



— CITY OF —
GREENSBURG

UNIFIED DEVELOPMENT ORDINANCE (UDO)

CITY OF GREENSBURG, INDIANA

Adopted Date: November 9, 2023

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Chapter 1

Introductory Provisions

A. Title. This ordinance shall be formally known as the “Unified Development Ordinance,” or the “UDO” for the jurisdiction of the City of Greensburg.

B. Authority. This UDO is enacted by the City of Greensburg pursuant to the authority granted in IC 36-7-4-600 Series, IC 36-7-4-700 Series, and other applicable state and federal statutes as amended from time-to-time.

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

1. **Subdivision Control Ordinance Provisions.** The regulations established for the administration of the Subdivision Control Ordinance under IC 36-7-4-700 Series are covered by Chapters 5 and 6 of this UDO.
2. **Zoning Ordinance Provisions.** The regulations established for the administration of the Zoning Ordinance under IC-36-7-4-600 Series are covered by Chapters 2, 3, 4, 8, and 9 of this UDO.

D. Intent. The intent of this UDO is to promote the public health, safety, morals, and general welfare of the jurisdiction, including:

1. Accomplish the purposes of IC 36-7-4, Local Planning & Zoning, and further other purposes stated hereinafter within this UDO.
2. Guide future growth and development in accordance with the Comprehensive Plan.
3. Provide for adequate air, light, and privacy and to prevent undue congestion and overcrowding of the land.
4. Protect and conserve the value of land, buildings, and other improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
5. Guide public and private policy and action to assure adequate and efficient transportation, water, sewer, schools, parks, drainage, and other public requirements and facilities.

6. Avoid scattered and uncontrolled subdivision of land that would result in an excessive expenditure of public funds for the supply of community services.
7. Establish reasonable standards of design and minimum requirements for the creation, installation, and improvement of physical facilities which are, or will be, maintained for the benefit of the general public.
8. Establish reasonable standards and procedures for subdivisions and resubdivisions, to further the orderly layout and use of land; and to ensure proper legal descriptions and marking of subdivided land.
9. Prevent the pollution of air and water including the safeguarding of the water table and drainage facilities; and the encouragement of wise use and management of natural resources to preserve the integrity, stability, natural beauty topography, and the value of land.
10. Administer these regulations by defining the powers and duties of approval authorities, and the manner and form of making, filing, and processing of any plat.

E. Effective Date. This UDO shall become effective on January 1, 2024.

F. Jurisdiction. This UDO shall apply to land within the jurisdiction as shown on the Jurisdictional Area Map, which is on file in the offices of the Decatur County Recorder and the Greensburg Building Commissioner.

G. Repeal of Previous City Codes. All previously adopted city ordinances and resolutions in conflict with this UDO are hereby repealed and replaced with the adoption of the UDO and official zoning map, including, but not limited to:

1. Repeal of City Ordinance No. 1982-3, Manufactured Homes; and all subsequent amendments;
2. Repeal of City Ordinance No. 1999-15, Zoning Code; and all subsequent amendments;
3. Repeal of City Ordinance No. 2002-4, Subdivision Control Ordinance; and all subsequent amendments;

4. Repeal of City Ordinance No. 2007-18, Stormwater; and all subsequent amendments;
5. Repeal of City Ordinance No. 2013-1, Signage; and all subsequent amendments; and
6. Repeal of City Ordinance No. 2020-27, Historic Preservation; and all subsequent amendments.

H. Transition Policies. The following policies apply for applications and approvals that are in progress at the time of adoption of this UDO:

1. **Pending Applications.** Applications that are received and complete prior to the adoption of this UDO shall continue their respective process pursuant to the rules and provisions that were in place at the time of filing. This includes applications before the City Council, the Plan Commission (PC), the Board of Zoning Appeals (BZA), the Redevelopment Commission (RC), as well as applications for Improvement Location Permits (ILP).
2. **Permits Issued.** Any ILP permit that was issued prior to the adoption of this UDO shall remain valid for the timeframe and provisions established by the regulations that were in effect at the time of filing. If applicable, a valid permit may be renewed per the provisions established by the regulations that were in effect at the time of filing. Permits that have expired per the provisions established by the regulations that were in effect at the time of filing and need to be resubmitted shall now be subject to the regulations established by this UDO.
3. **Subdivisions.** Because subdivisions are subject to two (2) phases of approval (primary plat and secondary plat), the following policies for transition apply:
 - a. *Primary Plat.* Any primary plat that was approved by regulations that were in place prior to the adoption of this UDO, that have not expired, and are otherwise still valid under said previous regulations, shall continue its respective process pursuant to the rules and provisions that were in place at the time of filing. If the previous provisions did not identify an expiration date for primary

plat approval and an application for secondary plat (all or in part) has not been received and completed within two (2) years of the adoption of this UDO, then said primary plat shall automatically expire two (2) years after the date of the adoption of this UDO.

- b. *Secondary Plat.* As long as the approved primary plat for a subdivision remains valid and has not expired, the lot standards, structure standards, and utility standards that were in place at the time the primary plat was approved shall apply to the secondary plat (all or in part) included in the primary plat approval.

4. **Commitments or Conditions.** Commitments or conditions (whether recorded or not) that were made a part of an approval before the City Council, PC, BZA, RC, or part of an application for an ILP prior to adoption of this UDO, shall remain in full effect regardless of any resulting changes in regulations that are established by this UDO. Commitments or conditions may be modified pursuant to the applicable processes as outlined in either or both Chapter 7, *Subdivision Administration and Procedures*, and Chapter 8, *Zoning Administration and Procedures*.

5. Annexation, Disannexation, and Property Not Included.

- a. *Annexation.* Property annexed into the City of Greensburg after the effective date of this UDO shall be assigned a zoning district by the City Council as part of the annexation process.
- b. *Disannexation.* Property detached from the incorporated city after the effective date of this UDO, upon the effective date of such disannexation, shall be declared to be in a zoning district recommended by the Decatur County Plan Commission and approved by the Decatur County Commissioners.



Chapter 2

Zoning Districts

A. General Provisions

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

Name of District	Abbreviation
Conservation District	C-1
One-Family Residential District	R-1
One-Family or Two-Family Residential District	R-2
Low-Density Multi-Family Residential District	R-3
Medium-Density Multi-Family Residential District	R-4
Neighborhood Business District	B-N
Central Business District	B-1
General Business District	B-2
Heavy Commercial District	B-3
Institutional District	IN-1
Light Industrial District	I-1
Heavy Industrial District	I-2

2. **Historic Overlay District.**

- a. *Applicability.* The City’s Historic Zoning District functions as an overlay district. Base zoning districts lying within the boundaries of the historic district are subject to regulations for both the zoning district and the historic district.
- b. *Design Guidelines.* Development within the City’s Historic Zoning District shall be compliant with the Downtown Greensburg Historic District Design Guidelines. See City of Greensburg Ordinance 2020-27 and the City’s Downtown Greensburg Historic District Design Guidelines. Copies of both documents

are available at the City’s Office of Building, Planning, and Zoning.

3. **Official Zoning Map.** The Official Zoning Map is a geographic coverage layer that is maintained as part of the City of Greensburg’s geographic information system (GIS) under the direction of the Administrator.
 - a. *District Boundaries.* The location and boundaries of the zoning districts are hereby established on a map entitled the “Official Zoning Map.”
 - b. “Official Zoning Map,” as it may be amended from time to time, which accompanies and is hereby incorporated in and made a part of this UDO by reference.
 - c. *Interpretation of Boundaries.* All questions concerning the exact location of zoning district boundary lines shall be determined by the Administrator. An appeal of the Administrator’s interpretation may be filed with the BZA per Section 7.C.6, *Administrative Appeals Process*.
 - d. *Zoning Map Production.* The Administrator may authorize printed copies of the Official Zoning Map to be produced and shall maintain digital or printed copies of superseded versions of the Official Zoning Map for historical reference.
4. **Land Uses.**
 - a. *Land Uses Listed.* The respective section for each zoning district and overlay district identifies the common land uses that are “permitted” or allowed as a “conditional use.” A comprehensive list of land uses is contained in Appendix A, *Land Use Matrix*. Any land use not listed, or not deemed sufficiently similar to a listed use as described shall be prohibited.
 - b. *Land Uses Not Listed.* For land uses not listed in Appendix A, *Land Use Matrix*, the Administrator shall attempt to determine if the desired land use is similar to a listed land use.
 - c. *Comparison to Listed Uses.*

- i. *Unlisted Use is Similar to a Listed Use.* If the desired land use is determined to be similar to a listed land use, the respective process and development standards for the similar use shall be followed.
 - ii. *Unlisted Use is Not Similar to a Listed Use.* If the Administrator determines that the desired land use is not similar to a listed land use, then the desired land use shall be prohibited.
 - iii. *Uncertainty.* In the case of uncertainty of classifying a land use, the Administrator may, in their discretion, refer the request for land use clarification to the BZA for consideration and final decision.
- d. *Criteria for Classifying Unlisted Land Uses.* To determine whether an unlisted land use is similar to a listed use, the Administrator or the BZA shall examine the proposed use by the following criteria:
- i. *Intensity.* Is the unlisted use similar in intensity and nature to a listed use? Land use intensities are related to the amount and type of activity a parcel hosts.
 - (1) *Residential, public, and office uses* - intensity levels are tied to the number of people using a space.
 - (2) *Commercial uses* - intensity levels are tied to the gross commercial floor area associated with the primary structure, including hours of operation and anticipated customer volume. In addition, the types of vehicles used, type of storage (indoor or outdoor), and hours of operation should be considered.
 - (3) *Industrial Uses* – intensity levels are related to the amount of noise, noxious exhaust, and public safety hazards generated on the site.

In addition, the types of vehicles used, type of storage (indoor or outdoor), and hours of operation should be considered.

- ii. *Character.* Does the unlisted use have similar physical characteristics, structures, scale, operational hours, or other features similar to a listed use?
 - iii. *Accessory Potential.* If the unlisted use is similar to a listed accessory use, is it incidental to, necessary, and compatible with the permitted primary use?
 - iv. *Intent.* Is the unlisted use compatible with the purpose of the subject zoning district and consistent with the Comprehensive Plan?
5. **Temporary Land Uses.** The temporary land uses of Special Events and Temporary Structures are permitted within all zoning districts provided that the specific land use standards are met. See Chapter 4, *Use Standards*.
6. **Development Standards.** The following development standards are generally interpreted as follows:
- a. *Lot Width.* Lot width is measured at the front building line.
 - b. *Minimum Front Yard Setback.*
 - i. The minimum front yard setback is as shown in the respective Development Standards table.
 - ii. The front yard setback is measured from the right-of-way as designated in the City's Thoroughfare Plan.
 - iii. *Flexibility for Infill Development.* If twenty-five percent (25%) or more of the lots in a block frontage are occupied by structures, then the lesser of the required minimum front yard setback or the average front yard setback of the existing buildings is used.
 - iv. *Corner Lots.* A corner lot will have two (2) front yard setbacks and two (2) side yard setbacks; it will not have a rear yard setback.

c. *Minimum Side Yard Setback.*

- i. The minimum side yard setback is measured from the property line as shown in the respective Development Standards table or is the width of the applicable bufferyard, whichever is greater.
- ii. A side yard adjoining a street which does not face the primary structure is considered a front yard setback and the respective standards apply.
- iii. *Corner Lots.* A corner lot will have two (2) front yard setbacks and two (2) side yard setbacks; it will not have a rear yard setback.

d. *Minimum Rear Yard Setback.*

- i. Minimum rear yard setback is measured from the property line as shown in the respective Development Standards table or is the width of the applicable bufferyard, whichever is greater.
- ii. A rear yard adjoining a street which does not face the primary structure is still considered a front yard setback and the respective standards apply.
- iii. *Corner Lots.* A corner lot will have two (2) front yard setbacks and two (2) side yard setbacks; it will not have a rear yard setback.

B. Zoning Districts.

1. C-1, Conservation District

a. *Purpose.* The Conservation District (C-1) is intended to preserve significant natural resource areas from future development, including land and water both privately and publicly owned. Examples of areas suitable for the C-1 zoning include parks, nature preserves, areas of steep slopes or unusual geologic formations, floodways and floodplains, riparian areas, wetlands, mature woods, and similar areas. Any development within this zoning district shall be supportive of the primary purpose of preserving the existing natural resources.

b. *Land Use.*

Land Uses – C-1, Conservation District	
Permitted Uses	Special Exception Uses
AGRICULTURAL USES <ul style="list-style-type: none"> • Beekeeping • Greenhouse* • Farming, Landscaping, and Horticultural Sales and Services • Orchard • Plant Nursery* • Row Crops • Nature Preserve ENTERTAINMENT & RECREATION USES <ul style="list-style-type: none"> • Recreation Center 	ACCESSORY USES <ul style="list-style-type: none"> • Agritourism • Accessory Solar Energy System (SES) • Accessory Wind Energy System (WES) AGRICULTURAL USES <ul style="list-style-type: none"> • Commercial Solar Energy System (SES) • Livestock Raising

Land Uses – C-1, Conservation District	
Permitted Uses	Special Exception Uses
INSTITUTIONAL USES <ul style="list-style-type: none"> • Cemetery^ • Funeral Home^ • Library, Museum, or Gallery^ • Park • Public Utilities • Water Storage 	COMMERCIAL USES <ul style="list-style-type: none"> • Campground / Recreational Vehicle Park^ • Hotel/Motel^ • Winery/Brewery^ ENTERTAINMENT & RECREATION USES <ul style="list-style-type: none"> • Golf Course^ INSTITUTIONAL USES <ul style="list-style-type: none"> • Place of Public Assembly, Indoor^
<p>See Appendix A, <i>Land Use Matrix</i>, for a complete list of uses. * Indicates use has specific development standards that apply. See Chapter 4, <i>Use Standards</i>. ^ Requires a development plan to be submitted per Sec. 7.B.9, <i>Development Plan Process</i>, for the land use to be permitted.</p>	

c. *Development Standards.*

Development Standards for the C-1, Conservation District	
Structure Standards	
Maximum height of primary structure	30'
Maximum height of accessory structure	30'
Minimum living area	NA
Lot Standards	
Minimum road frontage and lot width	150'
Minimum lot area	1 Acre
Minimum front yard setback - Principal Arterial Street [or average block setback, whichever is less. See Section 2.A.6.b.iii of this Chapter.]	50'
Minimum front yard setback – Minor Arterial Street [or average block setback, whichever is less. See Section 2.A.6.b.iii of this Chapter.]	40'
Minimum front yard setback – Collector Street [or average block setback, whichever is less. See Section 2.A.6.b.iii of this Chapter.]	30'
Minimum front yard setback – Local Street [or average block setback, whichever is less. See Section 2.A.6.b.iii of this Chapter.]	20'
Minimum side yard setback - Primary structure	25'
Minimum side yard setback - Accessory structure	10'
Minimum rear yard setback - Primary structure	30'
Minimum rear yard setback - Accessory structure	10'
Maximum impervious surface coverage	20%
Municipal water and sewer required	Yes
Subdivision approval Required (See Chapters 5 and 6 for subdivision regulations)	Yes
Note: NA = Not applicable	

d. *Additional Standards.*

Additional Standards & Cross-references for the C-1 District
The following site development standards may also apply to development in the C-1 district. See Chapter 3, <i>Site Development Standards</i> .
<ul style="list-style-type: none"> • Accessory Structure Standards • Architectural Standards • Circulation & Parking Standards • Infill Standards • Landscaping Standards • Lighting Standards • Lot & Setback Standards • Pond Construction Standards • Sign Standards • Storage Standards • Structure Standards



2. R-1, One-Family Residential District

- a. *Purpose.* The One-Family Residential District (R-1) is intended to accommodate creation of new larger-lot subdivisions for low-density residential living adequately served by public utilities and infrastructure.
- b. *Land Use.*

Land Uses – R-1, One-Family Residential District	
Permitted Uses	Special Exception Uses
<p>ACCESSORY USES</p> <ul style="list-style-type: none"> Attached Accessory Dwelling Unit Child Care Home Detached Accessory Building Home Occupation Recreational Vehicle Occupancy* Short-term rental (owner-occupied)* <p>AGRICULTURAL USES</p> <ul style="list-style-type: none"> Beekeeping Greenhouse* Plant Nursery* Row Crops <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> Cemetery^ Funeral Home^ Park Public Utilities <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> Single-family detached dwelling 	<p>ACCESSORY USES</p> <ul style="list-style-type: none"> Short-term rental (not owner-occupied) <p>ENTERTAINMENT & RECREATION USES</p> <ul style="list-style-type: none"> Golf Course^ <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> Place of Public Assembly, Indoor^
<p>See Appendix A, <i>Land Use Matrix</i>, for a complete list of uses. * Indicates use has specific development standards that apply. See Chapter 4, <i>Use Standards</i>. ^ Requires a development plan to be submitted per Sec. 7.B.9, <i>Development Plan Process</i>, for the land use to be permitted.</p>	

c. *Development Standards.*

Development Standards for the R-1, One-Family Residential District	
Structure Standards	
Maximum height of primary structure	35'
Maximum height of accessory structure	25'
Minimum living area	900 sq. ft.
Lot Standards	
Minimum road frontage and lot width	70'
Minimum lot area	7,500 sq. ft.
Minimum front yard setback - Principal Arterial Street [or average block setback, whichever is less. See Section 2.A.6.b.iii of this Chapter.]	40'
Minimum front yard setback – Minor Arterial Street [or average block setback, whichever is less. See Section 2.A.6.b.iii of this Chapter.]	30'
Minimum front yard setback – Collector Street [or average block setback, whichever is less. See Section 2.A.6.b.iii of this Chapter.]	20'
Minimum front yard setback – Local Street [or average block setback, whichever is less. See Section 2.A.6.b.iii of this Chapter.]	10'
Minimum side yard setback - Primary structure	10'
Minimum side yard setback - Accessory structure	10'
Minimum rear yard setback - Primary structure	35'
Minimum rear yard setback - Accessory structure	10'
Maximum impervious surface coverage	30%
Municipal water and sewer required	Yes
Subdivision approval Required (See Chapters 5 and 6 for subdivision regulations)	Yes

d. *Additional Standards.*

Additional Standards & Cross-references for the R-1 district
<p>The following site development standards may also apply to development in the R-1 district. See Chapter 3, <i>Site Development Standards</i>.</p>
<ul style="list-style-type: none"> • Accessory Structure Standards • Architectural Standards • Circulation & Parking Standards • Infill Standards • Landscaping Standards • Lighting Standards • Lot & Setback Standards • Pond Construction Standards • Sign Standards • Storage Standards • Structure Standards

3. R-2, One-Family or Two-Family Residential District

- a. *Purpose.* The One-or Two-Family Residential District (R-2) is intended to accommodate creation of new medium-lot subdivisions or infill development in existing neighborhoods for residential living adequately served by public utilities and infrastructure.
- b. *Land Use.*

Land Uses – R-2, One-Family or Two-Family Residential District	
Permitted Uses	Special Exception Uses
<p>ACCESSORY USES</p> <ul style="list-style-type: none"> • Child Care Home • Detached Accessory Building • Home Occupation • Recreational Vehicle Occupancy* • Short-term rental (owner-occupied)* <p>AGRICULTURAL USES</p> <ul style="list-style-type: none"> • Beekeeping • Row Crops <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • Cemetery^ • Funeral Home^ • Park • Public Utilities <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> • Single-family detached dwelling 	<p>ACCESSORY USES</p> <ul style="list-style-type: none"> • Home Business • Short-term rental (not owner-occupied) <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • Adult Day Services Center^ • Child Care Center^ • Place of Public Assembly, Indoor^ <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> • Duplex
<p>See Appendix A, <i>Land Use Matrix</i>, for a complete list of uses.</p> <p>* Indicates use has specific development standards that apply. See Chapter 4, <i>Use Standards</i>.</p> <p>^ Requires a development plan to be submitted per Sec. 7.B.9, <i>Development Plan Process</i>, for the land use to be permitted.</p>	

c. *Development Standards.*

Development Standards for the R-2, One-Family or Two-Family Residential District	
Structure Standards	
Maximum height of primary structure	35'
Maximum height of accessory structure	25'
Minimum living area	800 sq. ft.
Lot Standards	
Minimum road frontage and lot width	55'
Minimum lot area	5,000 sq. ft.
Minimum front yard setback – Principal Arterial Street [or average block setback, whichever is less. See Section 2.A.6.b.iii of this Chapter.]	50'
Minimum front yard setback – Minor Arterial Street [or average block setback, whichever is less. See Section 2.A.6.b.iii of this Chapter.]	40'
Minimum front yard setback – Collector Street [or average block setback, whichever is less. See Section 2.A.6.b.iii of this Chapter.]	30'
Minimum front yard setback – Local Street [or average block setback, whichever is less. See Section 2.A.6.b.iii of this Chapter.]	20'
Minimum side yard setback – Primary structure	6'
Minimum side yard setback – Accessory structure	10'
Minimum rear yard setback – Primary structure	30'
Minimum rear yard setback – Accessory structure	10'
Maximum impervious surface coverage	40%
Municipal water and sewer required	Yes
Subdivision approval Required (See Chapters 5 and 6 for subdivision regulations)	Yes

d. *Additional Standards.*

Additional Standards & Cross-references for the R-2 district
<p>The following site development standards may also apply to development in the R-2 district. See Chapter 3, <i>Site Development Standards</i>.</p>
<ul style="list-style-type: none"> • Accessory Structure Standards • Architectural Standards • Circulation & Parking Standards • Infill Standards • Landscaping Standards • Lighting Standards • Lot & Setback Standards • Pond Construction Standards • Sign Standards • Storage Standards • Structure Standards

4. R-3, Low-Density Multi-Family Residential District

- a. *Purpose.* The Low-Density Multi-Family Residential District (R-3) is intended to promote and accommodate creation of new low density multi-family housing. The R-3 District is suitable for new or infill development and should be adequately served by public utilities and infrastructure.
- b. *Land Use.*

Land Uses – R-3, Low-Density Multi-Family Residential District	
Permitted Uses	Special Exception Uses
<p>ACCESSORY USES</p> <ul style="list-style-type: none"> • Detached Accessory Building • Home Occupation • Short-term rental (owner-occupied)* <p>AGRICULTURAL USES</p> <ul style="list-style-type: none"> • Row Crops <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • Park • Public Utilities <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> • Single-family Detached Dwelling • Duplex • Townhouse • Multi-Family Residential^ 	<p>ACCESSORY USES</p> <ul style="list-style-type: none"> • Short-term rental (not owner-occupied) • Home Business <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • Place of Public Assembly, Indoor^ • Adult Day Services Center^ • Child Care Center^
<p>See Appendix A, <i>Land Use Matrix</i> for a complete list of uses. * Indicates use has specific development standards that apply. See Chapter 4, <i>Use Standards</i>. ^ Requires a development plan to be submitted per Sec. 7.B.9, <i>Development Plan Process</i>, for the land use to be permitted.</p>	

c. *Development Standards.*

Development Standards for the R-3, Low-Density Multi-Family Residential District	
Structure Standards	
Maximum height of primary structure	35'
Maximum height of accessory structure	25'
Minimum living area	700 sq. ft.
Lot Standards	
Minimum road frontage and lot width	NA
Minimum lot area	2,000 sq. ft.
Minimum front yard setback – Principal Arterial Street [or average block setback, whichever is less. See Section 2.A.6.b.iii of this Chapter.]	50'
Minimum front yard setback – Minor Arterial Street [or average block setback, whichever is less. See Section 2.A.6.b.iii of this Chapter.]	40'
Minimum front yard setback – Collector Street [or average block setback, whichever is less. See Section 2.A.6.b.iii of this Chapter.]	30'
Minimum front yard setback – Local Street [or average block setback, whichever is less. See Section 2.A.6.b.iii of this Chapter.]	20'
Minimum side yard setback – Primary structure	10'
Minimum side yard setback – Accessory structure	10'
Minimum rear yard setback – Primary structure	25'
Minimum rear yard setback – Accessory structure	10'
Maximum impervious surface coverage	60%
Municipal water and sewer required	Yes
Subdivision approval Required (See Chapters 5- and 6 for subdivision regulations)	Yes
NA = Not Applicable	

d. *Additional Standards.*

Additional Standards & Cross-references for the R-3 district
<p>The following site development standards may also apply to development in the R-3 district. See Chapter 3, <i>Site Development Standards.</i></p>
<ul style="list-style-type: none"> • Accessory Structure Standards • Architectural Standards • Circulation & Parking Standards • Landscaping Standards • Lighting Standards • Lot & Setback Standards • Pond Construction Standards • Sign Standards • Storage Standards • Structure Standards

5. R-4, Medium-Density Multi-Family Residential District

- a. *Purpose.* The Medium Density Multi-Family Residential District (R-4) is intended to accommodate creation of new medium-density multi-family development. The R-4 District is suitable for new development and should be adequately served by public utilities and infrastructure.
- b. *Land Use.*

Land Uses – R-4, Medium-Density Multi-Family Residential District	
Permitted Uses	Special Exception Uses
<p>ACCESSORY USES</p> <ul style="list-style-type: none"> • Detached Accessory Building • Home Occupation • Short-term rental (owner-occupied)* <p>AGRICULTURAL USES</p> <ul style="list-style-type: none"> • Row Crops <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • Park • Public Utilities <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> • Single-Family Detached Dwelling • Duplex • Townhouse • Multi-Family Residential^ 	<p>ACCESSORY USES</p> <ul style="list-style-type: none"> • Short-term rental (not owner-occupied) <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • Adult Day Services Center^ • Child Care Center^ • Place of Public Assembly, Indoor^ <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> • Manufactured Home Park^
<p>See Appendix A, <i>Land Use Matrix</i>, for a complete list of uses. * Indicates use has specific development standards that apply. See Chapter 4, <i>Use Standards</i>. ^ Requires a development plan to be submitted per Sec. 7.B.9, <i>Development Plan Process</i>, for the land use to be permitted.</p>	

c. *Development Standards.*

Development Standards for the R-4, Medium-Density Multi-Family Residential District	
Structure Standards	
Maximum height of primary structure	35'
Maximum height of accessory structure	25'
Minimum living area	600 sq. ft.
Lot Standards	
Minimum road frontage and lot width	NA
Minimum lot area	1,000 sq. ft.
Minimum front yard setback - Principal Arterial Street [or average block setback, whichever is less. See Section 2.A.6.b.iii of this Chapter.]	50'
Minimum front yard setback – Minor Arterial Street [or average block setback, whichever is less. See Section 2.A.6.b.iii of this Chapter.]	40'
Minimum front yard setback – Collector Street [or average block setback, whichever is less. See Section 2.A.6.b.iii of this Chapter.]	30'
Minimum front yard setback – Local Street [or average block setback, whichever is less. See Section 2.A.6.b.iii of this Chapter.]	20'
Minimum side yard setback - Primary structure	10'
Minimum side yard setback - Accessory structure	10'
Minimum rear yard setback - Primary structure	15'
Minimum rear yard setback - Accessory structure	10'
Maximum impervious surface coverage	65%
Municipal water and sewer required	Yes
Subdivision approval required (See Chapters 5 and 6 for subdivision regulations)	Yes
Note: NA = Not applicable	

d. *Additional Standards.*

Additional Standards & Cross-references for the R-4 District
The following site development standards may also apply to development in the R-4 district. See Chapter 3, <i>Site Development Standards</i> .
<ul style="list-style-type: none"> • Accessory Structure Standards • Architectural Standards • Circulation & Parking Standards • Landscaping Standards • Lighting Standards • Lot & Setback Standards • Pond Construction Standards • Sign Standards • Storage Standards • Structure Standards

6. B-N, Neighborhood Business District

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

Land Uses – B-N, Neighborhood Business District	
Permitted Uses	Special Exception Uses
<p>ACCESSORY USES</p> <ul style="list-style-type: none"> • ATM Machine • Vending Kiosk <p>AGRICULTURAL USES</p> <ul style="list-style-type: none"> • Greenhouse <p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • Bank, Credit Union, and Financial Services[^] • Restaurant[^] • Retail Sales[^] • Personal Services[^] • Studio: art, music, dance[^] <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • Governmental Service (Police, Fire, Emergency Medical Services)[^] • Library, Museum, or Gallery[^] • Medical and Dental Office / Clinic[^] • Park • Place of Public Assembly, Indoor[^] • Public Transportation Terminal • Public Utilities • Schools[^] 	<p>ACCESSORY USES</p> <ul style="list-style-type: none"> • Short-Term Rental (owner occupied and not owner occupied) <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> • Attached Accessory Dwelling Unit <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • Adult Day Services Center[^] • Child Care Center[^] • Wireless Communication Facility[^]
<p>See Appendix A, <i>Land Use Matrix</i>, for a complete list of uses.</p> <p>* Indicates use has specific additional standards that apply. See Chapter 4, <i>Use Standards</i>.</p> <p>[^] Requires a development plan to be submitted per Sec. 7.B.9, <i>Development Plan Process</i>, for the land use to be permitted.</p>	

c. *Development Standards.*

Development Standards for B-N, Neighborhood Business District	
Structure Standards	
Maximum height of primary structures	55'
Maximum height of accessory structures	18'
Minimum living area	NA
Lot Standards	
Minimum road frontage and lot width	50'
Minimum lot area	5,000 sq. ft.
Maximum lot area	2 acres
Minimum front yard setback - Principal Arterial Street [or average block setback, whichever is less. See Section 2.A.6.b.iii of this Chapter.]	50'
Minimum front yard setback – Minor Arterial Street [or average block setback, whichever is less. See Section 2.A.6.b.iii of this Chapter.]	40'
Minimum front yard setback – Collector Street [or average block setback, whichever is less. See Section 2.A.6.b.iii of this Chapter.]	30'
Minimum front yard setback – Local Street [or average block setback, whichever is less. See Section 2.A.6.b.iii of this Chapter.]	20'
Minimum side yard setback - Primary structure	20'
Minimum side yard setback - Accessory structure	10'
Minimum rear yard setback - Primary structure	15'
Minimum rear yard setback - Accessory structure	10'
Maximum impervious surface coverage	60%
Municipal water and sewer required	Yes
Subdivision approval required (See Chapters 5 and 6 for subdivision regulations)	Yes

d. *Additional Standards.*

Additional Standards & Cross-references for the B-N District
<p>The following site development standards may also apply to development in the B-N district. See Chapter 3, <i>Site Development Standards</i>.</p>
<ul style="list-style-type: none"> • Accessory Structure Standards • Architectural Standards • Circulation & Parking Standards • Landscaping Standards • Lighting Standards • Lot & Setback Standards • Pond Construction Standards • Sign Standards • Storage Standards • Structure Standards

7. B-1, Central Business District

a. *Purpose.* The Central Business District (B-1) is intended to recognize the distinct appearance and character of Greensburg’s downtown and its function as the activity center of the community. The district is mixed-use in nature, meant to support a dynamic variety of retail, entertainment, restaurant, service, institutional, office and residential uses, adequately served by public utilities and infrastructure. The B-1 district supports continued use of existing historic structures while allowing compatible infill development and redevelopment. The intent is to preserve the unique physical building scale, building form and street grid pattern of the area, while designing for pedestrian scale and access.

b. *Land Uses.*

Land Uses – B-1, Central Business District	
Permitted Uses	Special Exception Uses
<p>ACCESSORY USES</p> <ul style="list-style-type: none"> • ATM Machine • Vending Kiosk 	<p>ACCESSORY USES</p> <ul style="list-style-type: none"> • Short-term Rental (owner occupied and not owner occupied)

Land Uses – B-1, Central Business District	
Permitted Uses	Special Exception Uses
<p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> • Multi-family Residential[^] <p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • Bank, Credit Union, and Financial Services[^] • Hotel/Motel[^] • Repair Service[^] • Restaurant[^] • Retail Sales[^] • Private Club[^] • Professional/Business Office[^] • Studio: art, music, dance[^] • Theater, movie[^] <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • Governmental Service (Police, Fire, EMS)[^] • Library, Museum, or Gallery[^] • Medical and Dental Office / Clinic[^] • Park • Place of Public Assembly, Indoor[^] • Public Transportation Terminal[^] • Public Utilities • Schools[^] 	<p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • Commercial Recreation and Amusement Services[^] <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • Adult Day Services Center[^] • Child Care Center[^] • Wireless Communication Facility[^] <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> • Attached Accessory Dwelling Unit
<p>See Appendix A, <i>Land Use Matrix</i>, for a complete list of uses. * Indicates use has specific additional standards that apply. See Chapter 4, <i>Use Standards</i>. [^] Requires a development plan to be submitted per Sec. 7.B.9, <i>Development Plan Process</i>, for the land use to be permitted.</p>	

c. *Development Standards.*

Development Standards for B-1, Central Business District	
Structure Standards	
Maximum height of primary structures	55'
Maximum height of accessory structures	18'
Minimum Living Area	NA
Lot Standards	
Minimum road frontage and lot width	20'
Minimum lot area	2,400 sq. ft.
Minimum front yard setback [or average block setback, whichever is less. See Section 2.A.6.b.iii of this Chapter.]	10'
Minimum side yard setback	NA ¹
Minimum rear yard setback	NA ¹
Maximum impervious surface coverage	85%
Municipal water and sewer required	Yes
Subdivision approval required (See Chapters 5 and 6 for subdivision regulations)	Yes
<p>Note:</p> <p>1. If the side or rear yard adjoins a residential district (R-1, R-2, R-3, or R-4) then the setback is the same as the adjoining residential district.</p> <p>NA = Not Applicable</p>	

d. *Additional Standards.*

Additional Standards & Cross-references for the B-1 District
<p>The following site development standards may also apply to development in the B-1 district. See Chapter 3, <i>Site Development Standards</i>.</p>
<ul style="list-style-type: none"> • Accessory Structure Standards • Architectural Standards • Circulation & Parking Standards • Landscaping Standards • Lighting Standards • Lot & Setback Standards • Pond Construction Standards • Sign Standards • Storage Standards • Structure Standards

8. B-2, General Business District

a. *Purpose.* The intent of the General Business District (B-2) is to provide convenient retail trade, lodging, recreation, personal services, restaurants, and general business of the community. General Business should be generated around a major thoroughfare or highway.

b. *Land Use.*

Land Uses – B-2, General Business District	
Permitted Uses	Special Exception Uses
<p>ACCESSORY USES</p> <ul style="list-style-type: none"> • ATM Machine • Vending Kiosk <p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> • Multi-family Residential^ <p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • Automobile Sales and Rental ^ • Automobile Service Station*, ^ • Bank, Credit Union, and Financial Services^ • Building Materials and Hardware Store^ • Gasoline Station^ • Grocery^ • Hotel/Motel^ • Repair Service^ • Restaurant^ • Retail Sales^ • Personal Services^ • Private Club^ • Professional / Business Office^ 	<p>RESIDENTIAL USES</p> <ul style="list-style-type: none"> • Attached Accessory Dwelling Unit <p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • Commercial Recreation and Amusement Services^ • Stadium / Amphitheater^ <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • Wireless Communication Facility^

Land Uses – B-2, General Business District	
Permitted Uses	Special Exception Uses
<ul style="list-style-type: none"> • Studio: art, music, dance^ • Theater, movie^ • Veterinary Animal Hospital / Kennel*, ^ <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • Adult Day Services Center^ • Cemetery^ • Child Care Center^ • Funeral Home^ • Governmental Service (Police, Fire, EMS)^ • Hospital / Rehabilitative Care^ • Library, Museum, or Gallery^ • Medical and Dental Office / Clinic^ • Nursing Home^ • Park • Place of Public Assembly, Indoor^ • Public Transportation Terminal^ • Public Utilities • Schools^ 	
<p>See Appendix A, <i>Land Use Matrix</i>, for a complete list of uses.</p> <p>* Indicates use has specific additional standards that apply. See Chapter 4, <i>Use Standards</i>.</p> <p>^ Requires a development plan to be submitted per Sec. 7.B.9, <i>Development Plan Process</i>, for the land use to be permitted.</p>	

c. *Development Standards.*

Development Standards for B-2, General Business District	
Structure Standards	
Maximum height for primary structures	55'
Maximum height for accessory structures	18'
Minimum Living Area	NA
Lot Standards	
Minimum road frontage and lot width	60'
Minimum lot area	7,200 sq. ft.
Minimum front yard setback [or average block setback, whichever is less. See Section 2.A.6.b.iii of this Chapter.]	60'
Minimum side yard setback	10' ¹
Minimum rear yard setback	20' ¹
Maximum impervious surface coverage	60%
Municipal water and sewer required	Yes
Subdivision approval required (See Chapters 5 and 6 for subdivision regulations)	Yes
<p>Note:</p> <p>If the side or rear yard adjoins a residential district (R-1, R-2, R-3, or R-4) then the setback is the same as the adjoining residential district.</p> <p>NA = Not Applicable</p>	

d. *Additional Standards.*

Additional Standards & Cross-references for the B-2 District
<p>The following site development standards may also apply to development in the B-2 district. See Chapter 3, <i>Site Development Standards</i>.</p>
<ul style="list-style-type: none"> • Accessory Structure Standards • Architectural Standards • Circulation & Parking Standards • Landscaping Standards • Lighting Standards • Lot & Setback Standards • Pond Construction Standards • Sign Standards • Storage Standards • Structure Standards

9. B-3, Heavy Commercial District.

a. *Purpose.* The Heavy Commercial District (B-3) is intended to provide large areas suitable for new construction or redevelopment, adequately served by public utilities and infrastructure for businesses that serve a regional market and/or require convenient access to high-volume truck transportation routes. These auto-oriented businesses are typically located along major road corridors and are typically more intense and/or larger in scale than the city’s other business zoning districts, supporting uses such as “Big Box” type development and wholesale clubs.

b. *Land Use.*

Land Uses – B-3, Heavy Commercial District	
Permitted Uses	Special Exception Uses
<p>ACCESSORY USES</p> <ul style="list-style-type: none"> • ATM Machine • Vending Kiosk <p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • Automobile Sales and Rental[^] • Automobile Service Station*, [^] • Gasoline Station[^] • Grocery[^] • Hotel/Motel[^] • Repair Service[^] • Restaurant[^] • Retail Sales[^] • Personal Services[^] 	<p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • Commercial Recreation and Amusement Services[^] • Recreational Vehicle Park / Campground[^] • Stadium / Amphitheater[^] <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • Wireless Communication Facility[^]

Land Uses – B-3, Heavy Commercial District	
Permitted Uses	Special Exception Uses
<ul style="list-style-type: none"> • Professional/Business Office[^] • Self-Storage Mini-Warehouse*, [^] • Studio: art, music, dance[^] • Theater, movie[^] • Veterinary Animal Hospital / Kennel*, [^] <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • Adult Day Services Center[^] • Cargo Terminal[^] • Child Care Center[^] • Hospital / Rehabilitative Care[^] • Library, Museum, or Gallery[^] • Nursing Home[^] • Place of Public Assembly, Indoor[^] • Park • Public Transportation Terminal[^] • Public Utilities • Schools[^] • Water Storage 	
<p>See Appendix A, <i>Land Use Matrix</i>, for a complete list of uses. * Indicates use has specific additional standards that apply. See Chapter 4, <i>Use Standards</i>. [^] Requires a development plan to be submitted per Sec. 7.B.9, <i>Development Plan Process</i>, for the land use to be permitted.</p>	

c. *Development Standards.*

Development Standards for B-3, Heavy Commercial District	
Structure Standards	
Maximum height for primary structures	55'
Maximum height for accessory structures	18'
Minimum living area	NA
Lot Standards	
Minimum road frontage and lot width	60'
Minimum lot area	9,600 sq. ft.
Minimum front yard setback [or average block setback, whichever is less. See Section 2.A.6.b.iii of this Chapter.]	70'
Minimum side yard setback	20' ¹
Minimum rear yard setback	20' ¹
Maximum impervious surface coverage	75%
Municipal water and sewer required	Yes
Subdivision approval required (See Chapters 5 and 6 for subdivision regulations)	Yes
<p>Note:</p> <p>1. If the side or rear yard adjoins a residential district (R-1, R-2, R-3, or R-4) then the setback is the same as the adjoining residential district. NA = Not applicable</p>	

d. *Additional Standards.*

Additional Standards & Cross-references for the B-3 District
<p>The following site development standards may also apply to development in the B-3 district. See Chapter 3, <i>Site Development Standards</i>.</p>
<ul style="list-style-type: none"> • Accessory Structure Standards • Architectural Standards • Circulation & Parking Standards • Landscaping Standards • Lighting Standards • Lot & Setback Standards • Pond Construction Standards • Sign Standards • Storage Standards • Structure Standards

10. IN-1, Institutional District

a. *Purpose.* The Institutional District (IN-1) is intended to provide areas suitable for community public and non-profit uses, adequately served by public utilities and infrastructure and accessible by multiple modes of transportation. This district is appropriate for infill, redevelopment and new construction and can be built either as a single structure or as part of a campus-type development.

b. *Land Use.*

Land Uses – IN-1, Institutional District	
Permitted Uses	Special Exception Uses
<p>ACCESSORY USES</p> <ul style="list-style-type: none"> • ATM Machine • Vending Kiosk <p>AGRICULTURAL USES</p> <ul style="list-style-type: none"> • Farming, Landscaping, and Horticultural Sales and Services • Greenhouse <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • Adult Day Services Center[^] • Cemetery[^] • Child Care Center[^] • Funeral Home[^] • Governmental Service (Police, Fire, EMS)[^] • Hospital / Rehabilitative Care[^] • Library / Museum / Gallery[^] • Medical and Dental Office / Clinic[^] • Nursing Home[^] • Park • Place of Public Assembly, Indoor[^] • Public Transportation Terminal[^] • Public Utilities • Schools[^] • Water Storage <p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • Studio: art, music, and dance[^] • Veterinary Animal Hospital / Kennel^{*, ^} 	<p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> • Correctional Institution[^] • Wireless Communication Facility[^] <p>COMMERCIAL USES</p> <ul style="list-style-type: none"> • Commercial Recreation and Amusement Services[^] • Stadium / Amphitheater[^]
<p>See Appendix A, <i>Land Use Matrix</i>, for a complete list of uses.</p> <p>* Indicates use has specific additional standards that apply. See Chapter 4, <i>Use Standards</i>.</p> <p>[^] Requires a development plan to be submitted per Sec. 7.B.9, <i>Development Plan Process</i>, for the land use to be permitted.</p>	

c. *Development Standards.*

Development Standards for IN-1, Institutional District	
Structure Standards	
Maximum height for primary structures	55'
Maximum height for accessory structures	18'
Minimum living area	NA
Lot Standards	
Minimum road frontage and lot width	60'
Minimum lot area	7,200 sq. ft.
Minimum front yard setback ([or average block setback, whichever is less. See Section 2.A.6.b.iii of this Chapter.])	60'
Minimum side yard setback	10' ¹
Minimum rear yard setback	20' ¹
Maximum impervious surface coverage	70%
Municipal water and sewer required	Yes
Subdivision approval required (See Chapters 5 and 6 for subdivision regulations)	Yes
<p>Note:</p> <p>If the side or rear yard adjoins a residential district (R-1, R-2, R-3, or R-4) then the setback is the same as the adjoining residential district.</p> <p>NA = Not Applicable</p>	

d. *Additional Standards.*

Additional Standards & Cross-references for the IN-1 District
<p>The following site development standards may also apply to development in the IN-1 district.</p> <p>See Chapter 3, <i>Site Development Standards</i>.</p>
<ul style="list-style-type: none"> • Accessory Structure Standards • Architectural Standards • Circulation & Parking Standards • Landscaping Standards • Lighting Standards • Lot & Setback Standards • Pond Construction Standards • Sign Standards • Storage Standards • Structure Standards

11. I-1, Light Industrial District

- a. *Purpose.* The Light Industrial District (I-1) is intended to provide areas suitable for new construction or redevelopment for light production, assembly, warehousing, research & development facilities, and similar land uses. This district is intended to be adequately served by public utilities and infrastructure and accommodate only those industrial uses completely contained within structures and not involving outdoor storage or operations.
- b. *Land Use.*

Land Uses – I-1, Light Industrial District	
Permitted Uses	Special Exception Uses
<p>COMMERCIAL USES</p> <ul style="list-style-type: none"> Automobile Service Station*, ^ Gasoline Station^ Self-Storage, Mini-Warehouse^ Veterinary Animal Hospital / Kennel*, ^ <p>INDUSTRIAL USES</p> <ul style="list-style-type: none"> Contractor's Shop and/or Supply Yard*, ^ Industrial and Manufacturing Product Sales and Supply^ Manufacturing, Light (includes product assembly and processing)^ Warehousing and Storage, Indoor^ <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> Cargo Terminal^ Public Transportation Terminal^ Public Utilities Water Storage 	<p>COMMERCIAL USES</p> <ul style="list-style-type: none"> Sexually Oriented Business^ <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> Wireless Communication Facility^
<p>See Appendix A, <i>Land Use Matrix</i>, for a complete list of uses. * Indicates use has specific additional standards that apply. See Chapter 4, <i>Use Standards</i>. ^ Requires a development plan to be submitted per Sec. 7.B.9, <i>Development Plan Process</i>, for the land use to be permitted.</p>	

c. *Development Standards.*

Development Standards for I-1, Light Industrial District	
Structure Standards	
Maximum height for primary structures	55'
Maximum height for accessory structures	35'
Minimum living area	NA
Lot Standards	
Minimum road frontage and lot width	150'
Minimum lot area	40,000 sq. ft.
Minimum front yard setback [or average block setback, whichever is less. See Section 2.A.6.b.iii of this Chapter.]	50'
Minimum side yard setback	25'
Minimum rear yard setback	25'
Maximum impervious surface coverage	75%
Municipal water and sewer required	Yes
Subdivision approval required (See Chapters 5 and 6 for subdivision regulations)	Yes
NA = Not Applicable	

d. *Additional Standards.*

Additional Standards & Cross- references for the I-1 District
<p>The following site development standards may also apply to development in the I-1 district. See Chapter 3, <i>Site Development Standards</i>.</p>
<ul style="list-style-type: none"> • Accessory Structure Standards • Architectural Standards • Circulation & Parking Standards • Landscaping Standards • Lighting Standards • Lot & Setback Standards • Pond Construction Standards • Sign Standards • Storage Standards • Structure Standards

12. I-2, Heavy Industrial District

- a. *Purpose.* The Heavy Industrial District (I-2) is intended to provide large areas suitable for redevelopment or new construction for industrial manufacturing, production, assembly, warehousing, research and development facilities, and similar land uses. This district is intended to be adequately served by public utilities and infrastructure and accommodate a variety of high intensity uses. Further, it is the intended that there be appropriate mitigation of the industrial impacts on adjacent land.
- b. *Land Use.*

Land Uses – I-2, Heavy Industrial District	
Permitted Uses	Special Exception Uses
<p>INDUSTRIAL USES</p> <ul style="list-style-type: none"> Industrial and Manufacturing Product Sales and Supply[^] Manufacturing, Light (includes product assembly and processing)[^] Warehousing and Storage, Indoor[^] <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> Cargo Terminal[^] Public Utilities Water Storage 	<p>INDUSTRIAL USES</p> <ul style="list-style-type: none"> Junkyard / Salvage Yard[^] Manufacturing (includes handling of explosive and/or foul materials)[^] Mineral Extraction[^] <p>INSTITUTIONAL USES</p> <ul style="list-style-type: none"> Wireless Communication Facility[^]
<p>See Appendix A, <i>Land Use Matrix</i>, for a complete list of uses. * Indicates use has specific additional standards that apply. See Chapter 4, <i>Use Standards</i>. ^ Requires a development plan to be submitted per Sec. 7.B.9, <i>Development Plan Process</i>, for the land use to be permitted.</p>	

Development Standards for I-2, Heavy Industrial District	
Structure Standards	
Maximum height for primary structures	55'
Maximum height for accessory structures	35'
Minimum living area	NA
Lot Standards	
Minimum road frontage and lot width	200'
Minimum lot area	50,000 sq. ft.
Minimum front yard setback [or average block setback, whichever is less. See Section 2.A.6.b.iii of this Chapter.]	50'
Minimum side yard setback	25'
Minimum rear yard setback	25'
Maximum impervious surface coverage	75%
Municipal water and sewer required	Yes
Subdivision approval required (See Chapters 5 and 6 for subdivision regulations)	Yes
NA = Not Applicable	

Additional Standards & Cross-references for the I-2 District
<p>The following site development standards may also apply to development in the I-2 district. See Chapter 3, <i>Site Development Standards</i>.</p>
<ul style="list-style-type: none"> • Accessory Structure Standards • Architectural Standards • Circulation & Parking Standards • Landscaping Standards • Lighting Standards • Lot & Setback Standards • Pond Construction Standards • Sign Standards • Storage Standards • Structure Standards



Chapter 3

Site

Development

Standards

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

B. Accessory Structure Standards.

1. **Generally.** Accessory structures shall be permitted in all zoning districts provided the structures are:
 - a. Associated with and related to the primary use of the property;
 - b. Clearly subordinate in height, area, bulk extent, and purpose to the primary structure; and
 - c. Not erected prior to the primary structure, except for structures used for agricultural purposes.
2. **Permitted Without an Improvement Location Permit (ILP).** The following accessory structures are permitted in all zoning districts and may be installed in any required yard without an ILP:
 - a. Structures exclusively for agricultural purposes, including landscape vegetation, swing sets, children’s tree houses, bird baths, bird houses, curbs, lamp posts, mailboxes, name plates, utility installations for local services, retaining walls, walks, drainage installations, housing for domestic pets provided it is not for profit and does not constitute a “kennel” as defined in Chapter 11, *Definitions*.
 - b. Where permitted as accessory uses, wireless communications facilities (WCF) may be installed without an ILP provided they are co-located upon an existing or pre-approved WCF, or they are no taller than fifteen (15) feet and visually integrated or camouflaged against a structure other than another antenna.

