point per sign frontage.
- v. The billboard shall be considered a principal use, and there shall be no other uses permitted on the same lot that the sign is located. This provision shall supersede any in the underlying district that allow for multiple uses on a single lot.
- vi. The full face of the sign shall be viewed along the line of travel to which it is exposed for a distance of at least 250 feet in each direction along the center line of the frontage street measured from a point opposite the center of the sign and perpendicular to the street’s center line. However:
 - 1. In the case of a sign parallel or within 20 degrees of parallel to a one-way street, the required viewing distance shall be at least 400 feet;
 - 2. In the case of a sign which is from three to 20 degrees of parallel to a two-way street, the required viewing distance shall be at least 400 feet;
 - 3. In the case of a sign parallel or within three degrees of parallel to a two-way street, the required viewing distance shall be at least 250 feet in each direction;
 - 4. In the case of a sign so placed that it can be viewed from more than one street, the above viewing distance requirements shall be applicable to only one street;
 - 5. An increase to the maximum vertical dimensions of a billboard sign may be increased to 22 feet when the viewing distance is increased to 500 feet, provided that the facing contains only one sign and is within 15 degrees or less of being perpendicular to the frontage street.

B. Billboard Regulations			
Districts	CN, NR	IM, BP	DT, TN, CS, NC
Maximum Sign Area	990 square feet, with a maximum horizontal dimension not greater than 55 feet, and a maximum vertical dimension not greater than 18 feet.	<i>Not permitted</i>	<i>Not permitted</i>
Maximum Signs Per Frontage	1 per 300 feet of frontage	<i>Not permitted</i>	<i>Not permitted</i>
Maximum Height	40’ above the street elevation to which the sign is oriented	<i>Not permitted</i>	<i>Not permitted</i>

9. **Marquee and Architecturally Significant Signs Permitted by District**

A. General Performance Standards

- i. Performance theaters or similar other spectator venues that may benefit from specialized signage shall be permitted to install marquee or architecturally significant signs in accordance with this section. These signs shall be allowed in addition to other signs in the district and shall not be counted in the total on-building signage area allowed.

- ii. Architecturally significant signs shall be comprised of substantial, durable materials; exhibit a unique shape; are featured prominently on a building such as projecting from a building corner; and similar.
- iii. Only one such marquee or architecturally significant sign shall be installed per building.
- iv. Such signs may be illuminated only if the sign is a minimum of 150 feet from a residential district and visibly obstructed from such. Any illuminated features shall also be in accordance with **155.065(2C)**.
- v. Additional canopy, awning, or structural overhang shall not be counted as part of the sign area and may extend the width of the building or tenant space.
- vi. The minimum clearance of a marquee or iconic sign shall be not less than 10 feet above grade level.
- vii. In no instance shall any sign permitted under this section extend to a point closer than two feet from any street curb, pavement edge, or edge of an interior access drive.

B. Marquee and Architecturally Significant Signs			
Districts	CN, NR, CS	IM, BP	DT**, TN**, NC
Maximum Sign Area	Sign area shall not exceed 60% of the width of the building nor 30% of the height of the building	Sign area shall not exceed 60% of the width of the building nor 30% of the height of the building	Sign area shall not exceed 60% of the width of the building nor 30% of the height of the building
	<i>*Allowed sign area may be increased in these districts by 10% on frontages along the Interstate so long as the total of all signs does not exceed the maximum allowed</i>		
Maximum Signs Per Frontage	One per building	One per building	One per building
Maximum Height	Shall not extend more than 30% of the total sign area to a maximum of four (4) feet above the limits of the wall of the building on which the sign is displayed	Shall not extend more than 30% of the total sign area to a maximum of four (4) feet above the limits of the wall of the building on which the sign is displayed	Shall not extend more than 30% of the total sign area to a maximum of four (4) feet above the limits of the wall of the building on which the sign is displayed
			**Signs are subject to additional requirements per section 155.065(16-17)



Examples of architecturally significant and marquee signs.

10. Temporary Signs Permitted by District

A. General Performance Standards

- i. The Planning Director or designee may issue a temporary permit, not to exceed 30 days, for provision of temporary signs including:

1. Professional commercial wall signs, vinyl sleeves, or banners which may be placed over existing freestanding signs as an interim sign while a permanent sign is being fabricated;
 2. Promotional commercial banners and freestanding signs generally made out of flexible material and displayed for promotional purpose on a temporary basis.
 3. Promotional flag/feather/blade signs that do not exceed 10 feet in height.
- ii. Only one such temporary sign, permitted or exempt, shall be displayed on any one lot at any one time. For the purpose of this provision, a sidewalk sign is included and may not be placed on any lot where a temporary sign is in use.
 - iii. Temporary signs shall be non-illuminated.
 - iv. Not more than four permits for signs pursuant to this division shall be issued to any one business entity in any one calendar year. The maximum time that any one permitted temporary sign may be in place is no more than 30 days.
 - v. Temporary signs shall be kept in neat, clean, and good repair. Signs which are torn, faded, damaged, in a state of disrepair, or otherwise unsightly, shall be immediately removed or repaired.
 - vi. Temporary portable signs on wheels are prohibited.
 - vii. The City of Greenfield may allow banners or similar signs to be suspended across rights-of-ways, provided the necessary permits are received from the Indiana Department of Transportation and the Greenfield Power and Light Department.

B. Temporary Signs			
Districts	CN, NR, CS	IM, BP	DT**, TN**, NC
Maximum Sign Area	32 square feet	32 square feet	32 square feet
Maximum Signs Per Frontage	1 per frontage	1 per frontage	1 per frontage
Maximum Height	On-building temporary signs may not extend above the limits of the wall Temporary free-standing signs shall not exceed 8 feet in height. Blade/flag/feather signs shall not exceed 10 feet in height.	On-building temporary signs may not extend above the limits of the wall Temporary free-standing signs shall not exceed 8 feet in height. Blade/flag/feather signs shall not exceed 10 feet in height.	On-building temporary signs may not extend above the limits of the wall Temporary free-standing signs shall not exceed 8 feet in height. Blade/flag/feather signs shall not exceed 10 feet in height.
			**Signs are subject to additional requirements per section 155.065(16-17)

11. Incidental Directional Signs Permitted by District

A. General Performance Standards

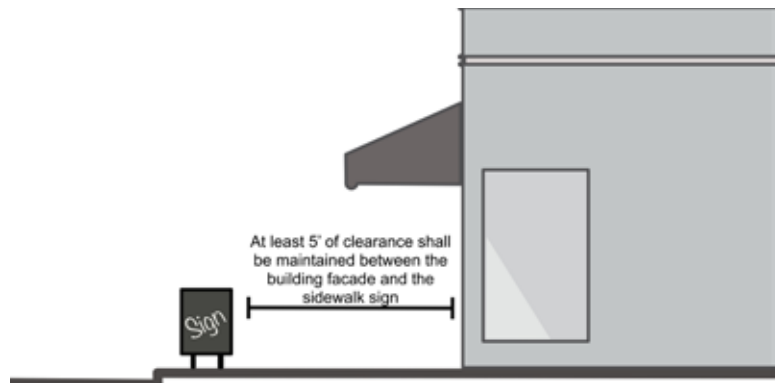
- i. Incidental directional signs shall be located not less than five feet inside the property line.
- ii. Incidental directional signs have the primary purpose of conveying directional information. Directional guidance information should be the prominent feature of the sign and provide clear information.

B. Incidental Directional Signs			
Districts	CN, NR, CS	IM, BP	DT**, TN**, NC
Maximum Sign Area	8 square feet	16 square feet	4 square feet
Maximum Signs Per Frontage	1 per direction (entrance/exit) at ingress/egress points Sites requiring more than 4 additional internal directional signs shall submit all proposed signage as part of a Sign Package to the Plan Commission	1 per direction (entrance/exit) at ingress/egress points Sites requiring more than 4 additional internal directional signs shall submit all proposed signage as part of a Sign Package to the Plan Commission	1 per direction (entrance/exit) at ingress/egress points Sites requiring more than 4 additional internal directional signs shall submit all proposed signage as part of a Sign Package to the Plan Commission
Maximum Height	5 feet	8 feet	4 feet
			**Signs are subject to additional requirements per section 155.065(16-17)

12. Sidewalk Signs Permitted by District

A. General Performance Standards

- i. An annual permit shall be required and renewed annually. The permit shall be accompanied by:
 - 1. A scaled drawing of the sign and the sidewalk indicating any entrances to the building, the location of the side, and the width of the sidewalk from the building to the curb;
 - 2. A notarized consent from the building owner; and
 - 3. Proof of insurance for general liability that states that the City of Greenfield, Indiana is an additional co-insured for signs located in any right-of-way.
- ii. Signs must be placed on sidewalks and shall not be allowed in any traffic circulation area, trail, etc. Signs shall be located such that there is no restriction to pedestrian traffic and shall in no instances be located within any accessibility infrastructure or ramps.
- iii. A five foot clear linear pedestrian path shall be maintained on the sidewalk as measured from the building façade toward the curb unless otherwise approved by the Planning Director. However, in no event shall the clear pedestrian path be reduced below the 41-inch clear zone adopted by the American Disabilities Act.
- iv. Sidewalk signs shall be inspected for sufficient weight to ensure wind stability in inclement weather conditions and are subject to permit revocation if the Planning Director or designee determines that a sign is unsafe.
- v. Sidewalk signs shall be removed after business hours.
- vi. Sidewalk signs shall not be located on any lot where a temporary sign is already in use.



B. Sidewalk Signs			
Districts	CN, NR, CS	IM, BP	DT**, TN**, NC
Maximum Sign Area	10.5 square feet	10.5 square feet	10.5 square feet
Maximum Signs Per Frontage	1 per establishment and no more than 1 per entrance	1 per establishment and no more than 1 per entrance	1 per establishment and no more than 1 per entrance
Maximum Height and Dimensions	2.25 feet in width 2.5 feet in depth 2 feet minimum height and 4 feet maximum height	2.25 feet in width 2.5 feet in depth 2 feet minimum height and 4 feet maximum height	2.25 feet in width 2.5 feet in depth 2 feet minimum height and 4 feet maximum height

13. Food Operations with Drive-Thru Lane Signs Permitted by District

A. General Performance Standards

- i. In addition to other permitted signs, food operations with drive-thru services may also display one (1) menu board sign and one (1) pre-menu board sign per drive-thru lane in accordance with the regulations below.
- ii. Drive-thru order areas and accompanying signage shall be placed in the side or rear yard to every degree possible.

B. Food Operations with Drive-Thru Lane Signs			
Districts	CN, NR, CS	IM, BP	DT**, TN**, NC
Maximum Sign Area	48 Square Feet	Not permitted	Not permitted
Maximum Signs Per Frontage	See 155.065(13.A.i) above	Not permitted	Not permitted
Maximum Height	8 feet	Not permitted	Not permitted

14. Gasoline Service Station Signs

A. General Performance Standards

- i. Any freestanding business identification sign that is in conformance with this code may have gasoline pricing information.
- ii. On-building signs are as permitted by 155.065(9). Gasoline island canopy signs and gasoline pump dispensers and canopy signs are also allowed as part of the total allotment of on-building signs for the primary building frontage.
- iii. The following standards shall apply to additional signs as described above:
 - 1. Gasoline station business or price signs of no more than three and one half feet in height, may be located on three sides of a gasoline island canopy provided that the sign area does not exceed 15 feet in width.
 - 2. In no instance shall a canopy sign extend beyond the dimensions of a canopy.
 - 3. Business identification signs may be located on a gasoline pump dispenser and a gasoline pump dispenser canopy. Such signs shall not exceed 50% of the dispenser or canopy upon which the sign is located.

4. Temporary or permanent signs shall be strictly prohibited on the gasoline island canopy support posts, except for signs required to be displayed by law (example, instructional signs for shut-off, etc.).
5. Temporary banners or secondary signs shall not be displayed on a gasoline canopy island.

15. Changeable Copy and Electronic Variable Message Signs (EVMS)

- A. Sign calculations and restrictions: The area dedicated to manual changeable copy shall be included in the total sign area. The area used to electronically display changeable copy shall be included in the total sign area and is limited to 40% of the total sign size.
- B. EVMS shall be permitted as a component for one permanent sign for individual uses or business centers per allowable frontage.
- C. Changeable copy must have a minimum duration of one minute and must be static display. No portion of the image may flash, swirl, scroll, change color, or in any manner imitate movement in the case of the text, background, or any feature of the display, except that temperature and time displays may be utilized on changeable copy signs. EVMS boards shall have a static color background consistent with these requirements.
- D. In all districts where a sign changes by EVMS, the change shall be instantaneous and shall not include special effects or movement. The change in copy must be completed in no less than one second but not more than two.
- E. Electronic graphic display signs must have an automatic dimmer control (or photo electric cell) that maintains the minimum amount of light intensity necessary for clear and adequate visibility based on the surrounding ambient light at all times. Illumination restrictions in 155.065 (2.C) shall apply.
- F. In the event of a malfunction, the EVMS shall freeze in one position or shall be shut down.
- G. Temporary of portable EVMS shall be prohibited.

16. Additional Standards for Signs in the Historic District

- A. All new signage or alterations to signage that occurs anywhere within the Greenfield Historic District shall be placed only after a Certificate of Appropriateness has been obtained from the Historic Board of Review.
- B. Applicants seeking approval for signs in the Historic District should refer to the “Design Guidelines for the Historic District of Greenfield Indiana.” Each sign shall be reviewed as a unique case by the Historic Board of Review, subject to the following criteria which shall include but not be limited to:
 - i. Materials such as wood, wrought iron, steel, metal, gill-work and so forth, or replicas thereof, are encouraged. Various new synthetic materials and products are acceptable but should mimic the desired look of handcrafted, traditional signs. Materials such as extruded aluminum and plastics, while not strictly prohibited, may not be appropriate. Materials shall be complimentary to the particular historic character of the building.
 - ii. The sign attachment should respect the architectural integrity of the structure and relate to or become an extension of the architecture. For example, a sign utilizing an archway should reflect the archway in its configuration.
 - iii. Signs may appear without illumination or may be illuminated. Lighting source, design, and placement must be as unobtrusive as possible, and the proposed method of lighting is also subject to review by the Historic Board. Generally, signs which flash, blink, revolve, or are otherwise in motion, will not be permitted within the historic district.
- C. ADDITIONAL STANDARDS FOR ON-BUILDING SIGNS IN THE HISTORIC DISTRICT
 - i. Wall signs shall not be painted directly on to a building, except in cases where the building has been painted historically. Buildings that are unpainted historic brick shall be left as such.

1. This shall not be deemed to exclude a building owner from painting a portion of the building when restoring a heritage sign.
2. Heritage signs are painted wall signs that remain from an earlier era that may advertise the use or name of a historic building. Restoration and repainting of these signs may be approved by the Historic Board of Review. Heritage signs should be preserved largely to their original color and content insofar as those can be established.
3. Heritage signs shall not be counted as part of the total on-building sign total square footage.
 - ii. Iconic signs (example: a coffee cup shaped sign at a coffee shop) are encouraged throughout the Historic District.
 - iii. Signs must be connected in a secure, sturdy manner to buildings. Decorative features on otherwise sturdy hangings or supports are highly encouraged.
 - iv. Awning fabrics should coordinate with the building and should strive to not create a visual clash with nearby awnings or properties. The bottom of any awning shall be at least seven (7) above the sidewalk.
 - v. When placed on a building, individual name plate signs not exceeding one square feet in sign area for any one business so identified shall not require a permit. A collection of individual name plates shall be considered a directory sign, and shall not require a permit nor be counted toward the total allotment unless the combined area exceeds 20 square feet as noted **155.065(7)**.

17. Additional Standards for Signs in the Traditional Neighborhood District

- A. Not more than three signs shall be placed per establishment, exclusive of directional signs. Only one monument sign shall be installed per building.
- B. Sign colors and shapes shall be subdued and compatible with the structure and the residential nature of the area.
- C. Signs may appear without illumination or may be illuminated. Lighting source, design, and placement must be as unobtrusive as possible. Generally, signs which flash, blink, revolve, or are otherwise in motion, will not be permitted within the Traditional Neighborhood District.
- D. No sign in the Traditional Neighborhood District shall extend above the building eaves.
- E. Hours of operation and open/closed signs that hang in the window shall not be counted toward the overall on-building sign allotment.

18. Permit procedures

- A. Applications shall be accompanied by the following information:
 - i. The square footage calculation of any proposed signs.
 - ii. The frontage or linear width of the building or tenant space where the sign will be located.
 - iii. An elevation and color rendering or other realistic depiction of the proposed sign, including size, materials, colors, and dimensions.
 - iv. Illumination details and/or dimensions of any EVMS or changeable copy components.
 - v. Landscaping plans for freestanding signs in accordance with 155.062.
- B. Applications shall be submitting using the forms published by the Department and directed to the Permit Technician who shall review the application for completeness and conformance to this code. Applications for signs that are part of a sign program, Development Plan, or other petition that will be heard before a Board shall be submitted to the Director prior to receiving Board approval.

- C. If any sign or temporary sign is erected, placed, installed or otherwise established on any property before obtaining an approved Sign Permit, the sign shall be deemed to be in violation of this Zoning Code and shall be subject to a Stop Work Order, ordered to be removed, and/or may be subject to fines per 155.999.

155.066 OFF-STREET PARKING AND LOADING

1. These off-street parking regulations are intended to provide for off-street parking adequate to support the two-and-four-wheel vehicular parking needs of proposed and future uses of a property while assuring that the design and construction of such off-street parking areas meet minimum design standards necessary to promote efficient circulation. These regulations are also intended to support all active transportation modes.
2. The regulations under this section apply to any new construction, any expansion in gross floor area by more than 25%, or any change of use and apply whether parking is provided outdoors or within a structure. Existing off-street parking areas shall not be reduced below the minimum requirement for such use as required by this UDO. Any off-street parking areas existing prior to the effective date of this UDO which were already below the standards established by this UDO shall not be further reduced.
3. For all vehicle dependent uses, see also **Section 155.054** Drive Thru Facilities and Vehicle Dependent Uses.
4. **Parking Space Types; Dimensions; Location; Required Number.**
 - A. PARKING SPACE TYPES. There are three types of parking spaces permitted under this UDO: (a) perpendicular parking spaces; (b) parallel parking spaces; and (c) angled parking spaces (45 and 60 degrees). Any one or a combination of parking space types may be used to satisfy the parking space count requirements herein.
 - B. PARKING SPACE MARKINGS. Except single-unit-or-two-unit dwellings, all off-street parking spaces shall be:
 - i. Identified by painted lines (minimum 4 inches in width), raised curbs or other means to indicated individual spaces; and,
 - ii. Provided with a raised curb, wheel stops or other devices to ensure that motor vehicles do not encroach beyond the off-street parking area or into a required yard.
 - C. DIMENSIONS. The minimum dimensions for each parking space type are 9' x 18' and shall be developed in accordance with the table below:

Non-ADA Parking Stall Dimensions					
Description	Angle				
	0°	30°	45°	60°	90°
Overall Width: One-Way	35	49	56	59	60
	40	55	60	63	60
Two-Way					
Stall Width	10	9	9	9	9
Stall Width Parallel to Aisle or Curb	22	18	12.5	10.4	9
Length of Parking Stall	22	18	18	18	18
Stall Depth to Wall or Curb	10	17.5	20	20.5	18
Aisle Width					
One-Way	15	14	16	18	24
Two-Way	20	20	20	22	24
ADA Parking Spaces					
Overall Width: One-Way	43	57	62	64	60
	48	63	67	68	60
Two-Way					
Stall Width	14	14	14	14	14
Stall Width Parallel to Aisle or Curb	23	28	19.8	16.2	14
Length of Parking Stall	23	19	19	19	18
Stall Depth to Wall or Curb	14	21.5	23	23	18
Aisle Width					
One-Way	15	14	16	18	24
Two-Way	20	20	21	22	24

D. LOCATION.

- i. Parking lots may be onsite or offsite, providing any offsite parking spaces are located within 800 feet of any lot line of the applicant’s property.
- ii. All parking lots and spaces shall meet all required yard setbacks and easement restrictions, unless otherwise approved by the Plan Commission or Board of Works.

E. REQUIRED NUMBER. The number of parking spaces shall be based upon the use or uses to be conducted on the property. Where multiple uses are to be conducted on a single property, the number of required parking spaces shall be determined by adding together the required number of parking spaces for each use subject to the following:

- i. If the sum of the parking space requirements for the respective uses results in a fraction, the fraction shall be rounded to the nearest higher whole number.
- ii. Uses that would require more than 800 parking spaces must provide structured parking for not less than 80% of the required spaces.

- F. Subsection H below sets forth the required number of parking spaces by use. No parking lot on a property, with the exception of shared parking lots, shall have greater than 150 percent of the minimum parking space requirement.
- G. If a specific use is not listed on Subsection H below, the City Engineer shall determine the required number of required parking spaces for such use. In determining the number of required parking spaces for an unclassified use, the City Engineer shall consider the following criteria:
 - i. The number of parking spaces required for the use listed in Subsection H that is most similar to the proposed unclassified use with respect to the number of parked vehicles that are anticipated to be associated with the proposed unclassified use;
 - ii. The total square footage to be required by the unclassified use;
 - iii. The number of employees and/or patrons that are anticipated in conjunction with the use; and/or
 - iv. Other information from appropriate traffic engineering and planning criteria.

H. MINIMUM REQUIRED PARKING SPACES

USE	REQUIRED SPACES
Residential Uses	
One & Two Unit Residential	2 per dwelling unit
Multi-Unit Residential	1.5 per unit
Group Home	1 per 2 residents, plus 1 space per employee
Residential Care Assisted Living	1 per 4 residents, plus 1 space per employee
Social Service (nursing or, convalescent home, rehabilitation)	1 per 8 beds, plus 1 space per employee
Commercial and Services	
DT District uses with less than 5,000 square feet of floor area	None required
DT District uses with more than 5,000 square feet of floor area	See DT District Regulations 155.008 (4.E)
Office	1 per 400 square feet of space plus 1 per employee
Commercial Retail	1 per 200 square feet of usable retail space (excluding storage and other areas not accessible to customers)
Car Wash	Stacking and drying areas in accordance with 155.054
Food Preparation	1 per 700 square feet
Fuel Sales without Retail Sales	1 per employee
Fuel Sales with Retail Sales	1 per 200 square feet of space used for retail sales
Restaurants and eating facilities	1 space per employee on the largest shift and 1 space per four seats
Conference, Event, and Meeting Spaces	One-fourth of the maximum capacity and/or 1 per 200 square feet of space used for assembly
Funeral Services	1 per 200 square feet of space used for assembly
Day Care	1 per every 6 clients
Lodging	1 per guest room and 1 per employee on the largest shift
Indoor Recreation	One-fifth of maximum capacity
Sports Stadiums	One-fifth of maximum capacity

Production/Processing Uses	
Research and Development	1 per employee on the largest shift, plus adequate space for visitors and company vehicles
Production and Manufacturing, Storage and Warehousing	1 per employee on the largest shift, plus adequate parking for visitors and company vehicles
Institutional/Educational/ Public	
Hospital	1 space per four patients plus 1 space per employee on the largest shift
Other Health/Medical	1 per 200 square feet
College and Higher Education, Vocation, and Adult Education Uses	1 per 10 classroom seats
Other Education Uses	1 per 20 seats
Government Uses	1 per employee, 1 per stored vehicle, plus adequate parking for visitor spaces
Cultural Institution	One-eighth of capacity
Religious Assembly	One-fifth of capacity

I. REQUIRED ACCESSIBLE PARKING.

- i. Every off-street parking area and parking garage available to the public shall have parking spaces reserved for the use of physically handicapped persons as specified in the most current standards provided by the Americans with Disabilities Act. Facilities which provide medical care and other services to persons with mobility impairments shall provide ADA Parking Spaces as follows:
 - 1. Outpatient units and facilities - 10 percent of the total number of off-street parking spaces provided; and,
 - 2. Units and facilities that specialize in treatment services for persons with mobility impairments - 20 percent of the total number of off-street parking spaces provided.

J. Minimum ADA Parking Spaces are as follows, except in cases where a newer or updated standard from the Americans with Disabilities Act, ADA Standards for Accessible Design, exists.

Total Parking Spaces Provided	Minimum Number of Reserved Spaces	Van Accessible Parking Spaces with min. 96" wide access	Accessible Parking Spaces with min. 60" wide access aisle
1-25	1	1	0
26-50	2	1	1
51-75	3	1	2
76-100	4	1	3
101-150	5	1	4
151-200	6	1	5
201-300	7	1	6
301-400	8	1	7
401-500	9	1	7
501-1000	2% of the total number of off-street parking spaces	1/8 th of column A*	7/8 ^{ths} of column A**

1001 or more	20, plus one for each additional 100 off-street parking spaces above 1000	1/8 th of column A*	7/8 ^{ths} of column A**
*one out of every eight accessible spaces			
**seven out of every eight accessible parking spaces			

5. **Reduction in Parking Space Requirements.** Where an applicant can establish that any of the conditions described under (A) – (I) are applicable to the subject property, the Planning Director may grant a reduction in the number of parking spaces required for a property under this UDO. The parking reduction may not exceed 25% of the number of required parking spaces unless a special condition(s) warranting a greater reduction is presented to the Planning Director. Conditions that warrant a reduction in required parking spaces are as follows:

- A. A shared parking arrangement between two parties that provides parking spaces in excess of the largest minimum number of required parking spaces for either of the respective uses. Multiple parties may execute a shared parking arrangement to satisfy minimum parking requirements at the discretion of the Planning Director. A shared parking arrangement may be approved, provided that:
 - i. Such shared parking spaces are located within 800 feet of any lot line of the applicant’s property;
 - ii. A cross-access easement shall be provided to ensure access for emergency vehicles;
 - iii. That peak parking hours for the applicant’s property and the property on which the shared parking spaces are located are not concurrent; and
 - iv. That the shared parking spaces are not reserved for specific tenants or dwelling units.
 - v. To receive a parking reduction under this subsection, the applicant shall also provide a legal mutual maintenance and use covenant, acceptable to the City’s attorney in substance and form, signed by the owner of the shared parking property and recorded in title to both properties, which confirms that the applicant may use the existing or planned parking (the covenant is not valid until a permit has been issued, and construction has begun for the planned parking), specifies the number and general location of shared parking spaces, and is signed by the owner of the property on which the shared parking spaces are located. After approval by the City’s attorney, such legal covenant shall be recorded in title to both properties.
- B. The availability of bicycle parking on the applicant’s property at a rate of four bicycle parking spaces for every one required vehicular parking space that the applicant seeks to have reduced, for a maximum reduction of 4 parking spaces, or not more than 25% of the total spaces required for any site, whichever is less. If the property is within a recreational trail overlay district, the maximum reduction shall be increased to 8 parking spaces or not more than 25% of the required parking, unless otherwise approved by the Planning Director.
- C. 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) on-site parking spaces for every fifty (50) parking facility spaces available. Under no circumstance shall on-site parking be reduced further than 25% of the required parking, unless otherwise approved by the Planning Director
- D. 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 two parking spaces for each mature tree preserved on the subject property for a maximum 25% reduction.

