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CHAPTER 152: SUBDIVISION CODE

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GENERAL PROVISIONS

§ 152.01 RECORDING OF PLATS.

No plat or replat of a subdivision of land located within the jurisdiction of the City Plan Commission shall be filed with the County Auditor and recorded by the County Recorder unless it has first been granted primary approval and subsequently granted secondary approval by the Plan Commission, and such approval has been signed and certified on the plat by the President of the Plan Commission, Board of Public Works and Safety, and Plan Commission Director.

(Ord. 1979-24, passed 12-13-79; Am. Ord. 1983-2, passed 2-10-83; Am. Ord. 1999-4, passed 3-25-99)

§ 152.02 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning. (The word **BUILDING** includes the word **STRUCTURE** and vice-versa.)

ABUTTING. Real property to a depth of two ownerships or 1/8 of a mile from property in question.

ADJOINING. Sharing an edge or a boundary; touching.

ALLEY. A permanent public service way providing only a secondary means of vehicular access to the back or side of property otherwise abutting a street. An alley does not include a "frontage street" or "commercial service drive".

BLOCK. A unit or property bounded by streets and/or railroad rights-of-way, waterways, or other definite barriers.

BLOCK FRONTAGE. Property having frontage on one side of a street and lying between the two nearest intersecting or intercepting streets, or a street with a waterway, or other definite barrier.

BUILDABLE AREA. The portion of the lot remaining after required yards or setback lines have been provided. Buildings may be placed in any part of the buildable area, but if there are limitations on the amount of the lot which may be covered by buildings, some open space may be required within the buildable area.

BUILDING. A structure having a roof supported by posts, poles, columns or walls, for the shelter, support, enclosure or protection of persons, animals, chattels, or property. When separated by party walls, without any opening through walls, each portion of such a building shall be considered a separate structure.

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

BUILDING, FRONT LINE OF. The actual line of any portion of the building, including the overhang, nearest the front lot line, in contrast to the front setback line.

BUILDING LINE or **BUILDING SETBACK LINE.** The line which establishes the minimum depth of yard, beyond which no building or structure is permitted, as measured from the right-of-way line or the lot line. For the purpose of this chapter the proposed right-of-way lines according to the thoroughfare plan of current adoption will be considered as the street lines for lots bordering such streets and thoroughfares (See § 155.033 for exceptions.)

BUILDING PERMIT. A permit signed by the Zoning Administrator stating that a proposed improvement complies with the provisions of Chapter 150 and such other parts of this Code of Ordinances, as may be applicable.

CERTIFICATE OF OCCUPANCY. A certificate signed by the Zoning Administrator stating that the occupancy and use of land or a building or structure referred to therein complies with the provisions of this Code.

CITY. The City of Greenfield, Indiana.

COMMERCIAL SERVICE DRIVE. A street other than a frontage street that runs parallel or generally parallel to the frontal street and mainly located in the space to the rear of the building(s).

COMMISSION or **PLAN COMMISSION.** Advisory Plan Commission.

COMMON COUNCIL. The Common Council or City Council.

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

COMPREHENSIVE PLAN. The comprehensive plan for Greenfield, Indiana, (Resolution 2015-12) adopted December 9, 2015, according to the requirements of I.C. 36-7-4-500 et seq.

CONSERVATION DISTRICT. Hancock County Soil and Water Conservation District.

COUNTY. Hancock County, Indiana.

COVENANTS. A series of formal, sealed, binding agreements or laws.

CUL-DE-SAC, COURT, or DEAD-END STREET. A residential street having one end open to traffic and being permanently terminated by a vehicle turn-around.

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

- (1) Construction or placement of a building greater than 400 sq. ft, construction of any addition to a building, and reconstruction;
- (2) Installing a manufactured home at a site, preparing a site for a manufactured home or installing a travel trailer on a site for more than 180 days;
- (3) Installing utilities, erection of walls and fences, construction of roads, or similar projects;
- (4) Construction of flood control structures such as levees, dikes, channel improvements, etc.;
- (5) Mining, dredging, filling, grading, paving, excavation, or drilling operation;
- (6) Construction and/or reconstruction of bridges or culverts;
- (7) Storage of materials; or

(8) Any other activity that might change the direction, height, or velocity of flood or surface waters.

DEVELOPMENT does not include activities such as the maintenance of existing buildings and facilities such as painting, re-roofing, resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent buildings.

EASEMENT. A right of the owner of one parcel of land, by reason of such ownership, or a right of the public, to use the land of another for a special purpose as designated; a strip of land to be used by the general public, a corporation, a utility company, or a certain person for a specific reason, for purposes of providing services to property. The property owner shall be responsible for maintaining the area within easements on their property.

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

FRONTAGE STREET. A street that runs parallel to the public street or highway and located within the space between the building(s) and the public street or highway.

IMPROVEMENT LOCATION PERMIT. A permit which may be combined with a **BUILDING PERMIT** signed by the Zoning Administrator stating that a proposed improvement or use complies with the provisions of the Zoning, Building, and Subdivision Control Ordinances. A **TEMPORARY IMPROVEMENT LOCATION PERMIT** is an **IMPROVEMENT LOCATION PERMIT** authorized by the Board of Zoning Appeals or staff with a definite time limit attached thereto.

JURISDICTION OF THE PLAN COMMISSION. The territory within the City of Greenfield, Indiana, the boundaries of which are shown on the Zone Map, dated 1989, as amended, which includes all of the area over which this chapter is effective.

LOT. A parcel, plat, tract, or area of land accessible by means of a public way. It may be a single parcel separately described in a deed or plat which is recorded in the office of the County Recorder, or it may include parts of or a combination of such parcels when adjacent to one another and wed as one, or it may be a parcel of land described by metes and bounds. However, in no case shall any residual lot or parcel be created which does not meet the requirements of this chapter. In determining lot area and boundary lines, no part thereof within a street shall be included.

LOT AREA. The total horizontal area within the lot lines of a lot, computed exclusive of any portion of a street, existing or proposed.

LOT, CORNER. A lot at the junction of and having frontage on two or more intersecting streets. For the purpose of this chapter, corner lots are considered to have two front yards and two side yards.

LOT COVERAGE. The total area of a lot that is covered, roofed, occupied, or enclosed by principal and accessory buildings and structures, expressed as a percentage of the lot area.

LOT, DEPTH OF. The mean horizontal distance between the front lot line and the rear lot line or side lot lines for corner lots.

LOT FRONTAGE. The linear distance of a lot measured at the front lot line where said lot abuts a street, measured between side lot lines.

LOT, INTERIOR. A lot other than a **CORNER LOT** or **THROUGH LOT**.

LOT LINE. The property line between two established parcels of land or one parcel and a public right-of-way or place.

LOT LINE, FRONT. A line separating the lot from the public way.

LOT LINE, REAR. A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular shaped lot, a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.

LOT LINE, SIDE. Any lot boundary line not a front lot line or a rear lot line.

LOT, THROUGH. A lot having frontage on two parallel, or approximately parallel streets. Also **DOUBLE FRONTAGE LOT**.

LOT, WIDTH. The dimension of a lot, measured between side lot lines on the front building line.

LOT OF RECORD. A lot which is part of a subdivision, the map of which has been recorded in the office of the County Recorder, or a parcel of unplatted land, the deed to which has been recorded in the office of the County Recorder, provided that such lot was of a size that met the minimum dimensions for lots in the district in which it was located when recorded, or was recorded prior to January 1, 1999.

MODIFICATIONS FROM DEVELOPMENT STANDARDS. A device which grants a petitioner relief from certain provisions of the Subdivision Control Ordinance when, because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money.

OWNERS ASSOCIATION. A corporation or other entity that is organized and operated exclusively for the benefit of two or more persons who each own a lot in fee simple and acts, in accordance with the articles, bylaws, and other documents governing the entity to:

- (1) Acquire, transfer, manage, repair, maintain, or engage in construction on or in the land and improvements on the land related to the use of the lots owned by the members of the corporation;
- (2) Purchase insurance to cover a casualty or an activity on or in the land and improvements on the land; or
- (3) Engage in an activity incidental to an activity described in (a) or (b).

PERSON. A corporation, firm, partnership, association, organization, or any other group acting as a unit, as well as a natural person.

PETITIONER. Any person, firm, or corporation engaged in developing or improving a tract of land.

PLAN COMMISSION STAFF. The Zoning Administrator and other persons designated by the Plan Commission to advise them on matters pertaining to planning and zoning.

PLAT. A series of drawings, certificates and covenants indicating the subdivision or re-subdivision of land, either filed or intended to be filed for record.

PRACTICAL DIFFICULTIES. Significant economic injury that arises from the strict application of this chapter to the conditions of a particular, existing parcel of property. Practical difficulties are not as significant as the injury associated with hardship, that is, it does not deprive the parcel owner of all reasonable economic use of the parcel, yet they are clearly more significant than compliance cost.

PRIMARY APPROVAL. An approval that may be granted by the Plan Commission and signed by the President of the Plan Commission on a plat of a subdivision which complies with the procedures, standards of improvements, and conditions have been met by the applicant as required by this code. Primary approval is a final decision of the Plan Commission inasmuch as it may be subject to judicial review.

PUBLIC WAY. A street, frontage street, or road, not an easement or an alley.

REAR ACCESS DRIVE. A drive which accesses the street or right-of-way through the rear of the property.

REPLAT. A subdivision or plat, the site of which has heretofore been platted or subdivided with lots or parcels of land. It may include all or any part of a previous subdivision or plat.

SECONDARY APPROVAL. An approval that may be granted by the Plan Commission and signed and certified by the President of the Plan Commission on a plat of the subdivision which the Plan Commission has already given its primary approval before it can be filed with the County Auditor and recorded by the County Recorder, and the improvements and installations have been completed as required by this code or, if the improvements and installations have not been completed as required, the applicant therefore has provided a bond or other proof of financial responsibility in accordance with the requirements of this subdivision code.

SETBACK. The required minimum horizontal distance, measured perpendicularly, between the building line and the related front, side, or rear property line.

STREET. A public right-of-way, other than an alley, or place dedicated or otherwise legally established for public use, usually affording the principal means of vehicular travel or passage. A street may also be identified according to type of use as follows:

(1) **STREET, ARTERIAL.** A street designated for large volumes of traffic movement. Certain arterial streets may be classed as limited access highways to which entrances and exits are provided only at controlled intersections and access is denied to abutting properties. Arterial streets are divided into two categories: primary and secondary in accordance with Section 153 of the Code of Ordinances.

(2) **STREET, COLLECTOR.** A street planned to facilitate the collection of traffic from residential streets and to provide circulation within neighborhood areas and convenient ways for traffic to reach arterial streets.

(3) **STREET, LOCAL.** A street designated primarily to provide access to abutting properties, usually residential. Certain residential streets may be marginal access streets parallel to arterial streets, which provide access to abutting property and ways for traffic to reach access points on arterial streets.

SUBDIVISION.

(1) The division of any parcel of land shown as a unit, as part of a unit, or as contiguous units on the last preceding transfer of ownership thereof, into two or more parcels, sites, or lots for the purpose, whether immediate or future, of transfer of ownership; provided, however, that the division or partition of land into parcels, not involving any new street or easements of access, and the sale or exchange of parcels

between adjoining lot owners, where such sale or exchange does not create additional building sites, shall not be considered a subdivision; or

(2) The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the subdivision and allocation of land as streets or other open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public utilities and facilities.

TECHNICAL ADVISORY COMMITTEE. The Technical Advisory Committee of the Plan Commission is a committee whose purpose is to make recommendations to the Greenfield Advisory Plan Commission and Board of Zoning Appeals concerning standards, design and impact upon streets, utilities, facilities for planned unit development proposals, subdivision plans, and development plans; the Board of Zoning appeals may also request the committee to review variance requests and conditional uses. Refer to the Plan Commission Rules of Procedure regarding the membership of the Technical Advisory Committee.

THOROUGHFARE PLAN. The part of the comprehensive plan for the city, now or hereafter adopted, which includes a major street and highway plan and sets forth the location, alignment, dimensions, identification, and classification of existing and proposed streets, highways, and other thoroughfares for the city within its environs.

YARD. A space on the same lot with a building, which is open, unoccupied and unobstructed by structures, except as otherwise provided in this Code.

YARD, FRONT. A yard extending across the full width of the lot, unoccupied other than by steps, walks, terraces, driveways, lamp posts, and similar appurtenances, the depth of which is the distance between the front lot line and the building line.

YARD, REAR. Yard extending across the full width of the lot between the rear of the principal building and the rear lot line unoccupied other than by accessory buildings, and steps, walks, terraces, driveways, lamp posts and similar structures, the depth of which is the least distance between the rear lot line and the rear of such principal building.

YARD, SIDE. A yard between the building and side lot line, extending from the front yard or from the front lot line where no front yard is required, to the rear yard, unoccupied other than by architectural appurtenances projecting not more than 24 inches from the building, or open or lattice-enclosed fire escapes or fireproof outside stairways, projecting not more than four feet, and certain accessory uses in accordance with the provisions of this chapter. The width of the required side yard is measured horizontally at 90 degrees with the side lot line from the nearest point of the building.

ZONE MAP. A map entitled "Zone Map, Greenfield, Indiana," dated 1989 and any amendments thereto.

ZONING ADMINISTRATOR. The official, or his designee, appointed by the Mayor of Greenfield and authorized to enforce this chapter of the Code and other chapters pertaining to planning, zoning and building construction.

ZONING ORDINANCE. An ordinance and zone map which divides the jurisdiction of the Plan Commission into districts, with regulations and requirements and procedures for the establishment of land use controls, and which indicates where subdivision of land may occur; specifically, Chapter 155, Zoning Code.

(Ord. 1979-24, passed 12-13-79; Am. Ord. 1983-2, passed 2-10-83; Am. Ord. 1988-29, passed 12-8-88; Am. Ord. 1999-4, passed 3-25-99; Am. Ord. 2015-12, passed 12-9-15)

PROCEDURE AND REQUIREMENTS FOR PLATS

§ 152.10 APPROVAL PROCEDURE FOR SUBDIVISIONS.

(A) A petitioner desiring approval of a plat of a subdivision of any land lying within the jurisdiction of the Plan Commission shall submit a written application therefor to the Plan Commission Staff. The application shall be accompanied by the information, requirements, and plans set forth in §§ 152.11 through 152.15, all in accordance with the requirements set forth in this chapter of the code. At least two weeks before the submittal of a petition for subdivision plat approval, the petitioner shall participate in a sketch plan review with the Plan Commission Staff.

(B) The application shall show the manner in which the plat of the subdivision is in compliance with the Comprehensive Plan and its provisions, specifically with relation to the requirements of the Thoroughfare Plan, school and recreational sites, shopping centers, community facilities, sanitation, water supply and drainage, and other developments existing and proposed in the vicinity. However, no land shall be subdivided for residential use unless adequate access to the land over improved streets or thoroughfares exists or will be provided by the petitioner, or if the land is considered by the Plan Commission to be unsuitable for such use by reason of flooding or improper drainage, objectionable earth and rock formation, topography, or any other feature harmful to the health and safety of possible residents and the community as a whole.

(C) The application shall be accompanied by a certified check or money order in the amount as set forth by the Plan Commission for each lot on the proposed plat, to cover the cost of administration and reviewing the plat, and the Zoning Administrator shall surrender the check or money order to the Clerk-Treasurer of the city for deposit in the General Fund of the city. No part of this filing fee shall be returnable to the applicant.

(Ord. 1979-24, passed 12-13-79; Am. Ord. 1983-2, passed 2-10-83; Am. Ord. 1999-4, passed 3-25-99)

§ 152.11 APPLICATION FOR PRIMARY APPROVAL OF A PLAT OF A SUBDIVISION.

(A) Upon receipt of an application for primary approval of a plat of a subdivision, the Plan Commission staff shall review the application for technical conformity with the standards set forth in this chapter. The Technical Review Committee is hereby established with the membership composed of the members set forth in the Plan Commission's Rules of Procedure. The Technical Review Committee shall examine each application to determine if the proposed improvements meet the requirements of this code. The Committee shall report its findings to the Plan

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Commission staff prior to the date set for a hearing. Within 30 days after receipt of an application, the Plan Commission staff shall announce the date for a hearing before the Plan Commission. The petitioner shall provide notice in accordance with divisions (1), (2) and (3), herein; provided, that notification shall not be given until the Plan Commission staff has received the report (when required) from the Technical Review Committee. After the Plan Commission staff has announced a date for a hearing before the Plan Commission, the petitioner shall do the following:

(1) Give notice of the hearing by publication in accordance with I.C. 5-3-1.

(2) Provide for due notice to interested parties at least fifteen days before the date set for the hearing.

(B) The petitioner shall provide a plat of the subdivision and pertinent data showing the following:

(1) Proposed name of the subdivision.

(2) Names and addresses of the owners and the petitioners. If the petitioners are not the owners, written consent from the owners to the petitioners authorizing the filing and granting of the petition.

(3) Streets and rights-of-way, on and adjoining the site of the subdivision, showing the names as approved by the county address committee which shall meet with the approval of the Plan Commission, and including roadway widths, approximate gradients, types and widths of pavement, curbs, walks, crosswalks, sidewalks, tree planting, and other pertinent data.

(4) Accurate boundary lines of the parent tract and all proposed lots, with dimensions and angles, which provide a survey of the tract, in accordance with IAC 865-1-12, as amended.

(5) Accurate distances and directions to the nearest established street corners or official section corner monuments. Reference corners shall be accurately described on the plat.

(6) Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.

(7) Street lines with accurate dimensions in feet and hundredths of feet, with angles to street, alley, and lot lines.

(8) Layout of lots, showing dimensions, lot numbers and area in square feet of each lot.

(9) Accurate locations of proposed easements for utilities and other uses and any limitations on such easements, showing widths and purposes of easements and existing easements.

(10) Accurate dimensions for any property to be dedicated or reserved for public, semi-public, or common areas for neighborhood association use.

(11) Location, size, details, and specifications of storm and sanitary sewers, water distribution system, and street lighting system.

(12) Contours of vertical intervals of two feet if the general slope of the site is less than 10% and at vertical intervals of five feet if the general slope is 10% or greater.

(13) Building setback lines and dimensions.

(14) Location, type, material, and size of all monuments and lot markers.

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- (15) North point, scale, and date.
- (16) Restrictions of all types which will run with the land and become covenants in the deeds for lots.
- (17) Certificate for primary approval by the Plan Commission, to be signed by the President of the Plan Commission.
- (18) Certificate for secondary approval by the Plan Commission, to be signed by the President of the Plan Commission.
- (19) Certification by a registered land surveyor.
- (20) Certification of dedication of streets and other public property.
- (21) Accurate location of proposed sidewalks.
- (22) Drainage improvements with calculations supporting the design of the drainage system.
- (23) Certificate of Board of Public Works and Safety approval to be signed by the Board of Public Works and Safety chairman.
- (24) A description of the composition and operation of the owners association required by § 152.27.
- (25) The delineation of the phases, if any, of the development, indicating the lots and improvements to be included in each phase.
- (26) Certificate for approval by the Zoning Administrator, to be signed by the Zoning Administrator of the city.
(Ord. 1983-2, passed 2-10-83; Am. Ord. 1988-29, passed 12-8-88; Am. Ord. 1999-4, passed 3-25-99; Am. Ord. 2000-9, passed 7-27-00)

§ 152.12 CONSTRUCTION PLANS, SPECIFICATIONS, AND SUPPLEMENTAL INFORMATION.

The petitioner shall submit plans and specifications and other required information meeting the requirements of the City of Greenfield Public Improvement Design Standards and Specifications Manual with the application.
(Ord. 1979-24, passed 12-13-79; Am. Ord. 1983-2, passed 2-10-83; Am. Ord. 1999-4, passed 3-25-99)

§ 152.13 AFTER HEARING FOR PRIMARY APPROVAL.

(A) If, after the hearing, the Plan Commission determines that the application and plat comply with the standards in this code, it shall make written findings and a decision granting primary approval to the plat of the subdivision. The President of the Plan Commission shall sign this decision.

(B) If the Plan Commission disapproves the plat, it shall make written findings that set forth its reasons and a decision denying primary approval and shall provide the applicant with a copy. The President of the Plan Commission shall sign this decision.

(C) Whenever a proposed subdivision involves the opening of an access-point onto State Road 9 (State Street) or US 40 that has not been previously approved by the Indiana Department of Transportation (INDOT), the Plan Commission may give primary

approval of the proposed plat of the subdivision in accordance with division (A) herein, if the Plan Commission agrees with the location of the access-point; provided, that secondary approval of the subdivision cannot be granted until written authorization from the INDOT has been received by the Plan Commission allowing such access-point at that location and a financial guarantee has been made by the petitioner for the completion of the access-point improvements satisfactory to the Plan Commission. If permission is denied by INDOT, then secondary approval for the plat of the subdivision shall not be granted.

(Ord. 1983-2, passed 2-10-83; Am. Ord. 1988-29, passed 12-8-88; Am. Ord. 1999-4, passed 3-25-99)

§ 152.14 APPEALS.

The primary approval or disapproval of a plat by the Plan Commission or the imposition of a condition on primary approval is a final decision of the Plan Commission that may be reviewed by certiorari procedure as provided by I.C. 36-7-4-1016.

(Ord. 1983-2, passed 2-10-83; Am. Ord. 1999-4, passed 3-25-99)

§ 152.15 SECONDARY APPROVAL.

The Plan Commission may grant secondary approval for all or any part of a plat of a subdivision which has heretofore been given primary approval by the Plan Commission, or the Plan Commission may delegate to the Plan Commission Staff the authority to grant such secondary approvals; provided, that secondary approvals may be granted after expiration of the time for appeal under § 152.14, herein and the submission of the subdivision improvement agreement.

(A) Secondary approval may be granted to a plat of a subdivision in which the public improvements and installations have not been completed as required by this code, if the applicant provides a bond, or other proof of financial responsibility as prescribed herein, that meets the following requirements:

(1) 110% of an amount determined by the Plan Commission staff to be sufficient to complete the improvements and installations in compliance with this code; and

(2) Provides surety satisfactory to the Plan Commission attorney.

Other proof of financial responsibility may take the following form:

(1) An irrevocable letter of credit, or

(2) A performance bond, or

(3) An escrow agreement.

(B) No notice or hearing is required for secondary approvals.

(C) A plat of a subdivision shall not be filed with the Auditor of Hancock County, and the Recorder of Hancock County shall not record it, unless it has been granted secondary approval and signed by all required signatories. If submitted and recorded, the plat shall not be considered a legal subdivision and building permits for lots within the illegally recorded subdivision will not be issued.

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(D) The proof of financial responsibility referred to in division (A) may be released only upon receipt of a certificate by a registered professional civil engineer or a registered land surveyor that all improvements and installations for the plat of the subdivision required for its approval have been made or installed in accordance with specification and approved by the City Engineer.

(E) *Phasing of Subdivisions.* The petitioner may seek secondary approval of a portion or section of the preliminary plat. The Commission may impose such conditions upon filing of applications for secondary approval of the sections as it deems necessary to assure the orderly development of the subdivision (e.g., sequential lot numbering.) The Commission may require that the performance bond and financial responsibility be in such amount as will be commensurate with the section or sections of the plat for which secondary approval is sought and may defer the remaining required performance bond (or other assurance) principal amount until the remaining sections of the plat are offered for filing. Such sections must contain at least 20 lots or 10% of the total number of lots contained in the approved preliminary plat, whichever is less. The approval of all remaining sections not filed with the Zoning Administrator shall automatically expire four years from the date of preliminary approval, unless the preliminary approval has been extended.

(F) Within 30 days of secondary approval, the petitioner shall submit one electronic copy of the secondary plat to the City Engineering Department for incorporation into the city's Geographic Information System. The digital drawing file shall be in AutoCad format, unless otherwise specified by the City Engineering Department staff. For the city to efficiently manage the geographic information system, petitioners shall submit their plats in conformance with the requirements below.

(1) Information shall be separated and organized on layers by content as follows:

<u>Layer Name</u>	<u>Content</u>
RE_PRCL	parcels
RE_ROWL	right-of-way lines
RE_SECT	section lines
RE_SUBD	subdivision boundaries
RE_ESMT	easements
RE_BSBL	building setback lines
RE_CORP	corporate boundaries
RE_LOTL	subdivision lot lines

All leaders, arrows, text boxes, and other annotations shall be on layers separate from the features to which they pertain. Text labels must be on discrete layers according to their purpose.

(2) Real estate parcels, rights-of-way, subdivisions boundaries, and lot lines shall be drafted with precise endpoints snapped together. Easements and setback lines should be trimmed to meet the snapped boundary features. Lot numbers or parcel identifiers can be either blocks or text, but each lot should be individually labeled, with the label insertion point within the lot boundary. If lot monumentation symbols are used, they should be inserted at the intersection or endpoint of the snapped boundary features.

(Ord. 1983-2, passed 2-10-83; Am. Ord. 1999-4, passed 3-25-99; Am. Ord. 2000-9, passed 7-27-00)

§ 152.16 TIME LIMITS FOR PLAT APPROVAL.

(A) Unless extended, primary plat approval shall be effective for a period of two years (primary plat approval period) after the date of primary plat approval (including conditional approval), at the end of which time secondary approval of the subdivision must have been obtained by the Applicant and certified by the proper officials. Any plats not receiving secondary approval within the period of time set forth herein shall be null and void, and the Applicant shall be required to resubmit a new application for subdivision approval subject to the zoning restrictions and subdivision regulations in effect at the time of resubmission. Upon the request of an Applicant and upon a finding that the Applicant has been unable to prepare the proposed development for secondary approval despite due diligence, the Commission may extend the preliminary approval period for one two-year period beyond the expiration date of the original preliminary approval period, without further notice and public hearing, or for a longer period of time upon notice to interested parties and hearing.

(B) Until the secondary plat is recorded, secondary approval shall be effective for a period of one year (secondary approval period) after the date of secondary approval, at the end of which time the secondary plat shall have been recorded. Any plats not recorded within the period of time set forth herein shall be required to resubmit a new application for subdivision approval subject to the zoning restrictions and subdivision regulations in effect at the time of resubmission. Upon the request of an Applicant and upon a finding that the applicant has been unable to satisfy the requirements to execute the certificate of secondary approval despite due diligence, the Commission may extend the secondary approval period for one year beyond the expiration date of the original secondary approval period, without further notice and public hearing, or for a longer period of time upon notice to interested parties and hearing.

(Ord. 2000-9, passed 7-27-00)

§ 152.17 [RESERVED].

§ 152.18 [RESERVED].

§ 152.19 [RESERVED].

§ 152.20 MAINTENANCE OF PUBLIC IMPROVEMENTS.

(A) The petitioner shall be required to maintain all public improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks until acceptance of said public improvements by the City.

(B) The petitioner shall be required to file a maintenance bond with the Board of Public Works and Safety one week prior to acceptance in an amount not to exceed 10% of the cost of all public improvements, and in a form satisfactory to the City Attorney. The maintenance bond is provided to assure the satisfactory condition of the required public improvements for a period of three years after the date of acceptance by the Board of Public Works and Safety.

(C) The petitioner shall be required to file a maintenance agreement along with the above described maintenance bond. This agreement shall be in a form acceptable to the City Attorney, and approved by the Board of Public Works and Safety. A sample form for the maintenance agreement is available in the appendix following Chapter 152.

(Ord. 1989-4, passed 4-13-89; Am. Ord. 1999-4, passed 3-25-99)

§ 152.21 [RESERVED.]

§ 152.22 [RESERVED.]

§ 152.23 [RESERVED.]

§ 152.24 [RESERVED.]

§ 152.25 CONFORMITY REQUIRED.

The plat of the subdivision shall conform to the City of Greenfield Public Improvement Design Standards and Specifications Manual as adopted by the Board of Public Works and Safety and all amendments thereto.

(Ord. 1979-24, passed 12-13-79; Am. Ord. 1983-2, passed 2-10-83; Am. Ord. 1999-4, passed 3-25-99)

§ 152.26 CONFORMITY TO COMPREHENSIVE PLAN.

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The subdivision plan shall conform to the principles and standards of the comprehensive plan as adopted by the City of Greenfield and all amendments thereto. (Ord. 1979-24, passed 12-13-79; Am. Ord. 1983-2, passed 2-10-83; Am. Ord. 1999-4, passed 3-25-99)

§ 152.27 OWNERS ASSOCIATIONS.

(A) Owners associations are required for all subdivisions. The owners association shall be established prior to the approval of the secondary plat. The petitioner shall submit one copy of each of the following documents at least one week prior to secondary plat approval:

- (1) Owners association Articles of Incorporation;
- (2) Owners association Bylaws;
- (3) Owners association Covenants, Conditions, and Restrictions.

(B) The above listed documents shall be recorded in the Office of the County Recorder prior to secondary plat approval.

(C) The Commission may waive the requirement for the establishment of an owners association upon finding that:

- (1) There are no areas of common ownership within the subdivision.
- (2) There are no privately-maintained facilities or where there are privately-maintained facilities, financial commitments other than an owners association have been established to provide maintenance in perpetuity, (Am. Ord. 2000-9, passed 7-27-00)

PLAT CERTIFICATES AND DEED OF DEDICATION

§ 152.60 PLAT CERTIFICATES AND DEED OF DEDICATION.

The following forms shall be used in plats:

(A) Surveyor's certificate.

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

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

(Signature)

(SEAL)

(B) Plan Commission certificate for primary approval.

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

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

GREENFIELD ADVISORY PLAN COMMISSION
(SEAL)

President

(C) Board of Public Works and Safety certificate.

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

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

(Chairperson)

(Recording Secretary)

(SEAL)

(D) Plan Commission certificate for secondary approval.

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

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

GREENFIELD CITY PLAN COMMISSION
(SEAL)

President

(E) Zoning Administrator certificate.

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

Greenfield City Plan Commission Staff

Zoning Administrator of Greenfield, Indiana

Date:_____.

(Ord. 1979-24, passed 12-13-79; Am. Ord. 1983-2, passed 2-19-83; Am. Ord. 1988-29, passed 12-8-88; Am. Ord. 1999-4, passed 3-25-99)

§ 152.61 DEED OF DEDICATION.

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

"We the undersigned _____ (Names) _____, owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and

Greenfield Code of Ordinances

hereby lay off, plat and subdivide, said real estate in accordance with the within plat. We do further certify that this plat is made and submitted with our free consent and desires.

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

A perpetual easement is hereby granted to any private or public utility or municipal department, their successors and assigns, within the area shown on the plat and marked "Utility Easement," to install, lay, construct, renew, operate, maintain and remove conduits, cables, pipes, poles and wires, overhead and underground, with all necessary braces, guys, anchors and other equipment for the purpose of serving the subdivision and other property with telephone, electric and gas, sewer and water service as a part of the respective utility systems; also is granted (subject to the prior rights of the public therein or other governing codes and ordinances) the right to use the streets and lots with aerial service wires to serve adjacent lots and street lights, the right to cut down and remove or trim and keep trimmed any trees or shrubs that interfere or threaten to interfere with any of the said private or public utility equipment, and the right is hereby granted to enter upon the lots at all times for all of the purposes aforesaid. No permanent structures, fences or trees shall be placed on said area as shown on the plat and marked "Utility Easement," but same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the aforesaid user or the rights herein granted.

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

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

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

Witness our Hands and Seals this _____ day of _____.

(Signature)

(Signature)

State of Indiana)

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

(Notary Public)
(Ord. 1979-24, passed 12-13-79; Am Ord. 1983-2, passed 2-10-83; Am. Ord. 1999-4, passed 3-25-99)

MODIFICATION; IMPROVEMENT CREDIT; APPENDIX

§ 152.75 MODIFICATION.

(A) The Commission may authorize and approve modifications from the requirements and standards of these regulations (including the waiver of standards or regulations) upon finding that:

- (1) Practical difficulties have been demonstrated;
- (2) The requested modifications would not, in any way, contravene the purpose and intent of the Comprehensive Plan, the Zoning Ordinance, the Official Zoning Map of the City, or the Subdivision Control Ordinance;
- (3) Granting the modifications would not be detrimental to the public safety, health, or welfare and would not adversely affect the delivery of governmental services (e.g., water, sewer, fire protection, etc.);
- (4) Granting the modifications would neither substantially alter the essential character of the neighborhood nor result in substantial injury to other nearby properties;
- (5) The conditions of the parcel that give rise to the practical difficulties are unique to the parcel and are not applicable generally to other nearby properties;
- (6) The requested modifications represent the minimum modifications necessary to meet the intent of the regulations;
- (7) The practical difficulties were not created by the petitioner, developer, owner, or subdivider; and
- (8) The practical difficulties cannot be overcome through reasonable design alternatives.

(B) In approving modifications, the Commission may impose such conditions as will, in its judgment, substantially secure the objectives of these regulations.

(C) With respect to each requested modification and each imposed condition, the Commission shall prepare and approve written findings of fact. Such findings shall address each of the conclusory findings set forth in Subsection (A) above and shall cite the specific facts that support each of the conclusory findings and that support each of the imposed conditions.

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(D) Applications for modifications shall be submitted to the Commission, in writing, as a part of the preliminary plat application. On the application, the petitioner shall describe the requested modifications and shall submit proposed findings of fact in support of each requested modification. The petitioner shall bear the burden of establishing a sufficient factual basis for each requested modification.

(E) The Commission's decision to grant or deny a modification or to impose a condition is discretionary.

(Ord. 1979-24, passed 12-13-79; Am. Ord. 1999-4, passed 3-25-99; AM. Ord. 2000-9, passed 7-27-00)

§ 152.76 [RESERVED].

§ 152.77 CONTENTS OF APPENDIX; AMENDMENTS.

- (A) An appendix is added to this chapter which consists of the following forms:
- "1" Sample Subdivision Improvement Agreement Form
 - "2" Sample Maintenance Agreement Form
 - "3" Completion Affidavit

(B) All amendments to this chapter of the code shall be in conformance with I.C. 36-7-4-200 et seq.

(Ord. 1979-24, passed 12-13-79; Am. Ord. 1999-4, passed 3-25-99)

§ 152.99 PENALTY.

Any person in violation of Chapter 152 may be punished in accordance with the provisions of I.C. 36-1-3-8, specifically, a fine of not more than \$2,500 per violation, cost of prosecution, and attorneys fees. Each day a violation exists constitutes a separate violation.

(Ord. 1983-2, passed 2-10-83; Am. Ord. 1999-4, passed 3-25-99)

APPENDIX: SAMPLE FORMS

Section

1. Sample subdivision improvement agreement form
2. Sample maintenance agreement form
3. Completion affidavit

§ 1 SAMPLE SUBDIVISION IMPROVEMENT AGREEMENT FORM.

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

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Preamble

WHEREAS, Subdivider applied to the Plan Commission for primary plat approval for the [name of subdivision];

WHEREAS, on [date of approval], the Plan Commission granted Subdivider primary plat approval for the [name of subdivision] but conditioned such approval on the installation of certain public improvements throughout the subdivision;

WHEREAS, the City of Greenfield Subdivision Control Ordinance states and requires that each secondary plat submitted to the Commission shall be accompanied by a subdivision improvement agreement that is secured by a financial guarantee, if the required public improvements have not been completed;

WHEREAS, Subdivider applied to the Zoning Administrator for secondary plat approval, as authorized by the Plan Commission, for the [name of subdivision];

WHEREAS, Subdivider has not completed the required public improvements, namely improvements to [general description of public improvements], and desires to submit a subdivision improvement agreement, secured by [type of financial guarantee], in order to qualify for secondary plat approval.

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

Promises and Mutual Covenants

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

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

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

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

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

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

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BOARD OF PUBLIC WORKS AND SAFETY

SUBDIVIDER

Chairperson
Subdivider]

[name of

City of Greenfield Board of Public Works and Safety

Member

City of Greenfield Board of Public Works and Safety

Member

City of Greenfield Board of Public Works and Safety

ATTEST:

Clerk-Treasurer
City of Greenfield

§ 2 SAMPLE MAINTENANCE AGREEMENT FORM.

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

WITNESSETH:

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

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

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

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

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

WITNESSES:

(NAME OF SUBDIVIDER OR
DEVELOPMENT COMPANY)

CITY OF GREENFIELD, INDIANA
BOARD OF PUBLIC WORKS AND SAFETY

Mayor

ATTEST:

Clerk-Treasurer
City of Greenfield, Indiana

§ 3 COMPLETION AFFIDAVIT.

This is to certify:

(a) That the following improvements as shown in the approved plans and specifications for _____ Subdivision are complete and that inspection reports attested by a Professional Engineer or Land Surveyor approved by the Greenfield Board of Public Works and Safety show them to be in substantial accordance with the specifications and requirements of the Greenfield Subdivision Ordinance;

(b) That surety has been posted to guarantee all materials and workmanship and to guarantee repair of any damage that may be inflicted upon the improvements listed in the course of completion of the subdivision; and

(c) That the Board of Public Works and Safety of Greenfield, Indiana, has accepted these improvements and will henceforth be responsible for all maintenance on them subject to the terms of the maintenance agreement with the Subdivider dated _____.

(List Improvements)

Chairperson
City of Greenfield Board of Public Works and Safety

Date

Member
City of Greenfield Board of Public Works and Safety

Member
City of Greenfield Board of Public Works and Safety

ATTEST: _____
Clerk-Treasurer
City of Greenfield

CHAPTER 155: ZONING CODE

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GENERAL PROVISIONS

155.001 SHORT TITLE

The ordinances, as amended, comprising chapter 155 of "The Code of Ordinances of Greenfield, Indiana," shall hereafter be referred to as the "Zoning Code of Greenfield, 1998."

155.002 INTERPRETATION AND PURPOSES

In their interpretation and application the provisions of this chapter shall be minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity and general welfare. It is not intended by this zoning Code to repeal, abrogate, annul, or in any way impair or interfere with any existing provisions of law or ordinance, or with any rules, regulations, or permits previously adopted or issued pursuant to law relating to the use of buildings and land. However, where this zoning Code imposes a greater restriction on the use of a building or premises, or on the heights of buildings, or requires larger yards, courts, or other open spaces than are imposed or required by such existing provisions of law or ordinance, or by such rules, regulations, or permits, the provisions of this chapter shall prevail and control.

155.003 DEFINITIONS

For the purpose of this zoning Code, certain terminology and words used herein shall be interpreted and defined as follows: words in the present tense include the future and vice-versa; words in the singular number include the plural number and vice-versa; the word **BUILDING** includes the word **STRUCTURE** and vice-versa; the word **SHALL** is mandatory and not discretionary; the word **MAY** is discretionary.

ABUTTING Real property to a depth of two (2) ownerships or one-eighth (1/8) of a mile from property in question.

ACCESSORY BUILDING or USE A building or use of a nature customarily incidental and subordinate to the principal structure or use located on the same lot and which does not change or alter the character of the premises and which is not used for human occupancy, such as utility facilities, fences, signs, and public telephone booths.

ADJOINING Sharing an edge or a boundary; touching.

ADULT BOOKSTORE An establishment having as a preponderance of its stock in trade or its dollar volume in trade, books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

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

characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons.

ADULT DAY CARE An establishment devoted to providing daytime training, supervision, recreation, and often medical service for adults.

ADULT DRIVE-IN THEATRE An open lot, or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions, and other forms of visual productions, for any form of consideration, to persons in motor vehicles or on outdoor seats, in which a preponderance of the total presentation time is devoted to the showing of materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

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

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

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

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

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

ADULT MOTION PICTURE THEATRE An enclosed building with a capacity of fifty (50) or more persons used for presenting films, motion pictures, video cassettes, slides or similar photographic reproductions, in which a preponderance of the total presentation time is devoted to the showing of materials which are distinguished or characterized by

an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

ADULT SERVICE ESTABLISHMENT Any building, premises, structure or other facility, or part thereof, under common ownership or control, which provides a preponderance of services involving specified sexual activities or display of specified anatomical areas.

AGRICULTURE The use of land for agricultural purposes, including raising and harvesting crops, feeding, breeding and management of livestock; tillage; animal husbandry, farming, horticulture, pasturage, forestry, aquaculture, dairying, sugar making, and the like. Agriculture also includes the primary processing of products produced on the premises and the necessary accessory uses for packing, treating and storing said products.

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

AIRPORT Any runway, landing area or other facility designed, used or intended to be used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxi-ways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.

ALLEY A permanent public service way providing only a secondary means of vehicular access to the back or side of property otherwise abutting a street. An alley does not include a frontage street or commercial service drive.

APARTMENT A building or portion thereof containing more than two dwelling units or a one accessory dwelling unit above a business. Also, a **MULTI-FAMILY DWELLING**

ASSISTED LIVING FACILITY A residential facility for elderly persons (age 60 or older) and their spouses, or for persons having such disabilities as to require assistance with daily living tasks, as suggested by their physician. The facility contains four or more dwelling units and/or rooming units, and provides, through on-site personnel, such exclusive resident services as meal preparation, laundry services and room cleaning.

AUCTION USE A building or any specific closed or open area where merchandise is assembled and sold by a form of sale called an auction.

AUTOMOBILE. A self-propelled passenger vehicle that usually has four wheels and an internal-combustion engine, used for land transport.

AUTOMOBILE WRECKING YARD Any place where two or more motor vehicles, not in running condition, lacking current license plates, including inoperable equipment and parts thereof, are stored in the open and not being restored to operating condition; and including the commercial salvaging of any other goods, articles, or merchandise. (See **JUNKYARD**)

BASEMENT A story having at least one-half its height below the average level of the adjoining ground.

BED AND BREAKFAST UNIT A room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes in individual rooms.

BED AND BREAKFAST OPERATION An operator occupied residence that:

1. provides sleeping accommodations to the public for a fee;
2. has no more than fourteen (14) guest rooms;
3. provides breakfast to its guests as part of the fee; and

4. provides sleeping accommodations for no more than thirty (30) consecutive days to a particular guest.

This term does not include hotels, motels, boarding houses or food service establishments.

BLOCK A unit or property bounded by streets, and/or railroad rights-of-way, waterways, or other definite barriers.

BLOCK FRONTAGE Property having frontage on one side of a street and lying between the two nearest intersecting or intercepting streets, or a street with a railroad right-of-way, waterway, or other definite barrier.

BOARD or **BOARD OF ZONING APPEALS** The Greenfield Board of Zoning Appeals.

BOARDING HOUSE A building containing accommodation facilities in common, where paying guests are provided with meals and lodging.

BUILDABLE AREA The portion of the lot remaining after required yards or setback lines have been provided. Buildings may be placed in any part of the buildable area, but if there are limitations on the amount of the lot which may be covered by buildings, some open space may be required within the buildable area.

BUILDING A structure having a roof supported by posts, poles, columns or walls, for the shelter, support, enclosure or protection of persons, animals, chattels, or property. When separated by party walls, without any opening through walls, each portion of such a building shall be considered a separate structure.

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

BUILDING, FRONT LINE OF The actual line of any portion of the building, including the overhang, nearest the front lot line, in contrast to the front setback line.

BUILDING, HEIGHT OF The vertical distance measured from the sidewalk level or it's equivalent established grade opposite the middle of the front of the building to the highest point of the building roof, excluding chimneys.

BUILDING LINE or **BUILDING SETBACK LINE** The line which establishes the minimum depth of yard, beyond which no building or structure is permitted, as measured from the right-of-way line or the lot line. For the purpose of this chapter the proposed right-of-way lines according to the thoroughfare plan of current adoption will be considered as the street lines for lots bordering such streets and thoroughfares (See § 155.033 for exceptions.)

BUILDING OFFICIAL Official designated by the local authority to ensure compliance with building laws and orders, as per I.C. 36-7-2-9, as amended. The Building Official serves as the Building Commissioner and lead building code enforcement authority.

BUILDING PERMIT A permit signed by the Zoning Administrator stating that a proposed improvement complies with the provisions of Chapter 150 and such other parts of this Code of ordinances, as may be applicable.

BUILDING, PRINCIPAL A building in which is conducted the main or principal use of the lot on which said building is situated. Where a part of an accessory building is attached to the principal building in a substantial manner, as by a roof, such accessory building shall be considered a part of the principal building.

BULK FLAMMABLE MATERIAL STORAGE The type of storage where flammable or combustible liquids or gases are received by tank vessel, pipelines, tank car, or tank vehicle, and are stored and blended in bulk for the purpose of distributing such liquids by tank vessel, pipeline, tank car, tank vehicle, portable tank, or container. Also including any storage of explosives or blasting agents.

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

CAMPGROUND Any area or tract of land used or designed to be used for temporary occupancy by campers, or for temporary occupancy of recreational vehicles, travel trailers, tents, cabins, or other temporary accommodations.

CAR WASH A structure, or portion thereof, containing commercial facilities for washing automobiles, using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices. This term includes a manually operated car wash facility when the operation is equivalent in intensity to a mechanized car wash.

CEMETERY Land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, mausoleum and mortuaries when operated in conjunction with and within the boundary of such cemetery.

CERTIFICATE OF OCCUPANCY A certificate signed by the Zoning Administrator stating that the occupancy and use of land or a building or structure referred to therein complies with the provisions of this Code.

CITY The City of Greenfield, Indiana.

CITY COUNCIL The City Council of the City of Greenfield.

CLUB An establishment operated for social, educational or recreational purposes, that is open only to members and not to the general public.

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

COMMERCIAL CENTER A group of four or more separately operated commercial establishments, planned, developed, owned, and managed as a unit, with common off-street parking provided on the property.

COMMERCIAL SERVICE DRIVE A street other than a frontage street that runs parallel or generally parallel to the frontal street and mainly located in the space to the rear of the building(s).

COMMISSION or **ADVISORY PLAN COMMISSION** The Greenfield Advisory Plan Commission.

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

COMMUNICATIONS TOWER A structure intended for transmitting or receiving television, radio, telephone, cellular, fiber optic, computer, or any other communications.

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

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

CONDITIONAL USE A conditional use is a use that would not be appropriate generally or without restriction throughout the zone district but which, if controlled as to number, area, location or relation to the neighborhood could promote the public health, safety, convenience, prosperity or general welfare. Such uses may be permitted in such zone districts as conditional uses, if the Board of Zoning Appeals grants approval, pursuant to Section 155.061.