- c. Fences provided that the only work being performed is basic maintenance work on an existing fence as long as said fence is not relocated or enlarged.
 - d. Accessory buildings and structures such as decks, garages, carports, enclosed patios, bath houses, gazebos, cabanas, greenhouses, storage sheds, and stables when placed on an acceptable foundation per this UDO or the City’s adopted building code that is not permanent foundation.
3. **Permitted with an ILP.** The following accessory structures are permitted in all zoning districts and require an ILP certifying that all applicable requirements of the UDO and all other municipal ordinance requirements have been met.
 - a. Accessory buildings and structures such as decks, garages, carports, enclosed patios, bath houses, gazebos, cabanas, greenhouses, storage sheds, and stables only if placed on a permanent foundation.
 - b. Swimming pools with a depth of twenty-four (24) inches or greater (regardless of whether they are above ground or in-ground) shall have a five (5) foot high fence placed around the pool area and/or a mechanical pool cover over the pool in compliance with the current building code.
 - c. Fences provided that the exception as set out in this Section does not apply and the following requirements below are met:
 - i. *Design and Construction.*
 - (1) No fence shall be constructed or designed so that it creates a traffic hazard.
 - (2) No fence shall be constructed or designed so that it is hazardous or dangerous to persons or animals.
 - (3) Razor wire, barbed wire, and electric fences are prohibited for non-agricultural purposes and uses.

ii. *Height.*

(1) *Generally.* Fence height cannot exceed six (6) feet above grade for residential uses.

(2) *Limitations on Placement.*

- a. Fencing in the front yard may not exceed four (4) feet in height. Corner lots will have two (2) front yards.
- b. Fences must be located at least five (5) feet from a public right-of-way.
- c. Fences may not be located within any type of easement.
- d. Fences do not have a minimum setback from the property line.

iii. *Replacement, Repairs, and Maintenance.* Projects that involve the removal or replacement of twenty-five percent (25%) or more of an existing legal nonconforming fence at one time shall require an ILP and shall comply with all regulations of this Section.

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

- d. Home occupation structures in accordance with Chapter 4, *Use Standards*, of this UDO.
- e. Signs as set forth in Section 3.1, *Sign Standards*, of this UDO.
- f. Any other type of structure not otherwise listed that is over fifty (50) square feet in area.

c. Architectural Standards.

1. **Project Applicability.** The following standards apply when an ILP is obtained:

- a. For a new primary structure; or
- b. Expansion of an existing primary structure by fifty percent (50%) or greater in area.

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

- a. *Primary Structures Face Front (Applies to C-1, R-1, R-2, R-3, IN-1, B-N, B-1, B-2, B-3, I-1 and I-2 Zoning Districts).* All primary structures shall face the front of the lot on which they are located. If the lot has more than one (1) frontage, the structure shall face the same direction as other structures on the same block. The front entrance shall be oriented to the front elevation of the building or structure or be oriented to the corner of those intersecting streets.
- b. *Service Areas (Applies to C-1, R-3, R-4, IN-1, B-N, B-1, B-2, B-3, I-1 and I-2 Zoning Districts).*
 - i. *Not Visible from Right-of-way.* Dumpsters, recycling containers, ground mounted mechanical equipment, air conditioner units, propane tanks, and similar building service facilities shall not be visible from a roadway. This requirement may be met by an opaque screening fence or wall, landscape screening, or complementary building feature. This standard applies to visibility from any public right-of-way.
 - ii. *Not in Front.* Loading docks, overhead service doors, dumpsters, recycling containers, ground mounted mechanical equipment, air conditioner units, propane tanks, and similar building service facilities shall not be located on or in front of a front building facade. This standard applies to each facade that faces a public right-of-way.

- c. *Rear-Loading Adjacent to Arterial or Collector Street (Applies to C-1, R-3, R-4, IN-1, B-N, B-1, B-2, B-3, I-1, and I-2 Zoning Districts)*. All new construction of any building or structure, or renovation of or addition to an existing building or structure, shall be rear loading if said building or structure is located on a lot or lots adjacent to an Arterial or Collector Street, as designated by the Future Transportation Map in the City's Comprehensive Plan.
- d. *Entrance Features Required (Applies to C-1, R-3, R-4, B-N, B-1, B-2, B-3, IN-1, I-1 and I-2 Zoning Districts)*. Each non-agricultural principal building on a site shall have clearly defined, highly visible entrances featuring at least two (2) of the following:
 - i. Canopies or porticos;
 - ii. Overhangs;
 - iii. Recesses or projections;
 - iv. Arcades;
 - v. Raised corniced parapets over the door;
 - vi. Peaked roof forms;
 - vii. Arches;
 - viii. Display windows;
 - ix. Tile work or moldings which are integrated into the building structure and design; and
 - x. Planters or wing walls that incorporate landscaped areas and/or places for sitting.

3. Exterior Building Finish Materials.

- a. *Prohibited Building Finish Materials*. See Table 3.1, *Prohibited Exterior Building Finish Materials*. Some exterior building materials are prohibited in certain zoning districts.

Table 3.1, Prohibited Exterior Building Finish Materials

Material	Zoning District X = Prohibited											
	C-1	R-1	R-2	R-3	R-4	IN-1	B-N	B-1	B-2	B-3	I-1	I-2
Architectural metal												
Brick or face tile												
Concrete Block, Smooth-Faced	X	X	X	X	X	X	X	X	X	X		
Concrete Block, Split-Face or Burnished		X	X	X	X							
Dryvit												
External Insulation and Finishing Systems (EIFS)												
Glass												
Metal Panels, Standing Seam		X	X	X	X							
Native Stone												
Plastic, Molded	X	X	X	X	X		X	X	X	X	X	X
Plywood or Sheet Pressboard	X	X	X	X	X	X	X	X	X	X	X	X
Stucco												
Tilt-Up Panels, Untextured Smooth-Faced		X	X	X	X	X	X	X	X	X		
Tilt-Up Panels, Textured or Adorned		X	X	X	X							
Vinyl Siding ¹								X	X	X	X	X
Wood Shakes	X					X		X	X	X	X	X
Wood Siding												

¹If vinyl siding is used as an exterior finish material, it shall be certified in accordance with ASTM D3679, *Standard Specification for Rigid Poly(Vinyl Chloride) (PVC) Siding* and installed in accordance with ASTM D4756, *Standard Practice for Installation of Rigid PVC Siding and Soffit*.

b. *Facades to Have Visual Interest (Applies to B-N, B-1, B-2, B-3, IN-1, I-1, and I-2 Zoning Districts).*

i. *Applicability.* This subsection [3.C.3.b] applies only to new construction.

ii. *Front Facades.* Front facades of non-agricultural primary structures shall include a mix of design elements selected from the list below. Elements shall repeat at intervals of no more than thirty (30) feet either horizontally or vertically. All Business Zoning Districts (B-N, B-1, B-2, B-3) and the Institutional District (IN-1) shall incorporate at least three (3) different elements, while both Industrial Zoning Districts (I-1 and I-2) shall require a minimum of two (2) of the following different elements.

- (1) Color change;
- (2) Texture change;
- (3) Exterior Finish Material module change (see list of approved exterior finish materials, below);
- (4) Change in plane no less than two (2) feet in width, such as an offset, reveal, or projecting rib.

iii. *Side Facades.* Side façades of non-agricultural primary structures shall be finished to a standard similar to the architectural quality of the front facade, including building materials, architectural details, and windows. Facades fifty (50) feet or greater in length shall include the same required number of design elements (taken from the list in the paragraph above) as that for a front façade.

iv. *Rear Facades.* Rear façades of non-agricultural primary structures that are visible from a public street shall be finished to a standard similar to the architectural quality of the side façade(s), including building materials, architectural details, and windows.

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

4. **Additional Regulations for Residential Zoning Districts (Applies to R-1, R-2, and R-3 Zoning Districts).**

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

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

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

(2) *Architectural Package Report.* Each developer shall submit an architectural package report with the color names/samples, floor plan names and other details necessary to track the anti-monotony review. If the subdivision developer changes, the new developer shall submit an architectural package report, noting similarities between the last

developer so that anti-monotony features can still be adequately measured.

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

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

- (1) The unit is a different housing type; e.g., single-family detached versus single-family attached.
- (2) The house differs in the number of full stories, e.g., 1-story versus 2-stories.
- (3) A different type of garage serves the house: A front-load garage (one-car, two-car, three-car), or a side-load garage or a detached garage.
- (4) The house is constructed of a different building material type.
- (5) The placement of the home on the site is rotated, e.g., ninety degrees (90°) versus sixty degrees (60°).
- (6) The house has a variation in the articulation of the front façade.
- (7) The garage is setback from the front façade by at least four (4) feet.
- (8) There is a covered, open walled porch of at least six (6) feet in depth extending at least thirty-three percent (33%) of the width of the front façade.
- (9) There is other articulation of the front façade at least four (4) feet in depth,

extending at least thirty-three percent (33%) of the width of the front façade.

- (10) The unit is a different architectural style.
- (11) The house has a different roof type.
- (12) Other criteria approved by the Plan Commission that confirms that the house is different.

- b. *Garages.* Garages shall be clearly subordinate in size and use to the dwelling.

5. **Additional Regulations for Infill Residential Development.** Within the Historic Overlay Zoning District and on any infill residential lot (R-1, R-2, R-3, or R-4), to help ensure that new construction or major renovations is compatible with existing housing stock, the following standards shall be followed:

- a. *Roofed Front Porches.* Roofed front porches or covered entryways are required when consistent with the architectural style or when the majority of other dwellings on the block have them.
- b. *Average Number of Stories.* The number of stories in the dwelling shall be consistent with the majority of other dwellings on the block. For example, if most existing dwellings on the block are 2-story, then the new dwelling shall be 2-story.
- c. *Maximum Front Setbacks.* In addition to the minimum front setbacks and minimum average front setbacks permitted by Section 2.A.6.b.iii, *Flexibility for Infill Development*, new residential development shall adhere to a maximum average front setback, as established by the most common maximum front setback on the block.
- d. *Garages.* Within the Historic Overlay Zoning District and on any infill residentially zoned lot (R-



1, R-2, R-3, or R-4), to minimize the visual impact of garages, the following standards shall be used:

- i. **Consistent Garage Type.** The type of garage allowed, either attached or detached, shall be consistent with the majority of other garages on the block.
- ii. **Consistent Garage Location.** The location of the garage shall be consistent with the majority of other garage locations on the block. For example, if most existing garages on the block are located behind the dwelling, then the new garage shall not be allowed beside or in front of the dwelling.
- iii. **Consistent Garage Access.** The access to the garage shall be consistent with the majority of other garages on the block. For example, if most existing garages are on the block and are accessed from an alley, then access from the frontage street shall not be allowed.
- iv. **Consistent Garage to Primary Structure Connection.** For existing detached garages where an applicant is requesting to connect the garage to the primary building, the proposed means of connection shall be consistent in architecture and materials to the primary building in question. Additionally, the proposed attachment and connection shall be consistent with other attached garages and breezeways currently existing within the neighborhood.

D. Circulation & Parking Standards.

1. **Off-Street Parking Approval Process.** (Applies to R-4, B-N, B-1, B-2, B-3, IN-1, I-1 and I-2 Zoning Districts). The parking standards in this UDO shall apply to any of the following:

- a. **New Primary Structure.** Construction of a new primary structure.
 - b. **Major Change to Primary Structure Size.** Increasing or decreasing the footprint of a primary structure by twenty-five percent (25%) or more of its size, including those which have already been expanded whenever they cumulatively reach the twenty-five (25%) threshold.
 - c. **Major Change in Parking Lot Size.** Increasing or decreasing an existing parking lot by twenty-five percent (25%) or more of its existing size or number of parking spaces, including those which have already been expanded or decreased whenever they cumulatively reach the twenty-five percent (25%) threshold.
 - d. **Change of Use.** In situations where an existing use will be replaced by a different use or an additional use shall be added, parking provided on site shall meet the current minimum and maximum standards.
2. **Review.** The applicant shall submit a parking plan that identifies the quantity of parking required. The layout for all new or revised parking shall be approved by the Administrator and shall meet all the requirements of this Chapter of the UDO.
 3. **General Design.**
 - a. **Drainage.** Parking areas shall be constructed to allow proper drainage, which shall be subject to review and approval of the City's Engineer.
 - b. **Wheelstops Required.** When parking spaces abut a sidewalk or internal walkway, wheelstops or similar barriers shall be installed to prevent encroachment.
 - c. **Lighting.** Lighting for parking areas shall conform with the applicable requirements in Section 3.F, *Lighting Standards*.



- d. *Landscaping.* There shall be no more than fifteen (15) parking spaces in a row without a landscape island or bump-out. Landscaping for parking areas shall conform with the applicable requirements in Section 3.E.11, *Parking Lot Landscaping Standards.*
- e. *Parking Dimensions.* The specific dimensions of parking spaces are as shown in Table 3.2, *Parking Dimensions.*

Table 3.2, Parking Dimensions			
Type of Parking Space	Minimum Parking Spaces	Minimum Space Length (ft.)	Minimum Aisle Width
Accessible	Refer to ADA Guidelines		
Parallel (Allowed only Per Town Engineer)	8	22	Per City Engineer (on roadway)
Perpendicular (90°)	9	18	24' (2-way aisle)
Angle (60°)	10	20	18' (1-way aisle)
Angle (45°)	10	20	14' (1-way aisle)

- f. *Parking Surface.* All off-street parking shall utilize a paved surface of concrete, asphalt, brick pavers, porous concrete, or similar material approved by the City Engineer. Dirt, sand, or grass shall not be permitted as parking surfaces. If installation of a permanent surface in compliance with this UDO is delayed, a financial guarantee in the amount of one hundred and ten percent (110%) of the installation cost shall be submitted to the City.
4. **Required Parking Spaces.** Parking and loading spaces that require vehicles to back into or out of a

public or private street shall not be permitted without authorization from the City Engineer.

- a. *Downtown Uses may be Exempt.* Uses in the B-1, *Central Business Zoning District,* may be exempt from the off-street parking requirements of this section if it can be demonstrated to the Administrator that adequate parking is provided in a city-owned public parking lot that is within one thousand (1,000) feet of the lot on which the use is located.
- b. *Non-conforming Parking.* Existing parking that does not meet the standards in this Chapter shall not be reduced to below the required number of spaces, or if already less than required, shall not be further reduced below the requirements. Likewise, if it exceeds maximum parking requirements, it shall not be further expanded above the requirements.
- c. *Calculation of Parking Requirements.*
 - i. *Unlisted Uses.* The minimum number of parking spaces required for uses not specifically listed Table 3.3, *Minimum Required Parking Spaces* below shall be determined by the Administrator based on the consistency of the use with those that are specified.
 - ii. *Multiple Uses.* Each individual use in a mixed-use or multiple use development or space shall provide off-street parking spaces in accordance with Table 3.3, *Minimum Required Parking Spaces* below.
 - iii. *Measurement Standards.*
 - (1) *Employees.* Where the number of spaces required is based on the number of employees, calculations shall be based upon the maximum number of employees



most likely to be on the premises during the peak shift.

- (2) *Bench Seating.* Every twenty-four (24) inches of width provided as a bench, pew, or similar type of seating shall be counted as one (1) seat.
- (3) *Open Floor Areas.* Every sixteen (16) square feet of open floor areas associated with places of assembly shall be counted as one (1) seat.
- (4) *Round Up.* When units of measurement determining the number of required parking spaces result in a fraction, any fraction shall be considered as an additional required space.

d. *Minimum Number of Parking Spaces Required.* Parking spaces shall be provided in accordance with Table 3.3, *Minimum Required Parking Spaces.*

Table 3.3, Minimum Required Parking Spaces	
Use	Minimum Required Spaces
Agricultural	
Farming, Landscaping, and Horticultural Sales & Services	1 space per 1,500 sq. ft. within enclosed structure
Residential	
Accessory Dwelling Units	1 additional space per accessory dwelling unit
Home Business	1 space may be installed in addition to those required for the residential use

Table 3.3, Minimum Required Parking Spaces	
Use	Minimum Required Spaces
Multi-family Residential; Manufactured Home Park	1.5 spaces per dwelling unit (not including any spaces in a garage) plus 1 space per every 10 dwelling units
Child Care Home	1 additional space, in addition to those required for the residential use
Short Term Rental	1 space per bedroom designated for the use
Single Family Detached Dwellings; Duplex; Townhouse	2 spaces per dwelling unit (not including any spaces in a garage)
Non-Residential Uses	
Adult Day Services Center / Child Care Center	1 space per every 4 clients at licensed capacity and one per employee
Agritourism	1 space per 400 gross square feet dedicated to the use
Automobile Sales and Rental	1 space per 300 gross square feet
Automobile Service Station	3 spaces per bay
Bank, Credit Union, and Financial Services	1 space per 300 gross square feet
Building Materials and Hardware Store	1 space per 400 gross square feet
Cargo Terminal	One space per every 1 employee of the largest shift
Car Wash	1 space per 2 bays for self-service vehicle washes (not including the bays); 1 space per unattended automated wash; 5 spaces per attended, automated wash with detail or hand-finishing services



Table 3.3, Minimum Required Parking Spaces	
Use	Minimum Required Spaces
Cemetery	1 space per acre
Correctional Institution	1 per every employee on largest shift plus 1 per every 20 potential inmates
Funeral Home	1 per every 50 sq. ft. of service parlors, chapels and reception area, plus 1 per every funeral vehicle stored onsite
Gasoline Station	1 space per 4 pump stations or Level 3 charging stations, plus 3 spaces per service bay, plus 1 space per 200 sf. PFA for an attached convenience store
Golf Course	6 Spaces per hole for 9-hole course, 5 spaces per hole for 18 – 36-hole course, 4 spaces per hole for >36-hole course, and 1 space per tee for driving range
Governmental Service (Police, Fire, Emergency Medical Services)	1 space per every 300 sf plus 1 per vehicle stored on-site plus 1 per employee
Grocery	1 space per 300 gross square feet
Heavy Equipment Sales / Rental	1 space per 200 sq. ft. of usable floor area in offices, waiting area, customer service area plus 1 per rental vehicle
Hospital / Rehabilitative Care	2 spaces per every exam or outpatient/inpatient bed, procedure/operating room, plus 1 per laboratory or recovery room, plus 1 per every 2 employees
Hotel / Motel	One space per room or suite in addition to one space per employee on the largest shift

Table 3.3, Minimum Required Parking Spaces	
Use	Minimum Required Spaces
Industrial and Manufacturing Uses (All Uses other than Warehouse / Storage)	One space per every 1 employee of the largest shift
Library, Museum, or Gallery	1 space per 300 gross square feet
Manufactured Home Sales	1 space per 800 sq. ft. of usable floor area plus 2 per service bay
Medical / Dental Office and/or Clinic	1 space per 200 square feet of gross floor area
Nursing Home	1 space per 3 beds
Professional/Business Office	1 space per 350 square feet of gross floor area
Park	12 spaces per athletic field plus 1 per 1,000 sq. ft. of indoor or outdoor play area
Personal Services	1 space per every station, chair or activity area or 1 per 300 square feet, whichever is greater
Place of Public Assembly, Indoor	One paved parking space for each two and one-half guests allowed on-site – OR – One space per every 3 seats
Private Club	One space per 200 square feet of floor area
Recreational Vehicle Park / Campground	One parking space located on each site, plus one off-street space for each employee
Recreation Center	1 space per every 300 sf. of indoor area
Repair Service	1 space per 300 gross square feet
Restaurant	1 space per every 4 seats



Table 3.3, Minimum Required Parking Spaces	
Use	Minimum Required Spaces
Retail Sales	1 space per 300 gross square feet
Self-storage, Mini-Warehouse	6 spaces per facility
Sexually Oriented Business	1 space per 300 gross square feet
Schools (K-8)	2 spaces per classroom plus 1 space per 3 persons by seating capacity in the largest assembly area
Schools (9-12)	1 space per 3 persons by seating capacity in the largest assembly area or 12 spaces per classroom if no assembly area
Shooting Range, Outdoor	1 space per station plus 1 space per employee on largest shift
Stadium / Amphitheater	1 space per 3 seats
Studio: art, music, dance	1 space per 200 sq. ft. of gross floor area
Theater, movie	1 space per 3 seats plus 1 space per employee on largest shift
Veterinary Animal Hospital	1 space per every 12 cages, plus 1 per employee on largest shift
Winery/Brewery	1 space per every 4 seats
Commercial Amusement Uses	
Bowling Alley	3 spaces per lane
Pool Parlor	1 space per 300 gross square feet
Skating Rink / Playground (Indoor)	1 space per 3 seats plus 1 space per employee on largest shift

Table 3.3, Minimum Required Parking Spaces	
Use	Minimum Required Spaces
Indoor Commercial Amusement (If not listed above)	1 space per 300 gross square feet
Driving Range (Outdoor)	2 spaces per platform plus 1 space per employee on largest shift
Miniature Golf (Outdoor)	2 spaces per hole plus 1 space per employee on largest shift
Playgrounds (Outdoor)	12 spaces per acre
Swimming Pool (Outdoor)	1 space per 100 sf. of swimming pool (surface of water)
Outdoor Commercial Amusement (if not listed above)	12 spaces per acre

5. **Shared Parking.** In recognition that all parking demand is not at the same time, a development or adjacent developments may propose shared parking area if it provides a minimum of fifty percent (50%) of the required spaces for each use and the Administrator approves the shared parking area.
- a. *Location.* Parking on another lot shall be within five hundred (500) feet of the lot occupied by the use for which they are required.
 - b. *Approval Requirements.* All off-site and shared parking space arrangements are subject to the approval of the Administrator. Approvals shall be based on the determination that the use of off-site and/or shared parking will include appropriate pedestrian connections, will not result in potentially hazardous traffic conditions, and will provide an adequate number of parking spaces and future parking area expansion options for the uses involved.



- c. *Different Demands.* Two (2) or more uses for which the normal hours of operation do not overlap may share parking either on or off-site (example: a church may share its parking lot with a business, or with apartments located on upper floors of adjacent businesses).
 - d. *Required Documentation.* Permanent documentation of any off-site and/or shared parking agreement shall be signed by all involved property owners and shall be recorded as a written commitment. The written commitment shall include but is not limited to the following items: maintenance, snow removal, dissolving the agreement and establishing alternate parking, ownership, and liability. The written commitment shall be reviewed and approved by the City's Attorney. The agreement shall be recorded in the office of the County Recorder.
6. **Land-Banked Parking.** A parking lot may be built with fewer spaces than the required minimum number of vehicular and bicycle spaces if the following standards are met.
- a. *Written Commitment.* Adequate and appropriate space shall be land-banked to fulfill the full number of parking spaces required such that parking can be built on-site at a later date, should the need arise. Property owner shall record a written commitment at the County Recorder's Office with an attached approved site plan that clearly denotes the land-banked area, and that identifies the area as a "no-build area." The no-build area shall only allow landscaping material and shall restrict any structure, foundation, change in topography, or other permanent or temporary structure or alteration that would make it cost prohibitive or difficult to develop parking on that area in the future.
- b. *Approval for Full and Reduced Parking Area.* A design for a parking area that accommodates all the required bicycle and vehicle parking spaces shall be submitted for review, with the reduced parking area (Phase 1) shown as a portion of that larger parking area. The full and reduced parking area designs shall be concurrently reviewed and shall meet all applicable requirements of the UDO. If both designs are approved, the smaller, reduced parking area may be constructed as Phase 1.
 - c. *Minimum for Reduced Parking.* Under no circumstances may the smaller Phase 1 parking area design establish less than forty percent (40%) of the required bicycle or vehicle parking spaces.
 - d. *Need for Full Parking.* If the smaller Phase 1 parking area is periodically full for either bicycles or vehicles, the Administrator shall require the additional parking to be constructed. Evidence of the need for additional parking may include, but is not limited to, employees or guests parking outside of designated spaces in parking aisles, on nearby properties without a shared parking agreement, on unpaved or grassy areas, or on-street. Failure to comply with this section shall constitute a zoning violation.
7. **Americans with Disabilities (ADA) Parking Required.** Signed and marked barrier free spaces shall be provided within all parking lots. The barrier free spaces shall be those nearest the main accessible entry of the building served.
- a. *Number Required.* The number of barrier free spaces shall be based on the Federal Americans with Disabilities Act (ADA) as represented by the Table 3.4, *ADA Parking Space Standards*. This Table is intended to represent the minimum requirements of the ADA and shall be deemed to



be updated and amended consistent with any ADA amendments.

Table 3.4, ADA Parking Space Standards	
Total Spaces in Parking Lot	ADA Parking Spaces Required
1 - 25	1
26 - 50	2
51 - 75	3
76 - 100	4
101 - 150	5
151 – 200	6
201 – 300	8
301 – 400	12
Over 400	12 spaces + 2 additional spaces for every 250 or fraction thereof over 400

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

8. Pedestrian Circulation.

- a. *External Sidewalks and Paths.* In all zoning districts, external sidewalks and multi-use paths in accordance with City standards shall be provided in the right-of-way along all lot frontages that abut a public or private street for new construction or when a primary structure is enlarged by twenty percent (20%) or greater. Sidewalks or paths are also required to be installed in front of any lot

created after the effective date of the UDO once it has sat vacant for twenty-four (24) months (if a single lot was created), or twenty-four (24) months from the date the first certificate of occupancy was issued (if a multiple-lot subdivision) and where infrastructure exists.

- b. *Internal Walkways* (Applies to R-4, B-N, B-1, B-2, B-3, IN-1, I-1 and I-2 Zoning Districts).
 - i. *Connection to External Sidewalk or Trail.* There shall be at least one (1) internal pedestrian walkway that connects the parking area with adjacent public sidewalks and multi-use paths.
 - ii. *Internal Pedestrian Walkway.* All surface-parking areas with more than one hundred (100) parking spaces shall provide continuous internal pedestrian walkways to connect the parking area with the primary building entrance(s).
 - iii. *Walkway Standard.* Pedestrian walkways shall meet ADA standards, be a minimum of five (5) feet wide and shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, paint, or scored/stamped concrete or asphalt.
 - iv. *Coordinate with Landscaping.* Pedestrian walkways should be coordinated with parking lot landscape areas.

9. Parking Location.

- a. *Off-Site Parking.* Parking areas shall be located on the same site as the structure or use they serve, unless they are subject to an approved shared parking agreement or the Administrator



determines they comply with parking standards for the B-1 District, as allowed by this UDO.

b. *Parking in Front.*

- i. *Applies to B-1 District.* No off-street parking area shall be located in front of the primary structure.
- ii. *Applies to B-N and R-4 Districts.* The maximum amount of parking that shall be allowed in front of the primary structure shall be two (2) rows.
- iii. *Applies to B-2, B-3, and IN-1, Districts.* No more than fifty percent (50%) of the minimum amount of required parking may be located in front of the primary structure. Any extra parking shall be located on the side or rear of the primary structure.

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

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

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

- a. *Location.* All required loading spaces shall be located on the same lot as the use to be served and shall not use public or private streets as a

loading zone. Loading spaces shall be designed with appropriate access that will not interfere with traffic movements. There shall be no maneuvering within any street right-of-way. In no case shall a loading be located in such a manner as to require loading/unloading vehicles to back into a public right-of-way or overhang adjacent property.

- i. *Not in Front Yard.* No loading space may be located in any front yard or any required buffer yard.
- ii. *Not Visible from Street.* Loading docks shall be located so that they are inconspicuous from public streets. If such a location is not possible, a loading dock clearly visible from a public street shall be screened by solid structure walls and/or opaque landscaping.

b. *Number of Loading Spaces.*

- i. *Applies to B-N, B-2, IN-1 Districts.* At least one (1) off-street loading space shall be provided.
- ii. *Applies to B-3, I-1, I-2 Districts.* Number of spaces determined by owner.

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

13. **Stacking Space Requirements.** All non-residential uses shall provide stacking spaces for vehicles at drive-up and drive-through facilities consistent with the requirements of Table 3.5, *Stacking Space Standards.*



Table 3.5. Stacking Space Standards		
Use	Required Stacking Spaces	Point of Measurement
ATM Station or Bank Drive-Up Window	4	ATM Unit/ Service Window
Vehicle Oil Change Facility	2	Service Bay
Vehicle Wash	4	Wash Bay
Gas Pump	2	Front of pump
Place of Public Assembly	6	Head of Drop-off
Dry Cleaning/Laundry Drive-Up Window	2	Service Window
Nursery, Day Care or School Drop-off Area	6	Head of Drop-off
Pharmacy Drive-Up Window	3	Service Window
Restaurant Drive-Up Window	10	Service Window
Other Use	As determined by the Administrator	As determined by the Administrator

- a. *Dimensions.* Each stacking space shall have a minimum dimension of twenty (20) feet in length by ten (10) feet in width.
- b. *Location.*
 - i. *On-Site Parking.* The location of stacking spaces shall avoid interference with on-site parking areas. The lane(s) containing the stacking spaces shall be separate and distinct from other access drives and maneuvering lanes for parking spaces.

- ii. *Pedestrians.* Pedestrian walkways should not pass through a stacking space area unless there is no alternative. Pedestrian walkways shall be clearly marked through pavement striping or a stamped pattern or texture.
- iii. *Out of Street.* No stacking space shall extend into any existing or planned public or private right-of-way or access easement.

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

- a. *Design.* Cart corrals shall be made of permanent materials on all three (3) sides, anchored to the parking lot and with a design to prevent carts from rolling out into aisles.
- b. *Cumulative Containment.* All cart corrals in combination shall be able to accommodate at least fifty percent (50%) of the fleet of shopping carts available.
- c. *Separate from Parking Spaces.* Cart Corrals shall not utilize any portion of the minimum required number of parking spaces.

15. Vehicle Storage.

- a. *Primary Structure Required.* No vehicle, including recreational and commercial vehicles, shall be stored, or allowed to remain on any property that does not contain a primary structure unless vehicle storage is a specifically approved use at that location.
- b. *Storage of Construction Vehicles & Equipment.* No semi-trucks and tractor trailers, manufactured homes, tractors, bulldozers, earth carriers, cranes, tow trucks and/or any other heavy equipment or machinery shall be stored or parked on any property unless the machinery is either engaged in providing construction or other service to the site or associated with a specifically



- approved land use at that location that complies with all requirements of this UDO.
- c. *Commercial Vehicle Prohibition in Residential Districts.* Commercial vehicles and their associated storage containers are prohibited from being stored and parked within residential zoning districts.
 - d. *Commercial Vehicles Regulations in Commercial Districts (C-1, B-N, B-1, and IN-1).* Commercial vehicles and their associated storage are allowed to be parked only if the parking is limited to three (3) consecutive days in the following non-residential zoning districts: C-1, B-N, B-1, and IN-1.
 - e. *Commercial Vehicles in Commercial Districts (B-2, B-3, I-1, and I-2).* These vehicles are permitted in appropriate locations that do not block or impede traffic in the B-2, B-3, I-1, and I-2 zoning districts.
 - f. *Recreational Vehicles in Residential Districts.*
 - i. *Generally.* The parking of recreational vehicles (including boats, trailers, recreational vehicles, or other similar equipment) is allowed on a paved surface in the side or rear yard, but no more than one (1) recreational vehicles shall be stored on any residentially zoned and used property at any time.
 - ii. *Applicability.* For the purposes of this Subsection 3.D.15.f, residentially zoned properties refer to property zoned as either R-1, R-2, R-3, or R-4.
 - iii. *Additional Vehicle in Limited Circumstances.* One (1) additional vehicle shall be allowed for temporary visitors on a temporary basis. Under no circumstances shall anyone occupy and/or reside in a recreational vehicle for more than twenty-nine (29) days within a calendar year in a residentially zoned property.
 - iv. *No Habitation.* In any non-residential zoning district, no recreational vehicle shall be occupied or used for sleeping, living, or housekeeping purposes.
 - g. *Vehicle Maintenance.* Repairing, restoration and maintenance procedures or projects is allowed on resident's personal vehicles on residentially zoned or used property, only when the work is conducted subject to the following limitations:
 - i. *Maintenance Location.* All vehicles being worked on outside shall be on an improved driveway surface consistent with the requirements for the zoning district in which it is located.
 - ii. *Operable Condition.* All vehicles being worked on outside shall be licensed and operable. Procedures exceeding forty-eight (48) hours in duration, or which require the vehicle to be inoperable for more than forty-eight (48) hours, shall be conducted entirely within an enclosed building.
 - iii. *Parts Storage.* Inoperable vehicles and vehicle parts shall be stored inside an enclosed building.
 - h. *Vehicles to be Salvaged / Repaired.* The outdoor storage of vehicles associated with permitted auto repair or salvage facilities shall be consistent with the following requirements:
 - i. *Rear or Side Yard.* All such vehicles, including antique vehicles, shall be stored within the rear or side yard. In no case shall such vehicles be stored in any front yard, buffer



yard, septic field, required landscape area, or required side or rear setback.

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

16. Circulation Standards. Applies to all zoning districts.

- a. *Design Considerations.* Circulation features, including but not limited to acceleration and deceleration lanes, passing lanes, tapers, turning radii, and left and right turn restrictions shall be subject to the adopted standards of the City and the Indiana Department of Transportation (where applicable).
- b. *Sight Distance Requirements.* The location of all vehicle entrances and access points from a public street shall conform to the City's requirements for alignment of entrances and entrance sight distance requirements and the current edition of the American Association of State Highway and Transportation Officials (AASHTO) Policy on Geometric Design of Streets and Highways.
- c. *Separation and Access Requirements.* All properties shall comply with the following access limitations.
 - i. *Access to Single-Family Residential Uses.* All single-family residential lots shall be permitted one (1) access point from a public street. Access to arterial streets from any lot platted after the effective date of this UDO shall be prohibited.

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

- d. *Entrance Requirements.* The design of all vehicle entrances and access points from a public or private street shall conform to the following requirements:
 - i. *Curbs.* All entrances from streets serving uses other than agricultural, single-family, and duplex residences shall be curbed from the beginning of any acceleration or deceleration lane, taper, or turning radii up to and including any landscaping area that separates the entrance from parking and loading areas.
 - ii. *Entry and Exit.* All entrances shall be designed to provide clear, distinct points by which vehicles enter and exit property. Typically, a vehicle access point shall include one (1) entry and one (1) exit lane of adequate, but not excessive, width to accommodate the anticipated vehicle user types. Multi-family and non-residential access may also include turn lanes as deemed acceptable by the City Engineer. Any medians provided within an entrance shall be fully curbed and shall be a minimum of six (6) feet



in width and a maximum of ten (10) feet in width.

- e. *Landscape Islands.* Curbs are required to be installed surrounding all landscaped islands for all uses other than agricultural, single-family, and duplex residences.

17. **Connectivity.** Applies to R-4, B-N, B-1, B-2, B-3, IN-1, I-1 and I-2 Districts.

- a. *Adjacent Parking Areas.* Connectivity to adjacent parking areas shall be required in at least one (1) location. This may be accomplished through an alley, aisle connector, frontage street, access street, or stub to an adjacent lot. The City Engineer may waive this requirement when:
 - i. Pre-existing development will not feasibly allow such a connection;
 - ii. Topography will not feasibly allow such a connection;
 - iii. The resulting connection would create a pedestrian or vehicular hazard; or
 - iv. The neighboring use would be a conflict with the proposed use on the subject lot.
- b. *Cross-access Easements.*
 - i. Where parking areas connect or are laid out to be connected, a cross-access easement shall be recorded.
 - ii. Cross-access easements shall be wide enough for two-way traffic.

18. **Access Roads.**

- a. *Access by Collector, Local, or Easement.* To discourage new curb cuts and to reduce the use of existing curb cuts along arterial streets, parcels shall be accessed via connection to another

collector street, local street, or access easement through an adjoining lot when possible. Full access to all parcels from arterials shall only occur at signalized intersections.

- b. *Developer to Install.* When development occurs where an access road is the best alternative, the developer shall construct their portion of the access road.
- c. *Driveways.* When other access alternatives are not feasible and adjacent tracts fronting arterial roads are undeveloped, the City Engineer may allow right in/right out driveways, in cooperation with Indiana Department of Transportation, as needed.
- d. *Bicycle and Pedestrian Access.* Bicycle and pedestrian circulation to and through the site shall be coordinated with vehicular access, landscaping, and parking.

19. **Intersection Visibility.** See Greensburg Design Standards Manual.

20. **Driveways.**

- a. *Permit Required.* New driveways and curb cuts require a Driveway Permit before being installed. Existing curb cuts that have not obtained a Driveway Permit in the past will need to do so before the property may be developed.
- b. *Materials.* Driveways for all uses in all zoning districts must be graded and surfaced with an all-weather paving material such as asphalt, concrete, or other material that will provide equivalent protection against potholes, erosion, and dust. Acceptable other materials will in no way include any aggregate such as gravel or crushed stone.
- c. *Separation from Intersections.* Driveways shall be adequately separated from street intersections to



minimize conflict with intersection traffic. Street classification shall be in accordance with the Future Transportation Map in the City's Comprehensive Plan.

E. Landscaping.

1. **Purpose.** The landscape regulations within the UDO are intended to guide the development and redevelopment of the City of Greensburg for the following purposes:
 - a. *Quality of Life.* To improve the overall quality of life for all of Greensburg's citizens by increasing the amount of living landscaping in the community.
 - b. *Public Health.* To improve the public's mental and physical health by ensuring living landscapes are present throughout the urban area.
 - c. *Future Vision.* To use landscaping to help implement the City's Comprehensive Plan and all of its elements, including the Future Transportation Map in the City's Comprehensive Plan.
 - d. *Community Character.* To use landscaping to help create a sense of place for the City, including within corridors, subdivisions, gateways, and neighborhoods.
 - e. *Environmental Impact.* To off-set the impacts of development and redevelopment by requiring installation of living plants to improve air quality, decrease stormwater runoff, reduce erosion, and provide shade.
 - f. *Preservation.* To identify and incentivize preservation of important landscapes and trees.
 - g. *Aesthetics.* To preserve and enhance the scenic and natural beauty of the Town's landscape.

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

2. Applicability.

- a. *Zoning.* These Landscaping Standards apply to all Greensburg zoning districts. See Chapter 2, *Zoning Districts*.
- b. *Existing Development.* Unless a structure or use is granted a variance by the BZA, a site shall be brought into compliance with the standards established in this Chapter for bufferyard and landscape standards if any of the following occur:
 - i. The primary use of the parcel changes;
 - ii. A construction design release is required through Indiana Department of Homeland Security (DHS); and/or
 - iii. The impervious surface coverage of the lot increases by more than twenty percent (20%).

3. Positioning.

- a. *Easements.* Landscape material shall not be planted in rights-of-way without permission from the City or in easements without the permission from the easement holder. A tree canopy may project over a right-of-way or easement.
- b. *Movement.* Landscape materials shall be located to avoid interference with vehicular and pedestrian movement. Specifically, plant materials shall not project into sidewalks, pedestrian paths, trails, and the like below a height of seven (7) feet. Plant materials shall not project over street curbs or pavement within rights-of-way or access easements below a height of fourteen (14) feet.
- c. *Vision Clearance Standards.* All landscape materials shall be located to avoid interference with visibility in accordance with the Greensburg Design Standards Manual.



4. **Landscape Design.** Plantings may be clustered or staggered for variety and a natural appearance or may be spaced in equal increments for a more formal appearance. In most circumstances, plant grouping is encouraged to provide a more naturalistic landscape appearance. The landscape design should make use of plant clusters to block undesirable views, glaring lights, etc.
5. **Maintenance.** The use of artificial plant material is prohibited. Plants are intended to grow, spread, and mature over time. Required plant material shall be kept alive and in good health. Plants and other landscape material shall be maintained to match the approved landscape plan and shall use landscape industry best practices for trimming, mulching, fertilizing, watering and treatment against disease and pests.
 - a. *Responsibility.* The owner of the property shall be responsible for the continuous proper maintenance of all required landscaping materials and shall keep them free from refuse and debris and in a healthy, growing condition at all times.
 - b. *Maintenance Bond.* The developer shall post a three (3) year maintenance bond after the initial required landscaping is installed for one hundred and ten percent (110%) of the cost of installation and plant materials. The cost of installation shall be certified by a landscape contractor or licensed landscape architect.
 - c. *Replacement Due to Natural Causes.* If a tree or shrub that has been used to meet landscape requirements dies, becomes diseased or is severely damaged by a severe weather event, it shall be replaced in accordance with the approved landscape plan.
 - d. *Replacement Due to Other Removal.* If a healthy tree or shrub that has been used to meet

landscape requirements is removed, it shall be replaced as follows:

- i. *Deciduous Tree.* Replant the site with three (3) deciduous trees for each one (1) deciduous tree that is removed, in accordance with a new landscape plan that has been approved by the Administrator. New deciduous trees shall meet the appropriate size standards.
 - ii. *Evergreen Tree.* Replant the site with three (3) evergreen trees for each one (1) evergreen tree that is removed, in accordance with a new landscape plan that has been approved by the Administrator. New evergreen trees shall meet the appropriate size standards.
 - iii. *Shrub.* Replant the site with three (3) shrubs for each one (1) shrub that is removed, in accordance with a new landscape plan that has been approved by the Administrator. New shrubs shall meet the appropriate size standards.
 - e. *Pruning.* Plants used to fulfill requirements of this UDO may not be removed, excessively pruned, or otherwise treated so as to reduce overall height or level of opacity. Excessive pruning, including limbing-up, topping, and other inhibiting measures, may only be practiced ensuring the public safety or to preserve the relative health of the material involved.
6. **Inspection.** A site is subject to landscape inspection by the Administrator or his/her designee at the time of installation and at any time in the future, to confirm the accuracy of the installation, the health of plant materials and the maintenance of the approved landscape plan.