6. Parking Surfaces.

- A. All parking area surfaces and loading area surfaces shall be clearly marked, graded, drained, and surfaced using one of the following products: plant mix asphalt or concrete.
- B. Commercial and Industrial uses may install gravel surface for a period not exceeding six (6) months after the issuance of a certificate of occupancy, where ground conditions are not immediately suitable for permanent surfacing, with approval from the Planning Director.
- C. Residential parking areas and driveways shall be hard surfaced up to and even with the front façade of the structure. Side or rear yard parking areas may be surfaced using crushed stone, porous asphalt, porous concrete, permeable paver systems, plant mix asphalt or concrete, with the exception described in D below.
- D. Commercial vehicles, boats, campers and trailers of all types, including travel, camping, hauling, boat, recreational vehicle, any non-motorized vehicle capable of being towed and mobile home shall be parked on a hard surface of a uniform nature that encompasses the entire length and width of the vehicle/boat/camper/trailer at issue and shall not be parked on grass or surface composed of other plant material. In no instance shall the combined total of parking areas permitted in C. and D. exceed 1200 square feet.
- E. All parking area surfaces and loading area surfaces shall be maintained and kept in good repair, and free from refuse and debris.
- F. Except where there is a paved driveway, no off-street parking shall be permitted in the front yard of any residential property.

7. Bicycle Parking.

- A. Bicycle parking shall be placed within 100 feet of, and clearly visible from, the main entrance to the use served.
- B. All bicycle parking areas shall be hard surfaced with asphalt, concrete, pavers, or other material to provide a durable, dust-free surface.
- C. All bicycle racks shall be:
 - i. Securely anchored,
 - ii. Able to support the bicycle frame in at least two places to prevent the bicycle from falling over, and
 - iii. Configured to allow the locking of the frame and at least one wheel with a U-lock.

8. Required Loading Areas.

- A. The Planning Director may require loading areas to be provided on the subject property where, in the Planning Director's discretion, the nature of the use to be conducted upon the subject property, will require on-site space for the loading and unloading of goods and materials. Where the Planning Director determines that loading areas are required, loading areas shall comply with the following minimum requirements:
 - i. No loading area shall be located within 100 feet of a residential district unless additional buffering is provided.
 - ii. To the greatest extent practicable, all loading areas shall be oriented away from residential uses and located at the rear of the subject property against a rear facing wall of the principal structure.
 - iii. Loading areas shall be configured so that access to the loading area shall not require vehicles to maneuver in the public-right-of-way whenever possible.

- iv. The configuration of loading areas shall not interfere with or encroach into fire and emergency vehicle lanes, required parking areas, sidewalks, bike lanes, drive aisles, queuing areas or any areas necessary for circulation associated therewith.
- v. All off-street loading areas and the ingress/egress to and from such off-street loading areas located on such lot shall be hard surfaced with asphalt, concrete or other material to provide a durable dust-free surface.
- vi. A required or excess off-street loading space shall be at least 12 feet in width by at least 60 feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least 14 feet.
- vii. Each required off-street loading space shall open directly upon an aisle or interior access drive with a width of at least 35 feet and creating a total maneuvering area, inclusive of the loading space, of at least 105 feet.
- viii. To the greatest extent practicable, each maneuvering area, aisle and interior access drive utilized to access a required loading space or an excess loading space shall be designed and located as to provide safe and efficient ingress/egress to each loading space. Unless otherwise approved by the Planning Director, trucks shall not need to back from or into a public street, or onto an adjoining property (unless the subject property and the adjoining property are located within the same integrated center or industrial park and such maneuvering area is subject to a recorded easement allowing such maneuvering).
- ix. Landscaping and Buffering Parking and Loading Areas. All off-street parking and loading areas are subject to the landscaping and buffering requirements of Section 155.063 of this UDO.

155.067 DRIVEWAYS

1. Residential driveways shall be not wider than 24' within the right-of-way line.
2. Driveways shall only be located within required front, corner, side, and rear yards to provide access to the parcel from the right of way between 60 and 90 degrees from parallel. Entrances for parking access must be placed along a secondary street frontage or alley, where practicable.
3. All off-street vehicle parking must have direct access to a public right-of way through an alley, driveway, or permanent access easement.
4. If an alley that is open to traffic is provided, all vehicular access should take place from the alley.
5. All driveways serving uses permitted in all districts shall be paved with concrete or improved with a compacted aggregate base and surfaced with a bituminous pavement to adequately provide a durable and dust-free surface.
6. The full length of the driveway, including the curb, apron, and incidental features functional to the driveway shall be privately maintained, but not by governmental agencies, in good condition and free of weeds, dirt, trash and debris.

155.068 ACCESS AND FRONTAGE

1. Every building hereafter erected or moved shall be located on a lot with frontage and access on a public street, or with frontage and access to an approved frontage street, commercial service drive, or place, and all buildings shall be located on lots as to provide for safe and convenient access, fire protection, and required off-street parking.

2. Access and Access Roads

- A. The number of traffic access points for a single-family, two-family, or townhouse residential use shall not exceed one per street frontage, with the width of each driveway at the right-of-way line not exceeding 30% of the lineal frontage of each street.
- B. The number and location of traffic access points for multi-family residential uses are subject to Development Plan Approval in accordance with Section 155.083.
- C. The number of traffic access points for commercial or industrial establishments with one hundred (100) feet or less of frontage on a street shall not exceed one (1).
- D. Interior Access Roads shall adhere to the following provisions:
 - i. Commercial uses shall be required to connect to adjacent commercial uses with interior access drives whenever possible.
 - ii. All interior private access roads serving uses permitted in all districts shall be paved with concrete or improved with a compacted aggregate base and surfaced with a bituminous pavement to adequately provide a durable and dust-free surface.
 - iii. Interior access roads shall be privately maintained, but not by governmental agencies, in good condition and free of weeds, dirt, trash and debris.
 - iv. Where interior access roads or driveways serving commercial and industrial uses intersect with public streets, a turning radius of not less than ten (10) feet shall be provided.
 - v. Interior access roads and driveways serving commercial and industrial uses shall be clearly defined, delineated and signed for public safety.
 - vi. No sight obstruction shall be located within a required turning radius in such a manner as to conflict with the provisions of Section **155.068**.
 - vii. Interior access roads and driveways serving commercial and industrial uses shall be designed with sufficient width to provide at all times for the passage of emergency vehicles.

3. Frontage

- A. Whenever practicable, for commercial or industrial establishments with frontage of more than one hundred (100) feet, a frontage street shall be provided, of not less than two (2) lanes in width or a combined service road and parking area, parallel with and adjacent to the street upon which the establishments front. In the event the establishments front on more than one (1) street such service roads may be required on more than one (1) street frontage.
- B. The frontage street required by this subsection shall be effectively separated from the main roadway by a landscape strip or other suitable delineation, and approved by the City Engineer, and shall be designed and arranged so as to provide the principal means of access to abutting business establishments.
- C. In general, the use of public improved alleys, interior access roads or any other designed means to minimize the number of traffic access points and business intersections therein are encouraged.

155.069 INTERSECTION SITE VISIBILITY

- 1. Nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision clearance between the heights of 3 and 10 feet above the centerline grades of intersecting streets and drives.
- 2. The “visibility triangle” is hereby established as follows unless an alternative design is approved by the City Engineer:
 - A. For corner lots, the triangle is defined as the area formed by the street centerlines and a line connecting

points seventy-five (75) feet for local and collector streets, and one-hundred fifty (150) feet for arterial streets from the intersection of such street centerlines.

- B. Upon the occasion when a driveway or alley intersects with a local or collector street, the visibility triangle is formed by the centerlines of driveways, alleys and streets and a line connecting points 40 feet for driveways and alleys and 75 feet for local and collector streets.
 - C. Upon the occasion when a driveway or alley intersects with an arterial street, the visibility triangle is formed by the centerlines of driveways, alleys and streets and a line connecting points 65 feet for driveways and alleys and 150 feet for arterial streets.
3. Notwithstanding (l) above, plantings, structures and other improvements may be permitted within the visibility triangle if the City Engineer makes a determination that such improvement will not impede visibility.
 4. No driveway shall be located within 40 feet of the intersection of two street lines.
 5. The above provisions shall not apply to official warning signs or signals necessary to the public safety.

155.070 SUBDIVISION APPLICATIONS, GENERALLY

1. The division of any parcel / lot of record on the last preceding transfer of ownership, into two or more parcels / lots, for the purpose, whether immediate or future, of transfer of ownership; provided, however, the creation of lot(s) leaves no remainder of less than three (3) acres.
2. No plat or replat of a subdivision of land located within the jurisdiction of the City of Greenfield Plan Commission shall be filed with the Hancock County Auditor and recorded by the Hancock County Recorder unless it has first been granted primary approval and subsequently granted secondary approval by the Greenfield Plan Commission, and such approval has been signed and certified on the plat by the President of the Plan Commission, Board of Public Works and Safety, and Plan Commission Director in accordance with this chapter.
3. Exemptions. No land required by the Greenfield Zoning Ordinance to be approved as a subdivision plat may be subdivided through the use of any means other than in accordance with these regulations, except for the following instances:
 - A. The sale, gift or exchange of parcels between adjacent existing landowners that does not create additional building sites and does not involve any new street or easements of access, and does not cause either lot to be in non-conformance with this UDO.
 - B. The division of residentially zoned land into parcels of three acres or greater in size for exclusively residential uses, not involving any new streets or easements of access,
 - C. A division used exclusively for cemetery purposes and accessory uses associated therewith.
 - D. A division occurring through the transfer of land for use as a right-of-way for widening a road or railroad or as an easement for public purposes or public utilities, when no new street/road or easement of access is involved.
 - E. A correction of a description in a prior conveyance provided that the correcting instrument (commonly called a certificate of error or scrivener's error used to make a boundary line adjustment between existing parcels) contains a reference to the original instrument of conveyance by date, book and page, or other description.
 - F. Condominium developments are governed by IC 32-25 and not by these regulations.
 - G. A court-ordered division of land.
4. A petitioner desiring approval of a plat of a subdivision of any land lying within the jurisdiction of the Plan Commission shall submit a written application therefor to the Plan Commission Staff. The application shall be accompanied by the information, requirements, and plans set forth in this section, all in accordance with the requirements set forth

in this chapter of the UDO. At least two weeks before the submittal of a petition for subdivision plat approval, the petitioner shall participate in a sketch plan review with the Plan Commission Staff.

5. The application shall show the manner in which the plat of the subdivision is in compliance with the Comprehensive Plan and its provisions, specifically with relation to the requirements of the Thoroughfare Plan, school and recreational sites, shopping centers, community facilities, sanitation, water supply and drainage, and other developments existing and proposed in the vicinity. However, no land shall be subdivided for residential use unless adequate access to the land over improved streets or thoroughfares exists or will be provided by the petitioner, or if the land is considered by the Plan Commission to be unsuitable for such use by reason of flooding or improper drainage, objectionable earth and rock formation, topography, or any other feature harmful to the health and safety of possible residents and the community as a whole.
6. The application shall be accompanied by a certified check or money order in the amount as set forth by the Plan Commission for each lot on the proposed plat, to cover the cost of administration and reviewing the plat, and the Planning Director shall surrender the check or money order to the Clerk-Treasurer of the city for deposit in the General Fund of the city. No part of this filing fee shall be returnable to the applicant.
7. Applications for the vacation of plats or parts of plats, and applications for the vacation of public ways, easements or public places are under the exclusive control of the Common Council in accordance with IC 36-7-3-10 through 36-7-3-16 or with IC 36-7-4-712 through 36-7-4-715, whichever is applicable.

155.071 APPLICATION FOR PRIMARY APPROVAL OF A PLAT OF A SUB-DIVISION

1. Upon receipt of an application for primary approval of a plat of a subdivision, the Plan Commission staff shall review the application for technical conformity with the standards set forth in this chapter. The Technical Review Committee is hereby established with the membership composed of the members set forth in the Plan Commission's Rules of Procedure. The Technical Review Committee shall examine each application to determine if the proposed improvements meet the requirements of this code. The Committee shall report its findings to the Plan Commission staff prior to the date set for a hearing. Within 30 days after receipt of an application, the Plan Commission staff shall announce the date for a hearing before the Plan Commission. The petitioner shall provide notice in accordance with divisions (1), (2) and (3), herein; provided, that notification shall not be given until the Plan Commission staff has received the report (when required) from the Technical Review Committee. After the Plan Commission staff has announced a date for a hearing before the Plan Commission, the petitioner shall do the following:
 - A. Give notice of the hearing by publication in accordance with I.C. 5-3-1.
 - B. Provide for due notice to interested parties at least fourteen days before the date set for the hearing.
2. The plat of the subdivision shall conform to the standards set forth in this Title 15, Land Use UDO Title 5, Public Works, Greenfield Code of Ordinances (Municipal Code) and all amendments thereto as well as those required by the City of Greenfield Public Improvement Design Standards and Specifications Manual as adopted by the Board of Public Works and Safety, and all amendments thereto.
3. The subdivision plan shall conform to the principles and standards of the Comprehensive Plan as adopted by the City of Greenfield and all amendments thereto.
4. Residential Cluster Subdivision options can be found in **155.062**.
5. The petitioner shall provide a primary plat based on a survey conforming to the Minimum Standards for the Competent Practices of Land Surveying administered by the Indiana State Board of Registration for Land Surveyors, or as provided for in 865 IAC 1-12. The plat shall be drawn at an accepted scale and encompassing all contiguous parcels of property owned by or under the control of the subdivider and showing the following:
 - A. The proposed name for the subdivision;
 - B. The location by civil township, section, township and range, or by other legal description;
 - C. The name and address of the subdivider;

- D. The name, address and registration number of the surveyor;
- E. The scale, northpoint and date;
- F. The boundary line of the subdivision;
- G. The boundary lines of adjacent tracts of unsubdivided or subdivided land, showing ownership where possible;
- H. Existing zoning of the proposed subdivision and adjacent tracts. If the subdivision is in a dwelling district and utilizing the cluster option, it shall be clearly noted as such. ;
- I. Contours based upon the U.S. Coast and Geodetic Datum or U.S. Geological Survey Datum bench marks at one-foot vertical intervals, or current technological capabilities, showing clearly by flow lines and arrows the drainage pattern of surface water, both natural and proposed, within and through the area proposed to be platted, the location and elevation of such bench marks to be shown thereon. ;
- J. All existing permanent features either natural or manmade that may influence the design of the subdivision, included but not limited to, watercourses, tree groves, swamps, wetlands, sewers, water mains, culverts, utility lines, and fire hydrants. Where underground utilities exist within or adjacent to the tract, the approximate location, pipe size, and direction of flow shall be indicated;
- K. The location, width, and names of all existing or prior platted streets or other public ways, railroad and utility rights-of-way parks and other public open spaces, permanent buildings and structures, permanent easements, and section and corporate lines on or within 200 feet of the subdivision;
- L. Total acreage within the project and the number of residential dwelling units or the gross square footage of non-residential buildings whichever is applicable;
- M. Layout of lots, showing dimensions, building setbacks, lot numbers and area in square feet of each lot. In new developments, lot numbers shall be consecutive within each section or phase, and may not be repeated in subsequent sections or phases within a subdivision.
- N. The layout of streets, widths of rights-of-ways, proposed cross sections or roadways, and also the widths of cross-walkways and easements;
- O. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision;
 - i. Not less than 15% Common Open Space (excluding impervious surfaces) shall be provided. Drainage ponds, play areas, common areas, and the like may apply toward this provision;
- P. The apparent right-of-way; and
- Q. Flood zone statement with FIRM map number and date.
- R. A drainage plan in conformance with the city drainage regulations showing:
 - i. Natural watercourses, marshes, and the like;
 - ii. Existing drainage facilities, culverts and the like; and
 - iii. The proposed drainage plan for the subdivision and analysis of downstream existing drainage facilities to the nearest watercourse showing culverts, retention ponds, and the like.
 - iv. Submittal must meet the requirements of Chapter 54 Storm Water Management Ordinance, as amended.
- S. A feasibility report in conformance with the city sewage disposal and drainage regulations including but not limited to the following:
 - i. The feasibility of connecting to an existing sewerage system and water supply. This portion of the

study shall include the distance to the nearest public sewer, its capacity and present load, and its capacity to handle the additional sewage load created by the subdivision. The same information shall be submitted for water supply;

- ii. The distance to the nearest public sewer, its capacity and present load, and its capacity to handle the additional sewage load created by the subdivision.
 - iii. A study of the storm water drainage of the area showing a method of dispersion or retention and the adequacy of downstream facilities. This study shall give consideration to both water entering the subdivision from adjacent land and water within the boundaries of the subdivision.
 - iv. Proposed location of sanitary sewers, water mains, fire hydrants, valves and affected utilities and structures to be removed or relocated on the project site;
- T. Street Lights: A proposed street light layout on all public streets.
- U. The delineation of the phases, if any, of the development, indicating the lots and improvements to be included in each phase.
6. 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 reviewed by judicial review as provided by I.C. 36-7-4-1016.
- A. If, after the hearing, the Plan Commission determines that the application and plat comply with the standards in this code, it shall make written findings and a decision granting primary approval to the plat of the subdivision. The President of the Plan Commission shall sign this decision.
 - B. If the Plan Commission disapproves the plat, it shall make written findings that set forth its reasons and a decision denying primary approval and shall provide the applicant with a copy. The President of the Plan Commission shall sign this decision.
7. Approval of a primary plat shall not constitute approval of a secondary plat. Rather, it shall be deemed an expression of approval to the layout submitted on the primary plat as a guide to the preparation of the secondary plat and shall permit the subdivider to proceed with detailed construction designs and specifications that shall be approved by the appropriate city agencies.
8. Whenever a proposed subdivision involves the opening of an access-point onto State Road 9 (State Street) or US 40 that has not been previously approved by the Indiana Department of Transportation (INDOT), the Plan Commission may give primary approval of the proposed plat of the subdivision in accordance with division (A) herein, if the Plan Commission agrees with the location of the access-point; provided, that secondary approval of the subdivision cannot be granted until written authorization from the INDOT has been received by the Plan Commission allowing such access-point at that location and a financial guarantee has been made by the petitioner for the completion of the access-point improvements satisfactory to the Plan Commission. If permission is denied by INDOT, then secondary approval for the plat of the subdivision shall not be granted.
9. Unless extended, primary plat approval shall be effective for a period of two years (primary plat approval period) after the date of primary plat approval (including conditional approval), at the end of which time secondary approval of the subdivision must have been obtained by the Applicant and certified by the proper officials. Any plats not receiving secondary approval within the period of time set forth herein shall be null and void, and the Applicant shall be required to resubmit a new application for subdivision approval subject to the zoning restrictions and subdivision regulations in effect at the time of resubmission. Upon the request of an Applicant and upon a finding that the Applicant has been unable to prepare the proposed development for secondary approval despite due diligence, the Commission may extend the preliminary approval period for one two-year period beyond the expiration date of the original preliminary approval period, without further notice and public hearing, or for a longer period of time upon notice to interested parties and hearing. If an extension is granted, the secondary plat will be extended automatically for the same period of time.

155.072 SECONDARY APPROVAL

1. The Plan Commission may grant secondary approval for all or any part of a plat of a subdivision which has heretofore been given primary approval by the Plan Commission, or the Plan Commission may delegate to the Plan Commission Staff and the Technical Review Committee the authority to grant such secondary approvals; provided, that secondary approvals may be granted after expiration of the time for appeal, and the submission of the requirements of this Chapter.
2. Secondary Plat approval is administrative. No notice or hearing is required.
3. A plat of a subdivision shall not be filed with the Auditor of Hancock County, and the Recorder of Hancock County shall not record it, unless it has been granted secondary approval and signed by all required signatories. If submitted and recorded, the plat shall not be considered a legal subdivision and building permits for lots within the illegally recorded subdivision will not be issued.
4. Public infrastructure and subdivision features shall be in conformance with the Greenfield Public Improvement Design Standards and Specifications Manual. Petitioners should refer to the manual for construction and acceptance procedures.
5. The secondary plat shall include:
 - A. The name of the subdivision;
 - B. The location by section, township and range, and the legal description of the property platted;
 - C. The name and certification of the land surveyor preparing or certifying the plat, as set out in the appendices to this chapter;
 - D. The scale, shown graphically and numerically, and the date and northpoint;
 - E. The boundary of the plat, based on a boundary survey conforming with the Minimum Standards for the Competent Practice of Land Surveying administered by the State Board of Registration of Land Surveyors, as provided in 865 IAC 1-12, having an unadjusted mathematical closure of 1:10,000, with angular and lineal dimensions;
 - F. The exact locations, width and name of all streets within and adjoining the plat, and the exact location and width of all alleys and crosswalks;
 - G. True angles and distance to the nearest established street lines or official monuments, which shall be accurately described in the plat. Also the locations of the subdivision corner points and the location of the elevation benchmarks;
 - H. Municipal, township, county or section lines, or previously platted land accurately tied to the lines of the subdivision by distance and angles;
 - I. The radius angle of intersection, tangent length, length of curve, point of curvature and point of tangency for curves, radii, internal angles, points and curvatures, tangent bearings, and lengths of all arcs;
 - J. All easements for rights-of-way provided for public services and utilities;
 - K. All lot numbers and lines, with accurate dimensions in feet and hundredths;
 - L. Addresses as assigned by Plan Commission in accordance with Chapter 158;
 - M. Accurate location, type size and material of all monuments;
 - N. Accurate outlines of any area, other than public ways to be dedicated, reserved for public or semipublic use with the purposes indicated thereon, and for any areas to be reserved for the use of all property owners;
 - O. Accurate location of proposed sidewalks, trails, paths and multi-modal pathways in common areas.

- P. Building setbacks, accurately shown with dimensions which are not in conflict with the Zoning Chapter;
 - Q. Restrictions of all types which will run with the land and become covenants in the deeds for lots.
 - R. Description of the composition and operation of the owners association required by § 152.28.
 - S. Certificate for primary approval by the Plan Commission, to be signed by the President of the Plan Commission.
 - T. Certificate of secondary approval by the Plan Commission, to be signed by the President of the Plan Commission.
 - U. Certification by a registered land surveyor.
 - V. Certification of dedication of streets and other public property.
 - W. Certificate of Board of Public Works and Safety approval to be signed by the Board of Public Works and Safety chairman.
 - X. Certificate for approval by the Planning Director, to be signed by the Planning Director of the city.
6. Until the secondary plat is recorded, secondary approval shall be effective for a period of one year (secondary approval period) after the date of secondary approval, at the end of which time the secondary plat shall have been recorded. Any plats not recorded within the period of time set forth herein shall be required to resubmit a new application for subdivision approval subject to the zoning restrictions and subdivision regulations in effect at the time of resubmission. Upon the request of an Applicant and upon a finding that the applicant has been unable to satisfy the requirements to execute the certificate of secondary approval despite due diligence, the Commission may extend the secondary approval period for one year beyond the expiration date of the secondary approval period, without further notice and public hearing, or for a longer period of time upon notice to interested parties and hearing.
7. Secondary Approval of Phased Subdivisions. The petitioner may seek secondary approval of a portion or section of the preliminary plat. The Commission may impose such conditions upon filing of applications for secondary approval of the sections as it deems necessary to assure the orderly development of the subdivision (e.g., sequential lot numbering.) The Commission may require that the performance bond and financial responsibility be in such amount as will be commensurate with the section or sections of the plat for which secondary approval is sought and may defer the remaining required performance bond (or other assurance) principal amount until the remaining sections of the plat are offered for filing. Such sections must contain at least 20 lots or 10% of the total number of lots contained in the approved preliminary plat, whichever is less. The approval of all remaining sections not filed with the Planning Director shall automatically expire four years from the date of preliminary approval, unless the preliminary approval has been extended.
8. Within 30 days of secondary approval, the petitioner shall submit one electronic copy of the recorded secondary plat to the City Engineering Department for incorporation into the city's Geographic Information System. The digital drawing file shall be in AutoCad format, unless otherwise specified by the City Engineering Department staff. For the city to efficiently manage the geographic information system, petitioners shall submit their plats in conformance with the requirements below:

- A. All leaders, arrows, text boxes, and other annotations shall be on layers separate from the features to which they pertain. Text labels must be on discrete layers according to their purpose.
- B. Information shall be separated and organized on layers by content as follows:

Layer Name	Content
RE_PRCL	parcels
RE_ROWL	right-of-way lines
RE_SECT	section lines
RE_SUBD	subdivision boundaries

RE_ESMT	easements
RE_BSBL	building setback lines
RE_CORP	corporate boundaries
RE_LOTL	subdivision lot lines

- C. Real estate parcels, rights-of-way, subdivisions boundaries, and lot lines shall be drafted with precise end-points snapped together. Easements and setback lines should be trimmed to meet the snapped boundary features.
- D. Lot numbers or parcel identifiers can be either blocks or text, but each lot should be individually labeled, with the label insertion point within the lot boundary. If lot monumentation symbols are used, they should be inserted at the intersection or endpoint of the snapped boundary features have been recorded.
- E. Any plats not recorded within the period of time set forth herein shall be required to resubmit a new application for a subdivision approval subject to the zoning restrictions and subdivision regulations in effect at the time of resubmission.