CONSTRUCTION TRAILER A manufactured mobile unit, not designed for dwelling purposes, used as a temporary office or other similar use.

CORRECTIONAL AND PENAL INSTITUTIONS A state, federal or county facility housing those convicted of serious crimes.

COUNTY Hancock County, Indiana.

COVENANTS A series of formal, sealed, binding agreements or laws.

DAY CARE CENTER or **CHILD CARE CENTER** A center providing training, supervision, recreation, and accessory medical services for six or more children not including the care providers children at a location other than their own residence, or the residence of the care provider, for less than 24 continuous hours. This definition encompasses facilities generally known as child care centers, pre-schools, nursery schools, but does not include "educational institutions." Day care centers shall be state licensed.

DECIBEL A unit of measurement of the intensity of loudness of sound. Sound level meters are used to measure such intensities and are calibrated in decibels.

DENSITY The number of dwelling units developed per acre of land.

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

- a. construction or placement of a building greater than 400 sq. ft, construction of any addition to a building, and reconstruction.

- b. installing a manufactured home at a site, preparing a site for a manufactured home or installing a travel trailer on a site for more than 180 days;
- c. installing utilities, erection of walls and fences, construction of roads, or similar projects;
- d. construction of flood control structures such as levees, dikes, channel improvements, etc.;
- e. mining, dredging, filling, grading, paving, excavation, or drilling operation;
- f. construction and/or reconstruction of bridges or culverts;
- g. storage of materials; or
- h. any other activity that might change the direction, height, or velocity of flood or surface waters.

DEVELOPMENT does not include activities such as the maintenance of existing buildings and facilities such as painting, re-roofing resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent buildings.

DEVELOPMENT PLAN Specific plan for the residential, commercial, or industrial developments or other development of property setting forth certain information and data required by the Plan Commission, and prepared by a professional engineer, land surveyor, or architect. See Section 155.045

DEVELOPMENTAL DISABILITY A disability of a person which:

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

DEVELOPMENTAL DISABILITIES RESIDENTIAL FACILITY See **GROUP HOME**

DISTRICT A section of the city for which uniform regulations governing the use, height, area, size and intensity of use of buildings, land, and open spaces about buildings are herein established.

DOUBLE FRONTAGE LOT. A lot having frontage on two parallel public ways; in the case of a corner lot, both lot lines separate the lot from the street right-of-way shall be considered front lot lines, or in the case of a through lot, the lot line which most closely parallels the primary entrance of the primary structure shall be considered the front lot line, allowing the area located between the rear of the dwelling the minimum building setback line to function as a rear yard. When a **DOUBLE FRONTAGE LOT** can also be considered a **CORNER LOT**, then regulations related to **CORNER LOTS** shall supersede.

DRIVE-IN ESTABLISHMENT Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in motor vehicles, including those

establishments where customers may consume the above in their vehicles parked upon the premises, or may carry out the goods for consumption off the premises. Any establishment furnishing vehicle attendant service shall be considered a drive-in as defined by this ordinance regardless of any accommodation provided in the enclosed interior of the building.

DRIVE-THROUGH ESTABLISHMENT Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle, which is usually left running, during such business transactions.

DWELLING A building or portion thereof, used primarily as a place of abode for one or more human beings, but not including hotels or motels, lodging or boarding houses or tourist homes.

1. A **SINGLE-FAMILY DWELLING** is a detached building containing one dwelling unit. A manufactured home built after January 1, 1981, which is 23 feet or more in width at its narrowest dimension, and which is 720 square feet or more, which is placed on a permanent foundation and is provided with either a permanent perimeter skirting of 8" concrete block installed in accordance with American Standard Testing requirements of current adoption or poured concrete wall qualifies as a single-family dwelling.

2. A **TWO-FAMILY DWELLING** is a single detached building containing two dwelling units, with no opening between the two dwelling units.

3. A **MULTI-FAMILY DWELLING** is a building or portion thereof containing three or more dwelling units.

DWELLING UNIT One room or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease on a weekly, monthly, or longer basis, and physically separated from any other room or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

EASEMENT A right of the owner on one parcel of land, by reason of such ownership, or a right of the public, to use the land of another for a special purpose as designated; a strip of land to be used by the general public, a corporation, a utility company, or a certain person for a specific reason, for purposes of providing services to property. The property owner shall be responsible for maintenance within easements on their property.

EDUCATIONAL INSTITUTION or FACILITY Public parochial, or private pre-primary, primary, grade, high, preparatory school, academy, or junior college; college or university, if public or founded or conducted by or under the sponsorship of a religious or charitable organization.

EMERGENCY SHELTER A facility providing temporary housing for one or more persons who are otherwise homeless.

FALL OUT SHELTER A facility to be used as an emergency shelter during and after a nuclear emergency.

FARM A tract of land comprising an area which is devoted to agricultural operations, such as forestry; the growing of crops; pasturage; the production of livestock and poultry (domestic fowls, such as chickens, turkeys, ducks, or geese, raised for meat or eggs); the growing of trees, shrubs and plants; and other recognized agricultural pursuits and including accessory buildings essej a lot, measured between side lot lines on the front building line.

FARM HOUSE or **FARM DWELLING** The principal dwelling or residence of the owner or operator of the farm, which is located on the farm.

FAMILY Any number of individuals living together as a single housekeeping unit and doing their cooking on the premises, as distinguished from a group occupying a boarding house, or rooming house, or hotel, or housing structure occupied by social organizations such as fraternities, sororities, and clubs.

FILLING STATION/SERVICE STATION Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, or wholesale and where in addition the following services may be rendered and sales made:

1. Sale and servicing of spark plugs, batteries, and distributors and distributor parts;
2. Tire servicing and repair, but not recapping or regrooving;
3. Replacement of mufflers and tailpipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers, wiper blades, grease retainers, wheel bearings, mirrors, and the like;
4. Radiator cleaning and flushing;
5. Washing and polishing, and sale of automobile washing and polishing materials;
6. Greasing and lubrication;
7. Providing and repairing fuel pumps, oil pumps, and lines;
8. Minor servicing and repair of carburetors;
9. Adjusting and repairing brakes;
10. Emergency wiring repairs;
11. Motor repairs and minor motor adjustments not involving removal of the head or crankcase or racing the motor;
12. Sales of cold drinks, packaged foods, ice, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operation;
13. Rental of hauling vehicles for the moving of household goods, but not including the sale or rental of automobiles, mobile homes, manufactured homes or recreational vehicles, as accessory and incidental to principal operation;
14. Provision of road maps and other informational materials to customers; provision of restroom facilities. Uses permissible at a service station do not include major mechanical and body work, straightening of frames or body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations.

FLAMMABLE LIQUID A liquid having a flash point below 100 degrees Fahrenheit, and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100 degrees Fahrenheit.

FLASH POINT The lowest temperature at which a combustible liquid under prescribed conditions will give off a flammable vapor which will burn momentarily using the closed cup method.

FLOOR AREA The sum of the horizontal areas of the one or several floors of all buildings or portions thereof, on the lot or with the project.

FLOOR AREA, NET The total area, computed on a horizontal plane, used for a particular business category, exclusive of entrances, hallways, stairs, elevators, HVAC equipment rooms walk in coolers, and other accessory areas. (See 155.064 for application to off street parking under division (D).)

FLOOR AREA RATIO The total floor area of all stories of all buildings within the lot or project divided by the land area.

FREE BURNING A rate of combustion described by a material which burns actively and easily supports combustion.

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

FRONTAGE STREET A street that runs parallel to the public street or highway and located within the space between the building(s) and the public street or highway.

GARAGE, PRIVATE An accessory building with capacity for not more than three privately owned motor vehicles, boats and trailers of the household resident upon the premises, none of which may be a truck of a rated capacity exceeding one ton on any lot. A garage designed to house two motor vehicles, boats and trailers for each family housed in a multi-family dwelling or a multi-family dwelling shall be classed as a private garage.

GARAGE, PUBLIC Any building, except those defined herein as a **PRIVATE GARAGE**, used for storage, or care of motor vehicles, or where such vehicles are equipped for operation, repaired, or kept for remuneration hire or sale.

GRADE or **LOT GROUND LEVEL** The inclination or slope of a ground surface usually expressed in terms of the percentage of vertical rise (or fall) relative to a specific horizontal distance.

1. For buildings facing one street only, the elevation of the sidewalk at the center of the wall adjoining the street;
2. For buildings having walls facing more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the streets; and
3. For buildings having no wall adjoining the street, the average level of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five feet from a street line is to be considered as facing the street.

GROUND FLOOR AREA The square foot area of a residential building within its largest outside dimensions computed on a horizontal plane at the ground floor level, exclusive of porches, breezeways, terraces, garages and exterior stairways or other devices. A ground floor may have split levels provided there is not more than a

five-foot difference in elevations between the different levels of the floor. See **OCCUPIED SPACE** for manufactured dwellings.

GROUP HOME A residential facility licensed by the appropriate state agency, that provides residential services for not more than eight (8) developmentally disabled persons, none of whom has a history of violent or antisocial behavior, and such staff, not to exceed two (2) at any one time, as are necessary to adequately manage the home.

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

HEALTH OFFICER Any officer of authority from the Hancock County Health Department, and the State Board of Health. Same as **COUNTY HEALTH OFFICER**, includes County Sanitarian.

HEALTH FACILITY Any building, structure, institution, or other place, for the reception, accommodation, board, care or treatment extending beyond a continuous 24 hour period in any week of more than two unrelated individuals requiring, in apparent need of, or desiring such services or combination of them, by reason of age, senility, physical or mental illness, infirmity, injury, incompetency, deformity, or any physical, mental or emotional disability, or other impairment, illness or infirmity, not specifically mentioned herein above, including institutions or places furnishing those services usually furnished by places or institutions commonly known as nursing homes, homes for the aged, retirement homes, boarding homes for the aged, sanitarium, convalescent homes, and homes for the chronically ill. The reception, accommodation, board, care, or treatment in a household or family, for compensation, of a related person.

HOME OCCUPATION An occupation, profession, activity or use that is in nature an accessory use conducted entirely within a dwelling, on a residential lot, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character or appearance thereof. See 155.064 for regulations.

HOSPITAL An institution licensed by the State Board of Health and providing health services primarily for human in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, emergency rooms, out-patient departments, training facilities, central service facilities and staff offices which are an integral part of the facility, provided such institution is operated by, or treatment is given under direct supervision of a licensed physician. Types of hospitals include general, mental, chronic disease and allied special hospitals such as cardiac, contagious disease, maternity, orthopedic, cancer and the like.

HOTEL or MOTEL A building in which lodging, with or without meals, is provided and offered to the public for compensation on a daily rate and which is open to guests, in contradistinction to a boarding or lodging house. The definition includes hotels which offer complete kitchen facilities in some or all of the units.

IMPROVEMENT LOCATION PERMIT A permit which may be combined with a **BUILDING PERMIT** signed by the Zoning Administrator stating that a proposed improvement or use complies with the provisions of this chapter of this Code. A **TEMPORARY IMPROVEMENT LOCATION PERMIT** is an **IMPROVEMENT**

LOCATION PERMIT authorized by the Board of Zoning Appeals or staff with a definite time limit attached thereto.

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

INDUSTRIAL PARK A planned coordinated development of a single structure or group of structures for industrial operations, with special attention to a comprehensive arrangement of buildings, grounds, on site circulation, architectural and landscape architectural design, and industrial management.

INTENSE BURNING A rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.

JAIL A place for the confinement of persons in lawful detention; a prison.

JUNKYARD Any place at which personal property is or may be salvaged for reuse, resale, or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled, or sorted including, but not limited to, used or salvaged base metal or metals, their compounds or combinations, used or salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick and similar property; and used motor vehicles, machinery or equipment which is used, owned or possessed for the purpose of seeking or salvaging parts therefrom.

JURISDICTION OF THE COMMISSION The territory within the City of Greenfield, Indiana, the boundaries of which are shown on the Zone Map, dated December 11, 1989, as amended, which includes all of the area over which this chapter is effective.

KENNEL Any lot on which four or more dogs, or small animals, at least four months of age, are kept.

LIVESTOCK Any animal which has been domesticated primarily for agricultural purposes, but not including house pets such as dogs, cats, or any other similar animal or fowl usually considered a house pet.

LIVING AREA or SPACE The total area of a structure, excluding accessory structures such as, but not limited to garages, patios and porches.

LOADING AND UNLOADING BERTHS The off- street area required for the receipt or distribution by vehicles of material or merchandise.

LOT A parcel, plat, tract, or area of land accessible by means of a public way. It may be a single parcel separately described in a deed or plat which is recorded in the office of the County Recorder, or it may include parts of, or a combination of such parcels when adjacent to one another and wed as one, or it may be a parcel of land described by metes and bounds. However, in no case shall any residual lot or parcel be created which does not meet the requirements of this chapter. In determining lot area and boundary lines, no part thereof within a street shall be included.

LOT AREA The total horizontal area within the lot lines of a lot, computed exclusive of any portion of a street, existing or proposed.

LOT, CORNER A lot at the junction of and having frontage on two or more intersecting streets. For the purpose of this Ordinance, corner lots are considered to have two (2) front yards and two (2) side yards.

LOT COVERAGE The total area of a lot that is covered, roofed, occupied, or enclosed by principal and accessory buildings and structures, expressed as a percentage of the lot area.

LOT, DEPTH OF The mean horizontal distance between the front lot line and the rear lot line.

LOT FRONTAGE The linear distance of a lot measured at the front lot line where said lot abuts a street, measured between side lot lines

LOT, INTERIOR A lot other than a **CORNER LOT** or **THROUGH LOT**

LOT LINE The property line between two established parcels of land or one parcel and a public right-of-way or place.

LOT LINE, FRONT A line separating the lot from the public way.

LOT LINE, REAR A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular shaped lot, a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.

LOT LINE, SIDE Any lot boundary line not a front lot line or a rear lot line.

LOT, THROUGH A lot having frontage on two parallel, or approximately parallel streets. Also **DOUBLE FRONTAGE LOT**

LOT, WIDTH The dimension of a lot, measured between side lot lines on the front building line.

LOT OF RECORD A lot which is part of a subdivision, the map of which has been recorded in the office of the County Recorder, or a parcel of unplatted land, the deed to which has been recorded in the office of the County Recorder, provided that such lot was of a size that met the minimum dimensions for lots in the district in which it was located when recorded, or was recorded prior to the effective date of zoning.

MANUFACTURED DWELLING A dwelling unit, built in a factory and bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards Law or Indiana Public Law 360, Acts of 1971, and constructed prior to January 1, 1981.

MANUFACTURED HOME A dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the Federal Manufactured Home Construction and Safety Standards, 42 USC 5401 et seq. or Indiana Public Law 360, Acts of 1971 (I.C. 22-11-1-9), constructed after January 1, 1981, and exceeds 720 square feet of livable space.

Editor's note:

The state statute cited in the preceding definition has been repealed.

Corresponding provisions are now set forth in I.C. 22-12-2 through 22-12-5.

MOBILE HOME A transportable vehicle which is greater than eight feet in body width and longer than 36 feet in body length and designed and constructed as a detached single-family dwelling unit with all of the following characteristics:

1. Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems;
2. Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels;
3. Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like.

MOBILE HOME PARK A tract of land which has been developed with all necessary facilities and services in accordance with a development plan meeting all requirements of this Code and which is intended for the purpose of providing a site for manufactured homes, manufactured dwellings or mobile homes for human habitation, either free of charge or for revenue proposed, including any building, vehicle or enclosure used or intended for use as a part of the equipment of such **MOBILE HOME PARK**

MOBILE HOME SITE A designated site within a mobile home park or subdivision for the exclusive use of the occupants of a single mobile home, including a mobile home slab, lawn, driveway, and parking area for said occupants. A mobile home site is not a platted lot or lot of record.

MOBILE HOME SLAB or **FOUNDATION** The solid material upon which the home rests, consisting of a continuous concrete slab or **PERMANENT FOUNDATION**

MOBILE HOME STAND That part of the mobile home park which has been reserved for the placement of one mobile home unit, including the mobile home slab, lawn area, driveway area and parking area for the unit.

MODERATE BURNING A rate of combustion described by a material which supports combustion and is consumed slowly as it burns.

NATURAL RESOURCES The Indiana Department of Natural Resources.

NONCONFORMING USE A lawful use of land which does not conform in its use or otherwise with all of the regulations of the district in which the building or premises is located, but which complied with applicable regulations at the time the use was created.

NURSING HOME Same as **HEALTH FACILITY**

OPEN SPACE The total horizontal area of a lot excluding the building, roofed, or covered area but including parking areas and recreational areas.

OPEN SPACE RATIO The open space divided by the floor area.

OUTDOOR RECREATION Outdoor recreation includes one or more of the following uses: riding clubs, polo fields, horse shows, hunter trails, and other equestrian sports; conservation clubs, Girl Scout and Boy Scout lodges or clubhouses, private park or playgrounds, archery ranges, and other outdoor recreation uses approved by the Board of Zoning Appeals; and accessory uses, buildings, and structures such as off-street parking and loading facilities, administration, maintenance, and clubhouse buildings. Outdoor recreation may be private recreational developments or outdoor commercial enterprises. (See **BUSINESS**)

OUTSIDE DISPLAY The display of merchandise for immediate sale to the public. Display merchandise shall be located behind the setback lines and shall not be located on required parking spaces.

OUTSIDE STORAGE The keeping, in an unenclosed or unroofed area of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours, except those items being used for outside display.

PARK Any public or private land available for recreational, educational, cultural, or aesthetic use.

PARK MANAGEMENT The person who owns or has charge, care or control of a mobile home park.

PARK OPERATOR The person responsible for the operation of the mobile home park.

PARKING AREA An area paved with a hard surface in accordance with city specifications, other than a public way, designed for use or used for the temporary parking of more than four motor vehicles when available for public use, whether free or for compensation, or as an accommodation for clients or customers.

PARKING SPACE A space other than on a street or alley permanently reserved and designed for use or used for the temporary parking of a motor vehicle, and being not less than ten feet wide and twenty feet long.

PARKING SPACE, HANDICAPPED A space with dimensions and location that satisfy the Americans With Disabilities Act.

PARTICULATE MATTER Finely divided liquid or solid material which is discharged and carried along in the air. This shall not include water droplets, commonly called steam.

PERFORMANCE STANDARD Criterion established to control noise, odor, smoke, toxic or noxious matter, vibration, fire or explosive hazards, and glare or heat generated by or inherent in uses of land or buildings (See Section 155.015 for regulations)

PERMANENT FOUNDATION Any structural system transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil. (See I.C. 22-11-1-1.5).

Editor's note:

The state statute cited in the preceding definition has been repealed. Corresponding provisions are now set forth in I.C. 22-12-2 through 22-12-5.

PERMANENT PERIMETER WALL An approved non-load-bearing perimeter structural system composed of a continuous solid or mortared masonry wall having the appearance of a permanent load-bearing foundation characteristic of site constructed homes, designed to support the loads imposed and extending below the established frost line.

PERSON A corporation, firm, partnership, association, organization, or any other group acting as a unit, as well as a natural person or persons.

PLACE An open, unoccupied, officially designated space other than a street, frontage street, commercial service drive, or alley, permanently reserved for use as the principal means of access to abutting property, but which is not platted as an access easement.

PLAN COMMISSION STAFF The Zoning Administrator and other persons the Plan Commission has employed to advise them on matters pertaining to planning and zoning.

PLANNED UNIT DEVELOPMENT Land under unified control, planned and developed as a whole or as a series of programmed phases. A PUD is built according to plans approved by the Plan Commission, and shall include streets, utilities, buildings, open space and other site features and improvements. (See 155.052 for regulations)

PLAT A series of drawings, certificates and covenants indicating the subdivision or re-subdivision of land, either filed or intended to be filed for record.

PREMISES A lot, tract, or plat including buildings thereon, if any.

PRIVATE SCHOOL Private, primary, grade, high or preparatory school or academy.

PUBLIC UTILITY INSTALLATIONS The erection, construction, alteration, or maintenance by public utilities, municipal departments, commissions or common carriers of underground, surface or overhead gas, oil, electrical, steam, pipes, conduits, cables, fire alarm boxes, poles, wires, mains, drains, sewers, police call boxes, traffic signals, hydrants, towers, telecommunications towers, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or commissions for the public health safety or general welfare.

PUBLIC WAY A street, frontage street, or road, not an easement or an alley.

REAR ACCESS DRIVE A drive which accesses the street or right-of-way through the rear of the property.

RECREATIONAL VEHICLE A vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a vehicle; (4) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use or serves as a means to transport vehicles not capable of being legally street going.

RECREATIONAL VEHICLE PARK A tract of land which has been developed with all necessary facilities in accordance with a site development plan meeting the requirements of this Code, and which is for short term occupancy by recreational vehicles only. It shall include, but not be limited to travel trailers, pick-up coaches, motor homes, camping trailers and tents.

RECYCLING CENTER A facility that is not a junkyard, where commonly recycled materials including, but not limited to glass, newspaper, and aluminum, are separated and processed prior to shipment to others who will reuse those materials to manufacture new products.

RESTAURANT A place where meals are served to the public, including drive in restaurants, where food is served to customers in their parked cars, and drive through restaurants, where customers order and receive food through a window.

SELF-SERVICE STORAGE FACILITY A building or group of buildings consisting of individual, small, self-contained units that are leased or owned for the storage of goods.

SERVICES INVOLVING SPECIFIED SEXUAL ACTIVITY OR DISPLAY OF SPECIFIED ANATOMICAL AREAS

Any combination of two or more of the following activities: (1) the sale or display of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representation which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; (2) the presentation of films, motion pictures, video cassettes, slides, or similar photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons; (3) the operation of coin- or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas; (4) live performances by topless or bottomless dances, go-go dances, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas; (5) the operation of a massage school, massage parlor, massage therapy clinic; (6) body painting/tattoo studio or nude modeling studio.

SETBACK The required minimum horizontal distance between the building line and the related front, side, or rear property line.

SLOW BURNING Materials which do not in themselves constitute an active fuel for the spread of combustion.

SMOKE Small gas-borne particles resulting from incomplete combustion, consisting predominantly but not exclusively of carbon, ash and other combustible material, that form a visible plum in the air.

STORY That portion of a building, included between the surface of any floor and surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be the story.

STORY, HALF That portion of a building under a sloping, gable, hip, or gambrel roof, the wall plates on at least two opposite exterior walls of which are not more than three feet above the floor level of such half-story.

STREET A public right-of-way, other than an alley, or place dedicated or otherwise legally established for public use, usually affording the principal means of vehicular travel or passage.

STRUCTURAL ALTERATION Any change in the supporting members of a building, such as bearing walls or partitions, columns, beam, or girders, or any substantial change in the exterior walls or the roof.

STRUCTURE Anything constructed or erected on the ground or attached to the ground.

SUBDIVISION The division of land parcels as defined in Chapter 152 of this Code of Ordinances.

SWIMMING POOL, PRIVATE A swimming pool used only by the owner of the pool and friends as an accessory use at a private residence.

TECHNICAL ADVISORY COMMITTEE The Technical Advisory Committee of the Greenfield Advisory Plan Commission is a committee composed of the following members: Two Plan Commission members, City Engineer, Zoning Administrator/City Planner, Public Utility Representatives, Greenfield Street Commissioner, Hancock County Soil and Water Conservation District staff member, Fire Chief - Local Fire Department, and Traffic Safety Officer -Greenfield Police Department; whose purpose is to make recommendations to the Greenfield Advisory Plan Commission concerning standards, design and impact upon streets, utilities, and other facilities for planned unit development proposals, subdivision plans, and development plans; The Board of Zoning Appeals may also request the committee to review variance requests or conditional uses.

THOROUGHFARE See **STREET**

TOURIST HOMES A dwelling of cultural or historical significance, used for institutional or commercial purposes in which no lodging takes place.

TRADE or BUSINESS SCHOOL Secretarial or business school or college when not publicly owned or not owned or conducted by or under the sponsorship of a religious, charitable or nonprofit organization; or a school conducted as a business enterprise for teaching instrumental music, dancing, barbering or hair dressing, drafting or for the teaching of industrial or technical arts.

USE The employment or occupation of a building, structure or land for service, benefit or enjoyment to a person.

USE, NONCONFORMING See **NONCONFORMING USE**

USE VARIANCE The granting of a variance to permit a use in a district in which it is otherwise prohibited. A use variance authorized by the Board with due process of law becomes a lawful use.

UTILITY EASEMENT A strip of land owned by a utility company, for purposes of providing services to property.

VARIANCE FROM DEVELOPMENT STANDARDS A device which grants a property owner relief from certain provisions of the Zoning Code when, because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money.

VEHICLE SALES AREA An open area, other than a street, used for the display, sale or rental of new or used vehicles, including, but not limited to, trucks, recreational vehicles, boats, motorcycles, automobiles or trailers, and where no repair work is done

except minor incidental repair of vehicles to be displayed, sold or rented on the premises.

VISION CLEARANCE ON CORNER LOTS or **INTERSECTION VISIBILITY** A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of three and 10 feet above the established street grade. See section 155.037

WASTE MATTER Excrement from the body, garbage, or a useless or worthless byproduct, as from a manufacturing process.

YARD A space on the same lot with a building, which is open, unoccupied and unobstructed by structures, except as otherwise provided in this Code.

YARD, FRONT A yard extending across the full width of the lot, unoccupied other than by steps, walks, terraces, driveways, lamp posts, and similar appurtenances, the depth of which is the distance between the front lot line and the building line. A **DOUBLE FRONTAGE LOT** shall be considered to only have one front yard.

YARD, REAR Yard extending across the full width of the lot between the rear of the principal building and the rear lot line unoccupied other than by accessory buildings, and steps, walks, terraces, driveways, lamp posts and similar structures, the depth of which is the least distance between the rear lot line and the rear of such principal building.

YARD, SIDE A yard between the building and side lot line, extending from the front yard or from the front lot line where no front yard is required, to the rear yard, unoccupied other than by architectural appurtenances projecting not more than 24 inches from the building, or open or lattice-enclosed fire escapes or fireproof outside stairways, projecting not more than four feet, and certain accessory uses in accordance with the provisions of this chapter. The width of the required side yard is measured horizontally at 90 degrees with the side lot line from the nearest point of the building.

ZONING ADMINISTRATOR The official hired by the City Executive and authorized to enforce this chapter of the Code and other chapters pertaining to planning, zoning, building construction and related duties.

ZONE MAP A map entitled "Zone Map, Greenfield, Indiana," dated 1989 and any amendments thereto.

(Am. Ord. 2001-5, passed 3-22-01; Am. Ord. 2002-32, passed 1-23-03; Am. Ord. 2003-8, passed 8-14-03; Am. Ord. 2006-15, passed 1-11-07; Am. Ord. 2008-28, passed 9-10-08; Am. Ord. 2015-12, passed 12-9-15)

DISTRICT REGULATIONS

155.010 ESTABLISHMENT OF DISTRICTS

A. Districts and designations

Greenfield Code of Ordinances

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

Designation	District
TN	Traditional Neighborhood
AA	Residence
A	Residence
B	Residence
C	Residence
LB	Local Business
GB	General Business
PB	Primary Business
I-1	Enclosed Industrial
I-2	Open Industrial
BP	Business Park
PUD	Planned Unit Development
HD	Historic District

B. Zone map

The zone map, which accompanies and is hereby declared to be a part of this Code, shows the boundaries of the area covered by the districts. Notations, references, indications and other matters shown on the zone map are as much a part of this Code as if they were fully described herein.

(Am. Ord. 2001-5, passed 3-22-01)

155.011 ZONE MAP

A. A part of the Code

The boundaries of the districts are established on a map entitled, Zone Map, Greenfield, Indiana, dated 1998, as amended, hereinafter referred to as the "Official Zone Map" which accompanies and is incorporated in and made a part of this chapter. Notations, references, indications, and other matters shown on the zone map are as much a part of this chapter as if they were fully described herein.

B. Verification

The official zone map shall be identified by the signature of the Mayor attested by the Clerk-Treasurer, and bearing the seal of the city under the following words: "This is to certify that this is the official zone map referred to in Section 155.011 of the Code of Ordinances of the City of Greenfield, Indiana."

C. Future map entries

If, in accordance with the provisions of this chapter, changes are made in district boundaries or other matter portrayed on the official zone map, such changes shall be entered on the map promptly after the amendment has been approved by the Council, with an entry on the official zone map as follows: "On (date) by official action of the Council, the following changes were made in the official zone map; (brief description of the nature of the changes), which entry shall be signed by the Mayor and attested by the Clerk-Treasurer.

D. Changes

No changes of any nature shall be made in the official zone map or matter shown thereon except in conformity with the procedures set forth in this chapter. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this chapter and punishable as provided under Section 155.999.

E. Location of zone map

Regardless of the existence of purported copies of the official zone map which may from time to time be made or published, the official zone map which shall be located in the office of the City Engineer shall be the final authority as to the current zoning status of land and water areas, building, and other structures in the city.

F. Damaged, lost, or destroyed map

In the event the official zone map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Council may direct the Plan Commission to prepare a new official zone map which shall supersede the prior map on approval by the Council. The new official zone map may correct drafting or other errors or omissions in the prior map, but no such correction shall have the effect of amending the original official zone map or any subsequent amendment. The new official zone map shall be identified by the signature of the Mayor attested by the Clerk-Treasurer and bearing the seal of the city under the following words: "This is to certify that this official zone map supersedes and replaces on this day (date) the official zone map adopted (date of adoption of map being replaced) as part of Ordinance Number of the City of Greenfield, Indiana."

G. Map to be preserved

Unless the prior official zone map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

H. Interpretation of district boundaries

Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

1. Center lines of streets and boundaries. Unless otherwise indicated, the district boundary lines are the center lines of streets, parkways, alleys, or railroad right-of-way, or such lines extended.
2. Approximations. Boundaries indicated as approximately following section lines, half section and quarter section lines, city corporate limit lines, or platted lot lines shall be construed as following such lines.
3. Railroad lines. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
4. Shore lines and waterways. Boundaries indicated as following shore lines shall be construed to follow the shore lines, and in the event of change in the shore lines shall be construed as moving with the actual shore lines. Boundaries indicated as approximately following the center lines of streams, creeks, lakes, or other bodies of water shall be construed to follow such center lines.
5. Use of scale on zone map. Boundaries indicated as parallel to or extensions of features indicated in divisions (A) through (D) above shall be so construed. Distances not specifically indicated on the official zone map shall be determined by the scale of the map.

6. Commission may determine. Where physical or cultural features existing on the ground are at variance with those shown on the official zone map, or in other circumstances not covered by divisions (1) through (6) of this section, the Planning Commission shall interpret the district boundaries.

7. Vacations and relocations. The vacation or relocation of rights-of-way and lot lines shall not affect the location of district boundaries. However, whenever any right-of-way is vacated by proper authority, the districts adjoining each side of such vacation shall be extended automatically to the center of such vacation.

8. Lines splitting lots. Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance (1998), the Board of Zoning Appeals, on appeal, shall interpret the applicable regulations for either portion of the lot not to exceed 50 feet beyond the district boundary line into the remaining portion of the lot.

(Am. Ord. 2001-5, passed 3-22-01; Am. Ord. 2015-1, passed 1-28-15; Am. Ord. 2015-2, passed 2-25-15; Am. Ord. 2015-12, passed 10-14-15; Am. Ord. 2015-13, passed 10-14-15; Am. Ord. 2017-1A, passed 1-24-17; Am. Ord. 2017-2, passed 2-8-17; Am. Ord. 2017-10, passed 7-26-17; Am. Ord. 2017-12, passed 9-13-17; Am. Ord. 2017-13, passed 9-13-17; Am. Ord. 2017-27, passed 1-24-18)

155.012 ADMINISTRATION OF CHAPTER

A. Questions of interpretation of chapter

All questions of interpretation of this chapter shall first be presented to the staff. Recourse from the decision of the staff shall only be to the Board of Zoning Appeals and recourse from the board's decision shall only be to the courts as provided by law.

B. Staff power and duties

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

2. The authority to perform inspections, review applications and issue permits is hereby delegated to the staff. The staff is authorized to make inspections of all lands located within the jurisdiction of the Plan Commission in order to enforce this Article. In order to execute inspections, the staff shall have the right to enter upon any premises at any reasonable time for the purpose of carrying out their duties in the enforcement of these regulations. If the owner or occupant of the premises refuses to permit entry, the staff may make application to any judge of the Circuit or Superior Courts of Hancock County, Indiana, for the issuance of an administrative search warrant. Such application shall identify the premises upon which entry is sought and the purpose for which entry is desired. The application shall state the facts giving rise to the belief that a violation of these regulations exists on such premises.

C. Violations

If the staff shall find that any of the Sections of this Chapter are being violated, the staff shall take action to correct such violations as specified in Sec. 155.110.

D. Authority of plan commission, board of zoning appeals, and staff.

The Plan Commission, Board of Zoning Appeals and staff shall have the following authority respectively:

1. The Plan Commission is hereby authorized to perform those duties and functions specified in I.C. 36-7-4-400 et seq. and other applicable sections of Indiana law and such other responsibilities as may be assigned to it from time to time by the Mayor or the Common Council. The Commission shall adopt written rules of procedure for the administration of this Chapter and the conduct of hearings. A member of the Plan Commission may not participate in a hearing or decision of that Commission concerning a zoning matter in which the member has a direct conflict of interest as described in the Commission's rules of procedure.
2. The Board of Zoning Appeals is hereby authorized to perform those duties and functions specified in I.C. 36-7-4-900 et seq. and other applicable sections of Indiana law. The Board shall adopt written rules of procedure pertaining to the administration of this Chapter and the conduct of hearings.
3. The staff is hereby authorized to perform those duties specified by I.C. 36-4-700 et seq. and such other duties as may be assigned to them from time to time by the Plan Commission, Board of Zoning Appeals, Mayor or Common Council.
(Am. Ord. 2001-5, passed 3-22-01)

155.013 APPLICATION OF DISTRICT REGULATIONS

The regulations set forth in this chapter within each district shall be minimum regulations, and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided;

A. Regulations apply

No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located. In residential subdivisions that were granted primary approval before January 1, 1999, the minimum ground floor area required for new dwelling units shall be that which was in effect as of December 31, 1998.

B. Lot areas and yards may not be encroached upon

No building shall be erected, reconstructed, or structurally altered in any manner which will encroach upon, or reduce in any manner, the yards, lot area per family, ground floor area of dwellings, or lot coverage provisions established and specified for the use and the district in which such building is located, or in any other manner contrary to the provisions of this chapter.

C. Yards are separate

No part of a yard or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

D. No reduction in yards

No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots

created after the effective date of this chapter shall meet at least the minimum requirements established by this Code.

(Am. Ord. 1999-5, passed 4-22-99; Am. Ord. 1999-17, passed 12-23-99)

155.014 PROCEDURE RELATING TO ANNEXED AREAS

A. Zoning annexed areas

Prior to the filing of a petition for annexation, the petitioner shall petition the Planning Commission for a recommendation as to said parcel's zoning designation.

B. Recommendations for annexed areas

The Plan Commission may require written commitments that stipulate design guidelines and/or land use criteria. The Plan Commission shall forward these written commitments to the Council, per Section 155.077. In no case shall written commitments be submitted to the Council without a prior recommendation from the Plan Commission.

C. Comprehensive plan as zoning guide

On future annexation, the Plan Commission shall be guided by the principles and directives of the comprehensive plan of the city, as amended, in making zone district classification recommendations to the Council.

(Am. Ord. 2002-32, passed 1-23-03)

155.015 GENERAL PERFORMANCE STANDARDS

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

A. Fire protection

Fire fighting equipment and prevention measures acceptable to the Greenfield and Center Township Fire Department shall be readily available and apparent when any activity involving the handling or storage of flammable or explosive materials is conducted.

B. Electrical disturbance

No use shall cause electrical disturbance adversely affecting radio, television, or other equipment in the vicinity.

C. Noise

No use shall produce noise in such a manner as to be objectionable because of volume, frequency, intermittence, beat, shrillness, or vibration. The noise shall be muffled or otherwise controlled so as not to become detrimental. No amplification of radio music or other audio advertising shall be permitted. Provided, public safety sirens and related apparatus used solely for public purposes shall be exempt from this standard.

D. Vibration

No use shall cause vibrations or concussions detectable beyond the lot lines without the aid of instruments.

E. Odor

No use shall emit across the lot lines malodorous gas or matter in such quantity as to be readily detectable at any point along the lot lines.

F. Air Pollution

No use shall discharge across the lot lines fly ash, dust, smoke, vapors, noxious, toxic, or corrosive matter, or other air pollutants in such concentration as to be detrimental to health, animals, vegetation, or property, or conflict with public air quality standards.

G. Lights, Heat and glare

No use shall produce heat or glare in such a manner as to create a hazard perceptible from any point beyond the lot lines. No lights utilizing an attracting device or lights or stringers of unshielded incandescent lamps or attention attracting lighting from apparatus of a type used by emergency vehicles shall be permitted.

H. Water pollution

No use shall produce erosion or other pollutants in such quantity as to be detrimental to adjacent properties or conflict with public water quality standards.

I. Waste matter

No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in conflict with applicable public health, safety, and welfare standards and regulations. Adequate indoor or outdoor trash containers shall be required; provided, that trash containers exceeding fifteen (15) cubic feet shall be located within a solid, decorative stall behind or beside the primary structure.

J. Supplementary Business Standards

In any zone district, where applicable, the following performance standards shall supplement the business use requirements of the zone district:

1. There shall be no exterior displays which restrict visibility in any way or which impede the movement of any vehicles. All such displays shall be maintained in an orderly manner.
2. Adequate employee and customer off-street parking area shall be provided, including such areas incidental to display, service and repair. No such parking shall be permitted on driveway approaches, landscape areas, adjacent alleys or streets, on any public right-of-way or in such a manner as to restrict motorists' visibility.
3. No vending machines shall be permitted on the exterior of any building on the premises except where contained in a shelter, stall or other area so located as not to interfere materially with the use of adjoining property.

155.016 NONCONFORMING BUILDINGS AND USES

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

A. Nonconforming structures

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1. A nonconforming commercial or industrial building or structure may be enlarged or extended along a legally established nonconforming side or rear setback line provided that the lineal footage of such enlargement or extension:
 - a. Does not exceed 50% of the lineal footage of the primary building along that side or rear setback line; or
 - b. Be a one time only expansion along the legally established setback line.
2. A nonconforming single or two-family dwelling may be enlarged or extended along a legally established nonconforming side or rear setback line provided that the lineal footage of such enlargement or extension:
 - a. Does not exceed 50% of the lineal footage of the primary building along that side or rear setback line, or
 - b. Be a one time only expansion along the legally established setback line.
3. A nonconforming accessory building associated with a single or two-family dwelling may be enlarged or extended along a legally established nonconforming side or rear setback line provided that the lineal footage of such enlargement or extension:
 - a. Does not exceed 50% of the lineal footage of the primary building along that side or rear setback line,
 - b. Be a one time only expansion along the legally established setback line, and
 - c. Such an enlargement or extension shall not encroach into any required yard other than the existing nonconforming side or rear yard along which the expansion is occurring.
4. Damage to non-conforming use structure. Any non-conforming building, other than single family and two family dwellings, and related accessory structures, damaged more than 50% of its then fair market value above the foundations at the time of the damage by fire, wind, flood, explosion, earthquake, war, riot, act-of-God or man shall not be reconstructed and used as before such calamity. However, if the building is less than 50% damaged it may be reconstructed or used provided that such reconstruction or use be accomplished within 12 months of such calamity.
5. Non-conforming single family and two family dwellings and detached accessory garages may be rebuilt on an existing foundation, if the existing foundation is capable of being reused.

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

1. Use cannot be changed to non-conforming use. Whenever a non-conforming use has been changed to a conforming use or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a non-conforming use.
2. No building erected in non-conforming use premises. No building shall be erected on any premises devoted to a non-conforming use, except in conformance with the provisions of this chapter.
3. Temporary non-conforming use. The Board may authorize, by written permit, in a district permitting residential use, for a period of not more than one year from the date of such permit, a temporary building for business or industrial use incidental to the residential construction and development of the district.

4. May be changed. A non-conforming use may be changed to another non-conforming use of the same or greater restrictions, provided the size of the structure is not increased; and providing that the use is equally appropriate or more appropriate to the district than the existing nonconforming use.

5. May be extended. A non-conforming use may be extended throughout a building which was manifestly arranged or designed for such use at the time of adoption or amendment to this Chapter, provided the size of the structure is not increased and the use is not extended to occupy any land outside such building.

6. Discontinuance of non-conforming use. In the event that a non-conforming use of any building or premises is discontinued for a period of one year, except when government action impedes access to the premises, the use of the same shall thereafter conform to the uses permitted in the district in which it is located, and any non-conforming dwelling which is deficient in ground floor area, and which may be removed from the lot.

7. Honoring previous permits. Nothing herein contained shall require any change in the plans for the construction or designated use of a building for which a building permit has been heretofore issued, and the actual construction of which has been diligently prosecuted within 90 days of the date of the permit, and which entire building shall be completed according to such plans filed on or before the completion date of this Code. Actual construction is defined to include the erection of construction materials in permanent position and fastened in a permanent manner.

8. Non-conforming use resulting from amendment. The provisions apply in the same manner to a use which may become a non-conforming use as a result of an amendment to this chapter.

C. Repairs and maintenance

1. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs or on repair or replacement of walls fixtures, heating, wiring or plumbing; provided that the cubic content existing when it became nonconforming shall not be increased.

2. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to the lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt after six months of such declaration except in conformity with the regulations of the district in which it is located.

3. Buildings may be made safe. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any part of any building declared unsafe by proper authority.

(Am. Ord. 2002-32, passed 1-23-03; Am. Ord. 2006-15, passed 1-11-07)

155.017 NONCONFORMING LOT AREA AND WIDTHS

A single-family dwelling may be located on any lot in any district in which single-family dwellings are permitted if the lot was a single parcel in single ownership, or a single parcel included in a subdivision of record at the time of passage of this chapter even

though the lot does not have the minimum lot width or the minimum lot area specified for the district in which such lot is located. Variance of setback requirements shall be obtained only through action of the Board of Zoning Appeals.

155.018 CONDITIONAL USES AND CONFORMING USES

An existing use which is listed as a conditional use, and which is located in a district in which such conditional use may be permitted, is a conforming use, provided the use meets the minimum lot area requirement set forth in this chapter. Any expansion of the conditional use involving the enlargement of buildings, structures, and land area devoted to the use, shall be subject to the approval of the Board of Zoning Appeals. No division of land shall be made after the effective date of this ordinance which creates a lot with width or area below the requirements stated in this Chapter.

155.019 "TN" TRADITIONAL NEIGHBORHOOD DISTRICT

This district is intended to provide for a mixture of single-family, two-family, and multifamily residential dwellings and indoor business services that retain the traditional design character of the primary corridors through the City. Existing structures that have been primarily designed for residential use shall not be structurally altered on the exterior to indicate business use except in compliance with the requirements of the zone district as noted below. Alterations shall not adversely affect the character of the district or interfere with the reasonable enjoyment of adjoining properties. In cases as to the applicability of this requirement, such proposed conversion shall be deemed a conditional use and placed before the Board of Zoning Appeals in accordance with Section 155.060.

A. General provisions.

1. The conduct of businesses permitted herein shall be within completely enclosed buildings, except for accessory off-street parking and loading facilities.
2. All goods produced on the premises as incidental or essential to the principal use shall be sold at retail on the premises where produced.
3. Outside storage and outside display are not permitted.
4. A dwelling unit(s), accessory to a business use is permitted when in compliance with Section 155.064.

B. Permitted uses.

The uses marked with an asterisk require approval of a development plan, in accordance with Section 155.045.

1. Single-family dwelling.
2. Two-family dwelling.
3. Multifamily dwelling. (Note: If more than three families, see conditional use below).
4. *Restaurants (excluding drive-through restaurants).
5. Hospital.
6. *Clothing service including:

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- a. Self-service laundry or self-service dry cleaner.
- b. Dressmaking.
- c. Tailor and pressing shop.
- d. Shoe repair shop.
7. Equipment service including:
 - a. Electronics.
 - b. Electronic appliance repair shop.
8. *Personal service including:
 - a. Barber shop.
 - b. Beauty shop.
 - c. Health club.
 - d. Camera shop or photographic studio.
 - e. Optician shop.
9. *Retail service, retail stores generally, including:
 - a. Apparel or shoe shop.
 - b. Flower shop.
 - c. Antique shop.
 - d. Toy store.
 - e. Jewelry store.
 - f. Sporting goods store.
 - g. Music store.
10. Professional services including:
 - a. Doctors.
 - b. Dental.
 - c. Lawyers.
 - d. Accountants.
 - e. Other professional services.
11. Accessory uses, as set forth in 155.061.
12. Temporary uses, as set forth in 155.062.
13. Home occupations, as set forth in 155.063.

B. Conditional Uses.

The following conditional uses shall be permitted in the TN District upon approval by the Board of Zoning Appeals, in accordance with Section 155.060:

1. Multifamily dwelling to be occupied by more than three families.
2. Day care centers of child development center.
3. Adult day care center.
4. Dwelling unit accessory to business use.
5. Church.
6. Business use not otherwise permitted in this district provided that the

Board of Zoning Appeals makes specific findings that the use is consistent with the spirit and the intent of this section and will not interfere with the Comprehensive Plan.

D. Lot size

1. Minimum lot size.
 - a. 6,000 sq. ft. for a single family dwelling.
 - b. 3,600 sq. ft. per dwelling unit for a two-family dwelling.
 - c. 2,000 sq. ft. per dwelling unit for a multifamily dwelling.

- d. 5,000 sq. ft. for a business use.
2. Maximum lot size for business use: 20,000 sq. ft.
3. Width. 50 feet.

E. Minimum setback lines

1. Front. As regulated in Section 155.034 Each street frontage is a front property line.
2. Side. Each: 10 feet
3. Rear: 10 feet

F. Maximum height.

1. Principal building: 35 feet.
2. Accessory building: 24 feet, and as set forth in 155.061.

G. Maximum lot coverage.

Lot coverage shall not exceed 45% for a single-family or two-family dwelling and 70% for a multifamily dwelling or business use, provided ample off-street parking can be provided.