- 7. **Plant Quality.** Plant material and ground covers shall be hardy, free of insects and diseases. All plants shall comply with the most recent version of The American Standard for Nursery Stock (ANSI Z60.1) published by the American Horticulture Industry Association.
- 8. **Ground Cover Required.** Landscaped areas shall have appropriate ground cover which stabilizes soil, reduces solar heat gain, and permits infiltration. All areas not landscaped with hedges or trees shall be provided with grass or other vegetative ground cover.
 - a. *Stone Prohibited.* Gravel, limestone, river rock or similar stone materials may only be used for mulching around plants, for landscaping accents or as part of an approved rain garden design. Stone materials shall not be used as the primary ground cover in any required landscaped area, unless approved as part of an approved rain garden design.
 - b. *Erosion Control.* When necessary to meet erosion control requirements, materials other than living ground cover may be used.
- 9. **Installation.** All landscaping shall be installed as required by this UDO:
 - a. *Compliance.* No permanent certificate of occupancy for any structure or parcel of land shall be issued unless the landscaping complies with the provisions of this Chapter.
 - b. *Delayed Installation.* If landscape installation is delayed because of seasonal changes, some or all required landscaping may be delayed for a period not to exceed nine (9) months, provided that a performance guarantee in the form of an irrevocable letter of credit, performance bond, cashier's check, cash, or money order is posted with the City. Personal checks shall not be accepted. The performance guarantee shall be equal to one hundred and twenty-five percent

(125%) of the cost of the materials and installation and shall be accompanied by an estimate prepared by a reputable landscape business and a written assurance that such landscaping will be completed within the specified time.

10. Foundation Landscaping.

- a. *Plantings Required.* The number of shrubs or ornamental trees listed below, in Table 3.6, *Foundation Landscaping*, are required in addition to landscape materials that may be required by parking lot planting, screening and bufferyard planting specified in other parts of this Section.
- b. *Applicability.* This provision applies to all primary structures.
- c. *Placement.* Foundation plantings shall be planted along all four (4) sides of the foundation (excluding drive-throughs, loading docks, and the front door) and be located as follows.
 - i. *Shrubs.* Within six (6) feet of the foundation.
 - ii. *Ornamental Trees.* Within ten (10) feet of the foundation.

Table 3.6, Foundation Landscaping Minimum Foundation Plantings Required		
Width	Front Façades	Side & Rear Facades
Street I is 80' or less in width	3 shrubs	1 shrub per every 30'
Street I is more than 80' in width	1 shrub or ornamental tree per every 20'	1 shrub or ornamental tree per every 40'



11. Parking Lot Landscaping Standards.

- a. *Applicability.* These parking lot landscaping standards apply to all zoning districts, except R-1 or R-2.
- b. *Required Materials.* Landscape materials consistent with the requirements of the UDO shall be required when an Improvement Location Permit is obtained for a new parking lot, reconstruction of an existing parking lot, the expansion or reduction of an existing parking lot by twenty-five percent (25%) or greater or change of use or the building is being renovated for a new use.
- c. *Parking Lot Perimeter Requirements.* All parking lots shall be surrounded by a ten (10) foot-wide perimeter landscaping area and separated from all planned and existing public rights-of-way (consistent with the Future Transportation Map in the City's Comprehensive Plan) by a landscaping area that is a minimum of ten (10) feet. Lots include parking spaces, interior drives, and loading areas. A driveway entrance that complies with the requirements of the City may cross perimeter landscaping; however, the width of the driveway may not be subtracted from the length of the perimeter landscaped area for the purpose of determining landscaping requirements. The landscape area shall meet the following:
 - i. *Required Landscaping.* A minimum of one (1) shade tree and ten (10) shrubs shall be planted for every thirty (30) feet of perimeter landscaping area. Where adjacent to a residentially zoned parcel (R-1, R-2, R-3, or R-4), the perimeter landscaping shall consist of a landscape screen.
 - ii. *Along Street Frontages.* In addition to the above trees and shrubs required, a three (3) foot tall hedge, berm, wall, or fence shall be installed along all street frontages, within the perimeter landscaping area.
- d. *Parking Lot Interior Requirements.* Landscape islands shall be provided in all parking lots with more than twenty (20) parking spaces. Interior parking lot landscape areas shall be based on a combined surface area of the parking lot, including all parking spaces and interior drives beyond the right-of-way, but excluding all loading docks and truck maneuvering areas.
 - i. *Minimum Landscape Area.* The minimum area required for interior landscaping shall be based on the total number of parking spaces:
 - (1) Up to 50 parking spaces = 5%
 - (2) 51 – 150 parking spaces = 7%
 - (3) Over 150 parking spaces = 9%
 - ii. *Location.* All required landscaped areas shall consist of curbed islands or peninsulas that are surrounded on at least two (2) sides by pavement. Landscaping on the perimeter of the parking lot shall not be counted toward this requirement.
 - iii. *Size.* All landscape islands shall have a minimum of one hundred and eighty (180) square feet in area.
 - iv. *Spacing.* There shall be a maximum of ten (10) parking spaces in a row before a landscape island is placed.
 - v. *Layout.* The required landscaping areas shall generally be grouped together and coordinated to provide for the following:
 - (1) The establishment of an entry aisle to the property;



- (2) Separation of interior drives from parking aisles; and
- (3) Indication of the ends of aisles of parking spaces.

vi. *Plantings Required.* Required planting shall include one (1) canopy tree for every ten (10) parking spaces, with an uneven number of spaces to be rounded up. If green infrastructure approved by the City Engineer is installed throughout the parking area, the number of required canopy trees for the interior parking landscape area may be reduced by fifty percent (50%).

12. **Bufferyards.** The following bufferyard standards apply to all zoning districts within the City of Greensburg.

- a. *Responsibility.* The developer or owner of the subject property is required to install and maintain a bufferyard on their own parcel as it develops or redevelops when the adjacent parcel is already developed. If the adjacent parcel is undeveloped, a bufferyard is not required on the subject property.
- b. *More Intensive Bufferyard May Apply.* If a subject property develops or redevelops under a zoning district where an existing buffer on an adjacent property no longer meets the buffer requirement, the subject property shall install a new buffer on their property that meets the more intensive buffer requirement.
- c. *Bufferyards.* Bufferyards shall be located along the site's outer perimeter, parallel to and extending along one hundred percent (100%) of side and rear property lines, as indicated in Table 3.8, *Bufferyards Required.* Bufferyards widths are in addition to required setbacks.

d. *Use and Possession.*

- i. *Water or Drainage Areas.* Bufferyards may contain natural water amenities or areas established for drainage if planting requirements are still satisfied.
- ii. *Parking & Loading Areas.* Parking or loading are not allowed within any required buffer area.
- iii. *Overlap with Easements.* Bufferyards may overlap with drainage and utility easements, but required plantings shall not be placed within the actual drainage and utility easements.
- iv. *Recreational Use.* Bufferyards may be used for passive recreation. A bufferyard may contain pedestrian or bicycle trails, provided that no plant material is eliminated, the total width of the bufferyard is not reduced, and all other regulations of this UDO are met. In no event, however, shall permanent structures be permitted in bufferyards including ice-skating rinks, stables, swimming pools, ball or tennis courts.
- v. *Ownership of Bufferyards.* Bufferyards may remain in the ownership of the original developer and may be subjected to deed restrictions. A bufferyard may subsequently be freely conveyed or transferred to an adjoining landowner, homeowner association or a park, open space or conservation group, provided that the Administrator finds that such conveyance adequately guarantees the protection of the bufferyard for the purposes of this UDO.



- e. *Plant Arrangement.* Plant material shall be installed within the buffer yard such that views between properties, noise, and other impacts from conflicting land uses are disrupted. A natural pattern, grouping or irregular row of trees is preferred in the buffer yard.
- f. *Substitution of Unique Site Conditions.* The Administrator may lessen the requirements of the buffer yard standards by twenty percent (20%) due to unique site conditions or features that prevent appropriate and healthful installation of the trees. These site conditions or features may include existing vegetation that exceeds the buffer yard requirements in size and quantity or topography that shields the adjacent property in a more thorough way than the buffer yard requirements.
- g. *Side and Rear Buffers.* Bufferyards shall be provided in all required side and rear yards, between uses in accordance with Table 3.7, *Bufferyard Types*, and Table 3.8, *Bufferyards Required*, below. If the incoming use borders a jurisdiction outside of the corporate limits of Greensburg, the bufferyard used shall be based on the current land use in that adjacent jurisdiction.

Table 3.7, Bufferyard Types		
Type	Minimum Buffer Width	Landscaping Required per 100 Linear Feet
3 – Heavy Buffer	Setback + 25'	3 shade trees + 6' tall opaque screen (fence or wall) <u>or</u> 3' tall berm + 50 shrubs <u>or</u> 10 evergreen trees

Table 3.8, Bufferyard Required													
Zoning Districts	Subject Property												
	C-1	R-1	R-2	R-3	R-4	IN-1	B-N	B-1	B-2	B-3	I-1	I-2	
Adjacent Property	C-1												
	R-1					3	2	2	3	3	3	3	
	R-2					3	2	2	3	3	3	3	
	R-3					2	2	2	3	3	3	3	
	R-4					2	2	2	3	3	3	3	
	IN-1		3	3	2	2	1	1	1	2	3	3	3
	B-N		2	2	2	2	1			2	3	3	3
	B-1		2	2	2	2	1			2	3	3	3
	B-2		3	3	3	3	2	2	2	2	2	2	3
	B-3		3	3	3	3	3	3	3	2	2	2	2
	I-1		3	3	3	3	3	3	3	2	2		
	I-2		3	3	3	3	3	3	3	3	2		

Table 3.7, Bufferyard Types		
Type	Minimum Buffer Width	Landscaping Required per 100 Linear Feet
1 – Light Buffer	Setback + 5'	2 shade trees + 1 ornamental <u>or</u> 1 evergreen trees
2 – Medium Buffer	Setback + 15'	3 shade trees + 2 evergreen trees <u>or</u> 25 shrubs

- h. *Fences and Walls in Bufferyards.* Fences and walls shall be a minimum of six (6) feet tall and opaque. Fences shall be constructed of wood or vinyl. Walls shall be brick or stone construction. Any fence or wall shall be located at least fifteen (15) feet from the property line and the required landscaping shall be planted between the fence and the property line.
- i. *Berms in Bufferyards.* Berms shall be constructed of earth and must be completely contained inside the bufferyard. The slope of the berm must be



completely on the subject property, and the base must be at least three (3) feet from the property line. A berm shall not exceed five (5) feet at its peak. No berm shall have slopes in excess of three horizontal units to one vertical unit (3:1 slope). Required landscaping may be planted on the berm.

13. **Landscape Screening Standards.** These landscaping screening standards apply to all zoning districts:
- a. *Outdoor Storage of Inoperable Vehicles.* The outdoor storage of inoperable vehicles, where allowed by this UDO, shall be within a six (6) foot tall minimum opaque fence or wall, and landscaped in accordance with Buffer Type 3.
 - b. *Dumpsters, Recycling and Similar Containers.* Dumpsters, recycling and other containers that are visible from a residentially zoned area (R-1, R-2, R-3, or R-4), residentially used area, a public street, or zoned commercially shall be screened by a six (6) foot tall, one hundred percent (100%) opaque fence of wood, vinyl, brick, or stone construction, and shall be completely enclosed. Opaque, six (6) foot tall wooden gates shall be provided to access the containers. The gates shall remain closed, except when immediate access to the area is required.
 - c. *Mechanical Equipment.* Ground level mechanical equipment in the front yard is discouraged. If unavoidable, front yard locations for mechanical equipment and air conditioning compressors, shall be screened by a masonry wall erected around the front and sides of the equipment, which is at least one (1) foot taller than the equipment. The wall shall leave access to the equipment from the rear. In addition, there shall be a mix of evergreen shrubs, evergreen trees, and/or ornamental trees, in a planting bed extending a minimum of fifteen

(15) feet in all directions from the equipment. Landscape plantings shall also leave access to the mechanical equipment from the rear.

14. **Buffer for Double-Frontage Lots.** Lots with frontage on two (2) parallel streets shall be avoided except where the Plan Commission allows, per Chapter 5, *Subdivision Standards*. As part of the subdivision approval for any primary plat with double frontage lots, the developer shall submit a double-frontage buffer landscape plan for approval by the Plan Commission.
- a. *Location.* This double-frontage lot buffer shall extend along the entire frontage of one (1) of those parallel streets. Typically, the Plan Commission desires that buffer to be along the street of highest classification. The buffer shall be located within a minimum one hundred (100) feet wide landscape easement, outside of the right-of-way.
 - b. *Buffer Level.* Double frontage lot buffers shall meet or exceed the standards for a Type 3 Heavy Buffer, as defined in this chapter.
 - c. *Responsibility.* The entire buffer shall be installed by the developer along one (1) of the street frontages and the City shall require a performance guarantee in the form of an irrevocable letter of credit, performance bond, cashier's check, or cash be posted with the City. The performance guarantee shall be equal to one hundred and twenty-five percent (125%) of the cost of the materials and installation and shall be accompanied by an estimate prepared by a landscape contractor or landscape architect and a written assurance that the landscaping shall be completed within a Plan Commission specified time, which may be tied to block by block development or percentage of lot development and shall be determined as part of the primary



plat process. A written commitment shall be attached to the primary plat and recorded that specifies that continued maintenance of these required landscape materials, including replacement of diseased or dead materials, is the responsibility of the lot owner where it is located.

15. **Perimeter Buffer for Major Subdivisions.** As part of the subdivision approval for any primary plat for a major subdivision, the developer shall submit a perimeter buffer landscape plan for approval by the Plan Commission.
 - a. *Location.* This perimeter buffer shall extend along the entire perimeter of the development. The buffer shall be located within a minimum of forty (40) feet wide landscape easement, outside of the right-of-way.
 - b. *Buffer Level.* Perimeter buffers for major subdivisions shall meet or exceed the standards for a Type 1 Light Buffer, as defined in this chapter.
 - c. *Performance Guarantee.* The perimeter buffer shall be installed by the developer as each phase is developed and the City shall require a performance guarantee in the form of an irrevocable letter of credit, performance bond, cashier's check or cash be posted with the City. The performance guarantee shall be equal to one hundred and twenty-five percent (125%) of the cost of the materials and installation and shall be accompanied by an estimate prepared by a landscape contractor, and a written assurance that the landscaping shall be completed within a Plan Commission specified time, which may be tied to phasing of sections, and shall be determined as part of the primary plat process.
 - d. *Continued Maintenance.* Provisions shall be included in the subdivision's private covenants for the continued maintenance of landscape

materials and for replacement of diseased or dead materials by the developer or homeowner's association.

F. Lighting Standards.

1. **Purpose.** It is the intent of this Section to provide illumination on individual lots which is adequate for the safe and efficient movement of individuals or vehicles to and from a lot and within a lot but does not cause objectionable glare beyond any lot line.
2. **Exemptions.** All exterior lighting shall comply with the requirements of this Chapter, subject to the following exemptions:
 - a. Lighting for all agricultural, one-family, and two-family residential uses, provided that the level of illumination at any property line adjoining an agricultural use shall not exceed one-tenth (0.1) footcandles.
 - b. Pedestrian walkway lighting.
 - c. Soffit lighting, provided that the light source is recessed or flush with the soffit surface.
 - d. Emergency lighting, provided that the lights are designed to operate only in emergency or loss of power situations.
 - e. Holiday decorations.
 - f. Window displays.
 - g. Lighting for temporary events, such as fairs, carnivals and similar temporary outdoor uses.
 - h. Ornamental lighting that is incorporated into an architectural design, such as colored tubes, lighting of fountains, statuary or other outdoor art and other building elements (other than signs), provided that the light source is shielded to direct light onto the lighted element.



3. **Prohibitions.** The following lighting types and methods are prohibited:
 - a. *High Intensity Lights.* Laser light sources, search lights or any similar high intensity light for outdoor advertisement or entertainment.
 - b. *Hazardous Lights.* Any lighting where it is determined by the City Engineer that the light source is creating off-site glare and is a hazard to travelers on an adjacent street or road.
 - c. *Exposed Bulb Lights.* The use of any exposed bulbs, visible from any property line unless exempt under the above ornamental lighting exemption.
 - d. *Flashing and Moving Lights.* Lighting that is flashing, moving or intermittent, but is not an official traffic control or emergency light.
 - e. *Similar to Traffic Control or Emergency Lights.* Lighting that appears similar to that used for traffic control devices or for emergency vehicles.
4. **Light Trespass.** No use shall produce light, or glare creating a nuisance or hazard perceptible from any point beyond the lot lines. Lighting shall not cause illumination beyond any lot line or onto any right-of-way, based upon the zoning district of the property on the opposite side of such lot line:
 - a. Adjacent to IN-1, B-N, B-1, B-2, B-3, I-1 or I-2 zoning districts – Maximum one (1) foot candle.
 - b. Adjacent to C-1, R-1, R-2, R-3 or R-4 zoning districts – Maximum one-half (0.5) foot candle.
5. **Light Standards.**
 - a. *Site Uniformity.*
 - i. Light standards and fixtures on a lot, including free-standing light fixtures and those attached to buildings, security lights, and architectural

lights, shall be of consistent design and materials.

- ii. Parking lot lights shall be of uniform size, design and height, not to exceed twenty-four (24) feet.
- b. *Cutoff and Shielding.*
 - i. *Free-standing Lights.* All free-standing lights shall be either “down lighting” style with the light element completely shielded on all sides and the top; or be equipped with a refractor so as to direct light downward onto the lot.
 - ii. *Canopy Lights.* All lights within gas station canopies, drive-through canopies, etc. shall be of a “down lighting” type with the light element completely shielded on all sides and top.
 - iii. *Shielding.* Lighting emitted from signs, buildings, or other structures, shall be shielded so the direct light source is not visible from any point along an adjacent public right-of-way.

G. Lot and Setback Standards.

1. **Lots.** Every primary structure, except agricultural structures not used for human habitation, shall be located on an individual lot which fronts on a public street or approved private drive. No building or structure shall be located on a lot unless such lot conforms with the lot area regulations of the district in which it is located or in accordance with Chapter 8, *Nonconformities*.
2. **Setbacks.**
 - a. *Front Property Lines.* In the case of a through lot or a corner lot, any property line abutting a street shall be considered a front property line and the



- setback from that line shall conform to the front yard setback regulations of that district.
- b. *Corner Lots.* Corner lots shall have two (2) front yard setbacks and two (2) side yard setbacks.
- c. *Extension into Side or Rear Setback.* Architectural features (cornice, chimney, eave, sill, canopy, or similar feature) or open platforms, porches, or landings may extend into a required side setback or rear setback no more than two (2) feet and may project into a required front yard no more than three (3) feet.

H. Pond Construction Standards.

1. **Applicability.** These standards apply to the construction of ponds on private property. These standards do not apply to retention ponds that are included as part of the drainage system for a platted subdivision in accordance with this UDO.
2. **Permits.**
 - a. *Permit Required.* In any zoning district, a permit is required to construct a new pond or alter/expand an existing pond.
 - b. *Expiration of a Permit.* A permit shall be valid for one (1) year after the date of issuance. If no substantial work has occurred in connection with the permit after one (1) year, the permit shall be null and void and the applicant shall be required to apply for a new permit.
 - c. *Revocation of a Permit.* The Administrator has the authority to revoke a permit if:
 - i. There is a violation of the regulations of this Section;
 - ii. The applicant makes any misrepresentation in connection with the application or issuance of the permit; or

- iii. The permit was issued as the result of an error or oversight by the Administrator (or it is determined for any reason that the permit should not have been issued); and no substantial work has occurred in connection with the permit.
3. **Construction and Maintenance.** All ponds and all activity in connection with the construction, expansion, and maintenance of any pond, shall comply with the following minimum standards and requirements:
 - a. *Setbacks.*
 - i. No portion of the water constituting the pond shall encroach upon any area within fifty (50) feet from the right-of-way of any public road.
 - ii. No portion of the water constituting the pond shall encroach upon any area within twenty (20) feet from any boundary line of the owner's property;
 - iii. No fill shall be placed within the right-of-way of any public road. Furthermore, within ten (10) feet of the right-of-way of any public road, no fill shall be placed above an elevation six (6) inches below the elevation at the edge of the road surface.
 - b. *Proximity to Regulated Drain.* No excavation shall occur and no fill shall be placed within seventy-five (75) feet of any regulated drain unless authorized by the appropriate Drainage Board and in accordance with the Indiana drainage statutes.
 - c. *Pond Outlets.* If the pond has an outlet, the following requirements apply:
 - i. If the outlet opens onto the owner's property, the outlet opening must be located at least fifteen (15) feet from the property line and at



least twenty (20) feet away from the right-of-way of any public road.

- ii. If the outlet opens into or connects to a county drain, the owner must obtain the prior approval of the County Surveyor.
 - iii. If the outlet opens into or connects to an outlet on another tract or parcel, the owner must prove to the satisfaction of the City Engineer that the owner has all easement rights necessary to access such outlet.
 - d. **Runoff.** The pond shall be constructed so as not to increase the volume of water that exits the parcel under normal conditions. Fill areas shall not obstruct the flow of surface water onto the owner's property from adjacent properties. The owner shall be responsible for the repair, replacement or relocation of any tiles, open ditches or other drainage facilities to the extent necessary to maintain the amount of drainage through the parcel or tract that existed prior to the construction of the pond.
 - e. **Erosion Control.** All ponds shall be constructed and maintained so as to prevent any soil erosion or other condition that obstructs or damages or threatens to obstruct or damage any public drain or drainage related improvements. The owner shall remove soil and resurface, and re-seed degraded open ditch banks.
 - f. **Impact on Neighboring Property.** A pond cannot dam water or cause water to back up onto an adjacent property.
4. **Pond Variances.** See Section 7.C.10, *Variance from Pond Construction Standards*.

I. Sign Standards

1. **Purpose.** The purpose of these sign standards is to:
 - a. Avoid the proliferation of signage;
 - b. Encourage signs to be compatible with the scale of buildings and the surrounding area;
 - c. Maintain the existing character and enhance the aesthetic environment of the community;
 - d. Eliminate potential hazards to motorists and pedestrians resulting from sign clutter; and
 - e. Promote the health, safety, and welfare of the citizens.
2. **Permit Required.** Except as otherwise provided herein, it shall be unlawful for any person to erect, construct, enlarge, move, or convert any sign, or change the permanent copy on an on-premise permanent existing sign structure, or cause the same to be done, without first obtaining an ILP.
3. **Inspection.** A sign for which a permit is required may be inspected periodically by the Administrator for compliance with this UDO and other codes of the jurisdiction.
4. **Removal of Signs.** The Administrator may order the removal of any permanent or temporary sign erected or maintained in violation of this UDO.
 - a. **Permanent Signs.**
 - i. **Written Notice of Violation.** A thirty (30) day written notice describing the violation and ordering either the removal of the sign or requiring the sign to be brought into compliance shall be given to the owner and/or business operator.
 - ii. **Failure to Comply with Removal Order.** Upon failure to comply with this notice, the Administrator may remove the sign. Any cost



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

- b. *Temporary / Portable Signs.* No notice of violation will be given for temporary signs or portable signs prior to removal.
 - i. *Threat of Public Safety.* The Administrator may remove a sign immediately and without notice if the condition of the sign presents an immediate threat to the safety of the public.
 - ii. *Cost Borne by Owner.* Any cost associated with signs removed pursuant to the provisions of this UDO shall be reimbursed by the owner of said sign.
 - iii. *Sign Disposal.* Should said sign not be redeemed within fifteen (15) days of its removal, it may be disposed of in any manner deemed appropriate by the Administrator.
- 5. **Maintenance.** All signs and components thereof shall be kept in good repair and in safe, neat, clean, and attractive condition. If failure to maintain a sign is determined by the Administrator, enforcement will commence, in accordance with Chapter 9, *Enforcement, Violations, and Remedies*, of this UDO.
- 6. **Abandoned Signs.** All signs, their mountings, and related components shall be removed by the owner or lessee of the premises upon which the signs are located within one (1) year of when a business is no longer conducted on the premises. If the owner or lessee fails to remove the sign, enforcement will commence, in accordance with Chapter 9, *Enforcement, Violations, and Remedies*, of this UDO.
- 7. **Temporary Electronic Variable Message Signs (EVMS).** All temporary EVMS signs must meet the

standards as specified in the State Electrical Code, as adopted and amended by the State of Indiana. In addition, all signs containing an EVMS as a component in part or in whole shall comply with the following standards:

- a. *No Movement, Flash, or Scroll.* The message on the sign cannot move, appear to move, flash, or scroll.
- b. *Static for Eight Seconds.* The message on the sign must be constant for a minimum of eight seconds.
- c. *Automatic Dimmer.* The sign must have equipped an automatic dimmer control/photocell sensor, to produce a distinct, stepped luminance change from a higher luminance level to a lower luminance level to comply with the luminance levels in Section 3.1.8, *Sign Illumination*, and to adjust sign brightness based on ambient lighting levels (i.e. cloudy days). The automatic dimmer control/photocell sensor must always be activated while the sign is in operation.
- d. *Illuminance Not to Exceed.* The sign shall operate at a luminance level not to exceed seven hundred (700) nits thirty (30) minutes before sunset to thirty (30) minutes after sunrise and not to exceed ten thousand (10,000) nits at all other times.
- e. *No Traffic Hazards.* The direct or reflected light from a primary light source shall not create a traffic hazard to operators of motor vehicles on public and/or private roadways.
- f. *Light Directed away from Surrounding Properties.* The light from any sign shall be directed such that the light intensity or brightness will not be objectionable to the surrounding properties. No light shall shine directly onto adjacent property with a level of brightness to be considered a nuisance by the average person.



- g. *Distance to Residential Zoning District.* No EVMS shall be located within one hundred fifty (150) feet of a residential zoning district (R-1, R-2, R-3, or R-4).
 - h. *Maintenance.* All illuminated elements shall be kept in satisfactory working condition and immediately repaired or replaced if damaged or burned out.
 - i. *Immediate Threat to Public Safety.* All electrical wiring for permanent EVMS shall be in conduit. All electricity for signs shall have a disconnecting switch located in a readily accessible place to the Administrator in the event the sign must be shut off because it presents an immediate threat to the safety of the public or is in violation of other local ordinances.
8. **Sign Illumination.** All sign illumination must meet the standards as specified in the State Electrical Code, as adopted and amended by the State of Indiana. In addition, all illuminated signs shall comply with the following standards:
- a. *No Blinking, Flashing, or Fluttering.* No sign shall have blinking, flashing, or fluttering lights, nor shall any device have changing light intensity, brightness of color, or give such illusion.
 - b. *Maintenance.* All illuminating elements shall be kept in satisfactory working condition. Repairs and replacement of damaged or burned-out elements must be repaired within seven (7) days of the issue being brought to the owner's attention.
 - c. *Electricity.* All electrical wiring for permanent signs shall be in conduit. Wires must not be exposed to any exterior elements. All electricity for signs shall have a disconnecting switch located in a readily accessible place. In the event the sign must be shut off because it presents an immediate threat to the safety of the public, the Administrator is granted the authority to require that this occurs.
- d. *Traffic Hazard.* The direct or reflected light from a primary light source shall not create a traffic hazard to operators of motor vehicles on public and/or private roadways.
- e. *No Light to Shine Directly on Surrounding Properties.* The light from any illuminated sign shall be so shaded, shielded, or directed such that the light intensity or brightness will not be objectionable to the surrounding properties. No light shall shine directly onto adjacent property.
- f. *Internally Lit Signs.* Internally illuminated signs should be composed of individual letters or shapes, or light lettering, symbols, etc. on an opaque background.
- g. *Residential Area Restrictions.* All electronic signs within one hundred (150) feet and visible from a residential property shall remain static, between the hours of 11 p.m. to 5:00 a.m. daily.
9. **Exempt Signs.** The following are exempt from all provisions of this Section of the UDO [Section 3.I, *Sign Standards*].
- a. *Street Address.* The posting of a street address to provide adequate property identification.
 - b. *Flags with Non-Commercial Message.* Flags with non-commercial messages, including flags of any country, state, unit of local government, institution of higher learning, or similar institutional flags.
 - c. *Historical Building Signs.* Names of buildings, date of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type construction. No commercial messages or logos are permitted on such signs.



- d. *Directional and Safety Signs.* Public and private signs of a non-commercial nature and in the public interest or erected by or on the order of public officer(s) in the performance of public duty (such as signs to promote safety, no trespassing, or traffic signs, memorial plaques, signs of historical interest, and signs directing people to public and quasi-public facilities.)
- e. *Utility Signs.* Utility signs shall be used to mark cables and lines for public and private utilities except if determined to be a hazard by the Administrator.

10. **Exceptions During Election Timeframe.** The standards for maximum size and maximum number of signs contained in this chapter do not apply to any sign that does not exceed thirty-two (32) square feet during the election period, pursuant to IC 36-1-3-11. The election period is defined as the time period that begins sixty (60) days before an election until the 6th day after an election. Note that the statute applies to any election as defined in IC 3-5-1-2: primary and general elections, municipal elections, school district elections, and any special election as provided by law. Signs shall not be placed within right-of-way and permission from the private property owner is required before a sign is placed on private property.

11. **Prohibited Signs.** The following types of signs are prohibited in all Zoning Districts.
- a. Signs in the Public Right-of-Way that are not for reasons of traffic direction or safety and placed by a governmental entity.
 - b. Signs that utilize any motion picture, laser, or visual projection.
 - c. Signs that emit audible sound, odor or visible matter.
 - d. Signs that purport to be or are in imitation of or resemble an official traffic sign or signal or which

bear the words “Stop”, “Slow”, “Caution”, “Danger”, “Warning”, or similar words.

- e. Signs that may be construed as a light of an emergency or road equipment vehicle.
- f. Signs that hide from view any traffic or roadway sign, signal, or device.
- g. Signs that interfere with the site visibility requirements of the in Greensburg Design Standards Manual.
- h. Signs that extend above the roof line or parapet of a building or are mounted on or a part of the roof.
- i. Signs that have blinking, flashing, or fluttering lights or which have a changing light intensity, brightness or color, or give such illusion.
- j. Signs that obstruct any door, fire escape, stairway, or any opening intended to provide entrance or exit for any building or structure.
- k. Signs placed on inoperable vehicles or vehicles without current license plates parked on public or private property primarily for the purpose of displaying the sign. Prohibited signs do not include those displayed on operable and licensed vehicles parked for the purpose of lawfully making deliveries or random sales or service. Prohibited signs do not include operable and licensed vehicles which are customarily used for transporting persons or properties, and operable and licensed vehicles parked at a driver’s place of residence during non-business hours or for incidental purposes.
- l. Permanent Inflatable, Animated, or Moving Signs.
- m. Billboard signs.



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

12. **Billboard Signs.** The erection of new billboards within the City is prohibited, however all existing billboards within the City are deemed to be conforming structures. As such, any existing billboard will not be forced to be removed provided that the structure is not structurally deficient.

13. **Sign Structure Heights.**

- a. *Sign Heights Differ by Functional Street Classification.* Under no circumstances shall any sign structure support any sign that is higher than any of the following heights as measured from the ground to the bottom of a sign face.
 - i. *Principal Arterial Street.* 30 ft.
 - ii. *Major Collector Street.* 20 ft.
 - iii. *Minor Arterial Street.* 15 ft.
 - iv. *Local Street.* 6 ft.
- b. *Determination of Street Type.* The streets identified as principal arterial street, major collector street, minor collector street, and local street are all determined by the Indiana Department of Transportation (INDOT) through this agency’s Functional Classification System.
- c. *Reference to Sign Face Requirements.* The size requirements below for Sec. 3.1.14, *Temporary Signs in Residential Districts* – Sec. 3.1.19, *Permanent Signs in the Business and Industrial Districts*, refer to the size of the sign face, not the maximum sign structure height as stated above.

14. **Temporary Signs in Residential Districts.** The temporary signs as shown below in Table 3.9, *Temporary Signs in Residential Districts*, shall be permitted in residential districts (R-1, R-2, R-3, or R-

4), provided the respective development standards are met. An ILP is not required.

Table 3.9, Temporary Signs in Residential Districts	
Monument, Pole, and Suspended Signs	
Size of Sign Face	Signs shall not exceed five (5) feet in height and sixteen (16) square feet in area.
Duration	Signs may be displayed while: <ul style="list-style-type: none"> The property is for sale or lease; A project is under construction; or A legally permitted special event is occurring on the property. The sign must be removed six (6) days after said event has transpired.
Placement	Signs shall: <ul style="list-style-type: none"> Not be located within the vision clearance triangle. (<i>See the Greensburg Design Standards Manual</i>) Not be located within a right-of-way or easement unless it is an approved sign easement. Be a minimum of ten (10) feet from the back of any street curb or any edge of street pavement within a public right-of-way. Under no circumstances will signage be permitted unless the entire sign structure is at least two feet from any public right-of-way.
Additional Standards	EVMS or EVMS components are not permitted.
Temporary Ground Signs	
Size of Sign Face	Signs shall not exceed thirty-two (32) square feet.
Quantity	Two (2) signs are permitted per street frontage.



Table 3.9, Temporary Signs in Residential Districts	
Duration	<ul style="list-style-type: none"> Unless the terms of the permit stipulate otherwise, signs shall not be used for more than thirty consecutive (30) days, and no more than twice in a calendar year. Signs may be displayed up to seven (7) days before and while a legally permitted special event is occurring and the sign must be removed six (6) days after the event has transpired.
Placement	<ul style="list-style-type: none"> Signs shall not be located within the vision clearance triangle. (<i>See the Greensburg Design Standards Manual</i>) Signs shall be a minimum of ten (10) feet from the back of any street curb or any edge of street pavement within a public right-of-way. Under no circumstances will signage be permitted unless the entire sign structure is at least two feet from any public right-of-way.
Additional Standards	Temporary Grounds Signs may include Flag Signs, Yard Signs, Banners, and Self-Supporting Freestanding Signs

15. **Temporary Signs in Non-residential Districts.** The temporary signs as shown below in Table 3.10, *Temporary Signs in Non-residential Districts*, shall be permitted in non-residential districts (C-1, B-N, B-1, B-2, B-3, IN-1, I-1, or I-2), provided the respective development standards are met. An ILP is required unless otherwise specified.

Table 3.10, Temporary Signs in Non-residential Districts	
Temporary Attention-seeking Signs	
Size of Sign Face	Signs shall not exceed fifteen (15) feet in height and thirty-two (32) square feet in area.
Quantity	Two (2) signs are permitted per street frontage.

Table 3.10, Temporary Signs in Non-residential Districts	
Duration	Unless the terms of the permit stipulate otherwise, signs shall not be used for more than fourteen (14) consecutive days, and no more than twice in a calendar year.
Placement	<ul style="list-style-type: none"> Signs shall not be located within the vision clearance triangle. (<i>See the Greensburg Design Standards Manual</i>) Signs shall be a minimum of ten (10) feet from the back of any street curb or any edge of street pavement within a public right-of-way. Under no circumstances will signage be permitted unless the entire sign structure is at least two feet from any public right-of-way.
Additional Standards	<ul style="list-style-type: none"> Signs are permitted to be displayed during grand openings or special promotions and shall be removed immediately at the end of the event. Such devices shall not contain any flashing lights at any time.
Temporary Ground Signs	
Size of Sign Face	Signs shall not exceed thirty-two (32) square feet.
Quantity	Two (2) signs are permitted per street frontage.
Duration	<ul style="list-style-type: none"> Unless the terms of the permit stipulate otherwise, signs shall not be used for more than thirty consecutive (30) days, and no more than twice in a calendar year. Signs may be displayed up to seven (7) days before and while a legally permitted special event is occurring and the sign must be removed six (6) days after the event has transpired.
Placement	<ul style="list-style-type: none"> Signs shall not be located within the vision clearance triangle. (<i>See the Greensburg Design Standards Manual</i>) Signs shall be a minimum of ten (10) feet from the back of any street curb or any edge of street pavement within a public right-of-way.



Table 3.10, Temporary Signs in Non-residential Districts	
	Under no circumstances will signage be permitted unless the entire sign structure is at least two feet from any public right-of-way.
Additional Standards	Temporary Ground Signs may include Flag Signs, Yard Signs, Banners, and Self-supporting Freestanding Signs.
Temporary Portable Signs	
Size of Sign Face	Signs shall not exceed six (6) feet in height and thirty-two (32) square feet in area.
Quantity	<ul style="list-style-type: none"> One (1) sign is permitted per street frontage. For multi-tenant buildings or sites, the number of signs permitted shall be determined by the Administrator.
Duration	Unless the term of the permit stipulates otherwise, signs shall not be used for more than thirty consecutive (30) days, and no more than twice in a calendar year.
Placement	<ul style="list-style-type: none"> Signs shall not be located within the vision clearance triangle. (<i>See the Greensburg Design Standards Manual</i>) Signs shall be a minimum of ten (10) feet from the back of any street curb or any edge of street pavement within a public right-of-way. Under no circumstances will signage be permitted unless the entire sign structure is at least two feet from any public right-of-way.
Additional Standards	<ul style="list-style-type: none"> Signs may be displayed during grand openings or special promotions or events. Such signs shall not contain any flashing lights at any time.
Temporary Portable EVMS	
Size of Sign Face	Signs shall not exceed six (6) feet in height and thirty-two (32) square feet in area.

Table 3.10, Temporary Signs in Non-residential Districts	
Quantity	One (1) sign is permitted per street frontage.
Duration	Signs shall not be used for more than two (2) days in a six (6) month period.
Placement	<ul style="list-style-type: none"> Signs shall not be located within the vision clearance triangle. (<i>See the Greensburg Design Standards Manual</i>) Signs shall be a minimum of ten (10) feet from the back of any street curb or any edge of street pavement within a public right-of-way. Under no circumstances will signage be permitted unless the entire sign structure is at least two feet from any public right-of-way.
Additional Standards	Signs shall be subject to the standards of Section 3(l)7, <i>Temporary Electronic Variable Message Signs</i> .

16. **Permanent Signs in Residential Districts.** The permanent signs as shown below in Table 3.11, *Permanent Signs in Residential Districts*, shall be permitted in residential districts (R-1, R-2, R-3, or R-4), provided the respective development standards are met. An ILP is required unless otherwise specified.

Table 3.11, Permanent Signs in Residential Districts	
Permanent Monument Signs	
Size of Sign Face	Sign shall not exceed four (4) feet in height and thirty-two (32) square feet in area per side.
Quantity	Two (2) signs per vehicular entrance to a subdivision or residential complex.



Table 3.11, Permanent Signs in Residential Districts

Placement	<ul style="list-style-type: none"> Signs shall not be located within the vision clearance triangle. (See the Greensburg Design Standards Manual) Signs are permitted only at the vehicular entrance to a subdivision or residential complex. Signs shall be a minimum of ten (10) feet from the back of any street curb or any edge of street pavement within a public right-of-way. Under no circumstances will signage be permitted unless the entire sign structure is at least two feet from any public right-of-way.
Additional Standards	<ul style="list-style-type: none"> Signs shall have a monument base that is equal to or lesser than one and one-quarter times (1 ¼ X) the height of the message, with a minimum of at least one (1) foot of base. EVMS or EVMS components are not permitted.

Permanent Wall Signs

Size of Sign Face	Sign shall not exceed four (4) square feet in area.
Quantity	One (1) wall sign is permitted per lot.
Placement	Sign must be placed on the primary structure.
Additional Standards	<ul style="list-style-type: none"> No ILP is required. No illumination is permitted. EVMS or EVMS components are not permitted.

17. Permanent Signs in the Conservation (C-1) and Institutional (IN-1) Districts.

- a. *Signs Permitted.* The permanent signs as shown below in Table 3.12, *Permanent Signs in the Institutional District*, shall be permitted in the institutional district, provided the respective development standards are met along with the

additional standards as shown in Section 3.1.17.b below. An ILP is required unless otherwise specified.

b. *Additional Standards.*

- i. *Cumulative Area.* The total square footage in message area of all sign facings combined shall not exceed one hundred twenty-five (125) square feet per lot.
- ii. *Limitation on Freestanding Signs.* The lot is limited to two (2) Ground Signs, which may be Monument Signs and/or Pole Signs.
- iii. *Directional Signs.* The Administrator may approve the size and placement of directional signs for multi-tenant development. These structures are not considered signs and will not count towards the quantity or area of signage permitted in this section.

Table 3.12, Permanent Signs in the Conservation (C-1) and Institutional (IN-1) District

Permanent Awning Signs	
Size of Sign Face	Sign shall not exceed twenty-five (25) square feet.
Quantity	One sign per each window and each door.
Placement	Signs must be placed on the primary structure.
Additional Standards	EVMS or EVMS components are not permitted.

Permanent Monument Signs

Size of Sign Face	Sign shall not exceed eight (8) feet in height and forty-eight (48) square feet in message area per side.
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Table 3.12, Permanent Signs in the Conservation (C-1) and Institutional (IN-1) District	
Quantity	One (1) sign per each vehicular entrance on each street with access.
Placement	<ul style="list-style-type: none"> Signs shall not be located within the vision clearance triangle. <i>(See the Greensburg Design Standards Manual)</i> Sign shall be a minimum of ten (10) feet from the back of any street curb or any edge of street pavement within a public right-of-way. Under no circumstances will signage be permitted unless the entire sign structure is at least two feet from any public right-of-way.
Additional Standards	<ul style="list-style-type: none"> Signs shall have a monument base that is equal to or lesser than one and one-quarter times (1 ¼ X) the height of the message, with a minimum of at least one (1) foot of base. A sign containing an EVMS or an EVMS component shall not exceed a total of thirty-two (32) square feet in sign area.
Permanent Pole Signs	
Size of Sign Face	Sign shall not exceed five (5) feet in height and sixteen (16) square feet in area per side.
Quantity	One sign (1) sign per lot.
Placement	<ul style="list-style-type: none"> Signs shall not be located within the vision clearance triangle. <i>(See the Greensburg Design Standards Manual)</i> Sign shall be placed a minimum of ten (10) feet from a minimum of ten (10) feet from the back of any street curb or any edge of street pavement within a public right-of-way. Under no circumstances will signage be permitted unless the entire sign structure is at least two feet from any public right-of-way.

Table 3.12, Permanent Signs in the Conservation (C-1) and Institutional (IN-1) District	
Additional Standards	<ul style="list-style-type: none"> The distance from the ground to the bottom of sign height must be eighteen (18) inches or less. Any sign containing an EVMS or an EVMS component shall not exceed four (4) feet in height.
Permanent Projecting Signs	
Size of Sign Face	Sign shall not exceed twelve (12) square feet in area per side.
Quantity	One per awning or other overhanging attachment.
Placement	Signs must be placed on the primary structure.
Additional Standards	<ul style="list-style-type: none"> The lowest point of the sign shall be no less than eight and one-half (8 ½) feet above grade level except for the supporting building, structure, or column.) In no case shall the sign extend more than four (4) feet beyond its supporting structure. Permission must be granted by the Board of Works for the sign to extend into the right-of-way. EVMS or EVMS components are not permitted.
Permanent Wall Signs	
Size of Sign Face	Sign shall not exceed fifty (50) square feet in area.
Quantity	One per building.
Placement	Signs must be placed on the primary structure.
Additional Standards	EVMS or EVMS components are not permitted.



Table 3.12, Permanent Signs in the Conservation (C-1) and Institutional (IN-1) District	
Permanent Window Signs	
Size of Sign Face	Illuminated window signs containing a message that can be seen from the road shall be counted toward the total sign area and require an ILP.
Quantity	Non-illuminated window signs not exceeding twenty-five percent (25%) of each window area are permitted and do not count toward the total sign area. An ILP is not required.
Placement	Signs must be placed on permanent structure.