155.073 CONSTRUCTION PLANS, SPECIFICATIONS, & SUPPLEMENTAL INFORMATION

1. The petitioner shall submit plans and specifications and other required information meeting the requirements of the City of Greenfield Public Improvement Design Standards and Specifications Manual with the secondary plat application.
2. Subsequent approval will be required of the engineering proposals pertaining to water supply, storm drainage, sewerage and sewage disposal, grading and gradients, roadway widths, street lights and the surfacing of streets by the Greenfield Technical Review Committee prior to the approval of the secondary plat by the Plan Commission. Street light layout shall be designed and installed by Greenfield Power & Light Department once construction plans are submitted and pole and fixture costs are submitted under a separate agreement with Power and Light.
 - A. Street light layout shall be designed and installed under a separate agreement with Greenfield Power & Light Department for all subdivisions lying within the boundaries of the City of Greenfield prior to December 31, 2020.
 - B. Street lights for properties annexed into the City after Jan 1, 2021 shall be installed by the developer in accordance with the specifications of the Greenfield Public Improvement Design Standards & Specifications Manual and shall be serviced and maintained thereafter by private electric utilities and private ownership; unless the subject property is subsequently included in the Greenfield Power and Light electric service jurisdiction.
3. Secondary approval may be granted to a plat of a subdivision in which the public improvements and installations have not been completed as required by this code, if the applicant provides a bond, or other proof of financial responsibility as prescribed herein, that meets the following requirements:
 - A. 110% of an amount determined by the Plan Commission staff to be sufficient to complete the improvements and installations in compliance with this code; and
 - B. Provides surety satisfactory to the Plan Commission attorney.
 - C. Other proof of financial responsibility may take the following form:
 - i. An irrevocable letter of credit, or
 - ii. A performance bond, or

- iii. An escrow agreement.
 4. The City may require that a subdivider obtain a performance bond or other surety for any incomplete or unfinished streets, public and private street lights within city rights of way ,sanitary systems, storm water systems, water systems, monuments and street signs, sidewalks, street trees, and erosion control that:
 - A. Are:
 - i. In the approved development; or
 - ii. Required to service the approved development; and
 - B. Are included within:
 - i. The legal description of the recorded plat; or
 - ii. A section in the legal description of the recorded plat;
 - C. Are identified in the land developer's secondary plat filing.
 5. Notwithstanding the foregoing, a land developer of Class 1 or Class 2 structures (a defined by the Indiana Code) shall not be required to do any of the following:
 - A. Obtain a performance bond or other surety before the date on which the land developer records an approved secondary plat; provided, however, the land developer shall obtain a performance bond or other surety before an approved secondary plat is recorded if the area under development is:
 - i. Within the existing public right-of-way; or
 - ii. Related to erosion control; or
 - B. Obtain a maintenance bond that has an effective period greater than three (3) years.
 6. A performance bond or other surety requirement under subsection (C)) above:
 - A. Must be based on a value provided for in an engineer's estimate or an actual contract amount, if available, to complete:
 - i. The portion of the area or improvement of the project; or
 - ii. The designated section in the project being bonded;
 - B. May be based on an amount in excess of the full value of the engineer's estimate or actual contract amount, as appropriate, provided that any excess amount is based upon a reasonable adjustment for the estimated cost of inflation of materials and labor encompassed within the subject matter of the performance bond or other surety; and
 - C. May not include any land that is not under development at the time the bond or other surety is required, such as sections of adjacent or contiguous land that remain 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.
 7. The proof of financial responsibility referred to in Subsection (C) may be released as follows:
 - A. Full release upon receipt of a certificate by a registered professional civil engineer or a registered land surveyor that all improvements and installations for the plat of the subdivision required for its approval have been made or installed in accordance with specification, as-built drawings and as approved by the Board of Public Works and Safety ; or
 - B. Partial release on an annual or on a more frequent basis in accordance with a partial release schedule agreed to prior to or during development in a signed writing by:

- i. The local unit, or the local unit’s designated official or body; and
- ii. The land developer or the land developer’s designated agent.

155.074 MAINTENANCE OF PUBLIC IMPROVEMENTS

- 1. The petitioner shall be required to maintain all public improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks until acceptance of said public improvements by the City.
- 2. The petitioner shall be required to file a maintenance bond with the Board of Public Works and Safety one week prior to acceptance in an amount not to exceed 20% of the cost of all public improvements, (except erosion control and private street lights in public rights of way) and in a form satisfactory to the City Attorney. The maintenance bond is provided to assure the satisfactory condition of the required public improvements for a period of three years after the date of acceptance by the Board of Public Works and Safety.
- 3. The petitioner shall be required to file a maintenance agreement along with the above described maintenance bond. This agreement shall be in a form acceptable to the City Attorney, and approved by the Board of Public Works and Safety. A sample form for the maintenance agreement is available in 155.079.

155.075 OWNER’S ASSOCIATION

- 1. Owners associations are required for all subdivisions. The owners association shall be established prior to the approval of the secondary plat. The petitioner shall submit one copy of each of the following documents at least one week prior to secondary plat approval:
 - A. Owners association Articles of Incorporation;
 - B. Owners association Bylaws;
 - C. Owners association Covenants, Conditions, and Restrictions.
- 2. The above listed documents shall be recorded in the Office of the County Recorder prior to secondary plat approval.
- 3. The Commission may waive the requirement for the establishment of an owners association upon finding that:
 - A. There are no areas of common ownership within the subdivision.
 - B. There are no privately-maintained facilities or where there are privately-maintained facilities, financial commitments other than an owners association have been established to provide maintenance in perpetuity.

155.076 SUBDIVISION STANDARDS MODIFICATIONS

- 1. The Commission may authorize and approve modifications from the requirements and standards of these regulations (including the waiver of standards or regulations) upon finding that:
 - A. Practical difficulties have been demonstrated;
 - B. The requested modifications would not, in any way, contravene the purpose and intent of the Comprehensive Plan, the UDO, the Official Zoning Map of the City, or the Subdivision Control Ordinance;
 - C. Granting the modifications would not be detrimental to the public safety, health, or welfare and would not adversely affect the delivery of governmental services (e.g., water, sewer, fire protection, etc.);
 - D. Granting the modifications would neither substantially alter the essential character of the neighborhood nor result in substantial injury to other nearby properties;
 - E. The conditions of the parcel that give rise to the practical difficulties are unique to the parcel and are not applicable generally to other nearby properties;

- F. The requested modifications represent the minimum modifications necessary to meet the intent of the regulations;
 - G. The practical difficulties were not created by the petitioner, developer, owner, or subdivider; and
 - H. The practical difficulties cannot be overcome through reasonable design alternatives.
2. In approving modifications, the Commission may impose such conditions as will, in its judgment, substantially secure the objectives of these regulations.
 3. With respect to each requested modification and each imposed condition, the Commission shall prepare and approve written findings of fact. Such findings shall address each of the conclusory findings set forth in Subsection (A) above and shall cite the specific facts that support each of the conclusory findings and that support each of the imposed conditions.
 4. Applications for modifications shall be submitted to the Commission, in writing, as a part of the preliminary plat application. On the application, the petitioner shall describe the requested modifications and shall submit proposed findings of fact in support of each requested modification. The petitioner shall bear the burden of establishing a sufficient factual basis for each requested modification.
 5. The Commission’s decision to grant or deny a modification or to impose a condition is discretionary.

155.077 PLAT CERTIFICATE LANGUAGE

The following forms shall be used in plats:

(A) Surveyor’s certificate.

I, (name) , hereby certify that I am a registered land surveyor, licensed in compliance with the laws of the State of Indiana.

That this plat correctly represents a survey completed by me on (date) ; that all the monuments shown thereon actually exist; and that all other requirements specified herein, done by me, have been met.

(Signature)

(SEAL)

(B) Plan Commission certificate for primary approval.

Under authority provided by the Indiana Advisory Planning Law, I.C. 36-7-4, enacted by the General Assembly of the state, and all acts amendatory thereto, and an ordinance adopted by the City Council, this plat was given primary approval by the City Plan Commission as follows:

Approved by the Greenfield City Plan Commission at a meeting held .

GREENFIELD ADVISORY PLAN COMMISSION

(SEAL)

President

(C) Board of Public Works and Safety certificate.

(The following certificate shall be used for subdivisions that require improvements or installations.)

This plat was given primary approval by the Board of Public Works and Safety of the city of Greenfield, Indiana, at a meeting held on the day of .

(Chairperson)

(Recording Secretary)

(SEAL)

(D) Plan Commission certificate for secondary approval.

Under authority provided by the Indiana Advisory Planning Law, I.C. 36-7-4, enacted by the General Assembly of the state, and all acts amendatory thereto, and an ordinance adopted by the City Council, this plat was given secondary approval by the City Plan Commission as follows:

Approved by the Greenfield City Plan Commission at a meeting held .

GREENFIELD CITY PLAN COMMISSION

(SEAL)

President

(E) Planning Director certificate.

The Greenfield City Plan Commission staff has reviewed the application for this plat for technical conformity with the standards fixed in the subdivision control code, in accordance with the provisions of the Indiana Advisory Planning Law, I.C. 36-7-4-706, and hereby certifies that this plat meets all of the minimum requirements in the code of ordinances of Greenfield, Indiana.

Greenfield City Plan Commission Staff

Planning Director of Greenfield, Indiana

Date: .

155.078 DEED OF DEDICATION LANGUAGE

Each record plat submitted to the Plan Commission for approval shall carry a deed of dedication in substantially the following form:

"We the undersigned (Names) , owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and hereby lay off, plat and subdivide, said real estate in accordance with the within plat. We do further certify that this plat is made and submitted with our free consent and desires.

This subdivision shall be known and designated as (Name) , an addition to (Name) . All streets and alleys shown and not heretofore dedicated, are hereby dedicated to the public. Front yard building setback lines are hereby established as shown on this plat, between which lines and the property lines of the street, there shall be erected or maintained no building or structure.

A perpetual easement is hereby granted to any private or public utility or municipal department, their successors and assigns, within the area shown on the plat and marked "Utility Easement," to install, lay, construct, renew, operate, maintain and remove conduits, cables, pipes, poles and wires, overhead and underground, with all necessary braces, guys, anchors and other equipment for the purpose of serving the subdivision and other property with telephone, electric and gas, sewer and water service as a part of the respective utility systems; also is granted (subject to the prior rights of the public therein or other governing codes and ordinances) the right to use the streets and lots with aerial service wires to serve adjacent lots and street lights, the right to cut down and remove or trim and keep trimmed any trees or shrubs that interfere or threaten to interfere with any of the said private or public utility equipment, and the right is hereby granted to enter upon the lots at all

times for all of the purposes aforesaid. No permanent structures, fences or trees shall be placed on said area as shown on the plat and marked "Utility Easement," but same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the aforesaid user or the rights herein granted.

(Additional dedications and protective covenants, or private restrictions would be inserted here upon the petitioner's initiative or the recommendations of the Plan Commission; important provisions are those specifying the use to be made of the property and, in the case of residential use, the minimum habitable floor area.)

The foregoing covenants, (or restrictions), are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 20 , (a 25-year period is suggested), at which time said covenants, (or restriction), shall be automatically extended for successive periods of ten years unless changed by vote of a majority of the then owners of the lots covered by these covenants, or restrictions, in whole or in part. Invalidation of any one of the foregoing covenants, or restrictions, by judgment or court order shall in no way affect any of the other covenants or restrictions, which shall remain in full force and effect.

The right to enforce these provisions by injunction, together with the right to cause the removal, by due process of law, of any structure or part thereof erected, or maintained in violation hereof, is hereby dedicated to the public, and reserved to the several owners of the several lots in this subdivision and to their heirs and assigns."

Witness our Hands and Seals this day of .

(Signature)

(Signature)

State of Indiana)

)

County of Hancock)

Before me the undersigned Notary Public, in and for the County and State, personally appeared (Name) , (Name) , (Name) , and each separately and severally acknowledge the execution of the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed.

Witness my hand and notarial seal this _____ day of _____.

(Notary Public)

155.079 SAMPLE FORMS FOR SUBDIVISION PROCEDURES

1. Sample Subdivision Improvement Agreement Form
2. Sample Subdivision Improvement Bond Form
3. Sample Subdivision Improvement Letter of Credit
4. Sample Maintenance Agreement Form
5. Sample Maintenance Bond Form
6. Sample Completion Affidavit

1. SAMPLE SUBDIVISION IMPROVEMENT AGREEMENT FORM.

This Agreement, made by and between the City of Greenfield Board of Public Works and Safety ("Board of Works") and [name of Subdivider] ("Subdivider").

Preamble

WHEREAS, Subdivider applied to the Plan Commission for primary plat approval for the [name of subdivision]; WHEREAS, on [date of approval], the Plan Commission granted Subdivider primary plat approval for the [name of subdivision] but conditioned such approval on the installation of certain public improvements throughout the subdivision; WHEREAS, the City of Greenfield Subdivision Control Ordinance states and requires that each secondary plat submitted to the Commission shall be accompanied by a subdivision improvement agreement that is secured by a financial guarantee, if the required public improvements have not been completed; WHEREAS, Subdivider applied to the Planning Director for secondary plat approval, as authorized by the Plan Commission, for the [name of subdivision]; WHEREAS, Subdivider has not completed the required public improvements, namely improvements to [streets, curbs, street trees, sidewalks, street signs, permanent monuments storm water pipe, erosion control, water mains, sanitary sewers], and desires to submit a subdivision improvement agreement, secured by [type of financial guarantee], in order to qualify for secondary plat approval.

NOW, THEREFORE, IN CONSIDERATION OF THE PROMISES AND MUTUAL COVENANTS CONTAINED IN THIS AGREEMENT:

Promises and Mutual Covenants

(1) Subdivider agrees to obtain and submit to the Board of Works a(n) [type of financial guarantee] in the amount of [amount of financial guarantee], in favor of the City of Greenfield, to secure the completion of all required public improvements at the [name of subdivision].

(2) Subdivider agrees to complete the [name of subdivision] public improvements on or before [date of dedication of public improvements], in accordance with the construction and design standards set forth or incorporated in the City of Greenfield Ordinances, and the City of Greenfield Public Improvement Design Standards and Specifications Manual, and in accordance with the development plans set forth or incorporated in the approved [name of subdivision] Plat and application materials.

(3) The parties acknowledge and agree that the Planning Director may withhold improvement location permits for any undeveloped [name of subdivision] lot unless and until Subdivider has completed the public improvements that serve the lot.

(4) The parties acknowledge and agree that time is of the essence and that any failure by Subdivider to strictly adhere to the foregoing schedule (paragraph number 2 above) would constitute a material breach and violation of this Agreement. Upon such violation, or any other violation of this Agreement, the Board of Works may submit a claim under the [type of financial guarantee] in an amount sufficient to cover the breach.

(5) The parties acknowledge and agree that by accepting the [type of financial guarantee] from Subdivider and that by entering into this Agreement, the City has not and does not waive any of its rights with respect to the enforcement of the City of Greenfield Ordinances and/or approval granted thereunder in relation to the [name of subdivision], against the Subdivider.

IN WITNESS WHEREOF, the Board of Works, by its Chairperson, and Subdivider execute this Agreement this _____ day of [month], [year].

BOARD OF PUBLIC WORKS AND SAFETY

SUBDIVIDER

Chairperson _____ [name of Subdivider]

Member

Member

Member

ATTEST: _____
Clerk-Treasurer
City of Greenfield

2. SAMPLE SUBDIVISION BOND FOR SUBDIVISION IMPROVEMENT

SUBDIVISION IMPROVEMENT BOND

Bond # _____

KNOW ALL MEN BY THESE PRESENTS, that we _____ as Principal, and, _____ as Surety are held and firmly bound unto the City of Greenfield Indiana, in the sum of \$ _____, in the aggregate, for the payment of which we firmly bind ourselves, our heirs, executors, administrators and assigns.

The terms and conditions of the obligations are such that: Whereas _____ has applied to the City of Greenfield, Indiana for approval of a subdivision plat known as _____ and docketed before The City of Greenfield, Indiana Plan Commission under Docket No. _____, and whereas all requirements, improvements and installations therefor have not been met, completed, constructed and installed as required by the City of Greenfield Ordinances, and the Greenfield Public Improvement Design Manual, applicable to said plat.

Now, therefore if said applicant: (1) shall meet and comply with all requirements, standards and specifications of said ordinances applicable to the improvements and installations of said subdivision; including required streets, curbs, street trees, sidewalks, street signs, permanent monuments storm water systems, erosion control, water mains, sanitary sewers as required by and in accordance with said ordinances, and the Greenfield Public Improvement Design Manual, and the plans and specifications therefor submitted by the applicant pursuant thereto, which ordinance and plans and specifications are incorporated herein by reference and made a part hereof; (2) shall construct, install and complete said improvements and installations within the time required by said ordinance; (3) and shall, upon completion of said improvements and installations, but prior to acceptance thereof for public maintenance by the City of Greenfield provide a three-year maintenance bond as required by and which complies with said ordinance.

Then this obligation to be null and void, in accordance with the provisions of said subdivision control ordinance, otherwise to be and remain in full force and effect.

In witness whereof we have hereunto set our hands and seal this _____ day of (month), (year) Principal) (Surety) _____ Attorney-In-Fact

3. SAMPLE SUBDIVISION IMPROVEMENT LETTER OF CREDIT

IRREVOCABLE LETTER OF CREDIT

City of Greenfield
Board of Public Works and Safety
10 South State Street
Greenfield, IN 46140

We hereby establish our Irrevocable Letter of Credit No. _____ in your favor, at the request and for the account of (name and address of applicant), for any sum or sums not exceeding _____, available upon presentation of a letter signed by the City of Greenfield, Indiana, Board of Public Works and Safety, or any employee acting under its' authority, which enumerates any and all (streets, curbs, street trees, sidewalks, street signs, permanent monuments storm water systems, erosion control, water mains, sanitary sewers) improvements not completed as required in (complete name of subdivision, including section number) _____, Docket No. (plat petition number) _____, pursuant to City of Greenfield Ordinances and the Greenfield Public Improvement Design Manual, The letter shall also indicate the estimated cost of completing the improvements.

The drafts drawn under this Letter of Credit must state "Drawn under Letter of Credit No. _____ of (applicant) _____, dated _____, 20 _____." The amounts of the drafts must be noted on the back of this Letter of Credit by the negotiating bank and/or agency.

This Letter of Credit is to remain continuously effective regardless of any terms contained within said letter of credit to the contrary, as of (month & day) , 20 , and shall be in effect until:

1. The required improvements are constructed, installed and completed in conformance with the standards of said Subdivision Control Ordinance of City of Greenfield, Indiana, and the approved plans and specifications for (complete name of subdivision, including section number) , Docket No. (plat case number) ;
2. The acceptance of said improvements and installations for public maintenance by the Board of Public Works and Safety of Greenfield, Indiana; and
3. The posting of a three-year maintenance bond as required by, and which complies with, said Ordinances. Proof of such completion and compliance must be provided to and accepted by the appropriate governmental agency before this letter of credit may be released.

The credit established by this Letter and our obligation to pay same shall not be affected by the receivership, bankruptcy or insolvency of (applicant) or the attachment of his/her property. Nor shall this credit or our obligation to pay same be affected by any security agreement between (applicant) and our bank and/or agency. This letter of credit shall run jointly and severally to the governmental units, agencies, commissions and boards listed above.

Whenever this Letter of Credit is drawn on under and in compliance with the terms of this Letter of Credit, we shall pay the amount of the draft directly to the City of Greenfield in care of the Department of Engineering and Planning or in accordance with its instruction.

Sincerely,

Signature

Printed Name and Title

4. SAMPLE MAINTENANCE AGREEMENT FORM.

State of Indiana: County of Hancock: THIS AGREEMENT made and entered into this ____day of _____, 19_, by and between (name of subdivider), and the City of Greenfield, herein represented by the Board of Public Works and Safety.

WITNESSETH:

WHEREAS, the Subdivider has subdivided (lots _____through _____, in the _____ Subdivision, and has received approval and acceptance from the Board of Public Works and Safety for subdivision improvements constructed herein; and

WHEREAS, under the provisions of the Subdivision Control Ordinance, the Subdivider is required to maintain certain improvements for a period of three (3) years;

NOW THEREFORE, it is hereby agreed by and between the Subdivider and the Board of Public Works and Safety that the Subdivider hereby agrees to keep all public improvements including filled trenches, pipes, manholes, structures, and paved and unpaved surfaces constructed in _____ Subdivision in good condition, and will make such repairs to any defect in materials or workmanship as may develop or be discovered when called upon to do so by the Board of Public Works and Safety.

It is agreed that this Agreement shall be in full force and effect for a period of three (3) years from _____, 19_.

IN WITNESS THEREOF, these presents have been signed in the presence of the undersigned competent witnesses, at on this ____day of _____, 19_.

WITNESSES: _____ (NAME OF SUBDIVIDER OR DEVELOPMENT COMPANY)

CITY OF GREENFIELD, INDIANA
BOARD OF PUBLIC WORKS AND SAFETY

Mayor

ATTEST:

Clerk-Treasurer
City of Greenfield, Indiana

5. SAMPLE MAINTENANCE BOND FORM

MAINTENANCE BOND

Bond NO. _____
KNOW ALL MEN BY THESE PRESENTS:
That we, _____, as Principal, and _____, as Surety, are held and firmly bound unto the City of Greenfield, Hancock County, Indiana, in the full and just sum of \$ _____, for the payment of which, well and truly to be made, we, and each of us, bind ourselves, our heirs, executors and assigns, themselves, and its successors and assigns, jointly and severally, firmly by these presents.

The conditions of this obligation are such, that whereas _____ Has completed the installation of (streets, curbs, street trees, sidewalks, street signs, permanent monuments storm water systems, erosion control, water mains, sanitary sewers), for the project known as _____ Sub-division, and has agreed to guarantee the installation, including all materials and workmanship for a period of three years, (and same has been inspected by the City Engineering Department who has verified the improvements as having been built in accordance with the approved plans and specifications).

NOW THEREFORE, IF SAID _____ shall guarantee the above work for three years from the date of final acceptance, then this obligation shall be null and void, otherwise to remain if full force and effect.

Signed, sealed and delivered this _____ day of _____, 20____.

By _____
Principal Printed Name

By _____
Surety Attorney-in-fact Printed Name

Address: _____

Phone: _____

Date of Final Acceptance _____, 20____.

6. SAMPLE COMPLETION AFFIDAVIT.

This is to certify:

- (a) That the following improvements as shown in the approved plans and specifications for _____ Subdivision are complete and that inspection reports attested by a Professional Engineer or Land Surveyor approved by the Greenfield Board of Public Works and Safety show them to be in substantial accordance with the specifications and requirements of the Greenfield Ordinances and the Public Improvements Design and Specifications Manual;
- (b) That surety has been posted to guarantee all materials and workmanship and to guarantee repair of any damage that may be inflicted upon the improvements listed in the course of completion of the subdivision; and
- (c) That the Board of Public Works and Safety of Greenfield, Indiana, has accepted these improvements and will henceforth be responsible for all maintenance on them subject to the terms of the maintenance agreement with the Subdivider dated _____.

(List Improvements)

Chairperson Date
City of Greenfield Board of Public Works and Safety

Member
City of Greenfield Board of Public Works and Safety

Member
City of Greenfield Board of Public Works and Safety

ATTEST: _____
Clerk-Treasurer
City of Greenfield

155.080 PLATTED LOT COMBINATION FOR PERMITTING & CONSTRUCTION PURPOSES

A combination of platted lots that is intended to eliminate the common property line for construction purposes across both lots may be approved by the Planning Director for a permit if such lot combination meets with the following requirements:

1. All lots included in the combination request must be deeded to the same owner.
2. Two or more platted lots must be contiguous to one another and share at least 50 feet of uninterrupted border.
3. No utility easements may be located along the adjoining property line between the lots to be combined. Lot combinations where easements are present on the line to be combined shall follow the full platting process through the Plan Commission.
4. No combination of lots shall be approved that results in a remainder lot or areas that do not meet the zoning ordinance nor such instances that would require an encroachment agreement where utilities are present to build a new structure.
5. Where a property falls in a subdivision with a Homeowner’s Association (HOA), a notarized agreement between the HOA and the deeded property owner shall be submitted regarding the required HOA fees on the combined deed.
6. A new deed shall be recorded and submitted with the permit application that combines the properties with the following paragraph: “Hereafter, the within described real estate, Lot ____ and Lot _____ of _____ Subdivision, as described on the Plat dated _____, recorded in Deed Record _____, Page _____, of the records of Hancock County, Indiana, shall not be conveyed as individual lots and may only be conveyed one in conjunction with the other, as Lot _____ and Lot _____ combined unless approval to do otherwise if first obtained from the Greenfield Advisory Plan Commission or its successor(s).”

155.083 DEVELOPMENT PLAN APPROVAL

1. All residential developments over 40,000 square feet in size require development plan approval.
2. All non-residential developments over 50,000 square feet in size require development plan approval.
3. Any revisions or additions to a previously approved development plans adding or affecting 10% or more of the existing square footage shall be subject to new development plan approval. Any revisions or additions less than 10% of the existing square footage may be subject to development plan approval, as determined by the Planning Director.

4. An improvement location permit may be issued for uses designated as requiring development plan approval in the subject zoning district, only after the Plan Commission has granted approval of said plan.
5. The following development requirements shall be satisfied before the Plan Commission may approve a development plan:
 - A. Compatibility of the development with surrounding land uses.
 - B. Availability and coordination of water, sanitary sewers, storm water drainage, and other utilities.
 - C. Management of traffic in a manner that creates conditions favorable to health, safety, convenience, and the harmonious development of the community.
 - D. Provisions for vehicle and pedestrian circulation on-site, with appropriate tie-ins to adjacent public circulation systems.
 - E. Compatibility of scale, materials, and style of improvements with the surrounding area. The style of the architecture of the buildings and structures proposed to be constructed shall be subject to the approval of the Plan Commission. The approval shall be based on the architectural style creating or continuing a unified design which will be in character and proper relationship to the surrounding areas.
6. The following development requirements may be modified or waived by the Plan Commission upon the approval of a development plan if the applicant can demonstrate that the proposed development plan and the community is better served by the proposed standards:
 - A. Compliance with building setback lines.
 - B. Compliance with lot coverage requirements in the district.
 - C. Parking, in accordance with Section 155.066.
 - D. Landscaping.
 - E. Compliance with height regulations in the district.
 - F. Signage, in accordance with Section 155.065.
 - G. Availability and appropriateness of open space and recreation space.
 - H. The location, effect, and arrangement of all artificial lighting shall be subject to the approval of the Commission.
 - I. An adequate number and proper arrangement of loading and unloading berths. See Section 155.066 for additional requirements.
7. Application Procedure
 - A. Documentation and supporting information shall be submitted to the Plan Commission with the application form for development plan approval, including at a minimum, a plan which shall be a minimum size of 11" by 17" and prepared by a registered professional architect, landscape architect, surveyor, or engineer, drawn to scale, and showing the following items:
 - i. Address of property and a legal or site description of the property involved including acreage.
 - ii. Location and size, and property use, of all buildings and structures, existing and proposed.
 - iii. Width and length of all entrances and exits to and from said property.
 - iv. Centerline of all adjacent roads, alleys or highways, and their names.
 - v. Parking, including layout and typical dimensions for space and aisles.
 - vi. Actual shape and dimensions of the lot to be built upon.