H. Off-street parking.

1. Minimum parking requirements. Two spaces per dwelling unit, if unit is not accessory to a business use, and as further set forth in Section 155.064; provided, however, that all off-street parking areas shall be located behind the front facade of the house. Parking spaces shall be located a minimum of four feet from buildings on the site.

2. All of the requirements of Section 155.064 shall apply with the following exceptions in the TN District:

- a. Each required off-street parking space within the TN District shall be at least 9 feet in width and 18 feet in length, exclusive of access drives or aisles, ramps, columns, or office or work areas. Such space shall have adequate vertical clearance, For parallel parking, the length of the parking space shall be 22 feet.

- b. The aisle width for lots with a parking angle of 90 degrees may be reduced to a minimum width of 18 feet.

I. Landscaping and screening.

1. Screening of parking areas. The following landscaping shall be provided to mitigate against impacts of parking areas within the TN District.

- a. Screening parking areas from the street. A planting areas between a street and the parking area at least three feet wide shall be provided at the perimeter of the parking area, exclusive of walks and driveways. Within the planting area, an evergreen or densely deciduous hedge shall be planted. The plant material shall be at least 18 inches tall at the time of installation and reach a height of at least 36 inches within two growing seasons. Shrubs shall be spaced in order to create a continuous, solid hedge. As an alternative, an opaque fence or wall at least 36 inches tall may be used in place of the hedge.

- b. Screening parking areas from adjoining residential uses. Where a business adjoins a residential use, a six foot high opaque fence or wall shall be provided along the property line to separate the parking area from the residential use. A three foot wide planting area shall be placed between the parking area and the fence. The planting area shall be planted with shrubs and groundcover.

c. Screening parking areas from adjoining business uses. Where a business use adjoins another business use, a three foot wide planting area shall be placed between the parking area and the property line. The planting areas shall be planted with low shrubs (three feet high maximum) and groundcover. Shrubs shall be spaced in order to create a continuous, solid hedge.

2. Screening of trash containers. Trash containers shall be located within or adjacent to the parking area and shall not be located within the front or side yards of the property. Trash containers six cubic yards or larger shall be screened from view with a six foot high opaque screen on all four sides. The screen should incorporate access to the dumpster by using a wood fence or other opaque device as a gate. Screening materials can be any combination of evergreen plantings, wood or masonry material.

J. Minimum ground floor area.

1. 720 sq. ft. for one-story dwellings.
2. 650 sq. ft. for over one-story dwellings.

K. Plan Commission approval required.

Plan Commission approval is required when alterations within the TN District involve any of the following:

1. Uses that will extend or expand the use to cover two or more existing lots.
2. Alterations to the front facade of the primary structure on the lot.
3. The partial or complete demolition of the primary structure on the lot. The

Plan Commission shall approve the demolition if it finds one or more of the following:

- a. The structure poses an immediate and substantial threat to the public safety.
- b. The historic or architectural significance of the structure or part thereof is such that, in the Commission's opinion, it does not contribute to the traditional character of the structure and the context of the district.
- c. The demolition is necessary to allow new development that, in the Commission's opinion, is of greater significance to the conservation of the district than is the retention of the structure, or portion thereof, for which demolition is sought.
- d. The structure or property cannot be put to any reasonable economically beneficial use for which it is or may be reasonably adapted without the approval of the demolition.

L. Minimum design standards.

When reviewing site plans, the Plan Commission and/or Plan Commission staff shall evaluate the appropriateness of the proposed development or alterations based upon design unity with other nearby structures in the TN District. The cohesiveness of the design shall be evaluated based upon the similarity between the proposed and existing buildings regarding the following criteria:

1. Building silhouette - similar pitch and scale to a roof line.
2. Spacing between building facades - setbacks or notches between primary facades that frame the structure.
3. Setback from property line - building setback and/or primary facade setback from the property line.
4. Proportion of windows, bays, doorways, and other features - vertical or horizontal elements tied together in bands across facade lengths.

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5. Proportion of primary facade - size of facades similar in area and height to width ratios.
 6. Location and treatment of entryway - to provide important visual commonality between structures.
 7. Exterior materials used - similar materials and treatment add to detail and monumentality of a building.
 8. Shadow patterns from decorative features - the light and dark surfaces from materials used and projections from windows, bays and setbacks create visual breaks.
 9. Building scale - similarity of building height and configuration.
 10. Landscaping - ties together buildings and defines space.
- (Am. Ord. 2000-7, passed 7-27-00; Am. Ord. 2002-32, passed 1-23-03; Am. Ord. 2010-13, passed 10-13-10)

155.020 “AA” RESIDENCE DISTRICT

This district is intended to encourage moderate and low density single-family residential development.

A. Permitted uses

1. Single family dwelling.
2. Accessory uses, as set forth in Section 155.061.
3. Temporary uses, as set forth in Section 155.062.
4. Home occupations, as set forth in Section 155.063.

B. Conditional Uses.

The following conditional uses shall be permitted in the AA District upon approval by the Board of Zoning Appeals, in accordance with Section 155.060:

1. Cemetery
2. Country club or golf course
3. Outdoor recreation
4. Public, private, or parochial school
5. Public or private recreational facility
6. Home occupation which does not comply with the regulations of Section 155.063

7. Church

C. Minimum lot size

1. Area: 12,000 sq. ft. per dwelling unit.
2. Width: 100 feet.

D. Minimum setback lines

Front setback lines will be based on thoroughfare classification, not zoning district – a bigger street requires a bigger setback, and visa-versa.

1. Front. As regulated in Section 155.034. Each street frontage is a front property line.
2. Side. Each: 10 feet.
3. Rear 20 feet.

E. Maximum height

1. Principal building: 35 feet.
2. Accessory building: 18 feet, and as set forth in Section 155.042.

F. Maximum lot coverage

Maximum lot coverage shall not exceed 30% of the lot area.

G. Off-street parking space

Two spaces per dwelling unit, and as further set forth in Section 155.064.

H. Signs

As set forth in Section 155.065.

I. Ground floor area

1. 1, 500 sq. ft. for one-story dwellings.
2. 1,200 sq. ft. for over one-story dwellings.

Cross-reference:

Residential design guidelines, see Section 155.053

155.021 "A" RESIDENCE DISTRICT

This district is intended to recognize the existence of areas presently committed to moderate density single-family residential development.

A. Permitted uses

1. Single-family dwelling.
2. Accessory uses, as set forth in 155.061.
3. Temporary uses, as set forth in 155.062.
4. Home occupations, as set forth in 155.063.

B. Conditional Uses

The following conditional uses shall be permitted in the A District upon approval by the Board of Zoning Appeals, in accordance with Section 155.061:

1. Cemetery
2. Country club or golf course
3. Day care center or child development center
4. Outdoor recreation
5. Public or private school
6. Public, private, or parochial recreational facility
7. Church

C. Minimum lot size

1. Area. 8,400 square feet per dwelling
2. Width. 75 feet per dwelling unit.

D. Minimum setback lines

Front setback lines will be based on thoroughfare classification, not zoning district – a bigger street requires a bigger setback, and visa-versa.

1. Front. As regulated in Section 155.034. Each street frontage is a front property line.
2. Side. Each: 10 feet.
3. Rear. 15 feet.

E. Maximum height

1. Principal building: 35 feet.

2. Accessory building: 18 feet, and as set forth in Section 155.042.

F. Maximum lot coverage

Maximum lot coverage shall not exceed 35% of the lot area.

G. Off-street parking space

Two spaces per dwelling unit, and as further set forth in 155.064.

H. Signs

As set forth in Section 155.065.

I. Ground floor area

1. 1200 sq. ft. for one story dwellings.
2. 960 sq. ft. for over one story dwellings.

(Am. Ord. 2001-5, passed 3-22-01)

Cross-reference:

Residential design guidelines, see Section 155.053

155.022 "B" RESIDENCE DISTRICT

This district is intended primarily to provide for single-family and two-family residential development characterized by medium and small lots.

A. Permitted uses

1. Single-family dwelling.
2. Two family dwellings.
3. Accessory uses, as set forth in Section 155.061.
4. Temporary uses, as set forth in Section 155.062.
5. Home occupations, as set forth in Section 155.063.

B. Conditional Uses

The following conditional uses shall be permitted in the B District upon approval by the Board of Zoning Appeals, in accordance with Section 155.060.

1. Cemetery
2. Country club or golf course
3. Day care center or child development center
4. Adult day care center
5. Public, private, or parochial school
6. Public or private recreational facility
7. Home occupation which does not comply with the regulations of Section 155.063
8. Church

C. Minimum lot size

1. Area Single-family dwelling 7,200 sq. ft. per dwelling unit. Two-family dwellings: 3,600 sq. ft. per dwelling unit.
2. Width 60 feet.

D. Minimum setback lines

Front setback lines will be based on thoroughfare classification, not zoning district – a bigger street requires a bigger setback, and visa-versa.

1. Front. As regulated in Section 155.034. Each street frontage is a front property line.

2. Side. Each: 10 feet.

3. Rear. 15 feet.

E. Maximum height

1. Principal building: 35 feet.

2. Accessory building: 18 feet, and as set forth in 155.041.

F. Maximum lot coverage

Maximum lot coverage shall not exceed 45% of lot area.

G. Off-street parking space

Two spaces per dwelling unit, and as further set forth in Section 155.064.

H. Signs

As set forth in Section 155.065.

I. Ground floor area

1. 1,000 sq. ft. for one story single-family dwelling, and 846 sq. ft. for more than one story single-family dwelling.

2. 1,200 sq. ft. for two-family dwelling and 650 sq. ft. for one story, two-family dwelling, however, total square feet not to be less than 1,200.

(Am. Ord. 1999-5, passed 4-22-99; Am. Ord. 1999-17, passed 12-23-99; Am. Ord. 2001-5, passed 3-22-01)

Cross-reference:

Residential design guidelines, see Section 155.053

155.023 "C" RESIDENCE DISTRICT

This district is intended primarily to provide for a wide range of dwelling types including single-family dwellings, two-family dwellings, multi-family dwellings, and mobile home parks as conditional uses.

A. Permitted uses

The uses marked with an asterisk require approval of a development plan, in accordance with Section 155.045.

1. Single-family dwelling

2. Two-family dwelling

3. Multi-family dwelling (Note: if more than three families, see conditional use below)

4. Accessory uses, as set forth 155.061.

5. Temporary use, as set forth in 155.062.

6. Home occupations, as set forth in 155.063.

B. Conditional Uses

The following conditional uses shall be permitted in the C District upon approval by the Board of Zoning Appeals, in accordance with Section 155.060.

1. Apartment or multi-family dwelling to be occupied by more than three families

2. Cemetery

3. Country club or golf course

4. Day care center or child development center

5. Adult day care center

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6. Mobile home park
7. Public or private school
8. Public, private, or parochial recreational facility
9. Home occupation which does not comply with the regulations of Section 155.063
10. Bed and breakfast operation
11. Assisted living facility, elderly housing or nursing home
12. Church

C. Minimum lot size

1. Area.
 - a. 6,000 sq. ft. for a single family dwelling.
 - b. 3,600 sq. ft. per dwelling unit for a two-family dwelling.
 - c. 2,000 sq. ft. per dwelling unit for a multi-family dwelling.
2. Width. 50 feet for single-family dwelling and 60 feet for two-family and multi-family dwelling.

D. Minimum setback lines

Front setback lines will be based on thoroughfare classification, not zoning district – a bigger street requires a bigger setback, and visa-versa.

1. Front. As regulated in Section 155.034. Each street frontage is a front property line.
2. Side. Each: 5 feet for lots with a width of 50 feet and 6 feet for lots with a required width of 60 feet.
3. Rear. Single-family and two-family dwelling - 10 feet; multi-family dwelling - 10 feet.

E. Maximum height

1. Principal building: 35 feet, and as set forth in 155.044.
2. Accessory building: 18 feet, and as set forth in 155.044.

F. Minimum lot coverage

Minimum lot coverage shall not exceed 45% for a single-family or two-family dwelling and 70% for a multi-family dwelling, provided ample off-street parking can be provided.

G. Off-street parking space

Two spaces per dwelling unit, and as further set forth in Section 155.064; provided, however, no off-street parking lots shall be permitted within the minimum required front setback distance.

H. Signs

As set forth in 155.065.

I. Minimum ground floor area

1. Single-family dwelling - 720 sq. ft. for one or more story dwelling.
2. Two-family dwelling - 960 sq. ft. for one story dwelling, and 720 sq. ft. for over one story dwelling.
3. Multi-family dwelling: **Use state's minimum requirement.**

(Am. Ord. 2001-5, passed 3-22-01)

155.024 "LB" LOCAL BUSINESS DISTRICT

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This district is intended to serve residential neighborhoods and is primarily for personal service uses, and retail service uses, which dispense convenience goods and services directly to the consumer on the premises, This district is designed for indoor business services, short of the single unit heavy traffic generators.

A. General provisions

1. The conduct of permitted uses herein shall be within completely enclosed buildings, except for accessory off-street parking and loading facilities.

2. All goods produced on the premises as incidental or essential to the principal use shall be sold at retail on the premises where produced.

3. Outside storage is not permitted. Outside display is permitted. The amount of outside display shall not exceed 1% of the gross floor area of the primary building, and shall only be located immediately adjacent to the primary building. However, each establishment shall be permitted a minimum of 200 square feet for outdoor display. Outside display shall not impede pedestrian or vehicular traffic and shall be maintained in an orderly manner.

B. Permitted uses

The uses marked with an asterisk require approval of a development plan, in accordance with section 155.045

1. Business service including:
 - a. Bank
 - b. Postal station
 - c. Photocopying establishment
 - d. Utility company business office
2. Clothing service including:
 - a. Self-service laundry or self-service dry cleaner
 - b. Dry cleaning establishment using not more than two clothes-cleaning units, neither of which shall have a rated capacity of more than 60 pounds using cleaning fluid which is non-explosive and nonflammable.
 - c. Dressmaking
 - d. Tailor and pressing shop
 - e. Shoe repair shop
3. Equipment service including:
 - a. Electronics
 - b. Electric appliance repair shop
4. Food service including:
 - a. Grocery
 - b. Meat market
 - c. Supermarket
 - d. Restaurant
 - e. Delicatessen
 - f. Cold storage lockers, for individual use
 - g. Bakery, provided floor area used for production shall not exceed 750 sq. ft.
 - h. Tavern, but not including a nightclub
 - i. Roadside sales stand
5. Personal service including:

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- a. Barber shop
- b. Beauty shop
- c. Health club
- d. Camera shop or Photographic studio
- e. Optician shop
6. Retail service, retail stores generally, including:
 - a. Drug store
 - b. Hardware or paint store
 - c. Stationer
 - d. News-dealer
 - e. Package liquor store
 - f. Commercial greenhouse not exceeding 1,000 sq. ft. in area
 - g. Apparel or shoe shop
 - h. Flower shop
 - i. Antique shop
 - j. Paint or wallpaper store
 - k. Variety store
 - l. Toy store
 - m. Jewelry store
 - n. Sporting goods store
 - o. Music store
7. Special service uses including:
 - a. *Neighborhood social centers
 - b. *Government or religious outreach centers
 - c. Parks
8. Professional services including:
 - a. Doctors
 - b. Dental
 - c. Lawyers
 - d. Accountants
 - e. Other Professional services
9. Temporary uses. See Section 155.062.
10. Any other retail store or service business which involves no nuisance features and which involves no more intensive use of land than those classifications specifically listed.
11. Accessory building or use customarily incidental to the above uses located on the same lot and commonly associated with the operation, which may not have more than 40% of its floor area devoted to storage purposes, and provided that not more than five persons are employed at one time or on any one shift in connection with such incidental use.

C. Conditional uses

The following conditional uses shall be permitted in the LB District upon approval by the Board of Zoning Appeals, in accordance with Section 155.060:

1. Day care centers or child development center
2. Adult day care center

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3. Apartment or multi-family dwelling to be occupied by more than four families
4. Dwelling unit, accessory to business use
5. Service station (fueling / convenient mart, no auto repair) automobile car wash
6. Outdoor recreation
7. Public, private or parochial school.
8. Public or private recreational facility
9. Business or industrial use not otherwise permitted in this district provided that the Board of Zoning Appeals makes specific findings that the use is consistent with the spirit and intent of this ordinance and will not interfere with the Comprehensive Plan.
10. Bed and breakfast operation

D. Lot size

1. Area
 - a. Minimum 5,000 sq. ft.
 - b. Maximum 10 acres.
2. Width. 50 feet, provided that each business lot shall have at least 50 feet of frontage on a street.

E. Minimum setback lines

Front setback lines will be based on thoroughfare classification, not zoning district – a bigger street requires a bigger setback, and visa-versa.

1. Front. As regulated in Section 155.304. Each street frontage is a front property line.
2. Side. 15 feet where abutting any residence district, otherwise 10 feet is required.
3. Rear. 10 feet.

F. Maximum height

The maximum building height permitted shall be 35 feet.

G. Intensity

1. The total floor area of the business building or buildings shall not exceed 60,000 sq. ft.
2. A single establishment shall not exceed 12,000 sq. ft. in total gross floor area.

H. Off-street parking and loading

As set forth in Section 155.064

I. Signs.

As set forth in Section 155.065

(Am. Ord. 2002-32, passed 1-23-03)

155.025 “GB” GENERAL BUSINESS DISTRICT

This district is intended to serve as the central business district of the community, where a full range of goods and services are offered and where the greatest land use intensity is located. This district is the urban center, and the focal point for community

identification, highly accessible to the entire trade area, and designed for both vehicular and pedestrian oriented services.

A. General provisions

1. The conduct of permitted uses herein shall be within completely enclosed buildings, except for accessory uses which clearly demonstrate subordination to the permitted use in area, extent, and purpose. Outside display is permitted. The amount of outside display, when incidental to the primary use of the property, shall not exceed 1% of the gross floor area of the primary building, and shall only be located immediately adjacent to the primary building. However, each establishment shall be permitted a minimum of 200 square feet for outdoor display. Outside display shall not impede pedestrian or vehicular traffic and shall be maintained in an orderly manner.

2. Accessory uses shall not occupy an area in excess of 30% of the total floor area used in the same building by the same firm or enterprise.

3. Outside storage of merchandise is prohibited, unless it is located behind the setback lines, completely enclosed by a solid 6' tall minimum opaque wall or fence, and the materials stored do not exceed the height of the fence or wall.

4. A dwelling unit(s), accessory to a business use, is permitted when in compliance with Section 155.064.

B. Permitted uses

The uses marked with an asterisk require approval of a development plan in accordance with section 155.045

1. Any use permitted in the "LB" District.
2. Vehicle services including:
 - a. Vehicle sales area
 - b. Vehicle repair entirely within enclosed buildings
 - c. Service station
 - d. *Car wash
3. Business recreational uses including:
 - a. Indoor theater
 - b. Billiard room or arcade
 - c. Nightclub
 - d. Dance or martial arts academy
 - e. Bowling alley or roller rink, entirely enclosed within buildings
4. Church, temple or synagogue
5. Department store
6. Hotel or motel
7. Veterinary hospital
8. Kennel
9. Communication establishments including:
 - a. Radio and television studios
 - b. Newspaper publishing
 - c. Blueprinting establishments
10. *Public and Semi-public buildings and uses, including parks
11. Motor bus or railroad passenger station
12. Supermarket
13. Professional Offices

14. Other uses comparable and compatible to those set forth in this section.
15. Accessory uses which are incidental to, maintained on the same lot and commonly associated with the operation of the permitted use.
16. Temporary uses in accordance with Section 155.062.

C. Conditional Uses

The following conditional uses shall be permitted in the GB District upon approval by the Board of Zoning Appeals, in accordance with Section 155.060:

1. Assembly halls and grounds
2. Dwelling unit, accessory to business use
3. Day care center or child development center
4. Adult day care center
5. Health facility, or hospital, including nursing homes
6. Mining operation
7. Outdoor recreation
8. Public, private, or parochial school
9. Communications tower
10. Business or industrial use not otherwise permitted in this district provided that the Board of Zoning Appeals makes specific findings that the use is consistent with the spirit and intent of this ordinance and will not interfere with the Comprehensive Plan.

D. Lot size

1. Area. Minimum lot size: 6,000 sq. ft.
2. Width. Minimum: 50 ft.

E. Minimum setback lines

The downtown historic district, which is zoned GB, gets much of its character from the placement of the buildings at the edge of the right-of-way, so it is important to maintain that fabric. Otherwise, front setback lines should be based on thoroughfare classification, not zoning district – a bigger street requires a bigger setback, and visa-versa.

1. Front. None required in the historic district, otherwise as regulated in Section 155.034. Each street frontage is a front property line.
2. Side. 15 feet where abutting any residence district; otherwise 10 feet is required.
3. Rear. 15 feet where abutting any residence district; otherwise 10 feet is required.

F. Maximum height

The maximum building height permitted shall be 80 feet.

G. Intensity

1. The total floor area of the building or buildings shall not exceed 400% of the lot area. However, exterior ground level open space on the lot which is suitably landscaped and developed in arcades, plazas, and malls, primarily unobstructed and open to the sky, shall constitute a floor area bonus by adding to the floor area ratio an area equal to two times such open space.

H. Off-street parking and loading

As set forth in Section 155.064

I. Signs

As set forth in Section 155.065

(Am. Ord. 2002-32, passed 1-23-03; Am. Ord. 2006-15, passed 1-11-07)

155.026 "PB" PLANNED BUSINESS DISTRICT

This district is designed primarily for the distribution of goods and the furnishing of major services in a general commerce district which uses require large tracts in highly accessible locations in order that objectionable characteristics may be buffered.

A. General provisions.

1. The conduct of permitted uses herein shall be within completely enclosed buildings, except for accessory uses which clearly demonstrate subordination to the permitted use in area, extent, and purpose. Outside display is permitted. The amount of outside display, when incidental to the primary use of the property, shall not exceed 1% of the gross floor area of the primary building, and shall only be located immediately adjacent to the primary building. However, each establishment shall be permitted a minimum of 200 square feet for outdoor display. Outdoor display shall not impede pedestrian or vehicular traffic and shall be maintained in an orderly manner.

2. Accessory uses shall not occupy an area in excess of 30% of the total floor area used in the same building by the same firm or enterprise.

3. Outside storage of merchandise is prohibited, unless it is located behind the setback lines, completely enclosed by a solid 6' tall minimum opaque wall or fence, and the materials stored do not exceed the height of the fence or wall.

4. No structure or building, driveway, or accessory use shall be located closer than ten feet to any side or rear lot line.

5. Outside storage, including continued (more than 48 hours) storage of automobiles, trucks, or trailers for hauling purposes, is not a permitted use in the "PB" District.

6. More than one principal building and its accessory buildings or use(s) shall be permitted on one lot in the "PB" District, but an advertising sign or billboard shall only be permitted if approved as a Conditional Use.

7. Any other authority required when applicable, such as State Board of Health and State Highway Department, shall accompany the application for any use in the "PB" District.

B. Permitted uses

The uses marked with an asterisk require approval of a development plan, in accordance with section 155.045

1. Any use permitted in the LB district.

2. Any use permitted in the GB district.

3. *Shopping center over 50,000 sq. ft.

4. Distribution and supply uses, including fuel and ice sales, industrial laundry and dry cleaning plant, building and lumber supply outlets.

5. Wholesaling, warehousing, distribution, self-storage, storage and transfer establishments, packing and crating uses.

6. Automobile service uses including major body repair, painting, tire retreading, but not including the dismantling or wrecking of vehicles or the storage of inoperable or damaged vehicles.

7. Plant nurseries or greenhouses
8. Accessory uses, as set forth in Section 155.061.
9. Temporary uses in accordance with Section 155.062.
10. Other uses comparable and compatible to those set forth in this section.
11. Enclosed industrial uses shall be permitted.

C. Conditional uses.

Conditional Uses. The following conditional uses shall be permitted in the PB District upon approval by the Board of Zoning Appeals, in accordance with Section 155.090:

1. Auction areas or sales yards
2. Dwelling unit, accessory to business use
3. Cemetery
4. Day care center or child development center
5. Adult day care center
6. Health facility, or hospital, including nursing homes.
7. Public, private, and parochial schools
8. Truck-freight terminal
9. Communications tower.
10. Business or industrial use not otherwise permitted in this district provided that the Board of Zoning Appeals makes specific findings that the use is consistent with the spirit and intent of this ordinance and will not interfere with the Comprehensive Plan.
11. Massage parlor (See also adult entertainment business/sexually oriented business, if applicable).
12. Adult entertainment business/sexually oriented business.

D. Landscaping and screening

1. Screening adjacent to Residential Districts: A greenbelt or lawn area at least 10 feet in width and abutting the property line shall be provided on the particular side or rear of a "PB" District lot, where it adjoins an "E", "AA," "A," "B," or "C" District. A minimum 6' tall opaque screen shall be provided and maintained within the greenbelt or lawn area so as to provide a tight screen, effective at all times of the year. The screen may be a fence or wall which meets the opaqueness requirements, or it may be an opaque planting of evergreens. A detail of the screen, including the number, size and type of any shall be indicated on the development plan or on a separate landscape plan which shall become a part of the application. Vision clearance at access points shall be provided for safety purposes in accordance with intersection visibility standards, as set forth in Section 155.037. **Exceptions to setbacks for pump islands, etc. are contained in new Section 155.036 B 1, and apply to all districts.**

2. Front Yard Landscaping. A greenbelt or lawn area of at least 20 feet in depth and abutting the front lot line of such properties shall be maintained as lawn except for prescribed access-ways (see Section 155.035 for exceptions).

E. Lot size

1. Area. Minimum size: 20,000 sq. ft.
2. Width. 100 feet, provided that each lot shall have at least 100 feet of frontage on a street.

F. Minimum setback lines

1. Front: as regulated in Section 155.034. Each street frontage is a front property line.

2. Side: 15 feet where abutting a residential use, otherwise 10 feet.
3. Rear: 15 feet where abutting a residential use, otherwise 10 feet.

G. Maximum height

1. Principal building: 45 feet.
2. Accessory building: 20 feet, and as set forth in 155.061.

H. Intensity

For all other uses, the total floor area of the building or buildings shall not exceed 60% of the lot area.

I. Off-street parking and loading

As set forth in Section 155.064.

J. Signs

As set forth in Section 155.065.

(Am. Ord. 2001-5, passed 3-22-01; Am. Ord. 2002-32, passed 1-23-03; Am. Ord. 2003-8, passed 8-14-03)

155.027 "I-1" ENCLOSED INDUSTRIAL DISTRICT

An Enclosed Industrial District is one in which manufacturing, fabricating, processing, extracting, repairing, dismantling, storing, or disposing of equipment, raw materials, manufactured products, or wastes is conducted entirely within enclosed buildings of any size, provided that such use shall conform to the performance standards set forth herein. Screening of storage, parking, and loading areas is essential in this district as it is usually located adjacent to residential areas and may serve as a buffer between the "I-2" Open Industrial Districts and business or residential districts. Business uses may be permitted as conditional uses by the Board of Zoning Appeals.

A. General provisions.

1. In all districts permitting enclosed industrial use, it is permissible to erect more than one principal building devoted to enclosed industrial use on a lot.

B. Permitted uses

The uses marked with an asterisk require approval of a development plan, in accordance with section 155.045.

1. Light manufacturing, including processing, refining, fabricating, assembling, cleaning, testing or repairing of goods, materials, or products; provided that uses with objectionable characteristics (e.g. noise, dust and odors) are deemed to be conditional uses.

2. Engineering or research laboratories, vocational or industrial training facilities, data processing or analysis.

3. * Railroad or other mass transportation rights-of-way and trackage, including passenger stations, shelter stations, and layover areas for transit vehicles, and off-street parking facilities.

4. Enclosed wholesaling, warehousing, packaging, storage or distribution facilities.

5. General offices associated with an industrial use, including service facilities for employees or guests, provided, however, any service facilities shall be entirely enclosed within a building.

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6. Printing, lithographing, publishing, or photography establishments.
7. Utility installations and facilities.
8. Accessory uses which are incidental to, maintained on the same lot, and commonly associated with the operation of a permitted use, including recreational areas for employees
9. Trade shops, including sheet metal, upholstering, electrical, plumbing, plastics, blinds, cabinet-making, carpentry, sign fabricating and painting, provided that all operations are conducted within completely enclosed buildings.
10. Other uses comparable and compatible to those set forth in this section.
11. Temporary uses in accordance with 155.062.

C. Conditional uses

The following conditional uses may be permitted in the I-1 District upon approval by the Board of Zoning Appeals, in accordance with Section 155.060.

1. Airport
2. Day care center or child development center
3. Adult day care center
4. Service station (fueling / convenient mart, and auto repair) automobile car wash
5. Heliport
6. Penal or correctional institutions, including juvenile detention center
7. Truck-freight terminal
8. Public or private recreational facility
9. Communications tower.
10. Outlet store for retail sales of products manufactured by the company, either on site or at another facility.
11. Business or industrial use not otherwise permitted in this district provided that the Board of Zoning Appeals makes specific findings that the use is consistent with the spirit and intent of this ordinance and will not interfere with the Comprehensive Plan.

D. Lot size

1. Area: 20,000 sq. ft.
2. Width: 100 feet, provided that each lot shall have at least 100 feet of frontage on a street.

E. Minimum setback lines

1. Front.
Front setback lines will be based on thoroughfare classification, not zoning district; a bigger street requires a bigger setback, and visa-versa.
 - a. As regulated in Section 155.034. Each street frontage is a front property line. The minimum required front setback distance may contain off-street parking, provided, however, at least 20 feet of a required setback distance where it adjoins the front property line shall be provided with approved landscaping and green space.
2. Side and rear
 1. Ten feet where the lot line abuts other industrial district lot lines.
The minimum required side and rear setback area may contain off-street parking in accordance with the provisions of this division.

2. In any instance where a front, side, or rear industrial lot line faces a residential district on the opposite side of the street or abuts a residential district, the minimum required setback distance shall be 60 feet in front and 40 feet in side and rear and provided with approved landscaping.

F. Maximum height

1. The maximum building height permitted shall be 40 feet provided, however, additional height shall be permitted to the maximum extent of 60 feet when additional setback distance from all yards is provided to the minimum extent of 1 foot for each 2 feet in height over the 40 feet.

G. Intensity

1. The total floor area of the enclosed industrial building or buildings shall not exceed 60% of the lot area.

H. Off-street parking and loading

As set forth in Section 155.064

I. Signs

As set forth in Section 155.065

Existing performance standards are very difficult for local officials to monitor, and are typically regulated by state agencies. Revised performance standards are as follows:

J. Performance standards for enclosed industrial use

All uses in the I-1 Enclosed Industrial District shall comply with the general performance standards set forth in Section 155.015, and prior to the issuance of an improvement location permit the following requirements shall be met:

1. Written approval of proposed connection to public utilities shall be obtained from the Board of Public Works and Safety.

2. Plans and specifications for proposed storm drainage facilities shall be submitted to and written approval obtained from the City Engineer.

3. All operations, servicing or processing, except storage and off-street loading, shall be conducted within completely enclosed buildings.

4. All outside storage of materials or products shall be effectively screened by fence or other barrier not less than six (6) feet in height, and storage within such enclosure shall not be in excess of the height of said screen.

5. Glare and heat. No operation, activity, or structure shall cause heat or glare in such a manner as to be a public nuisance at or beyond any residence or business district boundary.

6. Vibration. Any use creating intense earth-shaking vibrations such as are created by a heavy drop forge shall be set back from a residence district boundary at least 250 feet or at least 150 feet, from a business district boundary.

7. Noise. At no point 125 feet from the boundary of an I-1, I-2, GB, or PB District, which permits an enclosed industrial use, shall the bound pressure level of any operation or plant (other than background noises produced by sources not under the control of this chapter) exceed the decibel limits in the octave hands designated as follow:

<i>Octave Band Frequency (Cycles per Second)</i>	<i>Maximum Permitted Sound Level (In Decibels) 125 feet from District Adjoining</i>	<i>Maximum Permitted Sound Level (In Decibels) 125 feet from District Adjoining</i>
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	<i>Residence District Boundaries</i>	<i>Business District Boundaries</i>
0 to 75	75	50
75 to 150	70	75
150 to 300	65	70
300 to 600	59	64
600 to 1200	53	58
1200 to 2400	48	53
2400 to 4800	48	49
Above 4800	41	46

(Am. Ord. 2001-5, passed 3-22-01)

155.028 "I-2" OPEN INDUSTRIAL DISTRICT

An Open Industrial District is one which requires both buildings and open area for manufacturing, fabricating, processing, extracting, heavy repairing, dismantling, storing or disposing of equipment, raw materials, manufactured products, or wastes; and shall be used so as to comply to the performance standards set forth herein. This district is established for existing industries and the expansion of older industrial areas wherever possible.

A. General provisions

1. More than one principal building. In the "I-2" District it is permissible to erect more than one principal building devoted to open industrial use on a lot.

B. Permitted uses

The uses marked with an asterisk require approval of a development plan, in accordance with section 155.041.

1. Any use permitted in the I-1 District.
2. Contractors and construction yards, and highway maintenance shops and yards.
3. Open industrial uses, including storage, processing, refining, fabricating, extracting, repairing, dismantling, assembling, cleaning, testing, or repairing of goods, materials, or products within buildings or in an open area.
4. *Mining operations, including sand, gravel, or aggregate washing, screening or processing.
5. Truck-freight terminal.
6. Recycling Center.
7. Concrete mixing, production of concrete blocks and shapes, cinder blocks and other similar building materials manufacture.
8. Bulk storage of petroleum products.
9. Bakery, secondary food processing, milk processing, manufacture and bottling of dairy products and beverages.
10. Manufacture and assembly of glass, plastic and rubber products, implements.

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11. Manufacture of colors, dye, paint, and other coatings (excluding tar products).
12. Machine welding, tool and die shops, electroplating operations
13. Manufacture of cloth, jewelry, and leather products.
14. Biological, medical, and cosmetic manufacturing.
15. Manufacture and assembly of optical goods, musical and recording instruments, of ice machinery, electrical and mechanical equipment.
16. Manufacture and assembly of marine items, office goods, household appliances, furniture, communication and automobile equipment, air conditioning, heating, and refrigeration equipment.
17. Can and container manufacture, processing and milling of forest products.
18. Dyeing and cleaning works, and services such as linen suppliers, freight movers, and communication and canteen operations.
19. Upholstering and feather goods manufacture.
20. Cannery, bottling, processing and packaging of food and beverages, granaries, grain processing, and starch manufacture.
21. Communication towers
22. Foundries, smelting operations, metal forging, fabricating, rolling and stamping operations.
23. Boiler tank manufacturing and structural steel fabricating, general manufacturing and assembly plants.
24. Railroad equipment manufacturing, repair and service yards.
25. Manufacture of detergents and soaps, pharmaceutical and paper products.
26. Manufacture of malt products, brewing, distillation of liquid and spirits.
27. Monument works and stone cutting.
28. Thermal, electric, and steam power plants.
29. Accessory uses which are incidental to, maintained on the same lot, and commonly associated with the operation of a permitted use, including recreational areas for employees, and facilities for owners, guards, or caretakers, and as set forth in Section 155.061.
30. Temporary uses in accordance with 155.062.

C. Conditional uses

The following conditional uses shall be permitted in the I-2 District upon approval by the Board of Zoning Appeals, in accordance with Section 155.018:

1. Airport
2. Auction areas or sales yards
3. Day care center, child development center
4. Adult day care center
5. Heliport
6. Junkyard
7. Penal or correctional institutions, including juvenile detention center
8. Public or private recreational facility
9. Outlet store for retail sales of products manufactured by the company, either on site or at another facility.

10. Business or industrial use not otherwise permitted in this district provided that the Board of Zoning Appeals makes specific findings that the use is consistent with the spirit and intent of this ordinance and will not interfere with the Comprehensive Plan.

D. Lot size

1. Area. 20,000 sq. ft.
2. Width. 100 feet, provided that each lot shall have at least 60 feet of frontage on a street.

E. Minimum setback lines

Front setback lines will be based on thoroughfare classification, not zoning district – a bigger street requires a bigger setback, and visa-versa.

1. Front. As regulated in Section 155.034. Each street frontage is a front property line.
2. Side and rear 20 feet. The minimum required side and rear setback area may contain off-street parking in accordance with the provisions of this division.
3. In any instance where a front, side, or rear industrial lot line faces a residential district on the opposite side of the street or abuts a residential district, the minimum required setback distance shall be 40 feet in front and 30 feet in side and rear and provided with landscaping, in accordance with Section 155.

F. Maximum height

The maximum building height permitted shall be 75 feet.

G. Intensity

The total floor area of the building or buildings shall not exceed 80% of the lot area.

H. Off-street parking and loading

As set forth in Section 155.064

I. Signs

As set forth in Section 155.065

Existing performance standards are very difficult for local officials to monitor, and are typically regulated by state agencies. Revised performance standards are as follows:

J. Performance standards for open industrial uses

All uses in the I-2 Open Industrial District shall comply with the general performance standards set forth in Section 155.015, and prior to the issuance of an improvement location permit the following requirements shall be met:

1. Written approval of proposed connection to public utilities shall be obtained from the Board of Public Works and Safety.
2. Plans and specifications for proposed storm drainage facilities shall be submitted to and written approval obtained from the City Engineer.
3. All servicing or processing operations located within three hundred (300) feet of a residential district, except storage and off-street loading, shall be conducted within completely enclosed buildings.
4. All outside storage of materials or products located within three hundred (300) feet of a residential district shall be within enclosed buildings, or effectively screened by fence or other barrier not less than six (6) feet in height, and storage within such enclosure shall not be in excess of the height of said screen.
5. Outside operations and storage areas shall in any case be enclosed with fencing or other barrier.

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6. Glare and heat. No operation, activity, or structure shall cause heat or glare in such a manner as to be a public nuisance at or beyond any residence or business district boundary.

7. Vibration: Any use creating intense earth shaking vibrations such as are created by a heavy drop forge shall be set back from a residence district boundary at least 250 feet, or at least 150 feet, from a business district boundary.

8. Earth shaking vibrations at the industrial property line shall not be in violation of this chapter as long as the vibration is not perceptible without the aid of instruments.

9. Noise. At no point 125 feet from the boundary of an "I-2" District shall the sound pressure level of any operation or plant (other than background noises produced by sources not under the control of this chapter) exceed the decibel limits in the octave bands designated below:

<i>Octave Band Frequently(cycles per second)</i>			<i>Maximum Permitted Sound Level (in Decibels) 125 feet from District Adjoining Residence District Boundaries</i>	<i>Maximum Permitted Sound Level (in Decibels) 125 from District Adjoining Business District Boundaries</i>
0	to	75	75	80
75	to	150	70	75
150	to	300	65	70
300	to	600	59	64
600	to	1,200	53	58
1,200	to	2,400	48	53
2,400	to	4,800	48	49
Above		4,800	41	46

Sound levels shall be measured with a sound level meter and associated octave band analyzer or filter, manufactured in compliance with standards prescribed by the American Standards Association.

The I-3 District was essentially the same as the I-2 District, except that it allowed residential. Residential use is not compatible in an industrial district. If that residential use is eliminated, there is no need for the I-3 District, and it can be eliminated. Existing I-3 property can be reclassified to I-2. The BP District is proposed as a new district for a growing market.

155.029 "BP" BUSINESS PARK DISTRICT

This district is designed to encourage well planned office park and industrial park uses, particularly with respect to unified design, sale, ingress and egress, adequate and properly located parking and service facilities and convenient and safe pedestrian accessibility.

A. General provisions

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1. The conduct of permitted uses herein shall be within completely enclosed buildings, except for accessory uses which clearly demonstrate subordination to the permitted use in area, extent, and purpose. Outside display of merchandise for immediate sale to the public shall be located behind the setback lines, shall not be located on required parking spaces, and shall not include duplicate items.

2. Accessory uses shall not occupy an area in excess of 30% of the total floor area used in the same building by the same firm or enterprise.

3. Outside storage of merchandise is prohibited, unless it is located behind the setback lines, completely enclosed by a solid 6' tall minimum opaque wall or fence, and the materials stored do not exceed the height of the fence or wall. Unenclosed storage is allowed if it is not visible from any public or private road or street.

B. Permitted uses

The uses marked with an asterisk require approval of a development plan, in accordance with section 155.045.

1. Any use permitted in the LB District.
2. *Professional office uses, in office parks.
3. *Enclosed industrial uses, in industrial parks
4. Hotels or motels.
5. Other uses comparable and compatible to those set forth in this section.
6. Accessory uses, as set forth in Section 155.061.
7. Temporary uses, as set forth in Section 155.062.

C. Conditional uses.

The following conditional uses shall be permitted in the B-P District upon approval by the Board of Zoning Appeals, in accordance with Section 155.060:

1. Airport
2. Dwelling unit, accessory to business use
3. Country club or golf course
4. Day care center or child development center
5. Adult day care center
6. Heliport
7. Public or private recreational facility
8. Communications tower
9. Outlet store for retail sales of products manufactured by the company,

either on site or at another facility

D. Minimum lot size

1. Area. 20,000 sq. ft.
2. Width. 100 feet, provided that each lot shall have at least 100 feet of frontage on a street.

E. Minimum setback lines

1. Front.

Front setback lines will be based on thoroughfare classification, not zoning district; a bigger street requires a bigger setback, and visa-versa.

a. As regulated in Section 155.034. Each street frontage is a front property line. The minimum required front setback distance may contain off-street parking, provided, however, at least 20 feet of a required setback distance where it adjoins the front property line shall be provided with landscaping.

2. Side and rear.

a. Feet where the lot line abuts other industrial district lot lines. The minimum required side and rear setback area may contain off-street parking in accordance with the provisions of this division.

b. In any instance where a front, side, or rear industrial lot line faces a residential district on the opposite side of the street or abuts a residential district, the minimum required setback distance shall be 60 feet in front and 40 feet in side and rear and provided with landscaping, in accordance with Section 155.033.

F. Maximum height

1. The maximum building height permitted shall be 40 feet provided, however, additional height shall be permitted to the maximum extent of 60 feet when additional setback distance from all yards is provided to the minimum extent of 2 feet for each 5 feet in height over the 40 feet.

G. Intensity

1. The total floor area of the enclosed industrial building or buildings shall not exceed 60% of the lot area.

155.030 "PUD" PLANNED UNIT DEVELOPMENT DISTRICT

The Planned Unit Development District is intended to provide more development flexibility than is possible through the application of customary zoning regulations. In recognition of both the rapid changes in design and technology in the building industry and new demands in the business and housing markets, it is deemed necessary to meet those changes in a manner that will be consistent with the best interests of the entire City.

A. Statement of purpose

The purpose of the Planned Unit Development District shall be the following:

1. To encourage a more creative approach in land and building site planning.
2. To encourage an efficient, aesthetic, and desirable use of open space
3. To promote variety in the physical development pattern of the community; including mixed use development.
4. To achieve flexibility and incentives for residential development which will produce a wider range of choice in satisfying the changing urban needs; including cluster development.
5. To encourage renewal of older areas where new development and restoration are needed to revitalize the areas.
6. To permit special consideration of property with unique features, such as historical significance, unusual topography, landscape amenities, and size and shape.
7. To recapture by-passed land so poorly planned and developed as to be a public liability.
8. To simplify processing of development proposals for developers and the Plan Commission by providing for concurrent review of land use, subdivisions, public improvements, and siting considerations.

B. Applicability

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1. The provisions of this section shall apply to a tract of land of at least five acres in area within the corporate limits of the city. These provisions may apply to a proposed development in which the primary or entire use is business or enclosed industrial use when the proposal is deemed to be in the best interests of the entire City.

2. The provisions of this section shall apply only to proposed new developments and shall not apply to any planned unit development plan which is now fully or partially developed, nor to any such development for which a final authorization has been granted pursuant to a previous ordinance. However, a petitioner may, upon application and approval of the Plan Commission, become subject to all the benefits and burdens of this section, subject to such rights as shall have been vested in the owners of the area affected by development under such ordinance.

3. Any single use or combination of uses may be permitted in a planned unit development, provided that the proposed planned unit development does not conflict with the comprehensive plan.

4. The basic land unit of a planned unit development is the block, parcel, tract, combination of lots, or acreage, and not the lot. However, divisible geographic sections of the entire planned unit development may be designated.

a. A proposed planned unit development shall be designed to produce an environment of stable and desirable character in keeping with the principles of good neighborhood design, and shall provide standards of open space, efficiency in street patterns, and areas for parking adequate for the occupancy proposed, or equal to the requirements of this Code.

b. Before approval of a preliminary planned unit development, a detailed determination of land use intensity shall be declared, and the Plan Commission shall make a finding that the intensity is consistent with the comprehensive development plan of current adoption and in the best interest of the entire City.

C. Procedure

The authorization of a planned unit development shall be subject to the procedures expressed as follows:

1. Upon a petition of the owners of property of 50% or more of the area involved in the petition, or upon a petition initiated by the Plan Commission, a preliminary plan for any area proposed for development as a planned unit development shall be first presented to the Plan Commission's designated staff. At this presentation, three copies of a preliminary plan of the proposed development, containing the following information, shall be submitted for advice:

a. Boundaries of the tract to be developed as part of the planned unit development.

b. Base mapping of the property showing the physical features, general topography, drainageways, water bodies, tree cover, and existing land uses.

c. Highways and streets in the vicinity of the tract, and the ingress and egress to the tract.

d. Location of different general land use areas proposed to be developed.

e. Proposed density levels of each residential area.

f. Proposed square footage of commercial or industrial areas.

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g. An enumeration of commitments, in general terms, proposed to be made a part of the unit development plan.

h. A statement expressing the order and estimated time of development, if the planned unit development is to be developed in stages, or if construction is to extend beyond a one-year time frame.

i. Proposed treatment of existing topography, drainageways and tree cover.

j. Proposed general location of major vehicular circulation, showing how this circulation pattern relates to the official Thoroughfare Plan of the City.

k. Location of schools, parks and other community facility sites, if any.

2. Within 15 days after the presentation, the Technical Advisory Committee of the Plan Commission shall consult with the petitioner regarding the preliminary plan. After the consultation, the petitioner may make modifications to the petition which are deemed appropriate.