18. Permanent Signs in the Central Business District (B-1).

- a. *Permitted Signs.* The permanent signs as shown below in Table 3.13, *Permanent Signs in the Central Business District*, shall be permitted in the Central Business District (B-1), provided the respective development standards are met along with the additional standards as shown in Section 3.1.18.b below. An ILP is required unless otherwise specified.
- b. *Additional Standards.*
 - i. *Cumulative Area.* The total square footage in message area of all combined sign facings per lot shall not exceed the lesser of either one and one-quarter (1.25) times the length of building that faces the road or one hundred twenty-five (125) square feet.
 - ii. *Limitation on Freestanding Signs.* No free-standing signs are allowed in the Central Business District.
 - iii. *Directional Signs.* The Administrator may approve the size and placement of directional signs for multi-tenant development. These

structures are not considered signs and will not count towards the quantity or area of signage permitted in this section.

Table 3.13, Permanent Signs in the Central Business District (B-1)	
Permanent Awning Signs	
Size	Size of Sign Face shall not exceed fifty (50) square feet and must maintain an eight (8) foot clearance above the sidewalk.
Quantity	One sign per each window and each door.
Placement	Signs must be placed on the primary structure.
Additional Standards	EVMS or EVMS components are not permitted.
Permanent Projecting Signs	
Size of Sign Face	Sign shall not exceed twelve (12) square feet in areas per side.
Quantity	A maximum of one sign per building.
Placement	Signs must be placed on the primary structure.
Additional Standards	<ul style="list-style-type: none"> • The lowest point of the sign shall be no less than eight and one-half (8 ½) feet above grade level except for the supporting building, structure, or column.) • In no case shall the sign extend more than four (4) feet beyond its supporting structure. • Permission must be granted by the Board of Works for the sign to extend into the right-of-way. • EVMS or EVMS components are not permitted.



Table 3.13, Permanent Signs in the Central Business District (B-1)	
Permanent Wall Signs	
Size of Sign Face	Sign shall not exceed fifty (50) square feet in area.
Quantity	One sign for each side of a building or individual tenant space facing a public street.
Placement	Signs must be placed on the primary structure.
Additional Standards	EVMS or EVMS components are not permitted.
Permanent Window Signs	
Size of Sign Face	<ul style="list-style-type: none"> • Illuminated window signs containing a message that can be seen from the road shall be counted toward the total sign area and require an ILP. • Non-illuminated window signs not exceeding twenty-five percent (25%) of each window area are permitted and do not count toward total sign area. An ILP is not required.
Quantity	One per window frame.
Placement	Signs must be placed on the primary structure.
Additional Standards	EVMS or EVMS components are not permitted.

19. Permanent Signs in the Business and Industrial Districts:

a. *Permitted Signage.* The permanent signs as shown below in Table 3.14, *Permanent Signs in the Business and Industrial Districts*, shall be permitted in the Neighborhood Business District (B-N), General Business District (B-2), Heavy

Commercial District (B-3), Light Industrial District (I-1) and Heavy Industrial District (I-2) provided the respective development standards are met along with the additional standards as shown in Section 3.1.19.b below. An ILP is required unless otherwise specified.

- b. *Additional Standards.*
 - i. *Cumulative Area.* The total square footage in message area of all combined sign facings per lot shall not exceed the lesser of two (2) times the length of building that faces the road or four hundred (400) square feet.
 - ii. *Limitation on Freestanding Signs.* For single-tenant buildings the lot is limited to one (1) Ground Sign: either a Monument Sign or a Pole Sign. For multi-tenant buildings, the lot is limited to one (1) Ground Sign for each four hundred (400) feet of length of the multi-tenant building that faces the road.
 - iii. *Directional Signs.* The administrator may approve the size and placement of directional signs. These structures are not considered signs and will not count towards the quantity or area of signage permitted in this Section.



Table 3.14, Permanent Signs in the Business and Industrial Districts	
Permanent Awning Signs	
Size of Sign Face	Sign shall not exceed fifty (50) square feet.
Quantity	One sign per each window and each door.
Placement	Signs must be placed on the primary structure.
Additional Standards	EVMS or EVMS components are not permitted.
Permanent Monument Signs	
Size of Sign Face	Sign shall not exceed ten (10) feet in height and forty-eight (48) square feet in message area per side.
Quantity	One (1) sign per lot.
Placement	<ul style="list-style-type: none"> Signs shall not be located within the vision clearance triangle. (<i>See the Greensburg Design Standards Manual</i>) Sign shall be placed a minimum of ten (10) feet from the back of any street curb or any street edge of pavement within a public right-of-way. Under no circumstances will signage be permitted unless the entire sign structure is at least two feet from any public right-of-way.
Additional Standards	<ul style="list-style-type: none"> Signs shall have a monument base that is equal to or lesser than one and one-quarter (1.25) times the height of the message, with a minimum of at least one (1) foot of base. A sign containing an EVMS or an EVMS component shall not exceed thirty-two (32) square feet in sign area.
Permanent Pole Signs	
Size of Sign Face	Sign shall not exceed five (5) feet in height and sixteen (16) square feet in area per side.

Table 3.14, Permanent Signs in the Business and Industrial Districts	
Quantity	One sign (1) sign per lot.
Placement	<ul style="list-style-type: none"> Signs shall not be located within the vision clearance triangle. (<i>See the Greensburg Design Standards Manual</i>) Sign shall be placed a minimum of ten (10) feet from the back of any street curb or any street edge of pavement within a public right-of-way. Under no circumstances will signage be permitted unless the entire sign structure is at least two feet from any public right-of-way.
Additional Standards	<ul style="list-style-type: none"> The distance from the ground to the bottom of sign height must be eighteen (18) inches or less. A sign containing an EVMS or an EVMS component shall not exceed four (4) feet in height.
Permanent Projecting Signs	
Size of Sign Face	Sign shall not exceed twelve (12) square feet in area per side.
Quantity	One per awning or other attached overhang.
Placement	Signs must be placed on the primary structure.
Additional Standards	<ul style="list-style-type: none"> The lowest point of the sign shall be no less than eight and one-half (8 ½) feet above grade level except for the supporting building, structure, or column.) In no case shall the sign extend more than four (4) feet beyond its supporting structure. Permission must be granted by the Board of Works for the sign to extend into the right-of-way. EVMS or EVMS components are not permitted.



Table 3.14, Permanent Signs in the Business and Industrial Districts	
Permanent Suspended Signs	
Size of Sign Face	Sign shall not exceed four (4) feet in height and four (4) square feet in area per side.
Quantity	One (1) sign per lot.
Placement	Sign shall be placed a minimum of ten (10) feet from the back of any street curb or any street edge of pavement within a public right-of-way. Under no circumstances will signage be permitted unless the entire sign structure is at least two feet from any public right-of-way.
Additional Standards	<ul style="list-style-type: none"> The height from the ground to the bottom of the sign must be thirty (30) inches or less. A sign containing an EVMS or an EVMS component shall not exceed four (4) feet in height.
Permanent Wall Signs	
Size of Sign Face	Sign shall not exceed fifty (50) square feet in area.
Quantity	One sign for each side of a building or individual tenant space facing a public street.
Placement	Signs must be placed on the primary structure.
Additional Standards	EVMS or EVMS components are not permitted.

Table 3.14, Permanent Signs in the Business and Industrial Districts	
Permanent Window Signs	
Size of Sign Face	<ul style="list-style-type: none"> Illuminated window signs containing a message that can be seen from the road shall be counted toward the total sign area and require an ILP. Non-illuminated window signs not exceeding fifty percent (50%) of each window area are permitted and do not count toward the total sign area. An ILP is not required.
Quantity	One per window frame.
Placement	Signs must be placed on the primary structure.
Additional Standards	EVMS or EVMS components are not permitted.

J. Storage Standards

1. **Bulk Storage.** In any district, structures, buildings, or above ground tanks used for bulk storage of flammable or explosive liquids, gases, or other materials shall not be located closer than fifty (50) feet to the property line. Additional information regarding evidence of safety measures may be required to determine public safety.
2. **Temporary Storage Containers.**
 - a. *Residential Zoned Properties.*
 - i. *Purpose.* Temporary storage containers are intended to provide for the temporary storage of household goods on property zoned for low-density residential and used primarily for residential purposes.
 - ii. *Applicability.* For the purposes of this Subsection 3.J.2, low-density residentially zoned property means the following districts:



(R-1 and R-2). Temporary storage containers are not permitted in R-3 and R-4 districts.

- iii. *Permit Required.* A permit is not required for a temporary storage container on a residential lot.
- iv. *Quantity.* There shall be no more than one (1) temporary storage container per lot.
- v. *Size.* A residential temporary storage container shall not exceed one hundred twenty-eight (128) square feet in area and shall not exceed the dimensions of eight (8) feet in width, sixteen (16) feet in length, and eight (8) feet in height.
- vi. *Term.* Temporary storage containers for general storage may be on site for no more than sixty (60) days in any calendar year, regardless of size. Storage containers associated with demolition permit shall be removed within one (1) week of the demolition permit expiration date. Temporary storage containers associated with a building permit shall be removed within one (1) week of the date the Certificate of Occupancy/Completion is issued.
- vii. *Location.* Temporary storage containers shall be located on the driveway or may be located to the rear or side of the primary structure and conform to the setbacks for accessory structures per the standards set forth for the applicable zoning district in this UDO.
- viii. *Types of Containers Permitted.* The types of temporary storage containers permitted in the low-density residential districts include dumpster containers (e.g., construction dumpster) and residential portable storage containers (e.g., PODS, moving containers,

etc.). In no case may a vehicle or portion of a vehicle be used for storage.

b. *Non-Residential Zoned Properties.*

- i. *Purpose.* Temporary storage containers are intended to provide for the temporary storage of non-residential goods on non-residentially zoned property.
- ii. *Applicability.* For the purposes of this Subsection 3.J.2, non-residential zoning refers to the following zoning districts: (C-1, B-N, B-1, B-2, B-3, IN-1, and I-1)
- iii. *Quantity.* There shall be no more than two (2) temporary storage containers per lot.
- iv. *Size.* A non-residential temporary storage container shall not exceed five hundred thirty (530) square feet in area and shall not exceed the dimensions of ten (10) feet in width, fifty-three (53) feet in length, and ten (10) feet in height (exclusive of wheels and supports).
- v. *Term.* Temporary storage containers for general storage may be on site for no more than one hundred twenty (120) days in any calendar year, regardless of size. Storage containers associated with demolition permit shall be removed within one (1) week of the demolition permit expiration date. Temporary storage containers associated with a building permit shall be removed within one (1) week of the date the Certificate of Occupancy/Completion is issued.
- vi. *Location.* Temporary storage containers shall be located to the rear or side of the primary structure and shall conform to the setbacks for accessory structures per the standards set forth for the applicable zoning district.



- vii. *Types of Containers Permitted.* In non-residential districts, the types of temporary storage containers permitted include dumpster containers (e.g., construction dumpster), and portable storage containers (e.g., PODS, moving containers, etc.).
- c. *Permanent Storage Containers for Heavy Industrial.* Permanent storage containers are intended to provide for the permanent storage of business specific goods only on property zoned heavy industrial (I-2) and shall be used solely for industrial purposes.
 - i. *Quantity.* There shall be no more than two (2) permanent storage containers per lot.
 - ii. *Size.* An industrial permanent storage container shall not exceed five hundred thirty (530) square feet in area and shall not exceed the dimensions of ten (10) feet in width, fifty-three (53) feet in length, and ten (10) feet in height (exclusive of wheels and supports).
 - iii. *Location.* Permanent storage containers shall be located to the rear or side of the primary structure and conform to the setbacks for accessory structures per the standards set forth for the I-2 zoning district.
 - iv. *Types of Containers Permitted.* In the I-2 district, the types of permanent storage containers permitted include cargo shipping containers, semi-truck trailers, dumpster containers (e.g., construction dumpster), and portable storage containers (e.g., PODS, moving containers, etc.). No wide load trailers or high load trailers are permitted.

K. Structure Standards

1. Residential Structures.

- a. *Residential Structure Conversions.* Structures originally designed for occupancy by two (2) families or less converted to occupancy by more than two (2) families shall secure an ILP. Such structures shall show no evidence of change to indicate the extra dwelling units. All fire escapes or stairways leading to a second or higher floor shall be completely enclosed within the converted building.
- b. *Manufactured Homes.* Manufactured homes may be permanently occupied when located in any district where a single-family dwelling is permitted by right or approved by special exception and meets the development standards of the subject zoning district and the following requirements and limitations:
 - i. The manufactured home is built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable section.
 - ii. The development standards for the respective zoning district shall be met as established in Chapter 2, *Zoning Districts*.
 - iii. The structure shall be attached and anchored to a permanent foundation in conformance with the appropriate building code and with manufacturer's installation specifications.
 - iv. The entire area between the floor joists of the structure and the underfloor grade shall be completely enclosed with a permanent perimeter enclosure constructed in accordance with the terms of the appropriate



building code; the manufacturer's installation specifications; and requirements set forth by the Indiana Administrative Building Council;

- v. The structure shall possess all necessary building, water, and sewage disposal permits prior to placement of the structure upon the lot;
- vi. The wheels, axles, and hitches shall be removed;
- vii. The structure shall be covered with an exterior material customarily used on site-built structures;
- viii. The roof of the structure shall be shingled and pitched, rather than flat; and
- ix. A manufactured home shall be no more than five (5) years in age when placed on site.

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

2. Commercial and Industrial Structures.

- a. *Temporary Structures.* Manufactured homes, trailers, or vans may be utilized as temporary contractor's offices, watchman's shelters, or tool and equipment storage on the project site and only during the period of construction.
- b. *Structure Height.* All buildings installed after the effective date of this UDO shall comply with the height regulations of the district in which it is located, with the exception of the following:
 - i. *Agricultural.* A structure being used for agricultural purposes may be erected or changed to any height necessary for its operation.
 - ii. *Spires and Steeples.* Spires and church steeples may be erected or changed to any height that is not otherwise prohibited.





Chapter 4

Use Standards

A. Purpose. The purpose of this Chapter is to promote compatibility among land uses by establishing additional standards, where necessary, to ensure that uses permitted can function for the benefit of a property owner without causing a disturbance for neighbors and/or the community at-large.

B. Application.

1. **Generally.** The use standards of this Chapter apply to all land uses set out in Chapter 2, *Zoning Districts*, that are designated as a permitted use with additional standards or as a special exception.
2. **Permitted Uses with Additional Standards.** Permitted uses with additional standards are to be permitted by the Administrator and do not require an approval by the Board of Zoning Appeals (BZA).
3. **Special Exception Uses.**
 - a. *BZA Approval Required.* Special Exception Uses are permitted only with approval by the BZA after a public hearing has been heard on the matter which grants members of the public the opportunity to speak regarding the proposed application.
 - b. *Additional Requirements.* The BZA may also add additional requirements to their approval provided that the conditions are reasonable and aimed to avoid a potential harm caused upon a neighbor or the neighborhood surrounding the proposed use.
 - c. *Staff Report.* The Administrator may provide a staff report that shows how, in the opinion of the Administrator, the requirements of this Chapter are either met or not met.
4. **Approval of Uses.** Permitted uses with additional standards and special exception uses shall only be approved if all of the requirements of this Chapter and all other relevant chapters of the UDO are met. These

requirements shall specifically include, but are not limited to the following chapters:

- a. Chapter 3, *Site Development Standards*;
- b. Chapter 5, *Subdivision Standards*; and
- c. Chapter 7, *Zoning Administration and Procedures*.

5. **Timing of Compliance.** These standards apply at the time a use is requested for an existing or new structure, or when an existing use is proposed to be expanded by more than ten percent (10%) of the gross square footage currently devoted to the use.
6. **Expansion of Use.** This Chapter applies to an expansion of use whether it is to or within an existing building, or in an outdoor area devoted to the use.

c. Use Standards. This Section of the UDO [Section 4.C] designates the land uses and associated land use standards that are required when a land use is designated as either a permitted use with additional standards or as a special exception use within a specific zoning district.

1. Accessory Solar Energy System (SES).

- a. *Roof-Mounted SES.*
 - i. Roof-Mounted SES maximum height overall (including building structure and SES equipment together) is to not exceed the maximum height per the zoning district.
 - ii. Roof-Mounted SES must conform to the slope of the roof and not project more than six (6) inches from the roof surface for residential properties and ten (10) feet from the roof surface for non-residential properties.
 - iii. Roof-Mounted SES must not exceed the footprint of the principal building or accessory structure.



- iv. Roof-Mounted SES must provide smoke ventilation opportunities and be located in accordance with the Indiana Fire Code.
 - v. Roof-Mounted SES shall provide emergency access to the roof and cannot be located within three (3) feet of any peak, eave, valley, edge and/or perimeter of the roof to maintain pathways of accessibility.
 - vi. Roof-Mounted SES must provide a Roof Stability Report prior to approval.
 - vii. Roof-mounted SES shall be placed only on the roof of a conforming structure. Should accessory panels total size exceed three thousand (3,000) square feet, they must be roof-mounted.
- b. *Ground-Mounted SES.*
- i. Ground-Mounted SES is not permitted in the front yard or the side street yard.
 - ii. Ground-Mounted SES must conform with the set-back per the zoning district and must be properly screened by a fence and cannot exceed six (6) feet in height or height of fence, whichever is less for residential districts; cannot exceed fifteen (15) feet in height for non-residential districts.
 - iii. Ground-Mounted SES cannot be located over a septic field, legal easement, ROW or county drain without proper approval; Ground-mounted SES must be a minimum of three (3) feet from any easement.
 - iv. Ground-mounted SES shall be placed behind the front facade of the primary structure.
- c. *Wall-Mounted SES.* Wall-Mounted SES is permitted, but not on front wall of structure and

cannot project more than five (5) feet from the building.

- d. *Nuisances.* Any accessory solar energy system, structure, or portion thereof declared to be unsafe by the Administrator, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal in accordance with best practices.

2. **Accessory Wind Energy System (WES).**

a. *Structural Standards.*

- i. *Construction Codes.* The facility shall comply with all applicable state construction and electrical codes as well as local building permit requirements.
- ii. Roof-Mounted WES shall not exceed maximum accessory structure height of zoning district. Height shall be calculated as the distance from grade to top of the WES at greatest incline.
- iii. Roof-Mounted WES shall not be permitted on front wall of structure or on wall adjacent to side street yard.
- iv. Roof-Mounted WES shall be located in such a manner as to ensure emergency access to the roof and provide smoke ventilation opportunities and cannot be located within three (3) feet of any peak, eave, valley, edge and/or perimeter of the roof to maintain pathways of accessibility.
- v. Roof-Mounted WES must provide a Roof Stability Report.



- vi. Ground-Mounted WES shall not be permitted in the front yard or street side yard.
 - vii. Ground-Mounted WES shall not exceed maximum accessory structure height of zoning district. Height shall be calculated as the distance from grade to top of the WES at greatest incline.
- b. *Setbacks.*
- i. Ground-Mounted WES shall conform with the side and rear setbacks per the zoning district or a distance from any property line by the total height of the WES (to the highest vertical), whichever is greater.
 - ii. For wind energy systems mounted on an existing, conforming principal structure or existing conforming accessory structure, the distance between an on-site use wind energy system and the owner's property lines shall be equal to or greater than the height of the wind energy system tower including the top of the blade in its vertical position as measured from where the system is attached to the structure.
 - iii. The distance between an anemometer tower and the owner's property lines shall be equal to the height of the tower.
 - iv. No part of the wind energy system structure, including guy wire anchors, may extend closer than ten (10) feet to the owner's property lines.
- c. *Use and Operational Standards.*
- i. *Electromagnetic Interference.* No on-site wind energy system shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception

antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system. No on-site wind energy system shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.

- ii. *Safety.* An on-site use wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six (6) feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be twenty (20) feet for a wind energy system employing a horizontal axis rotor.
- iii. *Sound Pressure Level.* On-site use wind energy systems shall not exceed fifty-five (55) dB(A) at any property line. This sound pressure level may be exceeded during short term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds fifty-five (55) dB(A), the standard shall be ambient dB(A) plus five (5) dB(A).



- iv. *Maximum Kilowatt.* All accessory use must be less than a ten (10) KW System
- v. *Lighting.* Limited to what is required for safety and operational purposes.
- vi. *Glare.* Must be oriented/screened year-round to direct glare away from adjacent properties, structures and roadways.
- vii. *Utility Location.* Ground-Mounted WES cannot be located over a septic field, legal easement, ROW or county drain without proper approval; Ground-Mounted WES must be a minimum of three (3) feet from any easement. Roof-Mounted WES cannot be located under utility powerlines.
- d. *Nuisances.* Any accessory WES, structure, or portion thereof declared to be unsafe by the Administrator or the Building Inspector, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal in accordance with best practices.

3. Adult Day Services Center.

- a. *ADA Requirements.* The building must meet all commercial Americans with Disabilities Act (ADA) requirements.
- b. *Hours of Operation.* The facility shall not operate beyond Monday through Friday from 7:00am to 8:00pm.
- c. *Staffing.* The facility shall be staffed at all times that it is open.

4. Agritourism.

- a. *Architecture.* All new buildings should incorporate a rural character with ties to the local historic heritage where possible with regard to style and design. This means new agritourism uses involving new structures shall complement and enhance the rural environment.
- b. *Hours of Operation.* The hours of operation must be provided in writing by the applicant. The Administrator and/or BZA may alter the requested hours of operation for the agritourism uses consistent with the character of the land uses in the vicinity and may further approve an enforcement mechanism to ensure adherence to the established hours of operation.
- c. *Trash Receptacles.* Trash receptacles shall be provided. If dumpsters are provided, they shall be placed on a hard surface and shall be completely obscured from view by an opaque fence or wall.
- d. *Sanitation.* Public restroom facilities, temporary or permanent, shall be provided on site and with approval of the Health Department.

5. Attached Accessory Dwelling Unit.

- a. *Area.* Minimum area of the use shall be two hundred twenty (220) square feet. Maximum area of the use shall be fifty (50) percent of the primary dwelling unit or eight hundred (800) square feet, whichever is less.
- b. *Height.* Maximum height of a detached accessory dwelling shall be twenty-five (25) feet or the height of the primary dwelling unit, whichever is less.
- c. *Accessory Structures.* An accessory dwelling shall not be permitted to have its own accessory structures.
- d. *Location.* A detached accessory dwelling must be located behind the front façade of the primary



- residential structure, in either the side yard or the rear yard.
- e. *Addressing.* Properties with an approved accessory dwelling shall maintain a single physical address with separate “unit” number associated with each of the units in accordance with the rules of the applicable postmaster.
- f. *Architecture and Building Materials.* Architectural style, form, materials, and colors shall match or be compatible with the style and form of the primary dwelling unit.
- g. *Quantity.* No more than one (1) accessory dwelling shall be permitted per primary dwelling unit.
- h. *Lawfully Constructed.* The accessory dwelling unit shall only be allowed on lots where an existing, lawfully constructed, single-family dwelling unit exists.
- i. *Ownership.* The accessory dwelling unit shall not be under separate ownership from the primary structure.
- j. *Parking.* On-site parking is required for the accessory dwelling unit and it may utilize the existing parking for the primary residential structure.
- k. *Driveway.* The accessory dwelling shall utilize the existing driveway that serves the primary dwelling.
- l. *Sanitation.* Connections or modifications to an existing septic system may be needed to accommodate the use. This requirement is at the City’s discretion as to when it is required.
- m. *Types of Structures Prohibited.* Accessory dwelling units shall only be allowed in lawfully built dwelling units that meet building code requirements. Accessory dwelling units shall not be allowed in:

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

6. Automobile Service Station.

- a. The use shall be located a minimum of three hundred (300) feet from any residential district or residential use as measured from the closest two (2) points of the property;
- b. All work and/or repairs must happen within an enclosed building;
- c. Outdoor storage of customer vehicles is prohibited; and
- d. All work and/or repairs must happen within an enclosed structure and all customer vehicles left overnight must be stored indoors.

7. Campground / Recreational Vehicle Park.

- a. *State Standards.* In addition to the standards of this UDO, a facility accommodating ten (10) or more tents, recreational vehicles, or campsites is subject to the regulations established by state standards per 410 IAC 6-7.1.
- b. *Area.* Each campsite shall be at least nine hundred (900) square feet in area and clearly marked and identified.
- c. *Density.* Maximum density shall be twenty-five (25) campsites per acre.
- d. *Occupancy.* No permanent or semi-permanent structures such as cabins, lean-tos, or other habitable buildings, shall be erected on the use.
- e. *Entrance Road.* The entrance to the campground shall be at least twenty-four (24) feet in width.



- f. *Internal Circulation.* Internal road widths shall be at least ten (10) feet in width for one-lane roads and at least twenty (20) feet in width for two-lane roads.
- g. *Drainage.* All areas shall be well drained and designed to provide sufficient space for camping activities, vehicles, sanitary facilities, and appurtenant equipment.
- h. *Sanitation System.* Sanitation facilities are required and shall be designed, constructed, and maintained in compliance with the standards approved by the Health Department or the sewer provider as appropriate.
- i. *Water Supply.* A water supply system shall be designed, constructed, and maintained in compliance with the standards approved by the Health Department or the water provider as appropriate.

8. Child Care Center.

- a. The use does not involve overnight lodging, medical treatment, counseling, or rehabilitative services; and
- b. The use is in compliance with all State of Indiana licensing and certification requirements.

9. Commercial Recreation and Amusement Services.

- a. The minimum area of the parcel proposed for development is one (1) acre;
- b. Amphitheater stages and drive-in screens shall face away from the nearest residential uses;
- c. For activities such as midget auto-track or a go-cart track and if the use is in any way powered by an internal combustion engine, then such shall provide adequate mufflers on all vehicles; and

- d. If the use is located within five hundred (500) feet from a residentially zoned property or residential use then the commercial amusement shall be prohibited from operating between 12:30 AM and 8:00 AM.

10. Commercial Solar Energy System.

a. Structure Standards.

- i. The height of any ground-mounted solar equipment is limited to fifteen (15) feet, as measured from the natural grade below each panel to the top of each panel at its maximum tilt in the vertical direction.
- ii. Roof-Mounted SES must provide a Roof Stability Report prior to approval.
- iii. A clear sight triangle must be maintained at all ingress/ egress locations.
- iv. Ground-Mounted SES cannot be located over a septic field, legal easement, ROW or county drain without proper approval; Ground-mounted SES must be a minimum of three (3) feet from any easement.

- b. *Setbacks.* Any commercial solar energy system equipment (excluding perimeter fencing, poles, and wire necessary to connect the facility to the electric utility) must be a minimum of five hundred (500) feet setback from the rear and side property lines. The front/roadway side of the parcel is to have a minimum of two hundred (200) feet setback from the property line.

- c. *Decommissioning Plan.* A decommissioning plan shall be provided indicating the method and payment of the anticipated cost of removing the commercial solar energy system at the end of their serviceable life or upon their becoming a discontinued or abandoned use to ensure that the



commercial solar energy systems are properly decommissioned. The decommissioning plan shall include, at a minimum, the following:

- i. *Assurance.* Written assurance that the commercial solar energy system will be properly decommissioned upon the expiration of its serviceable life or in the event of their discontinuance or abandonment.
- ii. *Cost Estimates.* For all commercial solar energy systems, an estimate of the costs of decommissioning and removing the commercial solar energy system upon the expiration of their useful life, or in the event of their discontinuance or abandonment. The cost estimates shall be made by a professional engineer, contractor, or other person with expertise or experience in decommissioning and removal of commercial solar energy system.
- iii. *Financial Assurances.* The cost of removal and site restoration is the full responsibility of the applicant and/or owner/operator. In order to provide the greatest possible financial assurance that there will be sufficient funds to remove the commercial solar energy system and to restore the site, the following steps shall be followed:
 - (1) For each commercial solar energy system, the applicant, owner, and/or operator shall determine an amount of money equal to the estimated removal and restoration cost.
 - (2) The Administrator shall independently verify the adequacy of this amount.

- (3) This money shall be deposited in an escrow account specified by the jurisdiction, which may be an interest-bearing account. Alternatively, a bond may be posted for the amount.

iv. *Discontinuation and Abandonment.*

- (1) *Abandonment.* Verification under penalties for perjury, that all easements and/or leases for the commercial solar energy system contain terms that provide financial assurances to the property owners to ensure that the commercial solar energy system are properly decommissioned within one (1) year of the expiration of their serviceable life or in the event of their discontinuance or abandonment.
- (2) *Discontinuation.* Any commercial solar energy system shall be considered abandoned and a discontinued use after six (6) months without energy production, unless a plan is developed by the owner or applicant and approved by the Administrator outlining the steps and a schedule for returning the commercial solar energy system to service.
- (3) *Removal.* An applicant's obligations shall include removal of all physical material pertaining to the project improvements to no less than a depth of four (4) feet below ground level. Said work shall be completed within one (1) year of the discontinuation or abandonment of the commercial solar energy system. The restoration of the project area shall result in as near as practicable the condition of



the site immediately before construction of such improvements.

- (4) *Written Notices.* Prior to implementing procedures to resolve any alleged failure to comply with the decommissioning plan, the appropriate jurisdictional body shall first provide written notice to the owner and/or operator, setting forth the alleged default(s). Such written notice shall provide the owner and/or operator a reasonable time period, not to exceed sixty (60) days, to resolve the alleged default(s).
- (5) *Costs Incurred by the Jurisdiction.* If the jurisdiction removes a commercial solar energy system and/or appurtenant facilities, it may sell the salvage to defray the costs of removal. Each permittee, by virtue of the issuance of its construction permit or inspection certificate grants a license to the jurisdiction to enter the property and to remove all commercial solar energy systems and/or appurtenant facilities pursuant to the terms of its approved decommissioning plan.
- d. *Nuisances.* Any commercial solar energy system, structure, or portion thereof declared to be unsafe by the Administrator or Building Inspector, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal in accordance with the approved decommissioning plan.

- e. *Access.* The operator of a commercial solar energy system must provide an emergency key box, with keys to the site and equipment lockers on site at the main entrance or an alternative emergency access solution to the site approved by the Administrator.
- f. *Bufferyards and Fencing.*
 - i. *Visual Buffers.* A commercial solar energy system shall have a minimum six (6) foot earth berm with heavy buffer, as defined by Table 3.7, *Bufferyard Types*, along the entire perimeter of the SES property; bufferyard to be located outside of required fencing. The existing natural tree growth and natural landforms along the solar energy system perimeter may create a sufficient buffer and shall be preserved when reasonably practicable. Any visual buffer must be established and maintained in accordance with the most recent visual buffer plan approved by the Administrator.
 - ii. *Fencing.* All sites must have a completely fenced perimeter with fencing that is at least six (6) feet in height.
- g. *Easements.* If an easement is required for the location of a commercial solar energy system on the property, the easement shall be staked by a licensed and registered Indiana land surveyor so as to provide proof the facility has been constructed within the easement.
- h. *Lighting.* Exterior lighting for a commercial solar energy system site shall be limited to that required for safety and operational purposes.
- i. *Glare.* Solar panels must be oriented/screened year- round to direct glare away from adjacent properties, structures and roadways.



- j. *Noise*. Cannot exceed noise of fifty (50) decibels measured at the property line.
- k. *Utilities*. All electrical wires and utility connections for a commercial solar energy system shall be installed underground, except for transformers, inverters, substations, and controls.
- l. *Signage*. Limited to one sign per commercial SES. Sign standards are set forth by the zoning district the SES is located in. An emergency contact sign must be provided at each gate. The SES will be given an address to allow 911 services to locate it. There will be no advertisement banners/signage allowed on SES fencing, but warning signs are allowable per applicable law.

11. Contractor’s Shop and/or Supply Yard.

- a. The only storage permitted shall be the storage necessary for the primary use to store operable equipment, materials, and associated items. This may include the storage of liquids, gels, and pastes (e.g., paints, sealers, etc.) provided that the use is stored only in enclosed buildings;
- b. The use shall not be used to dispose of inoperable machine or waste or to rent storage space out to those not working regularly on the premises.

12. Correctional Institution. The use shall be located no closer than five hundred (500) feet from any residential district or use as measured along a straight line from the closest lot lines.

13. Duplex. A site plan showing the specific locations of where the homes are to be located is required to be submitted with any special exception application. In no circumstances will a duplex be granted a building permit without special exception approval within those districts where such approval is required.

14. Greenhouse. All items grown on the premise must be for personal use. Commercial sales are prohibited.

15. Heavy Manufacturing (includes handling of explosive and/or foul materials). All heavy manufacturing uses shall:

- a. Be located no closer than five hundred (500) feet from any residential district or use as measured along a straight line from the closest lot lines;
- b. Take access from an arterial or collector street;
- c. Have a truck routing plan created showing the ingress and egress locations to the site that shows how the site will not be accessed by a local street.

16. Home Business.

- a. *Area*. The maximum area of the home business shall be twenty-five (25) percent of the total floor area of the dwelling unit or five hundred (500) square feet, whichever is less.
- b. *Structural Improvements*. No internal or external alterations inconsistent with the residential use of the dwelling are allowed.
- c. *Location*. The home business must be conducted entirely within the primary dwelling unit with the exception of the outdoor storage of materials within an accessory building.
- d. *Nuisances*. A home business must not produce any offensive noise, vibration, smoke, dust, odors, heat, gas, glare, electrical or audible interference, or otherwise create a risk to health, safety, or property of adjacent neighbors.
- e. *Prohibited Businesses*. Prohibited home businesses include, but are not limited to caterer, food vendor, equipment and vehicle repair, appliance and small mechanical repair, kennel, veterinary clinic, funeral home, commercial



cabinetry shop, welding, trucking, adult oriented business, warehousing, vehicle sales, and other similar uses.

- f. *Employees.* No home business shall have more than one employee who does not reside on the premise commuting to work on the premise. Additional employees may not come to the residence for work purposes, including pick-up of materials, vehicles, assignments, or similar purposes.
 - g. *Clients by Appointment Only.* Clients or business-related visitors shall be by appointment only.
 - h. *Hours of Delivery.* Hours of operation for deliveries, clients, and operation of mechanical or electrical equipment is limited to 7:00am to 8:00pm.
17. **Hotel / Motel.** The proposed hotel/motel must be connected to another land use that will be permitted as a special exception in the C-1 as part of an overall site development application.
18. **Junkyard / Salvage Yard.** The use shall be located no closer than five hundred (500) feet from any residential district or use as measured along a straight line from the closest lot lines.
19. **Livestock Raising.** The use shall be fully enclosed to ensure that all livestock do not wander off of the premise. Revocation of the permission to engage in this use may occur should a property owner be in violation of this requirement.
20. **Manufactured Home Park.**
- a. *Area.* Minimum area of a residential structure within a manufactured home park shall be six hundred (600) square feet.
 - b. *Maintenance.* Wrecked, damaged, or dilapidated homes shall not be kept or stored within the manufactured home park at any time. With the

assistance of the building inspector, the Administrator shall determine if a home is damaged or dilapidated to a point which makes the home unfit for human occupancy. Whenever such a determination is made, the home shall be vacated and removed from the premises.

- c. *Parking and Loading.* Two (2) parking spaces shall be provided for each manufactured home stand. The spaces shall be provided either in common facilities within one hundred (100) feet of the stand, in a parking lane along the abutting interior access street or within the stand. Street parking shall count as two (2) spaces per stand fronting on the parking lane.
- d. *Utilities.* The manufactured home park shall be provided with a complete sanitary sewer system, which shall connect with an existing approved sanitary sewer outlet or shall be provided with a separate treatment plant to be provided by the developer in accordance with and approved by the Indiana State Board of Health (see IC 16-41-27-8, IC 16-41-27-11, and regulation HSE 14, Indiana State Board of Health).
- e. *Sidewalks.*
 - i. Paved pedestrian sidewalks shall be provided in a continuous arrangement throughout the park. Where possible, walks leading to frequently used public facilities should be through interior areas removed from the vicinity of streets. Public pedestrian sidewalks shall be at least five (5) feet in width and paved with a suitable material for use in all weather conditions.
 - ii. Individual sidewalks shall be provided from a public sidewalk, street, or parking area to the individual mobile home stands. These walks shall be at least four (4) feet in width and



should be paved with a suitable material for use in all weather conditions.

- iii. Sidewalks shall be privately owned and maintained.
- f. **Streets.**
 - i. Streets shall be provided on the development site where necessary to furnish principal traffic ways for convenient access to the mobile home stands and other important facilities on the property.
 - ii. Streets shall be privately owned and maintained.
 - iii. The street system shall provide convenient circulation by means of properly located collector streets. Dead-end or cul-de-sac streets shall be provided with adequate paved vehicular turning or backing space. A turning circle shall have a paved surface of at least eighty (80) feet in diameter. Dead end streets shall not exceed five hundred (500) feet in length measured from the center point of the turning circle to the intersection of the centerline of a dead end and a through street.
 - iv. Pavements shall be of adequate width to accommodate the expected parking and traffic load in accordance with the type of street with twelve (12) feet minimum moving lane widths and eight (8) feet minimum lane widths for parallel parking.
 - v. Single-lane streets are prohibited.
 - vi. Streets shall be adapted to the topography and shall have suitable alignment and gradient for safety of traffic, satisfactory surface and ground water drainage, and

proper functioning of sanitary and storm sewers.

- vii. Street intersections shall generally be at right angles. Offsets at intersections and intersections of more than two (2) streets at one (1) point shall be avoided.
 - viii. The street improvements shall extend continuously from the existing improved street system to provide suitable access to the manufactured home stands and other important facilities on the property, to provide adequate connections to existing or future streets at the boundaries of the property, and to provide convenient circulation of vehicles.
 - ix. Curbs and gutters along all streets are required.
 - x. Street base and pavement shall be constructed in accordance with the standards established in Chapter 5, *Subdivision Standards*.
 - g. *Permits*. Individual permits are required for the placement of individual manufactured homes and their accessory structures.
- 21. Mineral Extraction.**
- a. The use shall be located no closer than five hundred (500) feet from any residential district or use as measured along a straight line from the closest lot lines.
 - b. Events may only occur at the use during the hours of 7:00 am and 9:00 pm.
- 22. Place of Public Assembly, Indoor.**
- a. *Area*. Minimum lot size shall be ten (10) acres.



- b. *Attendance.* Attendance for a single event at the facility shall not exceed eight hundred (800) persons or last longer than a full day, not including set-up and take-down.
 - c. *Hours of Operation.* Events may only occur at the use during the hours of 7:00 am to 9:00 pm.
 - d. *Dust Control.* Dust shall be minimized by reducing vehicle speeds on driveways and parking areas. During dry conditions, the application of water or other approved dust controlling measure is required.
 - e. *Lighting.* All outdoor lighting associated with the special event shall be turned off by 10:00pm.
23. **Public Transportation Terminal.** The use is limited in size to two thousand (2,000) square feet.
24. **Repair Service.** All repairs shall occur entirely inside the primary building.
25. **Self-Storage, Mini-Warehouse.**
- a. External overhead doors shall not face residential property or a public right-of-way, unless screened from view;
 - b. All driveways within the facility shall be:
 - i. Designed to accommodate appropriate fire fighting vehicles and be approved by the fire marshal;
 - ii. A minimum width of thirty (30) feet; and
 - iii. Located on an improved hard surface capable of holding stripping of parking spaces and fire lanes;
 - c. Outdoor storage is prohibited, with the exception of recreational vehicle (RV) or boat storage which must meet the following:
 - i. Have a setback of at least twenty (20) feet from any property line; and
 - ii. Be screened from view by a fence or wall meeting all standards within Chapter 3, *Site Development Standards*, of this UDO.
 - d. Any and all onsite sales of merchandise stored within the mini-warehouse is prohibited.
26. **Plant Nursery.** All items grown on the premise must be for personal use. Commercial sales are prohibited.
27. **Recreational Vehicle Occupancy.** Recreational vehicles outside of a designated recreational vehicle park / campground shall only be permitted as a temporary residence limited to no more than twenty-nine (29) days and only in those zoning districts as specified in Chapter 2, *Zoning Districts*.
28. **Sexually Oriented Business.** A Sexually Oriented Business shall be located at least one thousand (1,000) feet from a place of public assembly, indoor; school; childcare center; funeral home; cemetery; hospital / rehabilitative care; nursing home; park; studio: art, music, dance; theater, movie; stadium; amphitheater; a residential use or residential district; library, museum, or gallery; recreational center; or another Sexually Oriented Business. Measurements for purposes of this section shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where a Sexually Oriented Business is conducted, to the nearest property line of the land uses listed above.
29. **Short-Term Rental (Not Owner Occupied or Owner Occupied).**
- a. *Difference between Not Owner Occupied and Owner Occupied.* The only difference in the use standard requirements between the not owner-occupied and owner-occupied classifications of



short-term rental is whether or not the owner lives on the premise. The remainder of the requirements exist regardless of whether the use is owner-occupied or not.

- b. *Permitted.* Short-term rental units shall only be allowed in lawfully built dwelling units that meet building code requirements. This includes:
 - i. All or a portion of the owner’s primary residence;
 - ii. Any accessory dwelling that exists in accordance with this UDO.
- c. *Prohibited.* Short-term rental units shall not be allowed in:
 - i. A recreational vehicle, travel trailer, or similar structure (outside of a campground);
 - ii. A motor vehicle; or
 - iii. Any structure not intended for permanent human occupancy.
- d. *Occupancy.* Maximum overnight occupancy shall be two (2) persons per sleeping area (excluding children five and younger), not to exceed ten (10) people, regardless of the number of sleeping areas.
- e. *Sign Posted with Information about the Use.* A sign shall be prominently posted on site that displays:
 - i. That the structure is a registered short-term rental;
 - ii. The address of the property;
 - iii. The approved maximum occupancy;
 - iv. That quiet hours are from 10:00pm to 7:00am every day; and

- v. A twenty-four (24) hour telephone number where the owner can be reached.

30. Special Event.

- a. *Location.* The size of the site shall be large enough to accommodate the expected attendance in a manner that is safe for the site, neighborhood, street, or other infrastructure.
- b. *Hours.* The hours of the special event shall be limited to 7:00 am to 9:00 pm on weekdays and 8:00 am to 10:00 pm on weekends.
- c. *Duration.* The event shall not be held on a parcel more than four (4) times per calendar year and shall be limited to no more than five (5) consecutive days, not including set-up and tear-down.
- d. *Operational Requirements.* The City may request that a building code inspection occur prior to the event that could include a review of parking, security, noise trespass, and accessibility.

31. Stadium / Amphitheater. The use shall be located no closer than five hundred (500) feet from any residential district or use as measured along a straight line from the closest lot lines.

32. Temporary Structures.

- a. *Location.* All temporary structures must be set back at least ten (10) feet from all lot lines.
- b. *Residency Prohibited.* All temporary structures are prohibited from being used as a residence.
- c. *Duration.* Shall be removed prior to final permitting of the permanent structure.

33. Veterinary Animal Hospital / Kennel.

- a. Any building, kennel, or exercise runway for said use shall be located a minimum of one hundred (100) feet from any residential use or district; a



- place of public assembly, indoor; or a child-care center;
 - b. Any building, kennel or exercise runway for said use shall be located a minimum of twenty-five (25) feet from any lot line; and
 - c. Other than the aforementioned exercise runway, all activities shall be wholly enclosed within a building.
34. **Winery / Brewery.** The business must be properly licensed by the State of Indiana to fully conduct the proposed use.
35. **Wireless Communication Facility (WCF).**
- a. *Standards for All Types of WCFs.*
 - i. *Federal Requirements.* All WCFs shall meet the current standards and regulations of the FAA, the FCC and any other agency of the federal government with the authority to regulate WCFs. If such standards and regulations are changed, then the owners of the WCF governed by this Section shall bring such facility into compliance with such revised standards and regulations within the time period mandated by the controlling federal agency. Failure to meet such revised standards and regulations shall constitute grounds for the removal of the WCF at the owner's expense.
 - ii. *Radio Frequency Standards.* All WCFs shall comply with federal standards for radio frequency emissions. If concerns regarding compliance with radio frequency emissions standards for a WCF have been made to the City, the City may request that the owner or operator of the WCF provide information demonstrating compliance. If such information

- is not sufficient, in the reasonable discretion of the City, to demonstrate compliance, the City may request that the owner or operator of the WCF shall submit a project implementation report which provides cumulative field measurements of radio frequency emissions of all antennas installed at the subject site, and which compares the results with established federal standards. If, upon review, the City finds that the facility does not meet federal standards, the City may require corrective action within a reasonable period of time, and if not corrected, may require removal of the WCF pursuant to Subsection 4.C.35.a.v. Any reasonable costs incurred by the City, including reasonable consulting costs to verify compliance with these requirements, shall be paid by the applicant.
- iii. *Signal Interference.* All WCFs shall be designed and sited so as not to cause interference with the normal operation of radio, television, telephone and other communication services utilized by adjacent residential and non-residential properties; nor shall any such facilities interfere with any public safety communications. The applicant shall provide a written statement ("signal interference letter") from a qualified radio frequency engineer, certifying that a technical evaluation of existing and proposed facilities indicates no potential interference problems, and shall allow the City to monitor interference levels with public safety communications during this process.
 - iv. *Legal Access.* In all applications for WCFs outside of the right-of-way, an applicant shall



demonstrate that it owns or has lease rights to the site.