- vii. Front, side, and rear yard lines and their distance from the street or lot lines.
 - viii. For residential, number of dwelling units the building is designed to accommodate.
 - ix. Landscape plan, showing number, size, type and location of proposed materials.
 - x. For signs, the location of all existing signs, with height (for freestanding) and dimensions of area. Proposed signs shall be so identified, and include proposed height and area.
 - xi. The location of any fence or walls.
 - xii. Lighting plan.
 - xiii. Written justification for each modification requested, specifically addressing that the proposed development plan and the community is better served by the proposed standards in lieu or the ordinance standards.
 - xiv. Any other item required by this Code.
8. Fees, notice procedure and hearing procedure shall be as set forth in the Plan Commission’s Rules of Procedure.
9. Plan Commission Authority
- A. The Plan Commission shall have the authority to approve or disapprove all development plans. This action of the Plan Commission is a final decision, which may be reviewed by certiorari procedure.
 - B. The Plan Commission shall review the development plan request to determine if the development plan
 - i. Is consistent with the comprehensive plan;
 - ii. Satisfies the development requirements specified above.
 - C. If these criteria are satisfied, the Plan Commission may approve the development plan as submitted, or approve the plan with one or more of the following options:
 - i. The Plan Commission may impose conditions on the approval of a development plan, if necessary to satisfy the development requirements specified in Section 155.083, 2. above.
 - ii. The commission may provide that approval is conditioned on furnishing of a bond or written assurance, in accordance with Indiana State law, that guarantees completion of proposed public improvements in the development, which is satisfactory to the commission.
 - iii. The Plan Commission may require the owner to make a written commitment.
 - D. If the Plan Commission finds that the submitted plan does not meet the required criteria, the commission shall disapprove the Development Plan.

155.084 ZONE MAP AND ORDINANCE AMENDMENTS

- 1. Any amendments to this UDO or the Official Zone Map, including rezoning of property or establishment of an overlay district, requires a multi-part review and approval process as follows:
 - A. Plan Commission Review:
 - i. Plan Commission shall hold a public hearing to review all applications to determine:

- a) Consistency in all respects with the purpose, intent and applicable standards of this chapter, and the general zoning, building, subdivision and other pertinent ordinances of the City, and the City's goals, policies and Comprehensive Plan, including any corridor plans, or subarea plans.
- b) Compatibility of the site's physical, geological, hydrological, and other environmental features with the potential uses allowed in the proposed zoning district.
- c) Availability of sites elsewhere in the City that are already zoned for the proposed use.
- d) Compatibility of all the potential uses allowed in the proposed zoning district with the surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, and infrastructure.
- e) Capacity of City infrastructure and services to accommodate the uses permitted in the requested district without compromising the "health, safety, and welfare" of its citizens.
- f) Apparent demand for the types of uses permitted in the requested zoning district in the City in relation to the amount of land in the City currently zoned to accommodate the demand.
- g) The benefits, improved arrangement and the general design of the proposed development justify the deviation from other districts, as included in this UDO.

B. Council Review:

- i. After Plan Commission acts on the application, the secretary to the commission will certify to the Common Council the recommendation for the application.
- ii. The petitioner shall appear before the Common Council and the ordinance shall be considered pursuant to the Common Council's rules of procedure.

155.085 WRITTEN COMMITMENTS, ZONING OR PLAT APPROVAL

- 1. Written commitments may be requested by the Plan Commission, or interested parties that were entitled to receive notice per the rules and procedures of the commission. By permitting or requiring written commitments, the Plan Commission does not obligate itself to approve or deny may request. The acceptance or approval of written commitments does not affect the validity of any covenant, easement, equitable servitude, or other land use restrictions created in accordance with law.
- 2. Procedures
 - A. In all cases, written commitments are required to be submitted to the Administrator a minimum of 10 days prior to the date of the Plan Commission hearing. Written commitments are required to be submitted in the form supplied by the Administrator.
 - B. Written commitments shall be recorded in the office of the county recorder by the petitioner prior to submitting an application for an Improvement Location Permit and take effect upon approval of the proposal. An unrecorded commitment is binding on the owner of the parcel. An unrecorded commitment is binding on a subsequent owner of the parcel or a person acquiring an interest in the parcel only if the subsequent owner or person acquiring the interest has actual notice of the commitment.
- 3. Enforcement
 - A. Written commitments shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein.
 - B. Written commitments may be enforced jointly or severally by:
 - i. The City of Greenfield Plan Commission;

- ii. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six hundred sixty (660) feet from the perimeter of the real estate within the area included in the petition who were not petitioners for the rezoning or approval. Owners of real estate entirely located outside Hancock County are not included, however. The identity of owners shall be determined from the records in the offices of the Township Assessors of Hancock County which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made); and
 - iii. Any person, party, neighborhood association, or entity who demonstrates to the Plan Commission an interest in being a party to the written commitments.
4. Modification or termination
- A. Written commitments may be modified or terminated by a decision of the Plan Commission made at a public hearing after proper notice has been given. A request to modify or terminate commitments made during a land use hearing must be made in writing to the Administrator, to be submitted for hearing on the next available agenda, after proper notice has been given.
 - B. The Plan Commission may consider a modification of written commitments under the following circumstances:
 - i. Circumstances have substantially changed related to the proposed use of land subject to the previous written commitments, or the Comprehensive Plan recommendations for the area have changed.
 - ii. The majority ownership of the project, parcel, or area has changed.

155.086 PROCEDURE FOR ANNEXATION

1. Zoning annexed areas. Prior to the filing of a petition for annexation, the petitioner shall petition the Planning Commission for a recommendation as to said parcel's zoning designation.
2. Recommendations for annexed areas. The Plan Commission may require written commitments that stipulate design guidelines and/or land use criteria. The Plan Commission shall forward these written commitments to the Council, per Section 155.084. In no case shall written commitments be submitted to the Council without a prior recommendation from the Plan Commission.
3. Comprehensive plan as zoning guide. On future annexation, the Plan Commission shall be guided by the principles and directives of the comprehensive plan of the city, as amended, in making zone district classification recommendations to the Council.

155.093 VARIANCES

1. Variances of use from term of Zoning Code
 - A. The Board shall approve or deny variances of use from the terms of the Zoning Code. In approving variances, the Board of Zoning Appeals may attach such conditions to the variances as it deems necessary to assure compliance with the purpose of the Zoning Ordinance. If the conditions of the variance are not completely and continuously adhered to after the granting of the variance, the property and/or owner may be subject to enforcement actions and revocation of the terms of approval. A variance may be approved under this section 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;
 - iii. The need for the variance arises from some condition peculiar to the property involved;

- iv. The strict application of the term of the Zoning Code will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
 - v. The approval does not interfere substantially with the comprehensive plan adopted under the I.C. 36-7-4-500 et seq.
2. Variances from development standards of Zoning Code
- A. The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the Zoning Code, unless already heard by the Plan Commission during the platting process. In approving variances, the Board of Zoning Appeals may attach such conditions to the variances as it deems necessary to assure compliance with the purpose of the Zoning Ordinance. If the conditions of the variance are not completely and continuously adhered to after the granting of the variance, the property and/or owner may be subject to enforcement actions and revocation of the terms of approval. A variance may be approved under this section 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;
 - iii. The strict application of the terms of the Zoning Code will result in practical difficulties in the use of the property;
 - iv. There are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to the other property or class of use in the same vicinity and district.
3. Where a request for a variance from this zoning Code is sought, not only shall the written determinations be set out as required, but findings of fact which support these determinations shall be set out also. The Board shall specify by factual findings or by a statement of reason, the basis for denial of a variance requested by a petitioner.

155.094 CONDITIONAL USES

- 1. In approving Conditional Uses, the Board of Zoning Appeals may attach such conditions as it deems necessary to assure compliance with the purpose of this ordinance.
 - A. If the conditions of the Conditional Use are not completely and continuously adhered to after the granting of the Conditional Use, the Conditional Use shall become null and void upon notice to the property owner from the Board of Zoning Appeals.
 - B. A permit shall be issued within one year for the work/proposed development approved under any Conditional Use Approval or shall otherwise be determined null and void.
- 2. In reviewing a Conditional Use petition for compatibility with the surrounding area, the Board shall take into account and review:
 - A. Ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow, and control and access in case of fire and catastrophe,
 - B. Off-street parking and loading areas, with particular attention to the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district,
 - C. Refuse and service areas,
 - D. Special screening and buffering with reference to type, dimensions, and character,
 - E. Signs and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district,

- F. Additional setback distances, yards, and other open space, AND
 - G. General compatibility with adjoining properties, with reference to site development standards designed for their mutual protection and the environmental harmony of the district.
3. The following are specific requirements for conditional uses.
- A. Accessory Dwelling Unit (ADU)
 - i. Not more than one (1) detached accessory structure may be converted into or built as an accessory dwelling unit on a parcel.
 - ii. Minimum lot width, area, and setbacks shall follow that of the district and the primary structure.
 - iii. Maximum square footage: the living area of any accessory dwelling unit shall be not more than 850 square feet, or 80% of the main structure, whichever is less. The ADU will count toward the maximum square footage allowed for accessory structures.
 - iv. Maximum height: subordinate to the primary structure.
 - v. Parking: 1 additional off-street parking space, minimum.
 - vi. Design Standards: shall follow 155.103 and shall be similar in materials, color, and style to the primary structure.
 - B. Adult entertainment/sexually oriented business
 - i. Minimum distance from residential district or use, or historic district: One thousand five hundred feet (1,500) feet.
 - ii. Minimum lot area: Forty thousand (40,000) square feet.
 - iii. Minimum yards: Front – forty (40); side - fifty (50) feet; rear - fifty (50) feet.
 - iv. Maximum building height: Twenty (20) feet.
 - v. Screen plantings: Six (6)-foot height by four (4)-foot width effective at all times of the year.
 - vi. Fence: Alternatively or in addition to screen planting, a fence six (6)-feet high and slatted for opacity may be required at the discretion of the Board of Zoning Appeals and the responsibility of the applicant.
 - vii. Parking: One (1) space per person of capacity of the proposed establishment/business, plus ten (10) additional spaces.
 - viii. Exterior display: Observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decorations, sign, show window or other opening from any public view are prohibited.
 - C. Airport
 - i. Minimum lot area. 80 acres for airport.
 - ii. Minimum distance from residential district or use. 100 feet.
 - iii. Fence. Minimum six foot wire mesh where accessible to public.
 - iv. Screening. Minimum six feet tall opaque screen where abutting residential zoning district, effective at all times of the year.
 - v. Parking. One per employee plus one per three seats in waiting room.
 - vi. Plan shall be submitted with application.

- vii. Signs and lighting. Signs and outdoor artificial lighting shall be approved by the Board.
 - viii. Height. Shall be as determined by the Board.
 - ix. Prior F.A.A. and State of Indiana approval.
- D. Assembly halls and grounds.
- i. Minimum lot area one acre.
 - ii. Minimum setbacks: Front per Section 155.034. Side and rear as determined by the Board.
 - iii. Minimum front yards (standard); side (each) - 20; rear - 15.
 - iv. Parking. As determined by the Board. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated peak parking load requirements.
 - v. Signs and lighting. Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
 - vi. Security. Security (whenever necessary) shall be adequate (as determined by the Board) and furnished by applicant.
 - vii. Height. Maximum height of structure shall be 35 feet.
- E. Auction area or sales yard (excluding livestock).
- i. Minimum lot area. Two acres.
 - ii. Minimum setbacks: Front per Section 155.034. Side and rear as determined by the Board.
 - iii. Parking space. One per two employees, plus one per each 400 square feet of display, sales and auction area.
 - iv. Noise. Noise shall be confined to the premises.
 - v. Entrance. Not more than one entrance from street.
 - vi. Outside storage. No outside storage is permitted.
 - vii. Signs and lighting. Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board
 - viii. Height. Maximum height of structure shall be 35 feet.
- F. Bed and Breakfast
- i. The residence shall be occupied as a residence by at least one of the bed and breakfast staff, but not necessarily the property owner.
 - ii. The bed and breakfast use shall be confined to the principal residential structure and other existing structures which can be successfully converted to bed and breakfast units.
 - iii. No structural additions or enlargements shall be made to accommodate the bed and breakfast use, and no exterior alterations to the structure shall be made which will change the residential appearance of the structure.
 - iv. The minimum total for area of the principal residential structure shall be 1, 500 square feet. Each bed and breakfast unit in excess of one (1) shall require an additional 500 square feet of total floor area.

- v. Two off-street parking spaces shall be provided for the residential occupants. One (1) additional off-street parking space shall be provided for each bed and breakfast unit established; screening and buffering may be required.
- vi. Dining and other facilities shall not be open to the public but shall be exclusively for the use of the residents and registered bed and breakfast guest, unless the Board of Zoning Appeals finds that opening the facilities to the public will not have a negative impact on the surrounding area. The Board may set additional regulations necessary to ensure that public use of the facilities will be in harmony with the surrounding area.
- vii. There shall be no more than the equivalent of one non-resident full-time employee hired solely for the purpose of working for the bed and breakfast use. However, if the dining and/or other facilities are open to the public, the Board may allow additional employees.
- viii. The applicant is responsible for obtaining all inspections, permits, licenses, etc. as may be required by law.
- ix. The applicant is responsible for determining the effect, if any, of the bed and breakfast use upon any subdivision restrictions, deed covenants, etc. that may encumber his/her property.
- x. The Board shall determine that the bed and breakfast use will be compatible with the neighborhood, and will not interfere with the reasonable enjoyment of adjoining properties.

G. Cemetery

- i. Minimum lot area: 40 acres.
- ii. Minimum setbacks: Front per Section 155.034. Side and rear as determined by the Board.
- iii. Landscape plan. Plan of landscape development to be submitted with application. (May be combined with development plan.)
- iv. Screen planting. Same as airport

H. Church.

- i. Minimum setbacks. Front 40 ft.; Side and rear: 20 ft.
- ii. Signs and lighting. Signs and outdoor artificial lighting shall be approved by the Board except in circumstances meeting the requirements of (iii) below.
- iii. After the primary project is approved through the Board of Zoning Appeals, continuing jurisdiction over the conditional use may allow the following future expansions or additions to the project to be approved administratively by the Planning Director or designated staff:
 - 1. Temporary or permanent signs that are less than 32 square feet in size, do not contain EVMS features or illumination, or will only be seen internally in the site such as directional signage.
 - 2. Structures that are smaller or accessory in nature such as gazebos, greenhouses, restrooms (portable or permanent), storage, or the like that are under 1000 square feet in area;
 - 3. Expansions to existing parking areas, provided that landscaping and drainage requirements are met for the expansion or any affected portions of the lot;

4. Projects that do not include any structures or features (other than landscaping or passive open space) that will be closer than 30 feet from any property line.

I. Country club or golf course.

- i. Parking spaces: As determined by Board.
- ii. Signs and lighting. Signs and outdoor artificial lighting shall be approved by the Board.
- iii. Service station, automobile car wash, convenience store and roadside restaurant.
- iv. Minimum lot area - 3/4 acre.
- v. Minimum setbacks. As specified in the respective district or as otherwise specified in this chapter.
- vi. Landscape plan in which service station is proposed to be located. Plan of landscape development to be submitted with application (may be combined with development plan).
- vii. Fence. Minimum six foot fence abutting residential use.
- viii. Screening. Same as airport.
- ix. Parking spaces. As determined by the Board. The determination shall be based on the expected number of parking spaces the particular type of use would require to satisfy estimated peak parking load requirements.
- x. Signs and lighting. Signs and outdoor artificial lighting shall be approved by the Board.
- xi. Storage. No storage, or dismantling of motor vehicles on the lot.

J. Daycare.

- i. Drop-off Spaces. A minimum of four off-street parking or stacking spaces shall be provided in districts where Daycare is a conditional use. Daycare centers shall create no unsafe conditions in pick-up or drop-off arrangements.
- ii. Operations. Hours of operation may be restricted by the Board of Zoning Appeals.
- iii. Licensing and Requirements. Petitioner must show that all requirements of the state such as those for required space per child will be met.

K. Heliport.

- i. Spacing. Use permitted not closer than 200 feet to a residential use.
- ii. Parking spaces. As determined by the Board.
- iii. Signs and lighting. Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
- iv. Height. As required by appropriate state or federal agency.
- v. Prior F. A. A. and State of Indiana approval.

L. Junk yard.

- i. Minimum setbacks. Front: 50 ft.; Side and rear: 50 ft.
- ii. Spacing. Use permitted not closer than 200 feet to a residential use.
- iii. Fence. Opaque wall or fence, minimum eight feet high. Or as high as materials stored behind it, up to sixteen (16) feet maximum.

- iv. Parking spaces. One per each employee on largest shift.
 - v. Signs and lighting. Signs and outdoor artificial lighting shall be approved by the Board.
- M. Mobile home park. See 155.053 for requirements
- N. Outdoor recreation.
- i. Minimum setbacks. Per district.
 - ii. Landscape plan. Landscape plan to be submitted with application.
 - iii. Fence. Subject to Board of Zoning Appeals approval.
 - iv. Screening. Six foot height by six foot width where abutting residential use; tight screen, effective at all times.
 - v. Parking spaces. One per three employees plus one per 500 square feet of use area.
 - vi. Signs and lighting. Signs and outdoor artificial lighting shall be approved by the Board.
 - vii. Height. Maximum height of structure 60 feet.
 - viii. Administrative Approval. After the Board of Zoning Appeals hears the petition for the overall park concept as a conditional use, some additions or revisions to the park design may be approved administratively by the Planning Director or designated staff. To be approved administratively the proposed project must meet the following, otherwise the project shall obtain approval from the Board of Zoning Appeals:
 - 1. When signage is included, include only internal site signage and not primary or entrance signage;
 - 2. When structures are included, include only structures that are smaller or accessory in nature such as gazebos, lookout towers, restrooms (portable or permanent), shelter houses, or the like that are under 1000 square feet in area;
 - 3. Not include any changes to ingress/egress to the overall park design or the creation of new parking areas. Expansions of previously approved parking areas may be done by administrative approval;
 - 4. And not include any structures or features other than landscaping or passive open space that will be closer than 20 feet from any property line.
 - 5. Recreation and park projects that consist solely of trails, paths, or sidewalks shall be considered infrastructure and shall not require approval from the Board of Zoning Appeals.
- O. Penal or correctional institutions.
- i. Minimum lot area - 40 acres.
 - ii. Minimum setbacks. Front not less than 60 ft.; Side and rear as determined by the Board but shall not be less than 40 ft. when abutting a residential district or use.
 - iii. Fence. Eight-foot wire mesh fence with landscape buffer planted in front of fence, per Board of Zoning Appeals requirements.
 - iv. Parking spaces. As determined by the Board. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated peak parking load requirements.
 - v. Height. Maximum height of structure - 65 feet.

P. Public or Private Schools.

- i. Minimum setbacks. Front 40 ft.; Side and rear: 20 ft.
- ii. Signs and lighting. Signs and outdoor artificial lighting shall be approved by the Board except in circumstances meeting the requirements of (iii) below.
- iii. After the primary project is approved through the Board of Zoning Appeals, continuing jurisdiction over the conditional use may allow the following future expansions or additions to the project to be approved administratively by the Planning Director or designated staff:
 1. Temporary or permanent signs that are less than 32 square feet in size, do not contain EVMS features or illumination, or will only be seen internally in the site such as directional signage.
 2. Structures that are smaller or accessory in nature such as gazebos, greenhouses, restrooms (portable or permanent), storage, or the like that are under 1000 square feet in area;
 3. Expansions to existing parking areas, provided that landscaping and drainage requirements are met for the expansion or any affected portions of the lot;
 4. Projects that do not include any structures or features (other than landscaping or passive open space) that will be closer than 30 feet from any property line.

Q. Public camp or Recreational Vehicle Park.

- i. Minimum lot area. Five acres.
- ii. Minimum setbacks. Front 40 ft; side (each) - 30 feet; rear 30 feet.
- iii. Signs and lighting. Signs and outdoor artificial lighting shall be approved by the Board.
- iv. Height. Maximum height of structure - 30 feet
- v. Other requirements. See 155.053 for requirements.

155.095 APPEALS

1. The Board shall hear and determine appeals from and review:
 - A. Any order, requirement, decision, or determination made by an administrative official, or staff member under the zoning code;
 - 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 the Zoning Code;
 - 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 UDO requiring the procurement of an improvement location permit or certificate of occupancy.
2. An appeal filed with the Board shall specify the grounds of the appeal and shall be filed within such time and on such form as may be prescribed by the Board by rule.
3. The Planning Director, administrative board, or other body from whom the appeal is taken shall, on the request of the Board of Zoning Appeals, transmit to it all documents, plans, and papers constituting the record of the action from which an appeal was taken.
4. Certified copies of the documents, plans, and papers constituting the record may be transmitted for purposes of division (2).
5. Upon appeal the Board may reverse, affirm or modify the order, requirement, decision, or determination appealed

from. For this purpose, the Board has all the powers of the official, officer, board, or body from which the appeal is taken.

6. Within five days after making any decision under the I.C. 37-7-4-900 et. seq., the Board of Zoning Appeals shall file in the office of the Board a copy of its decision.

155.096 RESERVED

155.097 RESERVED

155.098 APPLICATION FOR AN IMPROVEMENT LOCATION PERMIT

1. Improvement location permits filed for record. A record of all improvement location permits and certificates of occupancy shall be kept on file in the office of the Planning Director and copies shall be furnished, upon written request.
2. State plan approval. No Improvement Location Permit shall be issued for a commercial or industrial structure or for any other applicable use until the plans for such structure shall have been approved by the Indiana Department of Homeland Security or its successor.
3. Change of use. No change shall be made in the use of land or in the use of any building or part thereof, now or hereafter erected, reconstructed, or structurally altered, without an improvement location permit or change of use certificate having been issued. No such permit shall be issued to make a use change unless it is in conformity with the provisions of this Code.
4. Any person who shall make application for an improvement location permit shall, at the time of making such application, furnish a site plan or development plan of the site. Said site plan shall be a minimum size of 8 ½" x 14" for residential projects and 18" by 24" for commercial and industrial projects, and prepared by a registered professional architect, landscape architect, surveyor, or engineer. All site and development plans must be legible and drawn to a scale showing the following items:
 - A. Address of property and a legal or site description of the property involved including acreage and square footage.
 - B. A compass rose (north arrow), scale, and legend.
 - C. Location and size, and property use, of all buildings and structures, existing and proposed, including distances to lot lines.
 - D. Width and length of all entrances and exits to and from said property.
 - E. Centerline of all adjacent, alleys or highways, and their names, and location of public sidewalk.
 - F. Parking, including layout and typical dimensions for space and aisles.
 - G. Actual shape and dimensions of the lot, with bearings, to be built upon, including flood zone designation.
 - H. Front, side, and rear yard lines and their distance from the street or lot lines.
 - I. For residential, number of dwelling units the building is designed to accommodate.
 - J. Landscape plan, showing number size, type and location of proposed materials.
 - K. The location of any fence or walls.
 - L. Drainage patterns and swales, and easements with dimensions.
 - M. Proposed elevations for main floor and building corner grades (to the nearest hundredth), and lot corner grades and side yard grade (to the nearest tenth).

- N. Any other items required by this Code.
- 5. Certificate of occupancy. No land shall be occupied or used and no building hereafter erected, reconstructed, or structurally altered shall be occupied or used, in whole or in part, for any purpose whatsoever, until a certificate of occupancy has been issued stating the building and use comply with all of the provisions of this Code applicable to the building or premises of the use in the district in which it is to be located.
 - A. Completion of improvements. Upon notification of completion of the improvement covered by the improvement location permit, the Building Official shall cause an inspection of the premises. If this inspection reveals conformity with the development plan, the requirements of Chapter 150, and all other applicable requirements of this Code, then a certificate of occupancy may be issued.
 - B. Temporary certificate. A temporary certificate of occupancy may be issued by the Building Official after application has been made for completed portions of a plan which has been conditionally approved, provided that a certificate of occupancy is required upon completion of the total plan.
- 6. Compliance with erosion control. The Stormwater Coordinator shall require that, for those sites meeting the standards established by the state, the applicant shall follow erosion control requirements from Chapter 54 of the Greenfield Code of Ordinances.
- 7. Temporary improvement location permit. A temporary improvement location permit may be issued by the Building Official after application has been made for a temporary use authorized by this Code (see Section **155.051**)
- 8. Issuance of permits. Any permits authorized by the City, including but not limited to improvement location permits, permitting the erection, alteration or relocation of structures and other improvements within the City, shall be issued only if, in addition to satisfying the requirements of this Code the proposed street right-of-way as set forth in the thoroughfare plan will be protected from encroachment. In this instance, the proposed street right-of-way lines will be considered as the front lines of lots and tracts bordering each street, subject to building setback lines as set forth in the respective zoning district where the project is located.
- 9. Erroneously issued permits. The issuance of an improvement location permit and/or a certificate of occupancy in no way validates such a permit or certificate in the event that same is erroneously issued or does not comply with applicable law and this Code of ordinances.