3. Application for approval of the planned development shall then be submitted to the Plan Commission with a recommendation from the Technical Advisory Committee of the Plan Commission, accompanied by six copies of the preliminary plan (with modifications, if any) and any other desired supporting documents at a regular meeting of the Plan Commission, as a petition for amendment of the Zoning Code and subject to the procedures applicable thereto. The Plan Commission may approve the plan submitted, amend and approve the plan as amended, or disapprove the plan. The Plan Commission may impose any reasonable conditions upon its approval, including the recording of covenants. If approved, the preliminary plan with amendments, if any, shall be stamped "approved preliminary "planned unit development" and be signed by the president and secretary of the Plan Commission and one copy shall be permanently retained in the office of the Plan Commission. The approved preliminary unit development plan shall then be certified to the Common Council for adoption as an "PUD" Planned Unit Development District pursuant to the laws governing amendments of the Zoning Code.

4. Upon adoption by the Common Council, the planned development shall be returned to the Plan Commission, which shall thereafter exercise continuing jurisdiction. Before any development takes place, the Commission shall approve a detailed site plan specifying the exact location, composition, and general engineering features of all lots, drainage, sewage, water supply facilities, recreational facilities, site perimeter treatment, and other pertinent site development features, including general locations and features of proposed buildings. The approval shall be conditional upon finding by the Plan Commission that the detailed site plan is consistent with the approved preliminary unit development plan. The approved detailed site plan shall be stamped "Approved detailed planned unit development plan" and be signed by the president and secretary of the Plan Commission, and one copy shall be permanently retained in the office of the Plan Commission.

a. The approval of the preliminary PUD shall be for two (2) years after its adoption by the Common Council. Within this two (2) year period the planned unit development shall receive approval of the final detailed site plan for the first section or the entire development. Should the planned development not receive approval of the detailed site plan for one (1) section or the entire development within the two (2) years,

the Plan Commission may initiate a rezoning of the property or extend the approval period. The approval of the detailed site plan for each section of the preliminary PUD shall extend the approval length of the preliminary PUD for two (2) years.

b. In the exercise of its continual jurisdiction, the Plan Commission may from time to time modify the approved preliminary Planned Unit Development in a manner consistent with the originally approved preliminary Planned Unit Development to allow for changed circumstances and conditions unforeseen at the time of original approval. The Planning Commission is authorized to approve minor modifications such as:

- 1.) Base mapping of the property showing the physical features, general topography, drainageways, water bodies, tree cover, and existing land uses.
- 2.) The ingress and egress to the tract.
- 3.) Location of different general land use areas proposed to be developed.
- 4.) Proposed density levels of each residential area, provided that such proposed change in density level is not increased by more than fifteen percent (15%).
- 5.) Proposed square footage of commercial or industrial areas, provided such proposed change in square footage is not increased by more than fifteen percent (15%).
- 6.) A statement expressing the order and estimated time of development, if the planned unit development is to be developed in stages, or if construction is to extend beyond a one-year time frame.
- 7.) Proposed treatment of existing topography, drainageways and tree cover.
- 8.) Proposed general location of major internal vehicular circulation, showing how this circulation pattern relates to the official Thoroughfare Plan of the City.
- 9.) Location of schools, parks and other community facilities sites, if any, provided such proposed change in location does not result in a reduction in the square footage of schools, parks or other community facilities.

c. An "Approved Detailed Planned Unit Development" may mean and be designated the same as a final plat and approval of the final plat shall in all instances precede final plat approval for record in accordance with the subdivision control chapter of this Code.

d. A refusal by the Plan Commission to approve a detailed site plan shall not be construed as a denial, and any such refusal shall not operate as a limitation on the right of the petitioner to continue to seek approval, nor shall it impair the right of the petitioner to obtain an extension of time for approval. In the event that approval of a detailed site plan is not obtained within the one year period or an approved extension of time, the Plan Commission shall initiate an amendment of the Zoning Code so that the land will be zoned into the category or categories it held before being reclassified as an "UD" District.

5. The Plan Commission may allow the petitioner to develop the property involved in phases. If the phasing is permitted, the Commission may allow the petitioner to submit partial detailed site plans which correspond to the phases involved.

The partial detailed site plans, when approved, shall be treated in the same manner as approved detailed site plans for an entire Planned Unit Development.

6. Where a platting, replatting or vacation of streets within all or a portion of the land involved is contemplated, the Commission shall handle such matters in accordance with its regular procedures in accordance with law.

7. No construction or installation work shall be done on any public improvement until satisfactory plans and specifications therefor have been submitted to the Plan Commission in accordance with the subdivision control chapter of this Code and the petitioner has, at least twenty-four (24) hours in advance, notified the Plan Commission of his intention to begin such work in order that inspections may be made as the work progresses.

8. In the exercise of its continual jurisdiction, the Plan Commission may from time to time modify the approved detailed Planned Unit Development in a manner consistent with the approved preliminary Planned Unit Development to allow for changed circumstances and conditions unforeseen at the time of original approval.

The zoning administrator is authorized to approve minor modifications that do not:

- a. Alter the basic relationship of the proposed development to adjacent property;
- b. Change the uses permitted;
- c. Increase the maximum density floor area or height by more than 15%;
- d. Decrease the amount of off-street parking;
- e. Reduce the minimum yards or setbacks by more than 15%;
- f. Alter site ingress or egress in any way or create a substantial change to on-site circulation, as determined by the city engineer;

g. Upon submission of a request for a minor modification, the director shall have ten (10) working days to respond to the petitioner, by either approving or rejecting the request. An applicant may appeal the decision of the director to the Plan Commission.

All development shall be in conformity with the approved detailed Planned Unit Development in the exercise of its continuing jurisdiction, the Plan Commission shall take cognizance of any material deviations from the approved Detailed Planned Unit Development and take appropriate enforcement action.

9. Approval by the Plan Commission shall expire after a period of five (5) years from the approval of a Detailed Planned Unit Development unless the development is fifty percent (50%) completed in term of public improvements, including parks, walkways and utility installations in which instance an extension of time may be granted by the Plan Commission not to exceed five (5) successive periods of two (2) years each.

10. All proceedings brought under this Article shall be subject to the rules of procedure of the Plan Commission, where not inconsistent with the procedure otherwise stated herein, except that notice by publication shall be sufficient notice for proceedings related solely to approval and modification of Detailed Planned Unit Developments.

D. Abandonment or Expiration

Upon the abandonment of a development authorized under this Article (abandonment shall be deemed to have occurred when no improvements have been made pursuant to

the approved Detailed Planned Unit Development for twenty-four (24) consecutive months, or upon the expiration of five (5) years from the approval by the Plan Commission of a Detailed Planned Unit Development for a development which has not been completed or the expiration of an extension granted by the Plan Commission), the Plan Commission may initiate an amendment to this Chapter so that the land will be zoned into a category or categories which most nearly approximates its then existing use or such other zoning category which it deems appropriate.

E. Recording

An approved Detailed Planned Unit Development and modifications thereof shall be recorded in the appropriate books in the offices of the County Recorder within six (6) months after approval by the Plan Commission or the Zoning Administrator.

F. Permit

No improvement location permit shall be issued for a PUD District by the Plan Commission unless all recording required by division E has been effected, and no certificate of zoning compliance shall be issued for a PUD District unless the approved Detailed Planned Unit Development plan with modifications, if any, is adhered to, all be in compliance with the purposes of this Chapter and the Subdivision Control Chapter of this Code.

G. Covenants and Maintenance; Financial Guarantees

1. Covenants shall be required by the Plan Commission as an ingredient for stability and longevity of the Planned Unit Development, and shall set forth in detail provisions for the ownership and maintenance of facilities held in common so as to reasonably insure their continuity and conservation. The covenant provisions shall include specific remedies in the event facilities held in common are permitted to deteriorate or are not maintained in a condition consistent with the best interests of the City, in which event the City shall take those remedial steps provided for in the provisions.

2. The Plan Commission may require the recording of covenants for any reasonable public or semipublic purpose, including but not limited to the allocation of land by the petitioner for public thoroughfares, parks, schools, recreational facilities and other public and semipublic purposes wherever necessary in conformity with the land use plan of current adoption. Such covenants shall provide that if a governmental unit or agency thereof does not proceed with acquisition of the allocated land within the specified period of time, the covenants shall automatically terminate. If such termination occurs, the petitioner shall then submit for approval by the Plan Commission a modified detailed site plan for such land consistent with the approved Preliminary Planned Unit Development. Such modified detailed site plans, when approved, shall be treated in the same manner as approved detailed site plans for an entire Planned Unit Development.

3. The Commission may require the recording of covenants for any other reasonable purpose, including but not limited to imposing standards for development of property in a Planned Unit Development. The development standards may include, but are not limited to, requirements as to the following:

- a. Lot area;
- b. Floor area;
- c. Ratios of floor space to land area;

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d. Area in which structures may be built (buildable area), including areas for cluster type residential development without lot lines;

e. Open space;

f. Setback lines and minimum yards;

g. Building separations;

h. Height of structures;

i. Signs;

j. Off-street parking and loading and unloading areas.

k. Design standards.

l. Phasing of development

4. The petitioner shall provide financial assurance for the satisfactory installation of all public facilities in the form of bonds or such other assurances as are required in the normal procedures of platting pursuant to the provisions of Chapter 152, Subdivision Code.

5. Adequate provision shall be made for a private organization with data responsibility to and control by the property owners involved to provide for the operation and maintenance of all common facilities, including private streets jointly shared by such property owners if the facilities are a part of the Planned Unit Development and in which instance, legal assurance shall be provided which shows that the private organization is self-perpetuating and adequately funded to accomplish its purposes.

6. Common facilities which are not dedicated to the public shall be maintained to standards assuring continuous and adequate maintenance at a reasonable and nondiscriminatory rate of charge to the beneficiaries thereof. Common facilities not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

7. All private streets shall be maintained by the aforesaid private organization in such a manner that adequate access is provided at all time to vehicular traffic, so that fire, police, health, sanitation, and public utility vehicles can serve the properties contiguous or adjacent thereto, and so that the vehicles will have adequate turning area. Private streets shall be developed in accordance with the standards set forth in Chapter 152, subdivision Code.

H. Limitation on rezoning

The City Plan Commission shall not initiate any amendments to the zoning Code concerning the property involved in the planned unit development before completion of the development, as long as development is in conformity with the approved detailed unit development plan and proceeding in accordance with the time requirements imposed in division (D) above.

(Am. Ord. 2006-15, passed 1-11-07)

Cross-reference:

Residential design guidelines, see Section 155.053

155.031 FLOODPLAIN REGULATIONS OVERLAY DISTRICT

A. Statutory Authorization, Findings of Fact. Purpose, and Objectives.

Greenfield Code of Ordinances

1. Statutory authorization. The Indiana Legislature has in I.C. 36-7-4 granted the power to local government units to control land use within their jurisdictions. Therefore, the Common Council of the City of Greenfield does hereby adopt the following floodplain management regulations.

2. Findings of fact.

a. The flood hazard areas of the City of Greenfield are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

b. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, inadequately flood-proofed, or otherwise unprotected from flood damages.

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

a. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities.

b. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

c. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.

d. Control filling, grading, dredging, and other development which may increase erosion or flood damage.

e. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

f. Make federally subsidized flood insurance available for structures and their contents in the city by fulfilling the requirements of the National Flood Insurance Program.

4. Objectives. The objectives of this district are:

a. To protect human life and health.

b. To minimize expenditure of public money for costly flood control projects.

c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.

d. To minimize prolonged business interruptions.

e. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains.

f. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas.

B. Definitions.

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

A ZONE Portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In **A ZONES**, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR and Zone A99 on a FIRM. The definitions are presented below:

ZONE A: Areas subject to inundation by the 1% annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown.

ZONE AE AND A1-A30: Areas subject to inundation by the 1% annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. (**ZONE AE** is on new and revised maps in place of Zones A1-A30.)

ZONE AO: Areas subject to inundation by 1% annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.

ZONE AH: Areas subject to inundation by 1% annual chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.

ZONE AR: Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection.

ZONE A99: Areas subject to inundation by the 1% annual chance flood event, but which will ultimately be protected upon completion of an under-construction federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown.

ACCESSORY STRUCTURE (APPURTENANT STRUCTURE) A structure with a floor area 400 square feet or less that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. **ACCESSORY STRUCTURES** should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of **ACCESSORY STRUCTURES** are detached garages, carports, storage sheds, pole barns, and hay sheds

ADDITION (TO AN EXISTING STRUCTURE) Any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

APPEAL A request for a review of the Floodplain Administrator's interpretation of any provision of this section.

AREA OF SHALLOW FLOODING A designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

BASE FLOOD The flood having a 1% chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE) The elevation of the 1% annual chance flood.

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

BOUNDARY RIVER The part of the Ohio River that forms the boundary between the Kentucky and Indiana.

BOUNDARY RIVER FLOODWAY The floodway of a boundary river.

BUILDING See **STRUCTURE**.

COMMUNITY A political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

COMMUNITY RATING SYSTEM (CRS) A program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

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

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

1. Construction, reconstruction, or placement of a structure or any addition to a structure;
2. Installing a manufactured home on a site, preparing a site for a manufactured home or installing a recreational vehicle on a site for more than 180 days;
3. Installing utilities, erection of walls and fences, construction of roads, or similar projects;
4. Construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
5. Mining, dredging, filling, grading, excavation, or drilling operations;
6. Construction and/or reconstruction of bridges or culverts;
7. Storage of materials; or
8. Any other activity that might change the direction, height, or velocity of flood or surface waters.

DEVELOPMENT does not include activities such as the maintenance of existing structures and facilities such as painting, re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

ELEVATED STRUCTURE A non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls,

filled stem wall foundations (also called chain walls), pilings, or columns (posts and piers).

ELEVATION CERTIFICATE A certified statement that verifies a structure's elevation information.

EMERGENCY PROGRAM The first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

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

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA The Federal Emergency Management Agency.

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

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM) An official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.

FLOOD INSURANCE RATE MAP (FIRM) An official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

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

FLOOD PRONE AREA Any land area acknowledged by a community as being susceptible to inundation by water from any source. (See **FLOOD**.)

FLOOD PROTECTION GRADE (FPG) The elevation of the regulatory flood plus two feet at any given location in the SFHA. (See **FREEBOARD**.)

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

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

FLOODPLAIN MANAGEMENT REGULATIONS This section and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose

ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. **FLOODPLAIN MANAGEMENT REGULATIONS** are also referred to as **FLOODPLAIN REGULATIONS**, **FLOODPLAIN ORDINANCE**, **FLOOD DAMAGE PREVENTION ORDINANCE**, and **FLOODPLAIN MANAGEMENT REQUIREMENTS**.

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

FLOODPROOFING CERTIFICATE A form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a Registered Professional Engineer or Architect.

FLOODWAY The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

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

FRINGE Those portions of the floodplain lying outside the floodway.

HARDSHIP (AS RELATED TO VARIANCES OF THIS SECTION) The exceptional hardship that would result from a failure to grant the requested variance. The Board of Zoning Appeals requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

HIGHEST ADJACENT GRADE The highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

HISTORIC STRUCTURES Any structures individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

INCREASED COST OF COMPLIANCE (ICC) The cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business flood insurance policies with effective dates on or after June 1, 1997, will include ICC coverage.

LETTER OF FINAL DETERMINATION (LFD) A letter issued by FEMA during the mapping update process which establishes final elevations and provides the new

flood map and flood study to the community. The **LFD** initiates the six-month adoption period. The community must adopt or amend its floodplain management regulations during this six-month period unless the community has previously incorporated an automatic adoption clause.

LETTER OF MAP CHANGE (LOMC) A general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They include Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), and Letter of Map Revision based on Fill (LOMR-F). The definitions are presented below:

LETTER OF MAP AMENDMENT (LOMA) An amendment by letter to the currently effective FEMA map that establishes that a property is not located in a SFHA through the submittal of property specific elevation data. A **LOMA** is only issued by FEMA.

LETTER OF MAP REVISION (LOMR) An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

LETTER OF MAP REVISION BASED ON FILL (LOMR-F) An official revision by letter to an effective NFIP map. A **LOMR-F** provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

LOWEST ADJACENT GRADE The lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

LOWEST FLOOR The lowest elevation described among the following:

1. The top of the lowest level of the structure.
2. The top of the basement floor.
3. The top of the garage floor, if the garage is the lowest level of the structure.
4. The top of the first floor of a structure elevated on pilings or pillars.
5. The top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of flood waters unless:
 - a. The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters by providing a minimum of two openings (in addition to doorways and windows) in a minimum of two exterior walls; if a structure has more than one enclosed area, each shall have openings on exterior walls;
 - b. The total net area of all openings shall be at least one square inch for every one square foot of enclosed area; the bottom of all such openings shall be no higher than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and
 - c. Such enclosed space shall be usable solely for the parking of vehicles and building access.

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

MANUFACTURED HOME PARK OR SUBDIVISION A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MARKET VALUE The building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear.

MARKET VALUE can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

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

NATIONAL FLOOD INSURANCE PROGRAM (NFIP) The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

NATIONAL GEODETIC VERTICAL DATUM (NGVD) OF 1929 AS CORRECTED IN 1929 A vertical control used as a reference for establishing varying elevations within the floodplain.

NEW CONSTRUCTION Any structure for which the "start of construction" commenced after the effective date of the community's first floodplain ordinance.

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

NON-BOUNDARY RIVER FLOODWAY The floodway of any river or stream other than a boundary river.

NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88) AS ADOPTED IN 1993 A vertical control datum used as a reference for establishing varying elevations within the floodplain.

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

ONE-PERCENT ANNUAL CHANCE FLOOD The flood that has a 1% chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the 1% annual chance flood. See **REGULATORY FLOOD**.

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

PUBLIC SAFETY AND NUISANCE Anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

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

REGULAR PROGRAM The phase of the community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

REGULATORY FLOOD The flood having a 1% chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in division C.2. of this section. The **REGULATORY FLOOD** is also known by the term **BASE FLOOD**, **ONE-PERCENT ANNUAL CHANCE FLOOD**, and **100-YEAR FLOOD**.

REPETITIVE LOSS Flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equaled or exceeds 25% of the market value of the structure before the damage occurred.

SECTION 1316 That section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

SPECIAL FLOOD HAZARD AREA (SFHA) Those lands within the jurisdiction of the city subject to inundation by the regulatory flood. The SFHAs of the City of Greenfield are generally identified as such on the Hancock County, Indiana and Incorporated Areas Flood Insurance Rate Map dated December 4, 2007 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. (These areas are shown on a FIRM as Zone A, AE, A1- A30, AH, AR, A99, or AO).

START OF CONSTRUCTION Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The **ACTUAL START** means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers,

foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the **ACTUAL START OF CONSTRUCTION** means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE A structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.

SUBSTANTIAL DAMAGE Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "repetitive loss" or "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".

SUSPENSION The removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

VARIANCE A grant of relief from the requirements of this section, which permits construction in a manner otherwise prohibited by this section where specific enforcement would result in unnecessary hardship.

VIOLATION The failure of a structure or other development to be fully compliant with this section. A structure or other development without the elevation, other certification, or other evidence of compliance required in this section is presumed to be in violation until such time as that documentation is provided.

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

X ZONE The area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2% chance of being equaled or exceeded (the 500-year flood). Unshaded X zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2%.

ZONE A geographical area shown on a FIRM that reflects the severity or type of flooding in the area.

ZONE A See definition for A zone.

ZONE B, C, AND X Areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate

local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of Zones B and C.)

C. General Provisions.

1. Lands to which this district applies. The Floodplain Regulations Overlay District shall apply to all SFHAs and known flood prone areas within the jurisdiction of the City of Greenfield.

2. Basis for establishing regulatory flood data. This section's protection standard is the regulatory flood. The best available regulatory flood data is listed below.

a. The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs within the jurisdiction of the City of Greenfield shall be as delineated on the 1% annual chance flood profiles in the Flood Insurance Study of Hancock County, Indiana and Incorporated Areas and the corresponding Flood Insurance Rate Map dated December 4, 2007 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date.

b. The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the jurisdiction of the City of Greenfield, delineated as an "A Zone" on the Hancock County, Indiana and Incorporated Areas Flood Insurance Rate Map dated December 4, 2007 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the best available data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review, subsequently approved.

c. In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community's known flood prone areas shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile.

d. Upon issuance of a Letter of Final Determination (LFD), any more restrictive data in the new (not yet effective) mapping/study shall be utilized for permitting and construction (development) purposes, replacing all previously effective less restrictive flood hazard data provided by FEMA.

3. Establishment of floodplain development permit. A floodplain development permit shall be required in conformance with the provisions of this section prior to the commencement of any development activities in areas of special flood hazard.

4. Compliance. No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this section and other applicable regulations. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this section and other applicable regulations.

5. Abrogation and greater restrictions. This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However,

where this section and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

6. Discrepancy between mapped floodplain and actual ground elevations.

a. In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles shall govern.

b. If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.

c. If the elevation (natural grade) of the site in question is above the base flood elevation and not located within the floodway, that site shall be considered outside the SFHA and the floodplain regulations will not be applied. The property owner shall be advised to apply for a LOMA.

7. Interpretation. In the interpretation and application of this section all provisions shall be:

a. Considered as minimum requirements.

b. Liberally construed in favor of the governing body.

c. Deemed neither to limit nor repeal any other powers granted under state statutes.

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

9. Penalties for violation. Failure to obtain a floodplain development permit in the SFHA or failure to comply with the requirements of a floodplain development permit or conditions of a variance shall be deemed to be a violation of this section. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for the City of Greenfield.

a. A separate offense shall be deemed to occur for each day the violation continues to exist.

b. The Floodplain Administrator shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

c. Nothing herein shall prevent the City of Greenfield from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

D. Administration.

1. Designation of Administrator. The Mayor of the City of Greenfield hereby appoints the Zoning Administrator to administer and implement the provisions of this section and is herein referred to as the Floodplain Administrator.

2. Permit procedures. Application for a floodplain development permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the

area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically the following information is required:

- a. Application Stage.
 1. A description of the proposed development.
 2. Location of the proposed development sufficient to accurately locate property and structure(s) in relation to existing roads and streams.
 3. A legal description of the property site.
 4. A site development plan showing existing and proposed development locations and existing and proposed land grades.
 5. Elevation of the top of the planned lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD.
 6. Elevation (in NAVD 88 or NGVD) to which any non-residential structure will be floodproofed.
 7. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. A hydrologic and hydraulic engineering study is required and any watercourse changes submitted to DNR for approval and then to FEMA as a Letter of Map Revision. (See division D.3.I for additional information.)
- b. Construction stage.
 1. Upon establishment of the lowest floor of an elevated structure or structure constructed on fill, it shall be the duty of the applicant to submit to the Floodplain Administrator a certification of the NAVD 88 or NGVD elevation of the lowest floor, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. (The Floodplain Administrator shall review the lowest floor elevation survey data submitted.) The applicant shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project. Any work undertaken prior to submission of the elevation certification shall be at the applicant's risk. The Floodplain Administrator shall review the lowest floor elevation survey data submitted. The applicant shall correct any deficiencies detected by such review. Failure to submit the elevation certification or failure to make correction required shall be cause to issue a stop-work order for the project.
 2. Upon establishment of the floodproofed elevation of a floodproofed structure, it shall be the duty of the applicant to submit to the Floodplain Administrator a floodproofing certificate. Certification shall be prepared by or under the direction supervision of a registered professional engineer and certified by same. (The Floodplain Administrator shall review the floodproofing certification submitted.) The applicant shall correct any deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the floodproofing certification or failure to make correction required shall be cause to issue a stop-work order for the project.
- c. Finished construction. Upon completion of construction, a FEMA elevation certificate, Form 81-31, which depicts all finished construction, is required to be submitted to the Floodplain Administrator, if the project includes a floodproofing

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measure, a FEMA floodproofing certificate, Form 81-65, is required to be submitted by the applicant to the Floodplain Administrator.

3. Duties and responsibilities of the Floodplain Administrator. The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this section. The administrator is further authorized to render interpretations of this section, which are consistent with its spirit and purpose. Duties and responsibilities of the Floodplain Administrator shall include, but are not limited to:

a. Review all floodplain development permits to assure that the permit requirements of this section have been satisfied.

b. Inspect and inventory damaged structures in the SFHA and complete substantial damage determinations.

c. Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to division E.5. and E.7.a. of this section, and maintain a record of such authorization (either copy of actual permit/authorization or floodplain analysis/regulatory assessment).

d. Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit. Copies of such permits/authorizations are to be maintained on file with the floodplain development permit.

e. Maintain and track permit records involving additions and improvements to residences located in the floodway.

f. Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.

g. Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Change (LOMC), copies of DNR permits, letters of authorization, and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built" elevation and floodproofing data for all buildings constructed subject to this section.

h. Utilize and enforce all Letters of Map Change (LOMC) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.

i. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

j. Review certified plans and specifications for compliance.

k. Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with division D.2.

l. Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed in accordance with division D.2.

m. Stop work orders.

1. Upon notice from the Floodplain Administrator, work on any building, structure or premises that is being done contrary to the provisions of this section shall immediately cease.

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2. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

n. Revocation of permits.

1. The Floodplain Administrator may revoke a permit or approval, issued under the provisions of the section, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

2. The Floodplain Administrator may revoke a permit upon determination by the Floodplain Administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this section.

E. Provisions for Flood Hazard Reduction.

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

a. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

b. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

c. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG.

d. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.

e. Electrical, heating, ventilation, plumbing, air conditioning equipment, utility meters, and other service facilities shall be located at/above the FPG or designed so as to prevent water from entering or accumulating within the components below the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.

f. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

g. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

h. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

i. Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of this section shall meet the requirements of "new construction" as contained in this section.

2. Specific standards. In all SFHAs, the following provisions are required:

a. In addition to the requirements of division E.1., all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:

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1. Construction or placement of any structure having a floor area greater than 400 square feet.
2. Addition or improvement made to any existing structure where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land).
3. Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to its before damaged condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before damage occurred.
4. Installing a travel trailer or recreational vehicle on a site for more than 180 days.
5. Installing a manufactured home on a new site or a new manufactured home on an existing site. This section does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage.
6. Reconstruction or repairs made to a repetitive loss structure.
7. Addition or improvement made to any existing structure with a previous addition or improvement constructed since the community's first floodplain ordinance.
 - b. Residential structures. New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor; including basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of division E.2.d.
 - c. Non-residential structures. New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured home) shall either have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation) or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of division E.2.d. Structures located in all "A Zones" may be floodproofed in lieu of being elevated if done in accordance with the following:
 1. A registered professional engineer or architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the official as set forth in division D.3.i.
 2. Floodproofing measures shall be operable without human intervention and without an outside source of electricity.
 - d. Elevated structures. New construction or substantial improvements of elevated structures shall have the lowest floor at or above the FPG. Elevated structures with fully enclosed areas formed by foundation and other exterior walls below

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the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs must meet the following minimum criteria:

1. Provide a minimum of two openings located in a minimum of two exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area).

2. The bottom of all openings shall be no more than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher.

3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

4. Access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

5. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

6. The interior grade of such enclosed area shall be at an elevation at or higher than the exterior grade.

e. Structures constructed on fill. A residential or nonresidential structure may be constructed on a permanent land fill in accordance with the following:

1. The fill shall be placed in layers no greater than one foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in permit file.

2. The fill shall extend ten feet beyond the foundation of the structure before sloping below the BFE.

3. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than three horizontal to one vertical.

4. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.

5. The top of the lowest floor including basements shall be at or above the FPG.

f. Standards for manufactured homes and recreational vehicles. Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:

1. These requirements apply to all manufactured homes to be placed on a site outside a manufactured home park or subdivision; in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood:

a. The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and

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securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

b. Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in division E.2.d.

c. Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.

2. These requirements apply to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood:

a. The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

b. Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in division E.2.d.

c. Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.

3. Recreational vehicles placed on a site shall either:

a. Be on site for less than 180 days;

b. Be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or

c. Meet the requirements for "manufactured homes" as stated earlier in this section.

g. Accessory structures. Relief to the elevation or dry floodproofing standards may be granted for accessory structures. Such structures must meet the following standards:

1. Shall not be used for human habitation.

2. Shall be constructed of flood resistant materials.

3. Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters.

4. Shall be firmly anchored to prevent flotation.

5. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the FPG.

6. Shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in division E.2.d.

h. Above ground gas or liquid storage tanks. All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement.

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3. Standards for subdivision proposals.
 - a. All subdivision proposals shall be consistent with the need to minimize flood damage.
 - b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
 - c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
 - d. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of 50 lots or five acres.
 - e. All subdivision proposals shall minimize development in the SFHA and/or limit density of development permitted in the SFHA.
 - f. All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).
4. Critical facility. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.
5. Standards for identified floodways.
 - a. Located within SFHAs, established in division C.2., are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. If the site is in an identified floodway, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway. Under the provisions of I.C. 14-28-1 a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual start of construction of the structure. However, it does exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river floodway. (I.C. 14-28-1-26 allows construction of a non-substantial addition/improvement to a residence in a non-boundary river floodway without obtaining a permit for construction in the floodway from the Indiana Department of Natural Resources. Please note that if fill is needed to elevate an addition above the existing grade, prior approval for the fill is required from the Indiana Department of Natural Resources.)
 - b. No action shall be taken by the Floodplain Administrator until a permit or letter of authorization (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in the floodway.

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Once a permit for construction in a floodway or letter of authorization has been issued by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local Floodplain development permit, provided the provisions contained in division E. of this section have been met. The floodplain development permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources. However, a community's more restrictive regulations (if any) shall take precedence.

c. No development shall be allowed, which acting alone or in combination with existing or future development, that will adversely affect the efficiency of, or unduly restrict the capacity of the floodway. This adverse affect is defined as an increase in the elevation of the regulatory flood of at least fifteen-hundredths (0.15) of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses.

d. For all projects involving channel modifications or fill (including levees) the Floodplain Administrator shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data per mapping standard regulations found at 44 CFR § 65.12.

6. Standards for identified fringe. If the site is located in an identified fringe, then the Floodplain Administrator may issue the local floodplain development permit provided the provisions contained in division E. of this section have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the FPG.

7. Standards for SFHAs without established base flood elevation and/or flood ways/fringes.

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

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

2. No action shall be taken by the Floodplain Administrator until either a permit for construction in a floodway (including letters of authorization) or a floodplain analysis/regulatory assessment citing the 1% annual chance flood elevation and the recommended flood protection grade has been received from the Indiana Department of Natural Resources.

3. Once the Floodplain Administrator has received the proper permit for construction in a floodway (including letters of authorization) or floodplain analysis/regulatory assessment approving the proposed development, a floodplain development permit may be issued provided the conditions of the floodplain development permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in division E. of this section have been met.

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

1. If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of

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the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodplain and 1% annual chance flood elevation for the site.

2. Upon receipt, the Floodplain Administrator may issue the local floodplain development permit, provided the provisions contained in division E. of this section have been met.

c. The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood more than 0.14 of one foot and will not increase flood damages or potential flood damages.

8. Standards for flood prone areas. All development in known flood prone areas not identified on FEMA maps, or where no FEMA published map is available, shall meet applicable standards as required per division E.

F. Variance Procedures.

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

2. Duties of Variance and Appeals Board. The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this section. Any person aggrieved by the decision of the Board may appeal such decision to the Hancock County Circuit Court.

3. Variance procedures. In passing upon such applications, the Board shall consider all technical evaluations, all relevant factors, all standards specified in this section, and:

a. The danger of life and property due to flooding or erosion damage.

b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

c. The importance of the services provided by the proposed facility to the community.

d. The necessity to the facility of a waterfront location, where applicable.

e. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.

f. The compatibility of the proposed use with existing and anticipated development.

g. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.

h. The safety of access to the property in times of flood for ordinary and emergency vehicles.

i. The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site.

j. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

4. Conditions for variances.

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- a. Variances shall only be issued when there is:
 1. A showing of good and sufficient cause.
 2. A determination that failure to grant the variance would result in exceptional hardship.
 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
 - b. No variance for a residential use within a floodway subject to division E.5. or E.7.a of this section may be granted.
 - c. Any variance granted in a floodway subject to division E.5. or E.7.a. of this section will require a permit from the Indiana Department of Natural Resources.
 - d. Variances to the provisions for flood hazard reduction of division E.2. may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.
 - e. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - f. Variances may be granted for the reconstruction or restoration of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.
 - g. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the flood protection grade and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation (See division F.5.).
 - h. The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request (See division F.5.).
5. Variance notification. Any applicant to whom a variance is granted that allows the lowest floor of a structure to be built below the flood protection grade shall be given written notice over the signature of a community official that:
 - a. The issuance of a variance to construct a structure below the flood protection grade will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
 - b. Such construction below the flood protection grade increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance.
 6. Historic structure. Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.

7. Special conditions. Upon the consideration of the factors listed in division F., and the purposes of this section, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this section.

(Am. Ord. 2007-12, passed 9-13-07; Am. Ord. 2014-2, passed 2-26-14)

155.032 "HD" HISTORIC DISTRICT

This is an overlay district designed to identify and delineate those parts of the City which have been designated as historic districts by the City Council.

1. Uses permitted in the districts underlying the "HD" Historic District are permitted, subject to the requirements and procedures of the zoning Code for those uses in their particular district or districts.

2. Signage shall be regulated by Section 155.065 with the exception of the following:

a. More than one on-building sign may be displayed per side of a building; and

b. Signage may face into a residential area.

3. Before an improvement location permit may be issued in the "HD" Historic District, it shall be accompanied by a certificate of appropriateness in accordance with the requirements promulgated by Chapter 156.

(Am. Ord. 2002-32, passed 1-23-03)

155.033 IMPROPER USE OF RESIDENTIAL LOTS

1. No mobile home shall be located outside of a mobile home park.

2. Land zoned for residential purposes as set forth in this chapter shall not be used for the purpose of parking on a lot one or more inoperative vehicles; accumulation of trash, rubbish, junk, scrap metal, household appliances, rags, filth, boards, slops, old crates, cans, bottles, cartons, grass, tree limbs, discarded food or clothing, or any offensive substance.

3. Only one automobile, boat, trailer, and the like, owned and licensed by the property owner or occupant, shall be permitted for sale on a lot. The maximum number of sales per year shall be regulated by Indiana Code.

(Am. Ord. 2002-32, passed 1-23-03; Am. Ord. 2006-15, passed 1-11-07)

155.034 BUILDING SETBACK LINES

Building setback lines shall be required along all public streets as required in this section. Any yard abutting a street shall be deemed a front yard for the purpose of determining front building setback lines. In no case may a structure encroach into the right-of-way established by the Thoroughfare Plan without prior approval from the Board of Works. Front setback:

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1. For improved blocks where 25% or more of the lots in the block frontage are occupied by buildings, the average setback of those buildings determines the dimension of the front setback for any new building, provided that such structure does not encroach into the right-of-way as established by the Thoroughfare Plan.

For the purpose of this Section an improved block shall be defined as any block which contains at least three lots or parcels, each containing a legally established building. For the purposes of this section, a block consists of one (1) side of the street, not interrupted by any streets, alleys, or other rights-of-way. In any case where a proposed building site has no buildings within 300 feet in either direction on the same side of the street, the property shall be considered to be in an unimproved block.

2. For unimproved blocks, setback lines shall be in accordance with the street type designated on the Thoroughfare Plan of current adoption. If the actual right-of-way is greater than the minimum required by the Thoroughfare Plan, the minimum setback shall be increased by one-half the width of the additional right-of-way. Minimum setback distances are as follows:

a. Beltway or primary arterial. No part of any structure may be built closer than eighty (80) feet from the right-of-way line of a beltway or primary arterial.

b. Secondary arterial. No part of any structure shall be built closer than sixty (60) feet from the right-of-way line of a secondary arterial or one-way arterial.

c. Collector street. No part of any structure shall be built closer than forty (40) feet from the right-of-way line of a collector street.

d. Local street, marginal access street or cul-de-sac. No part of any structure shall be built closer than twenty-five (25) feet from the right-of-way line of a local street, with the following exceptions:

1. The minimum setback line shall be twenty-five (25) feet to the centerline of a marginal access street or the vehicular turn around of any local cul-de-sac;

2. The minimum setback line for a primary residential structure with an attached garage that protrudes from the main structure at an angle greater than 30 degrees, with a horizontal dimension greater than fifteen (15) feet, shall be thirty (30) feet.

e. Access road or commercial drive. No part of any structure may be built closer than twenty five (25) feet from the right-of-way line of an access road or commercial drive.

3. Building lines or building setback lines established in a recorded subdivision shall establish the dimension of front yards in those subdivisions.

4. On through lots a front yard is required on each street.

Any street not designated on the thoroughfare plan of current adoption shall be assumed to be a local street designation for the purpose of determining the building setback line, unless the city engineer determines that a higher classification applies. Private streets shall be considered to be local streets for the purposes of this section.

5. All corner lots shall have a front yard for each street abutting the lot.

6. Such setback lines shall be as required in this Section with the following exceptions:

- a. As provided in Sections 155.034 for customary front yard exceptions.
- b. In case of conflict with the front setback requirements of the zoning districts, and transitional setback lines, conditional uses or other applicable provisions of this Chapter, the higher or most restrictive requirement shall govern.

7. The setback exceptions set forth in this section apply to the requirement of the Thoroughfare Plan Resolution of the City that establishes the proposed right-of-way line as the front line of lots that front upon a street.

(Am. Ord. 2003-7, passed 8-14-03; Am. Ord. 2005-5, passed 4-14-05)

155.035 YARD EXCEPTIONS

A. Application

1. Any yard or setback line so placed or oriented that none of the specific terms in this chapter are applicable shall necessitate a determination by the Zoning Administrator of a suitable dimension as generally required for a similar situation in the zone district.

2. Minimum required yards or building setback distances shall be unobstructed and open to the sky, except for customary projections and temporary storage as hereinafter provided, and signs in accordance with Section 155.034.

B. Yard encroachments

No structure or part thereof shall project into a required front yard except:

1. An eave, cornice, overhang, awning, balcony, or bay window not exceeding four feet; however, in no event shall the encroachment protrude closer than 20 feet to a front lot line.

2. The ordinary projection of belt courses, sills, lintels, chimneys, and other similar ornamental and architectural features not exceeding 18 inches.

3. Unenclosed, uncovered steps, entrance platforms, terraces, or landings not over 18 inches above grade level and not to project a distance in excess of ten feet.

C. Projections

No structure or part thereof shall project into a required side or rear yard except:

1. The ordinary projection of belt courses, sills, lintels, chimneys, and other similar ornamental and architectural features not exceeding 24 inches; however, the encroachment shall not protrude closer than 4 feet to a side or rear lot line in any case when side or rear yards are required.

2. Unenclosed, uncovered steps, entrance platforms, terraces, or landings not over 18 inches above grade level.

D. Residential screening uses, fences, private swimming pools

1. Accessory uses such as public utility installations, walks, driveways, curbs, retaining walls, mail boxes, name plates, lamp posts, bird baths, and structures of a like nature are permitted in any required front, side, or rear yard, and without the issuance of any permit.

2. Open fences, latticework, screens, hedges, or walls not more than seven feet in height may be located in the required side or rear yard. In no case shall a fence be located within or across an easement, without providing a gate or other reasonable

means of vehicular access to the easement area. A hedge, open fence, or a wall maintained so as not to exceed four (4) feet in height may be located in any front yard, but shall not be located within an easement without the provision of a gate for vehicular access to the easement area. In addition, any fencing in an easement area will not be permitted without the issuance of a signed waiver, stating that any fencing located in or across an easement that is required to be removed by or on behalf of the City will be done without any liability incurred by the City.

3. Private swimming pools - see 155.061 (C) (4).

4. Trees, shrubs, flowers, or plants shall be permitted in any required front, side, or rear yard, except that vision clearance on corner lots shall be provided in accordance with Section 155.037.

5. Nothing contained in this division shall be deemed to prohibit the erection or maintenance of an open fence in connection with agricultural use, recreation use, or the public safety, or a security fence in nonresidential districts however, in no case shall any fence or structure be located within an easement.

(Am. Ord. 2001-5, passed 3-22-01; Am. Ord. 2002-32, passed 1-23-03)

155.036 STORAGE

A. Automotive vehicles.

Automotive vehicles or trailers of any type without current license plates or in an inoperable condition so as to be deemed dead storage shall be prohibited in residential districts other than in completely enclosed buildings and shall not be parked or stored in any district unless specifically authorized.

B. Commercial vehicles.

The parking of a commercial self-propelled vehicle in residential zone districts shall be prohibited, except that one commercial vehicle of not more than three tons capacity may be parked on any lot on which there is located a principal building, provided such vehicle is parked in an enclosed garage, accessory building, or rear yard and is used by a resident of the premises. This requirement shall not be interpreted to prohibit commercial vehicles from temporary loading and unloading in any residential district.

C. Requirements

1. No portion of any required yard or open space shall be used for the permanent storage of motor vehicles, trailers, airplanes, boats, or parts thereof, rubbish, garbage, junk, or tent or building materials, except during construction and in accordance with the terms of this chapter. In any case, such storage may not occur in front of the building.

2. Permanent storage for the purpose of this division shall be construed as the presence of such storage for a period of 48 or more consecutive hours in any one week period.

3. Storage or parking of recreational vehicles in the open is subject to the following conditions:

a. In any zone district the wheels or any similar transporting devices of any recreational vehicle shall not be removed except for repairs, nor shall such

vehicle be otherwise permanently fixed to the ground in manner that would prevent ready removal of these types of mobile structures.

b. Recreational vehicles may be stored or parked by the owner of the property thereof behind or alongside the principal building in such a manner that no part of any such vehicle shall project beyond the front setback or side setback lines of the lot.

c. Not more than one recreational vehicle will be permitted to be parked or stored in the open on residential property at any one time; however, one additional such vehicle is permitted for visitation for 7 consecutive days and not to exceed 14 days in any one year.

d. At no time shall such parked or stored recreational vehicles be occupied or used for living, sleeping, or housekeeping purposes, except as provided for visitations in division (3) above.

e. Notwithstanding the provisions of division (1) above, recreational vehicles may be parked anywhere on the premises for loading and unloading purposes, for not longer than a 24-hour period.

4. Anything herein to the contrary notwithstanding, a recreational vehicle may be temporarily parked or stored, on the grant of a temporary certificate of occupancy, in the open in conjunction with:

- a. A public health program sponsored by a Public Health Department.
- b. A program sponsored by any unit of government.
- c. A carnival or other public affair or function authorized by proper authority.

d. Other similar uses deemed temporary by the Board of Zoning Appeals and attached with such time period, conditions, and safeguards as the Board may deem necessary.

5. No mobile home shall be located outside of a mobile home park, except for temporary use of mobile homes authorized in this chapter.

155.037 INTERSECTION VISIBILITY

1. Nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision clearance between the heights of 3 and 10 feet above the centerline grades of intersecting streets and drives.

The "visibility triangle" is hereby established as follows:

a. For corner lots, the triangle is defined as the area formed by the street centerlines and a line connecting points seventy-five (75) feet for local and collector streets, and one-hundred fifty (150) feet for arterial streets from the intersection of such street centerlines.

b. Upon the occasion when a driveway or alley intersects with a local or collector street, the visibility triangle is formed by the centerlines of driveways, alleys and streets and a line connecting points 40 feet for driveways and alleys and 75 feet for local and collector streets.

c. Upon the occasion when a driveway or alley intersects with an arterial street, the visibility triangle is formed by the centerlines of driveways, alleys and

streets and a line connecting points 65 feet for driveways and alleys and 150 feet for arterial streets.

1. Notwithstanding (A) above, plantings, structures and other improvements may be permitted within the visibility triangle if the City Engineer makes a determination that such improvement will not impede visibility.

2. No driveway shall be located within 40 feet of the intersection of two street lines.

3. The above provisions shall not apply to official warning signs or signals necessary to the public safety.

(Am. Ord. 2001-5, passed 3-22-01)

155.038 ACCESS AND FRONTAGE

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

A. Traffic congestion

1. The number of traffic access points for a single-family, two-family, or townhouse residential use shall not exceed one per street frontage, with the width of each driveway at the right-of-way line not exceeding 30% of the lineal frontage of each street. In no case shall the maximum width of the driveway at the right-of-way line exceed 24 feet.

2. The number and location of traffic access points for multi-family residential uses are regulated by Section 155.051.

3. The number of traffic access points for commercial or industrial establishments with one hundred (100) feet or less of frontage on a street shall not exceed one (1).

4. Whenever practicable, for commercial or industrial establishments with frontage of more than one hundred (100) feet, a frontage street shall be provided, of not less than two (2) lanes in width or a combined service road and parking area, parallel with and adjacent to the street upon which the establishments front. In the event the establishments front on more than one (1) street such service roads may be required on more than one (1) street frontage.

5. The frontage street required by this subsection shall be effectively separated from the main roadway by a landscape strip or other suitable delineation, and approved by the City Engineer, and shall be designed and arranged so as to provide the principal means of access to abutting business establishments.

6. In general, the use of public improved alleys, interior access roads or any other designed means to minimize the number of traffic access points and business intersections therein are encouraged.

B. Vehicle Dependent Uses

Any establishment where the principal uses are or include a drive-in, drive-through, or food carry-out component, or open-air type of business operation shall be subject to the following standards:

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1. Gasoline pump islands, canopies and support posts, or other freestanding accessory devices which are essential to the operation of the business shall observe a setback line of at least fifteen (15) feet from the property line. However, no structure or device authorized by this section shall be located in such a manner as to impede intersection visibility. For all front setbacks, such setback shall equal the setback outlined above plus one-half of the right-of-way established by the Thoroughfare Plan. All front setbacks shall be measured in accordance with Section 155.034.

2. Such business uses shall be limited to the characteristics customarily associated with such use and no other.

3. Car wash establishments shall provide auto waiting spaces according to the following:

a. Not less than five (5) spaces at the entrance and three (3) outdoor drying and finishing spaces at the exit of each wash bay of a self-service car wash establishment

b. Not less than ten (10) spaces at the entrance and three (3) outdoor drying and finishing spaces at the exit of each wash bay of an automatic or semiautomatic car wash establishment.