- v. *Operation and Maintenance.* To ensure the structural integrity of WCFs, the owner of a WCF shall ensure that it is maintained in compliance with standards contained in applicable local building and safety codes. If upon inspection, the City determines that a WCF fails to comply with such codes and constitutes a danger to persons or property, then, upon written notice being provided to the owner of the WCF, the owner shall have thirty (30) days from the date of notice to bring such WCF into compliance. Upon good cause shown by the owner, the City Administrator may extend such compliance period not to exceed ninety (90) days from the date of said notice. If the owner fails to bring such WCF into compliance within said time period, the City may remove such WCF at the owner's expense. No hazardous materials shall be permitted in association with WCFs, except those necessary for the operations of the WCF and only in accordance with all applicable laws governing such materials.
- vi. *Abandonment and Removal.* If a WCF has not been in use for a period of three (3) months, the owner of the WCF shall notify the City of the non-use and shall indicate whether re-use is expected within the ensuing three (3) months. Any WCF that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The City, in its sole discretion, may require an abandoned WCF to be removed. The owner of such WCF shall remove the same within thirty (30) days of receipt of written notice from the City. If such

WCF is not removed within said thirty (30) days, the City may remove it at the owner's expense and any approved permits for the WCF shall be deemed to have expired.

- vii. *Camouflage/Concealment.* All WCFs and any related accessory equipment shall, to the maximum extent possible, use concealment design techniques, and where not possible utilize camouflage design techniques. Camouflage design techniques include, but are not limited to using materials, colors, textures, screening, undergrounding, landscaping, or other design options that will blend the WCF to the surrounding natural setting and built environment. Design, materials and colors of WCFs shall be compatible with the surrounding environment. Design elements shall be compatible with structures and vegetation on the same parcel and adjacent parcels.
 - (1) Where WCFs are located in areas of high public visibility, they shall, where physically possible, be designed to be concealed, and where not possible to be concealed, to minimize the WCF profile through placement of equipment fully or partially underground, or by way of example and not limitation, behind landscape berms.
 - (2) A concealment design may include the use of alternative tower structures should the Administrator determine that such design meets the intent of this Chapter and the community is better served thereby.



- (3) All WCFs, such as antennas, vaults, equipment rooms, equipment enclosures, and towers shall be constructed of non-reflective materials (visible exterior surfaces only).

viii. *Siting.*

- (1) No portion of any WCF may extend beyond the property line.
- (2) WCFs shall be required to be designed and constructed to permit the facility to accommodate WCFs from at least two (2) wireless service providers on the same WCF unless the City approves an alternative design. No WCF owner or operator shall unfairly exclude a competitor from using the same facility or site.
- (3) WCFs shall be sited in a location that does not reduce the parking for the other principal uses on the parcel below UDO standards.
- (4) WCFs shall not encroach into any sight triangles.

- ix. *Lighting.* WCFs shall not be artificially lighted, unless required by the FAA or other applicable governmental authority, or the WCF is mounted on a light pole or other similar structure primarily used for lighting purposes. If lighting is required, the City may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of glare

and light falling onto nearby properties, particularly residences.

x. *Landscape and Fencing Requirements.*

- (1) WCFs shall be sited in a manner that does not reduce the landscaped areas for the other principal uses on the lot or parcel, below any applicable standard within this UDO.
- (2) The site of the WCF shall be landscaped with a buffer of plant materials that effectively screens the view of the WCF from adjacent residential property. The standard buffer shall consist of the front, side, and rear landscaped setback on the perimeter of the site.
- (3) In locations where the visual impact of the WCF would be minimal, the landscaping requirement may be reduced or waived in whole or in part by the Administrator.
- (4) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as WCFs sited on large, wooded lots, natural growth around the site perimeter may be sufficient to buffer.
- (5) No trees larger than four (4) inches in diameter measured at four and a half (4½) feet high on the tree may be removed, unless authorized by the Administrator. To obtain such authorization, the applicant shall show that:
 - a. Tree removal is necessary; and
 - b. The applicant's plan minimizes the number of trees to be removed.



(6) Any trees removed are replaced at a ratio of two (2) to one (1).

b. *Standards by WCF Type.*

i. *Base Stations.*

- (1) Base Stations shall be architecturally compatible with respect to attachments, and colored to match the building or structure to which they are attached;
- (2) The maximum protrusion of such facilities from the building or structure face to which they are attached shall be two (2) feet;
- (3) Wall mounted WCFs shall not extend above the roofline unless mounted to a penthouse; and
- (4) Roof mounted WCFs shall be approved only where an applicant demonstrates a wall mounted WCF is inadequate to provide service and shall be evaluated for approval based upon the following criteria:
 1. Roof mounted whip antennas shall extend no more than 12 feet above the parapet of any flat roof or ridge of a sloped roof or penthouse to which they are attached;
 2. Roof mounted panel antennas shall extend no more than seven feet above the parapet of a flat roof or ridge of a sloped roof to which they are mounted; and
 3. Other roof mounted accessory equipment shall extend no more than seven feet above any parapet of a flat roof upon which they may be placed

and shall not be permitted on a sloped roof.

ii. *Alternative Tower Structures (ATS) and Small Cell Facilities.*

- (1) ATS shall be designed and constructed to look like a building, facility, or structure typically found in the area, in order that the WCF is concealed.
- (2) Height or size of the proposed ATS or small cell facility should be minimized as much as possible and shall be subject to the maximum height restrictions of the zoning district in which they are located, subject to a maximum height limit of sixty (60) feet;
- (3) ATS shall be sited in a manner that is least obtrusive to residential structures and residential district boundaries;
- (4) ATS should take into consideration the uses on adjacent and nearby properties and the compatibility of the facility to these uses;
- (5) ATS and small cell facilities shall be compatible with the surrounding topography, tree coverage, and foliage;
- (6) ATS and small cell facilities shall be designed utilizing design characteristics that have the effect of concealing where technically feasible and generally reducing or eliminating visual obtrusiveness; and
- (7) Visual impacts of the proposed ingress and egress shall be minimized.



iii. *Alternative Tower Structures and Small Cell Facilities Located in the Right-of-Way.*

- (1) No ATS pole shall be higher than thirty-five (35) feet;
- (2) No pole or structure shall be more than ten (10) feet higher (as measured from the ground to the top of the pole or structure) than any existing utility or traffic signal within five hundred (500) feet of the pole or structure;
- (3) Any new pole for ATS or small cell facilities shall be separated from any other existing WCF facility by a distance of at least six hundred (600) feet, unless the new pole replaces an existing traffic signal, street light pole, or similar structure determined by the Administrator;
- (4) With respect to pole-mounted components, small cell facilities shall be located on an existing utility pole serving another utility; or be located on a new utility pole where other utility distribution lines are aerial, if there are no reasonable alternatives;
- (5) ATS must be concealed consistent with other existing natural or manmade features in the right-of-way near the location where the ATS will be located;
- (6) When placed near a residential property, facilities must be placed in front of the common side yard property line between adjoining residential properties. In the case of a corner lot, the facility must be placed in front of the common side yard property line adjoining residential

properties, or on the corner formed by two (2) intersecting streets;

(7) Small Cell Facilities shall:

- a. Be designed such that antenna installations on traffic signals are placed in a manner so that the size, appearance, and function of the signal will not be considerably altered;
- b. Be designed such that all antennas, mast arms, equipment, and other facilities are sized to minimize visual clutter, and where possible, concealed within the structure;
- c. Be consistent with the size and shape of the pole-mounted equipment installed by communications companies on utility poles near the ATS;
- d. Require that any ground mounted equipment be installed in an underground or partially underground equipment vault (projecting not more than thirty-six (36) inches above grade), or co-located within a traffic cabinet of a design approved by the Administrator;
- e. Not alter vehicular circulation or parking within the right-of-way or impede vehicular, bicycle, or pedestrian access or visibility along the right-of-way;
- f. Comply with the federal ADA requirements and all applicable local,



state, and federal law and regulations;
and

- g. Not be located or maintained in a manner that causes unreasonable interference. Unreasonable interference means any use of the right-of-way that disrupts or interferes with its use by the City, the general public, or other person authorized to use or be present upon the right-of-way, when there exists an alternative that would result in less disruption or interference. Unreasonable interference includes any use of the right-of-way that disrupts vehicular or pedestrian traffic, any interference with public utilities, and any other activity that will present a hazard to public health, safety, or welfare.

(8) *Towers.*

- a. Towers shall either maintain a galvanized steel finish, or, subject to any applicable FAA standards, be painted a neutral color so as to reduce visual obtrusiveness as determined by the City;
- b. Tower structures should use existing landforms, vegetation, and structures to aid in concealing the facility from view or blending in with the surrounding built and natural environment;
- c. All towers shall be enclosed by security fencing or wall at least six (6) feet in height and shall also be

equipped with an appropriate anti-climbing device. No security fencing or any portion thereof shall consist of barbed wire or chain link material;

- d. Towers shall be subject to the maximum height restrictions of the zoning district in which they are located, subject to a maximum height limit of sixty (60) feet;
- e. Towers should be sited in a manner that is least obtrusive to residential structures and residential district boundaries where feasible;
- f. Towers should take into consideration the uses on adjacent and nearby properties and the compatibility of the tower to these uses;
- g. Towers should be designed utilizing design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and
- h. Visual impacts of the proposed ingress and egress shall be minimized.

(9) *New Towers Permitted.* No new Towers shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no existing WCFs can accommodate the needs that the applicant proposes to address with its Tower application. Evidence submitted to demonstrate that no existing WCFs can accommodate these needs may consist of the following:

- a. No existing WCFs are of sufficient height and are located within the



geographic area required to meet the Applicant's engineering requirements;

- b. Existing WCFs do not have sufficient structural strength to support applicant's proposed WCF;
- c. The applicant's proposed WCF would cause electromagnetic interference with the WCFs on the existing WCFs or the existing WCFs would cause interference with the applicant's proposed WCF; and
- d. The Applicant demonstrates that there are other limiting factors that render existing WCFs unsuitable for collocation.

(10) *Setbacks*. A Tower shall meet the greater of the following minimum setbacks from all property lines:

- a. The setback for a principal building within the applicable zoning;
- b. Twenty-five percent (25%) of the facility height, including WCFs and transmission equipment; or
- c. The Tower height, including antennas, if the tower is adjacent to a residential district or residential zoned property.

(11) *Height*. Towers over forty (40) feet in height shall not be located within one-quarter ($\frac{1}{4}$) mile from any existing tower that is over forty (40) feet in height, unless the applicant has shown to the satisfaction of the City that there are no reasonably suitable alternative sites in the required

geographic area which can meet the applicant's needs.

(12) *Right-of-Way*. No Towers shall be permitted in the right of way.

(13) *Related Accessory Equipment*. Related accessory equipment for all WCFs shall meet the following requirements:

- a. All buildings, shelters, cabinets, and other accessory components shall be grouped as closely as technically possible;
- b. The total footprint coverage area of the WCF's related accessory equipment shall not exceed three hundred fifty (350) square feet;
- c. No related accessory equipment or accessory structure shall exceed twelve (12) feet in height; and
- d. Located out of sight whenever possible by locating behind parapet walls or within equipment enclosures. Where such alternate locations are not available, the related accessory equipment shall be camouflaged or concealed.





Chapter 5

Subdivision Standards

A. General Provisions.

1. Purpose.

- a. *Intent.* These subdivision design standards are intended to provide predictability to subdividers and property owners while ensuring the residents of the jurisdiction benefit from quality residential, commercial, industrial, and institutional development that promotes the public health, safety, and general welfare of the community.
- b. *Conformance to Applicable Rules and Regulations.* In addition to the requirements established in this Chapter, all plats shall comply with the following laws, rules, and regulations:
 - i. All applicable statutory provisions;
 - ii. The UDO, Zoning Map, building and fire codes;
 - iii. The City's Comprehensive Plan;
 - iv. The standards and regulations adopted by the City Council;
 - v. Any rules of the Decatur County Health Department and/or other applicable state or local agencies;
 - vi. The rules of INDOT if the subdivision or any lot contained therein abuts a state highway or connecting street;
 - vii. City of Greensburg Design Standards Manual; and
 - viii. All other applicable laws of the City of Greensburg;
2. **Public Facilities.** Plat approval may be withheld if a subdivision is not in conformity with the above laws, regulations, guidelines, and policies as well as the purposes of this UDO.

- a. *Standard for Approval.* No primary plat shall be approved unless the PC determines that public facilities will be adequate to support and service the area of the proposed subdivision.
- b. *Submission of Additional Information.* At the request of the PC or Staff, the subdivider shall submit sufficient information and data on the proposed subdivision to demonstrate the expected impact on and use of any public facilities by the subdivision.
- c. *Facilities to be Examined.* Public facilities and services to be examined for adequacy will include streets, sanitary sewers, potable water service, stormwater, schools, and emergency services including police and fire facilities.

3. **Extension Policies.** All public improvements and required easements shall be extended to the boundary lines of the parcel on which new development is proposed. Streets, water lines, wastewater systems, stormwater, electric lines, and telecommunications lines shall be constructed to promote the logical extension of public infrastructure to adjacent parcels. The PC may request that the subdivider extend off-site improvements or to oversize required public facilities to serve anticipated future development where applicable.
4. **Plat Crossing Municipal Boundaries.** Lot lines in a subdivision shall be laid out so as not to cross Greensburg's municipal boundary lines unless the PC deems that there is no other viable alternative.
5. **Lot Access.** Access to a subdivision shall be on public streets within Greensburg's jurisdiction. If access is proposed across land in another local government's jurisdiction, the PC shall require assurance by affidavit from the subdivider that access is legally established. The PC shall also request assurance from the other local government that the public street used for access is adequately improved,



or that a guarantee has been duly executed in sufficient amount to assure the construction of the public street to be used for access.

B. Access and Connectivity.

1. Access.

- a. *Generally.* No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing public street, including:
 - i. An existing state, county, or municipal roadway; or
 - ii. A street shown upon a plat approved and recorded in the County Recorder's Office. Such street or highway must be suitably installed and improved as required by the rules, regulations, specifications, or orders, or be secured by performance surety required under this UDO and/or City Code of Ordinances.
- b. *Access to a Primary Arterial or Major Roadway.* Direct access to Primary Arterials or other major roadways is highly discouraged. Collector streets should be introduced to reduce demand for access to arterials and major roadways.
- c. *Adjacency to Primary Arterial or Major Roadway.* Where a subdivision borders on or contains an existing or proposed primary arterial or major roadway, the PC may require access to such street be limited by one (1) of the following:
 - i. *Frontage Road* -- Utilization of frontage roads constructed and separated from the primary arterial;
 - ii. *No-Access Easement and Landscape Screen* -- Individual lots that gain access from a local

street, but back up to another exterior roadway of any classification shall provide a five (5) foot no-access-easement along the exterior roadway to prohibit access to said arterial. In addition, a landscape screen shall be provided along the exterior roadway, as required by the landscaping section of Chapter 3, *Site Development Standards*; or

- iii. *Other Plan Commission Approved Proposal* -- Another proposed solution for consideration by the PC that may be deemed necessary for the adequate protection of properties within the subdivision from through-traffic.

2. **Connectivity.** The coordination of streets, sidewalks, trails, and pathways from one subdivision to another is essential to provide a continuation of vehicular and pedestrian access, transportation, and distribution lines for most utilities, such as water, sanitary sewer, storm sewer, gas, electricity, and telephone systems. Therefore, the PC may require the subdivider to construct collector or other streets and pathways to adjoining vacant undeveloped properties.

3. Level of Service.

- a. *No Adverse Effect.* No development shall be approved if such development, at full occupancy will have an adverse effect on public health or safety.
- b. *Traffic Mitigation Measures.* The subdivider may propose and construct approved traffic mitigation measures to provide adequate roadway capacity for the proposed development.
- c. *Traffic Impact Analysis.* A traffic impact analysis may be required by the Administrator or City Engineer at the time of primary plat review should one of the following circumstances arise:



- i. Detached single-family or two-family subdivisions with more than fifty (50) lots in the total development; or
- ii. Subdivisions where the expected number of trips exceeds five hundred (500) trips per day or one hundred (100) trips during a peak hour.

c. Drainage, Stormwater, and Erosion Control.

1. Storm Drainage.

- a. The subdivider shall provide the subdivision with an adequate storm water system. The system shall conform with the Greensburg Design Standards Manual. A copy of the analysis shall be submitted to the City Engineer with the drainage facility plans.
- b. The plans for the installation of a storm drainage system shall be provided by the subdivider and approved by the City Engineer. The plans for the system as built shall be filed with the City Engineer upon the completion of the storm sewer installation as required by the Greensburg Stormwater Ordinance.

2. Easements.

- a. All drainage easements shall be indicated on the primary plat and the secondary plat.
- b. All drainage easements (public and private) shall be a minimum of twenty (20) feet in width and shall be located, at the rear or side lot lines. One-half (½) the width of an easement shall be taken from each lot for interior lots.
- c. When topographical or other conditions make it impractical to include utilities within the rear lot lines, perpetual unobstructed easements at least twenty (20) feet in width shall be provided alongside lot lines with satisfactory access to the street or rear lot lines. One-half (½) the width of

an easement shall be taken from each lot for interior lots. This subsection does not apply to the sanitary sewer system which is required by city ordinance to be within the street right-of-way.

- 3. **Required Covenant Language for Drainage.** To ensure the maintenance of a properly designed and installed drainage system, the following paragraphs shall be required as a provision of the restrictive covenants for all secondary plats and shall be included in all deeds written relative to said plats. The proposed owner shall submit a signed copy of this covenant to be filed with the PC and the County Surveyor at the time an application for an ILP is submitted.

- a. “Drainage swales (ditches) along dedicated streets and within the right-of-way, or on dedicated drainage easements, are not to be altered, dug out, filled in, tiled, or otherwise changed without the written approval of the City Engineer. Property owners must maintain these swales as sodded grassways or other non-eroding surfaces. Water from roofs, parking areas, or other impervious surfaces must be contained on the property long enough such that drainage swales or ditches will not be damaged by such water. Driveways may be constructed over these swales or ditches only when culverts are in compliance with the Greensburg Design Standards Manual.”
- b. “No sanitary structures, drainage structures, or water line appurtenances shall be located within driveway limits or sidewalks without written approval of the City Engineer. No sump pump drains, or other drains shall outlet onto the street.”



D. Lots and Blocks.

1. Arrangement.

- a. *Compatible with Topography.* The layout of a subdivision's lots and blocks shall be compatible with the topography and other physical conditions of the land to ensure that compliance with the UDO, Building Code, and other local, state, and federal regulations can be achieved.
- b. *Public Street Access Required.* Every lot and block shall have sufficient and adequate access to a public street constructed, or to be constructed, in accordance with this UDO.
- c. *Access to Potential Future Lots Required.* The PC may require that lots and blocks be arranged to allow further subdivision and the opening of future streets where necessary to serve potential future or existing lots.

2. Design.

- a. *Lot Requirements.* Lot dimensions shall comply with the minimum standards of the applicable zoning district in the UDO. See Chapter 2, *Zoning Districts*.
- b. *Calculation of Lot Areas.* Land reserved for any proposed street, drainage structure (retention or detention), lake, river, stream, or wetlands shall not be counted in satisfying the minimum lot area requirements of the UDO.
- c. *Off-Street Parking and Loading.* The depth and width of lots or blocks reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide off-street parking and loading facilities required for the type of use and development contemplated, as established in the UDO. See Chapter 3, *Site Development Standards*.

- d. *Right Angle Requirement.* Side lot lines shall be at right angles to street lines (or radial to curving street lines) unless the PC determines that a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard setbacks from both streets.
- e. *Block Length.* Blocks shall not exceed six hundred (600) feet in length.
- f. *Block Width.* Blocks shall be of sufficient width to permit two tiers of lots of appropriate depth, except where an interior street parallels a limited access highway or an arterial street or a railroad right-of-way.
- g. *Lot Line Determination.* The lot or block line common to the street right-of-way shall be the front property line. All lots and blocks shall face the front property line and a similar line across the street. Wherever feasible, lots and blocks shall be arranged so that the rear lot line does not abut the side lot line of an adjacent lot.
- h. *Avoided Lot and Block Types.* Double frontage and reversed frontage lots or blocks shall be prohibited except where necessary to provide separation of development from traffic arterials or to overcome specific disadvantages of topography and orientation. The decision as to whether or not a double frontage lot meets this standard shall be made by the PC through an application submitted for a variance.

E. Monuments and Markers

1. Generally.

- a. *Precision Required.* All U.S., state, county, municipal, or other official benchmarks, monuments, or triangulation stations in or



adjacent to the property shall be preserved in a precise position by a registered land surveyor.

- b. *Reference Points.* The plat and legal description of subdivisions shall be referenced to two (2) known Section corners. The basis of bearing shall be the Indiana Geospatial Coordinate System Decatur Zone.
- c. *Placement.* Monuments and markers shall be placed so that the center of the bar, or marked point, shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument or marker is level with the finished grade.
- d. *Permanency.* A permanent monument in each section of a subdivision shall be installed by the subdivider to establish elevation control throughout the subdivision.
- e. *Vertical Datum.* The vertical datum shall be NAVD 88, or the current datum established by the National Geodetic System.

2. **Monuments.** Monuments shall be:

- a. Set at the intersection of all lines forming angles in the boundary of the subdivision; and
- b. Set at the intersection or curves of street property lines. Not more than two (2) monuments shall be required at any intersection.
- c. Concrete with minimum dimensions of four (4) inches by four (4) inches by thirty-six (36) inches, set vertically in place with an iron or copper dowel three-eighths of one (3/8) inch in diameter, with an identification cap including Surveyor Firm or identification number.
- d. At a minimum, two and one-half (2½) inches in length embedded so that the top of the dowel shall be not more than one-fourth of one (¼) inch

above the surface and at the center of the monument.

3. **Markers.** Markers shall:

- a. Consist of galvanized or wrought iron pipe or iron or steel bars at least two feet in length, and not less than a half (½) inch in diameter;
- b. Be set at the beginning and ending of all curves along street property lines;
- c. Be located at all points where lot lines intersect front or rear curves;
- d. Be located at all angles in property lines of lots; and
- e. Be located at all other lot corners not established by a monument.

F. **Open Space and Areas for Public Dedication.**

1. **Plan for Open Space and Proposed Public Dedication.**

- a. *Plan Submittal.* If applicable, a plan for open space and areas proposed to be dedicated to the public shall be submitted along with the application for primary plat approval. Such plan shall depict the subdivision in full compliance with this UDO and all other applicable health, flood control, and regulations of the jurisdiction as appropriate.
- b. *Common Area Requirement.* All commonly owned open space shall be set aside as common area and labeled according to its class. To be approved for commonly owned property see Chapter 7, *Zoning Administration and Procedures*. If a subdivision is to be developed in sections, the open space plan shall show each section and each section shall follow the requirements of Section 5.F of the UDO.



i. *Plan Review.* The Administrator and PC shall review the plan in conjunction with the application for primary plat approval. Once approved, the plan shall become part of the primary plat. Approval of an open space plan shall be a condition precedent to the approval of a secondary plat. In their review of the open space plan, the PC shall be guided by the following criteria:

- i. The protection of unique topographical features on the site, including, but not limited to, slopes, streams, and natural water features;
- ii. The protection and preservation of wooded areas and individual trees of significant size. For the purpose of this Chapter and the review and consideration by the PC, "significant size" should be interpreted as:
 - 1. Healthy trees that are a minimum of ten (10) inches in diameter measured across the trunk at least four (4) feet above the base of the tree, or
 - 2. Healthy trees of certain species (such as fruit-bearing and blossoming trees) that, at maturity, do not normally achieve a trunk size that is ten (10) inches in diameter or larger but are desirable due to number in a grouping or because they help preserve environmentally sensitive areas.
- iii. The accessibility and ability of residents or employees to use the open space areas for passive or active recreation;

- iv. The adaptability of the open space to the future development of greenways within the jurisdiction;
- v. The relationship of the open space to neighboring properties;
- vi. The minimization of disturbance to important natural site features through the design of lots and streets; and
- vii. The diversity and originality of the design for the open space.

2. **Open Space.**

- a. *Accessibility.* All open space reserved under this UDO shall be accessible to the residents or property owners within the subdivision and their guests by sidewalk, trail, or combined bikeways and walkways.
- b. *Recreation.* Land reserved for active recreational purposes shall be of a character and location suitable for use as a playground, athletic field, or for other active recreational purposes, and shall be relatively level and dry.
- c. *Dedication of Open Space.* Open space designed for dedication to a county or municipality as appropriate shall be considered on a case-by-case basis and approved by the appropriate legislative body.

3. **Natural Features.**

- a. *Open Space Preservation.* When possible, open space required under this UDO should be preserved in its natural state.
- b. *Preservation of Existing Features.* Existing features that would add value to the development or to the city as a whole (such as trees, watercourses and falls, historic sites, and similar



irreplaceable assets) shall be encouraged to be preserved in the design of the subdivision.

- c. *Primary Plat Requirements.* The primary plat (see Chapter 6, *Subdivision Administration and Procedures*) shall show the general area of natural features to be preserved including the number and location of existing trees being retained as well as the location of all proposed trees that are required by this UDO to meet the bufferyard standards (See Chapter 3, *Site Development Standards*).

4. **Retention/Detention Ponds within Open Space.**

- a. *Pond Installation.* Ponds shall be installed in accordance with the Greensburg Design Standards Manual and Greensburg Stormwater Ordinance.
- b. *Applicability to Lot Area Requirements.* If a tract being subdivided contains a pond or portion thereof, it shall be set aside as common area and shall not be included as part of a lot or in satisfying the individual lot area requirements of the UDO.

5. **Ownership and Maintenance of Open Space.**

- a. *Equal Responsibility.* Responsibility, maintenance, and ownership of ponds and common area shall be distributed equally among all property owners within the development either jointly through a property owners association or individually in the event a property owners association is dissolved or does not exist.
- b. *Proof of Agreement.* The PC may require proof of an “ownership and maintenance agreement” for the common areas within a subdivision.
- c. *City Not Responsible for Maintenance or Safety.* The City shall not assume responsibility for the maintenance and safety of the common areas.

6. **Areas Set Aside for Public Dedication.**

- a. *Public Park or School.* Proposed subdivisions may allocate areas for public parks, schools, or other public purposes to conform with the requirements of any applicable adopted plan. Each reservation shall be of suitable size, dimension, topography, and general character and shall have adequate street access for the purposes envisioned. The reserved area shall be shown and marked on the secondary plat, "Reserved for Park, School, or Recreational Purposes." The PC may refer such proposed reservations to appropriate officials or departments for recommendations. The PC shall approve the number of acres to be reserved and the City’s Board of Works shall approve any dedication before acceptance.
- b. *Public Agency.* The acquisition of land reserved for a public agency on the secondary plat shall be initiated by the public agency within two (2) years of approval of the secondary plat. Failure on the part of the public agency to initiate acquisition within the prescribed time shall result in the removal of the "reserved" designation from the property involved and the freeing of the property for development in accordance with this UDO. If the applicable government agency passes a resolution expressing its intent to acquire the land, the PC shall extend the reservation period for an additional one (1) year.

g. **Private Covenants.**

- 1. **Purpose.** Private covenants are generally a combination of restrictions on the use of property and affirmative obligations imposed by the subdivider on the owner of a property within a subdivision that are above and beyond the development standards for the jurisdiction. These covenants may be used by a developer to create a more standard appearance as



well as maintain control over activities that take place within its boundaries, so that enforcement by the subdivider (and subject property owners) uniformly protects property values.

2. **Self-imposed Restrictions.** If an owner of property places restrictions on any land contained in a subdivision that are more restrictive than those required by this UDO, such restrictions shall be indicated on the subdivision plat. The PC may also require that all restrictive covenants be recorded with the Recorder in a form approved by the City Attorney. Generally, covenants “run with the land” meaning that the restriction stays in effect with subsequent property owners.
3. **Enforcement.** Only regulations specifically found in the UDO are enforceable by the City. Restrictive private covenants must be enforced by the Homeowners Association (or the subject property owners) through civil court proceedings.

H. Sidewalks, Paths, and Trails.

1. **Generally.** Sidewalks, paths, and trails shall be included within the dedicated, non-pavement right-of-way of all streets.
2. **Basic Design.**
 - a. *Sidewalks.*
 - i. Sidewalks shall be installed per the Greensburg Design Standards Manual.
 - ii. Sidewalks (including multi-use paths) are to be at least five feet in width and are required to be installed on both sides of the street in a subdivision.
 - iii. The surface of any sidewalk shall, when completed, have a sufficient slope to drain away from the lot and to the center of the street. The subgrade of a sidewalk shall be

constructed to a depth below the finished surface and shall be thoroughly compacted to a firm, smooth surface.

- iv. All sidewalks shall be compliant with ADA requirements.
 - b. *Paths and Trails.*
 - i. All asphalt paths and trails must be at least ten (10) feet wide and meet the applicable standards for thickness and base requirements.
 - ii. All paths and trails shall be constructed in accordance with the adopted standards or the AASHTO standards.
3. **Connectivity.**
 - a. *Easements.* To facilitate pedestrian access and connectivity, the PC may require perpetual unobstructed easements, at least twenty (20) feet in width, from the proposed development to adjacent property (whether developed or not), neighborhoods, schools, parks, playgrounds, churches, government buildings, facilities, other community amenities, or any other points of social, environmental, economic, or historical interest. Every such easement shall be indicated on the secondary plat.
 - b. *Trail Construction.* Where future development includes land that has been identified by the appropriate adopted plan as a location for trails, the PC may require that the subdivider construct the trails within their development, whether such trails connect to existing trails outside of the development at the time of construction.
 - c. *Commonly Owned Property.* All commonly owned property adjacent or abutting public right-of-way shall have sidewalk constructed in accordance



this Chapter of the UDO and all other City requirements at the same time of construction of other infrastructure by the developer.

I. Streets and Alleys.

1. **Purpose.** The requirements set forth herein are designed to provide for roads that:
 - a. Are suitable in location, width, and improvement so that they may accommodate prospective traffic;
 - b. Afford satisfactory access to police, fire fighting, snow removal, sanitation, road-maintenance equipment; and
 - c. Compose a convenient traffic system and avoid undue hardships to adjoining properties.
2. **Overall Design.** Proposed roads shall:
 - a. Provide a safe, convenient, and functional system for vehicular, pedestrian, and bicycle circulation;
 - b. Be properly related to the Comprehensive Plan, the Greensburg Design Standards Manual; and
 - c. Be appropriate for the specific traffic characteristics of each proposed development.
3. **Roadway Development Standards.**
 - a. The arrangement, character, extent, width, grade, and location of all streets shall conform to the Greensburg Design Standards Manual.
 - b. The requirements set forth in the Greensburg Design Standards Manual are minimum requirements. Individual projects, particularly commercial and industrial subdivisions, may warrant additional requirements dictated by best practice engineering design. Where additional requirements are necessary, they shall be recorded as conditions of approval for the primary plat.

4. **No Access Easement.** All lots shall have actual frontage on and gain access from a public street. Use of an easement to provide access shall not be allowed.
5. **Additional Improvements Required.** The subdivider may be required by the city to provide traffic signalization, deceleration lanes, acceleration lanes, passing blisters, or other improvements to the street system using the following considerations:
 - a. Number of lots;
 - b. Proposed use;
 - c. Street classification;
 - d. Traffic generation;
 - e. Existing or proposed conditions; and
 - f. Sound engineering design.
6. **Traffic Study.** A Traffic Impact Study may be required by the PC. If the traffic impact study determines that improvements to the street system are necessary, per the requirements of Subsection 5.B.3.c, then such improvements shall be a condition of approval of the primary plat.
7. **Streets.**
 - a. *Street Classification.* All roads shall be functionally classified by the City Engineer and be consistent with the City's Future Transportation Component of its Comprehensive Plan. In classifying roads, the City Engineer shall consider projected traffic demands after ten (10) years of development.
 - b. *Street Layout.*
 - i. *Traffic Generation.* All streets shall be properly built to handle specific traffic generators such as industries, business districts, schools, churches, shopping centers, population



densities, and to the pattern of existing and proposed land uses.

- ii. *Efficient Use of Property.* All streets shall be arranged to obtain as many building sites as possible at, or above the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. Streets shall also be laid out to permit efficient drainage and utility systems, and to result in the minimum number and length of streets to provide convenient and safe access to property. See the Greensburg Design Standards Manual for specific requirements.
 - iii. *Non-Residential Subdivisions.* For nonresidential subdivisions, the streets shall be planned to minimize conflict of movement between various types of traffic, including pedestrian. Street layouts should consider the grouping of buildings, railway location, the presence of alleys, truck loading and maneuvering areas, and interior walks and parking areas.
- c. *Street Connectivity.*
- i. *Continuation of Proposed Street.* A proposed street shall provide for the continuation of existing, planned, or platted streets on adjacent property.
 - ii. *Centerline Connection.* Where a wider right-of-way connects with a narrower right-of-way, the centerlines of the two streets shall be aligned.
 - iii. *Extension to Boundary Line.* Proposed streets shall be extended to the boundary lines of the parcel to be subdivided, unless, in the opinion of the PC, such extension is not feasible due

to the physical conditions of the property, or not necessary or desirable for the coordination of the subdivision with the future development of adjacent parcels.

- iv. *Required Connectivity.* The arrangement of streets shall provide for the continuation of streets between adjacent properties when the continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities, and for effective emergency services.
- v. *Temporary Dead-end Streets.* If the adjacent property is undeveloped and the street must temporarily be a dead-end street, the right-of-way shall be extended to the property line. A temporary cul-de-sac, T- or L-shaped turn-around shall be provided on all temporary dead-end streets, with the notation on the secondary plat that land outside the normal street right-of-way shall revert to the adjoining landowners when the street is continued. The subdivider shall provide barriers and signage for any temporary dead-end street. The PC may limit the length of temporary dead-end streets in accordance with the Greensburg Design Standards Manual.
- vi. *Permanent Dead-end Streets.* Where a road does not extend beyond the boundary of the subdivision and its continuation is not required by the PC for access to adjoining property, its terminus shall not be nearer to such boundary than fifty (50) feet. However, the PC may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turn-around shall be provided at the end of a



permanent dead-end street. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall be limited in length to six hundred (600) feet.

d. *Street Right-of-Ways.*

i. *Width.*

(1) *Right-of-way Width.* The street right-of-way width shall be in accordance with the Greensburg Design Standards Manual.

(2) *Paved Width.* The paved width of all streets shall be in accordance with the Greensburg Design Standards Manual. Where a proposed street is an extension of an existing paved street which exceeds the minimum required dimension, the PC may require the subdivider to match the width of the existing paved street.

ii. *Dedication.* In a subdivision that adjoins or includes an existing street that does not conform to the minimum right-of-way dimension as established by the Greensburg Design Standards Manual, the subdivider shall dedicate additional right-of-way width as required to meet this UDO.

iii. *Excess Right-of-way.* Right-of-ways wider than the standards designated in this UDO shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes.

iv. *Slope Requirement.* Such slopes shall not be more than three-to-one (3:1).

e. *Street Intersections.*

i. *Generally.* All intersections shall adhere to the Greensburg Design Standards Manual.

ii. *Right Angles.* Streets shall be laid out to intersect as nearly as possible at right angles. In no event shall the angle of intersection of two streets be less than seventy (70) degrees unless otherwise approved by the PC.

iii. *Street Alignment.* Proposed new intersections along one (1) side of an existing street shall, wherever practicable, align with any existing intersections on the opposite side of such street. No more than two (2) streets shall intersect at one (1) point.

iv. *Curb Radius.* Minimum curb radius at the intersection shall be controlled by the Greensburg Design Standards Manual.

v. *Visibility.* No intersection shall create a traffic hazard by limiting visibility. The visibility and sight distances at intersections shall be controlled by the Greensburg Design Standards Manual.

vi. *Cross-Slopes.* The cross-slopes on all streets shall adhere to the Greensburg Design Standards Manual.

vii. To ensure the safe movement of both vehicular and pedestrian traffic, see Subsection 5.I.12, *Required Covenant Language Regarding Visibility.*

f. *Curb and Gutter.* Curb and gutter shall be constructed by the subdivider on both sides of all streets. Curbs shall be constructed as one of the standard curbs as directed by the Greensburg Design Standards Manual.

g. *Street Grade.*



- i. *Grade Requirement.* The grade of all streets shall not exceed the requirements of the Greensburg Design Standards Manual except where, in the opinion of the PC, an unusual topographic condition justifies a waiver of the requirements of this UDO.
 - ii. *Approval of Plan.* Roads shall be graded, improved, and conform to the Greensburg Design Standards Manual and specifications and shall be approved as to design and specifications by the City Engineer, in accordance with the construction plans required to be submitted prior to secondary plat approval.
- h. *Private Streets.*
- i. *Residential Development.* Private streets for residential development are prohibited and a waiver from this requirement is not permitted.
 - ii. *Commercial and Industrial Development.* Streets within commercial and industrial development shall be public unless private streets are approved by the PC.
 - iii. *Construction.* Private streets must be constructed to meet or exceed the standards in the Greensburg Design Standards Manual. A waiver from this requirement is not permitted.
 - iv. *Maintenance.* Maintenance of private streets is the responsibility of the subdivider or property owners as outlined in the recorded covenants, on the plat, and in the written commitments.
- i. *Improvements to Adjacent Streets.*
- i. *Realignment or Widening of Street.* Where a subdivision borders an existing narrow road or when the Comprehensive Plan or other policy document of the jurisdiction indicates plans for the realignment or widening of a road that would require use of some of the land in the subdivision. Unless waived by the PC, the subdivider shall be required to improve and dedicate at its expense those areas so designated for widening or realignment.
 - ii. *Dedication.* Frontage roads and streets shall be improved and dedicated by the subdivider at their own expense to the full width as required by this UDO when the subdivider's development activities contribute to the need for the road expansion. Land reserved for any road purposes may not be counted in satisfying yard or area requirements of the UDO whether the land is to be dedicated in fee simple or an easement is granted to the county or municipality as appropriate.
- j. *Roadside Drainage Swales.*
- i. *New Streets.* No new subdivision streets shall have roadside drainage swales.
 - ii. *Existing Streets.* Roadside drainage swales shall be placed along existing roads, as follows:
 - (1) Culverts are to be placed or extended under the roadway where necessary. The size of the culvert is to be according to the calculated amount of storm water flow, but not less than twelve (12) inches in diameter. All culverts shall extend from right-of-way to right-of-way unless otherwise approved by the City as



appropriate. All culvert pipe that is banded together shall receive a minimum of a twelve (12) inch band with eight (8) inch long bolts and shall be joined in accordance with the Greensburg Design Standards Manual. All culverts shall have applicable end sections unless waived by the PC.

- (2) Roadside drainage swales shall be constructed in accordance with the Greensburg Design Standards Manual.
- (3) When practicable, roadside swales will be replaced with curb and gutter and contain a contained storm drainage system.

8. Access Roads, Limited Access Roads, and Railroads.

a. *Limited or Improved Access.*

- i. *Potential Hazard.* Access roads from a proposed development on to an existing or proposed public right-of-way may be restricted or denied where such a road presents a potential hazard to public safety.
- ii. *Improvements may be Required.* Where such potential hazard to the public safety is determined to be present, the PC may require the subdivider to make improvements to an existing or proposed public right-of-way as a condition of allowing access.
- iii. *Traffic Impact Analysis.* Prior to making its primary plat decision, the PC may require that the subdivider submit a traffic impact study at the subdivider's expense should requirements of Subsection 5.B.3.c be met.

- b. *Access Roads.* The number of access roads required for a proposed subdivision shall be based upon the number of lots, engineering design best practice, and continuity of the public street system. If the PC determines that an additional access road is necessary, it will advise the subdivider at the time of primary plat consideration.
- c. *Distance Requirements.* Railroad rights-of-way and limited access highways that may affect the subdivision of adjoining lands shall be treated as follows:
 - i. *Residential Districts.* In residential districts, a buffer strip at least twenty-five (25) feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to railroad right-of-way or a limited access highway. This strip shall be in common area or part of the platted lot(s) and shall be designated on the plat: "This strip is reserved for screening. The placement of structures on this land is prohibited."
 - ii. *Commercial or Industrial Subdivisions.* In commercial or industrial subdivisions, the nearest street extending parallel or approximately parallel to a railroad right-of-way shall, wherever practicable, be at a sufficient distance from the railroad right-of-way to ensure suitable depth for commercial or industrial sites.
 - iii. *Intersecting Streets.* When streets parallel to a railroad right-of-way intersect a street, which crosses the railroad right-of-way at grade, they shall, to the extent practicable, be at a distance of at least one hundred fifty (150) feet from the railroad right-of-way. Such



distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

- d. *Parallel Street Required.* Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the PC may require a street approximately parallel to and on each side of such right-of-way at a spacing suitable for the appropriate use of the intervening land. Such spacing shall also be determined with due regard for the requirements of the approach grade of any future grade separation structure.

- 9. **Street Lights.** Street lights shall be installed in accordance with the Greensburg Design Standards Manual and will have illumination levels that are appropriate for the road type and surrounding land uses.

10. **Street Signs.**

- a. *MUTCD Requirement.* Each installed sign shall comply with the urban standards established by the State of Indiana.
- b. *Subdivider Expense.* The subdivider shall be responsible for the installation of all street signs required by the City or INDOT, as applicable.
- c. *Installation Timeframe.* The subdivider shall install all street signs before issuance of any certificates of occupancy for any primary structure within the subdivision.
- d. *Placement of Signs.* Street name signs are to be placed at all intersections within or abutting the subdivision as approved by the City Engineer.
- e. *Maintenance.* Sign maintenance is the responsibility of the subdivider or the property owners within the development, as outlined in the recorded covenants, on the plat, and in the written

commitments until the time of dedication to the city.

- 11. **Alleys.** The minimum right-of-way width of alleys, where platted, shall be twenty (20) feet.

- 12. **Required Covenant Language Regarding Visibility.** To ensure the safe movement of both vehicular and pedestrian traffic, the following paragraphs shall be required as a provision of the restrictive covenants for all secondary plats and shall be included in all deeds written relative to said plats. The proposed owner shall sign a copy of this covenant and it shall be filed with the County Recorder's Office.

- a. "No fence, wall, hedge, tree or shrub planting which obstructs sight lines with elevations between two and one-half (2.5) feet and eight (8) feet above the street surface elevation shall be placed or permitted on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting points forty (40) feet from the intersection of said street right-of-way lines for neighborhood and local streets, and seventy-five (75) feet for arterial streets, or in the case of a rounded property corner, from the street right-of-way lines extended."
- b. "The same site line limitations shall apply to any lot within ten (10) feet of the intersection of a street right-of-way line with the edge of a driveway pavement or alley line. No driveway shall be located within seventy (70) feet of the intersection of two (2) street right-of-way lines."

J. **Street and Subdivision Names**

1. **Subdivision Name.**

- a. *PC Approval.* The PC shall have final authority to approve the name of the subdivision, which shall



be determined at the time of primary plat approval.

- b. *No Closely Related or Duplicate Names.* The proposed name of a subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision within the jurisdiction and surrounding areas.

2. **Street Names.**

- a. *PC Approval.* Proposed street names shall be submitted with and indicated on the primary plat and the PC shall approve the street names at the time of primary plat approval.
- b. *No Closely Related or Duplicate Names.* Street names shall be sufficiently different in sound and spelling from other road names in the jurisdiction so as not to cause confusion.
- c. *Continuation of Existing Roadway.* A road which is (or is planned as) a continuation of an existing road shall bear the same name.
- d. *Directional Change.* A road may be required to have a different name at the point at which it significantly changes direction.

k. **Utilities.**

1. **Generally.**

- a. *Placement of Utilities.* All new utility facilities, including but not limited to gas, electric power, telephone, and CATV cables, shall be located underground throughout the subdivision. Where existing utility facilities are located above ground in the area to be subdivided, except when existing on public roads and rights-of-way, they shall be removed and placed underground unless this requirement receives a waiver from the PC.
- b. *Approval of Placement.* The local public utility companies shall approve the location of

easements for the installation of their services prior to the establishment of such easement.

- c. *Primary Plat.* All utility facilities existing and proposed throughout the subdivision shall be shown on the primary plat.
- d. *Service Connection.* Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense.
- e. *Easements.* The subdivider shall be responsible for proper coordination of utility easements from block to block and from his/her subdivision to that of other adjoining properties.

2. **Electric Power.**

- a. *System Approval.* The subdivider shall provide the subdivision with an electric power distribution system, which shall meet the approval of the Administrator, and which shall be connected to a public electric utility system.
- b. *Placement.* When placed on Public Right-of-Way Electrical underground cables or wires shall, if practicable, be laid in accordance with the Greensburg Design Standard Manual. Otherwise, electric distribution lines shall be placed in easements provided for that purpose.
- c. *Submittal of Plans.* The plans for the installation of an electric power distribution system shall be furnished by the subdivider. All plans for the system shall be as built and shall be filed with the Administrator upon the completion of the electric system installation.

- 3. **Telephone and Gas Utilities.** Telephone underground cables and gas lines shall, if practicable, be laid out in accordance with the Greensburg Design Standards Manual. Otherwise, telephone and gas



service lines shall be placed in easements provided for that purpose.