155.099 EXPIRATION OF PERMITS AND INCOMPLETE WORK

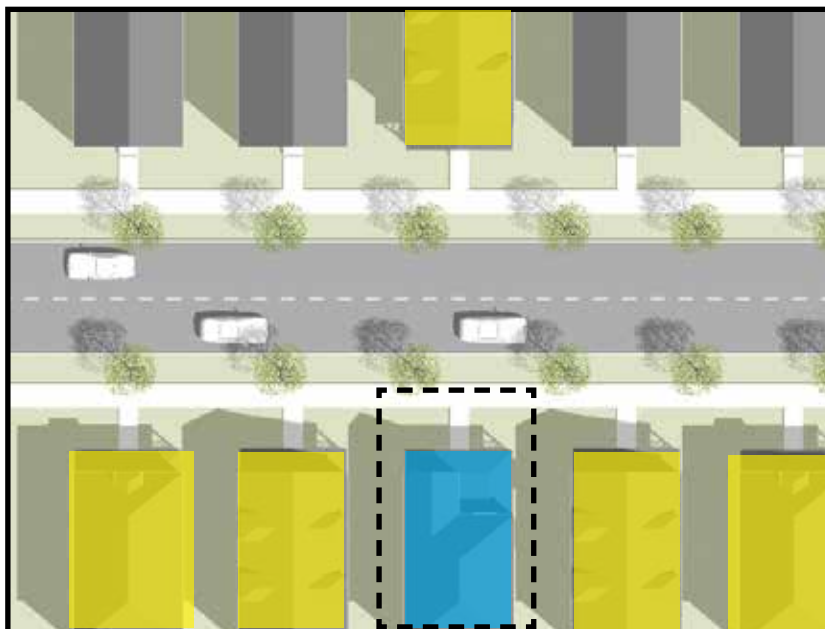
- 1. Time limit. Work shall be commenced within six months of the date of issuance of such improvement location permit; otherwise, the same shall lapse and become null and void.
 - A. All work so authorized shall be completed within 12 months from the issuance of the permit, except if the Building Official grants an extension of time.
 - B. Permits may be eligible for one (1) six month extension upon written request through the Planning and Engineering Department and approved by the Building Official. Requests should generally include the scope of work remaining on the project and an expected timeframe for completion.
 - C. Any additional requests for extension of time on a permit must be requested through the Board of Public Works with a description of the need for additional time passed the extension granted by the Building Official and a timeline for the completion of the remainder of the permitted scope of work.
- 2. Incomplete Work. Properties, buildings, or structures shall not be left incomplete nor in a state of disrepair at the time of completion or expiration of a permit.
 - A. For the purpose of this section, a state of disrepair shall include anything left incomplete on the project or affected premise that:
 - i. Causes a building material to be used in a way other than that which is specified as appropriate by manufacturer's specifications.
 - ii. Results in the cladding or veneer of a building being missing in part or entirety.

- iii. Results in the structure or portion thereof being left open to the elements.
 - iv. Results in a fire hazard to the site or to surrounding properties.
 - v. Causes an unsafe site situation such as, but not limited to, excavated areas without proper fencing or warning tape, portions of the structure or materials secured improperly that may cause a hazard, or that causes an unsafe living condition or occupancy condition.
- B. If upon expiration of the permit the property, building, or structure remains in an incomplete state or one of disrepair, the property owner or their designee may request an extension in accordance with this section. Only one such extension of not more than a six month period shall be granted. Failure to bring the violation into compliance within that period shall be considered a violation of this zoning code and shall be enforced in accordance with Section **155.999**.
3. Boarded Windows. Buildings or structures that have secured windows or openings with plywood as part of a permitted project or that have been secured through the unsafe building process shall do so on a temporary basis only. All plywood and boarding materials shall be removed within six months and replaced with secure doors/ glazed windows.
- A. Notification shall be sent to the property in conformity with zoning violation notification procedures to inform the property owner that the structure must be brought into compliance within a six-month period.
 - B. At the end of the six month period, the zoning enforcement officer shall send additional warnings, citations, and/or fines in accordance with Section **155.999**.

155.100 RESERVED

155.101 DESIGN STANDARDS FOR ONE- AND TWO-UNIT STRUCTURES

1. The following standards apply to all new one and two unit structures unless a modification is granted by the Plan Commission under 155.105.
2. General Standards
 - A. Architectural elements which create visual interest such as: dormers, full-width front porches, high-slope roof lines, shutters, bay windows, and brick detailing are encouraged and should be oriented toward the public right-of-way.
 - B. Like model elevations, brick or stone, and siding colors shall be separated by a minimum of two (2) lots



2.B. Structures highlighted in yellow must use different elevations, brick, and siding colors than the subject home, highlighted in blue.

when on the same side of the street, and may not be repeated on an adjacent lot directly across the street. Changes in siding color and/or brick or stone alone do not constitute a new elevation nor meet the separation clause of this subsection.

- C. Primary buildings should typically utilize traditional-looking building materials including: brick, stone, wood or composite lap siding, E.I.F.S, or heavy-gauge vinyl siding. The minimum thickness of vinyl siding shall be 0.044 inches.
- D. Monolithic exterior building walls are prohibited. A minimum of one (1) window (at the required size in subsection 4) per façade, per above-grade story, is required on all sides of the structure. The following may be substituted for window requirements on the side and rear facades:
 - i. A material change (example, facades that include a brick wainscot and siding).
 - ii. An ingress/egress door.

3. Roofs and Overhangs

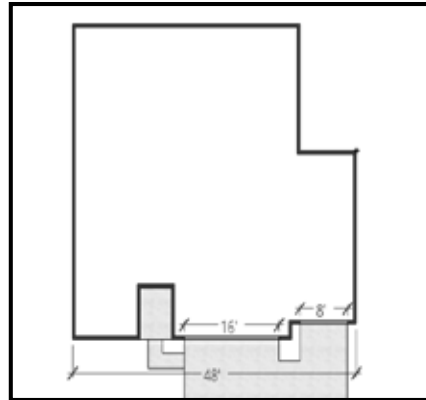
- A. All residences shall have a minimum primary roof slope as follows: Front to back: Minimum 6/12. A reduction in the pitch to 5/12 is permitted when the roofline includes at least one reverse gable end on the front façade.
- B. All residences shall have, at a minimum, overhangs of at least nine (9) inches, or soffits, over all exterior walls. Overhangs may be reduced to 8" where overhangs meet brick or masonry.

4. Windows

- A. A minimum window size of nine (9) square feet is required for the first window required per façade per story. Additional windows may be smaller in size, with exception to required emergency egress windows.
- B. Windows shall have a minimum nominal one by four inch wood or vinyl surround, except in circumstances where:
 - i. Brick surrounds the window;
 - ii. Side and rear facades where a brick or stone wainscot of at least 20" is installed.
- C. All windows on elevations facing a public street or trail shall be of an upgraded or decorative nature meeting the requirements below:
 - i. Windows include acceptable treatments such as shutters proportionally sized to the window, decorative cornices of at least 6" in height (may be in lieu of required 1 x 4 trim) or decorative course-work; AND/OR
 - ii. Windows are divided light (mullions or inserts), picture, bay, or include transoms.
 - iii. Permanent window treatments are not required for large picture windows, bay windows, casement windows, and non-opening windows.
 - iv. Permanent window treatments shall not be required, if the side or rear of the dwelling possesses one of the following features:
 - 1. Change in the first floor wall structure, with a minimum depth of four (4) feet, and a minimum width of ten (10) feet (screened-in porch, sunroom, nook, bump-out, etc); or
 - 2. Installation of brick or stone wainscot of at least 20" in height.

5. Attached Garages

- A. If the total width of all garage door openings is 50 percent or less of the total width of the façade, the garage(s) may be front-loading. Front-loading garages shall not protrude more than 16 feet from the first floor of the front facade.



5.A. The garage door openings total 24' in width for this home. The total facade width must be at least 48' wide.

- B. Front-loaded third car garage entrances must be recessed or projected a minimum of two (2) feet from the two (2) car garage entrance. Any three (3) car driveways must taper in accordance with the Zoning Code at the property line, see **section 155.067**.
 - C. Garage side bump-outs that are greater than four feet in width shall include a window on the front facade.
 - D. The first floor of garage facades on two-story homes shall be treated with a shed/gabled roof (decorative or functional), pergola awning or overhang feature of 18"-24" in depth except in the following circumstances:
 - i. Façade designs that feature a change of material between the first and second floor, with the first floor being brick or stone.
 - ii. Façade designs featuring a change in color or direction (e.g. lap siding to batten board) with a trim board or feature in between.
 - iii. Façade designs featuring an overhang or dimensional change in stories above the garage.
 - E. When the width of the lot is less than 45 feet, garages shall be rear-loading or detached and behind the structure. All other lots may use front-, side-, rear-loading, or detached garages.
6. Additional design features shall be required based on the mix of materials as follows:
- A. Residential structures featuring at least 50% brick or stone front facades but less than 100% shall also include the following:
 - i. One (1) feature from Category 1 in the table below
 - ii. One (1) feature from Category 2 in the table below
 - iii. Two (2) features from Category 3 in the table below
 - B.
 - i. If at least 50% brick is featured on all façade sides, only two (2) additional design features are required and may be selected from any category in the table below.
 - C. Residential structures featuring at least 15% brick or stone on the front façade but less than 50% shall also include the following:
 - i. One (1) features from Category 1 in the table below
 - ii. Two (2) features from Category 2 in the table below
 - iii. Two (2) features from Category 3 in the table below
 - D. Residential structures using less than 15% or no brick or stone shall also include the following:
 - i. Two (2) features from Category 1 in the table below

- ii. Two (2) features from Category 2 in the table below
 - iii. Three (3) features from Category 3 in the table below
- E. Residential Structures located in the RL District shall add one additional Category 2 and 3 Feature in addition to the requirements above.
- F. Residential Structures providing additional Category 1 or 2 features over the required number may substitute these additional features for a lower category requirement.

Category 1 Features	Category 2 Features	Category 3 Features
<i>Additional features above those required from higher categories (1 or 2) may be substituted for those required in Category 3 at a rate of one to one</i>		
Three façade materials, textures, or colors used in combination on the front façade (e.g. brick, horizontal siding, and shake would meet this feature)	Decorative treatments above at least one window on the front façade, such as a shed roof or decorative awning matching the style of home, transoms, or a decorative articulated cornice of at least 6" in height in lieu of the nominal 4" trim in subsection 4B above	Landscaping package including 2 trees <u>OR</u> 1 tree and four shrubs <u>OR</u> 8 shrubs with sizes in accordance with 155.063 Options with trees must provide at least one tree must be in the front yard unless street trees are installed with the subdivision.
Garage bay(s) that are side, rear loading, or detached in alley-loaded designs	At least two double-width windows on the front facade	Corbels, where architecturally appropriate
Separate garage doors for each bay	At least one transom window, door window, or full-length sidelight feature on front door	Decorative gable, fretwork, or other architectural treatments that account for at least 10% of the peak or area of the façade being accented
A wall projection or recession on the front façade plane of at least 2' in width/depth (porches do not meet this feature selection)	A bay, projecting, or large picture window on the front facade	Decorative permanent garage door features (example: windows)
Two roof planes visible on the front of the structure Shed or roof features on garages or porches do not count toward this feature	One dormer window	Stone or masonry inset address block or upgraded address number display
Veranda/Balcony	Gable/Reverse gable	Shutters proportionally sized to front windows
Two or more dormer windows	Front facades that contain more than 2 windows for a single story or more than 4 on a two story home	Coach light on each side of garage bays
Front entry with a double door design, or a single door design with sidelights on both sides	Decorative or articulated brick work, such as window wrap soldier course	Architectural corner elements including quoins, pilasters, or decorative corner trim
Recessed panel, carriage house style, or stylized garage doors Standard garage doors that add windows are not considered as meeting this provision but would meet a category 3 feature	Brick or decorative stone (full material or veneer) on foundation (alternative materials that provide the same visual appearance may be used with approval from the Planning Director)	Architecturally significant porch supports or posts of at least 8" measured at the base or widest point of the support

Front porch of at least 30 square feet	Two façade materials, textures, or colors (e.g. brick and siding, or horizontal siding and batten)	Architecturally treated entryway (including pediments, pilasters, columns, and similar)
	Covered front stoop or steps (features counted as a porch under category 1 cannot count as this feature)	Porch Railings

155.102 DESIGN STANDARDS FOR RESIDENTIAL ACCESSORY STRUCTURES

1. The following standards apply to all residential accessory structures unless a modification is granted by the Plan Commission under 155.105.
2. Accessory structures under 200 square feet are exempt from additional design standards.
3. Accessory structures over 200 square feet and less than 720 square feet shall meet the following:
 - A. Materials used shall be similar in type and color as the primary structure. When the primary structure has multiple materials used (a combination of brick and siding, as an example), the accessory structure may include either material but does not necessarily have to include both. A material that provides a similar look to the main structure, (example, a wood sided accessory structure where a home is vinyl siding) shall be considered as meeting this requirement.
4. Accessory structures that are 720 square feet or more shall meet the following requirements:
 - A. Materials used shall be the same in type and similar in color and percentage to the primary structure. When the primary structure has multiple materials used (a combination of brick and siding, as an example), the accessory structure shall include each material. The percentages of materials may be different, but in general no one material should be representative of less than 15% of the total materials used. As an example, a home that is exclusively brick or 50% brick and siding may construct an accessory structure of this size with a brick wainscot that is less than 50% of the façade but not less than 15%. A material that provides a similar look to the main structure, (example, a wood sided accessory structure where a home is vinyl siding) shall be considered as meeting this requirement.
 - B. Roof styles and features shall match that of the main structure to the greatest extent possible. This includes, but may not be limited to, roof pitch, shingle or roofing material color, soffits, architectural features such as dormers, and the like.
 - C. Windows shall be included on at least two sides of the accessory structure.



1) This home uses a mix of siding and stone features. An accessory structure under 200 square feet would not be required to look similar to the home.



2) A larger structure that is between 200-720 square feet would be required to be similar to the main structure. A similar color of siding would meet this requirement.



3) Structures over 720 square feet, or those that will be used as an accessory dwelling unit would be required to utilize both materials used in the main home (siding, stone) in similar colors.

155.103 DESIGN STANDARDS FOR MULTI-UNIT DWELLINGS

1. The following standards apply to all residential multi-unit structures unless a modification is granted by the Plan Commission under 155.105.
2. Buildings shall be clad in brick, stone, fiber cement plank siding, stucco, E.I.F.S., or vinyl siding with a minimum .044 gauge thickness.
3. Buildings over 60' in length shall provide at least two modulations in any façade plane facing a public street such as: projections, recesses, or step backs that articulate the wall plane.
 - A. Porches or balconies of at least 6' in depth may count toward this requirement.
4. Architectural detailing will be included on all sides of multi-family structures to avoid blank walls. Acceptable options for meeting this requirement include:
 - A. Horizontal/vertical off-sets and modulations that articulate the wall plane.
 - B. Balconies, sunrooms, or porches extending at least 6' in depth from the main wall.
 - C. Change in façade materials (brick, siding, fiber cement, etc.) provided that the lesser-used material accounts for at least 10% of the total façade materials used.
 - D. Gable features utilizing a different material or texture than the remaining wall and/or including decorative architectural trim or treatments. *Example: Shake or batten board siding in the gable would count for this requirement.*
 - E. Transom windows, bay or projecting windows, or larger picture windows.
5. Windows shall be required in combination with any of the above options for all facades that face a street, trail, or public way.
6. Buildings located adjacent to each other shall have at least one variation in color of primary materials used.
 - A. A variation in brick or siding colors meets this requirement, without a need to vary the color of both.
 - B. A variation in secondary materials, such as trim or accent colors amounting to less than 30% of the façade materials, will not be considered as meeting this requirement.
 - C. Where all phases of the total multi-family development occur on less than 5 acres, adjacent buildings are exempt from this provision.
7. Overall Site and Building Layout.
 - A. The building or buildings shall be so designed or located so that the distance from any window of any room proposed to be used for human habitation shall be no less than 30 feet from the wall of any other structure on the property.
 - B. Developments utilizing multiple buildings shall provide at least 20 feet between structures throughout the development. No more than two buildings shall be in a straight, unbroken line.
8. Garages, Parking, and Access Features.
 - A. Garage doors may not exceed 60% of the width of any building fronting along a public street or way.

- B. Detached garages and carports for multi-family structures shall be designed in such a way that utilizes similar materials and features of the main structure(s).
- C. External stairwells must be cohesive to the overall building design and provide residents protection from inclement weather.
- D. All entryways shall be enhanced with awnings, overhangs, recesses/projections, raised corniced parapets over the door, roofs, or arches

155.104 DESIGN STANDARDS FOR COMMERCIAL/INDUSTRIAL STRUCTURES

1. The following standards apply to any new commercial structures unless a modification is granted by the Plan Commission under 155.105.
2. All façades abutting a residential use shall provide additional buffering.
3. Architectural Features. Architectural features shall be required in all districts in accordance with the table below.

Features	DISTRICTS		
	CN/NR	CS/NC	IM/BP
<p>A. Modulations in the façade walls facing a public or private street are required. A wall recess or projection shall be at least 12 inches in depth and extend for no less than 20% of the length of the façade. This feature shall be required in the following amounts:</p> <ul style="list-style-type: none"> • Facades 150' in length or more: modulations must occur not less than every 70' • Facades less than 150' in length: modulations must occur not less than every 40' 	Required	Required	Optional

<p>B. All facades facing a public or private street shall contain at least three of the following:</p> <ul style="list-style-type: none"> • A prominent customer/employee entry with raised corniced parapets on the door, a roof pitch of 5/12 or greater, arches, or architectural detailing such as tile work/moldings • Prominent three-dimensional entryway feature such as a canopy, turret or similar that projects from the main wall at least eight feet or is raised above adjoining parapet wall at least two feet • Enhanced entry doors featuring upgraded metals such as bronze, or traditional or contemporary treatments with stylized glass, transoms, and sidelights • Integral planters or wing walls that incorporate landscaped areas or seating of at least twenty square feet • Enhanced exterior lighting such as sconces, building-mounted accent lights, or decorative pedestal lights • Pilasters projecting from the plane of the wall by a minimum of 8 inches and/or columns that create visual breaks and interest in the façade walls • Public art 	Required	Required	Only two features required
<p>C. Developments in pedestrian-focused districts shall provide a primary elevation with entrances oriented toward at least one public street, with developments fronting on roundabouts providing an entrance oriented toward the center of the roundabout</p>	Optional	Required	Optional
<p>D. Sidewalks shall connect any customer or primary entrances to the perimeter public sidewalk system</p>	Required	Required	Optional
<p>E. All facades facing a public or private street shall have display windows and doors, or faux features giving a similar appearance, at the required percentage of the facades horizontal length</p>	45% of façade length	30% of façade length	10% of façade length
<p>F. All building facades shall have at least three of the following features, of which one must repeat horizontally, and all elements shall repeat at the intervals specified, horizontally or vertically:</p> <ul style="list-style-type: none"> • Color change • Texture change • Material module change • Architectural change in the form of bays created through a change in plane no less than 24 inches wide such as an offset, reveal, or projecting rib. • Height accentuation in a clear delineation between each story of the structure using a consistent cornice line 	Required at intervals of not more than 100 feet	Required at intervals of not more than 50 feet	Required at intervals of not more than 150 feet
<p>G. Outdoor seating, plazas, and open space that provide accessory benefits for pedestrians in commercial areas are encouraged</p>	Optional	Optional	Optional
<p>H. All façade wall exterior materials shall be high quality and limited to any combination of the following: brick or face tile, wood, native stone, architectural precast concrete, metal, EIFS, and fiber cement board. Reflective glass shall be limited to 50% or less of the area of any façade. Exterior colors shall be low reflectance and subtle</p>	Required	Required	Required

<p>I. Prohibited features. Smooth concrete block/panels and prefabricated metal panels are prohibited as façade materials facing public streets or spaces (e.g. trails) or residential districts, except when used with a minimum of two other qualifying materials and meeting standard window and door opening requirements. Concrete panels that do not exceed three square feet without a patterned reveal or modulation break may be considered textured. Intense metallic and fluorescent colors are prohibited</p>	Prohibited	Prohibited	Prohibited
<p>J. Where materials transition or terminate, provide detailing to express the natural appearance of the material (e.g. wrap stone or stone-like materials around visible corners to convey product mass versus a thin veneer appearance)</p>	Required	Required	Required
<p>K. All roofs or parapets shall vary three-dimensionally to add visual interest to the building and shall include architectural detailing, cornices, moldings, trims, variations in brick coursing, or other similar detailing</p>	Required	Required	Optional
<p>L. All rooftop mechanical equipment shall be screened (HVAC units, vents, etc.) from view from all public streets or residential districts by parapets, dormers, or other screens. This shall not count toward the total height of the building.</p>	Required	Required	Required only where abutting a residential district
<p>M. Sloped roofs shall have overhanging eaves that extend a minimum of 8 inches passed the supporting walls. This provision is only required in designs utilizing sloped roofs. Sloped roofs may be architectural standing seam metal, tile, slate, or dimensional shingles for commercial development.</p>	Required	Required	Required
<p>N. Light poles shall not exceed the specified height to the light source and shall be of a consistent type/style/finish throughout the site. Light intensity on sites adjacent to residential districts shall be zero foot-candle as measured along any property line that abuts a residential district.</p>	25 foot height maximum	15 foot height maximum	25 foot height maximum
<p>O. Any street lights along public streets shall conform to the requirements of the City. Lighting shall serve only to illuminate signage, parking/loading areas, and walkways.</p>	Required	Required	Required

155.105 MODIFICATIONS FROM DESIGN STANDARDS

1. Modifications of Design Features should generally be granted in limited scenarios but may be necessary when the Design Standards do not fit appropriately with the style of architecture proposed. Modifications may be requested from the Plan Commission and should generally show how the proposed changes to the code result in a similar or higher quality product, improve structural integrity, and/or maintain cohesion with the surrounding neighborhoods.
2. Design guidelines may be modified or waived by the Plan Commission, upon annexation of property, approval of a rezoning or subdivision plat, or at any time upon submission of a Design Standard Modification application with the appropriate public notice in accordance with the Rules of Procedure of the Plan Commission. A letter outlining the requested modifications or waivers from the Design Standards, accompanied by drawings, photos, and plans of any proposed modification shall be submitted with the modification application filing.
3. Modifications granted by the Plan Commission shall be considered in effect as long as the petitioner is the owner/developer of the project. Changes in such shall require a new submission to the Plan Commission and updated approval of the modifications.
4. Written justification for each modification requested, specifically addressing that the proposed development plan and the community is better served by the proposed standards in lieu of the ordinance standards.

155.998 COMPLAINTS, COMMON NUISANCES, REMEDIES

1. **Complaints.** Whenever a violation occurs or is alleged to have occurred, any person may register a written or verbal complaint.
 - A. The complaint stating fully the causes and basis thereof shall be filed with the Planning Department. The Planning Director or designee shall properly record the complaint and immediately investigate. If acts elicited by the investigation are sufficient to establish a reasonable belief that a violation has occurred on the part of the party investigated, the official or designee shall take action in accordance with Section 155.999.
2. **Common Nuisances.** Any building erected, raised, or converted, or any land or premise used in violation of any provision of this chapter or regulation thereof is declared to be a common nuisance and the owner thereof shall be liable for maintaining a common nuisance, which may be restrained, enjoined, or abated in any appropriate action or proceeding.
3. **Remedies**
 - A. The Plan Commission, the Board of Zoning Appeals, the Board of Public Works and Safety, the Planning Director, or any designated enforcement official or any person or persons, firm, or corporation jointly or severally aggrieved may institute a suit for mandatory injunction with the Circuit Court or Superior Court of Hancock County to restrain an individual or a governmental unit from violating the provisions of this code.
 - B. The Plan Commission, the Board of Zoning Appeals, or the Board of Public Works and Safety may also institute a suit for mandatory injunction directing any individual corporation, or a governmental unit to remove a structure erected in violation of the provisions of this chapter.
 - C. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

155.999 ENFORCEMENT, VIOLATIONS, and PENALTIES

1. **Jurisdiction**
 - A. The Plan Commission, the Board of Zoning Appeals, or the Board of Public Works and Safety may institute a suit for injunctive and monetary relief in the Circuit Court of Greenfield, Indiana; said suit is to be brought in the name of and captioned as “Board of Zoning Appeals of Greenfield, Indiana” versus the person, persons or entity charged with violating the provisions of any zoning ordinances or land use regulations of Greenfield, Indiana.
 - B. The City of Greenfield Board of Zoning Appeals may also institute a suit for mandatory injunction directing a person, persons, or entity to remove a structure erected in violation of any zoning ordinances or land use regulations of the City of Greenfield.
 - C. A structure erected, raised, or converted, or land or premises used in violation of any zoning and land use ordinance of the City of Greenfield shall and hereby is declared to be a common nuisance and civil zoning violation, and the owner or possessor of the structure, land, or premises shall be liable for maintaining a common nuisance pursuant to I.C. 36-7-4-1012 and 1014.
2. **Inspection of property, right of entry**
 - A. The Planning Director or designated enforcement officials are authorized to make inspections of all lands located with the City of Greenfield in order to enforce all zoning ordinances and land use regulations of the City of Greenfield.
 - B. In order to execute inspections, the Planning Director or designated enforcement officials shall have the right to enter upon any premises at any reasonable time for the purpose of carrying out his/their duties in the enforcement of zoning ordinances and land use regulations of the City of Greenfield, unless the owner or occupant of the premises refuses to permit entry to the officials when such entry is sought pursuant to this

Section. In the event of said refusal, the inspectors may make application to any judge of the County, Circuit or superior Courts for the issuance of an administrative search warrant. Such application shall identify the premises upon which entry is sought and the purpose for which entry is desired. The application shall state the facts giving rise to the belief that a condition which is in violation of a zoning ordinance or land use regulation of the City of Greenfield exists on such premises, or that a violation in fact, exists and shall be abated, and that the condition or violation is not a lawful nonconforming use to the best of the affiant's belief. Any warrant issued pursuant to such application shall order such owner or occupant to permit entry to the inspectors for the purposes stated therein.

3. Stop work order

- A. The Planning Director or designated enforcement official is empowered to issue an order requiring the suspension of land improvement of any kind when any of the following circumstances exist:
 - i. Site improvement is occurring without an Improvement Permit or any other permit required by zoning ordinances having first been obtained; and,
 - ii. Site improvement is occurring in violation of the terms or conditions of any special exception or variance granted under the area-wide development law as contemplated by I.C. 36-7-4; in violation of conditions imposed by the Board of Zoning Appeals or Planning Commission; in violation of commitments made in accordance with I.C. 36-7-4-607 or I.C. 36-7-4-921; or in violation of the terms, conditions, or provisions of any City of Greenfield zoning ordinance.
- B. The stop-work order shall be posted on the property in a conspicuous place, or personally delivered to the owner, possessor, or person in charge, and state the conditions under which construction or other activity may be resumed.
- C. The designated enforcement entity may institute a suit in a court of competent jurisdiction to enforce the provision of a stop-work order.

4. Civil zoning violations

- A. Any person who uses property in violation of the City of Greenfield Zoning Ordinance is deemed to have committed a civil zoning violation and may be issued a citation by the designated enforcement entity pursuant to this Section.
- B. Each day a violation remains uncorrected is a distinct and separate civil zoning violation subject to an additional citation and fine in the amount prescribed by subsection (4.C) below provided a warning ticket has first been issued pursuant to subsection (5.D).
- C. The monetary fine for each civil zoning violation shall be Fifty Dollars (\$50.00). For a repeated civil zoning violation, the following fines shall apply:
 - i. Second Citation \$100.00
 - ii. Third Citation \$150.00
 - iii. Fourth Citation \$200.00
 - iv. Each Additional Citation \$300.00
- D. All fines prescribed by this section for civil zoning violations shall be paid to the Planning Director, who shall render to the person making the payment a receipt stating the amount and purpose for which the fine has been paid, a duplicate of which shall be made a part of the records of the Commission. All fines thus received shall be deposited with the City of Greenfield Clerk Treasurer.