4. Restaurant establishments with accessory carry-out components shall provide a minimum of two spaces dedicated to carry-out patrons

5. Drive-through establishments shall provide vehicle storage as follows:

a. Drive-through restaurants shall provide a minimum of four storage spaces before the menu board or pre-board and the pick up window (not including the vehicles which are at the menu board or the pre-board or the pick-up window).

Drive-through restaurants which combine the ordering, payment, and pick-up of food at the same window shall provide at least nine storage spaces per window, in addition to the one vehicle at the window.

b. Drive-through banks, credit unions, or other financial institutions shall provide vehicle storage based on the following chart:

# of Window Transaction Points	# of Storage Spaces per Window/Transaction Point	Total Spaces
1 or 2	10	20
3	7	21
4	5	20
5	4	20
6 or more	3	n/a

c. Other drive-through establishments (utility companies, ATMs, dry cleaners, laundries, etc.) shall provide a minimum of two storage spaces per window, or such additional spaces determined necessary by the City Engineer.

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

6. All drive-through establishments shall be subject to plan review and approval by the City Engineer prior to the issuance of any building permits. At a

minimum this review shall include off-site and on-site traffic circulation related to the use, including turning movement and compatibility with pedestrian circulation.
(Am. Ord. 2002-32, passed 1-23-03)

155.039 ONE PRIMARY STRUCTURE PER LOT

In no case shall there be more than one primary structure and its accessory uses located on one lot, except that primary structures designed and platted as a single unit or under single ownership and control, such as a multi-family residential project, shopping center, combined industrial or mobile home park may be permissible on a single lot under the terms of this ordinance.

After any portion of a lot has been developed under the provisions of this Section, such lot may be divided into smaller lots only if each resulting lot and structures thereon conform to all the regulations of the zone district in which such lot is located.

155.040 MAINTENANCE OF DRIVEWAYS AND INTERIOR ROADS

1. All interior private access roads and driveways serving uses permitted in all districts shall be paved with concrete or improved with a compacted aggregate base and surfaced with a bituminous pavement to adequately provide a durable and dust-free surface.

2. Interior access roads and driveways shall be privately maintained, but not by governmental agencies, in good condition and free of weeds, dirt, trash and debris.

3. Where interior access roads or driveways serving commercial and industrial uses intersect with public streets, a turning radius of not less than ten (10) feet shall be provided.

4. Interior access roads and driveways serving commercial and industrial uses shall be clearly defined, delineated and signed for public safety.

5. No sight obstruction shall be located within a required turning radius in such a manner as to conflict with the provisions of Section 155.037.

6. Interior access roads and driveways serving commercial and industrial uses shall be designed with sufficient width to provide at all times for the passage of emergency vehicles.

155.041 CONVERSIONS

1. In nonresidential zone districts, those existing structures that have been primarily designed for residential use shall not be structurally altered on the exterior or facade to indicate business or industrial use, except in cases of complete renovation of the premises in compliance with the requirements of the zone district. In cases of a question as to the applicability of this requirement, such proposed conversion shall be deemed a conditional use and placed before the Board of Zoning Appeals, in accordance with Section 155.060.

Greenfield Code of Ordinances

2. In applicable residential zone districts, existing one (1) or two (2) family dwellings may be converted into additional dwelling or rooming units only when such existing building, by reason of its size and the character of the neighborhood in which it is located makes such dwelling unsuitable or uneconomic for its intended use.

a. It is the purpose of this chapter to discourage the conversion of existing dwellings originally designed for occupancy by two families or less to occupancy by more than two families when the conversion is likely to lead to overcrowding, lack of privacy, lack of sufficient light and air, unsafe or unsanitary living conditions, or inadequate provisions for off-street parking and open space.

b. Such conversions shall be consistent with the purposes of other applicable provision of this Code, including housing and building Codes and fire safety and utility programs.

c. In connection with such conversion, there shall be no evidence of change in the building to indicate the extra dwelling units, except as may be required by the aforementioned ordinances and programs. All fire escapes or stairways leading to a second or higher floor shall be completely enclosed within the converted building, and no dwelling shall be so converted unless in connection therewith it is placed in a reasonable state of repair.

d. In cases of question as to the applicability of these standards, such proposed conversion shall be deemed a conditional use and placed before the Board of Zoning Appeals in accordance with Section 155.060.

155.042 BUILDINGS RELOCATED

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

155.043 MANUFACTURED HOMES PERMITTED

Manufactured homes may be permitted in all residential Districts provided their use as a single-family dwelling unit incorporates a permanent foundation (see I.C. 22-11-1-1) and a permanent perimeter wall, as well as the other requirements in this Code.

Editor's note:

The state statute cited in this section has been repealed. Corresponding provisions are now set forth in I.C. 22-12-2 through 22-12-5.

155.044 HEIGHT EXCEPTIONS

1. Buildings may be erected higher than the normal maximum if they are set back from front, side, and rear property lines, one foot for each two feet of additional height above the normal maximum height.

Greenfield Code of Ordinances

a. The height limitations in the zone district regulations do not apply to chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, stacks, tanks, water towers, transmission towers, spires, belfries, cupolas, parapet, silos and farm structures, antennas, essential mechanical appurtenances, or other appurtenances usually required to be placed above the roof line provided that:

1. Such appurtenances are not intended for human occupancy.
2. Such appurtenances as towers of mechanical or structural necessity with a roof area equal to or in excess of fifty percent (50%) of the average floor area of the building shall be considered a part of the height of the building.
3. Such height is not prohibited by other laws or the provisions of this chapter.

b. Above-ground storage tanks containing gasoline, diesel or other flammable or combustible liquids shall not be permitted by service station uses or any other use which dispenses gasoline and other flammable or combustible liquids for public consumption. The setback for above-ground storage of flammable or combustible liquids and gases in industrial or commercial districts shall be governed by the more restrictive of the following:

1. Such storage shall be located at least 100 feet from the property line adjoining a residential district and 100 feet from a lot containing a public building or existing residential dwelling, or

2. As regulated by the current Indiana Flammable & Combustible Liquids and Gases Code (675 IAC 22-1) or the current Indiana Fire Prevention Code (675 IAC 22-2).

2. Such aggregate storage shall be limited to 50,000 gallons (water capacity) in the range from 100 to 200 feet from a residential district line or any lot containing a public building or residential dwelling.

- a. All other above-ground storage of flammable or combustible liquids, gases, and other materials which are not included in the definitions of "bulk storage" and "storage" or that are not included elsewhere in the regulations of this Section shall be regulated in accordance with the current Indiana Flammable & Combustible Liquids and Gases Code (675 IAC 22-1), the current Indiana Fire Prevention Code (675 IAC 22-2) and all other local, state, and federal laws.

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

155.045 DEVELOPMENT PLAN

A. Development plan uses

An improvement location permit may be issued for uses designated as requiring development plan approval in the subject zoning district, only after the Plan Commission has granted approval of said plan.

B. General requirements

The following development requirements shall be satisfied before the Plan Commission may approve a development plan:

1. Compatibility of the development with surrounding land uses.
2. Availability and coordination of water, sanitary sewers, storm water drainage, and other utilities.
3. Management of traffic in a manner that creates conditions favorable to health, safety, convenience, and the harmonious development of the community.
4. Provisions for vehicle and pedestrian circulation on-site, with appropriate tie-ins to adjacent public circulation systems.
5. Compatibility of scale, materials, and style of improvements with the surrounding area. The style of the architecture of the buildings and structures proposed to be constructed shall be subject to the approval of the Plan Commission. The approval shall be based on the architectural style creating or continuing a unified design which will be in character and proper relationship to the surrounding areas.
6. The following development requirements may be modified or waived by the Plan Commission upon the approval of a development plan if the applicant can demonstrate that the proposed development plan and the community is better served by the proposed standards:

- a. Compliance with building setback lines.
- b. Compliance with lot coverage requirements in the district.
- c. Parking, in accordance with Section 155.064.
- d. Landscaping.
- e. Compliance with height regulations in the district.
- f. Signage, in accordance with Section 155.065.
- g. Availability and appropriateness of open space and recreation space.
- h. The location, effect, and arrangement of all artificial lighting shall be subject to the approval of the Commission.
- i. An adequate number and proper arrangement of loading and unloading berths. See Section 155.064 for additional requirements.

C. Application Procedure

Documentation and supporting information shall be submitted to the Plan Commission with the application form for development plan approval, including at a minimum, a plan which shall be a minimum size of 18" by 24" and prepared by a registered professional architect, landscape architect, surveyor, or engineer, drawn to scale, and showing the following items:

1. Address of property and a legal or site description of the property involved including acreage.
2. Location and size, and property use, of all buildings and structures, existing and proposed.
3. Width and length of all entrances and exits to and from said property.
4. Centerline of all adjacent roads, alleys or highways, and their names.
5. Parking, including layout and typical dimensions for space and aisles.
6. Actual shape and dimensions of the lot to be built upon.

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7. Front, side, and rear yard lines and their distance from the street or lot lines.
8. For residential, number of dwelling units the building is designed to accommodate.
9. Landscape plan, showing number, size, type and location of proposed materials.
10. For signs, the location of all existing signs, with height (for freestanding) and dimensions of area. Proposed signs shall be so identified, and include proposed height and area.
11. The location of any fence or walls.
12. Lighting plan.
13. Any other item required by this Code.

Fees, notice procedure and hearing procedure shall be as set forth in the Plan Commission's Rules of Procedure.

D. Plan Commission Authority

The Plan Commission shall have the authority to approve or disapprove all development plans. This action of the Plan Commission is a final decision, which may be reviewed by certiorari procedure.

1. The Plan Commission shall review the development plan request to determine if the development plan
 - a. Is consistent with the comprehensive plan;
 - b. Satisfies the development requirements specified in Sections B. and C. above.
2. If these criteria are satisfied, the Plan Commission may approve the development plan as submitted, or approve the plan with one or more of the following options:
 - a. The Plan Commission may impose conditions on the approval of a development plan, if necessary to satisfy the development requirements specified in Section B. above.
 - b. The commission may provide that approval is conditioned on furnishing of a bond or written assurance that guarantees completion of proposed public improvements in the development, which is satisfactory to the commission
 - c. The Plan Commission may require the owner to make a written commitment.
3. If the Plan Commission finds that the submitted plan does not meet the required criteria, the commission shall disapprove the development plan. In any case, the Plan Commission shall prepare written findings of each decision to approve or disapprove a development plan.

155.046 MOBILE HOME PARK AREA

The Board of Zoning Appeals grant a conditional use on an affirmative finding by the Board that the following additional requirements have been satisfied for a mobile home park use, and a development plan incorporating the substance of these requirements has been provided in the application for a conditional use.

A. Site requirements

A mobile home park shall contain at least five acres of area.

1. Exposed ground surfaces in all parts of every mobile home park shall be paved or with a vegetation growth that is capable of preventing soil erosion and of eliminating objectionable dust.
2. The City Engineer shall approve a drainage plan to be implemented for the park.
3. A landscape buffer shall be provided along the sides and rear of a mobile home park provided, the Board may waive this requirement temporarily or permanently if adequate plantings already exist in the proximity, or if the topography or other conditions warrant. A basket weave or similar type fence or a brick or stone wall may be permitted by the Board in lieu of a landscape buffer.

B. Nonresidential uses prohibited

Any part of a park shall not be used for nonresidential uses, except such accessory uses that are for park residents and for the management and maintenance of the park. These accessory uses include a clubhouse, laundry facilities, a management office, recreation facilities, storage area for maintenance equipment, and other similar uses. Nothing contained in this section shall be deemed to prohibit the sale of a mobile home which is located on a mobile home slab, connected to the pertinent utilities, and in a mobile home stand.

C. Park Setback requirements

Side setbacks, and rear setbacks shall be a minimum depth of 30 feet, and front setbacks shall follow the standards of Section 155.034.

D. Separation of buildings

Mobile homes shall be separated from each other and from other buildings and structures by at least 20 feet, provided that an accessory structure such as an awning, deck, cabana, storage cabinet, carport, windbreak, and porch which has a floor area exceeding 25 square feet, and has an opaque roof on top, shall for purposes of all separation requirements, be considered to be a part of the mobile home.

E. Square footage requirement; paved parking area; slab improvement and patio.

Each mobile home site shall contain a minimum of 5,000 square feet in area and shall be at least 30 feet in width. A paved parking area for two (2) vehicles not less than 10 feet by 20 feet each, shall be provided on each mobile home site. The area of the mobile home slab shall be improved to provide adequate support for the placement and tie-down of the mobile home, securing the superstructure against uplift, sliding, rotation, and overturning.

1. The mobile home slab shall not heave, shift, or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, or other forces acting on the structure.
2. The mobile home slab shall be provided with anchors and tie-downs such as cast-in-place concrete "dead men," eyelets imbedded in concrete foundations or runways, screw augers, arrowhead anchors, or other devices securing the stability of the mobile home.

3. Anchors and tie-downs shall be placed at least at each corner of the mobile home slab and each shall be able to sustain a minimum strength of 2,800 pounds.

F. Spacing

There shall be a minimum distance of ten feet between the mobile home slab and abutting interior park drive

G. Recreation areas

1. Each mobile home park constructed after July 1, 1979, shall set aside and provide suitable recreational space consisting of not less than 10% of the gross mobile home park area or tract, with open space and recreational amenities delineated on the plan for Board approval.

2. Recreational facilities such as playgrounds, swimming pools, tennis courts, basketball courts, and community buildings shall meet all applicable state and local laws and regulations and shall be appropriate for the intended use. These facilities shall be properly operated and maintained by park management.

3. Boats and recreational vehicles shall not be stored on the individual mobile home site. Each park operator may designate an area for parking residents' boats and recreational vehicles.

4. Each mobile home site in each mobile home park or section thereof constructed after July 1, 1979, shall abut a paved private street within the mobile home park which has a clear unobstructed paved width to accommodate the contemplated parking and traffic load in accordance with the type of private street as follows:

a. All entrance and exit two-way private streets shall have a minimum width of 35 feet exclusive of any median strip. One-way private streets shall have a minimum width of 20 feet.

b. All interior private streets shall have a minimum width of 20 feet and parking is not permitted.

c. The Board may permit parking on one side of private streets having a minimum width of 35 feet.

d. The Board may permit parking on one side of private streets having a minimum width of 28 feet which have been designated as one-way.

e. The Board may permit parking on one side of two-way private streets having a minimum width of 28 feet.

5. No mobile home site shall have a direct access way for vehicles to a public street.

6. Each mobile home site in each mobile home park or section thereof constructed after July 1, 1979, shall be provided with a paved walkway with a minimum width of two feet leading from the mobile home door or patio to the adjacent private street, main walkway, or parking area. (See division (I) below, for details.)

7. All mobile home park private streets shall be maintained in a safe, passable condition at all times.

H. Lighting

Required illumination of mobile home park interior street systems: All parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night.

1. All parts of the interior street systems: 0.3 foot candle.
2. Potentially hazardous locations, such as major driveway intersections and steps or stepped ramps: individually illuminated, with a minimum of 0.6 foot candle.

I. Walks

All mobile home parks shall be provided with safe, convenient, all season pedestrian access of a minimum 5" width, durable and convenient to maintain, between individual mobile homes, the interior streets and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided. The common walk system shall be provided along one side of each private street and made handicap accessible.

J. Mobile homes with plumbing

No mobile home not provided with toilet, lavatory, and appropriate plumbing fixtures shall be allowed.

K. Barbecue pits, fireplaces, stoves, and incinerator

Cooking shelters, barbecue pits, fireplaces, wood-burning stoves, and incinerators shall be so located, constructed, maintained, and used as to minimize fire hazards and smoke nuisance both on the property on which used and on neighboring property. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors,

L. Refuse handling and common collection points

1. The storage, collection, and disposal of refuse in a mobile home park shall be conducted so as not to create any health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.
2. All refuse shall be stored in flytight, watertight, rodent-proof containers, which shall be located not more than 150 feet from any mobile home stand. Containers shall be provided in sufficient number and capacity to properly store all refuse.
3. Refuse collection stands shall be provided for all refuse containers. The container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.
4. All refuse containing garbage shall be collected at least weekly.

M. Electrical distribution system

All electrical wiring in mobile home parks shall be installed and maintained in accordance with the Building Code of Greenfield, Chapter 150, shall such wiring to include all electrical connections from the mobile home to the connection box provided by the park operator. It shall be the responsibility of the park management to assure compliance of the installation and maintenance of all electrical connections and exposed cables with pertinent Code.

N. Fire protection

1. Mobile home parks shall be kept free of litter, rubbish, and other flammable and combustible materials.
2. Portable fire extinguishers rated for class B and C fires shall be kept in service buildings and at other locations conveniently and readily accessible for use by all occupants and shall be maintained in good operating condition. Their capacity shall not be less than 2-1/2 pounds.

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3. Fires shall be made only in stoves, incinerators, and other equipment intended for such purposes.

4. Fire hydrants shall be installed in accordance with the following requirements:

a. The water supply system shall permit the operation of a minimum of two 1¾-inch hose streams.

b. Each of two nozzles, held four feet above the ground, shall deliver at least 75 gallons of water per minute at a flowing pressure of at least 30 pounds per square inch at the highest elevation point of the park.

5. Fire hydrants, shall be located within 300 feet of any mobile home, service building, or other structure in the park.

O. Responsibilities of the park management

1. The person to whom an improvement location permit for a mobile home park is issued shall operate or cause to operate the park in compliance with this chapter and the laws of the State of Indiana, and rules promulgated by the Indiana Department of Health, and shall provide adequate supervision to maintain the park, its facilities, and its equipment in good repair and in a clean and sanitary condition.

2. The park management shall notify park occupants of all applicable provisions of this chapter and inform them of their duties and responsibilities under this chapter. However, doing so shall not relieve park management of the ultimate responsibility for compliance with this chapter.

3. The park management shall supervise the placement of each mobile home on its mobile home slab which includes securing its stability and installing all utility connections.

P. Responsibilities of park occupants

1. The park occupant shall comply with all applicable requirements of this chapter and shall maintain his mobile home site, its facilities, and its equipment in good repair and in a clean and sanitary condition.

2. The park occupant shall be responsible for proper placement of his mobile home on its mobile home slab and proper installation of all utility connections in accordance with the instructions of the park management.

3. Pets, if permitted in the park, shall not be permitted to run at large or to commit any nuisance within the limits of the mobile home park.

4. Skirtings shall be installed on a mobile home on a mobile home slab. The skirtings shall be completely opaque. When installed, skirtings, porches, awnings, and other additions shall be maintained in good repair.

Q. Water and sewage

The water supply system and sewage disposal system shall be a public system and shall meet the minimum requirements of the City of Greenfield Board of Public Works and Safety and the Indiana Department of Environmental Management.

(Ord. 1979-24, passed 12-13-79)

155.047 RECREATIONAL VEHICLE PARKS

Greenfield Code of Ordinances

Recreational vehicle parks, where permitted by this chapter as a conditional use, shall be in accordance with the requirements of this chapter. (See 155.060) This section is intended to provide for the accommodation needs of the transient public in either the in route park or destination type park.

1. Minimum area and frontage requirements of a recreational vehicle park shall be 5 acres and 100 feet, respectively.
2. The park shall have direct access to a street designated as a secondary arterial or higher, in accordance with the official thoroughfare plan. (Chapter 153)
3. Minimum setback lines in accordance with provisions of 155.034 shall be provided along all streets. Side and rear perimeter setback lines shall be at least 30 feet from an adjoining property line.
4. A landscape buffer shall be provided and maintained along all side and rear property lines.
5. Each park shall provide a recreational area or areas equal in size to at least 10% of the gross area of the park.
6. Maximum permitted height shall be 30 feet.
7. Lighting. Street lighting in accordance with the standards set forth in Greenfield's Subdivision Ordinance.
8. The density of the park shall not exceed 25 recreational vehicle spaces per acre of gross site area.
9. Recreational vehicles shall be separated from each other and from other park buildings or structures by at least 16 feet.
10. In non-business districts, laundromats, dry cleaning pickup stations, and similar convenience services, may be permitted in recreational vehicle parks containing 50 or more spaces as accessory uses, provided such services and the parking area required by their use shall not occupy more than 10% of the gross area of the park, but not to exceed more than two areas in any case. Proposed playground equipment, pools, and other structures and buildings related to the recreational facility shall be located beyond and not in the required side yards or rear yard. The Board may reduce any of these areas, if in its judgment, the intent of this division is preserved.
11. Management offices and storage, playground and picnic equipment, sanitation and laundry facilities, informational signs, and other structures customarily incidental to a recreational vehicle park shall be permitted as accessory uses.
12. Recreational vehicle spaces shall be rented by the day, week, or month, and each recreational vehicle occupying a space shall not be permanently occupied.
13. Off-street parking spaces shall be provided on the basis of one parking space for each recreational vehicle site, plus one additional space for each four sites.
14. Signs. Two identification signs not exceeding 64 square feet each in surface area shall be permitted for each entrance to such park area.
15. The ownership of individual recreational vehicle spaces may not be transferred within a recreational vehicle park.
16. Approval by the Indiana State Board of Health and Superintendent of City Wastewater Treatment and Collection Department that sewage disposal system is adequate.

(Ord. 1979-24, passed 12-13-79)

155.048 ABOVE GROUND STORAGE

In any district, structures, buildings, or aboveground tanks used for bulk storage of flammable or explosive liquids, gases, or other materials, shall not be located closer than 500 feet to the property line. Additional information regarding evidence of safety measures may be required in order to determine the public safety therein. For all front setbacks, such setback shall equal the setback outlined below plus one-half of the right-of-way established by the Thoroughfare Plan. All front setbacks shall be measured from the right-of-way line of an adjoining street in accordance with Section 155.034.

1. The above-ground bulk storage of flammable or combustible liquids, gases, and other materials, including explosives and blasting agents, shall be set back from lot lines in industrial districts in accordance with the current Indiana Flammable & Combustible Liquids and Gases Code (675 IAC 22-1) and the current Indiana Fire Prevention Code (675 IAC 22-2). Front setbacks from street right-of-way shall be governed by the more restrictive of the following:

a. As regulated in Section 155.034 of the Greenfield Zoning Ordinance; or

b. As regulated in the current Indiana Flammable & Combustible Liquids and Gases Code (675 IAC 22-1) or the current Indiana Fire Prevention Code (675 IAC 22-2).

2. Whenever an industrial lot line abuts a residential district boundary, faces a residential district on the opposite side of the street, abuts a lot containing an existing residential dwelling located in a commercial or industrial district, or abuts a lot containing a public building (school, church, day care center, nursing home, etc.); the setback for the above-ground bulk storage of flammable or combustible liquids, gases, and other materials, including explosives and blasting agents, shall be at least two (2) times the requirement of the current Indiana Flammable & Combustible Liquids and Gases Code (675 IAC 22-1) and the current Indiana Fire Prevention Code (675 IAC 22-2) except that it shall not be less than 200 feet.

3. The above-ground bulk storage of flammable or combustible liquids, gases, and other materials shall in all other ways comply with all federal, state, and local laws.

(Ord. 1979-24, passed 12-13-79)

155.049 OPEN-AIR BUSINESS

Any establishment where the principal use is the drive-in type of business, or is generally characterized by open-air business operations, shall be subject to the following standards.

1. A decorative fence or wall of not less than 36 inches in height shall be constructed and maintained along the side and rear lot lines. Where such use abuts a residential use, a buffer landscape strip at least 20 feet in width shall be provided and maintained along the side and rear lot lines within which buffer a landscape screen shall be provided not less than 6 feet in height.

2. Such business uses shall be limited to the characteristics customarily associated with such use and no other.
(Ord. 1979-24, passed 12-13-79)

155.050 COUNTY LEGAL DRAIN

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

155.051 SPECIAL STANDARDS FOR MULTI-FAMILY DEVELOPMENT

A. Special Development plan

An apartment use shall meet the following requirements in addition to the requirements set forth in this chapter.

1. The building or buildings shall be so designed or located so that the distance from any window of any room proposed to be used for human habitation shall be not less than 40 feet from the wall of any structure on the property, such distance to be measured by a line perpendicular to the plane of the surface of the window, except that this distance may be reduced to not less than 30 feet for an exposure where a room is a bathroom or laundry utility room or is used as a community or group meeting room or for a similar purpose. No separate freestanding building shall be closer than 20 feet to any other building on or off of the site or lot. The Board may reduce any of these dimensions, if in its judgment, the intent of this division is preserved.

2. In the event that more than one building is proposed they shall be designed to be located so that not more than two buildings are in a straight unbroken line. Building shall be designed with setbacks or breaks of not less than six feet to all exterior walls for every two building units.

3. Off-street parking space and adequate space for service facilities may be provided in the side yard(s) or rear yard and shall in no event be located in the required front yard, provided that no driveway, off-street parking area, or service facility area shall be located closer than ten feet to any side lot line. The off-street parking areas and service facility areas shall have sufficient lighting facilities, which shall be located and adjusted so that the glare or beam is directed away from any adjoining property, public street, or apartment use dwelling windows.

4. Any open-air, off-street parking area and service facility area shall be screened by opaque shrubbery or trees along all streets and adjoining or adjacent property lines on the lot. The locations and names of the shrubbery planting shall be indicated on the development plan. The shrubbery may be planted informally or in a row and may include several varieties and sizes provided that the Plan Commission shall be satisfied that the shrubbery will screen any parking areas and expected ground

activity from the view of abutting or opposite properties, and also that vision clearance at access points will be provided for safety purposes.

5. The location of all driveways, parking areas, service facility areas, and streets shall be shown on the development plan. Also, the location, type, and size of proposed public water, sewage, and drainage facilities shall either be shown on the plan or accompanying drawings.

B. Sewer statement

A statement from the Greenfield Board of Public Works and Safety that sewers are adequate for the proposed multifamily use is required.

C. Structures over easements

No building or structure shall be placed or erected over utility easements, unless as approved by the Board of Public Works and Safety.

155.052 WIRELESS FACILITIES ORDINANCE

A. General Provisions

1. Title

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

2. Purposes

In order to protect the public health, safety and general welfare of the community, while accommodating the communication needs of residents and business these regulations are necessary in order to:

- a. Facilitate the provision of wireless telecommunication services to the residents and businesses of the City of Greenfield;
- b. Minimize adverse visual effects of towers through careful design and siting standards;
- c. Encourage the location of towers in non-residential areas through performance standards and incentives;
- d. Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and,
- e. Provide mechanisms for the mitigation of tower proliferation through tower sharing requirements for all new tower applicants and those existing towers that are physically capable of sharing.

3. Authority

The Board of Zoning Appeals of the City of Greenfield (hereinafter "Board") is vested with the authority to review, approve, conditionally approve, and disapprove applications for wireless communication facilities, including sketch, preliminary and final plans.

4. Jurisdiction

a. These regulations apply to all wireless communications facilities, as defined in Section 155.052(B)(2), located within the corporate limits of the City of Greenfield or outside the corporate limits as provided by law.

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b. No wireless communications facility may be constructed without an approved and signed site plan from the Planning Commission.

5. Enactment

In order that wireless communications facilities may be constructed in accordance with these purposes and policies, these regulations are hereby adopted and made effective as of June 11, 1998. All applications for wireless communication facility sitings pending on the effective date of these regulations shall be reviewed under these regulations or thereafter filed.

6. Interpretation, Conflict, and Separability

a. *Interpretation.* In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the protection of public health, safety, and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.

b. *Conflict.* These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from any other ordinance, rule or regulation, statute, or other provision of law, the provision which is more restrictive or imposes higher standards shall control

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

7. Amendments

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

8. Public Purpose

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

9. Enforcement, Violations, and Penalties

a. The enforcement of these regulations shall be the responsibility of the zoning administrator.

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

B. Definitions

1. Usage

a. For the purpose of these regulations, certain abbreviations, terms and words shall be used, interpreted, and defined as set forth in this Article.

b. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural indicate the singular.

2. Words and Terms Defined

a. **ACT** - The Communications Act of 1934, as it has been amended from time to time, including the Telecommunications Act of 1996, and shall include future amendments to the Communications Act of 1934.

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

c. **ALTERNATIVE TOWER STRUCTURE** - Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers (see also Stealth Facility).

d. **ANALOG TECHNOLOGY** - Replicates and amplifies voice messages as they are carried from the transmitting antenna to the receiving antenna.

e. **ANTENNA** - Any exterior apparatus designed for telephonic, radio, or television communications through sending and/or receiving of electromagnetic waves.

f. **ANTENNA HEIGHT** - The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

g. **ANTENNA SUPPORT STRUCTURE** - Any pole, telescoping mast, tower tripod, or any other structure which supports a device used in the transmitting and/or receiving of electromagnetic waves.

h. **APPLICANT** - A person who applies for a wireless facility siting. An applicant can be the owner of the property or someone who is representing the owner, such as a builder, developer, optional purchaser, consultant, lessee, or architect with the owner's consent.

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

j. **CELL SITE** - A tract or parcel of land that contains a cellular communication antenna, its support structure, accessory building(s), supporting equipment, parking and may include other uses associated with an ancillary to cellular communications transmission.

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

l. **CELLULAR TELE-COMMUNICATIONS** - A commercial Low Power Mobile Radio Service licensed by the Federal Communications Commission

(FCC) to providers in a specific geographical area in which the radio frequency spectrum is divided into discrete channels which are assigned in groups to geographic cells within a service area and which are capable of being reused in different cells within the service area.

- m. **CITY** - The City of Greenfield, Indiana.
- n. **CELLULAR TELE-COMMUNICATIONS FACILITY** - A cellular telecommunications facility consists of the equipment and structures involved in receiving telecommunication or radio signals from mobile radio communications sources and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.
- o. **CO-LOCATION** - Locating wireless communication equipment from more than one provider on a single site.
- p. **COMMON CARRIER** - An entity licensed by the FCC or a state agency to supply local and/or long distance telecommunications services to the general public at established and stated prices.
- q. **COMMUNICATION TOWER** - A guyed, monopole, or self-supporting tower, constructed as a freestanding structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting and/or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication.
- r. **COMMUNICATIONS FACILITY** - A land use facility supporting antennas and/or microwave dishes that send and/or receive radio frequency signals. Communications facilities include structures or towers, supporting equipment and accessory buildings.
- s. **COMMUNICATIONS TRANSMISSION SYSTEM OR COMMUNICATIONS SYSTEM** - A wired communication transmission system, open video system, or wireless communications transmission system regulated by these regulations.
- t. **COMPREHENSIVE OR MASTER PLAN** - The current adopted Comprehensive/Master Plan of the City of Greenfield.
- u. **C.O.W.'S** - "Cells on Wheels", see Temporary Wireless Communication Facility.
- v. **DIGITAL TECHNOLOGY** - Technology that converts voice and data messages into digits that represent sound intensities at specific points of time and data content.
- w. **DIRECTIONAL ANTENNA** - An antenna or array of antennas designed to concentrate a radio signal in a particular area.
- x. **DISH ANTENNA** - A dish-like antenna used to link communications sites together by wireless transmission of voice or data. Also called microwave antenna or microwave dish antenna.
- y. **ESMR** - Enhance Specialized Mobile Radio.
- z. **FAA** - The Federal Aviation Administration.
- aa. **FCC** - The Federal Communications Commission
- bb. **FREQUENCY** - The number of cycles completed each second by a sound wave; measured in hertz (Hz).

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- cc. **GOVERNING AUTHORITY** - The Common Council of the City of Greenfield, Indiana.
- dd. **GRADE** - The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the structure and the property line or, when the property line is more than 5 feet from the structure, between the structure and a line 5 feet from the structure.
- ee. **GUYED TOWER** - A communication tower that is supported, in whole or in part, by guy wires and ground anchors.
- ff. **LATTICE TOWER** - A guyed or self-supporting three or four sided, open, steel frame structure used to support telecommunications equipment.
- gg. **LICENSE** - The rights and obligations extended by the municipality to an operator to own, construct, maintain and operate its system within the boundaries of the municipality for the sole purpose of providing services to persons or areas outside the municipality.
- hh. **MGZ** - Megahertz, or 1,000,000 Hz.
- ii. **MICRO-CELL** - A low power mobile radio service telecommunications facility used to provide increased capacity in high call-demand areas or to improve coverage in areas of weak coverage.
- jj. **MICROWAVE** - Electromagnetic radiation with frequencies higher than 1,000 MGZ; highly directional signal used to transmit radio frequencies from point-to-point at a relatively low power level.
- kk. **MICROWAVE ANTENNA** - A dish-like antenna manufactured in many sizes and shapes used to link communication sites together by wireless transmission of voice or data.
- ll. **MONOPOLE TOWER** - A communication tower consisting of a single pole, constructed without guy wires and ground anchors.
- mm. **OMNIDIRECTIONAL ANTENNA** - An antenna that is equally effective in all directions and whose size varies with the frequency and gain for which it was designed.
- nn. **OWNER** - The owner of the title to real property or the contract purchaser of real property of record, as shown on the latest assessment records in the Center Township Assessor's Office. Owner also includes a deed holder or contract purchaser whose name does not appear in the latest assessment records, but who presents to the City of Greenfield a copy of a deed or contract of sale showing date, book, and page of recording.
- oo. **PERSONAL COMMUNICATIONS SERVICES OR PCS** - Digital wireless telephone technology such as portable phones, pagers, faxes and computers. Such mobile technology promises to allow each consumer the same telephone number wherever he or she goes. Also known as Personal Communication Network (PCN).
- pp. **PRE-EXISTING TOWERS AND ANTENNAS** - Any tower or antenna for which a permit has been issued prior to the effective date of these regulations and is exempt from the requirements of these regulations so long as the tower or antennas are not modified or changed.
- qq. **PUBLIC PROPERTY** - Any real property, easement, air-space, or other interest in real estate, including a street, owned by or controlled by this municipality or any other government unit.

- rr. **ROOF AND/OR BUILDING MOUNT FACILITY** - A low power mobile radio service telecommunications facility on which antennas are mounted to an existing structure on the roof (including rooftop appurtenances) or building face.
- ss. **SCENIC VIEW** - A scenic view is a view that may be framed, side angle, or panoramic and may include natural and/or man-made structures and activities. A scenic view may be from a stationary viewpoint or be seen as one travels along a roadway, waterway, or path. A view may be to a far away object, such as a mountain, or of a nearby object.
- tt. **SELF-SUPPORT TOWER** - A communication tower that is constructed without guy wires and ground anchors.
- uu. **SPECTRUM** - Relating to any transmissions or reception of electromagnetic waves.
- vv. **STEALTH FACILITY** - Any communication facility which is designed to blend into the surrounding environment. Examples of stealth facilities may include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements, and antenna structures designed to look like light poles. (See also Alternative Tower Structure).
- ww. **SYSTEM** - The communications transmission system operated by a service provider in the City of Greenfield.
- xx. **TELECOMMUNICATIONS** - The transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.
- yy. **TEMPORARY WIRELESS COMMUNICATION FACILITY** - Any tower, pole, antenna, etc., designed for use while a permanent wireless facility is under construction, or for a special event or conference where a majority of people attending are wireless users.
- zz. **TOWER** - Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.
- aaa. **WIRELESS COMMUNICATION** - An all encompassing definition; any towers, poles, antennas or other structures intended for use in connection with transmission or receipt of radio or television signals, or any other spectrum-based transmission/receptions.
- bbb. **WHIP ANTENNA** - An antenna that transmits signals in 360 degrees. Whip antennas are typically cylindrical in shape and are less than 6 inches in diameter and measure up to 18 inches in height. Also called omnidirectional, stick or pipe antennas.
- ccc. **VIEW CORRIDOR** - A view corridor is a three dimensional area extending out from a viewpoint. The width of the view corridor depends on the focus of the view. The focus of the view may be a single object, such as mountain, which would result in a narrow corridor, or a group of objects, such as a downtown skyline, which would result in a wide corridor. Panoramic views have very wide corridors and may include a 360 degree perspective. Although the view corridor extends from the

viewpoint to the focus of the view, the mapped portion of the corridor extends from the viewpoint and is based on the area where base zone heights shall be limited in order to protect the view.

C. Wireless Communication Facility Application Procedure and Approval Process

1. General Procedure

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

2. Additional Procedures

In addition to the information required elsewhere in Greenfield's Zoning Ordinance for permitted uses and/or conditional uses, development applications for wireless communications facilities shall include the following supplemental information:

- a. A report from a qualified and licensed professional engineer which:
1. Describes the tower height and design including a cross section and elevation;
 2. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;
 3. Describes the tower's capacity, including the number and type of antennas that can accommodate;
 4. Documents what steps the applicant will take to avoid interference with established public safety telecommunications;
 5. Includes an engineer's stamp and registration number; and,
 6. Includes other information necessary to evaluate the request.

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

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

1. A copy of the FAA's response to the submitted "Notice of Proposed Construction or Alteration" (FAA Form 7460-1) shall be submitted to zoning administrator;
2. Proof of compliance with applicable Federal Communications Commission regulations; and,
3. A report from a qualified and licensed professional engineer which demonstrates the tower's compliance with the municipality's structural and electrical standards;
4. A copy of any purchase agreement and/or lease for the land upon which the subject tower is to be located which document shall contain language in accordance with Section (D)(9)(b) of this ordinance.

3. Site Plan Requirements

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

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

4. General Approval Standards

Generally, approval of a wireless communication facility can be achieved if the following items are met:

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

5. Additional Considerations

The Board of Zoning Appeals, in reviewing the conditional use application, shall give consideration to the particular needs and circumstances of each application and shall examine the following items as they relate to the proposed conditional use:

- a. Topography;

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- b. Zoning on site;
- c. Surrounding zoning and land use;
- d. Streets, curbs and gutters and sidewalks;
- e. Access to public streets;
- f. Driveway and curb cut locations in relation to other sites;
- g. General vehicular and pedestrian traffic;
- h. Parking location and arrangement;
- i. Number of parking spaces needed for the particular special use;
- j. Internal site circulation;
- k. Building height, bulk and setback;
- l. Front, side and rear yards;
- m. Site coverage by building(s), parking area(s) and other structures;
- n. Trash and material storage;
- o. Alleys, service areas and loading bays;
- p. Special and general easements for public or private use;
- q. Landscaping and tree masses;
- r. Necessary screening and buffering;
- s. Necessary fencing;
- t. Necessary exterior lighting;
- u. On-site and off-site, surface and subsurface storm and water drainage;
- v. On-site and off-site utilities;
- w. Dedication of streets and rights-of-way;
- x. Proposed signage (subject to regulations established by the sign ordinance); and
- y. Protective restrictions and/or covenants.

6. Priority Locations

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

D. General Wireless Communications Facility Performance Standards

1. Co-Location Requirements

All commercial wireless telecommunication towers erected, constructed, or located within the municipality shall comply with the following requirements:

a. A proposal for a new commercial wireless telecommunication service tower shall not be approved unless the Board of Zoning Appeal finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one mile search radius (one half mile search radius for towers under 120 feet in height, one quarter mile search radius for towers under 80 feet in height) of the proposed tower due to one or more of the following reasons:

1. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed

professional engineer, and the existing or approved tower cannot be re-inforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

2. The planned equipment would cause interference materially impacting the usability of the other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.

3. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.

4. Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

b. Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height or for at least one additional user if the tower is over 60 feet in height. Towers shall be design-ed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

2. Tower and Antenna Design Requirements

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

a. Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.

b. Commercial wireless tele-communication service towers shall be of a monopole design unless the Board of Zoning Appeal determines that an alternative design would better blend in to the surrounding environment.

3. Tower Height

The maximum tower height permitted in the City is to be calculated by applying the following:

a. If the tower is designed to accommodate only one service provider, the maximum height shall be 120 feet from grade.

b. If the tower is designed to accommodate two service providers, the maximum height shall be 160 feet from grade.

c. If the tower is designed to accommodate more than two service providers, the maximum height shall be 200 feet from grade.

4. Accessory Utility Buildings

All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground mounted equipment shall be completely screened from view by suitable landscaping and/or vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

5. Tower Lighting

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Towers shall not be illuminated by artificial means and display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower.

6. Antennas Mounted on Structures, Roofs, Walls, and Existing Towers

The placement of wireless telecommunication antennas on roofs, walls, and existing towers may be approved by the zoning administrator, provided the antennas meet the requirements of these regulations, after submittal of:

a. A final site and building plan as specified by Section 155.052(C)(3) of these regulations, and;

b. A report prepared by a qualified and licensed professional engineer indicating the existing structure of tower's suitability to accept the antenna, and the proposed method of affixing the antenna to the structure. Complete details of all fixtures and couplings, and the precise point of attachment shall be indicated.

7. Temporary Wireless Communications Facilities

Any facility designed for temporary use as defined in Section 155.052(B), is subject to the following:

a. Use of a temporary facility is allowed only if the owner has received a temporary user permit from the City of Greenfield.

b. Temporary wireless facilities are permitted for use of no longer than 30 days for use while constructing permanent facilities, and no longer than 5 days for use during a special event.

c. Temporary facilities are subject to all applicable portions of these regulations, excluding Sections 155.052 C (2) and C (3).

8. Interference with Public Safety Telecommunications

Neither new nor existing telecommunications service shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an intermodulation study which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems. Before the introduction of a new service or changes in existing service, telecommunication providers shall notify the City at least ten calendar days in advance of such changes to allow the City to monitor interference levels during the testing process.

9. Abandoned or Unused Towers or Portions of Towers

Abandoned or unused towers or portions of towers shall be removed as follows:

a. The owner of a wireless facility shall file annually a declaration with zoning administrator as to continuing operation of every facility installed subject to these regulations. Failure to do so shall be determined to mean that the facility is no longer in use and considered abandoned, thus subject to the following:

b. All abandoned or unused towers and associated facilities shall be removed within 180 days of the cessation of operations at the site unless a time extension is approved by the Zoning Administrator. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a tower is not removed within 180 days of the cessation of

operations at a site, the tower and associated facilities may be removed by the City of Greenfield and the costs of removal assessed against the property.

c. Unused portions of towers above a manufactured connection shall be removed within 180 days of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new wireless facility permit.

10. Signs and Advertising

The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

E. Zoning Specific wireless Communication Facility Performance Standards

1. Wireless Facility Siting Standards - Zoning

a. Commercial wireless communications facilities are allowed only as a conditional use, requiring the approval of a conditional use permit, in the following districts, subject to Performance Criteria:

1. Enclosed Industrial District;
2. GB General Business District;
3. PB Planned Business District;
4. LB Local Business District;
5. C Residence District
6. B Residence District
7. A Residence District
8. AA Residence District
9. TN Traditional Neighborhood District

b. Commercial wireless communications facilities are not allowed in the following districts:

1. HD Historical District

c. Non-commercial wireless facilities (amateur radio antennas) are subject to Section 5.3, Non-Commercial Wireless Facility Standards.

2. Non-Commercial Wireless Facility (Amateur Radio Antenna) Standards

1. Towers supporting amateur radio antennas and conforming to all applicable provisions of these regulations shall be allowed only in the rear yard of residentially zoned parcels.

2. In accordance with the Federal Communication Commission's preemptive ruling PRB 1, towers erected for the primary purpose of supporting amateur radio antennas may exceed 30 feet in height provided that a determination is made by the zoning administrator that the proposed tower height is technically necessary to successfully engage in amateur radio communications.

(Ord. 1998-10, passed 6-25-98; Am. Ord. 2001-5, passed 3-22-01)

155.053 RESIDENTIAL DESIGN GUIDELINES

The purpose of this section is to encourage residential developments within the City of Greenfield to contain a variety of residential styles; enhancing the character and diversity of these developing areas.

A. General Provisions

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1. Architectural elements which create visual interest such as: dormers, full-width front porches, steep-pitched roof lines, shutters, bay windows, and brick detailing should be encouraged and should be oriented toward the street(s).

2. Primary buildings should typically utilize traditional-looking building materials including: brick, stone, stucco, wood or composite lap siding, or heavy-gauge vinyl siding. The minimum thickness of vinyl siding shall be 0.040 inches.

3. All residences shall have, at a minimum, overhangs of at least nine (9) inches, or soffits, over all exterior walls. All residences shall have a minimum roof pitch as follows: Front to back: Minimum 5/12.

4. Like model elevations shall be separated by a minimum of four (4) lots when on the same side of the street, and may not be repeated on an adjacent lot directly across the street. No two (2) adjacent residences shall have the same brick or siding color. Lots greater than 80 feet in width, at the front setback, are exempt from this provision.

5. Monolithic exterior building walls (walls with one type of siding/wall covering and no windows) are prohibited. A minimum of one (1) window per facade, per first and second above-grade story, is required.

- Minimum window size: Nine (9) square feet.
- An ingress/egress door may be substituted for a required window.
- Changes in the facade (bump-outs) greater than two (2) feet in depth resulting in a separate monolithic facade shall provide windows as previously stated.

6. When the side or rear wall of a dwelling is parallel to an abutting or adjacent collector, arterial or belt route street, as classified by the Thoroughfare Plan, permanent window treatments on all above-grade windows facing that street are required.

- Acceptable window treatments: Shutters, dividers (mullions or inserts), minimum 4-inch trim surrounds, etc.
- If more than one facade faces an above listed street, only the rear facade of the dwelling is required to adhere to the above requirements.
- Permanent window treatments are not required for large picture windows, bay windows, casement windows, and non-opening windows.
- Permanent window treatments shall not be required, if the side or rear of the dwelling possesses one of the following features:
 - a. Change in the first floor wall structure, with a minimum depth of four (4) feet, and a minimum width of ten (10) feet; or
 - b. Change in the second floor wall structure, with a minimum depth of two (2) feet; or
 - c. Installation of brick/masonry, exclusive of windows, doors, doorways and bays, covering a minimum of 50 percent of the side or rear facade.

7. When the side or rear wall a dwelling is parallel to an abutting or adjoining lot line or common area that serves as a transitional area to a residential zoning district of a lower density, permanent window treatments on all above-grade windows facing an area or zone are required.

- Acceptable window treatments: Shutters, dividers (mullions or inserts), minimum 4-inch trim surrounds, etc.

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- If more than one facade is oriented toward an area or zone as listed above, only the rear facade of the dwelling is required to adhere to the above requirements.

- Permanent window treatments are not required for large picture windows, bay windows, casement windows, and non-opening windows.