4. Sanitary Sewer Systems.

- a. *Installation of Facility.* The phrase “the subdivider shall provide” shall be interpreted to mean that the subdivider shall install the facility referred to, or whenever a private sewage disposal system or an individual water supply is to be provided, that the subdivider shall require, as a condition of the sale of each lot or parcel in the subdivision, that the facilities referred to in this Section 5.K.4 shall be installed by the subdivider of the lots in accordance with these regulations.
- b. *Public Sanitary Sewer Facilities.*
 - i. *Complete System.* The subdivider shall provide the subdivision with a complete sanitary sewer system, which shall connect to a sanitary sewer outlet approved by the City.
 - ii. *Placed in Easements.* Public sanitary sewers shall be laid in easements provided for that purpose.
 - iii. *City Engineering Design Manual.* The construction of the sanitary sewer shall be in accordance with the Greensburg Design Standards Manual.
 - iv. *Installation of Laterals.* Service laterals shall be installed between the street sewer collector and the property line before the street is paved.
 - v. *Submittal of Plans.* The plans for the installation of a sanitary sewer system shall be provided by the subdivider and approved by the City. All plans for the system shall be as built and shall be filed with the PC upon the completion of the sanitary sewer installation.

5. Water Facilities.

- a. *Connection to System.* All habitable buildings and buildable lots shall be connected to a water system capable of providing water for health and emergency purposes, including adequate fire protection.
- b. *Subdivider Responsibilities.* The subdivider shall provide the subdivision with a complete water main supply system, which shall be connected to a municipal or a community water supply approved by the City Water Company. When such municipal or community water supply is not available, as determined by the City Water Company and the Administrator, an individual water supply on each lot in the subdivision is required.
- c. *Public Water Facilities.*
 - i. *Construction Standards.* The construction of the public water facility shall be in accordance with the Greensburg Design Standards Manual and the rules and regulations of the Indiana Department of Environmental Management (IDEM).
 - ii. *Proximity Requirement.* When a public water supply is available within three hundred (300) feet of any boundary of a proposed subdivision, the subdivider shall construct and install a system of water mains (including fire hydrants) to be connected to the public water supply. This requirement may be waived upon a finding by the PC that this requirement would create a hardship for the applicant.
 - iii. *Connection per Lot.* Each lot shall be provided with a connection to the water delivery system in accordance with the Greensburg Design Standards Manual.



- iv. *Installation.* Unless this requirement receives a waiver from the PC, water mains shall be installed entirely within the Right-of-Way or installed immediately behind the curb and installed within a two (2) foot easement on the roadway side of the sidewalk.
 - v. *Submittal of Plans.* The plans for the installation of a water main supply system shall be provided by the subdivider and approved by IDEM and the City's Water Company. The plans for such systems as built shall be filed with the Administrator upon the completion of the water supply installation.
- d. *Private Water Supply.*
- i. *Proximity Requirement.* Where a public water supply is not available within three hundred (300) feet of any boundary of the proposed subdivision and/or the PC determines that the connection thereto would create a hardship for the subdivider, the subdivider may provide each lot with a community or individual water supply, provided the installation conforms to the Greensburg Design Standards Manual.
 - ii. *Existing Private Wells.* All existing homes currently being served by a private potable well water supply that are to be connected to a new public water supply system shall adhere to the following:
 - (1) *Abandonment.* The existing well and pumping unit shall be abandoned and the well properly plugged in accordance with the rules and regulations of IDEM and Indiana Department of Natural Resources (IDNR).
 - (2) *Continuance of Existing Private Wells.* If the homeowner chooses to keep their well in service, a physical disconnection (between the existing well supply plumbing and the new public water supply plumbing) must be completed by the homeowner and inspected by the County Health Department. All disconnections of plumbing shall be completed by a plumbing contractor, licensed in the State of Indiana, and shall be made in accordance with the requirements of the American Backflow Prevention Association (ABPA).
- e. *Fire Hydrants.*
- i. *Required.* Fire hydrants shall be required for all developments served by a public water utility or where public water utilities are reasonably accessible as determined by the Administrator.
 - ii. *Approval.* The Municipal Water Authority shall approve fire hydrants, including their setting, number, and size of outlets.
 - iii. *Spacing Requirements.* Unless otherwise specified by local fire and/or building regulations, fire hydrants shall be located no more than five hundred (500) feet apart and within three hundred (300) feet of any structure and shall be approved by the local fire protection unit.
 - iv. *Water Supply.* Adequate water supply as determined by the Administrator shall be provided to all fire hydrants prior to any building construction.



- v. *Street Markers.* Plowable street markers may be required by the PC on major arterials.
- vi. *Dry Hydrants.* Dry hydrants may be required in retention/detention ponds. Placement and design must be approved by the Administrator.
- vii. *Plan Submittal.*
 - i. The location of all existing and proposed fire hydrants shall be shown on the Primary Plat and the Construction Drawings.
 - ii. As built plans where required shall be provided to the Municipal Water Utility and the City's GIS Department.
- viii. *Cost and Surety.* The cost of installing the system shall be borne by the subdivider. The subdivider may be required to provide surety for installing such improvements.
 - (1) Located out of sight whenever possible by locating behind parapet walls or within equipment enclosures. Where such alternate locations are not available, the related accessory equipment shall be camouflaged or concealed.





Chapter 6

Subdivision Administration and Procedures

A. General Provisions.

1. **Applicability.** A subdivider shall follow the applicable procedures contained in this chapter for the type of subdivision for which approval is sought. The specific subdivision classification as defined herein shall be made by the Administrator.
2. **Authority.** The authority to grant the subdivision of property within the State of Indiana is granted by IC 36-7-4-700 Series.
3. **Compliance with UDO.** The platting of land, when required by the UDO, shall be done in compliance with the provisions of this UDO. Land required by the UDO to be platted may not be subdivided by any legal description other than with reference to a plat approved in accordance with this UDO.

B. Plan Commission (PC).

1. **Establishment and Membership.** See Section 7.B.1, *Establishment and Membership*.
2. **Duties and Powers.** See Section 7.B.2, *Duties and Powers*.
3. **PC Authority.** The PC is hereby authorized to perform those duties and functions specified in IC 36-7-4, *Local Planning and Zoning*, and other applicable chapters and sections of Indiana law. The PC shall have the following authority:

Table 6-1, Plan Commission (PC) Authority			
Application Type	PC's Action	UDO Process	Applicable Indiana Code (IC)
Major Subdivision, Primary Plat	Final	Section 6.B.6	IC 36-7-4-700 Series
Minor Subdivision ¹	Final	Section 6.B.7	IC 36-7-4-700 Series
Primary Plat Amendment	Final	Section 6.B.8	IC 36-7-4-703
Plat Vacation	Final	Section 6.B.9	IC 36-7-4-711
Subdivision Standards Waiver or Modification	Final	Section 6.B.10	IC 36-7-4-702(c)
Notes:			
1. The minor subdivision process includes both the primary plat and secondary plat processes.			

4. **PC Meetings, Public Records, Quorum and Actions.** See Section 7.B.4, *PC Meetings, Public Records, Quorum, and Actions*.
5. **PC Processes for All Application Types.** See Section 7.B.5, *PC Processes for All Application Types*.
6. **Major Subdivision - Primary Plat Process.** The development or modification of property requires subdivision plat approval. In accordance with IC 36-7-4-700 Series and the PC Rules and Procedures, the PC shall hear and make decisions regarding applications for major subdivisions in accordance with the following:



- a. *Applicability.* All subdivisions are required to complete the major subdivision process unless the criteria is met for the subdivision to be completed through another process found within this UDO.
- b. *Application Submittal.* The subdivider shall submit an application for both the primary plat process in accordance with the application requirements adopted by the PC as part of the PC Rules and Procedures and prepared in accordance with the formats including Section 6.E, *Document and Drawing Specifications*; Section 6.F, *Construction and Development Process*, and according to the application requirements adopted as part of the PC Rules and Procedure.
- c. *Technical Review.* After receiving a complete application and creating a public file, the Administrator shall forward the proposed subdivision plat and supporting information to the Technical Review Committee (TRC) for technical review. At the discretion of the Administrator, the TRC review may be held in person or remotely (virtually, by telephone, or by email). The Administrator shall compile the TRC's written comments for the applicant and include them in the public file.
- d. *TRC Revisions.* The subdivider shall address all the comments from the TRC members and submit revised plans to the Administrator per the adopted schedule. The Administrator may request additional internal review and/or the resubmittal of additional revisions before forwarding the subdivision plat.
- e. *Public Notice.* Notice of public hearing shall be made in accordance with IC 5-3-1. In the event the hearing has been properly noticed, but the plans are not finished per Section 6.B.6.d above, then the Administrator may have the PC automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the subdivider.
- f. *Public Hearing.* The PC shall consider the primary plat at a public hearing. The subdivider or their representative shall be in attendance to present the plan and address any questions or concerns of the PC.
- g. *Approval Process.*
 - i. *Grant of Approval.* If the PC determines that the primary plat complies with the standards set forth in this UDO, it shall grant primary approval to the plat.
 - ii. *Notification of Approval.* Within ten (10) days of the hearing, the Administrator shall notify the subdivider of approval in writing or electronic transmission and itemize any conditions, written commitments, changes, or revisions required by the PC's approval.
 - iii. *Effect of PC's Plat Approval.* Approval of a primary plat by the PC signifies:
 - (1) The general acceptability of the layout submitted;
 - (2) Assurances have been made by the water utility provider for a water supply system that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed;
 - (3) Assurances have been made by the sewage utility provider for a sewage system and, if other methods of sewage disposal are proposed, that such systems



will comply with federal, state, and local laws and regulations; and

- (4) The subdivider has taken all reasonable efforts to mitigate the impact of the proposed subdivision on public health, safety, and welfare.
- iv. *PC Requested Revisions.* Per IC 36-7-4-702, the PC may require changes or revisions to the proposed subdivision plat as a condition of primary approval to ensure the best interest and general welfare of the city, including, but not limited to the layout, grading, and improvement of public ways or other services.
- v. *Expiration.* Approval of a primary plat shall be effective for three (3) years from the date of the PC decision. Failure to receive secondary approval for all or part of the plat before this period ends shall void the primary plat approval. Once primary approval has expired, a new application for primary plat shall be submitted in conformance with all applicable ordinances in effect at the time the new application is submitted.
- vi. *Extension.*
 - (1) *Automatically by Secondary Plat Approval.* Secondary plat approval of at least one (1) section of the approved primary plat shall automatically extend the approval for the entire primary subdivision plat for three (3) years.
 - (2) *Request to Plan Commission.* Upon written request by the subdivider, and no less than thirty (30) days prior to the

expiration date of the primary approval, the PC may extend approval of a primary plat up to a maximum of three (3) additional years without further notice, public hearing, or fees.

vii. *Disapproval.*

- (1) *Notification.* If the PC disapproves a primary plat, it shall make written findings of fact and the Administrator shall notify the subdivider in writing or by electronic transmission within ten (10) days of the public hearing, stating the specific reasons for disapproval.
- (2) *Resubmittal.* After disapproval, the petitioner may only resubmit a revised primary plat application if there is a significant change that addresses the reason for disapproval.

vi. *Null and Void.* If after six (6) years, all portions of a primary plat have not been completed, then the City may deem the portions of the primary plat that are not substantially complete null and void.

- 7. **Minor Subdivision Process.** The development or modification of property requires subdivision plat approval. In accordance with IC 36-7-4-700 Series and the PC Rules and Procedures, the PC shall hear and make decisions regarding applications for minor subdivisions in accordance with the following:
 - a. *Purpose.* The minor subdivision platting process is intended to allow the subdivision of land with a reduction of approval time and filing procedure. It is not the intent to allow the minor subdivision process to circumvent the City's subdivision requirements or the intent of the City's Comprehensive Plan and its components. A minor



subdivision shall be subject to all the requirements of the City's UDO and the subject zoning district for the project.

- b. *Applicability.* The minor subdivision platting process shall only be used for subdivisions, that the Administrator determines:
 - i. Results in the creation of four (4) or fewer lots;
 - ii. Does not create any new public or private rights-of-way, extension of public facilities, or create any public improvements; and
 - iii. Complies in all other respects with this UDO.
- c. *Minor Subdivision Combined Primary and Secondary Plat.* The primary plat and secondary plat shall be combined into one single process for a minor subdivision.
- d. *Administrator Discretion to Shift to Major Subdivision Process.* If, at any time, the Administrator believes that the circumstance of the application warrants the full review and consideration of a major subdivision, then the Administrator shall provide in writing a list of reasons as to why the major subdivision process will be required for a particular application and these reasons shall be sent to the subdivider.
- e. *Minor Subdivision Limit.* A maximum of one (1) minor subdivision is permitted per parent parcel for a period of five (5) years. Any additional subdivisions of a parent parcel will be considered to be a major subdivision and shall follow the major subdivision process.
- f. *Application Submittal.* The subdivider shall apply for both the primary plat and the secondary plat in accordance with the PC Rules and Procedures and prepared in accordance with the formats described in Section 6.E, *Document and Drawing*

Specifications, and Section 6.F, Construction and Development Process.

- g. *Technical Review.* After receiving a complete application and creating a public file, the Administrator shall forward the proposed minor subdivision plat, and supporting information to the TRC for technical review. At the discretion of the Administrator, the TRC review may be held in person or remotely (virtually, by telephone, or by email). The Administrator shall compile the TRC's written comments for the applicant and include them in the public file.
- h. *TRC's Revisions.* The subdivider shall address all the comments from the TRC members and submit revised plans to the Administrator per the adopted schedule. The Administrator may request additional internal review and/or the resubmittal of additional revisions.
- i. *Public Notice.* Notice of public hearing shall be made in accordance with IC 5-3-1. In the event the hearing has been properly noticed, but the plans are not finished per Section 6.B.7.h above, then the Administrator may have the PC automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the subdivider.
- j. *Public Hearing.* The PC shall consider the minor subdivision plat at a public hearing. The subdivider or their representative shall be in attendance to present the plan and address any questions or concerns from the PC.
- k. *Approval.*
 - i. *Generally.* If the PC determines that the proposed minor subdivision plat complies with the standards set forth in this UDO, the PC shall grant approval to the plat.



- ii. *Notification to Subdivider.* Within ten (10) days of the hearing, the Administrator shall notify the subdivider of approval in writing or electronic transmission and itemize any changes or revisions deemed necessary by the PC as a term of its approval.
- I. *Changes or Revisions to Proposed Plan.* In accordance with IC 36-7-4-702, the PC may introduce changes or revisions to the proposed plans as a condition of primary approval when necessary to facilitate the best interest and general welfare of the community, including, but not limited to:
 - i. The way any shared driveways shall be laid out, graded, and improved;
 - ii. A provision for water supply, sanitary sewer facilities, and other utility services; and
 - iii. A provision for other services as specified in this UDO.
- m. *Disapproval.*
 - i. *Notification.* If the PC disapproves the proposed minor subdivision plat, then the PC shall make written findings of fact and the Administrator shall notify the subdivider in writing or by electronic transmission within ten (10) days of the deadline for receiving internal review comments from the TRC members, stating the specific reasons for disapproval.
 - ii. *Resubmittal.* After disapproval by the PC, the subdivider may resubmit a new plat application only if the new application addresses the reason for disapproval.

8. Primary Plat, Amendment Process.

- a. *Request.* At any time after primary plat approval, the subdivider may request that an amendment be made to the primary plat.
- b. *Public Hearing.* The PC shall hold a public hearing on the proposed amendment in accordance with the same requirements for the respective primary plat approval process. The public hearing on a proposed amendment shall be limited to the merits of the proposed amendment.
- c. *Withdrawal.* The subdivider may withdraw the proposed amendment at any time prior to the PC's decision.
- d. *Approval or Disapproval.* The PC shall approve or disapprove any proposed amendment in the applicable manner as set forth in Section 6.B.6 of the UDO.

9. Plat Vacation Process.

- a. *Generally.* The PC has exclusive authority over the vacation of plats or parts of plats. Vacations may be pursued under either IC 36-7-4-711 or IC 36-7-3-10.
- b. *Vacation When All Owners Agree.*
 - i. *Submittal.* As provided in IC 36-7-3-10, if all the owners of land agree on a proposed vacation of all or part of the plat, the owner(s) must first submit the instrument to the PC for approval prior to recordation.
 - ii. *PC Decision.* The PC may consider and rule on the proposed instrument without notice or a public hearing. The PC shall attach its written decision before the vacation is submitted for recording.
 - iii. *Effect of Vacation Approval.* As provided in IC 36-7-3-10, an instrument approved for



vacation and recorded under this section terminates the effect of the plat or part of the plat declared to be vacated. Vacation approval also terminates all public rights in the public ways and public places described in the plat or part of the plat.

- iv. *Effect of Vacation Denial.* If the PC denies a vacation request under this section, a subsequent vacation proceeding affecting the same property and asking for the same relief may not be initiated for two (2) years from the date of the PC's denial, as provided in IC 36-7-3-15.
- c. *Vacations When All Owners Are Not in Agreement.* As provided in IC 36-7-4-711, if all the owners of land in a plat do not agree to a proposed vacation, one (1) or more of the owners may file with the PC a petition to vacate all the plat or that part of the plat that pertains to land owned by the petitioner(s).
 - i. *Public Hearing.* At the PC hearing, all other owners of land in the plat shall be allowed to comment on the petition.
 - ii. *Conditions for Approval.* The PC may approve the petition only if it finds that the conditions below are met.
 - (1) Conditions in the platted area have changed to defeat the original purpose of the plat;
 - (2) It is in the public interest to vacate all or part of the plat; and
 - (3) The value of that part of the land in the plat not owned by the petitioner(s) will not be diminished by the vacation.

- iii. *Recording.* The PC shall furnish a copy of its approval to the County Recorder for recording.
- iv. *Denial.* If the PC finds that the applicant does not meet the requirements above, it shall deny the petition. If the PC denies a vacation request under this section, it shall not consider another vacation request which requests substantially similar relief concerning the same property for at least one (1) year after the denial, as authorized by IC 36-7-4-715.
- v. *Vacation of Plats with Improved Infrastructure.* See IC 37-7-3-12.
- vi. *Vacation of Platted Easements.* See IC 36-7-3-16.

10. Waiver or Modification Process.

- a. *Generally.* Pursuant to IC 36-7-4-702(c), a waiver or modification may be granted by the PC for a provision in Chapter 5, *Subdivision Standards*, provided that the plat meets all other standards, all of the criteria in Section 6.B.10.c, and all other standards of the UDO. Any variations from the standards in Chapter 2, *Zoning Districts*, Chapter 3, *Site Development Standards*, and/or Chapter 4, *Use Standards*, require a variance by the BZA (See Chapter 7, *Zoning Administration and Procedures*).
- b. *Application.* A petition for a waiver or modification shall be submitted in writing by the subdivider at the time when the primary plat or secondary plat is filed. The petition shall state fully the grounds for the application and all the facts relied upon by the petitioner.
- c. *Criteria for Waivers or Modifications.* The PC shall not approve waivers or modifications unless it



finds, based upon the evidence presented to it in each specific case, that:

- i. Practical difficulties and unnecessary hardship would result from the strict application of this UDO;
 - ii. The purposes and intent of this UDO may be better served by an alternative proposal that meets the intent of the UDO regulation(s), which is included for consideration;
 - iii. The granting of the waiver or modification will not be detrimental to the public safety, health, or welfare or injurious to other property;
 - iv. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;
 - v. The request is not solely for the economic benefit of the petitioner;
 - vi. The relief sought will not contravene the other provisions of the UDO or the intent of the Comprehensive Plan or its components; and
 - vii. Where the waiver or modification impacts the design, construction, or maintenance obligations of public facilities, that the appropriate public agency has reviewed and approved the proposed development in writing, which may be by electronic transmission to the Administrator.
- d. *Public Improvements.*
- i. *Criteria.* In addition to the requirements listed above in Section 6.B.10.c, the PC may waive or modify at the time of primary approval and subject to any appropriate conditions, the

provision for any or all, public improvements that in its judgment are:

- (1) Not required in the interests of the public health, safety, and general welfare;
 - (2) Inappropriate because of incompatible grades, future planning, inadequate or nonexistent connecting facilities; or
 - (3) Inappropriate for other reasons presented to and agreed on by the PC.
- ii. *Deference.* Improvement and/or installations may be deferred in accordance with Section 6.F.3.b of the UDO.
- (1) *Written Findings.* The PC shall make written findings of fact on all waiver or modification requests.
 - (2) *Conditions of Waiver Approval.* In approving waivers or modifications, the PC may require written commitments as part of said waiver or modification. Such conditions shall be expressly set forth in the action granting the waiver or modification and be in accordance with the PC Rules and Procedures for governing written commitments. Violation of any such written commitment shall be a violation of this UDO and subject to the provisions of Chapter 9, *Enforcement, Violations, and Remedies.*



c. Administrator.

1. **Duties and Powers.** See Section 7.D.1, *Duties and Powers*.

Table 6-2, Administrator Authority		
Application Type	UDO Process	Applicable Indiana code (IC)
Major Subdivision, Secondary Plat	Section 6.C.2	IC 36-7-710
Replat	Section 6.C.3	IC 36-7-4-700 Series
Secondary Plat Amendments	Section 6.C.4	IC 36-4-703
Administrative Plat	Section 6.C.5	IC 36-7-4-700 Series

2. **Major Subdivision, Secondary Plat.**

- a. *Application.* The subdivider shall submit an application for a secondary plat prepared in accordance with the format described in this UDO, including Section 6.E, *Document and Drawing Specifications*; Section 6.F, *Construction and Development Process*, and according to the application requirements adopted as part of the PC Rules and Procedure.
- b. *Format of Submittal.* To allow for flexibility, a major subdivision, secondary plat may be submitted in one of the following ways:
 - i. *Full Plat.* The subdivider may submit the secondary plat for the entire subdivision.
 - ii. *Phase/Section.* The subdivider may submit the secondary plat for a phase or section of lots as laid out on the primary plat which shall include all necessary infrastructure serving such lots.

- c. *Technical Review.* After receiving a complete application and creating a publicly available file, the Administrator shall forward the proposed secondary plat and supporting information to the Technical Review Committee (TRC) for technical review. At the discretion of the Administrator, the TRC review may be held in person or remotely (virtually, by telephone, or by email). The Administrator shall compile the TRC’s written comments for the applicant and include them in the publicly available file.
- d. *Secondary Plat Standards.* The subdivider shall address the comments from the TRC members and submit revised plans to the Administrator. The Administrator shall then determine if the proposed secondary plat meets the principles and standards set forth in this UDO.
- e. *Plat Approval.* If the Administrator determines that the secondary plat complies with the standards set forth in this UDO and is in conformance with the primary plat, the Administrator shall grant secondary approval to the plat. Secondary plat approval may be granted to a plat only after expiration of the thirty (30) day appeal period of the primary plat as provided in IC 36-7-4-710.
- f. *Plat Disapproval.* If the Administrator disapproves the secondary plat, then the Administrator shall make written findings of fact and shall notify the subdivider in writing or electronic transmission within ten (10) days of the deadline for receiving internal review comments from the TRC committee members. After disapproval by the Administrator, the subdivider may:
 - i. Resubmit a revised final plat that addresses the reason for disapproval;
 - ii. Appeal the Administrator’s decision to the PC; or



- iii. Do nothing and allow the approved primary plat to expire.

3. Replat.

- a. *Prerequisite for Replat.*
 - i. The secondary plat shall have been approved and recorded.
 - ii. All property owners within the area for the replat shall provide written consent.
- b. *Circumstances for a Replat.* For the purposes of this UDO, a replat shall include:
 - i. Any change in any street layout or any other public improvement;
 - ii. Any change in any lot line; and
 - iii. Any change in the amount of land reserved for public use or the common use of lot owners.
- c. *Process for Replat Approval.* Whenever an owner of land desires to replat, the owner shall obtain approval for the replat by the same procedures prescribed for the subdivision of land set in this Chapter of the UDO.

4. Secondary Plat Amendment.

- a. *Request.* At any time after secondary plat approval, the subdivider may request that an amendment be made to a secondary plat.
- b. *Plat Review.* The Administrator shall solicit comments from the appropriate TRC members on the proposed amendment in accordance with the same requirements for the respective secondary plat approval process. See Section 6.C.2 of the UDO.
- c. *Withdrawal.* The subdivider may withdraw the proposed amendment at any time prior to the Administrator's decision.

- d. *Approval / Disapproval.* The Administrator shall approve or disapprove any proposed amendment, as applicable, per the requirements of either Section 6.B.7, *Minor Subdivision Process*, or Section 6.C.2, *Major Subdivision, Secondary Plat*.
- e. *Recording of Plat.* If a secondary plat is approved, the Administrator shall coordinate the required PC signatures and seal on the document. The subdivider shall record the approved secondary plat and any associated documents but shall not do so until the Administrator releases it for recording, in accordance with the procedures set forth in this UDO.

5. Administrative Subdivisions.

- a. *Review.* Administrative subdivisions are subject to review and final approval by the Administrator.
- b. *Eligibility.* For a plat to be eligible to be approved through the administrative subdivision process the changes to the plat shall be limited to only the removal of interior lot lines of two (2) or more adjoining parcels owned by the same person(s), with the outside perimeter of the property remaining unchanged, resulting in one (1) parcel.
- c. *Application.* The following materials shall be submitted by an applicant for approval of an administrative subdivision:
 - i. A statement, signed by the owner(s) of record of all property involved in the administrative subdivision;
 - ii. A copy of the deed, containing a complete legal description, for each parcel of property for which ownership is transferred within said administrative subdivision;
 - iii. A survey and legal description, as prepared by a land surveyor registered by the State of



Indiana, along with new lot number of the proposed subdivided property; and

- iv. Any and all encumbrances on the property including but not limited to restrictive covenants, easements or other clouds on title of the properties involved within the proposed administrative subdivision.
- d. *Recordation.* The approved administrative subdivision and any deeds shall be recorded in the County Recorder's Office within ninety (90) days of certification of the administrative subdivision. Any such administrative subdivision not recorded within that period shall become null and void.
- e. *Alternative Plan Review Procedure.* Any administrative subdivision not approved by the Administrator under this section shall be subject to review by the Plan Commission pursuant to the provisions of this Chapter.

D. Technical Review Committee. See Section 7.E, *Technical Review Committee.*

E. Document and Drawing Specifications.

1. Primary Plat Specifications.

- a. *Prepared by Surveyor.* The primary plat shall be prepared by a Professional Land Surveyor licensed to practice in the State of Indiana. The sheet shall be signed by the professional preparing it and shall be tied to state plane coordinates for horizontal controls.
- b. *Scale and Format.* All sheets shall be formatted as twenty-four (24) inches by thirty-six (36) inches and drawn to a convenient scale.
- c. *Applicant Responsibilities.* The applicant is responsible for all title searches, recorded easements, mail delivery provisions, and any

other items that may affect development. The applicant shall include a copy of such documents to the PC and disclose this fact to all buyers.

- d. *Project Information.* The following project information shall be submitted with a primary plat:
 - i. Name of the project/subdivision followed by "Primary Plat."
 - ii. Location of the property by street, block, and adjacent subdivisions (with block and lot numbers) or section, township, range, and county if adjacent property if not subdivided.
 - iii. Total acreage within the project and the number of lots.
 - iv. Boundary lines of adjacent tracts of land, showing owners of record and names of adjoining developments.
 - v. Existing zoning of the subject property and all adjacent properties.
 - vi. Name and address of the owner, developer, and land surveyor and/or engineer.
 - vii. Listing of any covenants on the parcel(s).
 - viii. A location map with north arrow at a scale of one-inch equals four hundred feet (1":400') or less showing the boundaries of the proposed project and covering the general area within which it is to be located.
 - ix. Boundaries of the tract with accurate dimensions and bearings, as determined by an accurate survey conforming with 865 IAC 1-12, in the field which has been balanced and closed, as well as physically located by monumentation.



- x. Location and description of all monuments with references by distance to bearings to both ¼ section corners, section corners, grant corners, or recorded subdivisions.
 - xi. A traffic impact analysis or study, if required. See Section 5.B.3.c, *Traffic Impact Analysis*.
- e. *Site Conditions*. The following site condition information shall be submitted with a primary plat:
- i. Existing buildings/structures and their placement on the lots.
 - ii. Existing water mains, fire hydrants, storm sewers, sanitary sewers, culverts, bridges, and other utility structures or facilities within, adjacent to, or serving the subject land, including pipe sizes, grades, and exact locations, as can best be obtained from public or private records.
 - iii. The water elevation at the date of the survey of lakes, stream flow, or designated wetlands within the project or affecting it.
 - iv. The regulatory flood (100-year flood and 500-year flood) elevation based on NAVD 1988. Also include all FEMA floodplain designations in addition to notes about the site's location.
 - v. General site conditions, including aerial map, topography, utilities, flood elevations, available mapping, parcel data, etc.
 - vi. General proposed street layout, general lot layout, and drawn to a scale. Note if driveway closures or additional access points are expected.
 - vii. Existing contours based in NAVD 1988 datum with vertical intervals of two (2) feet if the general slope of the site is less than two

percent (2%) and vertical intervals of five (5) feet if the general slope is greater than two percent (2%). A benchmark, which is easily accessible and re-locatable, shall be shown. The benchmark shall be determined by use of NAVD 88 datum (vertical), which are based on sea level datum.

- viii. Location, widths, and type of construction of all existing private streets and rights-of-way, alleys, or other public ways and easements, street classifications as per the Comprehensive Plan, street names, railroad and utility rights-of-way or easements, parks, trees [four (4) inches in diameter or greater shall be located and identified], trails, cemeteries, watercourses, drainage ditches, designated wetlands, floodplain per FEMA/DNR maps, and bridges. Other structures shall be located by dimensions on the plans, in relation to surrounding physical features. Other data may be added which is considered pertinent by the PC or the Administrator for the subject land. Existing site conditions shall include all land within one hundred (100) feet of the proposed project.
- ix. Layout of the proposed project/subdivision showing lot/block lines, lot/block numbers, and streets that show length, width, depth, and area of all lots.
- x. Building and thoroughfare (if applicable) setback lines, showing dimensions.
- xi. All lots or blocks intended for sale or lease shall be:
 - (1) Designated with boundary lines;
 - (2) Identified with letters;



- (3) In alphabetical order; and
- (4) Lots shall be numbered consecutively within each block.
- xii. General location of proposed water mains, fire hydrants, storm sewers, sanitary sewers, culverts, bridges, and other utility structures or facilities within, adjacent to, or serving the subject land.
- xiii. Private areas, common areas, or other excluded parcels shall be designated as such and clearly labeled.
- xiv. A note stating the following shall be added on the plat: "No buildings, structures, fences, shrubs, or trees shall be placed in the public right-of-way without prior written review and approval by the appropriate agency."
- xv. Internal and perimeter sidewalk system/pedestrian circulation plan, if required.
- xvi. External access and circulation plan, identifying existing roadways, and any future collector or other connecting roadways, in accordance with the Thoroughfare Plan and/or the Access Management and Control Ordinance.
- xvii. Perimeter buffer landscape plan only (entire landscape plan due in secondary plat phase).
- xviii. Such other information as may be deemed necessary for proper review of the primary plat by the Administrator, the Engineer/Surveyor, or PC.
- f. *Title Block*. The following information within a title block shall be submitted with a primary plat:

- i. The proposed name by which the project shall be legally and commonly known;
- ii. Date of survey, scale, and north point; and
- iii. Revision dates.
- g. *Endorsements and Explanations*. The following endorsements and explanations shall be submitted with a primary plat:
 - i. Form for endorsement by Owner.
 - ii. Description of drainage easements, site easements, reservations, etc.
 - iii. Surveyors Certificate.
 - iv. Deed of Dedication.
 - v. Description of Real Estate/Property.
 - vi. Stormwater Narrative.

2. Secondary Plat Specifications.

- a. *Prepared by Surveyor*. The plat sheet(s) shall be prepared by a Professional Land Surveyor licensed to practice in the State of Indiana. The sheet shall be sealed and signed by the professional preparing it and shall be tied to state plane coordinates for horizontal controls.
- b. *Form and Scale*. All sheets shall be formatted as twenty-four (24) inches by thirty-six (36) inches and drawn to a convenient scale.
- c. *Conformity to Primary Plat*. The secondary plat may be deemed to substantially conform to the primary plat if the geometrics of the secondary plat are substantially the same layout. The addition, removal, or alteration of road patterns, lot sizes, and total number of lots shall result in a resubmission of the plat for approval by the PC rather than the Administrator unless such changes were a condition of the primary plat



- approval. The addition or removal of easements to accommodate utilities or drainage shall not constitute a substantial change in conformity.
- d. *Monuments*. Monuments shall be set on all lot corners in accordance with 865 IAC.
 - e. *Project Information*. The following project information shall be submitted with a secondary plat:
 - i. Name of the project.
 - ii. All lots or outlots intended for sale or lease shall be designated with boundary lines and numbered or labeled for identification purposes.
 - iii. Proposed water mains, fire hydrants, storm sewers, sanitary sewers, culverts, bridges, and other utility structures or facilities within, adjacent to, or serving the subject land, including pipe sizes, grades, and locations.
 - iv. Private areas, common areas, or other excluded parcels shall be designated as such and clearly labeled on the plat and plans.
 - v. Building setback lines, showing dimensions.
 - vi. Street sign locations and monument sign location, including dedicated easement or dedicated common area.
 - vii. Easements.
 - f. *Endorsements and Explanations*. The following endorsements and explanations shall be submitted with a secondary plat:
 - i. Form of endorsements by PC President and Administrator;
 - ii. Form for Recording Data;
 - iii. Form for endorsement by every person having a security interest in the property that they are subordinating their liens to all covenants, servitudes, and easements imposed on the property;
 - iv. Notation of any self-imposed restrictions;
 - v. Surveyors Certificate;
 - vi. Deed of Dedication;
 - vii. Description of Real Estate/Property; and
 - viii. By the subdivider(s)/landowner(s) and/or any other owner(s) of record, a notarized statement that said subdivider(s) and/or other landowner(s) is/are the owner(s) of the land and the platting of the subdivision is the subdivider's and/or other owner's voluntary act and deed. The subdivider(s) and/or landowner(s) shall declare in this certificate by description or reference to the plat the purpose of all rights-of-way, easements, and other reservations shown on the plat.
 - g. *Record Drawings*. Record drawings shall be submitted in the current format required by the jurisdiction.
3. **Construction Drawings**. As part of the submittal of a construction drawing, the following shall be provided:
- a. *Applicant Responsibilities*. All items required for the primary plat in Section 6.E.1.c, *Applicant Responsibilities*.
 - b. *Project Information*. All items required for the primary plat in Section 6.E.1.d, *Project Information*.
 - c. *Site Conditions*. All items required for the primary plat in Section 6.E.1.e, *Site Conditions*, as well as full landscape, signage, and lighting plans.



- d. *Additional Plans.* Plans and profiles showing:
 - i. Roadways;
 - ii. Sewers;
 - iii. Water and fire hydrants;
 - iv. The locations and typical cross-sections of all street pavements including curbs and gutters; sidewalks; drainage easements; servitudes; rights-of-way; manholes; and catch basins;
 - v. The location, size and invert elevations of existing proposed sanitary sewers, stormwater drains, water mains, and fire hydrants;
 - vi. The connection to any existing or proposed utility system;
 - vii. The location and size of all water or other underground utilities and structures;
 - viii. Compliance with ADA requirements for sidewalks and crosswalks;
 - ix. Additional info as required by the Administrator and/or City Engineer; and
 - x. A set of digital as-builds that must be submitted for all public information and must be survey accurate.
 - xi. If the subdivision disturbs more than one (1) acre, detailed erosion control and sediment control plans, pursuant to 327 IAC 15-5 (Rule 5), as amended, as administered by Indiana Department of Environmental Management (IDEM) shall be submitted to Decatur County Soil and Water Conservation District.
 - xii. Drainage plans shall be submitted to the Drainage Board, as applicable. Prior to approving a secondary plat, the Decatur

County Drainage Board must approve the drainage plans, as applicable.

F. Construction and Development Process.

1. **Generally.** Once primary and secondary plats and the associated construction plans have been approved by the Administrator, the PC and/or any other required agencies, as appropriate, the construction and development process may commence.
2. **Bond Determination Letter.** Per each development, a bond determination letter will be sent to the developer to determine how much and which performance / maintenance bonds will be required. Bonds include but are not limited to: water, stormwater, street, sidewalk, monumentation, signage, landscaping, electric, pavement erosion control, fire hydrants, etc. Any infrastructure or public works installed by the City that requires reimbursement must be bonded by the developer regardless of which construction option is chosen below in Section 6.F.3 of the UDO.
3. **Construction Process Options.** A developer may choose to construct the improvements and then record the plat, or they may post performance surety and then record the plat. Shown below is the process required for each of the two different options.
 - a. *Option 1: Construct Improvements then Record Plat.*
 - i. *Install Infrastructure.* Infrastructure shall be installed per the approved construction plans except for the final coat of asphalt on the roadways.
 - ii. *Inspect Infrastructure.* Once complete, the improvements shall be reviewed and inspected by the City Engineer to ensure that they have been completed in a satisfactory



manner. This includes, but is not limited to, roads, curbs, gutters, street signs, sidewalks, drainage facilities, water facilities, sewer facilities, electric facilities, and any other utilities as required by this UDO or any other applicable ordinance. The City Engineer does not inspect infrastructure not owned or managed by the City. City-owned utilities are inspected by each respective utility. All infrastructure improvements and/or utilities required by this UDO shall be installed prior to recording the plat and any inspections of these should be directly coordinated with the respective local providers.

- iii. *Cost Estimate and Deposit for Final Coat of Asphalt.* The applicant shall submit a reliable estimate for the cost of completing the final coat of asphalt on the roadways to the satisfaction of the City Engineer. Once approved by the City Engineer, the applicant shall pay cash funds to the City in an amount equal to one hundred and twenty percent (120%), or amount as approved by the City, of the approved estimate amount.
- iv. *Execute and Record Plat.* The plat shall be executed and recorded in accordance with Section 6.F.5 of the UDO.
- v. *Complete Final Coat of Asphalt.* Once development has occurred to the satisfaction of the City Engineer and at least eighty percent (80%) of the lots are developed, the final coat of asphalt for the roadways shall be installed by the applicant. Base and subbase courses of asphalt shall not be exposed to a freeze thaw cycle. In all cases, the base and subbase courses of asphalt pavement shall be

covered with a surface course by November 1 of each calendar year. A sealant may be used in lieu of a surface course if approved by the Administrator.

- vi. *Post Maintenance Surety and Release Funds.* The applicant shall post maintenance surety for the roadways and/or other determined sureties, in accordance with Section 6.F.4 of the UDO. When the final coat of asphalt has been installed on the roadways to the satisfaction of the City Engineer and Board of Works, the applicant can request eighty percent (80%) of the cash funds from the performance surety for the final coat of asphalt be released by the City and returned to the applicant. The remaining funds will be applied to the maintenance surety. The City Engineer will not release any funds without being requested by the applicant.
- b. *Option 2: Post Performance Surety then Record Plat.*
 - i. *Post Performance Surety.* Once the secondary plat and the associated construction plans have been approved by required agencies, as appropriate, the developer can choose to post performance surety and then immediately record the plat.
 - ii. *Bond Determination and Cost Estimates.* The developer is required to provide a certified estimate of cost from a professional engineer for the City to review. It should include estimated amounts for both performance and maintenance bonds as determined by the bond determination letter.



- iii. *Delivery of Performance Bonds.* Once bonds have been determined and cost estimates approved, the developer will provide the required performance bonds.
- iv. *Recording Plat.* The plat shall be signed by necessary required parties before being recorded. It shall be the responsibility of the subdivider to record the signed secondary plat with the Recorder's Office. Once recorded, the subdivider shall provide the Administrator with the recorded and stamped secondary plat in the format(s) required by the Administrator. A plat or replat of subdivision must be recorded within two (2) years of being executed or within two (2) years of completion of infrastructure. Upon written request, the PC may extend the time limitation for two (2) years. If the Subdivider fails to record within this time period, the plat shall be null and void.
- v. *Post Maintenance Surety and Release of Performance Surety.* The applicant shall post maintenance surety for the roadways and/or other determined sureties, in accordance with Section 6.F.4 of the UDO. When the final coat of asphalt has been installed on the roadways; all required improvements, including those improvements relating to streets, curbs, storm drainage features, water mains, sanitary sewers, and street lights along with all improvements for pedestrian and bicycling facilities (if required) have been completed to the satisfaction of the City Engineer and Board of Works, the applicant can request eighty percent (80%) of the cash funds from the performance surety be released by the City and returned to the applicant. The remaining funds will be applied to the

maintenance surety. The City Engineer will not release any funds without being requested by the applicant.

4. Maintenance Surety.

- a. *Generally.* Maintenance surety shall be posted by the applicant to ensure that the improvements have been properly installed for the development. The amount of surety shall be approved by the City Engineer and in a form to the satisfaction of the City Engineer. After three (3) years, the applicant can request that the City Engineer release or return the maintenance surety. The City Engineer will not release any funds without being requested by the applicant.
- b. *Form of Surety.* Maintenance surety shall be a bond or cash deposit.
- c. *Release of Surety for Cash Deposits.* When the final coat of asphalt has been installed on the roadways to the satisfaction of the City Engineer, the applicant can request eighty percent (80%) of the cash funds from the performance surety be released by the City and/or returned to the applicant. The remaining balance will be applied to the maintenance surety.
- d. *City Use of Funds.* Any monies received by the City shall be used only for making the required improvements and installations for which the surety was provided in the event the subdivider defaults on the agreement. This money may be used for these purposes without appropriation. The improvements and installations must conform to the standards of this UDO and any other City standards.

5. Recording of Secondary Plats.

- a. *Plat Execution.* Prior to recordation at the Recorder's Office, the plat shall be signed by the necessary required parties.



- b. *Plat Recordation.*
- i. *Subdivider Responsibilities.* It shall be the responsibility of the subdivider to record the signed secondary plat with the Recorder's Office. Once recorded, the subdivider shall provide the Administrator with the recorded and stamped secondary plat in the format(s) required by the Administrator.
 - ii. *Timeframe to Record.* A plat or replat of a subdivision must be recorded within two (2) years of being executed or within two (2) years of completion of infrastructure. Upon written request, the PC may extend the time limitation for two (2) years. If the Subdivider fails to record within this timeframe, the plat shall be deemed to be null and void.
- c. *Recordation Prohibition.* Pursuant to IC 36-7-4-710, a plat of a subdivision for the purposes of development may not be filed with the County Auditor, and the County Recorder may not record it, unless it has been granted secondary approval, signed, and certified by the Administrator. The filing and recording of the plat is without legal effect unless approved by the Administrator.





Chapter 7

Zoning Administration and Procedures

A. City Council. The Greensburg City Council shall have the following authority subject to the provisions of this UDO, Title III, Chapter 31, Legislative Authority, of the City of Greensburg, IN Code of Ordinances and the applicable provisions of Indiana Code (IC):

Table 7-1, City Council Authority			
PROCESS	CITY COUNCIL'S ACTION	UDO CROSS REFERENCE	APPLICABLE INDIANA CODE (IC)
Comprehensive Plan: Adoption or Amendment	Final - Adopts by Resolution	Section 7.B.6.d	IC 36-7-4-500 Series
Unified Development Ordinance (UDO): Adoption or Amendment	Final – Adopts by Ordinance	Section 7.B.7.e	IC 36-7-4-600 Series
Zoning Map: Adoption or Amendment (Rezoning)	Final - Adopts by Ordinance	Sections 7.B.8.d and 7.B.8.g	IC 36-7-4-600 Series
Written Commitment	Final – Adopts by Resolution ¹	Section 7.B.10.d	IC 36-7-4-1015
Note: 1. Written commitments related to a zoning map amendment or an annexation are approved by the City Council. Other types of written commitments are approved and/or modified by either the Planning Commission or the Board of Zoning Appeals.			

B. Plan Commission (PC).

1. Establishment and Membership.

a. *PC Establishment.* The Plan Commission (PC) shall be established in accordance with IC 36-7-4-200 Series and City of Greensburg Code of Ordinances § 33.51, *City Plan Commission Created.*

b. *PC Membership and Organization.* The PC shall be composed in accordance with IC 36-7-4-207(b) and City of Greensburg Code of Ordinances § 33.52, *Composition.* All citizen members of the PC shall meet the qualifications outlined in IC 36-7-4-216 and City of Greensburg Code of Ordinances § 33.53, *Qualifications; Terms; Compensation.*

c. *PC Alternate Members.* In accordance with IC 36-7-4-220, the appointing authority may also appoint an alternate member to participate with the PC in a hearing or decision if the regular member appointed by the appointing authority has a disqualification due to conflict of interest. An alternate member has all the powers and duties of a regular member while participating in the hearing or decision.

d. *Officers.* The PC shall elect officers from among its membership in accordance with IC 36-7-4-300 Series, City of Greensburg Code of Ordinances § 33.55, *Officers,* and City of Greensburg Code of Ordinances § 33.56, *Secretary; Employees.*

2. Duties and Powers. The PC shall have all duties and powers as specified in IC 36-7-4, *Local Planning and Zoning,* and City of Greensburg Code of Ordinances § 33.57, *Powers and Duties.* These powers and duties include, but are not limited to the power to:

- a. Certify all official acts;
- b. Adopt rules for the administration and conduct of the PC and its business, including uniform rules pertaining to investigations and hearings;
- c. Adopt and maintain a schedule of uniform fees for permits and processes;
- d. Delegate responsibilities relating to ordinance administration and enforcement to the Administrator and to other appropriate committees, departments, and personnel;



- e. Keep a complete record of all proceedings, and to record and file all bonds and contracts and assume responsibility for the custody and preservation of all papers and documents;
- f. Prepare, publish, and distribute reports, plans, ordinances, and other materials relating to the activities authorized under this chapter;
- g. Permit, require, modify, and terminate commitments, in accordance with IC 36-7-4-1015, *Commitments; enforcement*;
- h. Approve the assignment of street numbers to lots and structures and the naming of streets, including renumbering or renaming pursuant to IC 36-7-4-405; and
- i. Establish advisory and review committees as necessary, and determine the powers and duties, authority, and membership of said committees.