5. Citation for civil zoning violations

- A. The Planning Director or designated enforcement officials may issue a civil citation to a person who commits a civil zoning violation or to 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, by First Class U.S. Mail, or by placement in a conspicuous place on the property where the violation occurs and shall serve as notice to a person that he has committed a civil zoning violation.

- B. No citation shall be issued 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 not less than fourteen (14) days before the issuance of the citation to allow said person to correct the violation to come into compliance with the prescribed zoning ordinance or regulation. If any party listed above who commits a civil zoning violation again commits the same violation within a 12-month period of the previously issued warning ticket or citation, the requirements of a warning ticket being issued prior to the issuance of a citation is waived.
- C. If a person who receives a warning ticket elects to file a land use petition, then the person shall indicate his intent to file the land use petition by notifying the City of Greenfield Planning Director within ten (10) days of receipt of the warning ticket. A person shall have fourteen (14) days following the issuance of the warning ticket to file the petition, and additional monetary fines as prescribed in subsection (4.C) of this section shall be stayed upon filing the land use petition. A person who files the petition within said time period shall pursue the land use petition in an expeditious fashion. If the land use petition is denied, withdrawn, or dismissed for lack of prosecution and the civil zoning violation continues at the real estate, then a lawsuit will be commenced by the designated enforcement entity of the Superior or Circuit Court of Hancock County, Indiana.
- D. The warning ticket shall include:
 - i. Date;
 - ii. Name and address;
 - iii. Section number in violation and name of code;
 - iv. Nature of violation;
 - v. Place and date of violation;
 - vi. Specific time allowed to bring the violating activity into compliance;
 - vii. Name, business address, and phone number of person issuing warning ticket; and
 - viii. Statement to violator of option to appear before the City of Greenfield Board of Zoning Appeals or file land use petition.
- E. The citation shall appear on serialized, designated form and include:
 - i. Date;
 - ii. Name and address;
 - iii. Section number of code in violation and name of code;
 - iv. Nature of violation;
 - v. Place and date the violation was observed;
 - vi. Amount of fine assessed;
 - vii. Time, manner and location to pay fine;
 - viii. Notice that each day is a new violation;
 - ix. Names, business address, and phone number of person issuing citation; and
 - x. Statement to violator of right to elect trial.

6. Trial for civil zoning violations

- A. A person who received a citation may elect to stand trial for the offense by indicating on the citation his intent to stand trial and returning a copy of the citation to the City of Greenfield Planning Director. The returned copy of the citation shall serve as notice of the person's intent to stand trial, and additional monetary fines prescribed in subsection (4.C) shall be stayed upon receipt of the notice. The notice shall be given at least seven (7) days before the date of payment set forth in the citation. On receipt of the notice of intention to stand trial, a lawsuit will be commenced by the designated enforcement entity. The matter shall be scheduled for trial, and a Summons and an Order to Appear shall be served upon the Defendant.
- B. If a person who receives a citation fails to pay the assessed fine by the date of payment set forth in the citation and fails to give notice of their intention to stand trial as prescribed in subsection (A) above, the designated enforcement entity may file a civil lawsuit as provided by applicable laws and seek penalties as prescribed in subsection (7). A person adjudged to have committed a civil zoning violation is liable for the court costs and fees, including attorney's fees. No cost shall be assessed against the designated enforcement entity in any such action.
- C. In proceedings 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.
- D. Seeking a civil penalty as authorized in this section does not preclude the designated enforcement entity from seeking alternate relief from the Court in the same action, or from seeking injunctive relief or any other remedy in a separate action for the enforcement of I.C. 36-7-4 or any ordinance adopted or action taken under I.C. 36-7-4.
- E. A change of venue from the City of Greenfield shall not be granted in such a case, as provided in I.C. 36-7-4-1014D.

7. General penalties

- A. Whenever in any chapter, article, or section of the City of Greenfield Unified Development Ordinance, as amended, or in any ordinance amendatory thereof or supplemental thereto, the doing of any act, or any omission to do any act or to perform any duty, is a violation; any person held liable by a court of competent jurisdiction for such violation shall be fined not more than Two Thousand Five Hundred Dollars (\$2,500) for each such violation, act, or omission.
- B. For violations continued or renewed after the imposition of a fine under this ordinance, each day's violation shall constitute a separate offense.
- C. In addition to the foregoing penalty prescribed in this ordinance, the designated enforcement entity may enjoin or abate any violation of zoning ordinances and land use regulations of the City of Greenfield by appropriate action.
- D. Attorney's fees shall be assessed in addition to prescribed fines defined in this section as a general penalty.

8. Method of appeal

Any person aggrieved or affected by any provision of this Article or by any decision of the administrator may appeal to the Board of Zoning Appeals, as provided by the rules of the Board, by filing a notice of appeal specifying the grounds thereof. Every decision of the Board shall be subject to review by the Hancock County Courts.

9. Violation of flood control requirements

- A. Failure to obtain an Improvement Location Permit in the SPECIAL FLOOD HAZARD AREA or failure to comply with the requirements of a permit or conditions of a variance shall be deemed to be a violation of this Code. All violations shall be considered a common nuisance and be treated as such in accordance with

the provisions of the Greenfield Unified Development Ordinance. All violations shall be punishable by a fine not exceeding \$2,500 per day with each day said violation occurs constituting a separate offense.

- B. A separate offense shall be deemed to occur for each offense if the violation continues to exist.
- C. The Plan Commission 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.
- D. Nothing herein shall prevent the City from taking such other lawful action to prevent or remedy any violations. All costs and attorney's fees connected therewith shall accrue to the person or persons responsible.

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APPENDIX A - DEFINITIONS

A

Abandon. Wireless Facility. To intentionally, permanently, and completely, cease all business activity associated with a wireless support structure.

Abandoned Sign. 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. See also Sign, Abandoned.

Aboveground Utility Facility. Permanently located and installed electrical generators, pipeline pumping stations, public wells, water towers, telephone exchanges, utility substations, and the like.

Abutting. Bordering or contiguous.

Access Drive, Rear. A drive which accesses the street or right-of-way through the rear of the property.

Accessory Building or Structure. A subordinate building or structure customarily incidental to and located on the same lot with the principal building or structure.

Accessory Communication Equipment. Any equipment serving or being used in conjunction with a wireless communications wireless support structure or facility. Accessory equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, guy wires, equipment buildings, cabinets and storage sheds, shelters or other structures.

Accessory Dwelling Unit (ADU). An attached or detached extension to an existing single-unit dwelling structure that contains one separate, complete dwelling unit with a separate entrance

Accessory Use or Activity. A use or activity of a nature customarily incidental and subordinate to the principal use located on the same lot, owned by the same entity as the principle use, and which does not change or alter the character of the premises, and which is not used for permanent human occupancy.

Adaptive Reuse. The reuse of a site or building for a use other than for which it was originally built, purposed or designed.

Addition (to an existing structure). Any walled and roofed expansion to the perimeter of a structure to 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 Approval. The zoning approval that the Administrator or the Administrator's designee is authorized to grant after Administrative Review.

Administrative Review. The evaluation of an application by the Administrator or designee, without a public hearing.

Adult Bookstore. An establishment having more than 10% of its stock in trade and/or sales area in books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or sexual anatomical areas.

Adult Cabaret. A nightclub, bar, theatre, restaurant or similar establishment which frequently features live performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas or which regularly feature film, motion pictures, video cassettes, slides or other 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.

Adult Daycare. An establishment devoted to providing daytime training, supervision, recreation, and often medical service for adults over 18 years of age.

Adult Entertainment. An adult bookstore, adult motion picture theatre, adult mini motion picture theatre, adult motion picture arcade, adult cabaret, adult drive-in theatre, adult live entertainment arcade, adult massage parlor, or adult services establishment (or establishment that provides services, as defined by this section).

Adult Entertainment and Sexually-Oriented Businesses. 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 an emphasis on matter depicting, describing, or relating to human sex acts, or by an emphasis on male or female genitals, buttocks, or female breasts; an adult live entertainment arcade, adult media store, adult retail store, adult cabaret, adult motel, adult motion picture theater, adult theater, adult drive-in-theater, lingerie modeling studio, adult massage parlor, sexual encounter establishment, escort agency, or, semi-nude model studio. The definition of Adult Entertainment and Sexually-Oriented Business shall not include: an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy or research; or the practice of massage in any licensed hospital, or by a licensed physician, surgeon, chiropractor, or osteopath, or by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor, or osteopath, or by trainers for any amateur, semiprofessional, or professional athlete or athletic team or school (including schools with students 18 years of age and older, e.g., college or university) athletic program.

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Adult Live Entertainment Arcade. Any building or structure which contains or is used for commercial entertainment where the patron directly or indirectly is charged a fee to view from an enclosed or screened area or booth a series of live dance routines, strip performances or other gyrational choreography, which performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure to specified anatomical areas.

Adult 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.

Adult Mini Motion Picture Theatre. An enclosed building with a capacity of more than five (5) but less than fifty (50) persons, used for presenting films, motion pictures, video cassettes, slides or similar photographic reproductions, in which a preponderance of the total presentation time is devoted to the showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult Motel. A hotel, motel or similar establishment offering public accommodations for any form of consideration, which provides patrons, upon request, with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions, in which a preponderance of the total presentation time is devoted to the showing of materials which are distinguished or characterized by an emphasis upon the depiction or description of any sexual activities or any anatomical areas.

Adult Motion Picture Arcade. Any place to which the public is permitted or invited, wherein coin- or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing any sexual activities or any anatomical areas.

Adult Motion Picture Theatre. An enclosed building with a capacity of fifty (50) or more persons used for presenting films, motion pictures, video cassettes, slides or similar photographic reproductions, in which a preponderance of the total presentation time is devoted to the showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult Service Establishment. Any building, premises, structure or other facility, or part thereof, under common ownership or control, which provides a preponderance of

services involving specified sexual activities or display of specified anatomical areas.

Advisory Plan Commission. A plan commission serving a single local government jurisdiction established as defined under the Indiana Code §36-7-4-102, as amended.

Affiliate. When used in relation to an operator, another person who directly or indirectly owns or controls, is owned or controlled by or is under common ownership or common control with the operator, or an operator's principal partners, shareholders, or owner of some other ownership interest: and when used in relation to the City of Greenfield, any agency, board, authority or political subdivision affiliated with the City of Greenfield or other person in which the City has legal or financial interest.

Aggregate Side Setback. The sum of the least two side setbacks of a structure, one on either side.

Aircraft. A machine or device, such as an airplane, a helicopter, a glider, drone, or a dirigible, that is capable of atmospheric flight.

Airport, Heliport, or Helipad as Primary or Accessory Uses. Any area of land or use devoted to the take-off, landing and storing and servicing of aircraft, and any apurtenant areas designated, set aside, used, or intended for use for related buildings and facilities located thereon.

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.

Alternative Communication Tower Structure. Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers. See also Stealth Facility.

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, but is not limited to, community swimming pools, tennis courts, basketball courts, and the like.

Analog Technology. Replicates and amplifies voice messages as they are carried from the transmitting antenna to the receiving antenna.

Animal. Any live, non-human vertebrate creature, domestic or wild.

Animal Shelter. Any premises designated for the purpose of impounding and caring for cats and dogs primarily, although not exclusively, found running at large or otherwise subject to impoundment.

Antenna. Any communications equipment that transmits or receives electromagnetic radio signals used in the provision of wireless communications service.

Antenna Array. One or more whips, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include Omni-directional antenna (whip), directional antenna (panel) and parabolic antenna (disc). The Antenna Array does not include the Support Structure.

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.

Antenna Support Structure. Any pole, telescoping mast, tower tripod, or any other structure which supports a device used in the transmitting and/or receiving of electromagnetic waves.

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 his 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 or 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 UDO.

Art and Creative Studios, Galleries, Sales. Work space for one or more artists or artisans, including the accessory sale of art produced on the premises.

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 Street. See Street, Arterial.

Artisan Food and Beverage. Small-scale production or preparation of food made on site with limited to no automated processes involved and may include direct sales to or consumption by consumers. This definition includes uses such as small-batch bakeries, micro-breweries (manufacturing 15,000 barrels per year or less) as regulated by the State of Indiana, artisan distilleries (manufacturing 10,000 barrels per year or less) as regulated by the State of Indiana, small-batch candy shops, and local cheese makers. This use may or may not have retail sales and outdoor seating as accessory uses depending on the zoning district in which it is located.

Assisted Living. A residential facility for persons age 18 and 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 three 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. No statutory definition of elderly. The need for assisted-living can occur at any age as an adult but would not include juvenile facilities.

Attached Structure. A structure that is structurally connected to another structure by a foundation, wall, bridge, or roof line, or appears to be connected. Carports, garages, porch awnings, decks, and the like are considered attached structures and must abide by all regulations pertaining to primary structures.

Attached Wireless Communications Facility (Attached WCF). An Antenna Array that is attached or affixed to an existing building or structure (including but not limited to a utility pole, sign or water tower), along with any transmission cables and accompanying pole or device that attaches or affixes the Antenna Array to the existing building or structure.

Auction Facilities. A building or any specific closed or open area where merchandise is assembled and sold by a form of sale called an auction, conducted in person or online.

Automotive Use. The use of property for a vehicular-oriented purpose, including vehicular sales, vehicular service or vehicular repair.

A-Weighted Sound Level (dB(A)). In decibels, a frequency-weighted sound pressure level, determined by the use of the metering characteristics and A weighted network specified in ANSI S1.4-1971 "Specifications for Sound Level Meters" and the latest revision thereof.

Awning. A roof-like cover that is temporary in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

Awning Sign. A sign that is painted, stamped, perforated, stitched or otherwise applied on the surface of an awning. See also Sign, Awning.

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Banner. Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Base Station. A station located at a specific site that is authorized to communicate with mobile stations. The term includes all radio transceivers, antennas, coaxial cables, power supplies, and other electronics associated with a station.

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

Beacon. Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

Bed and Breakfast. An operator-occupied residence that:

- Has no more than 14 guest rooms;
- Provides breakfast to its guests as part of the fees;
- Provides sleeping accommodations for no more than 30 consecutive days to a guest;
- Provides sleeping accommodations to the public for a fee; and
- The term does not include hotels, motels, health or limited care facilities, boarding houses, group quarters, hospice, rescue missions or food service establishments.

Berm. A landscape feature used for screening in which earth is formed into irregular mounds. Particularly, berms do not have consistent crest elevations, but are irregular in form and overlapping such to emulate a more natural landscape feature. Berms in combination with other landscape material are used to block or partially block visibility from one side to the other.

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 of Zoning Appeals. The Greenfield Board of Zoning Appeals.

Boarding/Kennel. Any kennel where four or more pet animals, at least four (4) months of age, owned by another person are temporarily kept for pay, trade, barter, commission, or remuneration of any sort; provided, however, this definition shall not apply to zoos or to animal hospitals operated by veterinarians duly licensed under

the law.

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.

Boutique Hotel. A facility offering transient lodging accommodations to the general public with up to 50 rooms and which may include additional facilities and services, such as restaurants, meeting rooms, and recreational facilities.

Brewing/Distilling With Tap or Tasting Rooms. A facility that manufactures and produces alcoholic beverages, including beer, distilled spirits or hard liquor., and may include ancillary tasting or sales to the general public.

Brewing/Distilling Without Tap or Tasting Rooms. A facility that manufactures and produces alcoholic beverages, including beer, distilled spirits or hard liquor., that shall not include any ancillary tasting or sales to the general public.

Broadcast. To transmit information over the airwaves to two or more receiving devices simultaneously. Information can be transmitted over local television or radio stations, satellite systems or wireless data communications networks.

Buffer Landscaping. Any trees, shrubs, walls, fences, berms, space, or related landscaping features required under the UDO 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. Buffer yards are in addition to (separate from) front, rear, or side yard setbacks.

Buildable Area. A designated area of a lot that is compact in form and necessary for the safe construction or placement of structures and associated utility infrastructure.

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 Addition. 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

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load-bearing walls is new construction.

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

Building Code. The City ordinance or group of ordinances that establish and control the standards for constructing buildings, utilities, mechanical equipment and all forms of structures and permanent installations and related matters, within the City, also referred to herein as the “City Building Code.” Also includes the Indiana Building Code as amended from time to time.

Building, Detached. A building which is completely surrounded by open space and which is located on the same lot as another building.

Building Frontage. The actual façade of any portion of the building, nearest the front lot line.

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, Historic. A building of historic importance designated by the National Trust for Historic Preservation within the Greenfield Courthouse Square Historic District, the Greenfield Historic District, or the Greenfield Residential Historic District. See also Historic Building.

Building Line/Building Setback Line. The line that establishes the minimum permitted distance on a lot between the front line of a building and the street right-of-way line, limits of public or private street or easement.

Building Permit. A permit signed by the Planning Director, Building Commissioner, and/or his/her designees stating that a proposed improvement complies with the provisions of Chapter 150 and such other parts of this UDO, as may be applicable.

Building Permit Official. The local government official authorized to issue building permits or his/her designee.

Building, Principal. 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. See also Principal Building.

Building, Temporary. A temporary building is a structure designed, built, created or occupied for short and/or intermittent periods of time and shall include tents, lunch wagons, dining cars, trailers and other roofed structures on wheels 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. See also Temporary Building.

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. See also Commercial.

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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.

Candela. Unit of luminous intensity in the International System of Units (SI) used to measure the amount of light emitted by lamps.

Canopy. Any structure, mobile or stationary, attached to and deriving its supports from framework or posts or other means independent of a connected structure for the purpose of shielding a platform, stoop or sidewalk from the elements, or a roof-like structure of permanent nature which projects from the wall of a structure and overhangs the public way.

Canopy Tree. A tree that would occupy the upper canopy of a forest in a natural ecological situation. Canopy trees are often referred to as shade trees.

Carrier on Wheels or Cell on Wheels (“COW”) or Mobile Station. A portable self-contained wireless communications facility that can be moved to a location and set up to provide wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna wireless support structure.

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 Service. A telecommunications service that permits customers to use wireless, mobile telephones to connect, via low-power radio transmission sites called cell sites, either to the public switched network or to other mobile cellular phones.

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

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and which are capable of being reused in different cells within the service area.

Cellular Tele-Communications 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.

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 un-platted 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 UDO.

Certificate of Occupancy. The official authorization to occupy a structure as issued by the Building Official.

Certificate of Zoning Compliance. A written certification that a structure, use or lot is, or will be, in compliance with the requirements of this ordinance.

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. Means a nonresidential building where at least one (1) child receives child care from a provider:

- while unattended by a parent, legal guardian, or custodian;
- for regular compensation; and
- 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. See IC 12-7-2.

Child Care Facilities. Any or all of a Child Care Center, Child Care Home or Child Care Institution.

Child Care 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:

- while unattended by a parent, legal guardian, or custodian;
- for regular compensation; and
- 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.

- Including the following:

- A Class I child care home.
- A Class II child care home. 470 Ind. Admin. Code 3-1.1-7(a-b).

Child Care Institution. A facility that:

- Operates under a license issued under IC 31-27;
- Provides for delivery of mental health services that are appropriate to the needs of the individual; and,
- Complies with the rules adopted under IC 4-22-2 by the department of child services.

City. City of Greenfield.

City Attorney. The licensed attorney designated by the City to furnish legal assistance for the administration of this ordinance.

Club House. 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.

Cluster. A development design technique that concentrates buildings on a part of the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

Cluster Subdivision. A form of residential development that permits a reduction in minimum lot area, width, setback and open space requirements and to concentrate development in specific areas while the remaining land is reserved in perpetuity. Recreational purposes, common open space and the preservation of environmentally sensitive land are examples of some purposes of the remaining preserved land.

Collector Street. See Street, Collector.

Co-location. 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.

Combustible Liquid. A liquid having a flash point at or above 100 degrees Fahrenheit, but less than 650 degrees Fahrenheit. Materials with a flash point at or above 650 degrees Fahrenheit shall for the purposes of this ordinance be considered essentially non-combustible.

Commercial. 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.

Commercial Center. A group of separately operated commercial establishments, planned, developed, owned, and managed as a unit, with common off-street parking

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provided on the property.

Commercial Kennel. A place primarily for keeping four (4) or more dogs, or other small animals that are ordinarily bred for sale as pets.

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 Mixed-Use Building. A building containing a mix of commercial activities.

Commercial/Residential Mixed-Use Building. A building containing a mix of commercial and residential activities.

Commercial Service Drive. A Street other than a frontage street that runs parallel or generally parallel to the frontal street and mainly located in the space to the rear of the building(s).

Commission or Advisory Plan Commission. The Greenfield Advisory Plan Commission.

Commitment. A written condition to an approval for an adoption of a rezoning proposal; primary approval of a proposed subdivision plat or development plan; approval of a vacation of all or part of the plat; or an application for a conditional use or variance and as defined in IC 36-7-4-1015.

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 Council. The Common Council or City Council of the City of Greenfield.

Common Open Space. Open space within or related to a development, not in individually owned lots or dedicated for public use, but which is designated and intended for the common use or enjoyment of the residents of the development.

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 Towers. A land-based facility supporting antennas and/or microwave dishes that send and/or receive radio frequency signals. Communications towers include structures or towers, supporting equipment and

accessory buildings.

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-Incompatible. 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 zoning district, similar or comparable characteristics, and indicating a mutually harmonious relationship with respect to protecting the use, value and enjoyment of property. An incompatible land use situation is presented when a use is unsuitable for direct association with certain other uses because it is contradictory, incongruous or discordant.

Complete Streets. All improvements and design components to enable safe use and support mobility for the public, including base/binder, top-surface, curb, sidewalks, ADA ramps and street trees.

Comprehensive Plan. The comprehensive plan for Greenfield, Indiana, (Resolution 2015-12), adopted December 9, 2015, and as amended according to the requirements of I.C. 36-7-4-500 et seq., and as amended or superseded from time to time.

Concealed Wireless Communications Facility. Any wireless communications facility that is integrated as an architectural feature of an existing structure or any new wireless support structure designed so that the purpose of the facility or wireless support structure for providing wireless services is not readily apparent to a casual observer.

Conceptual 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 zone district but which, if determined by the Board of Zoning Appeals as being controlled as to number, area, location or relation to the neighborhood could promote the public health, safety, convenience, prosperity or general welfare.

Condominium. The division of building(s) and the related land into horizontal property interests meeting the requirements of condominiums as prescribed by Indiana Code § 32-1-6-1 through 31.

Condominium Association. The community association that administers and maintains the common property and common elements of a condominium.

Conference, Event, and Performance Venues. A commercial event center used to host private events and conferences such as weddings and other personal events, but not including funerals, and private business or

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industry conferences.

Confinement Area. Any area, structure, kennel, stall, coop, pin, or other element in which farm animals are housed in and including the immediate area which controls the movement of those animals.

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. A representation of a project site and all activities associated with the project. The plan includes the location of the project site, buildings and other infrastructure, grading activities, schedules for implementation, and other pertinent information related to the project site. A storm water pollution prevention plan is a part of the construction plan.

Construction Site Access. A stabilized stone surface at all points of ingress and egress to a project site for the purpose of capturing and detaining sediment carried by tires of vehicles or other equipment entering or exiting the project site.

Construction Trailer. A manufactured mobile unit, 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.

Convenience Store. An establishment where food stuffs, patent medicines, periodicals, and other similar items of household convenience are kept for retail sale to the public.

Convenience Store with Gasoline Sales. An establishment where food stuffs, patent medicines, periodicals, and other similar items of household convenience are kept for retail sale to the public, including on premise gasoline sales.

Convenience Store without Gasoline Sales. Any lot or parcel of land or portion thereof used partly or entirely for storing or dispensing flammable liquids, combustible liquids, liquefied flammable gas, or flammable gas into the fuel tanks of motor vehicles or approved containers

Copy. The wording or image on a sign surface in either permanent, removable, or electronic form.

Corner Lot. A lot at the junction of and abutting two or more intersecting streets. See also Lot, Corner.

Corridor Scale Medical Offices. A building 6,000 square feet or greater in size used exclusively by physicians, dentists, and similar personnel for the treatment and examination of patients solely on an outpatient basis, provided that no over- night patients shall be kept on the

premises.

Corridor Scale Professional Offices (Larger than 6,000 Square Feet). 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.

County. Hancock County, Indiana

County Recorder. The County official empowered to record and file land description plats.

Covenants. Private and legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the applicant of a subdivision. In the case of public health, safety and welfare, covenants may be applied by the Commission that are recorded with the plat and deed. Covenants can also be placed on commercial and industrial developments. Unless specifically agreed to, covenants are not enforceable by the Commission or its designees but may be enforceable in civil court by interested or affected parties.

Critical Habitats. Land with plant and animal species which are listed as threatened or endangered by the State of Indiana Department of Natural Resources publication "Indiana's Rare Plants and Animals."

Cul-de-sac, Court, or Dead-End Street. A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement including public safety vehicles.

Cultivated Landscape Area. Planted areas that are frequently maintained by mowing, pruning, fertilizing, etc.

Culvert. A closed conduit used for the conveyance of surface drainage water under a roadway, railroad, canal, driveway, or other impediment.

Curb Level. The level of the established curb in front of the building measured at the center of such front. Where a building faces on more than one street, the curb level shall be the average of the levels of the curbs at the center of the front line on each street. Where no curb has been established, the mean level of land immediately adjacent to the building shall be considered the curb level.

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Data Processing and Analysis. 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

Day-time hours. 7:00 a.m. to 7:00 p.m., local time.

Dead-End Street. A street or a portion of a street with only one vehicular traffic outlet, and no turnaround at the terminal end. See also Street, Dead-End.

Debris. The remains of something broken, thrown away or destroyed.

Decibel (dB). A unit of measure, on a logarithmic scale to the base 10, of the ratio of the magnitude of a particular sound pressure to a standard reference pressure, which, for purposes of this regulation, shall be twenty (20) micronewtons per square meter ($\mu\text{N}/\text{m}^2$).

Deciduous. A plant with foliage that is shed annually before the plant becomes dormant.

Dedication. The setting apart of land or interests in land for use by the City or public by ordinance, resolution, entry in the official minutes, or by the recording of an easement or plat.

Demolition. Any act or process which destroys or partially destroys a structure.