- Permanent window treatments shall not be required, if the side or rear of the dwelling possesses one of the following features:

a. Change in the first floor wall structure, with a minimum depth of four (4) feet, and a minimum width of ten (10) feet; or

b. Change in the second floor wall structure, with a minimum depth of two (2) feet; or

c. Installation of brick/masonry, exclusive of windows, doors, doorways and bays, covering a minimum of 50 percent of the side or rear facade.

B. Residential Design Features

1. Within platted lots subject to the section, all single and two family dwellings shall include residential design features. The table below applies to each zoning district as listed:

a. All dwellings located in the AA Residence Zoning District shall have a minimum 50 percent brick front (exclusive of windows, doors, doorways, and bays) and at least one (1) of the following residential design features, or less than 50 percent brick front with a combination of at least two (2) of the following features listed in this section;

b. All dwellings located in the A Residence Zoning District shall have a minimum 50 percent brick front (exclusive of windows, doors, doorways, and bays) and at least two (2) of the following residential design features, or less than 50 percent brick front with a combination of at least three (3) of the following features listed in this section;

c. All dwellings located in the B Residence Zoning District shall have a minimum 50 percent brick front (exclusive of windows, doors, doorways, and bays) and at least two (2) of the following significant residential design features, or less than 50 percent brick front with a combination of at least four (4) of the following features listed in this section;

d. All single and two family dwellings located in the PUD Zoning District shall have a minimum 50 percent brick front (exclusive of windows, doors, doorways, and bays) and at least two (2) of the following significant residential design features, or less than 50 percent brick front with a combination of at least four (4) of the following features listed in this section.

2. Table of residential design features

- Front porch (greater than eight feet in width and four feet in depth)
- Reverse gable
- Architectural treatment on gable ends
- A separate overhead door per car for each garage
- Covered front stoop/steps
- Turrets on home
- Architecturally treated entranceways (for homes without a front porch)

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- Windows in garage doors
- Divided light windows (front facade only)
- Transom windows
- Front yard landscape planting package includes 3 trees, meeting

the following:

- If deciduous, then minimum 1.5 inch caliper at time of planting;
- If evergreen, then minimum 5 feet in height at time of planting, and includes 14 shrubs
 - Veranda/balcony
 - Two or more roof planes
 - Brick accents areas of at least 25 percent of the front elevation
 - Dormers (two or more)
 - At least two feet of relief at two or more points along the front facade elevation, excluding relief for doors, windows and garage
 - Decorative shutters
 - Architecturally enhanced articulated trim moldings.
 - Thirty-two-inch brick or stone plinth with water table on all sides

C. Waiver of Residential Design Features

If a residence in either the AA, A, or B Residence Zoning District, or PUD Zoning District, contains a minimum of 50 percent brick/masonry on all sides of the first floor, the above requirements listed in subsection (B), Residential Design Features, are waived.

D. Attached Garages

1. Attached two (2) car garages being equal to or exceeding 50 percent of the width of the residence shall be side- or rear-loading, or be recessed a minimum of four (4) feet behind the front facade. If the garage is less than 50 percent of the width of the residence, the garage may be front-loading, but shall not protrude more than 14 feet from the first floor of the front facade.

2. A third car garage may be added to the residence with front-loaded garages, if the front elevation is over 50 feet in width and if a minimum of 23 feet of facade, excluding the two (2) car garage, is indicated in the front elevation. If a third car garage is added, the third car garage entrance must be recessed two (2) feet from the two (2) car garage entrance. Any three (3) car driveways must taper in accordance with the Zoning Code at the property line.

E. Modification of Requirements by Plan Commission during Annexation/Subdivision Approval Procedure

The residential design guidelines may be modified or waived by the Plan Commission, upon the annexation of property or approval of a subdivision plat, if the applicant can demonstrate that the proposed development and the community is better served by the proposed standards. A letter outlining the requested modifications or waivers from the provisions listed below shall be submitted with the filing requesting zoning designation or plat approval:

1. Compliance with minimum overhangs of at least nine (9) inches, or soffits, over all exterior walls;
2. Compliance with minimum roof pitch: 5/12;

3. Compliance with like model elevations provision requiring separation of four (4) lots when on the same side of the street, and may not be repeated on an adjacent lot directly across the street;
4. Compliance with repeating siding and brick colors prohibition on adjacent lots;
5. Compliance with requirement of a minimum one window/door per facade, per floor, within exterior building walls;
6. Compliance with permanent window treatments on above-grade windows facing classified street/transitional area.
7. Compliance with residential design feature minimums;
8. Compliance with maximum garage width requirements/recessed requirements.

(Ord. 2003-6, passed 5-8-03; Am. Ord. 2017-16, passed 10-11-17)

Cross-reference:

"AA" Residential District, see Section 155.020

"A" Residential District, see Section 155.021

"B" Residential District, see Section 155.022

"PUD" Planned Unit Development District, see Section 155.030

155.054 "CO" CORRIDOR OVERLAY DISTRICT

The purpose of this section is to establish an overlay district to address the unique characteristics of properties adjacent to the main corridors within the City of Greenfield. These corridors have unique traffic management needs, development pressures, and aesthetic characteristics that require the establishment of additional development standards to meet the goals of the Comprehensive Plan and further the welfare of the city.

The intent of the Corridor Overlay District ("CO") is to require development, and redevelopment, along the city's primary thoroughfares that is aesthetically consistent, responsive to development pressures, and proportional to the area's traffic management issues.

A. General Provisions

1. The boundaries of the CO district are as follows:
 - a. Any commercial, industrial, or PUD-zoned property located within an area 500 feet deep east and west from the right-of-way lines of State Street, extending from McKenzie Road to Interstate 70. The area does not include the entirety of any parcels that may partially lie within the 500-foot depth at the time of passage of this ordinance. The Plan Commission may consider a modification or waiver of the CO requirements on such partially affected properties that do not directly affect State Street or further the intent of this code. This area shall be designated "CO-1".
 - b. Any property located within an area 1,320 feet deep west from the right-of-way line of State Street, extending from Interstate 70 to County Road 300 North. The area also includes the entirety of any parcels that may partially lie within the 1,320-foot depth at the time of passage of this ordinance. This area shall be designated "CO-2".

- c. Any additional territory designated by the Official Zone Map.
2. For any parcel that is developed within the CO District, these regulations shall apply. For any parcel that is redeveloped or any structure that is remodeled, only those regulations applicable to the redevelopment or remodeling shall apply.
3. Development plans shall be required to be approved by the Plan Commission for all development. The development requirements of this section may be modified or waived by the Plan Commission upon the approval of a development plan, if the applicant can demonstrate that the proposed development plan and the community is better served by the proposed standards.
4. Outdoor storage of merchandise or other materials is prohibited within view of the primary arterial. Otherwise, the underlying regulations shall apply.

B. Uses

The permitted and conditional uses of the underlying zoning districts shall apply, with the following exceptions:

1. In the area CO-2, the following uses shall be prohibited:
 - a. Distribution and supply uses, including fuel and ice sales, industrial laundry and dry cleaning plant, building and lumber supply outlets;
 - b. Wholesaling, warehousing, distribution, self-storage, storage and transfer establishments, packing and crating uses;
 - c. Automobile service uses including major body repair, painting, tire retreading, the dismantling or wrecking of vehicles, and/or the storage of inoperable or damaged vehicles;
 - d. Plant nurseries or greenhouses;
 - e. Auction areas or sales yards;
 - f. Adult entertainment business/ sexually-oriented business;
 - g. Truck-freight terminal;
 - h. Mining operations;
 - i. Heliport;
 - j. Penal or correctional institutions; and
 - k. Billboards.
2. In the area CO-2, the following uses shall be considered conditional uses:
 - a. Enclosed industrial uses, where the underlying zoning is PB; and
 - b. Car washes.

C. Landscaping and screening

In order to provide an enhanced aesthetic appearance for the major corridors of the city, properties within the CO District shall be landscaped to a higher standard than what is required by the underlying zoning districts.

1. Landscape plan.
 - a. A landscape plan shall be required to be submitted as part of any Improvement Location Permit application. Such plan shall indicate how such development complies with the regulations of this code. A registered landscape architect is recommended to prepare the required landscape plan.
 - b. Landscape plans shall include at least the location, species/common name, and size of any proposed landscaping that is required by this code.
2. Parking lot landscaping.

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a. In parking lots with up to 50 spaces, internal landscape islands equal to at least 5% of the paved surface shall be provided. In parking lots with 51 to 200 spaces, internal landscape islands equal to at least 10% of the paved surface shall be provided. In parking lots with over 200 spaces, internal landscape islands equal to at least 15% of the paved surface shall be provided. These percentages are exclusive of perimeter landscaping.

b. The islands shall be at least 5 feet in width (back of curb-back of curb), and at least 100 square feet in size for single rows of parking and 200 square feet for double rows of parking.

c. There shall be no unbroken rows of parking longer than 150 feet in length. Shrubs at a rate of one shrub per 25 square feet and groundcover and/or perennials are also required. All rows of parking shall be terminated at both ends with landscape islands. Tree plantings shall be required at a rate of 1 shade tree for every 100 square feet of landscape area.

3. Front yard landscaping.

a. Within the required front yard, landscaping shall be provided. Such landscaping shall, at a minimum, consist of two (2) deciduous shade trees and ten (10) shrubs per one hundred (100) linear feet of frontage.

b. Ornamental or evergreen trees may be substituted for shade trees at the rate of one and a half (1.5) trees per required shade tree.

c. Above required front yard landscaping shall be exclusive of any required street trees.

4. Residential buffer landscaping. Where a property abuts a residential district, a landscape buffer area shall be provided to minimize the visual effect and glare onto the residential properties.

a. A buffer area minimum fifteen (15) feet wide shall be provided along the property line that abuts the residential district. However, for any property on which the primary use structure exceeds 50,000 gross square feet in area, a buffer area shall be increased to a minimum of thirty (30) feet in width.

b. Landscaping shall be provided at the rate of at least three (3) deciduous shade trees and ten (10) shrubs per one hundred (100) linear feet of buffer.

c. For buffer areas of a required minimum width of 30 feet, there shall be additional landscaping consisting of six (6) evergreen trees per one hundred (100) feet.

d. It is recommended that the Plan Commission, during development plan approval, allow adaptations of these landscaping requirements to a specific location.

5. Commercial buffer landscaping. A landscape buffer of a minimum 10 feet in width from the property line shall be provided along side and rear lot lines not adjacent to residential districts. Within such buffer, a minimum of two (2) deciduous shade trees shall be planted per 100 linear feet of length.

6. Sign landscaping. In order to create a unique aesthetic appearance for the City, free-standing signs shall be landscaped with flowers and other plants.

a. Freestanding business signs and business center signs shall be landscaped around the base of the sign.

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- b. Flowering perennials and/or annuals shall be planted and maintained across the width of the sign. Other plant material may also be used.
- c. It is encouraged that the flowering plants used be designed so as to complement the sign or business colors, or otherwise demonstrate good landscape design.
- 7. Street trees. Street trees shall be provided in public rights-of-way and along private streets in accordance with Chapter 97 of the Greenfield City Code.
- 8. Standards.
 - a. Required shade trees shall be a minimum two and a half (2.5) inch caliper at the time of planting.
 - b. Ornamental trees shall be a minimum one and a half (1.5) inch caliper at the time of planting.
 - c. Evergreen trees shall be a minimum six (6) feet in height at the time of planting.
 - d. Required shrubs shall be a minimum of twenty-four (24) inches in height or spread at the time of planting.
 - e. Required flowering perennials shall be of a size sufficient to adequately fulfill the landscape plan design within 2 years of planting.
 - f. No artificial plants shall be used, unless specifically permitted.
 - g. When feasible, existing vegetation shall be preserved. Preserved vegetation may be substituted for required new vegetation, at a ratio to be determined by the Plan Commission at the time of development plan review. The landscape plan or development plan shall include provision for protection of preserved vegetation during development.
 - h. Required plantings shall be maintained during the course of construction and thereafter. Should the vegetation fail to survive at any time, new replacement vegetation shall be installed in accordance with the requirements of this section.

D. Lot development standards

Minimum lot size, area, and setbacks shall be those required by the underlying zoning district, unless modified by this code.

E. Off-Street parking and loading

Parking requirements shall be as set forth by § 155.064, with the following exceptions:

- 1. The maximum number of parking spaces for a use shall be no more than 110% of the number required by §155.064.
- 2. The minimum number of parking spaces for a use shall be no less than 80% of the number required by 155.064.
- 3. Landscaping shall be as required by this section.
- 4. Parking lots shall be minimized in front yards. For any development where all parking spaces are located adjacent to and/or behind the primary structure, the required front setback may be reduced to twenty-five (25) feet.
- 5. Creative design elements, such as pervious pavement or low impact design, shall be encouraged. Such elements may be considered as alternative standards during development plan approval.

F. Signs

Signs requirements shall be as set forth by § 155.065.

G. Lighting

Site lighting generally shall not interfere with the use of public rights-of-way or adjoining properties.

1. Light poles shall not exceed 25 feet in height to the light source, and shall be of a consistent type/style/finish throughout the site. If adjacent to a residential district, light poles shall not exceed 15 feet in height within 150 feet of the property line. Light intensity on sites that are adjacent to a residential district shall be no more than one-half (0.5) foot-candle as measured along property lines that abut the residential district.

2. Light poles that are used must be approved during the development plan approval process. Any street lights along public streets shall conform to the requirements of the city.

3. Lighting shall serve only to illuminate signage, parking/loading areas, walkways and entrances, or to accent landscaping and architectural details.

4. All lights shall be installed in a manner to best hide and shield point source lighting.

H. Architecture

Architecture of any structures located on parcels within the CO District wherein any part of the structure lies within 500 feet east or west of the right-of-way lines of State Street shall conform to the following standards:

1. Facade: the front facade is the building wall that faces a public or private street. Facades on outlots/outparcels shall have exterior treatments similar to that on the front facade. All front facades shall incorporate the following elements:

a. Recesses/projections: wall recesses/projections that are at least 12 inches for every 70 feet of facade. The projection shall extend for at least 20% of the length.

b. Entry features: entryway features are only required at the primary entrance(s) to the structure and shall include at least 3 of the following design elements:

(1) Raised corniced parapets over the door, peaked roof forms having an average slope greater than or equal to a minimum 5/12 pitch, arches, or architectural details such as tile work and moldings that are integrated into the building structure and design.

(2) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

(3) Enhanced exterior lighting such as wall sconces, building mounted accent lights, or decorative pedestal lights.

(4) Prominent three-dimensional entryway feature, such as a turret or other similar architectural design element, projecting from the plane of the main exterior walls by a minimum of 8 feet and raised above the adjoining parapet wall/roof by a minimum of 3 feet.

(5) Pilasters projecting from the plane of the wall by a minimum of 8 inches and/or architectural or decorative columns to create visual breaks and interest in the facade walls.

c. Display windows: all facade walls shall have display windows, faux windows, or decorative windows for no less than 60% of the facade's horizontal length along all pedestrian walkways.

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d. Entrances: all facades that abut a street, public or private, shall feature as least one primary customer entrance.

e. Detail features: building facades shall include a pattern that incorporates no less than 3 of the elements listed below. At least 1 of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than 100 feet, either horizontally or vertically.

- (1) Color change.
- (2) Texture change.
- (3) Material module change.
- (4) Architectural change: in the form of structural bays

created through a change in plane no less than 24 inches wide such as an offset, reveal, or projecting rib.

(5) Height change: a clear delineation between each story of the structure provided by a consistent cornice line.

f. Exterior materials: the use of smooth-faced concrete block, untextured smooth-faced tilt-up panels, and standing seam metal panels shall be prohibited. The Zoning Administrator shall approve or deny the use of all composite and alternative materials that replicate the appearance and durability of those listed below. All facade wall exterior building materials shall be high quality, and shall be limited to any combination of the following:

- (1) Brick or face tile.
- (2) Wood.
- (3) Native stone.
- (4) Glass (reflective glass shall be limited to a maximum of 50% of the area of any facade wall on which glass is used).
- (5) Architectural precast concrete.
- (6) Architectural metal.
- (7) E.I.F.S.
- (8) Fiber cement board.

g. Exterior colors: exterior facade wall colors shall be low reflectance and subtle tones. The use of high intensity, metallic, black, or fluorescent colors shall be prohibited. Building trim and accent areas may feature brighter colors or primary colors. Such building trim and accent areas shall not exceed 10% of any single exterior wall area excluding all windows, doors, and glass construction materials.

2. Roof design: all roofs or parapets shall vary three-dimensionally to add visual interest to the building and shall include architectural detailing, cornices, moldings, trims, variations in brick coursing, and other similar detailing. All roofs shall comply with the following:

a. All rooftop mechanical equipment, for example HVAC units and vents, shall be screened on the elevation view from all streets (public and private) by parapets, dormers, or other screens. The material of all such screens shall be consistent with the exterior materials used on the facade of the structure. Such screens shall not be required to be more than the height of the rooftop equipment and shall not be counted as part of the overall building height.

b. Sloped roofs shall have overhanging eaves that extend a minimum of 8 inches past the supporting walls.

c. Sloped roofs shall either be of architectural standing seam metal, tile, slate, or dimensional shingles. For all industrial structures, all of the above requirements apply, except I(a),(c),(d).

I. Modification

The Plan Commission may, at a public hearing, grant a modification or waiver of certain development requirements of this chapter, so noted within. An approval to permit such a waiver shall be subject to the proposed development plan being in harmony with the purposes and the land use standards contained within this chapter.

1. A modification proposal shall be considered upon:

- a. Showing extraordinary circumstances;
- b. Exhibiting practical justifications; and/or
- c. providing additional site design characteristics in order to better serve the development and the community. Such site design characteristics may include, but are not limited to: increased landscape treatment or tree preservation, public art installation, provisions for bicycles or mass transit, or additional traffic circulation considerations.

2. This paragraph does not affect the right of an applicant to petition the Greenfield Board of Zoning Appeals, as provided in I.C. 36-7-4 and this zoning ordinance.

(Ord. 2009-4, passed 2-11-09; Am. Ord. 2011-9, passed 4-27-11)

GENERAL REQUIREMENTS

155.060 CONDITIONAL USES

Conditional uses may be permitted by the Board of Zoning Appeals in the districts indicated, in accordance with the procedure set forth and the requirements listed herein.

A. Definition and basis of approval

Conditional uses are those of such an unusual nature that their operation may give rise to unique problems with respect to their impact on neighboring property and public facilities.

1. A conditional use or any use not otherwise set forth in this Code that fits the definition set forth herein, may be approved in zones as specified in this section. The use approved shall be subject to any regulations or requirements imposed as a part of the conditional use, in addition or in place of the other regulations and requirements of this Code. The provisions of a conditional use shall replace and supersede the provisions of the base district, effective upon either construction of any facilities approved as a part of the conditional use or upon beginning of operation of the use or uses specified, whichever occurs first. The provisions shall remain in effect until such time as the conditional use ceases to operate for a period in excess of two years. Immediately prior to reuse of the structures or facilities used for the conditional use, the provisions of the conditional use shall become invalid and the regulations and requirements of the base district shall again be in effect.

2. Any significant changes (as determined by the Board) including change of ownership, in the use of a conditional use or any construction of new facilities or structures, or major additions to existing facilities or structures (as determined by the Board) shall be subject to approval by the Board of Zoning Appeals using the same process as was used for the original approval.

3. Specific to adult entertainment/sexually oriented businesses; no such operation shall be enlarged, reconstructed, resumed or structurally altered, unless the site or proposed site is located in the PB District, and has obtained a conditional use approval.

B. Procedure for approval

1. In no case may a conditional use be granted by the Board unless and until the following occur:

a. An application is submitted for a conditional use, indicating the section of the chapter under which it is sought and stating the grounds on which it is requested.

b. Notice is given to parties in interest and a public hearing is held in accordance with this Chapter.

c. The Board of Zoning Appeals shall make findings, and state the facts of these findings, that the granting of the conditional use will substantially serve the public convenience and welfare and will not substantially or permanently injure the appropriate use of the neighboring property.

d. Staff may send the application to the Technical Review Committee for comment.

e. A Development plan shall accompany the conditional use application, which illustrates the following:

Documentation and supporting information shall be submitted to the Zoning Administrator with the application form for development plan approval, including at a minimum, a plan which shall be a minimum size of 18" by 24" and prepared by a registered professional architect, landscape architect, surveyor, or engineer, drawn to scale, and showing the following items:

1. Address of property and a legal or site description of the property involved including acreage.

2. Location and size, and property use, of all buildings and structures, existing and proposed.

3. Width and length of all entrances and exits to and from said property.

4. Centerline of all adjacent roads, alleys or highways, and their names.

5. Parking, including layout and typical dimensions for space and aisles.

6. Actual shape and dimensions of the lot to be built upon.

7. Front, side, and rear yard lines and their distance from the street or lot lines.

8. For residential, number of dwelling units the building is designed to accommodate.

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9. Landscape plan, showing number size, type and location of proposed materials.
10. Lighting plan, showing lighting intensity levels, type and location of fixtures.
11. For signs, the location of all existing signs, with height (for freestanding) and dimensions of area. Proposed signs shall be so identified, and include proposed height and area.
12. The location of any fence or walls.
13. Any other item required by this Code.

Fees, notice procedure and hearing procedure shall be as set forth in the Board of Zoning Appeals' Rules of Procedure.

2. The staff shall send the application to the Board for public hearing and final approval or denial of the petition.
 - a. Upon such hearings, if the Board finds that the proposal complies with any specific regulations governing individual conditional uses, and that satisfactory provision and arrangement has been made concerning the following where applicable.
 - b. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire and catastrophe.
 - c. Off-street parking and loading areas, with particular attention to the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district.
 - d. Refuse and service areas.
 - e. Special screening and buffering with reference to type, dimensions, and character.
 - f. Signs and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
 - g. Additional setback distances, yards and other open space.

3. General compatibility with adjoining properties, with reference to site development standards designed for their mutual protection and the environmental harmony of the district.

4. The Board may impose additional conditions to assure that the conditional use will conform to the intent of this Code.

5. Any person to whom is issued an improvement location permit for a conditional use, who fails to commence construction within 6 months after such permit is issued, or who fails to carry to completion the total development plan thereof within two years after such construction is begun, whichever is later, or who fails to conform to the provisions of the development plan and supporting data finally approved by the Board and upon the basis of which such improvement location permit was issued, may be required by the Board upon its own motion, and shall be required by the Board upon written petition of any person deeming himself aggrieved, to show cause why such approval should not be withdrawn and such improvement location permit revoked.

6. The holder of an improvement location permit for a conditional use may apply to the Board at any time for an amendment or extension of the application or plan upon which such permit was based.

a. Upon receipt of such application, the Board shall proceed as in the case of original applications for a conditional use.

b. In the event the Board shall approve and order such application or development plan changed, altered, amended or extended, the Zoning Administrator shall issue an amended improvement location permit accordingly.

C. Phasing of Conditional Use

Whenever the applicant desires to complete the structure and improvements shown in the conditional use Development plan by stages, the applicant may request that the Board consider granting the conditional use as such.

D. Parking Spaces

The number of parking spaces to be provided for conditional uses shall conform to the requirements as set forth in 155.064, unless the Board directs otherwise.

E. Other requirements for conditional uses

Following are specific requirements for conditional uses.

1. Airport
 - a. Minimum lot area. 80 acres for airport.
 - b. Minimum distance from residential district or use. 100 feet.
 - c. Fence. Minimum six foot wire mesh where accessible to public.
 - d. Screening. Minimum six feet tall opaque screen where abutting residential zoning district, effective at all times of the year.
 - e. Parking. One per employee plus one per three seats in waiting room.
 - f. Plan shall be submitted with application.
 - g. Signs and lighting. Signs and outdoor artificial lighting shall be approved by the Board.
 - h. Height. Shall be as determined by the Board.
 - i. Prior F.A.A. and State of Indiana approval.
2. Assembly halls and grounds.
 - a. Minimum lot area one acre.
 - b. Minimum setbacks: Front per Section 155.034. Side and rear as determined by the Board.
 - c. Minimum front yards (standard); side (each) - 20; rear - 15.
 - d. Parking. As determined by the Board. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated peak parking load requirements.
 - e. Signs and lighting. Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
 - f. Security. Security (whenever necessary) shall be adequate (as determined by the Board) and furnished by applicant.
 - g. Height. Maximum height of structure shall be 35 feet.
3. Auction area or sales yard (excluding livestock).
 - a. Minimum lot area. Two acres.
 - b. Minimum setbacks: Front per Section 155.034. Side and rear as determined by the Board.
 - c. Parking space. One per two employees, plus one per each 400 square feet of display, sales and auction area.

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- d. Noise. Noise shall be confined to the premises.
 - e. Entrance. Not more than one entrance from street.
 - f. Outside storage. No outside storage is permitted.
 - g. Signs and lighting. Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board
 - h. Height. Maximum height of structure shall be 35 feet.
4. Dwelling unit, accessory to business use.
- a. The dwelling unit is located in the same building as the business use.
 - b. Two off-street parking spaces are provided on the lot in addition to the spaces required by the business use.
 - c. Each such dwelling unit shall conform to the requirements set forth in Chapter 150, Building Code, provided:
 - 1. The unit shall have a living room of not less than 200 square feet of floor area. An additional 100 square feet of floor area shall be provided for each occupant of such unit in excess of two.
 - 2. The unit shall be provided with a separate closet.
 - 3. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front. Light and ventilation conforming to the requirements of Chapter 150 shall be provided.
 - 4. The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower. Note: See Section 120B of the 1991 Uniform Building Code.
 - 5. Cemetery
 - a. Minimum lot area: 40 acres.
 - b. Minimum setbacks: Front per Section 155.034. Side and rear as determined by the Board.
 - c. Landscape plan. Plan of landscape development to be submitted with application. (May be combined with development plan.)
 - d. Screen planting. Same as airport
 - 6. Country club or golf course.
 - a. Parking spaces: As determined by Board.
 - b. Signs and lighting. Signs and outdoor artificial lighting shall be approved by the Board.
 - 7. Day care center or child development center.
 - a. Minimum Area
 - 1. One hundred square feet of play-area provided on same lot as use for each child in attendance.
 - 2. Thirty-five square feet of suitable indoor space per session per child shall be provided also.
 - b. Open/recreational space.
 - 1. Outdoor play area shall be grassed and enclosed by a six-foot high masonry wall or opaque fence. Any entry gate shall be securely fastened.
 - 2. Outdoor play areas shall be adequately separated from vehicular circulation and parking areas.

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3. Outdoor play areas shall have shade provided.
- c. Parking. One space per employee based on largest shift, plus 1 space per 6 students or off street waiting spaces to accommodate at least 6 vehicles.
- d. General standards.
 1. Hours of operation may be restricted by Zoning Board.
- e. Traffic safety.
 1. Day care centers shall create no unsafe conditions for picking up and dropping off children.
 2. Loading and unloading of children from vehicles shall only be permitted in the driveway, approved parking area, or as otherwise approved by the Board of Zoning Appeals.
- f. License required. Applicant shall obtain day care center license from the Indiana Division of Families and Children.
8. Service station, automobile car wash, convenience store and roadside restaurant.
 - a. Minimum lot area - 3/4 acre.
 - b. Minimum setbacks. As specified in the respective district or as otherwise specified in this chapter.
 - c. Landscape plan in which service station is proposed to be located. Plan of landscape development to be submitted with application (may be combined with development plan).
 - d. Fence. Minimum six foot fence abutting residential use.
 - e. Screening. Same as airport.
 - f. Parking spaces. As determined by the Board. The determination shall be based on the expected number of parking spaces the particular type of use would require to satisfy estimated peak parking load requirements.
 - g. Signs and lighting. Signs and outdoor artificial lighting shall be approved by the Board.
 - h. Storage. No storage, or dismantling of motor vehicles on the lot.
9. Health facility or hospital.
 - a. Minimum lot area. shall be 40,000 square feet, but not less than 1,000 square feet per patient.
 - b. Minimum setbacks. Front per Section 155.034; Side and rear 50 ft.
 - c. Landscape plan. Plan of landscape to be submitted with application.
 - d. Screening. Same as airport.
 - e. Parking spaces. One space per 4 patients, plus one space per each employee per largest working shift.
 - f. Height. As determined by the board.
 - g. State approval required. Facility shall be licensed by the State Board of Health in accordance with I.C. 16-10-2. A hospital requires licensure.

Editor's note:

The state statute cited in the preceding paragraph has been repealed. Corresponding provisions are now set forth in I.C. 16-21 through 16-24 and 16-28.

10. Heliport.

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- a. Spacing. Use permitted not closer than 200 feet to a residential use.
 - b. Parking spaces. As determined by the Board.
 - c. Signs and lighting. Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
 - d. Height. As required by appropriate state or federal agency.
 - e. Prior F. A. A. and State of Indiana approval.
11. Junk yard.
- a. Minimum setbacks. Front per section 155.034; Side and rear: 50 ft.
 - b. Spacing. Use permitted not closer than 200 feet to a residential use.
 - c. Fence. Opaque wall or fence, minimum eight feet high. Or as high as materials stored behind it, up to sixteen (16) feet maximum.
 - d. Parking spaces. One per each employee on largest shift.
 - e. Signs and lighting. Signs and outdoor artificial lighting shall be approved by the Board.
12. Mining operation.
- a. Minimum setbacks. Front - 150 feet, side (each) - 150 feet; rear - 250 feet.
 - b. Minimum distance from residence district. 300 feet.
 - c. Fence. Six-foot solid or wire fence where accessible to public.
 - d. Landscaping. Minimum six-foot tall opaque landscape screen by three-foot width where abutting residential use; effective at all times of the year.
 - e. Entrance. Not more than one entrance from each street frontage.
 - f. Special. See I.C. 36-7-4-1203. Miscellaneous Provisions.
13. Mobile home park. See 155.046 for requirements
14. Outdoor recreation.
- a. Minimum setbacks. Per section 155.034.
 - b. Landscape plan. Landscape plan to be submitted with application.
 - c. Fence. Subject to Board of Zoning Appeals approval.
 - d. Screening. Six foot height by six foot width where abutting residential use; tight screen, effective at all times.
 - e. Parking spaces. One per three employees plus one per 500 square feet of use area.
 - f. Signs and lighting. Signs and outdoor artificial lighting shall be approved by the Board.
 - g. Height. Maximum height of structure 60 feet.
 - h. Other requirements. See 155.045 for additional requirements.
15. Penal or correctional institutions.
- a. Minimum lot area - 40 acres.
 - b. Minimum setbacks. Front per section 155.034; Side and rear as determined by the Board.
 - c. Fence. Eight-foot wire mesh fence with landscape buffer planted in front of fence, per Board of Zoning Appeals requirements.

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d. Parking spaces. As determined by the Board. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated peak parking load requirements.

e. Height. Maximum height of structure - 65 feet.

16. Private school.

a. Minimum lot area - 10,000 square feet.

b. Minimum setbacks. Front per Section 155.034; Side and rear: 20 ft.

c. Gross floor area. Minimum gross floor area of principal building or buildings - over 1,000 feet.

d. Fence. Six-foot height around play area.

e. Parking spaces. One per each employee plus one per five children to be accommodated.

f. Signs and lighting. Signs and outdoor artificial lighting shall be approved by the Board.

g. Height. Maximum height of structure - 35 feet.

17. Truck-freight terminal.

a. Minimum lot area. Five acres.

b. Minimum setbacks. Front - 50 feet; side - 40 feet; rear - 40 feet.

c. Landscaping. As determined by the board.

d. Parking spaces. One per each employee on largest shift.

e. Signs and lighting. Sign and outdoor artificial lighting shall be approved by the Board.

f. Height. Maximum height of structure - 45 feet.

18. Public camp or recreational vehicle park.

a. Minimum lot area. Five acres.

b. Minimum setbacks. Front per section 155.034. side (each) - 30 feet; rear 30 feet.

c. Signs and lighting. Signs and outdoor artificial lighting shall be approved by the Board.

d. Height. Maximum height of structure - 30 feet

e. Other requirements. See 155.045 for requirements.

19. Public or commercial landfill.

a. Fence. Minimum: Six foot height.

b. Landscape plan: As approved by Board.

20. Communications Tower.

a. See Section 155.052 for requirements.

21. Shopping center plan.

a. See Section 155.045 for requirements.

22. School for developmentally disabled.

a. Minimum lot area - 10,000 square feet.

b. Minimum yards. Front - 25 feet; each side - 20 feet; rear - 20 feet.

c. Fence. Six-foot height around play area.

d. Parking spaces. One per three employees plus one per six students.

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- e. Height. Maximum height of structure - 35 feet.
- 23. Bed and Breakfast
 - a. The residence shall be occupied as a residence by at least one of the bed and breakfast staff, but not necessarily the property owner.
 - b. The bed and breakfast use shall be confined to the principal residential structure, and other existing structures which can be successfully converted to bed and breakfast units.
 - c. No structural additions or enlargements shall be made to accommodate the bed and breakfast use, and no exterior alterations to the structure shall be made which will change the residential appearance of the structure.
 - d. The minimum total floor area of the principal residential structure needed to establish a bed and breakfast use shall be 1,500 square feet. Each bed and breakfast unit in excess of one (1) shall require an additional 500 square feet of total floor area.
 - e. Two off-street parking spaces shall be provided for the residential occupants. One (1) additional off-street parking space shall be provided for each bed and breakfast unit established; screening and buffering may be required.
 - f. Dining and other facilities shall not be open to the public but shall be exclusively for the use of the residents and registered bed and breakfast guests, unless the Board of Zoning Appeals finds that opening the facilities to the public will not have a negative impact on the surrounding area. The Board may set any additional regulations necessary to ensure that public use of the facilities will be in harmony with the surrounding area.
 - g. There shall be no more than the equivalent of one non-resident full-time employee hired solely for the purpose of working for the bed and breakfast use. However, if the dining and/or other facilities are open to the public, the Board may allow additional employees.
 - h. The applicant is responsible for obtaining all inspections, permits, licenses, etc. as may be required by law.
 - i. The applicant is responsible for determining the effect, if any, of the bed and breakfast use upon any subdivision restrictions, deed covenants, etc. that may encumber his/her property.
 - j. The Board shall determine that the bed and breakfast use will be compatible with the neighborhood, and will not interfere with the reasonable enjoyment of adjoining properties.
- 24. Assisted living facility, elderly housing
 - a. Minimum setbacks. As specified in the respective district or as otherwise specified in this chapter.
 - b. Landscape plan. Plan of landscape development to be submitted with application.
 - c. Parking spaces. As determined by the Board. The determination shall be based on the expected number of parking spaces the particular type of use would require to satisfy estimated peak parking load requirements.
 - d. Signs and lighting. Signs and outdoor artificial lighting shall be approved by the Board.
- 25. Adult entertainment/sexually oriented business

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- a. Minimum distance from residential district or use, or historic district: One thousand five hundred feet (1,500) feet.
- b. Minimum lot area: Forty thousand (40,000) square feet.
- c. Minimum yards: Front - as per Section 155.034; side - fifty (50) feet; rear - fifty (50) feet.
- d. Maximum building height: Twenty (20) feet.
- e. Screen plantings: Six (6)-foot height by four (4)-foot width effective at all times of the year.
- f. Fence: Alternatively or in addition to screen planting, a fence six (6)-feet high and slatted for opacity may be required at the discretion of the Board of Zoning Appeals and the responsibility of the applicant.
- g. Parking: One (1) space per person of capacity of the proposed establishment/business, plus ten (10) additional spaces.
- h. Exterior display: Observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decorations, sign, show window or other opening from any public view are prohibited. (Am. Ord. 2001-5, passed 3-22-01; Am. Ord. 2003-8, passed 8-14-03)

155.061 ACCESSORY USES.

A. Intent

Accessory uses shall be permitted in all zone districts in accordance with the provisions of this section. Accessory uses shall:

1. Be incidental and subordinate to, and commonly associated with, the operation of the principal use of the lot.
2. Be operated and maintained under the same ownership and on the same lot as the principal use.
3. Be clearly subordinate in height, area bulk, extent, and purpose to the principal use served. The height of an accessory building or structure, with the exception of communication towers or flagpoles, shall be less than or equal to that of the primary structure. The total square footage of accessory structures shall not exceed ninety-nine (99) per cent of the main floor area of the primary structure, except that of a detached garage, which is the only accessory building on the lot, may equal the maximum dimensions of twenty-four (24) by thirty (30) feet.
4. Not be located closer to any lot line than the minimum setback line required, unless specified otherwise in this Code.
5. Not be permitted prior to the erection and operation of the principal use, unless a temporary improvement location permit is obtained in accordance with Section 155.061.

B. Interpretation

1. Such appurtenant features as walks, driveways, curbs, drainage installations, mailboxes, lamp posts, bird baths and structures of a like nature, are allowed without permits (see Section 155.035).
2. Gardening and landscaping, provided it is not for profit, is allowed without a permit.

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3. The keeping of domestic pets, provided it is not for profit and not construed as a kennel, is allowed without permit.

4. Fences and walls are allowed with a permit when they do not impede intersection visibility (see Section 155.037).

5. Such buildings or structures as decks, patios, outdoor fire places, doghouses, children's play structures, and also detached storage buildings, bath houses and cabanas not exceeding 120 square feet in size are allowed with an improvement location permit when the yard requirements of this Code are adhered to.

6. Rummage or garage sales are allowed without permit in any district provided there are not more than two such sales annually of not more than three days duration each on the premises. Rummage or garage sales of more than three but not more than ten days require a temporary improvement location permit, pursuant to Section 155.062. See Section 155.065 for applicable sign regulations. Signs shall be removed within two (2) days after event.

C. Accessory use regulation

1. Accessory uses include: such buildings or structures as garages, carports, canopies, porte-cocheres, small greenhouses, and similar accessory buildings or structures. No building or structure shall be built across any property line regardless of the ownership thereof.

2. Off-street motor vehicle parking and loading areas, as set forth in Section 155.064 (I) (2). The vehicle does not need to bear business identification or commercial advertisement to be considered a commercial vehicle.

3. Signs, as set forth in Section 155.065, except that an off-site advertising sign is considered a principal use.

4. Swimming pools. In addition to the following provisions, swimming pools shall also comply with the provisions of safety of Indiana Administrative Code and all amended provisions thereof.

a. No person shall construct, remodel, or alter any swimming pool until a permit to do so is obtained from the Zoning Administrator. An application for such permit shall be filed with the Zoning Administrator, on a form furnished by him, together with the plans and specifications for such pool. The Zoning Administrator or his designee, shall examine such plans and specifications to determine whether or not the pool will comply with the provisions of this chapter. If it appears that the pool will comply therewith, he shall note his approval on the plans and specifications and shall issue a permit authorizing the work to proceed.

b. The Zoning Administrator, or his designee is authorized to enter on any premises to determine whether or not the owner has complied with the provisions of this chapter.

c. For the purpose of this division the phrase "PRIVATE SWIMMING POOL" shall mean and include an artificial body of water, with a controlled water supply, designed for wading and swimming and used, or intended to be used, in connection with a one or two-family dwelling, solely by the householder and his family and by friends invited to use it without payment of any fee.

No private swimming pool shall be constructed except on the same lot as the dwelling or on a vacant lot immediately contiguous thereto if it is under the

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same ownership as the dwelling. The following conditions shall be met if the pool is to be located on the same building lot as the dwelling:

1. The pool shall be constructed in the rear yard but not closer at any point than ten feet from the building itself;
2. The in-ground pool shall comply with the provisions of the Indiana Administrative Code Rule 675-20-4-27, as amended;
3. An above-ground pool shall be enclosed by a five foot tall fence, complying with the provisions of the Indiana Administrative Code Rule 675-20-4-27, as amended;
4. A fence surrounding or partially surrounding an inground pool shall not be closer than six feet to the edge of the pool at any point;
5. The surface area of the pool may be counted as open space, and does not count as lot coverage.
6. When a pool is located on a lot contiguous to the lot on which the owner's house is located and under the same ownership as the dwelling the following conditions shall be met:
 - a. No part of the pool shall be located forward of the setback line of the owner's dwelling;
 - b. No part of the pool shall be closer than six feet from the owner's dwelling and no closer than 10 feet from any property line of any other property owner;
 - c. No pool shall be built across any property line regardless of the ownership thereof;
 - d. If the contiguous lot has frontage on a street other than that on which the owner's dwelling is located, no part of the pool shall be forward of the minimum front setback line.
 - e. It shall be unlawful for any person to make, or cause to be made or continued at any pool, any loud noise which endangers the peace of others.
 - f. Lights to illuminate any pool shall be so arranged and shaded as to direct light away from adjoining premises and streets.
7. Any communication tower, in accordance with the provisions of Section 155.052.
8. Management office in multi-family dwelling or apartment use, and other facilities normally associated with tenants' conveniences, such as vending machines and washing machines, provided there is no exterior display.
9. Fall-out shelter.
10. Private residential garages and residential carports, canopies, porte-cocheres, and mini-barns, which are clearly accessory and not for commercial purposes.
11. Storage of an unoccupied mobile home is only permissible in a business or industrial district at a location legally qualified to render storage for said mobile home or as specified in Section 155.046.
12. Satellite (earth) television antennas in accordance with the following standards:

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a. There shall be one satellite television antenna permitted per residential lot.

b. In all districts, a satellite television receiving antenna having a diameter greater than four feet shall be located on the ground upon and within a poured concrete foundation to the rear of the principal building on a lot, and within the building area, and shall not exceed 13 feet in height or the height of the main structure, whichever is less.

c. In all districts, a satellite television antenna having a diameter of four feet or less may be located on the principal building or an accessory building on a lot, and shall not exceed a height of more than four feet above the roof on which it is mounted, subject to the particular height requirements of the district. When an antenna having a diameter of four feet or less is located on the ground, all requirements contained in division (b) herein shall apply.

d. No satellite television antenna shall be linked to a receiver which is not located on the same lot or parcel of real estate.

(Am. Ord. 2001-5, passed 3-22-01; Am. Ord. 2002-32, passed 1-23-03)

155.062 TEMPORARY USES

A. Intent

Temporary uses shall be permitted in applicable districts by the grant of a temporary improvement location permit issued by the Staff, except where otherwise indicated, in accordance with the requirements of this section.

B. General provisions

1. The duration of the temporary period is stated hereinafter provided, however, renewal of such permit may be requested, with number of consecutive renewal requests in a 12-month period not exceeding the permitted number as outlined in (C).

2. Temporary uses shall be subject to all the regulations of the applicable district.

3. Charities that are registered with the state as a non-profit organization are exempt from the provisions of the Temporary Uses section of the Zoning Ordinance.

C. Uses which may be permitted by the Staff

1. Temporary office, model home or model apartment, and incidental signs thereof, both incidental and necessary for the sale, rental or lease of real property in the district. Time period: Maximum 12 months. Number of renewals: 3.

2. Non-commercial concrete batching plant, both incidental and necessary to construction in the district. Time period: Maximum 12 months. Number of renewals: 3.

3. Temporary building or yard for construction materials and equipment, both incidental and necessary to construction in the district. Time period: Maximum 12 months. Number of renewals: 3

4. Bazaars, carnivals, and similar temporary uses. Time period: Maximum 10 days. Number of renewals: 1.

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5. Sale of Christmas trees, outdoor tent theater, sale of seasonal fruits and vegetables from roadside stands, sale of deciduous and evergreen plantings, sale of annual and perennial flowers, landscape materials including, but not limited to, bagged mulch, straw bales, finished concrete and stone products, edging materials, and tent sales. Time period: Maximum 60 days. Number of renewals: 2.

6. Construction trailer(s) as a temporary office during the period of construction and development, subject to the following provisions:

a. The construction trailer(s) is/are situated at the construction site and is/are occupied only by persons directly engaged in the supervision of the construction of the structure or development or serving as a temporary location for normal business operations.

b. All yard and setback requirements of the district in which the construction trailer is located are complied with.

c. All health and sanitary regulations of the Hancock County Health Department and the State Board of Health are complied with.

d. Safe temporary connection to the electrical utility system is made in a manner approved by the Zoning Administrator.

e. A temporary permit is issued for a maximum 18 months only upon demonstration by the applicant of a validly approved improvement location permit for a permanent structure or development. Such temporary permit may be renewed for an additional specified period, in accordance with Section 155.062 (B) of this Chapter, only if the applicant demonstrates that unavoidable circumstances caused a construction delay.

7. Temporary Permits (attractive devices) Upon application the Staff may issue a temporary improvement location permit for the display of pennants and other similar attracting devices in connection with a special promotional program for an open-air business (see Section 155.049). See also Section 155.065, Temporary Signs, for related provisions.

a. During a seven consecutive day period related to a special event.

b. For use twice during any 12 month period, in conjunction with a pro-motional sales or service program, each period not to exceed three weeks in duration, and to be separated from any other such period by not less than four weeks.

D. Standards

1. Adequate access and off-street parking facilities shall be provided which shall not interfere with traffic movement on adjacent streets.

2. Any temporary use shall not occupy required parking spaces of the primary user(s) of the property.

3. If a temporary use that occupies an off-street parking facility encloses a portion of a parking lot to function as a sales area, that enclosure must consist of panels that fasten together and that attach to the surface of the parking lot, at a minimum height of 36 inches.

4. Any flood lights or other lighting shall be directed upon the premises and shall not be detrimental to adjacent properties.

5. No banners, pennants or signs shall be permitted in a residential district.

6. The lot shall be put in clean condition devoid of temporary use remnants upon termination of the temporary period.

7. Temporary sales areas provided for in C.5 shall not occupy more than 1,000 square feet of lot area.

8. If stacked, materials and items displayed for sale shall not exceed six feet in height.

(Am. Ord. 2000-8, passed 7-27-00; Am. Ord. 2001-5, passed 3-22-01; Am. Ord. 2002-32, passed 1-23-03)

155.063 HOME OCCUPATIONS

A. Intent

A home occupation may be permitted, subject to the requirements of this section provided that the permit may be renewed.

B. General Provisions

1. A home occupation shall be permitted when said occupation conducted on residentially used premises is considered customary and traditional, incidental to the principal use of the premises as a residence, and not construed as a business.