3. **PC Authority.** The PC is hereby authorized to perform those duties and functions specified in IC 36-7-4, *Local Planning and Zoning*, and other applicable chapters and sections of Indiana law. The PC shall have the following authority:

Table 7-2, Plan Commission (PC) Authority			
APPLICATION TYPE	PC'S ACTION	UDO PROCESS	APPLICABLE INDIANA CODE
Comprehensive Plan: Adoption or Amendment	Recommendation after Public Hearing to City Council	Section 7.B.6	IC 36-7-4-500 Series
Unified Development Code (UDO) Adoption or Amendment	Recommendation after Public Hearing to City Council	Section 7.B.7	IC 36-7-4-600 Series

Table 7-2, Plan Commission (PC) Authority			
APPLICATION TYPE	PC'S ACTION	UDO PROCESS	APPLICABLE INDIANA CODE
Zoning Map: Adoption or Amendment (Rezoning)	Recommendation after Public Hearing to City Council	Section 7.B.8	IC 36-7-4-600 Series
Development Plan	Final	Section 7.B.9	IC 36-7-4-1400 Series
Written Commitment	Final ¹	Section 7.B.10	IC 36-7-4-1015

Note: 1. Written commitments are to be finalized by the PC for any action related to a development plan that is unrelated to a zoning map amendment or an annexation. There are other types of written commitments that are approved and/or modified by either the City Council or the Board of Zoning Appeals.

4. **PC Meetings, Public Records, Quorum, and Actions.**

- a. *Meetings.*
 - i. Regular meetings of the PC shall be held monthly at a regularly fixed time in accordance with City of Greensburg Code of Ordinances § 33.54.A, *Meetings*.
 - ii. Special meetings of the PC may be called as provided by IC 36-7-4-307.
- b. *Record.* The minutes, all applications, exhibits, and papers filed in any proceeding before the Plan Commission, the staff report, and the decision of the Plan Commission shall constitute the record. The record shall be maintained for public inspection in the Building, Planning, and Zoning Department.
- c. *Quorum.* No official action shall be taken by the PC without a quorum being present. A quorum is



defined by IC 36-7-4-301 as a majority of the entire membership of the PC, who are qualified to vote by both this UDO and IC 36-7-4-300 Series. Pursuant to City IC 36-7-4-302, *Organization; Official Action*, and the Greensburg City Code of Ordinances § 33.54.B, *Quorum*, official action of the PC requires authorization by a majority of the entire membership of the Plan Commission at a regular or special meeting.

- d. *Recordation of Actions.* Every recommendation or decision of the PC upon an application filed pursuant to this ordinance shall be repeated in the summary minutes. Where required by law, such actions shall include written findings of fact based upon criteria used in making the decision. The minutes shall expressly set forth any limitations, written commitments, or conditions recommended or imposed by the PC.

5. PC Processes for All Application Types.

- a. *Pre-Application Conference.* Prior to filing an application for any PC process, an applicant shall schedule a required pre-application meeting with the Administrator, which may be held in-person or virtually (video conference). This step gives the applicant the opportunity to discuss the procedures for approval with the Administrator as well as the requirements and regulations for development.
- b. *Application.* The applicant shall submit the appropriate official application in complete form. A complete application includes all the required supporting documentation, in addition to the official application form.
- c. *Public File.* Once the Administrator determines that an application is complete and in proper form, they shall assign a file number and create a public file.

- d. *Additional Information.* The Administrator or the PC may require additional information be provided at the expense of the applicant, to enable review and assessment of the application. Such additional information may include impact studies, assessments, etc.
- e. *Appeals.* Any decision of the PC may be appealed to any court of competent jurisdiction provided that the person has exhausted all available administrative remedies. However, nothing in this UDO expands the right to judicial review as provided by Indiana law.

6. Comprehensive Plan Adoption or Amendment Process.

- a. *Public Notice.* Notice of public hearing shall be in accordance with IC 36-7-4-507.
- b. *Public Hearing.* The PC shall consider the adoption or amendment of the Comprehensive Plan or any of its Components after a public hearing has been held and in accordance with IC 36-7-4-508.
- c. *Certification of Recommendation.* Within ten (10) business days after the PC determination, the PC shall certify their recommendation to the City Council.
- d. *Final Action by City Council.* Upon receipt of PC's certification, the City Council shall vote on the proposed Comprehensive Plan adoption or amendment. Final action by the City Council shall be in accordance with IC 36-7-4-509, IC 36-7-4-510, and IC 36-7-4-511, and City of Greensburg Code of Ordinances § 33.58, *Preparation of Master Plan.*

7. UDO Adoption or Amendment Process.

- a. *Public Notice.* Notice of public hearing shall be in accordance with IC 36-7-4-604 and IC 36-7-706.



- b. *Public Hearing.* The PC shall consider the adoption or amendment of the UDO at a public hearing.
 - c. *Recommendation.* After consideration, the PC shall make a favorable, unfavorable, or no recommendation to the City Council.
 - d. *Certification of Recommendation.* Within ten (10) business days after the PC determination, the PC shall certify their recommendation to the City Council.
 - e. *Final Action by City Council.* Upon receipt of PC's certification, the City Council shall vote on the proposed UDO adoption or amendment. Final action by the City Council shall be in accordance with IC 36-7-4-600 Series and IC 36-7-4-700 Series.
8. **Zone Map Amendment (Rezoning) Process.** In accordance with IC 36-7-4-600 Series for zone map changes and the PC Rules and Procedures, the PC shall hear and make recommendations regarding zone map changes.
- a. *Rezoning Initiation.* In accordance with IC 36-7-4-602(c)(1) rezoning may be initiated by the PC, by the City Council, or by owners of fifty percent (50%) or more of the area involved in the petition.
 - b. *Rezoning Public Notice.* Notice of public hearing shall be in accordance with IC 7-4-604 and the PC Rules and Procedures.
 - c. *Rezoning Public Hearing.* The PC shall consider the zone map change at a public hearing. The applicant shall be in attendance to present their application and address the criteria and answer any questions or concerns of the PC.
 - d. *Rezoning Criteria.* Per IC 36-7-4-603, when considering a rezoning, the Plan Commission and

City Council shall pay reasonable regard to the following criteria:

- i. The Comprehensive Plan;
 - ii. Current conditions and the character of current structures and uses in each district;
 - iii. The most desirable use for which the land in each district is adapted;
 - iv. The conservation of property values throughout the jurisdiction; and
 - v. The responsible development and growth.
- e. *Rezoning Recommendation.* After consideration, the PC shall make a favorable, unfavorable, or no recommendation to the City Council. Any of the said recommendations may include conditions and/or written commitments in accordance with IC 36-7-4-1015 and Section 7.B.10, *Written Commitment Process.*
- f. *Certification of Recommendation.* Within ten (10) business days after the PC determination, the PC shall certify their recommendation to the City Council.
- g. *Rezoning Final Action by City Council.*
- i. Upon receipt of PC's certification, the City Council shall vote on the proposed zone map change within ninety (90) calendar days. Final action by the City Council shall be in accordance with IC 36-7-4-600 Series.
 - ii. If the rezoning proposal is adopted by the City Council, the PC shall update the zone map accordingly.
 - iii. If the rezoning proposal is denied by the City Council, the proposal cannot be resubmitted for one (1) year unless the Administrator



determines there is a substantial change to the application.

- h. *No Rezoning Expiration.* Approval of a zone map change shall run with the land and shall not be subject to expiration.
 - i. *Rezoning Amendment.* Any amendment of a zone map change shall be done in accordance with the IC 36-7-4-600 Series for zone map changes, using the same process as that for a zone map change. An amendment of an imposed condition or commitment shall be done in accordance with IC 36-7-4-1015 and Section 7.B.10.d, *Modification or Termination.*
 - j. *Rezoning to Neighborhood Business District (B-N).* Any applicant wishing to rezone their property to the Neighborhood Business District (B-N) shall meet the following requirements:
 - i. The property must be fronting a street classified as a collector or above by the City's Future Transportation Map within its most recent edition of its Comprehensive Plan;
 - ii. Existing infrastructure including but not limited to parking, lighting, and adequate site access must exist to accommodate the proposed use; and
 - iii. The proposed use must be adjacent to an existing non-residential zoning district.
9. **Development Plan Process.** In accordance with IC 36-7-4-1400 Series and the PC Rules and Procedures, the PC shall hear and make decisions regarding development plans that are required for specific land use designations by Sec. 2.B, *Zoning Districts*, of this UDO.

- a. *No Public Notice.* Pursuant to IC 36-7-4-1404(b), public notice is not required for development plans.
- b. *Technical Review.* After receiving a complete application and creating a public file, the Administrator shall forward the development plan to the Technical Review Committee (TRC) for review. At the discretion of the Administrator, the TRC review may be held in person or remotely (virtually, by telephone, or by email). The Administrator shall compile the TRC's written comments for the applicant and include them in the public file.
- c. *Development Plan Revision.* After the technical review, the applicant shall make the necessary modifications to the plans and resubmit to the Administrator. The Administrator may require additional internal review and/or the resubmittal of additional revised plans before reconsidering the development plan.
- d. *Administrator Development Plan Approval.* If the revised plans have adequately addressed the comments from the TRC, and meet all standards of this UDO, the Administrator shall approve the development plan.
- e. *Administrator Development Plan Disapproval.* If the revised plans have not adequately addressed the comments from the TRC, or do not meet all standards of this UDO, the Administrator shall disapprove the development plan.
- f. *Action by Plan Commission.* The Administrator may, for any reason and at any time before taking any action on a development plan submittal, refer the development plan to the PC for review and action.
 - i. *Written Request by Applicant.* The Applicant may submit a written request for a public



meeting with the Plan Commission to the Administrator, before the Administrator takes action, if the applicant disagrees with any TRC comment(s). This request shall be submitted along with applicant's written explanation of the technical disagreement. Upon receipt of this written request, the Administrator shall set a date for a PC public meeting.

- ii. *Public Meeting.* The PC shall consider the development plan at a public meeting. The applicant shall be in attendance to present their plan and address any questions or concerns of the PC.
- iii. *Decision by the PC.* The PC shall consider any contested TRC comments before making a final decision on the development plan. The PC shall approve, approve with conditions or written commitments, or deny the development plan.
- iv. *Final Approval Action.* A development plan is not considered final and ready for construction until revised plans have been received and approved by the Administrator per the terms of the PC's decision, including execution of any required conditions or written commitments.
- g. *Development Plan Expiration.* A development plan approval, whether by the Administrator or the PC, shall be valid for three (3) years from the date of approval, as long as, all applicable permits have been obtained and construction has begun within one (1) year of the date of final approval action. If this does not happen, the development plan approval is automatically voided.
- h. *Development Plan Amendment.* An amendment to a development plan may be approved by the

Administrator after internal review by the TRC members. As with the initial development plan, the Administrator may, for any reason, send the requested amendment to a public meeting of the PC for review and action.

10. **Written Commitment Process.**

- a. *Form.* A written commitment shall follow the format set forth by the City Attorney and must identify any specially affected persons or class of specially affected persons who may enforce the written commitment. The written commitment form must be approved by the Administrator before it is recorded.
- b. *Recording.* An approved written commitment shall be recorded by the applicant in the Decatur County Recorder's Office and takes effect upon the adoption of the proposal to which it relates. Following the recording of a written commitment, the applicant shall return a stamped copy of the recorded written commitment to the Administrator for the associated file.
- c. *Written Commitment Binds Owner.* Unless it is modified or terminated in accordance with this section, a recorded written commitment is binding on the owner of the parcel, all subsequent owner(s) of the parcel, and any other person who acquires an interest. An unrecorded written commitment is still binding on the owner of the parcel who made the commitment as part of an application process.
- d. *Modification or Termination.* Except for a written commitment modified or automatically terminated in accordance with this section, a written commitment may be modified or terminated only by a decision of the City Council.



c. Board of Zoning Appeals (BZA)

1. Establishment and Membership.

- a. *BZA Establishment.* The Board of Zoning Appeals (BZA) shall be established in accordance with IC 36-7-4-900 Series.
- b. *BZA Membership and Organization.* The BZA shall have membership in accordance with IC 36-7-4-902(a).
- c. *Alternate Members.* In accordance with IC 36-7-4-909, the BZA may also appoint an alternate member to participate in a hearing or decision if the regular member appointed by the appointing authority has a disqualification due to conflict of interest. An alternate member has all the powers and duties of a regular member while participating in the hearing or decision.

2. Duties and Powers. The BZA shall have all duties and powers as specified in IC 36-7-4-900 Series, and this UDO. These powers and duties include, but are not limited to the power to:

- a. Adopt rules for the administration and conduct of the BZA and its business, including uniform rules pertaining to investigations and hearings;
- b. Keep a complete record of all proceedings, and to record and file all bonds and contracts and assume responsibility for the custody and preservation of all papers and documents of the BZA;
- c. Prepare, publish, and distribute reports, plans, ordinances, and other materials relating to the activities authorized under this chapter; and
- d. Permit, require, modify, and terminate commitments, in accordance with IC 36-7-4-1015.

3. BZA Authority. The BZA is hereby authorized to perform those duties and functions specified in IC 36-7-4-900 Series and other applicable sections of Indiana law. The BZA shall have the following authority:

Table 7-3, Board of Zoning Appeals (BZA) Authority			
AUTHORITY	BZA's ACTION	UDO CROSS REFERENCE	APPLICABLE INDIANA CODE
Administrative Appeal	Final after Public Hearing - Adopts Findings	Section 7.C.6	IC 36-7-4-918.1
Special Exception	Final after Public Hearing - Adopts Findings	Section 7.C.7	IC 36-7-4-918.2
Variance of Use	Final after Public Hearing - Adopts Findings	Section 7.C.8	IC 36-7-4-918.4
Variance of Development Standards	Final after Public Hearing - Adopts Findings	Section 7.C.9	IC 36-7-4-918.5
Variance of Pond Construction Standards	Final after Public Hearing - Adopts Findings	Section 7.C.10	IC 36-7-4-918.5
Written Commitment	Final	Section 7.B.10	IC 36-7-4-1015
Note: 1. Written commitments are to be finalized by the BZA for any action related to a special exception, variance of use, or variance of development standards that are unrelated to a zoning map amendment or an annexation. There are other types of written commitments that are approved and/or modified by either the City Council or the Planning Commission.			



4. BZA Meetings, Public Records, Quorums, and Actions.

- a. *Meetings.*
 - i. Regular meetings of the BZA shall be held as provided by a schedule adopted annually as an addendum to the BZA’s Rules and Procedure.
 - ii. Special meetings of the BZA may be called by the chairman or by two (2) members of the BZA upon written request to the secretary.
- b. *Record.* The minutes; all applications, exhibits, and papers filed in any proceeding before the BZA; the staff report; and the decision of the BZA shall constitute the record. In accordance with IC 36-7-4-915, the record shall be maintained for public inspection in the Building, Planning, and Zoning Department.
- c. *Quorum.* No official action shall be taken by the BZA without a quorum being present. A quorum is defined by IC 36-7-4-910 as a majority of the entire membership of the BZA, who are qualified by IC 36-7-4-902.
- d. *Action.* Every recommendation or decision of the BZA shall be repeated in the summary minutes. Where required by law, such actions shall include written findings of fact based upon criteria used in making the decision. The minutes shall expressly set forth any limitations, written commitments or conditions recommended or imposed by the BZA.

5. BZA Processes for All Application Types.

- a. *Pre-Application Conference.* Prior to filing an application for any BZA process, the applicant shall schedule a required pre-application meeting with the Administrator, which may be held in-person or virtually (video conference). This step gives the applicant the opportunity to discuss the

procedures for approval with the Administrator as well as the requirements and regulations for development.

- b. *Application.* The applicant shall submit to the Administrator a completed application in accordance with the requirements of this UDO. A complete application includes all the required supporting documentation, in addition to the official application form.
 - c. *Public File.* Once the Administrator determines that an application is complete and in proper form, a file number shall be assigned to create a public file.
 - d. *Additional Information.* The Administrator or the BZA may require additional information be provided at the expense of the applicant, to enable review and assessment of the application. Such additional information may include impact studies, assessments, etc.
 - e. *Appeals.* Any decision of the BZA may be appealed to any court of competent jurisdiction provided that the person has exhausted all available administrative remedies. However, nothing in this UDO expands the right to judicial review as provided by Indiana law.
- 6. Administrative Appeal Process.** In accordance with IC 36-7-4-918.1 and the BZA Rules and Procedures, the BZA shall hear and determine appeals from and review the decisions below. In addition, all appeals shall be made pursuant to IC 36-7-4-1000 Series.
- a. *Applicability.* The BZA shall hear appeals to any order, requirement, decision, determination, or enforcement action made by the Administrator, another administrative official, hearing officer, or staff member under the UDO.
 - b. *Public Notice.* Public notice is not required for appeals.



- c. *Public Hearing.* The BZA shall consider the appeal at a public hearing. The applicant shall be in attendance to present their appeal and address any questions or concerns of the BZA.
 - d. *Final Decision.* The BZA may affirm, reverse, or modify the decision, interpretation, order, or action that is the subject of the appeal. The BZA may also add conditions or written commitments to their decision.
7. **Special Exception Process.** In accordance with IC 36-7-4-918.2 for special exceptions, and the BZA Rules and Procedures, the BZA shall hear and make decisions regarding applications for special exceptions.
- a. *Applicability.* Uses permitted by special exception as listed in Chapter 2, *Zoning Districts*, may be permitted by the BZA in the districts indicated in accordance with the standards and procedures set forth in this UDO.
 - b. *Public Notice.* Notice of public hearing shall be in accordance with the BZA Rules and Procedures.
 - c. *Public Hearing.* The BZA shall decide on whether to grant a special exception at a public hearing. The applicant shall be in attendance to present their case and address the decision criteria and any questions or concerns of the BZA.
 - d. *Decision Criteria.* When considering a special exception, the BZA shall find that the following criteria have all been satisfied:
 - i. The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, or general welfare;
 - ii. The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted;
- iii. Adequate utilities, roads, drainage, and other necessary facilities and infrastructure have been or are being provided;
 - iv. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public roadways; and
 - v. The special exception will be in a district where such use is permitted, and all other requirements set forth in this UDO that are applicable to such use will be met.
- e. *Final Decision.*
- i. *Approval.* If the BZA finds all the special exception criteria have been satisfied, it shall approve or approve with conditions and/or written commitments the request. Approval may be in the form of a general statement.
 - ii. *Denial.* If the BZA does not find that all the special exception criteria have been satisfied, it shall deny the special exception and shall adopt findings that specify the reason(s) for denial, including the criterion not met.
- f. *Expiration.* Approval of a special exception shall run with the land, except for the following:
- i. *Expiration for Failure to Begin New Construction.* All applicable permits shall be obtained and any new construction relevant to the special exception shall begin within three (3) years of the BZA's approval, or that approval shall expire.
 - ii. *Expiration for Failure to Occupy Existing Structures.* All applicable permits shall be



obtained and any existing structures relevant to the special exception shall be occupied within two (2) years of BZA approval, or that approval shall expire.

- iii. *Expiration for Unmet Conditions.* Approvals which include one (1) or more conditions by the BZA shall be met within one (1) year of BZA approval, or that approval shall expire.
 - g. *Amendment.* A special exception may only be amended by the BZA if the property owner submits a revised application and that application follows the same process as the original application, while meeting all the applicable standards.
8. **Variance of Use Process.** In accordance with IC 36-7-4-918.4 for variances of use, and the BZA Rules and Procedures, the BZA shall hear and make decisions regarding applications for variances of use.
- a. *Public Notice.* Notice of public hearing shall be in accordance with the BZA Rules and Procedures.
 - b. *Public Hearing.* The BZA shall consider the variance of use at a public hearing. The applicant shall be in attendance to present their case and address the decision criteria and any questions or concerns of the BZA.
 - c. *Decision Criteria.* Per IC 36-7-4-918.4, when considering a variance of use, the BZA shall find that the following criteria have all been satisfied:
 - 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 terms of the zoning ordinance 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.
- d. *Final Decision.*
- i. *Approval.* If the BZA finds all the variance of use criteria has been satisfied, it shall approve or approve with conditions and/or written commitments the request. Approval may be in the form of a general statement.
 - ii. *Denial.* If the BZA does not find that all of the variance of use criteria has been satisfied, it shall deny the use variance and shall adopt findings that specify the reason(s) for denial, including the criterion not met.
- e. *Expiration.* Approval of a variance of use shall run with the land, except for the following:
- i. *Expiration for Failure to Begin New Construction.* All applicable permits shall be obtained and any new construction relevant to the use variance shall begin within three (3) years of the BZA's approval, or that approval shall expire.
 - ii. *Expiration for Failure to Occupy Existing Structures.* All applicable permits shall be obtained and any existing structures relevant to the special exception shall be occupied within two (2) years of BZA approval, or that approval shall expire.



- iii. *Expiration for Unmet Conditions.* Approvals which include one (1) or more conditions by the BZA shall be met within one (1) year of BZA approval, or that approval shall expire.
- f. *Amendment.* A variance of use may only be amended by the BZA if the property owner submits a revised application and that application follows the same process as the original application, while meeting all the applicable standards.

9. **Variance from Development Standards Process.**
 In accordance with IC 36-7-4-918.5 for variances from development standards, and the BZA Rules and Procedures, the BZA shall hear and make decisions regarding applications for variances from development standards.

- a. *Applicability.* The BZA may vary the development standards in accordance with the procedures set forth in this section.
- b. *Public Notice.* Notice of public hearing shall be in accordance with the BZA Rules and Procedures.
- c. *Public Hearing.* The BZA shall consider the variance from development standards at a public hearing. The applicant shall be in attendance to present their case and address the decision criteria and any questions or concerns of the BZA.
- d. *Decision Criteria.* Per IC 36-7-4-918.5, when considering a variance of development standards, the BZA shall find that the following criteria have all been satisfied:
 - 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 ordinance will result in practical difficulties in the use of the property;
 - iv. The variance granted is the minimum necessary; and
 - v. The variance granted does not correct a hardship caused by a former or current owner of the property.
- e. *Final Decision.*
- i. *Approval.* If the BZA finds all the development standards variance criteria have been satisfied, it shall approve or approve with conditions and/or written commitments the request. Approval may be in the form of a general statement.
 - ii. *Denial.* If the BZA does not find that all the development standards variance criteria have been satisfied, it shall deny the development standards variance and shall adopt findings that specify the reason(s) for denial, including the criterion not met.
- f. *Expiration.* Approval of a developmental standards variance shall run with the land, except for the following:
- i. *Expiration for Failure to Begin New Construction.* All applicable permits shall be obtained and any new construction relevant to the development standards variance shall begin within three (3) years of the BZA's approval, or that approval shall expire.
 - ii. *Expiration for Failure to Occupy Existing Structures.* All applicable permits shall be obtained and any existing structures relevant to the development standards variance shall



be occupied within two (2) years of BZA approval, or that approval shall expire.

- iii. *Expiration for Unmet Conditions.* Approvals which include one (1) or more conditions by the BZA shall be met within one (1) year of BZA approval, or that approval shall expire.
- g. *Amendment.* A developmental standards variance may only be amended by the BZA if the property owner submits a revised application and that application follows the same process as the original application, while meeting all the applicable standards.

10. Variance from Pond Construction Standards.

- a. All of the requirements of Section 7.C.9, *Variance from Development Standards*, are applicable in addition to the requirements of this section (Section 7.C.10).
- b. The Decatur County Drainage Board must provide a favorable recommendation before the BZA may consider the requested variance.
- c. In addition to the findings identified in this Chapter for variances, the BZA must find that, “The proposed pond cannot comply with the requirements due to unique feature(s) existing on the property and either natural or man-made features exist or could be provided which would allow the pond to achieve the intent of the pond requirements.”

D. Administrator.

- 1. **Duties and Powers.** The Administrator shall be charged with the administration of this UDO and shall have the jurisdiction, authority, and duties described in this section:
 - a. *Assistance to the PC and the BZA.* The Administrator shall provide such technical

assistance as the PC and BZA including, but not limited to:

- i. Attending the meetings of the PC, BZA and City Council as needed;
 - ii. Informing each of the following bodies listed above of all the facts and information at the Building, Planning and Zoning Department’s disposal with respect to any application brought before them; and
 - iii. Assisting each body by performing research, preparing staff reports, and making recommendations on applications brought before them.
- b. *Information to the Public.* The Administrator shall provide and maintain public information for matters of the PC the BZA, this UDO, the Comprehensive Plan, and related City ordinances, plans and policies.
 - c. *Interpretation.* The Administrator shall interpret specific provisions as prescribed by this UDO.
 - d. *Receipt of Applications.* The Administrator shall receive all applications for any petition, permit, or process required to be filed pursuant to the UDO. Upon receipt of any such application, the Administrator shall see to its processing, which may include its prompt referral to and retrieval from officials, departments, committees, board or commission of the City or any other governmental unit or agency with any interest or duty with respect to such application.
 - e. *Enforcement.* The Administrator shall ensure enforcement of this UDO as prescribed by Chapter 9, *Enforcement, Violations, and Remedies.*



- f. *Inspections.* The Administrator shall conduct inspections to determine compliance with this UDO.
- g. *Calendar.* The Administrator shall prepare and maintain an annual Calendar of Meeting and Filing Dates for the Plan Commission and BZA to approve.
- h. *Records.* The Administrator shall maintain all records necessary for the Building, Planning, and Zoning Department.
- i. *Fees.* The Administrator shall maintain a schedule of fees for all applications, permits, and other processes outlined in this UDO including those requirements listed below. Until all applicable fees have been paid in full, no action shall be taken on any application or petition.
- j. *General Requirements.* Applications and petitions filed pursuant to the provisions of this UDO shall be accompanied by the applicable fee(s) specified in the adopted Fee Schedule. Fees shall be collected by the Administrator and shall be made payable to the City of Greensburg.
- k. *Collection of Fees.*
 - i. *Fees for Improvement Location Permit (ILP).* Non-refundable fees for an ILP shall be calculated during the review process and shall be collected before the ILP is issued. Any fees associated with re-inspections and additional inspections are non-refundable and shall be collected before a final inspection is scheduled or a certificate of occupancy is issued.
 - ii. *Fees for Applications to Plan Commission and BZA.* Non-refundable fees shall be collected at the time any application is filed.

- iii. *Erroneously Paid Fees.* A fee paid in error may be refunded at the discretion of the Administrator.

2. **Improvement Location Permit (ILP) Procedures.**

The Administrator, or their designee, shall be responsible for the issuance of ILPs in accordance with IC 36-7-4-800 Series.

- a. *Applicability.* An ILP shall be required for the erection, alteration, or modification of all structures within the jurisdiction including, but not necessarily limited to:
 - i. Primary structures;
 - ii. Accessory buildings and structures as set forth in this UDO;
 - iii. All fences, decks, patios, and slabs as set forth in this UDO;
 - iv. Signs as set forth in this UDO;
 - v. Temporary storage containers as set forth in this UDO;
 - vi. Wireless communication facilities both free-standing and those co-located upon an existing or pre-approved wireless communication facility.
- b. *Application.* The applicant shall apply for an ILP in accordance with the application packet adopted by the PC as part of the PC Rules and Procedures and shall be submitted in the format described therein. The filing fee for an ILP shall be paid in accordance with the adopted Fee Schedule. A public record of each ILP shall be retained in the Office of the Administrator in accordance with the retention rules established by the State Board of Accounts.



- c. *Final Inspection and Certificate of Occupancy.* A final inspection shall be completed for all ILPs that are constructed in compliance with all provisions of the UDO and other applicable codes. No structure shall be occupied or used, in whole or part, for any purpose until a final inspection is completed and a Certificate of Occupancy has been issued where required.
 - d. *Expiration.* An ILP shall be valid upon issuance.
 - e. *Amendment.* An amendment to an approved ILP may be submitted at any time for review and consideration by the Administrator. Additional fees may be assessed if applicable.
3. **Historic Design Guidelines.** The Administrator is charged with the approval of applications of the City's Historic Design Guidelines.

E. Technical Review Committee.

- 1. **Generally.** A regulatory body to be known as the Technical Review Committee (TRC) is hereby established for the purpose of:
 - a. Administering the requirements of this UDO;
 - b. Formulating staff recommendations;
 - c. Rectifying review comments between city departments and referral agencies; and
 - d. Providing cohesive and timely review of applications.
- 2. **Membership.**
 - a. The TRC shall be comprised of the city staff designated by the Administrator and representatives from each referral agency that reviews development projects in conjunction with the city.
 - b. Based on the nature of a development, TRC meetings can be limited to those staff and

agencies affected by the development or can be expanded to include additional agencies or staff with review responsibilities.

- 3. **Powers.** The TRC shall have the role to review and provide technical recommendations concerning any application specified in this UDO. It does not have the power to grant a variance or change zoning classification.
- 4. **Meetings.** TRC meetings shall be convened by the Administrator, as necessary.





Chapter 8

Nonconformities

A. General Provisions.

1. **Purpose.** It is the purpose of this UDO to permit these legal nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this UDO that nonconformities shall not be enlarged upon, expanded, extended, or intensified, nor be used as grounds for adding other structures or uses which are prohibited elsewhere in the same district.
2. **Types of Nonconformities.** Within the districts established by this UDO or by amendments that may later be adopted, there exist individually or in combination: legally nonconforming lots; legally nonconforming structures; legally nonconforming uses of land; and legally nonconforming zoning districts, which were lawful before this UDO was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this UDO or future amendments.
3. **Illegal Land Uses.** Illegal uses existing at the time this UDO is enacted shall not be validated by virtue of its enactment.
4. **Burden of Establishment of a Nonconformity.** The burden of establishing the legality of a nonconformity that is lawfully existing under the provisions of this UDO is upon the property owner of the nonconformity and not upon the jurisdiction.
5. **Prohibitions on Enlargement.** Nonconforming uses are declared by this UDO to be incompatible with permitted uses in the districts in which such uses are located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this UDO by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be

generally prohibited in the district in which such use is located.

6. **Construction Begins Prior to UDO Adoption.** To avoid undue hardship, nothing in this UDO shall be deemed to require a change in the plans, construction, or designated use of any building or development on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this UDO and upon which actual building construction has been carried on diligently.
7. **Demolition or Removal Prior to UDO Adoption.** Where demolition or removal of an existing building has been substantially begun prior to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried on diligently. Actual construction is hereby defined at a minimum as having a valid ILP upon the initial passage of this UDO.

B. Nonconforming Lots of Record.

1. **Compliance Required.** No person may use, occupy, or develop land, buildings, or other structures, or permit the use, occupancy, or development of land, buildings, or other structures except in accordance with all the provisions of this UDO. This includes the subdivision of property which shall be approved by the PC in accordance with the provisions of this UDO and filed with the Decatur County Recorder.
2. **General Provisions.** Where, at the time of adoption of this UDO, lawful lots of record exist which would not be permitted to be created by the regulations imposed by this UDO, the lot may be developed so long as it remains otherwise lawful, provided that:
 - a. The lot must be in separate record and not of continuous frontage with existing lots. This provision shall apply even though such lots fail to meet the requirements for area or width, or both, that are generally applicable in the district



provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

- b. All other provisions of this UDO are met or a variance from the BZA is obtained.

C. Nonconforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this UDO that could not now be built under the terms of this UDO by reason of restrictions on area, lot, height, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. A nonconforming structure may not be enlarged, altered, or added on to in a way that increases its nonconformity unless a variance is obtained from the BZA. However, any structure or portion thereof may be altered to decrease its nonconformity.
2. Should a nonconforming structure or nonconforming portion of structure be destroyed by any means to the extent of more than fifty percent (50%) of its area immediately prior to the damage, it shall not be reconstructed except in conformity with the provisions of this UDO.
3. Should such structure be moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
4. A nonconforming use may be extended throughout any parts of a building, which manifestly arranged or designed for such use at the time of adoption or amendment of this UDO, but no such use shall be extended to occupy any land outside such building.
5. If any such nonconforming structure is abandoned for any reason for more than one (1) year, such structure shall be required to conform to the regulations

specified by this UDO for the district in which such structure is located unless appropriate developmental standards variances are obtained from the BZA.

D. Nonconforming Site Features.

1. **General Provisions.** Where a lawful site feature exists at the effective date of adoption or amendment of this UDO that would not now be permitted by the regulations imposed by this UDO, such site feature may be continued so long as it remains otherwise lawful, subject to the provisions of this section.

The phrase site feature shall include landscaping, dumpster enclosures, parking space dimensions, number of parking spaces, fencing, screening, signs, vehicle access points and other similar requirements of this Ordinance. Site features shall not include any building setback or other similar requirements that address the structure(s) on a property.

2. **Continuation of Legal Nonconforming Site Features.** The continuation and modification of legal nonconforming site features shall be consistent with the following requirements.

- a. *Increases in Nonconformity.* No legal nonconforming site feature shall be altered, removed, or otherwise modified in a manner that increases the amount of nonconformity. Site features may be modified in a manner that maintains or lessens the extent of the nonconformity.
- b. *Property Redevelopment.* The removal and replacement of the primary structure on a lot to the extent that either its use must be discontinued for any period of time or a phased removal and replacement results in a completely new structure shall require all site features to be brought into compliance with all requirements of this Ordinance. For lots containing multiple primary structures this provision shall apply if a structure



or structures totaling more than seventy-five percent (75%) of the pre-demolition building area (cumulative from the effective date of this Ordinance) is removed and replaced with new development.

- c. *Use and/or Structure Expansion.* If the use of, or structure present on a property is expanded the corresponding site features shall be required to be modified to an extent which is proportional to the expansion. In addition, the screening of all refuse and recycling areas shall be updated to meet requirements of this UDO. Site features that are proportional to use and structures on a property include, but are not limited to, the number of parking spaces, lot interior landscaping, etc. Parking spaces shall also be brought into compliance with Americans with Disabilities Act standards, as required by the applicable local building code. All modifications to site features shall comply with the applicable requirements of this Ordinance.
- d. *Change of Use.* The change of use of a property shall require that all site features that are directly related to use be brought into compliance with this Ordinance. The primary site feature related to use is the number of parking spaces required. However, if the change of use results in a decrease in the extent of the nonconformity, compliance shall not be required. For example, if a new use requires fewer parking spaces than its predecessor, but more than are available on site, that use shall be permitted without additional parking being constructed.

E. Nonconforming Uses of Land.

1. **General Provisions.** Where, at the time of adoption of this UDO, lawful uses of land exist which would not be permitted by the regulations imposed by this UDO,

the uses may be continued so long as they remain otherwise lawful, provided that:

- a. A nonconforming use may be continued, but shall not be extended, expanded, or changed to another nonconforming use unless a use variance is obtained from the BZA.
 - b. A nonconforming use shall not be enlarged, increased, or intensified, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this UDO except as permitted by the BZA.
 - c. A nonconforming use shall not be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this UDO.
 - d. If any such nonconforming use of land is discontinued or abandoned for any reason for more than one (1) year, any subsequent use of such land shall conform to the regulations specified by this UDO for the district in which such land is located. There shall be no return to the previous nonconforming use after it is discontinued or abandoned for more than one (1) year unless a use variance is obtained from the BZA.
 - e. No additional structures not conforming to the requirements of this UDO shall be erected in connection with such nonconforming use of land.
2. **Provisions for Agricultural Uses.** Consistent with IC 36-7-4-616, an agricultural use of land that constitutes an agricultural nonconforming use may be changed to another agricultural use of land without losing agricultural nonconforming use status. In addition, an agricultural nonconforming use shall not be restricted or required to obtain a variance or special exception so long as an agricultural



nonconforming use has been maintained for three (3) years in a five (5) year period.

F. Nonconforming Uses and Structures in

Combination. Where a lawful use occupied by a lawful structure existed prior to the effective date of this UDO, as amended from time-to-time, where one or the other, or both, do not comply with the requirements imposed by this UDO, nonconforming combination of use and structure may be continued so long as they both remain otherwise lawful. Such a combination shall also be subject to the following provisions:

1. Where nonconforming status applies to a structure and land use in combination, neither shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered, except to change the use from a legally nonconforming use to a conforming use, in which case, such modifications shall be subject to the provisions of this UDO.
2. Where nonconforming status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the use, in which case, both the structure and the use shall be brought into conformance with the provisions of this UDO.

G. Nonconforming Zoning Districts. At the time of adoption of this UDO, some currently mapped zoning districts may no longer be listed in the text of the UDO. Unless otherwise noted, property zoned under these districts will continue to be zoned as such until such time as the property is rezoned to a conforming zoning district. Under no circumstances may any additional land be zoned to a nonconforming zoning district.





Chapter 9

Enforcement, Violations, and Remedies

A. Enforcement.

1. Purpose. This Chapter:

- a. Establishes the procedures that the City may use to assure compliance and enforcement of the provisions of this UDO; and
- b. Sets out the remedies and penalties that the City may use to seek to correct violations. The provisions of this Chapter are intended to encourage the voluntary correction of violations.

2. Applicability.

- a. *Compliance Required.* No person may use, occupy, or develop land, buildings, or other structures, or permit the use, occupancy, or development of land, buildings, or other structures except in accordance with all the provisions of this UDO. This includes the subdivision of property which shall be approved by the PC in accordance with the provisions of this UDO and filed with the Decatur County Recorder.
- b. *Continuation of Prior Enforcement Actions.* Nothing in this UDO shall prohibit the continuation of previous enforcement actions undertaken by the City pursuant to regulations in effect before the effective date of this UDO. Enforcement actions initiated before the effective date of this UDO, and amendments hereto, may be continued to completion or settlement under the terms of the regulations in effect prior to the effective date of this UDO.

3. Inspections and Investigations.

- a. *Required.* The Administrator, and other City officials, are authorized and directed to make such inspections and investigations as are necessary to determine compliance and/or enforcement this UDO.

- b. *Right of Entry.* The Administrator, and other City officials, shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this UDO.

- c. *Duty of Occupants.* It shall be the duty of every occupant of a property with common open space to give the Administrator access to any part of such park or any other common open space at reasonable times for the purpose of inspections as are necessary to effect compliance with this UDO.

4. Complaints.

- a. *Filing.* Whenever a violation of this UDO occurs, or is alleged to have occurred, any person may file a written complaint on the form approved by the PC as part of the adopted PC Rules and Procedures. The complaint shall state fully the causes and basis thereof and shall be filed with the Administrator. Complaints can however be made anonymously and verbally discussed with the Administrator.
- b. *Investigation.* The Administrator shall investigate the complaint, take immediate action, and may refer the matter to the PC, BZA, or their attorney for review.

B. Violations and Citations.

1. **Generally.** The Administrator shall enforce the regulations of the UDO and bring to the attention of the PC attorney any violations or lack of compliance.

2. Citations.

- a. *Issuance and Service.* The Administrator or his or her duly authorized designees may issue a civil zoning violation to a person who commits a civil zoning violation 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 shall be served by personal service, by certified 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 or she has committed a civil zoning violation.

- b. *Petition for Variance, Rezoning or Other Means.* If applicable, a person who receives a citation may file an application for a variance, conditional use permit, rezoning or other means provided by this UDO to correct the violation. A person who elects to file such an application shall do so with the Administrator; and ten (10) days after issuance of a citation. Any monetary fines shall be stayed until a decision on the application is made. A person who files the application within the aforementioned time period shall pursue the approval of the application in an expeditious fashion. If the application is denied, withdrawn, or dismissed and the civil zoning violation continues at the location, then the issue shall be brought before a court of competent jurisdiction.
- c. *Appeal of Citation.* If a person believes that a citation received is in fact an incorrect interpretation of the UDO by the Administrator or any other city official, then said person may file an administrative appeal of the decision for a hearing to be set with the Board of Zoning Appeals (BZA). See Section 7.C.6, *Administrative Appeal Process*. A person who elects to file such an appeal shall do so with the Administrator; and ten (10) days after issuance of a citation. Any monetary fines shall be stayed until a decision on the appeal is made. A person who files the appeal within the aforementioned time period shall pursue the approval of the appeal in an expeditious fashion. If the appeal is denied,

withdrawn, or dismissed and the civil zoning violation continues at the location, then the issue shall be brought before a court of competent jurisdiction.

3. Improvement Location Permit (ILP) Violations.

- a. *Construction Prior to Permit.* Any person who initiates construction prior to obtaining an ILP, Certificate of Occupancy, Letter of Approval, or any other required permit or required authorization shall be issued a citation as set forth in the Fee Schedule.
- b. *Participation in Offense.* The property owner of any building, structure or premises and any other person who participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties as prescribed by this Chapter or as assigned by a court of competent jurisdiction.

4. Zoning Violations. The property owner shall be held liable for any:

- a. Person, tenant, or occupant who violates any of the provisions of this UDO; or
- b. Violations of conditions or written commitments established in connection with any development plans, variances, special exceptions, or any structural alterations that are in violation of any approved plans.

5. Subdivision Control Violations. The property owner shall be held liable for any:

- a. Person, tenant, or occupant who violates any of the provisions of this UDO; or
- b. Violations of conditions or written commitments established in connection with any subdivisions or waivers/modifications of subdivision standards or any reconstruction or structural alterations relating



to any public or private property in violation of an approved plat.

and all court costs related to the investigation of the violation and/or the enforcement of this UDO.

c. Remedies and Penalties.

1. **Noncompliance.** Any person who violates any of the provisions of this UDO, fails to fully comply with any of the requirements, or builds, reconstructs, or structurally alters any building or site without approval shall be fined for each according to the Fee Schedule. Each day a violation(s) and/or noncompliance exists shall constitute a separate offense.
2. **Injunction.** The PC, the BZA, the Administrator, any designated enforcement official, or any person may jointly or separately institute a suit for injunction in any court of competent jurisdiction to restrain a person from violating the provisions of this UDO or to declare a public or private nuisance be abated in an appropriate manner.
3. **Stay of Work Pending Appeal and Restraining Order.** When an appeal from the decision of the Administrator has been filed with the BZA, all proceedings and work on the premises affected shall be stayed unless the Administrator certifies to the BZA, that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In that case, proceedings or work may not be stayed except by restraining order.
4. **Attorney's Fees.** If the BZA or the City is required to utilize the services of any attorney in investigating a possible violation of this UDO or enforcing the provisions of this UDO before any board or court, and such investigation results in a determination that a violation has occurred or if the BZA or City is successful in its enforcement of the UDO by way of suit, appeal, or other appropriate proceeding, the respondent, defendant, or party investigated for a violation shall pay the City's reasonable attorney fees





Chapter 10

Definitions and Rules of Interpretation

A. Rules of Interpretation.

1. **Provisions are Minimum Requirements.** In the interpretation and application of the UDO, the provisions of this ordinance shall be held to be the minimum requirements for the protection of the health, safety, comfort, convenience, and general welfare of the residents of the City.
2. **Conflicting Provisions.**
 - a. *Greater Restriction Applies.* Where this UDO imposes a greater restriction upon the use of a building, structure or premises than is imposed or required by such existing provisions of law, the provisions of this UDO shall control. Should there be determined to be a conflict between two provisions with the UDO, then the stricter provision shall apply.
 - b. *Private Agreements.* It is not the intent of this UDO to interfere with, abrogate, or amend any existing easements, covenants, or other private agreements between parties. Where private agreement imposes a greater restriction than is imposed by this UDO, enforcement of those private restrictions shall be between the parties. The City shall not enforce any private agreement.
 - c. *Text, Tables, and Illustrations.*
 - i. In case of any difference of meaning or implication between the text of this UDO and any illustrations, the text shall control.
 - ii. In case of a conflict between the text and a table, the text shall control.
 - iii. In case of a conflict between a table and an illustration, the table shall control.
3. **Administration.** The Administrator shall have the primary responsibility of administering the UDO within the jurisdiction. However, whenever a provision requires a City employee to do some act or perform

some duty, it is to be construed to authorize the employee to delegate a subordinate to perform the required act or duty, unless the terms of the provision specify otherwise.

4. **Other Requirements.** Nothing in this UDO shall eliminate the need for obtaining any other approval or entitlement required by other provisions of the City, the state, or any federal agency.
5. **Statutory Changes.** If any Indiana Code (IC) cited in this UDO has been amended, this UDO shall be deemed amended in reference to that new or revised provision of law.
6. **Severability.** If any provision or the application of any provision of this UDO is held unconstitutional or invalid by a court of competent jurisdiction, the remainder of the UDO or the application of such provision to other circumstances shall not be affected.
7. **Defined Terms.**
 - a. *UDO Terms.* Specific words and terms relative to this UDO are as defined in Section 10.B, *Definitions.*
 - b. *Code of Ordinance Terms.* Words not defined in this UDO but defined in any other parts of the City's Code of Ordinances shall be deemed to have the meaning provided in the City's Code of Ordinances.
 - c. *Other Terms.* Words not defined in this UDO or in any other part of the City's Code of Ordinances shall have the most appropriate meaning provided in a dictionary of common usage.
8. **Additional Rules of Interpretation.**
 - a. The use of the terms "including," "such as," or similar language are intended to provide examples, not to be exhaustive lists of all possibilities.