Density. Density determined by dividing the total acreage within the site (including any public easements or rights-of-way existing or proposed) by the total number of dwelling units.

Designed Fail Area. The area surrounding a tower in which the tower could fall should it fail as structurally designed as certified by an Indiana licensed structural engineer. The designed fail area is quantified in terms of linear distance from the tower to the perimeter of the designed fail area.

Detached Building. A building that has no structural connection with the primary building or any other building or structure.

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, work release center, secure rehabilitation center, and prison. These facilities house prisoners who are in the custody of city/county/ law enforcement and the facilities are typically government owned.

Detention Basin. A facility constructed or modified to restrict the flow of storm water 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 storm water 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 to be developed, the person whom causes the land to be developed, and/or the person whom develops land.

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

- construction, reconstruction, or placement of a structure or any addition to a structure greater than 400 square feet;
- 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;
- installing utilities, erection of walls and fences, construction of roads, or similar projects;
- construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
- mining, dredging, filling, grading, excavation, or drilling operations;
- construction and/or reconstruction of bridges or culverts;
- storage of materials; or 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.

Developmental Disability. A disability of a person which:

- Is attributable to intellectual disability, cerebral palsy, epilepsy, or autism; or is attributable to any other condition found to be closely related to intellectual disability because this condition results in similar impairment of general intellectual functioning or adaptive behavior, or requires similar treatment and services; or is attributable to dyslexia resulting from a disability described in this clause;
- Originates before the person is age 18; and
- Has continued or is expected to continue indefinitely and constitutes a substantial handicap to the person's ability to function normally in society.

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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 IC 36-7-4-1400, et seq.

Development Standards Variance. A specific approval granted by the Board in the manner prescribed by the UDO, to deviate from the development standards (such as height, bulk, area) that the Ordinance otherwise prescribes.

Digital Technology. Technology that converts voice and data messages into digits that represent sound intensities at specific points of time and data content.

Directional Antenna. An antenna or array of antennas designed to concentrate a radio signal in a particular area.

Directional Sign. A sign intending to direct the safe flow of vehicular and pedestrian traffic and includes, but is not limited to, “enter,” “exit,” and “arrow” signs.

Director. The Planning Director of the City or their designee.

Discrete Impulses. A ground transmitted vibration stemming from a source where specific pulses do not exceed sixty (60) per minute (or one per second).

Dish Antenna. A dish-like antenna used to link communications sites together by wireless transmission of voice or data. Also called microwave antenna or microwave dish antenna.

Distance. The area measured horizontally between two points.

District. Any specifically described area as indicated by the Official Zoning Map.

District, Overlay. An additional zoning designation, with corresponding regulations, that may be applied to any zoning district, districts, or parts of such districts. Overlay districts shall be indicated on the Official Zoning Maps.

District, Underlying. The zoning district to which an overlay district is added.

Dormitory. A building used as group living quarters for a student body or religious order as an accessory use for a college, university, boarding school, convent, monastery, or other similar institutional use.

Double Frontage Lot. A lot having frontage on two parallel public ways.

Double-Faced Sign. A sign having two (2) 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 (2) surfaces shall not be more than 24 inches apart at the apex of said angle.

Drainage Area. The area served by a drainage system; a watershed or catchment area.

Drip Line. A vertical line extending from the outermost branches of a tree to the ground.

Drives, Private. Vehicular streets and driveways that are paved or unpaved, which are wholly within private property except where they intersect with other streets within public rights-of-way.

Driveway. An access to a public road for one residence or one tract of land.

Driveway, Shared. A single access to a public road shared by two tracts of land.

Drop Manhole. A manhole having a vertical drop pipe that connects an inlet pipe to an outlet pipe and that is located immediately outside the manhole.

Dry Bottom Detention Basin. A detention basin that is designed to be completely dewatered after it has performed its planned detention function during or immediately following a storm event.

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 that may or may not include a drive-thru lane for drop off, pickup, or payment at a window.

Duration. The time period of a rainfall event.

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-Single-Unit, Attached. 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.

Dwelling-Single Unit, Detached. 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.

Dwelling Multi-Unit (More than 3 Units). A building containing three or more dwelling units.

Dwelling Two-Unit. Two dwelling units 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 duplex manufactured housing.

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 maintaining a household. See also Housing Unit.

Dwelling Unit Accessory to a Business Use. A separate and complete dwelling unit that is contained on the same lot as the structure of a business.

E

Easement. A right of use over designated portions of the property of another for a clearly specified purpose.

Electrical Transmission Tower. A structure that physically supports high voltage overhead power lines. The term does not include a utility pole.

Emergency Services. An emergency room facility that accepts patients by ambulance and other vehicular means and provides emergency medical services and is not contained within or physically connected to a full-service hospital.

Emergency Shelter. A facility providing temporary housing for one or more persons who are otherwise homeless, or whose home is endangered

Employee. A person working for another person or a business firm for pay.

Encroachment-floodplain. The advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain, or into a recorded easement or yard setback.

Engineering or Research Laboratories. Facilities for research including laboratories, experimental equipment and operations involving compounding or testing of materials or equipment. Any facility that is determined by a 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.

Entrance, Primary. The main entrance to a building that pedestrians are expected to use. Each building has one primary 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 Compound. The area that surrounds or is near the base of a wireless support structure and encloses wireless communication facilities.

Equipment Facility. Any accessory structure used to contain ancillary equipment for Wireless Communication Facilities which may include cabinets, small shelters, pedestals or other similar structures.

Erosion. Detachment and movement of soil or rock fragments by water, wind, ice, temperature changes, and/or gravity.

Erosion and Sediment Control Measure. A practice or a combination of practices, to control erosion and resulting sedimentation.

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.

Escrow. A deposit of cash with the Commission and held by the City's Clerk-Treasurer in lieu of an amount required and still in force on a performance or maintenance bond.

ESMR. Enhanced Specialized Mobile Radio.

Evergreen. A plant with foliage that persists and remains green year-round.

Excavation. Any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced or relocated.

Existing Manufactured Home Park or Subdivision. 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 City's first floodplain ordinance, being December 4, 2007.

Existing Significant Plant Material. Evergreens over six (6) feet in height, deciduous trees over two and one-half (2.5) inches diameter at a height four and one-half feet off the ground, and shrubs over four (4) feet in height.

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Existing Wireless Structure. Previously erected wireless support structure or any other structure, including but not limited to, buildings and water tanks, to which wireless communications facilities can be attached. The term does not include a utility pole or an electrical transmission tower.

E

Facade. 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.

Facade, Street-Facing. See Front Street Facing Wall.

Fall Zone. The area within which the wireless support structure is designed to collapse.

Farm Markets and Produce Stands. Retail sales of agricultural products and items grown or produced in and around the City.

Faux Window. A faux window is a portion of the facade enclosed with a decorative trim such as stone or brick and covered in a distinct material (typically darker) which varies from the surrounding field material.

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.

Fence. A free-standing barrier resting on or partially buried in the ground and rising above ground level, and used for confinement, screening or partition purposes.

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.

Finished Floor Area. 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.

Financial Services. A bank, savings and loan, credit union, mortgage office, or automated teller machine (ATM). Financial institution shall not include a currency exchange.

Fitness and Health Studios/Gyms. A facility which promotes physical fitness, weight control, exercise, fitness classes, fitness training such as but not limited to martial

arts, dance, gymnastics, and similar activities. Facilities may also include massage, bathing, or personal improvement.

Five Hundred-year Flood. The flood that has a 0.2% chance of being equaled or exceeded in any year.

Flag. Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Flag Lot. A lot with two distinct parts:

- The flag, which is the only building site; and is located behind another lot; and
- 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.

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.

Flashing Sign. Any illuminated sign which exhibits changing light or color effects. See also Sign, Flashing.

Flood. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Flood Boundary and Floodway Map (FBFM). An official map on which the FEMA or FIA has delineated the areas of flood hazards and regulatory floodway.

Flood Hazard Area. The floodplain areas that have not been adequately protected from flooding by means of dikes, levees, reservoirs and other works approved by the Indiana Natural Resources Commission, as identified on the appropriate maps.

Flood Hazard Boundary Map (FHBM). An official map of a community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as Zone A.

Flood Insurance Rate Map (FIRM). 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.

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

Flood Prone Area. Any land area acknowledged by a community as being susceptible to inundation by water from any source.

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

Flood proofing Certificate. A form used to certify compliance for nonresidential structures as an alternative to elevating structures to or above the FPG. This certification must be by an Indiana registered professional engineer or Indiana licensed architect.

Flood Protection Grade. The elevation of the regulatory flood plus two (2) feet at any given location in the Special Flood Hazard Area (SFHA). See also Freeboard.

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.

Floodplain. The channel proper and the areas adjoining any wetland, lake or watercourse that have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the fringe districts.

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 UDO.

Floodplain Management. 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. Federal, State, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Floodplain Standards Variance. A grant of relief from the requirements of the applicable floodplain management provisions of this UDO, which permits construction in a manner otherwise prohibited by the applicable floodplain management provisions of this UDO where specific enforcement would result in unnecessary hardship.

Floodplain Standards Violation. The failure of a structure or other development to be fully compliant with the applicable floodplain management provisions of this UDO. A structure or other development without the elevation, other certification, or other evidence of compliance required in the applicable floodplain management provisions of this UDO are presumed to be in violation until that documentation is provided.

Floodway. The channel of a river or stream and those portions of the floodplains adjoining the channel which

are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

Foundation. The supporting member of a wall or structure.

Freeboard. 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.

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. 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. See Lot Line, Front.

Front Street Facing Wall. The front façade of a building facing a street.

Front Yard. See Yard, Front.

Frontage. That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot. Lots shall not be considered to front on stub ends of streets and in the case of corner lots will be considered to front on both intersecting streets.

Frontage Street/Road. A service street/road, usually parallel to a public street or highway, designed to reduce the number of driveways that intersect the highway.

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.

G

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.

Garage, Repair. Any building, premises, and land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted or rendered.

Garden Centers and Nurseries. A place where plants are grown for sale, transplanting, or experimentation.

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Glare. A light ray emanating directly from a lamp, reflector or lens such that it falls directly on the eye of the observer.

Golf Course. An area of terrain on which the game of golf is played. A golf course includes greens, fairways and 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 inclination or slope of a ground surface usually expressed in terms of the percentage of vertical rise (or fall) relative to a specific horizontal distance.

Grading. The stripping, cutting, filling, spreading or stockpiling of soil or earth on a tract, parcel or lot to create new grades.

Grading Plan. See Erosion Control/Grading Plan.

Green Space. Areas designated as protected open space or landscape preserve.

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.

Gross Floor Area (GFA). The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings, computed as follows:

- floor space devoted to the principal use of the premises, including accessory storage areas located within selling or working space such as counters, racks, or closets;
- the ground floor area when any portion of the basement or ground floor used for a dwelling, business, or commercial purpose except for home occupation;
- any basement floor area devoted to retailing activities; and,
- floor area devoted to the production or processing of goods or to business or professional offices. For this purpose, floor area shall not include space devoted primarily to storage purposes (except as otherwise noted herein), off-street park-

ing or loading facilities, including aisles, ramps and maneuvering space, or basement floor area other than area devoted to retailing activities, the production or processing of goods, or business or professional offices. The calculation of gross floor area shall exclude the following:

- floor space (including any basement floor space) used for mechanical equipment (except equipment, open or closed, located on the roof);
- penthouses;
- attic space having headroom of seven feet, ten inches or more;
- interior balconies and mezzanines;
- enclosed porches; and,
- Floor area devoted to accessory uses. Space devoted to off-street parking or loading shall not be included in the floor area. The floor area of structures devoted to bulk storage of materials shall be computed by counting each ten feet or height, or fraction thereof, as being equal to one floor.

Ground Cover. Plants, other than turf grass, 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.

Ground Floor Area. The area of a building in square feet, as measured in a horizontal plane at the ground floor level within its largest outside dimensions, exclusive of open porches, breeze-ways, terraces, garages and exterior or interior stairways.

Group Home. A housing unit classified further as one of the following:

Group Home, Class I. A facility providing 24-hour care in a protected living arrangement for not more than fifteen (15) residents. This classification includes foster homes, homes for the physically and intellectually disabled, homes for the developmentally disabled, congregate living facilities for persons 60 years of age and older, and maternity homes.

Group Home, Class II. A facility providing 24-hour care in a protected living arrangement for not more than fifteen (15) residents. This classification includes homes for juvenile delinquents, halfway houses providing residence in lieu of institutional sentencing, halfway houses providing residence to those needing correctional and mental institutionalization. This classification also includes emergency shelter during crisis intervention for not more than fifteen (15) victims of crime, abuse, or neglect, and residential rehabilitation for alcohol and chemical dependence for 15 or fewer individuals.

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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.

Guyed Tower. A communication tower that is supported, in whole or in part, by guy wires and ground anchors.

H

Handcrafted Item. An object that requires use of the hands, hand tools and human craft skills in its production, and which is not mass produced by mechanical means.

Hardship or Unnecessary Hardship. Significant economic injury that:

- Arises from the strict application of this ordinance to the conditions of a particular, existing parcel of property;
- Effectively deprived the parcel owner of all reasonable economic use of the parcel; and
- 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 Services. The furnishing of medicine, medical or surgical treatment, nursing, hospital service, dental service, optometric 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.

Heavy Equipment Repair, Enclosed. 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

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, Wireless Communication Facility. The vertical distance of a Wireless Communication Facility or Support Structure, as measured from the ground elevation at the base of the WCF or Support Structure to the top of the structure, including Antenna Array(s).

Highest Adjacent Grade. The highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

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 or road which is under the jurisdiction of the Indiana Department of Transportation.

Historic District. An area which contains or which surrounds an area which contains buildings, structures or places in which historic events occurred or having special public value because of notable architectural or other features relating to the general, archeological, economic, social, political, architectural, industrial or cultural history of the City of Greenfield, Indiana, of such significance as to warrant conservation or preservation, and which, by virtue of the foregoing, has been designated as a Historic District by the City Plan Commissioners pursuant to the provisions of this UDO.

Historic Structure. See Building, Historic.

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 and the enforcement of bylaws and covenants conditions, and commitments.

Home Occupation. A business, profession, occupation or trade conducted solely by the residence of the dwelling, for gain or support entirely in a residential dwelling or a structure accessory thereto, which is incidental and secondary to the use of the dwelling, and which does not change the essential residential character of the building.

Hospital. An institution providing primary health services and medical or surgical care to persons, 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.

Hotel. A building in which temporary lodging or board and lodging are provided and offered to the public for compensation 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 at all hours. As such, it is open to the public. Compensation is assessed on a day-to-day basis.

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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 these Regulations, the following shall create a rebuttable presumption that the group is not a single housekeeping unit:

- Keyed lock(s) on any interior door(s) to prevent access to any area of the dwelling unit with sleeping accommodations;
- Members of the group have separate leases, or sub-leases and/or make separate rent;
- Payments to a landlord; and
- The group significantly reforms over the course of a twelve (12) month period by losing and/or gaining members.

Housing Unit. A room or group of rooms used by one or more individuals living separately from others in the building, with direct access to the outside or to a public hall and containing separate bathroom and kitchen facilities (see Dwelling Unit).

Illegal Sign. A sign which does not meet the requirements of this UDO and which has not received legal nonconforming status. See also Sign, Illegal.

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.

Illuminated Sign. A sign with an artificial light source incorporated internally or externally for illuminating the sign.

Impervious. A material through which water cannot pass.

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. Any material that prevents absorption of storm water into the ground such as concrete or asphalt. This does not include gravel, rock, or stone.

Improved Block. Any block which contains at least three lots or parcels, each containing a legally established building. For the purposes of this section, a block consists of one (1) side of the street, not interrupted by any streets, alleys, or other rights-of-way.

Improvement Location Permit (ILP). A permit which may be combined with a BUILDING PERMIT signed by the Zoning Administrator stating that a proposed improvement or use complies with the provisions of this chapter of this UDO.

Improvement, Substantial – Flood Control. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% 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 or any alteration of a “historic structure,” provided that the alteration shall not preclude the structures continued designation as a “historic structure.”

Improvements. Including but not limited to 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 also Lot Improvements or Public Improvements.

Incidental. A minor occurrence or condition which is customarily associated with a permitted use and is likely to ensue from normal operations.

Incombustible. A material which will not ignite, nor actively support, combustion during an exposure for five minutes to a temperature of 1200° F.

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. (Abbreviated as I.C. 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.

Indirectly Illuminated Sign. 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.

Individual Sewage Disposal System. A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device approved by the Health Department to serve the disposal needs of one single-family residential dwelling. An individual sewage disposal system is a private sewage disposal system.

Indoor Shooting Range. An establishment complete with buildings, structures, grounds, and sanitary facilities providing lodging with or without meals or other services for the enjoyment of its guests.

Industrial Use. Areas for industrial activity such as, manufacturing, contracting, warehousing and wholesaling, as identified in the Permitted Use Table.

Industrial Food or Beverage Production. Manufacturing establishments producing foods and beverages for human consumption and certain related products. Excludes rendering plants, animal slaughterhouses, and breweries and distilleries.

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.

Inoperable Vehicle. A motor vehicle, recreational vehicle, or any similar vehicle exhibiting one or more of the following:

- 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;
- Any vehicle, whether on public or private property and in view of the public from which, for a period of at least 10 days on public property and 15 days on private property, 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 Not having valid vehicle license plate or registration; and
- Not being currently insured.
- By way of illustration only, the term “Inoperable Vehicle” can include, without limitation, any of the following: passenger vehicle, motorized bicycles, motorcycle, truck, tractor, tractor-trailer, truck trailer, trailer, bus, boat, watercrafts, recreational vehicle, ATV, golf cart camper, camping trailer, truck camper, motor home, travel trailer, semi-trailer, or any other vehicle propelled or drawn by mechanical power, electrical power, or the like.

Interested Parties. Those persons who are to be notified by mail of a public hearing, or other action, on an annexation, rezoning, proposed subdivision of land,

variance request and/or conditional use request; namely, all the abutting and adjoining land owners within two property depths to 660 feet, whichever is satisfied first. 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) GIS; (2) the Auditor’s Plat Books; and (3) the Auditor’s Transfer Books.

Interior Lot. A lot other than a corner lot or a through lot. See also 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.

Internally Illuminated Sign. A light source which is enclosed within the sign and viewed through a translucent panel. This type of illumination is often referred to as direct. See also Sign, Internally Illuminated.

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, discarded building materials, trash, debris 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.

Jurisdiction. The territory within the City of Greenfield, Indiana, the boundaries of which are shown on the Zoning Map, which includes all of the area over which this chapter is effective.

K

None

L

Land. Any ground, soil or earth, including marshes, swamps, drainage ways, and areas not permanently covered by water, within the City.

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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 crops, growing and tending gardens and minor landscaping modifications.

Landscape Area. Land that has been decoratively or functionally altered by contouring and/or planting of shrubs, trees or vines, and with a living or nonliving ground cover.

Landscape Buffer. See Buffer yard.

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.

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.

Legal Drain. A natural or artificial ditch or channel that carries surplus water and has been established for regulation under any Indiana Drainage Statute

Legal Nonconforming Building or Structure. Any continuously occupied, lawfully established structure or building prior to the effective date of the UDO, 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 UDO, 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 UDO, or amendment thereto, that does not conform to all the standards and regulations of the UDO and has been registered within the allotted time as described in this UDO.

Legal Nonconforming Use. Any continuous, lawful use of structures, land, or structures and land in combination established prior to the effective date of the UDO or its subsequent amendments that is no longer a permitted use in the district where it is located.

Letter of Map Amendment (LOMA). An amendment to the currently effective FEMA map that establishes that a property is not located in a SFHA. A LOMA is only issued by FEMA.

Letter of Map Revision (LOMR). An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

Letter of Map Revision Based on Fill (LOMR-F). An official revision by letter to an effective NFIP map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

Library, Museum, or Visual Arts Center. A public facility for the use, but not sale, of literary, musical, artistic, or reference materials; a room or building for exhibiting, or an institution in charge of, a collection of books, or artistic, historical, or scientific objects; a facility open to the public that is devoted to the visual arts.

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.

Live Theater. A structure used for dramatic, operatic, or other live performance, for which money is received to be gained admittance.

Loading Spaces, Loading, and Unloading Berths. The off-street area required for the receipt or distribution by vehicles of material or merchandise.

Local Street. See Street, Local

Lot. A parcel, plat, tract, or area of land accessible by means of a public way. It may be a single parcel separately described in a deed or plat which is recorded in the office of the County Recorder, or it may include parts of, or a combination of such parcels when adjacent to one another and wed as one, or it may be a parcel of land described by metes and bounds. However, in no case shall any residual lot or parcel be created which does not meet the requirements of this chapter. In determining lot area and boundary lines, no part thereof within a street shall be included.

Lot Area. The area of horizontal plane bounded by the vertical planes through front, side and rear lot 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.

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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 Line. The property line between two established parcels of land or one parcel and a public right-of-way or place.

Lot Line, Front. The lot line abutting a street. Corner lots and through lots have at least two front lot lines, multiple frontage lots may have more than two front lot lines. A lot line along a public bikeway or trail shall also be considered as a front lot line.

Lot Line, Rear. The lot line that is opposite to and most distant from the front property line. In the case of a triangular or irregularly shaped lot, the rear property line shall be assumed to be a line not less than ten (10) feet long, lying within the lot and parallel to the front property line at a maximum distance from the front lot line. If the front property line is a curved line, then the rear property line shall be assumed to be a line not less than ten (10) feet long, lying within the lot and parallel to a line tangent to the front property line at its midpoint.

Lot Line, Side. Any boundary of a lot that is not a front or rear lot line.

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 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 Width. The horizontal distance between the side lot lines measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building line. The width of a multiple frontage lot shall be determined at all of its building 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, 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, 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, Through. A lot having frontage on two (2) parallel or approximately parallel streets.

Lowest Adjacent Grade. The lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

Lumen. Unit of luminous flux in the International System of Units (SI) equal to one candela per steradian. Used to measure the amount of light emitted by lamps.

Lux (Luces plural). Unit of illuminance in the International System of Units (SI) equal to one lumen per square meter.

M

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:

- Immediately adjacent to a parking space;
- Used for and/or is necessary for turning, backing or driving forward a motor vehicle into such parking space; but
- 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.

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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:

- 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;
- Has a pitched roof with a minimum rise of 2:12;
- Has wheels, axles, and towing chassis removed;
- Was constructed after January 1, 1981, and exceeds 950 square feet of occupiable space per; and
- 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 I.C. 22-12-2 through 22-12-5.

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 / Small Scale. A manufacturing, processing/innovation facility under 20,000 square feet used for the creation or production of a non-edible item that includes some transformation by way of heating, chilling, adding a liquid, adding a coating, or chemical or biochemical reaction or alteration or some transformation by way of mechanical reshaping. This use may also involve packaging, repackaging, or assembling solid parts. This may include storage, wholesale, and distribution of products manufactured on site and an office incidental to the primary use. This provision excludes bulk storage of materials that are inflammable or explosive or that present hazards.

Manufacturing / Medium Scale. A manufacturing, processing/innovation facility between 20,000 and 50,000 square feet used for the creation or production of a non-edible item that includes some transformation by way

of heating, chilling, adding a liquid, adding a coating, or chemical or biochemical reaction or alteration or some transformation by way of mechanical reshaping. This use may also involve packaging, repackaging, or assembling solid parts. This may include storage, wholesale, and distribution of products manufactured on site and an office incidental to the primary use. This provision excludes bulk storage of materials that are inflammable or explosive or that present hazards.

Manufacturing / Large Scale. A facility over 50,000 square feet used for the creation or production of a non-edible item that includes some transformation by way of heating, chilling, adding a liquid, adding a coating, or chemical or biochemical reaction or alteration or some transformation by way of mechanical reshaping. This use may also involve packaging, repackaging, or assembling solid parts. This may include storage, wholesale, and distribution of products manufactured on site and an office incidental to the primary use. This provision excludes bulk storage of materials that are inflammable or explosive or that present hazards.

Manufacturing of Food or Beverages. Manufacturing establishments producing foods and beverages for human consumption and certain related products. Excludes rendering plants, animal slaughterhouses, and breweries and distilleries.

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.)

Masonry. Brick, fiber cement siding, stone, cultured stone, or stucco materials.

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.

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.

Microwave Antenna. A dish-like antenna manufactured in many sizes and shapes used to link communication sites together by wireless transmission of voice or data.

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.

Minor Modification. Any improvements to existing wireless 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.

Minor Subdivision Plat. A subdivision that includes five (5) or fewer lots and does not require construction of new public or private public ways or the installation of utility infrastructure. Lots created as part of a minor subdivision cannot be further subdivided without a primary and secondary plat approval.

Mitigation. 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.

Mixed-Use Development. A mixed-use development is any development or project which features more than one primary land use type. Examples of mixed-use developments would be office and retail, office and residential, single-family and multi-family, etc.

Mixed-Use Multi-Unit Residential with Commercial Uses. An establishment developed and operated under single or common ownership to include a mix of business activities and multi-unit dwellings.

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:

- Prior to June 15, 1976 and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council; or
- Subsequent to or on June 15, 1976 and bears a seal, certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards.

Modifications from Development Standards. A device which grants a petitioner relief from certain provisions of the Subdivision Control Ordinance when, because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money.

Modular Home. Any single family unattached manufactured home that is without wheels and chassis but that is designed for transportation on streets after fabrication.

Monopole. A single, freestanding pole-type structure supporting one or more Antenna. For purposes of this Ordinance, a Monopole is not a Tower.

Motor Vehicle. Any passenger vehicle, truck, tractor, tractor-trailer, truck-trailer, trailer, boat, recreational vehicle, motorcycle, semitrailer, or any other vehicle propelled or drawn by mechanical or electric power.

Movie Theater and Indoor Entertainment. 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.

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.

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). A vertical control used as a reference for establishing varying elevations within the floodplain.

Neighborhood Scale Medical Offices. A building 6,000 square feet or less in size used exclusively by physicians, dentists, and similar personnel for the treatment and examination of patients solely on an outpatient basis, provided that no over-night patients shall be kept on the premises.

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Neighborhood Scale Professional Offices (6,000 Square Feet or Under). 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.

New Manufactured Home Park or Subdivision. 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 City's first floodplain ordinance, which is December 4, 2007.

Night-time Hours. 7:00 p.m. to 7:00 a.m., local time.

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.

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 zoning district 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 in which it is located.

Nonconforming Sign. A sign or portion thereof that was designed, erected, or structurally altered such that it does not conform to the regulations of the district in which it is located. See also Sign, Nonconforming.