2. Home occupations shall be of a personal service nature limited to domestic crafts and professional service, including but not limited to:

a. Such professions or occupations as law, medicine, architecture, engineering, planning, real estate, musical instruction, insurance, notary public, manufacturer's agent, clergy, writing, painting, photography, and tutoring

b. Such domestic crafts as dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, custom home furnishings work, carpentry work and furniture repair.

3. For purposes of this Code, law offices, real estate and insurance offices, clinics, doctor's offices, barber shops and beauty parlors, dress shops, millinery shops, tourist homes, animal hospitals and kennels, trailer rentals, among others, shall not be deemed to be permitted home occupations.

4. Home occupations shall be subject to all the regulations of the applicable district in which they are located.

5. Home occupations shall not adversely affect the residential character of the district or interfere with the reasonable enjoyment of adjoining properties.

C. Standards (Non Retail)

1. The primary use of the structure or dwelling unit shall remain residential and the operator of the home occupation shall remain a resident in the dwelling unit.

2. The operator conducting the home occupation shall be allowed one employee on site and other employees located off site.

3. No structural additions, enlargements, or exterior alterations changing the residential appearance to a business appearance shall be permitted.

4. No more than 25% of the floor area of any one story of the dwelling unit or accessory structure shall be devoted to such home occupation.

5. No additional and separate entrance incongruent with the residential structural design shall be constructed for the purpose of conducting the home occupation.

6. No provision for more than one extra off-street parking or loading facility, other than the requirements and permitted facilities of the zone district, shall be permitted. No part of a minimum required setback distance shall be used for off-street parking or loading facilities and no additional driveway to serve such home occupations shall be permitted.

7. No display of goods or external evidence of the home occupation shall be permitted, except for one non-animated, non flashing announcement plate, indicating not more than the name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed two square feet in total surface area. The announcement plate shall not be self-illuminated and shall not be animated.

8. No stock in trade or commodities.

9. No electrical or mechanical equipment shall interfere with local telecommunications and television reception, or cause fluctuation in line voltage off the premises, or violate the general performance standards of Section 158.015.

10. Permits may be revoked by the staff if violations to the provisions occur. (Ord. 1979-24, passed 12-13-79; Am. Ord, 1988-27, passed 1-13-89)

155.064 OFF-STREET PARKING AND LOADING

A. Intent

1. Accessory off-street parking and loading facilities shall be provided and maintained for all buildings, structures, or premises used in whole or in part for purposes permitted by this chapter in accordance with the provisions of this section.

2. The regulations of this section are designed to alleviate or prevent congestion of the public streets by establishing minimum requirements for on-site storage of motor vehicles in accordance with the use to which the property is occupied.

B. Scope

1. No use lawfully established prior to October 5, 1966, shall be required to provide and maintain the parking and loading requirements herein, provided, however, that off-street parking and loading spaces required by any previous ordinances adopted pursuant to the Indiana Planning Statutes shall be continued and maintained.

2. For any non-conforming use which is hereafter damaged or partially destroyed, and which is lawfully reconstructed, reestablished, or repaired, off-street parking and loading facilities equivalent to those maintained at the time of the damage or partial destruction shall be restored and continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this chapter for equivalent new uses.

3. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, floor area, beds, seating capacity, or other unit of measurement, parking and loading facilities as required herein shall be provided for the increase in intensity of use.

4. Whenever the existing use of a building, structure, or premises shall hereafter be changed or converted to a new use permitted by this chapter, parking and loading facilities shall be provided as required for the new use.

5. Accessory off-street parking or loading facilities in existence on October 5, 1966, shall not hereafter be reduced below, or if already less than, shall not be further reduced below the requirements for a similar new use under the provisions of this chapter.

6. Nothing in this chapter shall be deemed to prevent the voluntary establishment of accessory off-street parking or loading facilities to serve any existing use of land or buildings, provided that all regulations herein governing the location, design, and operation of such facilities are adhered to.

7. Accessory off-street parking and loading spaces shall be provided on the same lot as the use serviced, except as otherwise provided in this chapter, and may be situated as one or more individual areas.

8. Accessory off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements for each such use, and provided that all regulations governing location of accessory parking spaces in relation to the use served are adhered to. Further, no parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Board of Zoning Appeals.

9. Accessory off-street parking and loading facilities provided to comply with the provisions of this chapter shall not subsequently be reduced below the requirements of this chapter.

10. Accessory off-street parking facilities required herein shall be utilized solely for the parking of passenger automobiles or light trucks of less than one-ton capacity, of patrons, occupants, or employees of specified uses. The parking facilities shall not be used for the storage, display, sale, repair, dismantling, or wrecking of any vehicle, equipment, or material.

11. Required off-street loading and unloading spaces shall not be construed as being part of the required off-street parking spaces.

12. Loading and unloading berths shall not be required for business uses and industrial uses which demonstrably do not receive or transmit goods or wares by truck delivery.

C. General provisions

1. Each required off-street parking space shall be at least 10 feet in width and at least 20 feet in length, exclusive of access drives or aisles, ramps, columns, or office or work areas. Such space shall have adequate vertical clearance. For parallel parking, the length of the parking space shall be 23 feet.

2. Each required off-street loading space shall be of a size not less than that required for an off-street parking space but scaled larger to delivery vehicles expected to be used, logically and conveniently located for bulk pickups and deliveries, and accessible to such vehicles when required off-street parking spaces are filled, provided that for industrial uses the off-street area required for the receipt or distribution by vehicles of materials or merchandise is held to be a 14 foot by 45 foot loading space with a 14 foot height clearance; provided further that no more than one berth is provided the minimum dimensions are held to be 10 feet by 33 feet with a 14-foot height clearance.

3. Except on lots occupied by one-, two-, and multi-family dwellings, each off-street parking space shall open directly on an aisle or driveway at least 12 feet

wide or such additional width and design in accordance with the following table, so as to provide safe and efficient means of vehicular access to the parking space. The aisle or driveway shall be unobstructed and allow for the passage of emergency vehicles at all times.

Parking Angle (in degrees)	Aisle Width (in feet)
45	14
60	18
90	24

Angles shall be measured between center line of parking space and center line of aisle.

4. All off-street parking or loading facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.

5. In determining the minimum required number of off-street parking or loading spaces, the following instructions shall be applicable in the computations:

a. If the unit of measurement is any fraction of the unit specified in relation to the number of spaces to be provided, the fraction shall be considered as being the next highest unit and shall be counted as requiring one space.

b. In sports arenas, churches and other places of assembly in which patrons occupy benches, pews, or other similar seating facilities, each 20 inches of such seating shall be counted as one seat for the purpose of determining requirements, unless otherwise stated below.

c. In the case of open floor areas used for temporary seating purposes, an area of 16 sq. ft. usable for seating shall be counted as one seat for the purposes of determining requirements of this chapter.

6. Accessory off-street parking areas may count toward the open space requirements of this chapter.

7. Accessory off-street parking and loading areas shall be provided to the rear of the required front building setback line, except as specified otherwise by this chapter. When permitted within required setback distances, a landscape screen shall be provided along the property line.

8. For purposes of determining off-street parking requirements under this division, gross floor area shall mean the total horizontal areas of the one or several floors of the building or portion thereof devoted to such use, including accessory storage areas located within selling or working space such as counters, racks, or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods or to offices. However, gross floor area shall not include that area devoted entirely and permanently to storage purposes, parking and loading facilities, or space used for restrooms, utilities, or elevator shafts.

9. For the purpose of calculating parking requirements, each category of use on a lot shall be considered separately, unless otherwise provided for by this section.

D. Minimum parking requirements

1. For uses not specified in this division or in such instance when the requirement for an adequate number of spaces is unclear, the number of parking

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spaces shall be determined by the City Engineer, on the basis of similar requirements, the number of persons served or employed, and the capability of adequately serving the visiting public. The determination may be reviewed by the Plan Commission or the Board of Zoning Appeals as part of their review of a development plan, PUD, conditional use or variance request. In all other cases, the Staff's decision may be appealed to the Board of Zoning Appeals.

2. In case of conflict between the provisions of this division the higher requirement shall govern.

Type of Use	Number of Parking Spaces Required
General	
Retail services	1 space / 200 square feet of floor area
Commercial, Manufacturing and industrial establishments not catering to the retail trade.	1 space / employee, based on largest shift; plus and adequate amount of spaces for visitors and company vehicles.
Office	1 space / 200 square feet
Residential uses	As required in the applicable sections of this chapter
Storage warehouse or warehouse establishment	1 space / 1.5 employees, or 1 space / 2000 square feet of leasable area, whichever is greater
Commercial Centers (all square footage in this section refer to the total building area with no adjustment).	<50,000 sq. ft. 5 spaces / 1000 sq. ft. floor area 50,000+ sq. ft. 4 spaces / 1000 sq. ft. floor area
Recreation/ Entertainment	
Bowling alley	4 spaces / alley
Community centers	4 spaces / 1000 square feet
Golf Courses	4 spaces / hole; plus 1 space / employee, based on largest shift
Park	Space equivalent to one percent of the total land area; parking area available along park roads or private drives may be used to fulfill this requirement; plus 1 space / employee based on the largest shift.
Private club or lodge	1 space / 3 persons allowed, maximum occupancy load as established by local, county, or state fire, building, or health Codes
Stadium or Sports Arena	1 space / 4 seats, when the facility is of an independent nature; When such facility is utilized in conjunction with a school, either the parking requirement based on seating capacity or the requirements based on schools shall be applicable, whichever

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	results in the greater number of spaces.
Swimming pool	1 space / 200 square feet of pool surface area; plus 1 space / 30 square feet of floor area used for spectator seating purposes
Tavern, bar, night club, or similar operations	1 space / 4 seats
Medical	
Hospitals, Convalescent center or nursing home	1 space / 4 patients; plus 1 space / employee based on largest working shift
Veterinary hospital	4 spaces / doctor; plus 1 space / additional employee
Social	
Cemetery	1 space / full time employee
Theaters, auditoriums, funeral homes, and similar places of congregation	1 space / 5 seats
Fire or police stations	1 space / employee based on largest working shift
Philanthropic and charitable institutions	1 space / 2 employees, based on largest working shift; plus an adequate number of spaces to serve the public
Public service uses including libraries, museums, and similar places of assembly	1 space / 1000 square feet
Churches, temples, or synagogues	1 space / 3.5 seats in the sanctuary and any overflow seating area directly connected to the sanctuary.
Works	
Radio and television studios	1 space / employee
Transit terminals	1 space / 4 seats of waiting passengers
Utilities	1 space / 400 square feet of gross floor area devoted to office use; 1 space / 800 square feet of gross floor area per other use.
Wastewater treatment	1 space / employee
Education	
College or university, professional, vocational, trade, and similar educational institutions	0.82 parking space for each student, based on the maximum number of students attending classes on the premises at any time during a 24 hour period. If the school provides on site housing, the requirement may be reduced to .5 parking space for each student. The school is responsible for furnishing the above information.
Day care, kindergartens,	1 space / teacher and employee, based on the largest shift;

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child care, and similar institutions	plus 1 space / 6 students or off street waiting spaces to accommodate at least 6 automobiles
Schools, public and private	3. 1 space / teacher and staff member, based on the largest working shift, plus at least 6 visitor spaces
1. Elementary or Junior High	
2. Senior high	4. 1 space / teacher and staff member, based on the largest shift; plus 1 space / 5 students
Services Uses	
Automobile service station uses	1 space / employee; plus 2 spaces / each service bay (service bay is not a parking space)
Drive through bank or financial institutions	2.5 parking spaces for each 1000 sq. ft. of gross floor area
Bed and breakfast	1 space / sleeping room; plus 2 spaces / permanent resident
Drive through restaurants	17.5 spaces / 1000 sq. ft. of floor area.
Drive in restaurants	2 spaces / 100 sq. ft. of floor area, plus 1 space / employee, bases on largest working shift.
Group housing, including elderly housing, and boarding houses	1 space / 2 beds, or each 2 dwelling units in the case of elderly housing; plus 1 parking space / employee, based on the largest shift
Hotel or motel	1 space / room or suite; plus 1 space / 5 employees, based on the largest work shift; plus 1 space / 3 persons to the maximum capacity of each public meeting and / or banquet room; plus 50% of the spaces otherwise required for accessory uses (e.g., restaurants and bars)
Kennel	1 space / employee; plus 1 space / 1,000 square feet
Open air type business uses, including auto and boat sales, plant nurseries	1 space / 3000 square feet of open sales lot area
Restaurants	1 space / 4 seats
Self storage	3 spaces; plus 1 space / 100 units

E. Off-site parking facilities

1. Required off-street parking facilities shall be provided hereinafter. The Board of Zoning Appeals is authorized to grant an off-site parking facility as a conditional use in accordance with the following conditions.

2. A plan for such off-site parking facility shall be filed with the Board of Zoning Appeals as a required exhibit accompanying the conditional use application and shall be made part of the conditions of any approval therefore. The plan shall demonstrate compliance with all applicable standards of this chapter, shall be amended

and re-approved to indicate any change or other modification of uses served or number of parking spaces provided therefore, and shall indicate:

- a. Adjacent streets, alleys, and lots.
 - b. All individual primary uses to be served, including the location, use, and number of parking spaces for each such use.
 - c. A layout drawn to scale of aisles and driveways, entrances, exits and turn-off lanes, parking spaces, setbacks, drainage facilities, and landscaping and buffer screening.
 - d. Type of lighting and pavement proposed, and identification signs including location, size, and design thereof, showing intensity levels and characteristics.
3. Valet parking arrangements shall be considered a conditional use.
 4. In the Historical Overlay District all or any part of an off-street parking requirement may be provided in an off street parking reservoir which collects and combines such parking obligations into a common facility in order to further the objectives of the downtown.
 - a. Such off site parking facilities may be located in an adjoining zone district within nine hundred (900) feet of the site served, such distance to be measured along the nearest pedestrian walkway from the nearest point of the site served to the nearest point of the separated off street parking spaces; provided, that such off site parking facilities shall not be located in a residential zone district.
 - b. In order to encourage the development of off street parking reservoirs in accordance with the objectives of this Chapter, the number of required spaces per use utilizing such facility may be reduced to the extent of ten (10) percent below such off-street parking requirement. Such reduction shall be indicated on the approved site plan.
 - c. Off site parking facilities shall be provided with setback distances equivalent to the requirements of the zone district, and ingress and egress points shall be limited to protect the function of adjoining streets.
 - d. Each use utilizing off site parking facilities to comply with off street parking requirements of this Chapter shall be encumbered by proper notations on certificates of zoning compliance and placed of public record in the office of the County Recorder, which subject such accessory off-street parking facilities to parking uses in connection with the primary uses served.
 - e. In all other instances, except in subsection 4 of this section, no more than forty percent (40%) of the required off street parking spaces may be located off the specified site within three hundred (300) feet of such site, such distance to be measured along the nearest pedestrian walkway from the nearest point of the site served to the nearest point of the separated off street parking spaces; provided, that off site parking facilities shall be located in the same zone district as the use served.
 - f. Off site parking facilities shall be provided with setback distances equivalent to the requirements of the zone district, and ingress and egress points shall be limited to protect the function of adjoining streets
 - g. Off site parking facilities shall be encumbered by an instrument duly executed and acknowledged, which shall subject such accessory off street parking facilities to parking uses in connection with the primary use served. Such instrument shall specify and bind the time period to the anticipated life of the building or use to

which the parking facilities are accessory. Such instrument shall be recorded in the applicable zoning compliance permit files of the Commission, and placed of public record in the office of the County Recorder.

5. Off-site parking facilities shall be developed in accordance with the provisions of division "F" below. Further, the facilities shall be developed under such conditions imposed by the Board of Zoning Appeals as to protect residential districts and maintain at a minimum the disturbance to nearby residential uses.

F. Development standards

1. All off-street parking areas for four or more automobiles shall be developed in accordance with the standards of this section, except in the case of one-, two-, and multi-family dwellings, agricultural and rural uses, and storage of vehicular merchandise not counting toward the minimum requirements as set forth in this chapter.

2. Required off-street parking spaces shall be so designed, arranged, and regulated, as to have individual spaces marked, be unobstructed, and have access to an aisle or driveway so that any automobile may be moved without moving another, and so that no maneuvering directly incidental to entering or leaving a parking space shall be on any public right-of-way or walkway.

3. Off-street parking spaces may be open to the sky or enclosed in a building. In any instance when a building is constructed or used for parking facilities on the zone lot, the building shall be treated as any major structure and subject to all requirements thereof.

4. No repair work, sales, or service of any kind shall be permitted in association with accessory off-street parking facilities unless such facilities are enclosed in a building and otherwise permitted in the district.

5. All open off street parking areas shall be surfaced with an all weather paving material capable of carrying a wheel load of four thousand (4,000) pounds, or improved with concrete or a compacted macadam base and surfaced with an asphalt pavement, to adequately provide a durable and dust free surface which shall be maintained in good condition and free of weeds, dirt, trash and debris; except, that:

a. A gravel surface may be used for a period not exceeding one (1) year after the date of granting the occupancy permit where ground conditions are not immediately suitable for permanent surfacing as specified in Subsection 5 of this Section.

b. A gravel surface in the area of storage or handling may be used permanently in association with industries that handle liquids or chemicals which create a potential hazard if containment should be lost and where absorption into the ground through a loose surface material would eliminate or alleviate such hazard.

6. Driveway entrances or exits shall be no closer than twenty five (25) feet to an adjoining residential property line or ten (10) feet to an adjoining nonresidential property line or designed in such a manner as to least interfere with traffic movement. No driveway across public property at the right of way line shall exceed a width of thirty (30) feet; provided, that two (2) driveways not exceeding thirty (30) feet in width each may constitute a single entrance-exit divider designed driveway; provided further, that such driveways shall conform to the requirements of engineering departments having jurisdiction thereof. No driveway shall be closer than forty (40) feet to the curbline of an intersecting street.

7. In any zone district, each use which is located so that it fronts upon and provides access to an arterial thoroughfare shall provide a frontage lane paralleling and adjoining the improved part of the right of way at least eleven (11) feet in width for turning traffic entering the lot. Such frontage lane shall be at least one hundred (100) feet in length, exclusive of the entrance way and taper area; provided, that if the lot frontage is too small to meet such requirement, the frontage lane shall extend the entire width of the lot.

8. Any lighting facilities used to illuminate off street parking areas shall be so located, shielded and directed upon the parking area in such a manner that they do not reflect or cause glare onto adjacent properties, or interfere with street traffic. In no instance shall bare unshaded bulbs be used for such illumination.

9. Such parking areas shall be graded and properly drained in such a manner that there will be no free flow of water onto either adjacent property or public sidewalks. Further, any additional run off generated by such improved areas shall be disposed of in appropriate drainage facilities, as approved by the City Engineer.

10. Such parking areas shall be so lined or designated as to insure the most efficient use of the parking spaces and shall be provided with bumper guards or wheel guards so located that no part of the parked vehicle will extend beyond the boundary of the established parking area into any minimum required yard or onto any adjoining property.

11. Reserved.

12. The parking areas in the Commercial and Industrial Zone Districts shall be provided with a solid landscape screen not less than three feet in height whenever the parking area is located within one hundred (100) feet of adjoining residential uses or fronting upon any adjoining residential uses.

13. The ground area between the required off street parking area setback and any lot line shall be landscaped with appropriate material to adequately indicate delineation.

14. Such parking areas may be provided with one (1) story shelter building or guard building which shall not exceed one hundred (100) square feet of gross floor area and shall conform to all the structural requirements of the zone district.

G. Loading Requirements

1. Uses and buildings with a gross floor area of less than 5000 square feet shall provide adequate receiving facilities, so as not to obstruct the free movement of pedestrians and vehicles over a sidewalk, street, or alley.

2. Uses and buildings with a gross floor area of 5,000 square feet or more shall provide off-street loading spaces in accordance with the following table:

Use Description	Floor Area in Square Feet	Number of Spaces Required
Manufacturing, distribution, wholesaling, storage and similar uses	5,000 - 25,000	1
	25,001 - 60,000	2
	60,001 - 100,000	3
	Each 50,000 above 100,000	1
Office buildings, hotels and motels retail sales, hospitals, institutions, and similar uses	5,000 - 60,000	1
	60,001 - 100,000	2
	Each 100,000 above	1

100,000

3. Off-street loading areas shall be developed in accordance with the standards in this division or the regulations of the district, whichever is greater.

(Ord. 1979-24, passed 12-13-79)

Greenfield does not currently have local parking standards for accessible parking for disabled citizens. The practice has been to encourage compliance with the Americans with Disabilities Act (ADA). This proposed ordinance follows ADA standards. It is recommended that the Greenfield Police Department be empowered to enforce this section of the zoning ordinance.

H. Accessible Parking.

All private or public facilities which provide parking spaces for self-parking by employees or visitors, or both, shall provide accessible spaces complying with this section in each such parking area. Provided however, that accessible spaces need not be provided in the particular lot if the Board of Zoning Appeals finds that there is equivalent or greater accessibility (in terms of distance from accessible entrance, cost, and convenience), and is assured that the alternative location is available on a permanent, continual basis.

1. Schedule of required accessible parking spaces. Accessible parking spaces shall be provided in the following number:

a. For outpatient units and facilities providing medical care and other services for persons with mobility impairments: 10% of the total number of parking spaces shall be reserved for accessible parking.

b. For units and facilities that specialize in the treatment or services for persons with mobility impairments: 20% of the total number of parking spaces shall be reserved for accessible parking.

c. For single-family dwellings: accessible spaces shall be provided at the discretion of the property owner.

d. For all other uses, the following standards shall apply:

Total Parking Spaces in lot	Required Minimum Number of Accessible Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
1,001 and over	20 plus 1 for each 100 over 1,000

1. Van accessible spaces. One in every eight accessible spaces, but not less than one, shall be served by an access aisle 8 feet wide minimum and shall be designated "van accessible." Van accessible spaces shall have an adjacent 8 feet

minimum wide aisle which is part of the accessible travel route to the building or facility they serve. Two van accessible parking spaces may share a common access aisle. All such spaces may be grouped in one location. Van accessible spaces shall have a minimum clearance of 8 feet 2 inches at the parking space and along at least one vehicle access route to such spaces from site entrance and exit.

2. Valet Parking. Valet parking facilities shall provide a passenger loading zone with an access aisle of at least 5 feet wide and 20 feet long, adjacent and parallel to the vehicle pull-up space. If there is a curb between the access aisle and the vehicle pull-up space, then a curb ramp shall be provided which complies with the City Engineers' standards.

3. Location of Accessible Spaces. Accessible parking spaces shall be located on the shortest possible route of travel from adjacent parking to an accessible entrance to the building or facility they serve. The route of travel should not cross an aisle carrying vehicular traffic.

4. Size of Accessible Spaces and Access Aisle. Accessible spaces shall be at least 8 feet wide with an adjacent 5 feet minimum wide aisle which is part of the accessible travel route to the building or facility they serve. Two accessible parking spaces may share a common access aisle.

5. Identification of Accessible Spaces. Accessible parking spaces shall be reserved by a sign showing the symbol of accessibility, and van accessible spaces shall have an additional sign "Van-Accessible" mounted below the symbol of accessibility. Such sign shall be mounted so that the bottom of the sign is 5 feet above the finished grade, and shall be directly in front of the accessible parking space and unobstructed. Additionally, such spaces shall be designated by blue lines, including the symbol of accessibility, in accordance with IC-5-16-9-4.

I. Parking and Storage of Certain Vehicles

1. Automotive vehicles or trailers of any type without current license plates or in an inoperable condition, so as to be deemed dead storage, shall be prohibited in residential zone districts other than in completely enclosed buildings, and shall not be parked or stored in any zone district unless specifically authorized under the terms of this Chapter.

2. The parking of a commercial, self-propelled vehicle in residential zone districts shall be prohibited; except, that:

a. Commercial vehicle of not more than three (3) tons capacity may be parked on any lot on which there is located a principal building; provided further;

b. Such vehicle is parked in an enclosed garage, accessory building or rear yard and is used by a resident of the premises. This regulation shall not be interpreted to prohibit commercial vehicles from temporary loading and unloading in any residential zone district.

155.065 SIGNS

A. Purpose and intent

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In accordance with the provisions of I.C. 36-7-4-601, this section contains requirements which are intended to further the goals of the Comprehensive Plan. Specifically, the purposes of these sign regulations are to implement the following city policies:

1. To provide minimum standards to safeguard life, health, property, and public welfare, and to promote traffic safety by controlling the design, quality of materials, construction, illumination, size, location and maintenance of signs and sign structures.
2. To enhance local economic development and growth and to protect public and private investment.
3. To avoid the excessive proliferation of signs that may impede the flow of information from safety and traffic signs and signals to pedestrians and motorists; and may actually impede the flow of information from businesses to consumers;
4. To preserve and enhance the character and visual appearance of the city;
5. To encourage signs to be compatible with the design of buildings and with the surrounding area;
6. To encourage simplicity and readability of signs;
7. To encourage employment of the principles of good design; and

Further, it is the intent of this section to encourage signs which are all of the following:

1. Safe, legible and effective for communication in the circumstances in which they are seen;
 2. Appropriate to the activity that displays them;
 3. Expressive of both the individual activity and the community as a whole;
- and
4. A balance of the community's objectives and regulatory requirements with the reasonable advertising and way finding needs of businesses.

B. Definitions

The following definitions are to be used in conjunction with the sign ordinance, in addition to the previous definitions.

ABOVE ROOF SIGN A sign displayed above the peak or parapet of a roof.

ANIMATED SIGN Any sign that uses movement or change of lighting to depict action or create a special effect or scene, where the copy or images change at intervals.

ATHLETIC FIELD BOOSTER BANNERS Banners and signs displayed on athletic fields by organizations sponsoring the sport.

AWNING A cloth, plastic or other nonstructural covering that either is permanently attached to a building or can be raised or retracted to a position against the building when not in use.

AWNING SIGN A sign painted, stamped, perforated, or stitched, or otherwise applied to an awning.

BACKLIT AWNING SIGN An enclosed illuminated structure that is attached to the wall of the building with the face of the sign approximately parallel to the wall and with the message integrated into its face.

BALLOON An inflated object no larger than 18" in diameter displayed at a height which is not above the roof ridge line of the principal building or is not higher than 15 feet. An inflatable sign is not a balloon.

BANNERS Any sign of lightweight fabric or similar material that is mounted to a pole or a building by a frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

BARBER POLES Rotating or stationary cylindrical pole of the traditional red, white and blue spiral striped design, identifying the premises as a barber shop.

BILLBOARD A sign that identifies or communicates a commercial or non-commercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than the lot where the sign is located.

BUILDING FRONTAGE The length of a building wall or tenant occupancy width that fronts along any public street (not an alley) which is used to calculate the allowed square footage of wall signs placed on the entire tenant space or building.

BUSINESS CENTER A development of not less than three permitted business or retail establishments, planned, platted, organized or managed to function as a unified whole, and having features in common, which may include, but are not limited to driveways, entries, parking areas, common areas, signage plans and landscape plans.

BUSINESS DIRECTORY SIGNS A sign or set of similarly designed individual signs, placed or displayed in sequence, to list all or part of the tenants within a building or business center.

CANOPY SIGNS Signs suspended no lower than eight feet above the public right-of-way or above a walkway that is used by the public, or under a canopy or awning of a building, which identifies a building, profession or industry conducted on the premises.

CHANGE OF COPY Changing of the face or letters on a sign. Change of a copy shall not constitute a change of use.

CHANGEABLE COPY SIGNS A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged either electronically or manually.

COMMERCIAL MESSAGE Any sign, wording, logo, or other representation that, directly or indirectly, names, advertises or calls attention to a business, industry, product, service, or activity.

COMMUNITY ACTIVITIES SIGNS Signs associated with a religious, charitable, cultural, civic or educational organization.

CONSTRUCTION ANNOUNCEMENT SIGNS Signs placed on a property upon which construction is to take place, or is taking place, which contain information regarding the individuals and firm directly connected with the construction project, including the name of the contractor, the sub-contractors, the architects, the lender, the real estate licensee, the utilities, and the possible future tenants.

DAMAGED SIGN A sign whose sign structure is no longer capable of displaying its sign face as designed due to damage caused by fire, weather or other accidental means beyond control of the applicant.

DIRECTIONAL SIGN A sign providing information for the convenience of the public, such as the location of exits, entrances, parking and public restrooms.

DOUBLE-FACED SIGNS A sign which is constructed to have the perimeter of both faces coincide and are parallel and not more than 24 inches apart. The interior angle created by two faces shall not exceed 60 degrees.

ELECTRONIC VARIABLE MESSAGE SIGN (EVMS) An advertising sign where the message copy includes characters, letters, or illustrations that can be changed or

rearranged electronically without touching or physically altering the primary surface of the sign. Message copy may be changed in the field or from a remote location.

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

FREESTANDING BUSINESS CENTER IDENTIFICATION SIGNS Freestanding signs which identify a business center of not less than three businesses and which may be a combination of business center identification sign as well as business directory signs.

FREESTANDING SIGN Any sign attached to a self-supporting sign structure standing on the ground, which is essentially unattached to any other structure. Signs mounted on architecturally integrated extensions of building are not considered free standing.

GARAGE SALE SIGN Signs which advertise the sale of miscellaneous household items for the purpose of a residential garage or yard sale.

GASOLINE DISPENSER CANOPY A roof like structure that covers individual gasoline pump dispensers, serves as a second tier canopy, is a lighting source for the dispensing area, serves to identify the gasoline pumps by numerical designation, and may display signs.

GASOLINE PRICE SIGNS On premises signs identifying the brand and/or type and price of gasoline sold.

GASOLINE PUMP ISLAND CANOPY A roof like structure that covers a series of gasoline pump dispensers, is a lighting source for the dispensing area, and may display signs.

GOVERNMENTAL OR OTHER SIGNS REQUIRED BY LAW Signs placed in any area of the city by a governmental entity or private individual or business as required by federal, state or local law.

HEIGHT OF FREESTANDING SIGNS The distance measured from the average surface grade at the edge of the pavement of the adjacent street to which the sign is oriented, to the top of the highest element of the sign.

IDENTIFICATION SIGNS A monument or sign identifying a multi-family dwelling complex, a single family subdivision or a mobile home park by name and/or address.

ILLUMINATED SIGNS Signs or individual letters in which an artificial source of light, such as fluorescent, neon or LED, is used in order to make the message readable. This definition shall include internally and externally lighted signs, and reflectorized, glowing, or radiating signs.

INCIDENTAL SIGN A nameplate, temporary sign, or sign relating to the lot or use thereof and designating accessory uses, direction, identification, information, or real estate for sale, rent, or lease.

INCIDENTAL WINDOW SIGN A sign or text affixed to the window or door of an occupant which the primary intent is to display information that is intended for pedestrian traffic, and is not intended to be viewed from public rights-of-way or parking lots.

INFLATABLE SIGN An inflated object tethered or otherwise attached to the ground, structure or other object, but excluding hot air balloons that are temporarily tethered in connection with their imminent flight. This definition includes, but is not limited to inflated representations of blimps, products, cartoon characters, animals and the like.

INSTITUTIONAL SIGNS Signs identifying the premises of, or announcing the activities conducted by a church, school, hospital, rest home, or similar institutional facility.

INTERSECTION VISIBILITY TRIANGLE An area of unobstructed vision at street intersections and driveway entrances/exits, permitting a vehicle driver to see approaching vehicles to the right or left. Nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision clearance between the heights of three and ten feet above the centerline grades of intersecting streets and/or drives.

INTERSTATE CORRIDOR SIGNS A sign oriented to the interstate and located within 660 feet of the right of way of I-70.

INTERSTATE HIGHWAY LOGO SIGN An official government sign that contains only a logo located within a designated interchange area, whose purpose it is to identify restaurants, lodging, and service stations available in the vicinity of that interchange.

LEGAL NON-CONFORMING SIGN OR SIGN STRUCTURE Any continuous lawful sign or sign structure having commenced: (a) prior to the time of adoption, revision or amendment requiring the sign or sign structure to conform to the present requirements of § 155.065, or (b) pursuant to a granted variance.

LOGO A unique image or type style or a close combination of the two as commonly used by an activity.

MAINTAIN To repair, service, or refurbish a sign or sign structure or any part thereof, in an identical manner or change any identical component of the sign, all making the sign fully functional.

MANAGER OR OFFICE OF MANAGER SIGNS Signs which identify the location of the manager or the office of the manager of property.

MODEL HOME SIGNS Signs identifying a model home in a subdivision or land development project.

MONUMENT SIGN A free-standing sign no more than six feet in height which is placed on a solid base directly on the ground or is supported by posts or a pylon not more than 18 inches in height.

MURAL A picture on an exterior surface of a structure. A mural is a sign only if it is related by language or logo to the advertisement of any product or service or the identification of any business.

NON-COMMERCIAL OPINION SIGNS A sign which does not advertise products, goods, businesses, or services and which expresses an opinion or point of view, such as a student achievement announcement, a political, religious, or other ideological sentiment, or support or opposition to a candidate or proposition for a public election.

OFF-PREMISES SIGNS A sign that identifies or communicates a commercial or non-commercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than the lot where the sign is located.

OFF SITE DIRECTIONAL SIGNS A sign containing information limited to the name of the business, the nature of the business, the business logo, if any, and the distance and direction to the use being advertised.

PENNANTS Any lightweight plastic, fabric or other material, whether or not containing a message, suspended from a rope, wire or string, usually in series, designed to move in the wind.

PERMANENT SIGN A sign that is attached to the ground or to a building in such a manner that it is not intended to be frequently removed or replaced and is not a portable or temporary sign as defined herein.

PLACED OR DISPLAYED Erected, constructed, posted, painted, printed, tacked, glued, carved or otherwise fastened, affixed or made visible in any manner whatsoever.

PORTABLE SIGN Any sign that is not permanently affixed to a building, structure, or the ground, inclusive of signs on movable objects, except signs on vehicles which are moving or parked only temporarily, incidental to their principal use for transportation; a portable sign is designed to be moved from place to place.

PROJECTING SIGN Any sign affixed to a building or wall in such a manner that its leading edge extends more than 12 inches beyond the surface of such building or wall and the sign face is at an angle and/or perpendicular to the face of the wall.

PYLON SIGN A freestanding sign supported by one or more structural elements designed as an integrated architectural unit with the sign.

REAL ESTATE SIGNS Signs offering developed or undeveloped real property for sale, lease or rent.

REPLACEMENT PERMIT A permit issued for the exact replacement of a damaged sign as it originally existed, in order to verify that no material change is being made to the size or location.

ROOF RIDGE LINE A horizontal plane projected parallel to the primary plane of a building floor and touching the primary roof plane on the building.

ROOF SIGN A sign that is displayed above the eaves and under the peak of a roof.

SIGN Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks or combinations thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, product, or idea.

SIGN AREA The surface area of sign face is the entire area measured within a single continuous perimeter enclosing all elements of the sign which form an integral part of the sign and which are organized, related, and composed to form a single unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign. The calculation for a double-faced sign, when the faces are parallel and not more than 24 inches apart, so that only one face may be seen at any one time, shall be computed by the measurement of a single face.

SIGN FACE The surface of the sign on, against, or through which the message of the sign is exhibited.

SIGN PROGRAM A coordinated design plan of one or more signs for an individual business establishment or a business center.

SIGN STRUCTURE The supports, uprights, bracing, and framework for the sign. In the case of a sign structure consisting of two or more sides where the angle formed between any of the sides (or the projection thereof) exceeds 15 degrees, each side shall be considered a separate sign structure.

SPONSORSHIP EMBLEMS Signs designating a donor or sponsor to a community activity or structure that is generally associated with a religious, charitable, cultural, civic, or educational event, place, or structure.

TEMPORARY SIGN Any sign that is used only temporarily and is not permanently mounted.

TIME AND TEMPERATURE SIGN An electronic or mechanical device which shows time and/or temperature, but contains no business identification or advertising. The

surface area of the time/ temperature display shall be included in the total aggregate sign area of the business.

UNUSED OR ABANDONED SIGN, SIGN FACE OR SIGN STRUCTURE A sign, sign structure, or any portion thereof that has not been used for its immediately preceding purpose for a period exceeding 90 days.

WALL SIGNS Signs painted on, or attached to the wall of a building, and erected parallel to the face of a building.

WINDOW SIGNS Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

C. General limitations

Provisions of this section regulating the location, placement, maintenance, gross surface area, projection, height limitation, construction, removal and number of signs shall be subject to further restrictions by the applicable provisions of this code.

1. All signs and sign structures shall be kept in good repair, and safe, neat, clean condition. Signs and sign structures may be inspected periodically by the Zoning Administrator and/or his/her agent for compliance with this and other codes of the city.

2. Removal of sign. The Zoning Administrator may order the removal of any sign or sign structure erected or maintained in violation of this code. He or she shall give a minimum of 14 days notice in writing to the owner of a permanent sign, or place a notice of such violation on the building, structure, property or sign in violation, to remove the sign or sign structure or to bring it into compliance. He or she shall give a minimum of three days written notice for temporary or portable signs. The Zoning Administrator or his or her agent may remove a sign or sign structure immediately, and without notice if, in his or her opinion, the condition is such as to present an immediate threat to the safety of the public.

3. Monument signs are encouraged.

4. Commercial centers, business and industrial parks and PUD developments are encouraged to have an overall sign program.

5. The name of the business shall be the dominant message on the sign.

6. Registered or copyrighted logos or trademarks shall be allowed.

7. The various limitations on billboards are set forth in division G.3. of this section.

8. Signs and sign structures are prohibited in public right of way.

9. No sign or sign structure shall be permitted in the intersection visibility triangle as defined in § 155.037. This shall not apply to traffic control signs.

See Appendix A Reference C.9. Intersection Visibility

10. Sign area and height calculations:

a. The surface area of a sign face is the entire area measured within a single continuous perimeter enclosing all elements of the sign which form an integral part of the sign and which are organized, related, and composed to form a single unit. For wall signs containing individual letters, figures, or elements, the area and dimensions of the sign shall encompass a rectangular geometric shape. Multiple geometric shapes may be utilized to encompass the related elements of a sign. Where matter is displayed in a random manner without organized relationship of elements, or

where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

b. The calculation for double-faced sign, when the faces are parallel and not more than 24 inches apart, so that only one face may be seen at any one time, shall be computed by the measurement of a single face.

c. The supports, uprights, bracing, and framework for the sign shall not be included in the area calculations, except as they contribute to the height of the sign.

d. In the case of a sign structure consisting of two or more sides where the angle formed between any of the sides (or the projection thereof) exceeds 15 degrees, each side shall be considered a separate sign structure.

See Appendix A Reference C.10.a-d. Sign Area Calculations

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

See Appendix A Reference C.10.e. Sign Height Calculations

D. Signs allowed without a permit in all districts or zones

The following signs may be placed in all districts or zones of the city without a permit, subject to the restrictions and limitations contained in this division and as contained in division C. of this section.

1. Barber poles. Rotating or stationary cylindrical poles of the traditional red, white, and blue spiral striped design, identifying the premises as a barber shop.

a. Size: Shall not exceed 2-1/2 feet in length.

b. Height: Top of sign shall not extend above the roof ridge line of the barber shop being identified.

c. Location: Attached by brackets to the barber shop being identified.

d. Other restrictions: Such signs may move or rotate, notwithstanding the general prohibition of moving or rotating signs in division J. of this section.

2. Governmental or other signs required by law.

a. Size: As required by law.

b. Height: As required by law and not to exceed the height of freestanding sign allowance.

c. Location: As required by law.

d. Other restrictions: Shall be non-illuminated unless required by law.

3. Non-commercial opinion signs. Temporary free standing non-commercial opinion signs intended only for single family and two family residential year round use. Not more than two opinion signs shall be permitted per residential dwelling lot throughout the calendar year.

Notwithstanding the above, for any use, district, and zone, during a period 45 days prior to, and five days following a primary or general election (including special elections), the maximum number of non-commercial opinion signs permitted shall be equal to the number of offices and issues on the local ballot.

a. Size: Sign face area shall not exceed 32 square feet.

b. Height: Shall not exceed six feet in height.

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c. Location: Not less than five feet inside the property line. Prohibited on public property.

d. Other restrictions: Shall be non-illuminated. No temporary freestanding non-commercial opinion sign shall be left erected for a period exceeding six months, or else shall be considered a permanent sign and subject to the regulations thereof.

4. Real estate signs for property of less than one acre. Signs offering developed or undeveloped real property of less than one acre for sale, lease, or rent. Real estate signs are prohibited in the right-of-way.

a. Size: Shall not exceed 32 square feet in sign area in nonresidential areas. In the event that the sign refers to a single family home, then the size of the sign shall not exceed six square feet in area.

b. Height: Shall not exceed ten feet in height if freestanding, except that on a residentially zoned lot, the height shall not exceed six feet.

c. Location: Not less than five feet inside the property line.

d. Other restrictions: Shall be non-illuminated. Only one such sign may be displayed on each street frontage of the property to which it refers.

5. Garage sale signs. Signs advertising the sale of miscellaneous household items for the purpose of a residential "garage" or "yard" sale.

a. Size: Shall not exceed six square feet in sign area.

b. Height: Shall not exceed six feet in height.

c. Location: Not less than five feet inside the property line.

d. Other restrictions: Shall be non-illuminated. Such signs may be erected on the premises one week in advance of the sale and shall be removed within 48 hours after the sale. Only one such sign may be displayed on each street frontage of the property to which it refers. Shall not be placed on any public utility or light pole, fence or post. Shall not be placed within round-about islands or in any public right-of-way or property.

6. Name and/or address sign. One sign identifying only the owner or occupant of a building. The maximum aggregate sign area shall be one square foot.

7. Help-wanted signs not exceeding eight square feet on non-residential property.

8. Holiday decorations.

9. Temporary window signs with less than 25% coverage. Signs may be placed or displayed on a window or window frame, covering less than 25% of the window area announcing special sales, change of management, or similar information, and designed to be viewed from adjacent streets, sidewalks, public rights-of-way, or parking lots for a maximum of 30 days per sign. Where not temporary, then permanent window signs shall be counted as part of the total allowable sign area and total allowable number of signs, and permanent and temporary window signs combined shall not exceed 50% of the window area.

10. Incidental window sign. Window signs that are intended to portray information pertaining to the operation of the occupancy, and that are not intended to be viewed from adjacent streets, sidewalks, public rights-of-way or parking lots.

11. Construction announcement signs. Signs placed on real property upon which construction is or will be taking place, which contain information regarding the

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individuals and firm directly connected with the construction project, including, but not limited to, the name of the contractor, the real estate licensee, and the future tenant(s).

- a. Size: Shall not exceed 32 square feet in sign area.
- b. Height: Shall not exceed eight feet on a parcel of land less than one acre. Shall not exceed 12 feet on a parcel of land of one acre or more.
- c. Location: Not less than five feet inside the property line.
- d. Other restrictions: Shall be non-illuminated. Signs shall be removed when work is completed. Only one such sign may be displayed on each street frontage of the property to which it refers.

12. Temporary celebration and announcement signs for birthdays, anniversaries, and the like. Announcements may be displayed on a residential lot for a period not to exceed one week.

- a. Size: Shall not exceed 32 square feet in sign area.
- b. Height: Shall not exceed six feet in height.
- c. Location: Not less than five feet inside the property line.
- d. Other restrictions: Shall be non-illuminated. Such signs may be erected on the premises one week in advance of the event and shall be removed within 48 hours after the event. Only one such sign may be displayed.

13. Community activity signs are generally associated with religious, charitable, cultural, civic, or educational organizations. In no event shall signs for commercial operations be considered a community activity sign.

- a. Size: Shall not exceed 32 square feet.
- b. Location: Not less than five feet inside the property line.
- c. Height: Shall not exceed six feet in height.
- d. Other restrictions: Shall be non-illuminated signs and shall identify the organization and shall be at a level consistent with adequate identification and readability without creating a nuisance for neighboring property owners. Such signs are allowed for a period of 15 days prior to the event and shall be removed within five days after the event. One such sign is allowed per property. No more than six such signs shall be placed within city limits without a permit.

14. Sponsorship emblems. Signs designating a donor or sponsor to a community activity that is generally associated with a religious, charitable, cultural, civic, or educational event, place or structure.

- a. Size: Sponsorship emblems shall not exceed two square feet.
- b. Height: Shall not extend above the height of the structure upon which the sign is displayed.
- c. Location: Shall not be located in the right-of-way.
- d. Other restrictions: Shall not be internally illuminated.

15. Memorial plaques and remembrances of persons or events that are non-commercial in nature and do not exceed two square feet.

16. Historical identification signs. Signs for property designated by a federal, state, or local government as a historical location, site or landmark, provided such sign does not exceed 12 square feet in area.

17. Athletic field booster banners. Banners or signs displayed by sports sponsoring organizations on the interior side of perimeter fencing or structures of

athletic fields to be viewed by sports spectators and participants. The face of such banners and signs shall be oriented internally towards the field of play.

- a. Size: Banners shall not exceed 32 square feet.
- b. Height: Shall not extend above the height of the structure upon which the sign is displayed.
- c. Location: Shall not be located in the right-of-way. Shall not be oriented towards the right-of-way.
- d. Other restrictions: Permanent structures may not be erected for the purpose of supporting athletic field booster banners. Banners shall be non-illuminated and shall be secured on all four corners. Banners must be neat clean and professional and maintained throughout the season.

E. Signs allowed by permit in all zones

The following signs may be placed in all zones by permit, subject to the restrictions and limitations specified in this division and divisions C. and J. of this section, or the standards created during Development Plan or Conditional Use approval:

1. Institutional signs. Signs identifying the premises or announcing the activities conducted by a church, school, hospital, nursing home, parks or similar institutional facility. Signs shall meet the standards and provision of § 155.065G.
2. Real estate signs offering real property of one acre or more for sale, lease, or rent.
 - a. Size: Shall not exceed 32 square feet in sign area. In the event the sign does not exceed six square feet in sign area, a sign permit shall not be required, and the provisions of § 155.065.D.4. shall be applicable.
 - b. Height: Shall not exceed 12 feet.
 - c. Location: Not less than ten feet inside the property line in residential zones, commercial and industrial zones.
 - d. Other restrictions: May be illuminated signs, but the light shall be directed so it does not interfere with on-coming traffic. Only one such sign may be displayed per street frontage of the property to which it refers. Sign shall be removed within seven days of the sale, rental, or lease of the property.
3. Replaced damaged sign. A sign or sign structure erected under a legally obtained permit, which is damaged or destroyed by wind, weather, or other accidental means beyond the control of the applicant, may be replaced or restored to its original size, shape and location, (as prior to the accident) upon the issuance of a replacement permit. Replacement of a legally established non-conforming sign must meet the conditions of § 155.065K.3. Replacement of a damaged or destroyed sign with a new sign of a different size, shape or location from the original sign shall require a new permit. Any unsafe sign or sign structure or shall be rendered safe immediately, otherwise a damaged sign shall be repaired within 90 days, or shall be deemed abandoned and removed.