- b. The term “and” indicates that all items being referred to are connected, inclusive, and applicable. The term “or” indicates that one or more of the items being referred to shall apply.
- c. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and vice-versa.
- d. Words used in the plural number include the singular and vice-versa.
- e. The term “building” includes a “structure”; a “building” or “structure” includes any part of the building. A structure is, however, not necessarily a building.
- f. The terms “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied.”
- g. The words “shall”, “must”, and “will” are always mandatory.
- h. The words “should” and “may” are discretionary.

B. Definitions.

- 1. **Abandonment** means the cease or discontinuance of a use or activity without intent to resume as distinguished from short term interruptions such as during periods of remodeling, maintenance, or normal periods of vacation or seasonal closure.
- 2. **Abutting** means two lots sharing the same or common property lines. This definition does not include lots that are separated by an alley, street, or another right-of-way.
- 3. **Accessory Building** means a building detached from a principal building located on the same lot and which is incidental and subordinate to the principal building.

- 4. **Accessory Structure** means a structure detached from a principal building located on the same lot and which is incidental and subordinate to the principal structure.
- 5. **Accessory Solar Energy System** means a solar energy system whose primary purpose is to offset part or all of the beneficiary’s utility needs and is an accessory use to the principle structure or use.
- 6. **Accessory Use** means a use incidental to and customarily associated with a specific principal use, located on the same lot or parcel.
- 7. **Accessory Wind Energy System** means a land use for generating electric power from wind that is accessory to a legal principal use and intended to primarily serve the needs of the electric power consumer at that site.
- 8. **Adjacent** means two lots sharing the same or common property lines. The definition includes lots that are separated by an alley, street, or another right-of-way.
- 9. **Administrator** means the Building Commissioner or his or her designee, who shall enforce and interpret the provisions of this UDO.
- 10. **Adult Day Services Center** means a facility that provides services on a daily or regular basis, but not overnight, to four (4) or more elderly or handicapped persons who are not related by blood, marriage or adoption to the owner of the facility.
- 11. **Agritourism** means an accessory activity at an agricultural, horticultural, or agribusiness operation where the general public is allowed or invited to participate in, view, or enjoy the activities for recreational, entertainment, or educational purposes, including farming, ranching, dining, sale of agricultural products, historic and cultural agricultural activities, or natural resource-based activities.



12. **Alley** means a minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side or properties otherwise abutting a street, and which may be used for public purposes.
13. **Alternative Tower Structure** means any man-made trees, clock towers, bell steeples, light poles, water towers, farm silos, or similar alternative design mounting structures that conceal where technically feasible the presence of WCFs to make them architecturally compatible with the surrounding area pursuant to this UDO. A stand-alone pole in the right-of-way that accommodates small cell facilities is considered an alternative tower structure provided it meets the concealment standards of this UDO. Alternative tower structures are not considered towers, for the purposes of this UDO.
14. **Antenna** means any device used to transmit and/or receive radio or electromagnetic waves such as, but not limited to panel antennas, reflecting discs, microwave dishes, whip antennas, directional and non-directional antennas consisting of one or more elements, multiple antenna configurations, or other similar devised configurations.
15. **Applicant** means anyone who submits for a permit and/or approval through this UDO.
16. **Automated Teller Machine (ATM) Machine** means an automated mechanized consumer banking device operated by a financial institution for the convenience of its customers, whether inside or outside of a financial institution, or located in a structure unrelated to the financial institution operating it.
17. **Attached Accessory Dwelling Unit** means a dwelling unit that is structurally attached to a principal building which has separate front and/or rear access and separate kitchen facilities; does not include an upper-story residential; and is not larger than one-third ($\frac{1}{3}$) the size of the principal dwelling unit.
18. **Automobile Sales and Rental** means premises on which new or used passenger automobiles, trailers, recreational vehicles, or light trucks in operating condition are displayed for sale, lease, or rental. This includes used car sales or storage lots, and automobile or trailer display and sales rooms.
19. **Automobile Service Station** means any land, building, structure, or premises used for the general repair of automobiles including but not limited to engine rebuilding or reconditioning of motor vehicles; engine steam cleaning; transmission welding or rebuilding and installation; collision service such as body, frame and fender straightening and repair; and painting of motor vehicle after a collision, fire damage, water damage, or other natural disaster or for the purpose of restoration.
20. **Bank, Credit Union, and Financial Services** means any business regardless of whether said business is located in a freestanding building, kiosk or automated teller machines; that provides financial services and the transmission of funds.
21. **Base Station** means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The definition of base station does not include or encompass a tower as defined herein or any equipment associated with a tower.
22. **Beekeeping** means the keeping of bees on a residential property with no more than five (5) hives per allowable beekeeping residences.
23. **Billboard** means any sign that advertises a business, person, activity, goods, products or services not located on the premises where the sign is installed and maintained, or that directs persons to



a location other than the premises where the sign is installed and maintained.

24. **Block** means a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-ways, shorelines of waterways, or boundary lines of municipalities.
25. **Bufferyard** means a strip of land on the periphery of a property created to separate one type of land use or zoning district from another when they are incompatible or in conflict.
26. **Building** means any structure used or intended for supporting or sheltering any use or occupancy.
27. **Building Line** means a line parallel or approximately parallel to the right-of-way at a specified distance therefrom establishing the minimum distance from the right-of-way that a building may be erected.
28. **Building Materials and Hardware Store** means the retail sale, rental, or lease of durable consumer goods, or in the retail sale, rental, or lease of such goods in combination with repair and maintenance services and the sale of replacement parts and accessories. Stores which include in part the sale of raw materials such as lumber and/or brick are included within this definition and land use category. This includes lumber and building materials yards.
29. **Camouflage** means measures used in the design and siting of Wireless Communication Facilities (WCFs) with the intent to minimize or eliminate the visual impact of such facilities to surrounding uses.
30. **Cargo Terminal** means a facility used for the loading and unloading of materials to be distributed by either truck or train.
31. **Cemetery** means land primarily used or dedicated for the burial of the dead.
32. **Certificate of Occupancy** means a certificate stating that the occupancy and use of the land or a

building or structure referred to therein complies with the provisions of this UDO.

33. **Child Care Center** means a non-residential structure where at least one (1) child receives childcare from a provider:
 - a. While unattended by a parent, legal guardian, or custodian;
 - b. For regular compensation;
 - c. For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive calendar days per year, excluding intervening Saturdays, Sundays, and holidays; and
 - d. Is in full compliance with Indiana Code IC 12-17.2.
34. **Child Care Home** means 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 childcare from a provider:
 - a. While unattended by a parent, legal guardian, or custodian;
 - b. For regular compensation;
 - c. For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive calendar days per year, excluding intervening Saturdays, Sundays, and holidays; and
 - d. Is in full compliance with IC 12-17.2.
35. **City** means the City of Greensburg, IN.
36. **Code** means the Code of Ordinances for the City of Greensburg, IN.
37. **Collector Street** means a street that serves or is designed to serve as the connection from minor



- streets to major streets, such as the main entrance street of a residential development.
38. **Collocation** means the mounting or installation of transmission equipment on an Eligible Support Structure for the purpose of transmitting and /or receiving radio frequency signals for communications purposes.
 39. **Commercial Recreation and Amusement Services** means uses that provide commercial amusement indoors or outdoors including, but not limited to miniature golf; gymnasiums, athletic clubs, swimming pools, tennis courts, bicycle track (non-motor), ice skating, roller skating (blades), bowling, pool parlors, commercial baseball field, bath house; amusement parks; go-cart tracks; and riding stables.
 40. **Commercial Solar Energy System** means a solar energy system facility and all associated components, whose primary purpose is to collect, store, convert, and distribute solar energy to utility companies.
 41. **Commercial Vehicle** means a vehicle that is classified by the State of Indiana as either a Combination Vehicle or Heavy Straight Vehicle. A combination vehicle has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater. A heavy straight vehicle has a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 pounds or more), whichever is greater. Any commercial licensed vehicle that does not meet the requirements of either combination vehicle or heavy straight vehicle as defined above is not considered a commercial vehicle for the purposes of this UDO.
 42. **Commercial Wind Energy System** a land use for generating power by use of wind, utilizing wind turbine generators, including the turbine, blades, and tower as well as related electrical equipment.
 43. **Concealment** means utilization of elements of stealth design in a facility so that the facility looks like something other than a wireless tower or base station. Language such as “stealth,” “camouflage,” or similar in any permit or other document [required under this UDO] is included in this definition to the extent such permit or other document reflects an intent at the time of approval to condition the site’s approval on a design that looks like something else. Concealment can further include a design which mimics and is consistent with the nearby natural, or architectural features (such as an artificial tree), or is incorporated into (including without limitation, being attached to the exterior of such facility and painted to match it) or replaces existing permitted facilities (including without limitation, stop signs or other traffic signs or freestanding light standards) so that the presence of the WCF is not apparent. This definition does not include conditions that merely minimize visual impact but do not incorporate concealment design elements so that the facility looks like something other than a wireless tower or base station.
 44. **Contractor’s Shop and/or Supply Yard** means an area used to store and maintain construction equipment and other materials customarily used in the trade carried on by the construction contractor.
 45. **Correctional Institution** means any government establishment that manages and operates jails, prisons, and other similar institutions for the confinement, correction, and rehabilitation of offenders.
 46. **Covenant** means a private restriction on the use of land contained in the deed to the property.



47. **Cul-de-sac** means 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.
48. **Culvert** means a drain that channels water under a bridge, street, or driveway.
49. **Curb** means a continuous concrete boundary with a minimum height of four (4) inches and a maximum height of six (6) inches which provides for a change in grade between a street surface or another paved area and the adjacent area which may either be paved or unpaved.
50. **Deed** means a legal document conveying ownership of real property.
51. **Detached Accessory Building** means a structure on the premise that does not share a wall, roof, or another structural component with the primary building on the property and that is not a habitable space. Typical examples include, but are not limited to, sheds and barns.
52. **Detached Building** means a building that has no structural connection to another building.
53. **Developer** means any person engaged in developing a lot, group of lots, structures, or group of structures thereon for use or occupancy.
54. **Development** means any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
55. **Development Plan** means a specific plan for the development of real property that meets the requirements of I.C. § 36-7-1-6.
56. **Driveway** means a private accessway, primarily for vehicles, leading from a street to a dwelling unit, parking lot, parking garage, or loading area.
57. **Dwelling** means any building or portion thereof which is designed for or used for residential purposes.
58. **Duplex** means a detached building having separate accommodations for and occupied by not more than two (2) families.
59. **Easement** means an authorization grant by a property owner for the use by another of any debated part of his or her property for a clearly specified purpose or purposes.
60. **Eligible Support Structure**, as used in relation to a WCF, means any tower or base station provided that it is existing at the time the relevant application is filed with the City.
61. **Farming, Landscaping, and Horticultural Sales and Services** means the retail sale and services related to products for farming, landscaping, and horticulture.
62. **Fence** means a structure, including entrance and exit gates, designed, and constructed for enclosure or screening.
63. **Front Lot Line** means on an interior lot, the line separating the lot from the street. On a corner lot, the line separating the lot from either street.
64. **Front Yard Depth** means the distance measured from the edge of the front lot line to the nearest point of the building's foundation.
65. **Funeral Home** means a building used primarily for human funeral services. Such building may contain space and facilities for embalming, preparation of the dead for burial, casket storage, and undertaking services.



66. **Gasoline Station** means any building, land area, premises or portion thereof, where petroleum-based fuels or other petroleum products are sold and light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning may be conducted and convenience goods or services may be offered.
67. **Golf Course** means a tract of land that is designed for the game of golf, including tees, fairways, greens, and hazards. Such use may also include a clubhouse, pro shop, golf equipment rental, and incidental food vending.
68. **Governmental Service (Police, Fire, Emergency Medical Services)** means a local government facility for conduct of public safety and emergency services, including fire and police protection services and emergency medical and ambulance services.
69. **Greenhouse** means a facility where plants are raised inside a permanent structure constructed chiefly of glass or other translucent material which is devoted to the protection or cultivation of flowers or other tender plants.
70. **Grocery** means an establishment engaged in retail and/or wholesale sale of food, foodstuffs, sundries, or other common household items to members of the public.
71. **Ground Floor Area** means 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, breezeways, terraces, garages, and exterior or interior stairways.
72. **Group Home** means a non-profit or for-profit group home regulated under IC 31-27 or that is a protected class of residential accommodations per federal law for the sheltered care of persons with special needs, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation.
73. **Guarantee** means cash, bonds, or similar financial instruments deposited with the municipality to ensure that required improvements will be constructed or installed.
74. **Height** means the distance from the ground where the structure stands to the highest point of the structure.
75. **Home Business** means a lawful business or activity conducted for financial gain from within a dwelling unit, where such use does not include the sale of goods to customers on the premise or opening of the home to the public for the sale of goods or services without an invitation or appointment. The use differs from a home occupation in that mechanical equipment related to the use may be stored outside of the building provided that proper screening is provided or minimal traffic may occur on the property so that a personal service such as getting a haircut may occur with minimal disruption to the neighborhood.
76. **Home Occupation** means an occupation, profession, domestic craft or economic enterprise which is customarily conducted in a residential dwelling. This includes, but is not limited to, the use of a home for cottage food production operations. This includes a home occupation incidental to a permitted use. The use differs from a home business in that there shall be no outside indication that a business is operated on the site.
77. **Hospital / Rehabilitative Care** means an institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, disability, and other physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training



facilities, medical offices, and staff residences. This includes a clinic, hospital or sanitarium, except a criminal, mental or animal hospital; and nursing or convalescent home.

- 78. **Hotel / Motel** means a commercial building in which lodging is provided and offered to the public for compensation.
- 79. **Improvement Location Permit (ILP)** means a certificate issued under this UDO permitting a person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure within its jurisdiction or to change the use or condition of the land.
- 80. **Industrial and Manufacturing Product Sales and Supply** means the sale and supply of petroleum products and large scale industrial and manufacturing products typically sold and shipped in large quantities. This includes petroleum storage.
- 81. **Junkyard / Salvage Yard** means a place or a business that owns junk and/or salvage, and is operated to store, buy, or sell said junk and/or salvage. Typically all or part of the junk and/or storage is stored outdoors.
- 82. **Landscape Island** means an area completely surrounded by a parking area and/or a vehicular use area.
- 83. **Library, Museum, or Gallery** means an institution for the collection, display, and distribution of books, objects of art or science, and which is sponsored by a public or quasi-public agency, and which facilities are open to the general public.
- 84. **Livestock Raising** means domestic animals of types customarily raised or kept on farms, including horses and other equine; cattle and other bovine; goats, sheep and other ovine; swine; llamas and other camelids; ostriches, emus and cassowaries; including miniature, dwarf or pygmy variations of all

the foregoing animals. This term does not include domestic, non-farm animals.

- 85. **Letter of Approval** means a document issued by the city that states that construction was authorized, is substantially complete, and meets the requirements of the City's codes.
- 86. **Local Street** means a street that provides access to individual lots or land uses and which does not normally carry through traffic.
- 87. **Lot** means an undivided tract or parcel of land having frontage on a public street and which is, or in the future, may be offered for sale, conveyance, transfer, or improvement; which is designated as a distinct or separate tract; and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed.
- 88. **Lot Area** means the square feet area within the lot lines of a lot.
- 89. **Lot Depth** means the horizontal linear distance between the front and rear lot lines.
- 90. **Lot, Corner** means a lot abutting upon two (2) or more streets at their intersection.
- 91. **Lot, Interior** means a lot other than a corner lot or through lot.
- 92. **Lot, Through** means a lot having a frontage on two (2) nonintersecting streets as distinguished from a corner lot.
- 93. **Lot Width** means the horizontal linear distance across the lot between side lot lines at the building line.
- 94. **Manufactured Home Park** means any site or tract of land upon which are located two (2) or more single-family manufactured home dwellings, or one (1) or more multi-family manufactured home dwellings or any combination thereof, capable of



- being occupied for dwelling or sleeping purposes, regardless of whether or not a charge is made for such service.
95. **Manufacturing, Heavy** means the manufacturing of products from raw or unprocessed materials. Normal operations might include the use of heat, noise, or odor generating/producing processes.
 96. **Manufacturing, Light** means establishments engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no unscreened or unenclosed outdoor storage.
 97. **Medical and Dental Office / Clinic** means a use where medical, dental, psychiatric, psychological, chiropractic and/or and other outpatient services are performed.
 98. **Mineral Extraction** any use that uses heavy machinery to extract minerals from the earth.
 99. **Minor Arterial** means a road intended to collect and distribute traffic in a manner similar to primary arterials, except that these roads service minor traffic-generating areas such as community-commercial areas, primary and secondary educational facilities, hospitals, major recreational areas, churches, and offices, and/or designated to carry traffic from collector streets to the system of primary arterials.
 100. **Multi-Family Residential** means a building containing three (3) or more dwelling units, not including hotels, motels, and similar group accommodations.
 101. **Nature Preserve** means a property that is protected from development either by a private conservation easement or governmental restriction with that restriction being either from the local, state, or federal government.
 102. **Nonconforming Lot** means a lot that lawfully existed at the effective date of this UDO but no longer conforms with a provision or provisions of this ordinance.
 103. **Nonconforming Sign** means a sign that lawfully existed at the effective date of this UDO but no longer conforms with a provision or provisions of this ordinance.
 104. **Nonconforming Structure** means a structure, other than a sign, that lawfully existed at the effective date of this UDO but no longer conforms with a provision or provisions of this ordinance.
 105. **Nonconforming Use** means a use that lawfully existed at the effective date of this UDO but no longer conforms with a provision or provisions of this ordinance.
 106. **Nonconformity** means a lot, structure, sign, or use of the land that is now prohibited under the terms of this ordinance but was lawful at the time it was established.
 107. **Nonresidential** means any use that is not one of the following: single-family detached dwelling, manufactured home park, duplex, townhouse, multifamily residential, or attached accessory dwelling unit.
 108. **Nursing Home** means an establishment that provides continuous day and night room and board, personal services, and medical care for compensation, for two (2) or more elderly or infirm persons who are not related to the owner / operator of the home.



109. **Orchard** means an agricultural farming use that is used for the growing of vegetables, fruits, and trees.
110. **Ordinance** means any legislative action of a local government which has the force of law, including any amendment or repeal.
111. **Park** means an area designated, designed, and equipped for the conduct of sports and leisure-time activities.
112. **Permanent Copy** means any hard copy graphic or print that meets the requirements of this UDO and that is affixed to a permanent sign face which is connected to a permanent sign structure.
113. **Person** means an individual, corporation, firm, partnership, association, organization, or any other groups that acts as a unit.
114. **Personal Services** means an establishment primarily engaged in providing services generally involving the care of the person or his or her apparel.
115. **Place of Public Assembly, Indoor** means a building in which people assemble for civic, educational, religious, or cultural purposes.
116. **Plan Commission** means the City Plan Commission of Greensburg, IN.
117. **Plant Nursery** means land, structures, or a combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail or wholesale sale on the premises including products used for gardening and landscaping.
118. **Plat** means a map or chart that shows a division of land and is intended to be filed for record.
119. **Plat, Administrative** means a subdivision or resubdivision of property that is approved by the Administrator and meets the requirements of Section 6.C.5, *Administrative Subdivisions*, of this UDO.
120. **Plat, Primary** means a drawing indicating the subdivision or re-subdivision of land, prepared in accordance with the requirements of this UDO and submitted to the Plan Commission prior to the secondary plat.
121. **Plat, Secondary** means the map, drawing, or plan described in this UDO of a subdivision and any accompanying material submitted to the Plan Commission, and if approved and signed by the designated officials, may be submitted to the County Recorder.
122. **Premise** means any real property, including a building or structure and every separate living unit or place of business contained therein.
123. **Principal Arterial Street** means a street that connects major activity areas and moves traffic from one community to another.
124. **Private Club** means a building in which members of a community or association may gather for social, educational, or cultural activities.
125. **Private Street** means any roadway pertaining to the subdivision of land, for vehicular travel, which is privately owned and maintained, that does not meet the definition of driveway and serves as the principal means of access to three (3) or more abutting properties.
126. **Professional / Business Office** means a room or group of rooms used for the provision of executive, management or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering and business offices of public utilities, organizations and association but excluding medical offices.
127. **Public Transportation Terminal** means a facility that receives and discharges passengers and at



which facilities and equipment required for their operation are provided. Examples include terminals for bus, trolley, taxi, railroad, shuttle van, or other similar vehicular services.

- 128. **Public Utilities** means any type of infrastructure that supplies goods and services that are considered essential including but not limited to water, waste disposal, gas, electricity, telephone, and any other type of communication system.
- 129. **Rear Lot Line** means the line opposite the front lot line.
- 130. **Rear Yard Depth** means the distance from the edge of the rear lot line to the nearest point of the building foundation.
- 131. **Recreation Center** means a location containing a building or complex of buildings housing community recreation facilities.
- 132. **Recreational Vehicle Occupancy** means the use of a recreational vehicle for living and residing outside of a designated recreational vehicle park or campground.
- 133. **Recreational Vehicle Park / Campground** means a parcel in single ownership on which two (2) or more recreational vehicle (RV) sites and/or camping sites are located, established, or maintained for occupancy by recreational vehicles or camp units as temporary living for recreation, education, or vacation purposes.
- 134. **Repair Service** means establishments primarily engaged in the provision of repair services to individuals and households, rather than businesses, but excluding automotive repair use types. Typical uses include jewelry, clock, radio and television repair, small appliance repair, bicycle repair and services of a similar nature.

- 135. **Restaurant** means a building or portion of a building, not operated as a dining room in connection with a hotel or boarding house, where food is served for pay and for consumption in the building, and where provisions may be made for serving food on the premises outside the building. This includes restaurants, bakeries, and bakers.
- 136. **Resubdivision** means a change of any previously recorded subdivision plat if such change affects any street layout, lot line or setback, or if it affects any legally recorded requirement prior to the adoption of any controlling subdivision regulation.
- 137. **Retail Sales** means the sale of goods, merchandise, services, and/or commodities to the general public. This includes any other local business use supplying the everyday shopping needs of immediate neighborhood and retail stores.
- 138. **Right-of-Way** means a strip of land occupied or intended to be occupied by a street, sidewalk, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, special landscaping, or for another special use that is dedicated to public use.
- 139. **Row Crops** means land devoted to the planting, growing, and harvesting of crops.
- 140. **School** means any entity which provides instruction and classes on a regular basis to either youth or adults.
- 141. **Self-Storage, Mini-Warehouse** means a building or group of buildings that are used for the storage of personal property or records, where individual owners or tenants control individual storage spaces.
- 142. **Setback** means a line established by this UDO, generally parallel with and measured from lot lines, defining the limits of a yard in which no building other than a permitted accessory building or structure may



be located above ground, except as may be provided in said ordinance.

143. **Sexually Oriented Business** means any business that includes one (1) or more of the following business types: adult arcade, adult bookstore, adult cabaret, adult novelty store, adult video store, nude model studio, or adult motion picture theater.
144. **Short-Term Rental** means any lease of a residential dwelling for twenty-nine (29) days or less. There are two (2) types of short-term rental units specified in this UDO. Owner-Occupied are those units where the owner is present most of the time and lives on the premises. Not owner-occupied means that the owner does not live on the premises.
145. **Side Yard Depth** means the distance measured from the edge of the side yard lot line to the nearest point of the building foundation.
146. **Sign, Abandoned** means a sign pertaining to or associated with an event, business, or purpose which is no longer ongoing on the premises, and which has been inactive or out of business for a period of one hundred eighty (180) consecutive days or longer.
147. **Sign, Attention-seeking** means any device that is erected, placed, or maintained outdoors so as to attract attention to any business, or any goods, products, or services available on the premises of a business, including but not limited to the following items or devices: banners; cut out figures; discs; festooning, including tinsel, strings of ribbons, and pinwheels; inflatable objects or characters, including balloons; air animated objects, non-governmental flags; pennants; propellers; steam or smoke-producing devices; streamers; whirligigs; wind devices; blinking, rotating, moving, chasing, flashing, glaring, strobe, scintillating, search, flood or spot lights; or similar devices or items, and of which are

located or employed in connection with the conduct of a business.

148. **Sign, Directional.** A sign indicating a direction or a location to which traffic, whether pedestrian or vehicular, is requested to move within the parcel for the purpose of traffic control and public safety.
149. **Sign, Electronic Variable Message** means a variable message sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs, or a flipper matrix, and may also enable changes to be made to messages from locations other than at the sign.
150. **Sign, Exempt** means any sign which is specifically listed as exempt in this UDO.
151. **Sign, Flag** means any mottos, emblems, designs, shapes, or symbols placed or printed on cloth, fabric, plastic, canvas, vinyl, or other rigid or non-rigid devices or materials that are intended to convey an unofficial message or to identify a person, place, business, idea, or thing other than duly adopted flags or seals of nations, states, counties, or municipalities.
152. **Sign, Freestanding** means any non-movable sign not affixed to a building.
153. **Sign, Ground** means a sign with not more than two (2) faces supported by one (1) or more uprights, poles, or braces or a sign erected on a free-standing wall or monument with a solid continuous foundation. Examples of ground signs include monument signs, pole signs, flag sign, yard sign,
154. **Sign, Monument** means a sign supported by structures or supports that are placed on, or anchored in, the ground that are independent from any building or other structure.



155. **Sign, Mural** means a graphic that is displayed on the exterior of a building, generally for the purpose of decoration or artistic expressions, which depicts a scene or event of natural, social, cultural, or historic significance.
156. **Sign, Permanent** means a sign constructed or installed to remain indefinitely.
157. **Sign, Portable** means any sign that is not permanently attached to the ground that is designed and constructed to be easily moved from one location to another.
158. **Sign, Pole** means a free-standing sign that is supported by a pole(s), or post(s) with said pole or poles being separate from buildings.
159. **Sign, Projecting** means a sign erected on or attached to the outside wall of a building and which projects out at an angle from said wall.
160. **Sign, Suspended** means a sign hanging down from a marquee, canopy, awning, or porte-cochere that would exist without the sign.
161. **Sign, Temporary** means any sign that is not a permanent sign, that is intended for short-term display, and that is not affixed to a building, structure, or the ground.
162. **Sign, Wall** means any sign shall be affixed to the wall or painted on the wall of any building in such a manner as to read parallel to the wall on which it is mounted, however said wall sign shall not project above the top of the wall or beyond the end of the building.
163. **Sign, Window** means a sign painted on, attached or affixed to the interior or exterior surface of a window or door of a building, or designed to be seen through a window or door.
164. **Sign, Yard** means any small sign typically placed in a residential yard that does not exceed twelve (12) inches by eighteen (18) inches. These signs are also frequently referred to as stake signs.
165. **Sign Face** means the area of the surface of the sign upon, against or through which the message is displayed or illustrated, including the outward extremities of all letters, figures, characters and delineations excluding any frame or border.
166. **Single-Family Detached Dwelling** means a building designed for or occupied exclusively by one (1) family. This definition includes all classes of group homes that have federal legal protection to be considered a family. This definition does not include manufactured homes, which, by virtue of inherent structural differences and their mobile nature, constitute a separate and distinct land use.
167. **Site Plan** means a plan for one (1) or more parceled on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, floodplains, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utility services; structures; signs and lighting; berms; bufferyards and screening devices; surrounding development; and any other information that reasonably may be required in order for an informed decision to be made by the approving authority.
168. **Small Cell Facility** means a WCF where each antenna is located inside an enclosure of no more than three (3) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three (3) cubic feet; and primary equipment enclosures are no larger than seventeen (17) cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: electric meter, concealment,



- telecommunications demarcation box, ground-based enclosure, back-up power systems, grounding equipment, power transfer switch and cut-off switch.
169. **Special Event** means a temporary, short-term use of property occurring outside of a permanent building and not otherwise included as a permitted or accessory use by these UDO regulations.
170. **Stadium/Amphitheater** means an outdoor area surrounded by tiered rows of seats or benches, designed for the viewing of sporting events, rodeos, equestrian events, livestock exhibitions, concerts, or other organized entertainment.
171. **Street** means a right-of-way that is purchased by a governmental unit or is established by a recorded plat and is publicly maintained to provide the principal means of access to abutting property.
172. **Structure** means anything constructed or erected that requires location on the ground or attached to something having location on the ground.
173. **Studio: Art, Music, and Dance** means a place designed to be used, or used as, both a dwelling place and a place of work by an artist, artisan, or craftsperson, including persons engaging in the application, teaching, or performance of fine arts such as but not limited to drawing, vocal or instrumental music, painting, sculpture, and writing.
174. **Subdivision** means the division or resubdivision of a tract of land into two (2) or more lots, plats, sites, or other divisions of land; or the consolidation of parcels, for the purpose, whether immediate or future, of transfer of ownership or building development.
175. **Temporary Structure** means any structure that is used during the construction process of a permanent structure that is intended to be removed after the permanent structure is fully built.
176. **Theater, movie** means an establishment for showing motion pictures in an enclosed building.
177. **Tower**, as used in relation to a WCF, means any structure that is designed and built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications facilities including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. The term includes radio and television transmission towers, self-supporting lattice towers, guy towers, monopoles, microwave towers, common carrier towers, cellular telephone towers and the like. Alternative tower structures and small cell facilities in the rights-of-way are not towers.
178. **Townhouse** means a single-family dwelling unit constructed in a group of three (3) or more attached units in which each unit extends from the foundation to the roof and with open space on at least two (2) sides.
179. **Traffic Mitigation Measures** means any plan that addresses traffic control, parking management, and traffic movement to and from the arterial street system and that, when required, helps mitigate traffic impacts.
180. **Transmission Equipment** as used in relation to a WCF, means equipment that facilitates transmission for any FCC licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.



- 181. **Truck Parking Lot** means a land use that is designated for the parking of commercial vehicles for times longer than an hour in duration and that can include multiple days in length.
- 182. **Variance** means permission granted by the BZA in accordance with IC 36-7-4-918.5 to depart from specific development standards of this UDO.
- 183. **Vending Kiosk** means a self-service, interactive device that is located on the outer side of a principal building (or as a stand-alone unit outside and independent of the principal building), which is accessible to the general public for the purposes of dispensing product or information.
- 184. **Veterinary Animal Hospital / Kennel** means any establishment maintained and operated by a licensed veterinarian for the diagnosis and treatment of disease and injury of household pets or for large or livestock animals.
- 185. **Warehousing and Storage, Indoor** means a building used primarily for the storage of goods and materials. This includes, but is not limited to, warehouses and wholesale establishments.
- 186. **Water Storage** means a facility and infrastructure provided by a public agency, utility, or franchise, including regional water storage tanks and reservoirs, which stores and then transfers large volumes of water from a fixed site to consumers for their personal or business use.
- 187. **Winery / Brewery** means a licensed building or property whose primary purpose is to produce and sell alcoholic beverages for distribution and may include accessory commercial facilities such as a tasting room, restaurant, and event facilities.
- 188. **Wireless Communication Facility (WCF)** means a facility used to provide personal wireless services as defined at 47 U.S.C. Section 332(c)(7)(C); or wireless information services provided to the public

or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A WCF does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of the Code. A WCF includes an antenna or antennas, including without limitation, directions, omni-directions and parabolic antennas, base stations, support equipment, small cell facilities, alternative tower structures, and towers. It does not include the support structure to which the WCF or its components are attached if the use of such structures for WCFs is not the primary use. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or handheld radios/telephones and their associated transmitting antennas, nor does it include other facilities specifically excluded from the coverage of this UDO.

- 189. **Yard** means 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.



C. Abbreviations

1. **BZA** = Board of Zoning Appeals
2. **IC** = Indiana Code
3. **ILP** = Improvement Location Permit
4. **PC** = Plan Commission
5. **RC** = Redevelopment Commission
6. **SES** = Solar Energy System
7. **TRC** = Technical Review Committee
8. **UDO** = Unified Development Ordinance
9. **WCF** = Wireless Communication Facility
10. **WES** = Wind Energy System





Appendix A

Land Use Matrix

A. Greensburg, IN UDO: Appendix A, Land Use Matrix

1. Residential Uses by Zoning District

Table A.1, Residential Uses by Zoning District												
-- = Prohibited; P = Permitted; US = Use Standards; SE = Special Exception												
Land Use	Conservation	Residential				Commercial				Institutional	Industrial	
	C-1	R-1	R-2	R-3	R-4	B-N	B-1	B-2	B-3	IN-1	I-1	I-2
Residential	C-1	R-1	R-2	R-3	IN	B-N	B-1	B-2	B-3	IN-1	I-1	I-2
Duplex	--	--	SE	P	P	--	--	--	--	--	--	--
Manufactured Home Park	--	--	--	--	SE	--	--	--	--	--	--	--
Multi-Family Residential	--	--	--	P	P	--	P	P	--	--	--	--
Single-Family Detached Dwelling	--	P	P	P	P	--	--	--	--	--	--	--
Townhouse	--	--	--	P	P	--	--	--	--	--	--	--
Residential Accessory	C-1	R-1	R-2	R-3	R-4	B-N	B-1	B-2	B-3	IN-1	I-1	I-2
Attached Accessory Dwelling Unit	--	P	--	--	--	SE	SE	SE	--	--	--	--
Child Care Home	--	P	P	--	--	--	--	--	--	--	--	--
Detached Accessory Building	--	P	P	P	P	--	--	--	--	--	--	--
Home Business	--	--	SE	SE	--	--	--	--	--	--	--	--
Home Occupation	--	P	P	P	P	--	--	--	--	--	--	--
Recreational Vehicle Occupancy	--	US	US	--	--	--	--	--	--	--	--	--
Short-Term Rental (not owner-occupied)	--	SE	SE	SE	SE	SE	SE	--	--	--	--	--
Short Term Rental (Owner occupied)	--	US	US	US	US	SE	SE	--	--	--	--	--

2. Nonresidential Uses by Zoning District

Table A.2, Non-Residential Uses by Zoning District												
-- = Prohibited; P = Permitted; US = Use Standards; SE = Special Exception;												
Land Use	Conservation	Residential				Commercial				Institutional	Industrial	
	C-1	R-1	R-2	R-3	R-4	B-N	B-1	B-2	B-3	IN-1	I-1	I-2
Agricultural Uses	C-1	R-1	R-2	R-3	R-4	B-N	B-1	B-2	B-3	IN-1	I-1	I-2
Beekeeping	P	P	P	--	--	--	--	--	--	--	--	--
Commercial Solar Energy System	SE	--	--	--	--	--	--	--	--	--	--	--
Farming, Landscaping, and Horticultural Sales & Services	P	--	--	--	--	--	--	--	--	P	--	--
Greenhouse	US	US	--	--	--	P	--	--	--	P	--	--
Livestock Raising	SE	--	--	--	--	--	--	--	--	--	--	--
Nature Preserve	P	--	--	--	--	--	--	--	--	--	--	--
Orchard	P	--	--	--	--	--	--	--	--	--	--	--
Plant Nursery	US	US	--	--	--	--	--	--	--	--	--	--
Row Crops	P	P	P	P	P	--	--	--	--	--	--	--
Institutional Uses	C-1	R-1	R-2	R-3	R-4	B-N	B-1	B-2	B-3	IN-1	I-1	I-2
Adult Day Services Center	--	--	SE	SE	SE	SE	SE	P	P	P	--	--
Cargo Terminal	--	--	--	--	--	--	--	--	P	--	P	P
Cemetery/ Funeral Home	P	P	P	--	--	--	--	P	--	P	--	--
Child Care Center	--	--	SE	SE	SE	SE	SE	P	P	P	--	--
Correctional Institution	--	--	--	--	--	--	--	--	--	SE	--	--
Governmental Service (Police, Fire, Emergency Medical Services)	--	--	--	--	--	P	P	P	--	P	--	--
Hospital / Rehabilitative Care	--	--	--	--	--	--	--	P	P	P	--	--



Table A.2, Non-Residential Uses by Zoning District

-- = Prohibited; P = Permitted; US = Use Standards; SE = Special Exception;

Land Use	Conservation	Residential				Commercial				Institutional	Industrial	
	C-1	R-1	R-2	R-3	R-4	B-N	B-1	B-2	B-3	IN-1	I-1	I-2
Library, Museum, or Gallery	P	--	--	--	--	P	P	P	P	P	--	--
Medical and Dental Office / Clinic	--	--	--	--	--	P	P	P	--	P	--	--
Nursing Home	--	--	--	--	--	--	--	P	P	P	--	--
Park	P	P	P	P	P	P	P	P	P	P	--	--
Place of Public Assembly, Indoor	SE	SE	SE	SE	SE	P	P	P	P	P	--	--
Public Transportation Terminal	--	--	--	--	--	P	P	P	P	P	P	--
Public Utilities	P	P	P	P	P	P	P	P	P	P	P	P
Schools	--	--	--	--	--	P	P	P	P	P	--	--
Water Storage	P	--	--	--	--	--	--	--	P	P	P	P
Wireless Communication Facility	--	--	--	--	--	SE	SE	SE	SE	SE	SE	SE
Commercial Uses	C-1	R-1	R-2	R-3	R-4	B-N	B-1	B-2	B-3	IN-1	I-1	I-2
Automobile Sales and Rental	--	--	--	--	--	--	--	P	P	--	--	--
Automobile Service Station	--	--	--	--	--	--	--	US	US	--	US	--
Bank, Credit Union, and Financial Services	--	--	--	--	--	P	P	P	--	--	--	--
Building Materials and Hardware Store	--	--	--	--	--	--	--	P	--	--	--	--
Commercial recreation and amusement services	--	--	--	--	--	--	SE	SE	SE	SE	--	--



Table A.2, Non-Residential Uses by Zoning District

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Land Use	Conservation	Residential				Commercial				Institutional	Industrial	
	C-1	R-1	R-2	R-3	R-4	B-N	B-1	B-2	B-3	IN-1	I-1	I-2
Gasoline Station	--	--	--	--	--	--	--	P	P	--	P	--
Grocery	--	--	--	--	--	--	--	P	P	--	--	--
Hotel/Motel	SE	--	--	--	--	--	P	P	P	--	--	--
Private Club	--	--	--	--	--	--	P	P	--	--	--	--
Personal Services	--	--	--	--	--	P	--	P	P	--	--	--
Professional /Business Office	--	--	--	--	--	--	P	P	P	--	--	--
Recreational Vehicle Park / Campground	SE	--	--	--	--	--	--	--	SE	--	--	--
Repair Service	--	--	--	--	--	--	P	P	P	--	--	--
Restaurant	--	--	--	--	--	P	P	P	P	--	--	--
Retail Sales	--	--	--	--	--	P	P	P	P	--	--	--
Self-storage, mini-warehouse	--	--	--	--	--	--	--	--	US	--	P	--
Sexually Oriented Business	--	--	--	--	--	--	--	--	--	--	SE	--
Stadium / Amphitheater	--	--	--	--	--	--	--	SE	SE	SE	--	--
Studio: art, music, dance	--	--	--	--	--	P	P	P	P	P	--	--
Theater, movie	--	--	--	--	--	--	P	P	P	--	--	--
Veterinary Animal Hospital / Kennel	--	--	--	--	--	--	--	US	US	US	US	--
Winery/Brewery	SE	--	--	--	--	--	--	--	--	--	--	--



Table A.2, Non-Residential Uses by Zoning District

-- = Prohibited; P = Permitted; US = Use Standards; SE = Special Exception;

Land Use	Conservation	Residential				Commercial				Institutional	Industrial	
	C-1	R-1	R-2	R-3	R-4	B-N	B-1	B-2	B-3	IN-1	I-1	I-2
Entertainment and Recreation Uses	C-1	R-1	R-2	R-3	R-4	B-N	B-1	B-2	B-3	IN-1	I-1	I-2
Recreation Center	P	--	--	--	--	--	--	--	--	--	--	--
Golf Course	SE	SE	--	--	--	--	--	--	--	--	--	--
Industrial Uses	C-1	R-1	R-2	R-3	R-4	B-N	B-1	B-2	B-3	IN-1	I-1	I-2
Contractor's Shop and/or Supply Yard	--	--	--	--	--	--	--	--	--	--	US	--
Industrial and Manufacturing Product Sales and Supply	--	--	--	--	--	--	--	--	--	--	P	P
Junkyard / Salvage Yard	--	--	--	--	--	--	--	--	--	--	--	SE
Manufacturing, Heavy (includes handling of explosive and/or foul materials)	--	--	--	--	--	--	--	--	--	--	--	SE
Manufacturing, Light (includes product assembly and processing)	--	--	--	--	--	--	--	--	--	--	P	P
Mineral Extraction	--	--	--	--	--	--	--	--	--	--	--	SE
Warehousing and Storage, Indoor	--	--	--	--	--	--	--	--	--	--	P	P
Accessory Uses	C-1	R-1	R-2	R-3	R-4	B-N	B-1	B-2	B-3	IN-1	I-1	I-2
Agritourism	SE	--	--	--	--	--	--	--	--	--	--	--
Accessory Solar Energy System (SES)	SE	--	--	--	--	--	--	--	--	--	--	--



Table A.2, Non-Residential Uses by Zoning District

-- = Prohibited; P = Permitted; US = Use Standards; SE = Special Exception;

Land Use	Conservation	Residential				Commercial				Institutional	Industrial	
	C-1	R-1	R-2	R-3	R-4	B-N	B-1	B-2	B-3	IN-1	I-1	I-2
Accessory Wind Energy System (WES)	SE	--	--	--	--	--	--	--	--	--	--	--
Automated Teller Machine (ATM)	--	--	--	--	--	P	P	P	P	P	--	--
Vending Kiosk	--	--	--	--	--	P	P	P	P	P	--	--
Temporary Uses	C-1	R-1	R-2	R-3	R-4	B-N	B-1	B-2	B-3	IN-1	I-1	I-2
Special Events	US	US	US	US	US	US	US	US	US	US	US	US
Temporary Structures	US	US	US	US	US	US	US	US	US	US	US	US





Appendix B
**Dimensional
Standards**

B. Greensburg, IN UDO: Appendix B, Dimensional Standards

1. Dimensional Standards

Table B.1, Dimensional Standards											
Zoning District	Structure Standards			Lot Standards			Setback Standards				
	Max. Height – Primary Structure	Max. Height – Accessory Structure	Min. Living Area	Max. Impervious Surface	Min. Road Frontage & Min. Lot Width	Min. Lot Area	Min. Front Yard Setback	Min. Side Yard Setback – Primary Structure	Min. Side Yard Setback – Accessory Structure	Min. Rear Yard Setback – Primary Structure	Min. Rear Yard Setback – Accessory Structure
C-1	30'	30'	NA	20%	150'	1 acre	See Table B.2	25'	10'	30'	10'
R-1	35'	25'	900 sq. ft.	30%	70'	7,500 sq. ft.		10'	10'	35'	10'
R-2	35'	25'	800 sq. ft.	40%	55'	5,000 sq. ft.		6'	10'	30'	10'
R-3	35'	25'	700 sq. ft.	60%	NA	2,000 sq. ft.		10'	10'	25'	10'
R-4	35'	25'	600 sq. ft.	65%	NA	1,000 sq. ft.		10'	10'	15'	10'
B-N	55'	18'	NA	60%	50'	5,000 sq. ft.		20'	10'	15'	10'
B-1	55'	18'	NA	85%	20'	2,400 sq. ft.		NA ¹	NA ¹	NA ¹	NA ¹
B-2	55'	18'	NA	60%	60'	7,200 sq. ft.		10' ¹	10' ¹	20' ¹	20' ¹
B-3	55'	18'	NA	75%	60'	9,600 sq. ft.		20' ¹	20' ¹	20' ¹	20' ¹
IN-1	55'	18'	NA	70%	60'	7,200 sq. ft.		10' ¹	10' ¹	20' ¹	20' ¹
I-1	55'	35'	NA	75%	150'	40,000 sq. ft.		25'	25'	25'	25'
I-2	55'	35'	NA	75%	200'	50,000 sq. ft.		25'	25'	25'	25'

Note:

- If the side or rear yard adjoins a residential district (R-1, R-2, R-3, or R-4) then the setback is the same as the adjoining residential district.

NA = Not Applicable



2. Required Front Yard Setback by Functional Street Classification

Table B.2, Required Front Yard Setback by Functional Street Classification				
Zoning District	Principal Arterial	Minor Arterial	Collector	Local
C-1	50'	40'	30'	20'
R-1	40'	30'	20'	10'
R-2	50'	40'	30'	20'
R-3	50'	40'	30'	20'
R-4	50'	40'	30'	20'
B-N	50'	40'	30'	20'
B-1	10'	10'	10'	10'
B-2	60'	60'	60'	60'
B-3	70'	70'	70'	70'
IN-1	60'	60'	60'	60'
I-1	50'	50'	50'	50'
I-2	50'	50'	50'	50'