Nonconforming Use. A use which does not conform to the use regulations of the zoning district in which it is located See Also Use, Nonconforming.

Non-cutoff Fixture. A luminaire with no control of the horizontal distribution of luminance.

Normal Pool Elevation. The mean elevation of a body of water's surface.

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

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.

Nursing Home. Any building, structure, institution, or other place, for the reception, accommodation, board, care or treatment extending beyond a continuous 24 hour period in any week of more than two unrelated individuals requiring, in apparent need of, or desiring such services or combination of them, by reason of age, senility, physical or mental illness, infirmity, injury, incompetency, deformity, or any physical, mental or emotional disability, or other impairment, illness or infirmity, not specifically mentioned herein above, including institutions or places furnishing those services usually furnished by places or institutions commonly known as nursing homes, homes for the aged, retirement homes, boarding homes for the aged, sanitarium, convalescent homes, and homes for the chronically ill. The reception, accommodation, board, care, or treatment in a household or family, for compensation, of a related person.

O

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.

Occupancy. The portion of a building or premises owned, leased, rented or otherwise

Official Zoning Map. A map of the City of Greenfield, Indiana, that legally denotes the boundaries of zoning districts 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 in City Hall.

Off-Site. Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

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.

Omnidirectional Antenna. An antenna that is equally effective in all directions and whose size varies with the frequency and gain for which it was designed.

On Site. Any premises located within the area of the property that is the subject of an application, under the same ownership for development.

One Hundred-Year Flood. The flood that has a 1% chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood.

One-Percent Annual Chance Flood. The flood that has a 1% chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter 'A' is subject to the one-percent annual chance flood. See also Regulatory Flood.

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, or parking areas.

Open Space, Usable. That portion of a zoning lot which is not covered by building, structures, streets, or paved parking areas. For the purposes of this ordinance, outdoor roof gardens, patios and decks, pools and other recreational facilities not under roof may be included in the usable open space.

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 land area prior to subdividing.

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 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 Storage and Operations: The outdoor accumulation of any goods, materials, merchandise, equipment, products, vehicles or junk for permanent or temporary holding for 24 or more hours.

Outfall. The point or location at which storm water 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.

Outpatient Medical and Urgent Care Services. 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 needing immediate treatment and solely on a walk-in and outpatient basis.

Owner. Any person or other legal entity having legal title to or significant proprietary interest in the land subject to a land use determination under these regulations.

Owners Association. See Condominium Association or Homeowners Association.

P

Painted Wall Sign. Any sign containing a commercial message which is applied with paint or similar substance on the face of a wall.

Parapet. A low solid protective wall along the edge of a roof or balcony.

Parcel. A part or portion of land having a legal description formally set forth in a conveyance instrument (e.g., a deed) together with the boundaries thereof, in order to make possible its easy identification.

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 a 2-ton capacity by the public, whether for compensation or not, 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 Lot or Parking Garage, Commercial. A parking lot or parking garage that is a primary use of land.

Parking Lot Peninsula. A planting area within a parking lot that is bounded on two opposite sides by parking spaces, on one side by a parking aisle, and on one side by a parking lot perimeter planting area.

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Parking Space. A space other than on a street or alley permanently reserved and designed for use 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.

Parking, Shared. Two or more land uses or a multi-tenant building which merge parking needs to gain a higher efficiency in vehicular and pedestrian circulation, economize space and reduce impervious surface.

Participating Community. Any community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

Party Wall. A wall which is common to but divides contiguous buildings.

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, 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. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, string, designed to move 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 UDO 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. Any guarantee which may be accepted in lieu of a requirement that certain improvements be made before the Commission approves the Record Plat, including by way of illustration, but not limited to, subdivision bonds, irrevocable letter of credit, escrow agreements, deposit agreements, and other similar collateral or surety arrangements approved as valid and enforceable by the Commission.

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.

Permanent Foundation. A structural system for transmitting loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

Permanent Perimeter 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.

Permanent Sign. A sign permanently affixed to a building or the ground.

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, association, fiduciary or governmental entity.

Personal Care and Beauty Services. Establishments providing nonmedical related services, including beauty and barber shops; clothing rental; dry cleaning pick-up stores; Laundromats (self-service laundries); psychic readers; shoe repair shops; tanning salons. These uses may also include accessory retail sales of products related to the services provided.

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 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.

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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.

Pharmacy. An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies.

Physical Map Revision (PMR). Is an official republication of a community’s FEMA map to effect changes to base (1%) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur because of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to BFEs or SFHAs.

Plan Commission. See Commission.

Plan Commission Staff. The Zoning Administrator and other persons the Plan Commission has employed to advise them on matters pertaining to planning and zoning.

Planned Unit Development. A means of land regulation which permits large scale, unified land development in a configuration and possibly a mix of uses not otherwise permitted “as of right” under the UDO but requiring under that ordinance a special review and approval process. A Planned Unit Development may be established for predominantly residential, commercial or industrial purposes.

Plant Community. A natural association of plants that are dominated by one or more prominent species, or a characteristic physical attribute.

Plant Material. Trees, shrubs, perennials, vegetative ground cover, and the like.

Plat. A series of drawings, certificates and covenants indicating the subdivision or resubdivision of land filed or intended to be filed for record with the County Recorder.

Porch. A roofed-over structure projecting out from the wall or walls of a main structure and commonly open to the weather in part.

Portable Sign. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu or sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in normal day-to-day operations of the business.

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 residence districts 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.

Practical Difficulties. For variance purposes, means a significant development limitation that:

- arises from conditions on the property that do not generally exist in the area (i.e., the property conditions create a relatively unique development problem);
- precludes the development or use of the property in a manner, or to an extent, enjoyed by other conforming properties in the area;
- cannot be reasonably addressed through the redesign or relocation of the development/building/structure (existing or proposed); and,
- may not be reasonably overcome because of a uniquely excessive cost of complying with the standard.

Practical Difficulty. A difficulty with regard to one’s ability to improve land stemming from regulations of this UDO. A practical difficulty is not a “hardship,” rather it is a situation where the owner could comply with the regulations within this UDO but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

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.

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.

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. The primary plat, pursuant to IC 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.

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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. See also Building, Principal.

Principal Use. The main use of land or structures as distinguished from a subordinate or accessory use.

Printing, Publication, and Similar Uses. An establishment in which the principal business consists of duplicating and printing services using photocopy, blueprint, or offset printing equipment, including publishing, binding, and engraving.

Private Recreation Club. An establishment operated for social, educational or recreational purposes that is open only to members and not to the general public.

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.

Projecting Sign. Any sign other than a wall sign affixed to any building or wall whose leading edge extends beyond such building or wall.

Property Improved. A lot or plat including man-made structures thereon.

Psychiatric Facility. A facility providing psychiatric service exclusively on an outpatient basis, including emergency treatment, diagnostic services, training, administration, and services to outpatients, employees, or visitors.

Public and Mass Transit Stations and Accompanying Uses. Any structure or transit facility that is primarily used, as part of a transit system, for the purpose of loading, unloading, or transferring passengers or accommodating the movement of passengers from one mode of transportation to another.

Public Improvement. Any storm drainage facility, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, utility, 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 Health and Safety Services. Facilities operated by public agencies including fire stations, other fire prevention and firefighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities, and including any public animal shelter.

Public or Private Indoor Recreation. Theaters, bowling alleys, health clubs and other similar recreation uses owned and operated by a private entity, which the prin-

cipal use is located within a building, but excluding any sexually oriented business.

Public or Private Outdoor Recreation. 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.

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 HOA pathways connected to larger networks. Common areas serving as an amenity for commercial and multi-family developments are also considered to be public space.

Public Utilities. A closely regulated enterprise with a license and/or permit for providing to the public a utility service deemed necessary for the public health, safety, and welfare, such as electric, gas, telephone, water, sewer, solid waste disposal, schools, and public transit.

Public Utility. Any person, firm, or corporation duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, fiber optics, transportation, water, or sewage systems.

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

None.

R

Radius of Curvature. The length of radius of a circle used to define a curve.

Rainfall Intensity. The cumulative depth of rainfall occurring over a given duration, normally expressed in inches per hour.

Reach. Any length of watercourse, channel or storm sewer.

Rear Access Drive. A drive which accesses the street or right-of-way through the rear of the property.

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Rear Lot Line. See Lot Line, Rear.

Rear Yard. See Yard, Rear.

Reception Window. The area within the direct line between a satellite antenna and those orbiting communications satellites carrying available programming.

Recreational Area. A place designed and equipped for the conduct of sports and leisure time activities.

Recreational Area or Facility, Private. 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 may also be accessible for use by the public through associate membership subscription or user fees. The term includes country clubs, riding stables, golf courses, and other private noncommercial recreation areas and facilities, or recreation centers, including private swimming pools.

Recreational Area or Facility, Public. Publicly owned recreational areas or facilities. The term includes public golf courses, recreation centers, swimming pools and other public noncommercial recreation areas and facilities.

Recreational Vehicle. A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. For purposes of this UDO, 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 (less than 2 tons gross vehicle weight); and (4) designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use

Recreational Vehicle and Boat Sales. 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; 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.

Recreational Vehicle Park. Any commercially zoned site, lot, field, or tract of land designed with facilities for short term occupancy for recreational vehicles, tents or similar for camping or travel purposes.

Recreational Vehicle Storage. The keeping of recreational vehicles on property while they are not be used or are inactive. This does not include the keeping of junk or inoperable recreational vehicles.

Recreational Vehicle, Boat, or Automotive Storage.

The storage of motor vehicles, boats, recreational vehicles, permanent or temporary holding, but not junk vehicles or boats.

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.

Regulated Drain. A natural or artificial ditch or channel that carries surplus water and has been established for regulation under any Indiana Drainage Statute.

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 in this ordinance. The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".

Regulatory Flood Elevation. The maximum elevation, as established by the Indiana Department of Natural Resources, reached by the Regulatory Flood at the locations in question relevant to approval of a given subdivision.

Regulatory Floodway. The channel of a river or stream and those portions of the Flood Plains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flow of the Regulatory Flood of any river or stream as shown on the Flood Insurance Rate Map, Maps of Greenfield, Indiana, as prepared by the Federal Emergency Management Agency.

Release Rate. The amount of storm water released from a storm water control facility per unit of time.

Religious Assembly. A building or structure for the gathering together of persons for purposes of civic, social or religious functions.

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.

Residence. A structure in which a person lives.

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Resort. An establishment complete with buildings, structures, grounds, and sanitary facilities providing lodging with or without meals or other services for the enjoyment of its guests.

Responsible Party. Any person, firm or corporation that uses property in violation of this UDO or permits another person, firm or corporation to do so.

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 a 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.

Restaurants with Drive-Thru. 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-through lane to customers in motor vehicles who will be consuming the food off-premises.

Restaurants without Drive-Thru. An establishment where food and drink are prepared, served and consumed by the general public within an indoor dining area and may include an outdoor seating area.

Retail, Grocery, or Food Markets. Establishments that primarily focus on general or specialized retail, food, groceries, and/or alcohol/beverage sales. Neighborhood and corridor scale uses are distinguished by size, Neighborhood Scale under 10,000 square feet and Corridor Scale establishments are those 10,000 square feet or larger.

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.

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 by the Drainage Board to improve drainage.

Rise Pit. A spring characterized by an upwelling of water, which may be permanently flowing or intermittent.

Road(s). See Street(s).

Roadway Width. The paved area of a street measured from back of curb to back of curb.

Roof/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.
Root Protection Zone. Generally, 18 to 24 inches deep and a distance from the trunk of a tree equal to one-half (1/2) its height or its drip line, whichever is greater.

Rural Area. An area that may not be classified as an urban area.

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, court order, or other written instrument.

Sales Office. A trailer, model home, or the like used as a showroom or office for the sale 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.

Satellite Dish/Antenna. An apparatus capable of receiving communications from and/or sending to a relay located in a planetary orbit or broadcasted signals from transmitting towers.

Sawmill. An establishment in which timber is sawed into planks, boards, or other wood products.

Scenic View. A scenic view is a view that may be framed, side angle, or panoramic and may include natural and/or man-made structures and activities. A scenic view may be from a stationary viewpoint or be seen as one travels along a roadway, waterway, or path. A view may be to a far-away object, such as a mountain, or of a nearby object.

School. An institution which offers instruction in any of the branches of learning and study, including pre-kindergarten, kindergarten, elementary school, and junior and senior high schools, but excluding trade, business, or commercial schools.

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.

Screen. A method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls, or any appropriate combination thereof.

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 Approval. An approval that may be granted by the Plan Commission and signed and certified by the President of the Plan Commission on a plat of the subdivision which the Plan Commission has already given its primary approval before it can be filed with the County Auditor and recorded by the County Recorder, and the improvements and installations have been completed as required by this code or, if the improvements and installations have not been completed as required, the applicant therefore has provided a bond or other proof of financial responsibility in accordance with the requirements of this subdivision code.

Secondary Plat. The secondary plat, pursuant to IC 36-7-4-700, is the final plat document in recordable form. A secondary plat shall substantially conform to the preceding primary plat, or section thereof.

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.

Sectionalizing or Phasing. A process whereby an Applicant seeks final approval on only a portion of a plat which has been granted preliminary approval.

Self-Support Tower. A communication tower that is constructed without guy wires and ground anchors.

Semitrailer. A semitrailer is 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.

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. A line parallel to and equidistant from the relevant lot line (front, back, side) between which no buildings or structures (some exceptions) may be erected as prescribed in the UDO.

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.

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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.

Sheet Flow. Drainage of water over plane surfaces at a very shallow depth, usually under one inch.

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 thirty (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 Lines. See 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 Section may not be interpreted as a limitation on the scope of the foregoing definition of “sign.”

Sign, Abandoned. See Abandoned Sign.

Sign, Animated. Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

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, Building. Any sign attached to any part of a building, as contrasted to a freestanding sign.

Sign, Building Marker. Any sign indicating the name of a building and date and incidental information about its

construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

Sign, Canopy. Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

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, Directional. A sign containing information limited to the name of the business, the nature of the business, the business logo, if any, and the distance and direction to the use being advertised.

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, 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 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, Incidental. A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as “no parking,” “entrance,” “loading only,” “telephone,” and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

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, 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, Integral Roof. Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

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, Marquee. Any sign on the face of a canopy attached to, in any manner, or made a part of and projecting over the entrance to a theater, hotel, or other building.

Sign, Nonconforming. A sign or portion thereof that was designed, erected, or structurally altered such that it does not conform to the regulations of the district in which it is located.

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 Permit. A document signed by the Department stating that a proposed sign has met with the general provisions of this UDO.

Sign, Pole. A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is nine (9) feet or more above grade.

Sign, Portable. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

Sign, Projecting. Any sign affixed to a building or wall in such a manner that its leading edge extends beyond the surface of such building or wall.

Sign, Residential. Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on

the premises or provided to the premises where the sign is located, if offering such service at such location conforms to all requirements of the zoning ordinance.

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, Snipe. An illegal temporary sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or other objects.

Sign, Special Event. A sign upon which information about events or activities conducted by religious, civic, educational, community, governmental, or similar organizations is displayed.

Sign Structure. The structure to which a sign is affixed including the structural base or supports.

Sign, Suspended. A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Sign, Temporary. Any sign that is intended to be displayed for a limited period of time of thirty (30) days, renewable four (4) times a year, 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, 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.

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 Triangle. The imaginary triangular area formed at a street corner by projecting the curb lines of the two intersecting streets to where the two projected lines would cross. From that intersecting point, one measures twenty-five (25) feet back along both curbs and then the two (2) end points are then connected. Within this imaginary triangle, no visual obstructions taller than three (3) feet are allowed. We have current regulations with measurements based on the type of street classification

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Small Cell 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.

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.

Soil. All unconsolidated mineral and organic material of any origin.

Solar Farm. A commercial facility that converts sunlight into electricity, whether by photovoltaic (PV) or other conversion technology, for the primary purpose of wholesale sales of generated electricity.

Sound. An oscillation in pressure in air.

Special Flood Hazard Area (SFHA). Those lands within the jurisdictions (including extraterritorial jurisdictions) of the City subject to inundation by the regulatory flood. The SFHAs of the City are generally defined as such on the Hamilton County, Indiana and Incorporated Areas Flood Insurance Rate Map prepared by the FEMA, dated February 19, 2003, as well as any future updates, amendments, or revisions, prepared by the FEMA with the most recent date. The SFHAs of those parts of unincorporated Hamilton County, Indiana that are within the extraterritorial jurisdiction of the City or that may be annexed into the City are generally identified as such on the Hamilton County, Indiana and Incorporated Areas FIRM prepared by the FEMA and dated February 19, 2003 as well as any future updates, amendments, or revisions, prepared by the FEMA with the most recent date. (These areas are shown on a FHBM or FIRM as Zone A, AE, A1-A30, AH, AR, A99, or AO).

Special Handling. Retail businesses that sell products that require special handling due to risks to public safety.

Spectrum. Relating to any transmissions or reception of electromagnetic waves.

Spillway. A waterway in or about a hydraulic structure, used for the release of excess water.

Spring. An outflow of subterranean water.

Stable. A structure and/or land use in or on which horses are kept primarily for breeding, boarding, training and/or giving lessons.

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.

Stealth Facility. A stealth facility shall include those design and construction techniques used to disguise WCF and Support Structures and/or conceal an Antenna Array. Examples include, but are not limited to, rooftops, flagpoles, light poles, bell and clock towers, signs, water towers, silos, steeples, and chimneys.

Storage, Contractor. An area used or intended for the storage of contractor materials, or vehicles and equipment not in service.

Storage Duration. The length of time that water may be stored in a storm water control facility, computed from the time water first begins to be stored.

Storage of Commercial Gases. The type of storage where flammable or combustible liquids or gases are received by tank vessel, pipelines, tank car, or tank vehicle, and are stored and blended in bulk for the purpose of distributing such liquids by tank vessel, pipeline, tank car, tank vehicle, portable tank, or container. Also including any storage of explosives or blasting agents.

Storage, Wholesaling and Distribution, Enclosed

Establishments or places of business primarily engaged in handling freight (with or without maintenance); selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies; or the intake of goods and merchandise, individually or in bulk, the short-term holding or storage of such goods or merchandise, or the breaking up into lots or parcels and subsequent shipment off-site of such goods and merchandise. This definition includes facilities such as distribution operation; storage and transfer establishments; and distribution from truck yards.

Storm Sewer. A closed conduit for conveying collected storm water.

Storm Water Drainage System. All methods, natural or man-made, used for conveying storm water to, through or from a drainage area to any of the following: conduits and appurtenant features; canals; channels; ditches; streams; culverts; streets; or pumping stations.

Storm Water Runoff. The water derived from rains falling within a tributary basin, flowing over the surface of the ground or collected in channels or conduits.

Story. That portion of a building included 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.

Stream/vegetation Interface Line. The line where the non-vegetated streambed meets streamside vegetation. Where plants are widely dispersed, this line shall begin where vegetation covers 75 percent of the ground plane.

Street. A public right-of-way that provides the principal means of access to abutting property. Rights-of-way for utility, pedestrian, or bicycle easements are not considered streets.

Street, Arterial. A street designated for large volumes of traffic movement. Certain arterial streets may be classed as limited access highways to which entrances and exits are provided only at controlled intersections and access is denied to abutting properties. Arterial streets are divided into two categories: primary and secondary in accordance with Section 153 of the Code of Ordinances.

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 zoning districts 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.

Street, Collector. A street planned to facilitate the collection of traffic from residential streets and to provide circulation within neighborhood areas and convenient ways for traffic to reach arterial streets.

Street, Dead-End. A street or a portion of a street with only one (1) vehicular-traffic outlet and no turnaround. See also Dead-End Street

Street Frontage. The distance for which a lot line adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

Street, Local. A street designated primarily to provide access to abutting properties, usually residential. Certain residential streets may be marginal access streets parallel to arterial streets, which provide access to abutting property and ways for traffic to reach access points on arterial streets.

Street Right-of-Way Width. The distance between property lines measured at right angles to the center line of the street.

Stripping. Any activity which significantly disturbs vegetated or likewise stabilized soil surface, including clearing and grubbing operations.

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.

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, free-standing signs and other similar items.

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 UDO.

Subdivision. The division of any parcel / lot of record on the last preceding transfer of ownership, into two or more parcels / lots, for the purpose, whether immediate or future, of transfer of ownership; provided, however, the creation of lot(s) leaves no remainder of less than three (3) acres

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 Control Ordinance. An ordinance relating to subdivision control regulations codified in the UDO.

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 any improvement to a public road, the construction of any new street or road, nor the imposition of any adverse effect upon the use of the remainder of the land or adjoining property as determined by the Commission.

Subdivision, Nonresidential. A subdivision intended for nonresidential use.

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Subject Property. The land, building or structure concerning which an application for a permit, certificate, review or other determination authorized by the Zoning Ordinance or the Subdivision Control Ordinance, has been filed.

Substantial Damage. 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. 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, building or safety code requirements or any alteration of a “historic structure”, provided that the alteration will not preclude the structures continued designation as a “historic structure”.

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 UDO. 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.

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.

Surface Drainage. A system by which storm water runoff is conducted to an outlet. The term encompasses the proper grading of parking lots, streets, driveways, yards, etc., so that storm water 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.

Swimming Pool. A self-contained body of water at least 24 inches deep and eight (8) feet in diameter or width and used for recreational purposes. It may be above or below ground level and shall be considered an accessory structure/use.

I

Technical Review Committee. The Technical Advisory Committee of the Greenfield Advisory Plan Commission is a committee composed of the following members: Two Plan Commission members, City Engineer, Zoning Administrator/City Planner, Public Utility Representatives, Greenfield Street Commissioner, Hancock County Soil and Water Conservation District staff member, Fire Chief - Local Fire Department, and Traffic Safety Officer -Greenfield Police Department; whose purpose is to make recommendations to the Greenfield Advisory Plan Commission concerning standards, design and impact upon streets, utilities, and other facilities for planned unit development proposals, subdivision plans, and development plans; The Board of Zoning Appeals may also request the committee to review variance requests or conditional uses.

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 Activity. 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.

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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 tent, awning, or the like used as a temporary shelter, cover, or device.

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.

Tenant Frontage Width. The length of the outside building wall occupied by the tenant or merchant on a dedicated public or private street.

Thoroughfare Plan. The part of the comprehensive plan for the city, now or hereafter adopted, which includes a major street and highway plan and sets forth the location, alignment, dimensions, identification, and classification of existing and proposed streets, highways, and other thoroughfares for the city within its environs.

Through Lot. See Lot, through.

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 apparent or proposed right-of-way.

Townhouse. One of several individual housing units constructed with a common roof, front wall and rear wall.

Toxic Substance. Any gas, liquid, solid, semisolid substance of 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 anybody surface. In addition, substances which are corrosives, irritants, strong sensitizers, or radioactive substances shall be considered toxic substances for the purpose of this regulation.

Tractor (semi-tractor). A tractor is a motor vehicle designed and used primarily for drawing or propelling trailers, semitrailers, or vehicles of any kind and are registered with a semi-tractor license plate.

Trade, Artisan, and Vocational Schools or Fabrication Shops, Enclosed. 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, leather craft, hand-woven articles, and related items. **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, amount of vehicles, etc.).

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.

Tree. A large, woody plant having one or several self-supporting stems or trunks and numerous branches; may be classified as deciduous or evergreen.

Tributary. Contributing storm water from upstream land areas.

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Understory. Assemblages of natural low-level woody, herbaceous, and ground cover species that exist in the area below the canopy of the trees.

Use. Any purpose for which a structure or a tract of land may be designated, arranged, intended, maintained, or occupied; also, any activity, occupation, business or operation carried on, or intended to be carried on, in a structure or on a tract of land.

Use, Accessory. See Accessory Use (or wherever it is)

Use, Nonconforming. Any use of land, building or structure which use is not permitted in the zone in which the use is located. (See also: Legal non-conforming use.)

Use, Permitted. Any use of land, building or structure which use is permitted in the zone in which the use is located.

Use, Principal. The main use of land, building or structure as distinguished for a subordinate or accessory use.

Use Variance. The approval of a use other than that prescribed by the UDO, an act granted by IC 36-7-4- 918.3.

Utility Facility. Electrical switching facilities and primary substations, and other services which are necessary to support principal development and involve minor structures such as utility lines and utility poles. This activity excludes power generating plants.

Utility Pole. A structure that is owned or operated by a 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 or municipal utility regulated by the Indiana Utility Regulatory Commission (IURC), excepting all WCF and/or Support Structures.

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Variance. A deviation from any term or standard contained in the UDO as authorized by the Board of Zoning Appeals.

Vegetation, Native. Any plant species with a geographic distribution indigenous to all or part of Hancock 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 Sales, Services, and Repairs. 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.

Veterinary With Kennel. A place where animals 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 and/or clinical use.

Veterinary Without Kennel. A place where animals are given medical or surgical treatment and are cared for during the time of such treatment. No kennels shall be allowed.

Viable. When referring to a tree, shrub, or other type of plant, is a plant that, in the judgment 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.

Vision Clearance on Corner Lots. A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision.

W

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.

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.

Watershed. See Drainage Area.

Wet Bottom Detention Basin (retention basin). A detention basin that is designated to retain a permanent pool of water after it has performed its planned detention function during or immediately following a storm event.

Wet Weather Spring or Rise. An intermittent spring that discharges storm waters.

Wetlands. Those areas inundated or saturated by surface or groundwater at a frequency or duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation specifically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. This term does not include lands having the following general diagnostic environmental characteristics:

- Vegetation: the prevalent vegetation consists of plant species that are typically adapted for life only in aerobic soils. These mesophytic and/or xerophytic macrophytes cannot persist in predominantly anaerobic soil conditions.
- Soils: soils, when present, are not classified as hydric, and possess characteristics associated with aerobic conditions.

Wireless Communication. 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.

Whip Antenna. An antenna that transmits signals in 360 degrees. Whip antennas are typically cylindrical in shape and are less than 6 inches in diameter and measure up to 18 inches in height. Also called omnidirectional, stick or pipe antennas.

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.

Woodlands, Existing. Existing trees and shrubs of a number, size, and species that accomplish the same general function as new plantings.

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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 building setback line to the right-of-way line and extending to the side lines of the lot.

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 Yard, Front.

Z

Zone Lot. A parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the regulations of the UDO.

Zoning Map. See Official Zoning Map.

Zoning Ordinance. Those sections of the UDO now or hereafter adopted, that include the Official Zoning Map, regulations, requirements and procedures for the establishment of land use controls.

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