F. Signs allowed by permit in all residential zones

The following signs may be placed in all residential zones by permit, subject to the restrictions and limitations specified in this division and divisions C. and J. of this section.

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1. Residential community identification signs. Signs identifying a single-family subdivision, an apartment or multi-family building, or an apartment or multi-family complex, by name and/or address.
 - a. Size: Shall not exceed 32 square feet in sign area.
 - b. Height: Shall not be more than six feet in height. If the sign is located on a wall or structure, the height of the structure shall not exceed six feet in height. (This does not apply to wall columns which may be eight feet in height as long as the column does not depict or become an integral part of the sign face).
 - c. Location: Not less than five feet inside the property line. Shall not be located within the visibility triangle of the right-of-way.
 - d. Other restrictions: Only one such sign may be displayed in each quadrant of an intersection.

See Appendix A Reference F.1.b. & c. Residential Community Identification Sign

2. Subdivision model home signs; signs identifying a model home.
 - a. Size: Shall not exceed 16 square feet in sign area.
 - b. Height: Shall not exceed three feet in height.
 - c. Location: Not less than five feet inside the property line. May be displayed only on the premises of the model home which it identifies.
 - d. Other restrictions: Only one such sign may be displayed per model home. Sign shall be removed once 95% of the lots in the subdivision have been sold.

G. Signs allowed by permit in business and industrial zones

The following signs may be placed in business and industrial zones by permit, subject to the restrictions and limitations specified in this division and divisions C. and J. of this section.

1. Illuminated signs.
 - a. All illuminated signs must meet the standards as specified in the National Electrical Code.
 - b. No sign shall have blinking, flashing, or fluttering lights, nor shall any device be utilized which has a changing light intensity, brightness or color or gives such illusion.
 - c. The full number of illuminating elements thereof shall be kept in satisfactory working condition or immediately repaired or replaced. Signs that are only partially illuminated shall meet all electrical requirements for that portion directly illuminated. All electrical wiring shall be in conduit and not exposed to the elements or external stress in any way. All electrical signs shall have a disconnecting switch located in a readily accessible place.
 - d. Neither the direct nor reflected light from a primary light source shall create a traffic hazard to operators of motor vehicles on public and/or private roadways.
 - e. The light from any illuminated sign in any zoning district shall be so shaded, shielded, or directed that the light intensity or brightness shall not exceed three-tenths (0.3) foot-candle at the property line upon any adjoining property located in a residentially zoned district.
 - f. See additional limitations set forth for illuminated changeable copy signs under division G.2. of this section.
2. Changeable copy signs (permanent).

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a. Types: Changeable copy signs consist of two distinct types of signs: manual signs and electronic variable message signs (EVMS). Exterior manual signs or sections that are fixed in place, and designated to be used with removable graphics to allow changing of copy, shall be computed as part of the total sign area allowed. Size, height, location, and other restrictions are applicable under the appropriate subsection, depending upon the type of sign utilized. Changeable electronic variable message signs (EVMS) shall comply with the requirements of this division in addition to all other provisions of this section.

b. Districts: Manual signs are allowed in all districts. EVMS shall be permitted in commercial and industrial zoning districts. EVMS shall also be permitted for schools and churches in residential, commercial or industrial zones subject to the regulations established in this section. EVMS shall be prohibited in the Traditional Neighborhood or Historic District.

c. EVMS shall be permitted as a component of one permanent sign for individual uses or business centers per each allowable street frontage, or building frontage.

d. Amount of a sign that can contain an EVMS. The portion of a sign dedicated for an EVMS shall not exceed 40% of the sign size.

e. Duration: Changeable copy must have a minimum duration of one minute and must be a static display. No portion of the image may flash, scroll, twirl, change color, or in any manner imitate movement, except that time and temperature signs may adjust according to the time of day and the current temperature.

f. Transition: In all districts where a sign changes by EVMS, the change sequence must be accomplished instantaneously and without special effects such as spinning, scrolling or traveling, and must be completed in no less than one second but no more than two seconds.

g. Brightness and ambient dimmer control: Electronic graphic display signs must have an automatic dimmer control (or photo electric cell) that maintains the minimum amount of light intensity necessary for clear and adequate visibility based on the surrounding ambient light at all times. For residential areas, the illumination must not exceed a maximum brightness of three-tenths (0.3) foot-candles above the ambient light. For commercial and industrial areas, the illumination must not exceed a maximum brightness of eight-tenths (0.8) foot-candles above the ambient light.

h. Brightness: Illumination shall be measured from the nearest edge of the nearest street pavement at a height of four to five feet above grade. The brightness of an EVMS sign located perpendicular to the street shall be measured at a 45 degree angle. The brightness of an EVMS sign located parallel to the street shall be measured at a 90 degree angle.

See Appendix A Reference G.2.d., g. & h. Brightness Measurement

i. Static display: Fluctuating or flashing illumination shall be prohibited. No portion of any sign may fluctuate in light intensity or use intermittent, strobe or moving light or light that changes in intensity in sudden transitory bursts, streams, zooms, twinkles, sparkles or in any manner that creates the illusion of movement. No portion of any sign may change its message or background in a manner or by a method of display characterized by motion or pictorial imagery, or depict action or a special effect to imitate movement, or the presentation of pictorials or graphics

displayed in a progression of frames that give the illusion of motion or the illusion of moving objects, moving patterns or bands of light or expanding or contracting shapes, and the like.

j. Color display: Electronic message boards shall exhibit a static color background consistent with the one minute duration of the changeable copy.

k. Malfunction: In the event of a malfunction, the EVMS shall freeze in one position or shall be shut down.

l. Off-premise use prohibited: Commercial messages displayed on a changeable copy module shall not direct attention to a business or product conducted, sold or offered off the premise that is not also conducted, sold or offered on the premise on which the sign is located.

m. Public service announcements: EVMS may be used to display public emergency service announcements such as weather alerts, national and local security events, or amber alerts and the like. In the event of a public emergency only, announcements may scroll continuously, until the message is no longer necessary.

n. Previously approved, non-conforming: All previously approved existing electronic message signs that contain an electronic changeable copy module which does not comply with the provisions of this section shall be allowed to be operated in conformance with the brightness and duration of copy provisions upon the effective date of the ordinance approving such provisions.

o. Portable: Temporary or portable EVMS shall be prohibited.

3. Billboards.

a. It is the intent of this division to establish reasonable and uniform limitations, safeguards, and controls for the operation and use of billboard signs. Billboard sign requirements are deemed necessary in the public interest to protect the use and value of adjoining properties, as well as the best interests of the community.

b. For purposes of this division, billboards shall be constructed in accordance with the definitions and subject to the provisions of this section.

c. One billboard may be permitted on any lot of at least 300 feet of frontage on a street designated as a secondary arterial or primary arterial in the "PB" and "GB" Districts, and one additional sign shall be permitted for each 300 feet of additional frontage, provided that such signs shall be separated a distance of at least 500 feet from any existing or proposed billboard even if located on the opposite side of a street.

d. Minimum setback lines shall be provided in accordance with the requirements of the applicable district, or 50 feet, whichever is greater.

See Appendix A Reference G.3.c. & d. Billboard Signs

e. No billboard shall be permitted within 1,400 feet of a residential zone district.

f. The number of traffic access points shall not exceed one for each such sign frontage.

g. The face of a billboard shall not be greater than 18 feet in vertical dimension nor greater than 55 feet in horizontal dimension, except as provided in division G.3.h. below, and shall not contain more than two advertising signs per face.

h. The vertical dimension of the sign face may be increased to 22 feet provided the required viewing distance in division G.1.k. below is increased to 500 feet

and the facing contains only one sign, and the sign is perpendicular or within 15 degrees of being perpendicular to the frontage street.

i. The maximum height of the billboard erected on the ground shall not exceed 40 feet above the street elevation to which the sign is oriented.

j. The billboard is considered a principal use, and there shall be no other uses on the same lot that the sign is located.

See Appendix A Reference G.3.g., h. & i. Billboard Signs

k. The full face of the sign shall be viewed along the line of travel to which it is exposed for a distance of at least 250 feet in each direction along the center line of the frontage street measured from a point opposite the center of the sign and perpendicular to the street's center line. However:

1. In the case of a sign parallel (or within 20 degrees of parallel) to a one-way street, the required viewing distance shall be at least 400 feet;

2. In the case of a sign which is from three to 20 degrees of parallel to a two-way street, the required viewing distance shall be at least 400 feet;

3. In the case of a sign parallel (or within three degrees of parallel) to a two-way street, the required viewing distance shall be at least 250 feet in each direction.

4. In the case of a sign so placed that it can be viewed from more than one street, the above viewing distance requirements shall be applicable to only one street.

See Appendix A Reference G.3.k.1-4 Billboard Signs

4. Freestanding business center identification signs: Freestanding signs which identify a business center of two or more businesses. Business centers may utilize a tall monument or pylon sign if the center contains at least five or more businesses. At least 10% of the sign shall be used to identify the business center. The sign may be a combination of business center identification sign and business directory signs. Each business within the center may be identified on the freestanding business center sign.

a. Size: Maximum sign square footage shall be applied individually to each street frontage as follows:

1. For frontages of at least 50 lineal feet but less than 300 lineal feet the freestanding monument sign area shall not exceed 100 square feet, and the freestanding tall monument or pylon sign area shall not exceed 240 square feet per frontage.

2. For frontages of 300 lineal feet or more the freestanding monument sign area shall not exceed 200 square feet and the freestanding tall monument or pylon sign area shall not exceed 240 square feet per frontage.

See Appendix A Reference G.4.a. Free Standing Business Center Signs

b. Height:

1. Monument sign: Height shall be limited to not more than six feet in height which can be placed on a solid base or pylons not more than 18 inches in height.

2. Tall monument or pylon sign: Height shall be limited to not more than 20 feet in height which may be placed on a solid base or pylons not more than 36 inches in height.

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3. The free standing sign height shall be measured from the grade of the nearest street to which the sign is oriented.

See Appendix A Reference G.4.b. Free Standing Business Center Signs

c. Location: Monument signs shall be not less than five feet inside the property line. Tall monument or pylon signs shall be not less than ten feet inside the property line. No free standing sign shall be located within 50 feet of a residential district.

d. Other restrictions: No more than one such freestanding sign may be displayed on any single business center frontage. In the event that a parcel on which the business center is located has two or more street frontages, each of which has 200 feet or more, an additional freestanding sign shall be allowed for one additional frontage, provided there is a distance of at least 300 lineal frontage feet between signs. In no instance shall a business center be allowed more than two freestanding signs. The maximum sign square footage shall be applied individually to each street frontage.

e. Landscaping and materials: Freestanding signs shall be maintained in a landscaped area surrounding the base of the sign not less than three feet in minimum width and landscaped with a combination of evergreen and deciduous shrubs, perennials, annuals, and mulch. In the event it is not possible or feasible to provide the minimum landscaped area, as determined by staff, then a pylon sign may be used without a structural base. When a structural base is provided it shall be limited to wood, masonry, stucco over wood or steel frame, and pre-cast concrete. The design, color, and materials shall be similar to the structure or structures being identified.

See Appendix A Reference G.4. c., d., & e. Free Standing Business Center Signs

5. Freestanding individual business signs. Freestanding signs which identify a building, business, profession or industry located individually on a lot.

a. Size: Maximum sign square footage shall be applied individually to each street frontage as follows:

1. For frontages of at least 50 lineal feet but less than 500 lineal feet the freestanding sign area shall not exceed 60 square feet.

2. For frontages over 500 lineal feet the freestanding sign area shall not exceed 100 square feet.

See Appendix A Reference G.5.a. Free Standing Individual Business Sign

b. Height: Height shall be limited to not more than six feet which can be placed on a solid base or pylons not more than 18 inches in height. The freestanding sign height shall be measured from the grade of the nearest street to which the sign is oriented.

c. Location: Not less than five feet inside the property line. No free standing sign shall be located within 50 feet of a residential district.

d. Other restrictions: No more than one such freestanding sign may be displayed on any single frontage. In the event that a parcel on which the business is located has two or more street frontages, each of which has 200 feet or more, an additional freestanding sign shall be allowed for one additional frontage, provided there is a distance of at least 300 lineal frontage feet between signs. The maximum square footage shall be applied individually to each street frontage. In no instance shall a business be allowed more than two freestanding signs.

e. Landscaping and materials: Freestanding signs shall be maintained in a landscaped area surrounding the base of the sign not less than three feet in minimum width and landscaped with a combination of evergreen and deciduous shrubs, perennials, annuals, and mulch. In the event it is not possible or feasible to provide the minimum landscaped area, as determined by staff, then pylons may be used without a structural base. When a structural base is provided it shall be limited to wood, masonry, stucco over wood or steel frame, and pre-cast concrete. The design, color, and materials shall be similar to the structure or structures being identified.

See Appendix A Reference G.5.b., c., d., & e. Free Standing Individual Business Signs

6. Wall signs: Permanent signs erected parallel to the face of a building which identify a building and/or which identify one or more businesses, professions, or industries conducted on the premises.

a. Size: The maximum sign surface area of all wall signs located on a particular tenant space or building shall not exceed two square feet of sign area for each lineal foot of tenant occupancy width or building frontage width. The linear measurement of a wall sign shall not exceed 80% of the linear width of the elevation of the structure or tenant space on which the sign is located. In no instance shall more than 400 square feet of wall sign be allowed per individual business.

b. Height: Shall not exceed above the roof ridge line of the same building upon which the sign is placed or displayed.

c. Location: In no event shall such signs face onto a residential area.

d. Other restrictions:

1. The area of any wall sign may be increased by 25% when the building is setback at least 200 feet from the public right-of-way on which it fronts and may be further increased an additional 25% for each additional 200 feet of setback, or fraction thereof, up to a maximum size of increase of 100%.

2. The area of a wall sign may be increased by 10% for each additional building floor. The sign must be placed at the height for which the bonus has been granted.

See Appendix A Reference G.6.a., b., c., & d. 1. & 2. Wall Sign Area Measurements

7. Temporary signs. The Zoning Administrator may issue a temporary permit, not to exceed 30 days, for provision of temporary signs that include:

Temporary business signs: Professional commercial wall signs, vinyl sleeves or banners which may be placed over existing freestanding signs as an interim sign while a permanent sign is being fabricated.

Temporary promotional signs: Professional commercial banners, freestanding signs, flags and pennants generally made of flexible material, and displayed for business promotion purposes, shall be allowed on a temporary basis. Only one such sign may be displayed per establishment at any one time. Off-premise signage is not permitted. Temporary portable signs on wheels or trailers are prohibited.

a. Size: Banners are not to exceed 32 square feet. Temporary free standing signs shall not exceed 32 square feet.

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b. Height: Not to extend above the roof of the building. Temporary free standing signs shall not exceed six feet in height except that flags and blade signs may be eight feet in height.

c. Location: On building, banners shall be secured on all four corners. Pennants shall be secured at both ends and in frequent intervals. Temporary freestanding signs shall be not less than five feet inside the property line and shall be secured to the ground and provided with sufficient weight to ensure wind stability in inclement weather conditions. Temporary signs are subject to permit revocation if the Zoning Administrator determines that a sign is unsafe. Temporary signs shall not be attached to trees, shrubbery, utility poles, or traffic control signs or devices. They shall not obstruct or obscure primary signs on adjacent premises. Temporary signs shall not be located in the right-of-way. Off-premise signage is not permitted.

d. The City of Greenfield may allow banners or similar signs to be suspended across right-of-ways, providing the necessary permits are received from the Indiana Department of Transportation and the Greenfield Power and Light Department.

e. Other restrictions: Shall be non-illuminated signs. Not more than four permits for signs pursuant to this division shall be issued to any one business entity in any one calendar year. Maximum 30 days at a time. Temporary signs shall be kept neat, clean and in good repair. Signs which are faded, torn, damaged, in a state of disrepair, or otherwise unsightly, shall be immediately repaired or removed.

8. Business directory signs: A sign, or set of similarly designed individual signs, placed or displayed in sequence, to list all or part of the businesses within a building or business complex. Business directory signs may be a part of a freestanding sign or may be placed separately on a building, and may be used in combination with business center identification signs, but shall be counted as part of the allowable sign area.

a. Size: When placed on a building, signs shall not exceed six square feet in sign area for any one business so identified. This division refers only to those signs that are to be placed upon an exterior wall or facade of the building. The total area of business directory signs shall be limited to 10% of the facade of the building and shall not exceed 40 square feet in area.

b. Height: When mounted on a building, shall not extend above the roof ridge line of the building on which the sign display is placed. Free standing signs shall be a maximum of six feet in height, unless the sign is a business center sign as allowed in division G.2.

c. Location: Not less than five feet inside the property line.

d. Other restrictions: For conditions regarding free-standing signs see division G.5.

See Appendix A Reference G.8.a., b., c., & d. Business Directory Signs

9. Incidental directional signs: Informative signs placed or displayed on real property, such as in parking lots, to supply information to people using such lots, including such information in respect to liability, entry, exit, and directional information, as necessary to facilitate the safe movement of vehicles served by the parking area. Such signs are not intended to be advertising signs, and shall not contain advertising or business identification information.

a. Size: Shall not exceed four square feet in area.

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- b. Height: Shall not exceed three feet.
 - c. Location: Not less than five feet inside the property line.
10. Pre-order menu boards for vehicular drive through facilities are an exception to incidental directional signs which shall be regulated by the following:
- a. Size: Shall not exceed 48 square feet in sign area.
 - b. Height: Shall not exceed eight feet if freestanding.
 - c. Location: Adjacent to the drive through facility and not less than five feet inside the property line. Menu boards shall be oriented towards the drive through lane and shall not be oriented toward a street frontage. Menu boards shall be located in side or rear yard unless site constraints do not allow this configuration.
11. Projecting signs: A sign characterized by its attachment at an angle which is typically 90 degrees to the primary face of the building as opposed to being mounted flat on the surface of a building.
- a. Size: The area of such signs shall be in accordance with division G.6. Such signs shall be counted as part of the total wall sign allowance on a particular site but in no instance shall the total sign area exceed 60 square feet.
 - b. Height: Shall not exceed the height of the roof overhang.
 - c. Location: On building.
 - d. Other restrictions: Notwithstanding any other provisions of this division, a permit for a projecting sign shall not be issued unless such sign has been approved by the Zoning Administrator and is in conformance with the Building Code.
 - e. Minimum clearance: Eight feet minimum clearance from ground surface to bottom of projecting sign.
- See Appendix A Reference G.11.a., b. & e. Projecting Signs*
12. Canopy signs: Signs suspended no lower than eight feet above a walkway, under a canopy of a building, which identifies a business, profession, or industry conducted on the premises. The area shall be computed as part of the total allowable sign area.
- a. Size: Shall not exceed four square feet in sign area per face.
 - b. Height: Such sign shall extend no lower than eight feet above the area over which it is suspended.
 - c. Location: Under canopy that is located on a building.
 - d. Other restrictions: Such signs shall identify only a building, business, profession, or industry. Only one such sign shall be displayed per entrance.
- See Appendix A Reference G.12.a. & b. Canopy Signs*
13. Awning signs
- a. Size: Shall be calculated as part of the allowable wall sign square footage, but in no instance shall exceed 50% of the awning face square footage. Sign messages should be limited to the front face or the front drop flap of the awning.
 - b. Location: On-building.
 - c. Other restrictions: Such signs shall identify only a building, business, profession, or industry. Only one such sign shall be displayed per awning.
14. Gasoline service station signs: Any freestanding business identification sign allowed per division G.5. may contain gasoline pricing information. Wall signs are as permitted in division G.6. In addition, the following shall also apply for gasoline service areas and shall be included in the total area of signs permitted.

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- a. Gasoline island canopy signs
 1. A gasoline station business identification sign, no more than three and one half feet in height, may be located on three sides of a gasoline island canopy provided that the sign area does not exceed 15 feet in width.
 2. Gasoline price signs, no more than three and one half feet in height, may be located side by side on two sides of a gasoline island canopy provided that the combined sign area of the price signs does not exceed 15 feet in width.
 3. In no instance shall a canopy sign extend beyond the dimensions of the canopy.
 4. Temporary banners or secondary signs depicting any message other than the gas station business identification, or gasoline price shall not be displayed on a gasoline island canopy.
- b. Gasoline pump dispensers and canopies Business identification signs may be located on either a gasoline pump dispenser or a gasoline pump dispenser canopy, (but not both), provided that such signs do not exceed 50% of the dispenser or canopy upon which the sign is located.

c. Miscellaneous freestanding signs shall be prohibited.

See Appendix A Reference G.14.a. & b. Gasoline Service Station & Canopy Signs

15. Interstate Corridor Signs: Tall monument or pylon signs, visible from the interstate, shall be permitted as a Conditional Use along the I-70 Interstate Corridor upon approval by the Board of Zoning Appeals in accordance with § 155.060.

H. Signs allowed by permit and certificate of appropriateness in the Historic District.

All provisions regarding signage within this section are incorporated by reference herein and in addition thereto, for any sign requested within the Historic District (HD), these additional requirements shall apply. Generally, signs may be permitted by the Historic Board in those parts of the Historic District which are classified as business or industrial, except for home occupation uses or certain special exceptions. To the extent that any of the additional requirements set forth below are in conflict with any other provision of this section, the additional requirements below shall control.

1. Certificate of appropriateness. As in the case of structural alteration, new construction, and demolition, all new signage or alterations to signage shall be required to receive a Certificate of Appropriateness from the Historic Board of Review. The resulting high quality in both sign design and construction will strengthen the integrity of the historic district. To afford control, the Historic Board of Review will review and approve all proposed signs and changes to signs as to their appropriateness within the historic district, prior to receiving a permit.

2. Design guidelines. Please review the "Design Guide for the Historic District of Greenfield Indiana". Each sign application shall be reviewed as a unique case by the Historic Board of Review, subject to the following criteria which shall include but not be limited to the following.

a. Materials: Materials such as wood, wrought iron, steel, metal, grill-work, and so forth, or replicas thereof, are encouraged. Various new synthetic products are acceptable, but should mimic the desired look of handcrafted traditional signs. Materials such as extruded aluminum and plastics, while not prohibited, may not

be appropriate. Simplicity and restraint in material selection, its method of application, or its detail construction, should be consistent with the other criteria. Materials shall be complimentary to the particular historic character of the building.

b. Method of attachment: The signs attachment should respect the architectural integrity of the structure and relate to or become an extension of the architecture. For example, a sign utilizing an archway should reflect the archway in its configuration.

c. Illumination: Signs may appear without illumination or may be illuminated. Lighting source, design, and placement must be as unobtrusive as possible, and the proposed method of lighting is also subject to review by the Historic Board. Generally, signs which flash, blink, revolve, or are otherwise in motion, vary in intensity, or appear to be in motion, will not be permitted within the Historic District. Electronic variable message signs shall not be allowed. Certain types of illumination, or methods, or movements may be accepted by the Historic Board if they are deemed appropriate in a particular circumstance. For example, the traditional rotating barber pole would be acceptable.

3. On-building signs.

a. On-building signs definition. On-building signs in the Historic District shall include:

1. Wall signs: These signs always exist parallel to the building facade. They shall not be painted directly on the building surface, but shall be painted on a separate background material and applied to the facade as a unit. Murals that have received a Certificate of Appropriateness from the Historic Board of Review may be painted directly onto a building surface.

2. Projecting signs: Projecting signs, except those on a corner, are those which exist 90 degrees to the building surface. In many instances, the sign shape could be the most effective way to express a particular service or activity. For example, the familiar shoe shape may be used to denote a shoe repair business. These signs need not be thought of as strictly flat, but may have dimension. A creative approach to the hanging hardware for such signs is also encouraged, but it must be designed for maximum strength. Signs must connect to sturdy wall bracket units with an adequate gauge of steel or iron strap or chain.

3. Awning signs. Awnings can act as an effective and decorative way to display a sign. Sign messages should be limited to the front face or the front drop flat of the awning, and might be achieved as sewn appliqué or inset, or by painting or silk-screening. In no instance shall the sign square footage exceed 50% of the square footage of the awning face. Awning fabrics must be carefully chosen to coordinate well with the character of the building, and with adjoining buildings and awnings. The bottom of any awning shall be at least seven feet above the sidewalk.

b. On-building signs development standard exceptions.

1. Size: The total maximum sign surface area of all wall signs located on a particular tenant space or building shall not exceed two square feet of sign area for each lineal foot of tenant occupancy width or building frontage width. In no instance shall more than 100 square feet of wall sign be allowed per establishment.

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Projecting signs shall be no larger than nine square feet and shall not protrude more than 54 inches from the building. Dimensional wall signs shall not protrude more than 12 inches from the building.

2. Location: Signs may face onto a residential area. No signs should occur above the second-story window; however, an exception may be made by allowing window signs for those professionals occupying the third story of a building. Projecting signs may not extend below a point eight feet from the sidewalk or grade surface.

c. Additional on-building signs include name plate and business directory signs.

1. Size: When placed on a building individual name plate signs not exceeding one square foot in sign area for any one business so identified shall not require a permit. When combined with other business nameplates to form a directory sign, the total area of combined business directory sign shall be limited to ten square feet in area, shall not require a permit, and shall not count towards the allowed square footage. Name plates and business directory signs larger than those outlined herein shall require a permit and shall count towards the allowed square footage of each establishment.

2. Location: Nameplate and business directory signs shall be located in close proximity to the entry door or the location shall be approved by the Historic Board of Review.

See Appendix A Reference H.3.b. & c. Historic District Signs

4. Freestanding signs

In the instances where free standing signs can be located in a front yard in the Historic District, these signs shall meet the requirements of division G.5. except that they may be located not less than one foot inside the property line.

Sidewalk signs: These signs are moveable signs which are intended to convey information to pedestrian traffic, such as an A-frame sign or sandwich board containing menus or specials.

a. Size: Signs shall be no more than two and one quarter feet in width, and two and one half feet in depth (depth is measured perpendicular to the face of the sign and parallel with the curb).

b. Height: Shall be a minimum height of two feet and a maximum height of four and one half feet.

c. Location: The use of portable free standing signs shall be restricted to one per front door to be used during business hours. A minimum separation between signs on the same street shall be ten feet. Signs shall be located in front of the establishment and within four feet of the curb. Placement of the signs shall not restrict pedestrian traffic. Signs shall not be located in a handicap ramp. A five-foot clear lineal pedestrian path shall be maintained on the sidewalk measured from the building façade toward the curb. A request for any path less than five feet must be brought to the Zoning Administrator for review. In no event shall the clear lineal pedestrian path be less than the 41-inch clear zone adopted by the American Disabilities Act.

d. Other restrictions: One sidewalk sign shall be allowed per establishment. Sidewalk signs shall be inspected for sufficient weight to ensure wind stability in inclement weather conditions and are subject to permit revocation if the

Zoning Administrator determines that a sign is unsafe. Sidewalk signs shall be removed after business hours.

e. Annual permit required: Sidewalk signs shall be renewed annually and must be accompanied by a scaled drawing of the sign and the sidewalk, indicating any entrances into the building, the location of the sign and the width of the sidewalk from the building to the curb. In addition the application must be accompanied by a notarized consent from the building owner and proof of insurance for general liability that states the City of Greenfield, Indiana is an additional co-insured.

See Appendix A Reference H.4.a., b. & c. Historic District Sidewalk Signs

5. Sign types prohibited in the Historic District (refer to division J. for signs prohibited in all districts).

a. Free standing signs which intrude on public property except sidewalk signs during business hours and community way finding signs.

b. Electronic variable message signs.

I. Signs allowed by permit in the Traditional Neighborhood (TN) District

All provisions regarding signage within this section are incorporated by reference herein and in addition thereto, for any sign requested within the Traditional Neighborhood District, these additional requirements shall apply. To the extent that any of the additional requirements set forth below are in conflict with any other provision of this section, the additional requirements below shall control.

1. General development standard exceptions

a. Not more than three signs per establishment, excluding directional signs, provided that the combined total sign area for all allowable signs shall not exceed two square feet for each lineal foot of street frontage. In no case shall the allowable combined total sign area exceed 100 square feet.

b. Sign colors and shapes shall be subdued and compatible with the structure and the residential nature of the area. Applicant shall supply sign colors and materials at the time of applying for a permit or, if required, TN District development plan approval.

c. Illumination: Unless otherwise expressly prohibited by this section or other ordinances of the city, any sign may be illuminated provided that any light directed toward the sign is shielded so as to illuminate only the face of the sign. Lighting source, design, and placement must be as unobtrusive as possible. Generally, signs which flash, blink, revolve, or are otherwise in motion, vary in intensity, or appear to be in motion, will not be permitted within the Traditional Neighborhood district.

2. Sign types allowed within the TN District

a. Monument signs

1. Size: Shall not exceed 32 square feet in sign area.

2. Other restrictions: Only one monument sign shall be displayed per building.

b. Wall signs

1. Size: Shall not exceed 32 square feet in sign area.

2. Height: Shall not extend above the building eaves.

3. Other requirements: Only one wall sign shall be displayed per side of a building. No more than three such signs are permitted per building.

c. Window signs: Window signs shall be limited to signs that state the hours of operation or whether the business is open or closed. Otherwise, shall be permanent signs and shall be considered to be part of the total allowable sign area.

d. Nameplate and business directory signs

1. Size: When placed on a building, individual name plate signs not exceeding one square foot in sign area for any one business so identified shall not require a permit. When combined with other business nameplates to form a directory sign, the total area of combined business directory sign shall be limited to ten square feet in area, shall not require a permit, and shall not count towards the allowed square footage. Name plates and business directory signs larger than those outlined herein shall require a permit and shall count towards the allowed square footage of each establishment.

2. Location: Wall sign nameplate and business directory signs shall be located in close proximity to the entry.

See Reference I.2.a., b., c. & d. Traditional Neighborhood District Signs

3. Sign types prohibited in the TN District (refer to division J. for signs prohibited in all districts).

a. Electronic variable message signs.

b. Billboards.

J. Signs prohibited in all zones

1. Freestanding individual business signs or sign structures with a height, measured from the allowed base or grade, of more than six feet.

2. Bench signs: Signs, except for sponsorship emblems located on benches or on other similar structures.

3. Signs located on trees, utility poles, or any other form of public property or within any public right-of-way unless explicitly permitted by these regulations.

4. Flashing Signs: Signs containing lights which fluctuate, flash, blink, or which give the appearance of movement, except as allowed by division G.

5. Moving or rotating signs: Signs or sign structures designed to move or rotate in whole or in part are prohibited, except for barber poles as allowed in § 155.065D.1.

6. Inflatable signs.

7. Roof signs: Signs which project above the roof ridge line of the building are prohibited.

8. Signs interfering with traffic safety: Signs or sign structures adversely affecting vehicular traffic and pedestrian safety are prohibited.

9. Vehicle signs: Signs placed or displayed on vehicles or trailers parked primarily for the purpose of displaying the sign.

10. Unused signs: Signs and sign structures, that comply with the provisions of this code that convey no message whatsoever, or that have not been used for their immediately preceding purpose for a period exceeding 90 days. Legally conforming, unused signs shall have the sign face replaced with an opaque mono-color panel within 90 days of becoming unused, or shall be deemed abandoned and removed. Owners of wall signs that are removed shall return the wall upon which the signs were affixed to its approximate original condition.

11. Damaged signs or sign structures that have not been returned to original condition within 90 days.

12. Signs that bear or contain words or pictures of an obscene or immoral character, or is offensive to public morals and decency.

13. Off premise signs except as otherwise specifically provided for in this section.

K. Legally established non-conforming signs

1. Authority to continue: Any lawful sign located within the city at effective date of this ordinance which does not conform to the provisions of this section, may continue provided:

a. Conditions of lawful status: Legal nonconforming status shall be conferred only on signs authorized by a sign permit or variance of a preceding ordinance, title, code, or law: or if no sign permit was required under the applicable preceding ordinance, code or law; and

b. Nothing in this section shall relieve the owner or beneficial user of a legal non-conforming sign, sign structure or the owner of the property on which the legal nonconforming sign is located, from the provisions of the section regarding safety, maintenance, and repair. Normal maintenance, including repainting, cleaning, or routine repair of a legal nonconforming sign or sign structure shall not be deemed to be a condition which triggers a loss of legal status, unless such maintenance increases, in fact, the nonconforming aspects of the sign.

2. Repairs pursuant to public order. Nothing in this section shall be deemed to prevent the strengthening or restoration to a safe condition of a legal nonconforming sign, or sign structure as ordered by any public official charged with protecting public safety, and who declares such sign to be unsafe, and orders its restoration to a safe condition, provided such restoration is not otherwise in violation of the various provisions of this section prohibiting the repair or restoration of partially damaged or destroyed signs.

3. Loss of lawful status.

a. Legal nonconforming status of signs and/or sign structures may terminate under the following conditions:

1. If the use of a sign is discontinued for a period of 90 days or the business which the sign identifies closes it shall be deemed abandoned and shall not thereafter be reestablished, unless an extension is granted by the Zoning Administrator; or

2. If a sign is structurally altered such that its nonconforming aspects increase; or

3. If a sign is relocated, replaced, or moved in any way; or the sign is damaged and the cost of repair is 50% of its replacement value. For the purposes of this section, the changing of copy shall not be considered the replacement of an existing legal nonconforming sign.

b. Upon the occurrence of any of the aforementioned events, the property owner shall immediately bring the sign into compliance with this section in conjunction with a new sign permit or the sign shall be removed.

L. Permit procedures

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All signs identified by this section as requiring the issuance of a permit shall be governed by the criteria for permit applications established by the Plan Commission.

1. Criteria for all signs requiring a permit. A permit application for a sign otherwise in compliance with this section shall be approved if the sign complies with the following criteria:

a. The sign should serve primarily to identify the business, the establishment, or the type of activity conducted on the same premises, of the project, service or interest being offered for sale, lease or rent thereon, except as otherwise specifically provided above.

b. Illumination of signs, where not specifically prohibited by this chapter should be at a level consistent with adequate identification and readability.

c. Signs proposed to be located in the Historic District require a certificate of appropriateness.

d. Signs requiring approval of the Board of Zoning Appeals for conditional use in § 155.060 or temporary use in § 155.062 shall first receive the Board's approval.

e. Appropriate fees have been paid.

2. Permit application procedure.

a. Applicants are required to apply for permits prior to undertaking any construction.

b. Only one sign permit shall be required for each sign plan. Applicants shall provide a sign plan as opposed to obtaining single permits for commercial centers, groups of businesses, professional offices, or industrial complexes.

c. Application shall be made on an application form provided by the Zoning Administrator. Applicant shall provide clear and legible drawings with descriptions and location of the sign and all other signs whose construction requires permits or counts towards the allowable sign area of signs on the premises. Drawings shall show dimensions of all signs, wall elevations, and street frontages, supports, sizes, wiring components, materials, method of attachment, and character of structural members to which attachment is made.

3. Sign permit approval and fees. Before a sign permit application is approved, the applicant shall submit information to the Zoning Administrator, as specified in the permit procedures required under division I.1. and 2. and post required fees as determined by the Common Council.

4. All permits are good in perpetuity unless the sign is abandoned or left unused for more than 90 days or the sign is legal non-conforming and it loses its lawful status. Permits for those signs which are expressly specified as temporary signs pursuant to this section are temporary permits.

5. A sign permit shall become null and void if the sign or sign program for which the permit was issued has not been installed within 12 months of issuance of the permit.

6. For any sign permit issued, the sign and sign structure must conform to the requirements of this code, unless the sign and/or sign structure is legally established non-conforming as defined in § 155.065K.

M. Revocation of Permit

After notice and public hearing, any sign permit granted in accordance with the provisions of this section may be revoked upon a finding by the Board of Zoning Appeals, that the sign, or sign program, for which the permit was granted advertises the availability or sale of goods, property, or services no longer available, or is constructed, installed, or maintained in a manner that is not in accordance with the approved application.

O. Determination by Zoning Administrator

The Zoning Administrator may determine that a substantial change has been made to an existing sign or sign structure, except as otherwise provided for "Changeable Copy Signs," herein. Such substantial change shall be considered a violation of this section, if a new permit is not obtained.

P. Sign Fees and Temporary Uses

Free standing sign, up to 60 sq. ft	\$200
Free standing sign, over 60 sq. ft.	\$200
On building sign	\$45 plus \$1/sq. ft.
Temporary signs/banners	\$15
Temporary uses	\$70

(Am. Ord. 2001-5, passed 3-22-01; Am. Ord. 2002-32, passed 1-23-03; Am. Ord. 2003-12, passed 9-11-03; Am. Ord. 2008-21, passed 7-9-08; Am. Ord. 2010-13, passed 10-13-10; Am. Ord. 2013-2, passed 2-13-13; Am. Ord. 2015-19, passed 12-9-15)

Free standing sign, up to 60 sq. ft \$200

Free standing sign, over 60 sq. ft. \$200

On building sign \$45 plus \$1/sq. ft.

Temporary signs/banners \$15

Temporary uses \$70

(Am. Ord. 2001-5, passed 3-22-01; Am. Ord. 2002-32, passed 1-23-03; Am. Ord. 2003-12, passed 9-11-03; Am. Ord. 2008-21, passed 7-9-08; Am. Ord. 2010-13, passed 10-13-10; Am. Ord. 2013-2, passed 2-13-13; Am. Ord. 2015-19, passed 12-9-15)

ADMINISTRATION AND ENFORCEMENT

155.075 ADMINISTRATION

A. Enforcement Officer

The Zoning Administrator or his designee is hereby designated and authorized to enforce the Zoning Code.

B. Improvement location permits

Within the city, no structure, improvement, or use of land may be altered, changed, placed, erected, or located on platted or unplatted lands, unless the structure, improvement, or use, and its location, conform with this Code of ordinance, and improvement location permit for such structure, improvement, or use has been obtained from the Zoning Administrator by the owner(s) of the property or his agent. If the subject property shall be platted, no permit will be issued until the approved plat is recorded.

C. Comprehensive plan

The Zoning administrator shall be guided by and give consideration to the policies and directives of the Comprehensive Plan and Thoroughfare Plan of the city, prior to the issuance of any improvement location permit.

D. Application for improvement location permit

Any person who shall make application for an improvement location permit shall, at the time of making such application, furnish a site plan or development plan of the site. Said site plan shall be a minimum size of 18" by 24" and prepared by a registered professional architect, landscape architect, surveyor, or engineer, and drawn to scale showing the following items:

1. Address of property and a legal or site description of the property involved including acreage and square footage.
2. Location and size, and property use, of all buildings and structures, existing and proposed, including distances to lot lines.
3. Width and length of all entrances and exits to and from said property.
4. Centerline of all adjacent, alleys or highways, and their names, and location of public sidewalk.
5. Parking, including layout and typical dimensions for space and aisles.
6. Actual shape and dimensions of the lot, with bearings, to be built upon, including flood zone designation.
7. Front, side, and rear yard lines and their distance from the street or lot lines.
8. For residential, number of dwelling units the building is designed to accommodate.
9. Landscape plan, showing number size, type and location of proposed materials.
10. For signs, the location of all existing signs, with height) and dimensions of area. Proposed signs shall be so identified, and include proposed height and area.
11. The location of any fence or walls.
12. Drainage patterns and swales, and easements with dimensions.
13. Proposed elevations (to the nearest tenth) for main floor, building corner grades, lot corner grades, and side yard grade.
14. Any other items required by this Code.

E. Basic duties of Zoning Administrator

1. Issue improvement location permits and certificates of occupancy and maintain records thereof.
2. Conduct inspections of buildings, structures, and use of land to determine compliance with the terms of this Code, for the purpose of ordering compliance thereof.
3. Provide interpretation of this Code when necessary and such technical and clerical assistance as the Plan Commission and Board of Zoning Appeals may require.
4. Provide and maintain a public information service relative to all matters arising out of this Code.
5. Maintain permanent and current records of this Code, including but not limited to all maps, amendments, improvement location permits, certificates of

occupancy, variances, conditional uses and appeals, and applications thereof, and records of hearings thereon.

6. Review all applications for improvement location permits and subdivisions to ascertain as to whether the proposed use lies in a flood hazard area as defined in this Code. If the proposed use is found to lie in such an area, the Zoning Administrator will enforce the requirements set forth in 155.031 in the event that any structures involved are not directly covered by the Building Code regulations.

7. The Zoning Administrator, during his review of improvement location permits and building permits, shall assure that all national flood insurance program regulations pertaining to state and federal permits, subdivision review, mobile home tie-down standards, utility construction, record keeping (including lowest floor elevations), and water course alteration and maintenance have been met.

F. Responsibility of the Zoning Administrator

1. It is the intent of this Code that all questions of interpretation of provisions of this Code be first presented to the Zoning Administrator. Recourse from the decision of the Zoning Administrator (on matters pertaining to zoning) shall be only to the Board of Zoning Appeals, and recourse from the decision for the Board shall be to the courts as provided by law.

2. If the Zoning Administrator shall find that any of the provisions of this Code are being violated, he shall notify in writing the person responsible for the violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal buildings or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by law to insure compliance with or to prevent violations of the provisions of this Code.

3. It is the intent of this Code that all questions of interpretation of provisions of this Code be first presented to the staff. Recourse from the decision of the staff (on matters pertaining to zoning) shall be only to the Board of Zoning Appeals, and recourse from the decision for the Board shall be to the courts as provided by law.

G. Relocation of proposed building structure or exit

The Zoning Administrator may require the relocation of any proposed building, structure, exit or entrance shown on the development plan or the location of new exits or entrances not shown on the development plan before issuing an improvement location permit when such action is necessary to carry out the purpose and intent of the Zoning Code.

H. Site plans shall be filed for record

Site plans so furnished shall be filed and shall become a permanent public record.

I. Conditional use

The Zoning Administrator shall issue an improvement location permit for a conditional use only following the Board's approval of the conditional use application, and proof that all conditions of approval have been fulfilled, including public improvements.

J. Certificate of occupancy

No land shall be occupied or used and no building hereafter erected, reconstructed, or structurally altered shall be occupied or used, in whole or in part, for any purpose whatsoever, until a certificate of occupancy has been issued stating the building and use comply with all of the provisions of this Code applicable to the building or premises of the use in the district in which it is to be located.

K. Completion of improvements

On completion of the improvement covered by the improvement location permit, the Zoning Administrator shall cause an inspection of the premises. If this inspection reveals conformity with the development plan, the requirements of Chapter 150, and all other applicable requirements of this Code, then a certificate of occupancy may be issued.

L. Temporary certificate

A temporary certificate of occupancy may be issued by the Zoning administrator after application has been made for completed portions of a plan which has been approved as a conditional use, provided that a certificate of occupancy is required upon completion of the total plan (see division (L) above).

M. Change of use

No change shall be made in the use of land or in the use of any building or part thereof, now or hereafter erected, reconstructed, or structurally altered, without an improvement location permit having been issued. No such permit shall be issued to make a use change unless it is in conformity with the provisions of this Code.

N. Improvement location permits filed for record

A record of all improvement location permits and certificates of occupancy shall be kept on file in the office of the Zoning Administrator and copies shall be furnished, upon written request.

O. State plan approval

No certificate of occupancy shall be issued for a commercial or industrial structure or for any other applicable use until the plans for such structure shall have been approved by the Indiana Department of Homeland Security or its successor.

P. Time limit

Work shall be commenced within six months of the date of issuance of such improvement location permit; otherwise, the same shall lapse and become null and void. All work so authorized shall be completed within 12 months from the issuance of the permit, except if the Zoning Administrator grants an extension of time.

Q. Compliance with erosion control

The Zoning Administrator shall require that, for those sites meeting the standards established by the state, the applicant shall follow erosion control requirements from the Department of Natural Resources.

R. Temporary improvement location permit

A temporary improvement location permit may be issued by the Zoning Administrator after application has been made for a temporary use authorized by this Code (see Section 155.062)

S. Issuance of permits

Any permits authorized by the City, including but not limited to improvement location permits, permitting the erection, alteration or relocation of structures and other improvements within the City, shall be issued only if, in addition to satisfying the requirements of this Code the proposed street right-of-way as set forth in the thoroughfare plan will be protected from encroachment. In this instance, the proposed street right-of-way lines will be considered as the front lines of lots and tracts bordering each street, subject to building setback lines as set forth in Section 155.034.

T. Erroneously issued permits

The issuance of an improvement location permit and/or a certificate of occupancy in no way validates such a permit or certificate in the event that same is erroneously issued or does not comply with applicable law and this Code of ordinances.

U. Technical Review Committee

The Zoning Administrator shall request advice and a report to the Plan Commission from the Technical Review Committee on development plans, "PUD" Districts, either existing or proposed, and for any conditional uses that he/she may determine necessary for their review.

(Am. Ord. 2001-5, passed 3-22-01; Am. Ord. 2006-15, passed 1-11-07)

155.076 ZONING COMPLIANCE CERTIFICATES

Certificates of Zoning Compliance for New, Altered, or Non-conforming Uses. In any zone district where it has been determined by historical and technical studies that a continuing hazard from flood water exists, additional information regarding building elevation, channel clearance, probable effects on other property and general flooding conditions in order to determine the public safety in the district may be required before certificates of zoning compliance are issued.

155.077 RESERVED

155.077 WRITTEN COMMITMENTS, ZONING OR PLAT APPROVAL

A proposal submitted to the Plan Commission may include written commitments only with the following petition activities:

1. Zone Map Changes; or
2. Subdivision of real estate, as regulated by I.C. 36-7-4-700 series.

Written commitments may be requested by the Plan Commission, or interested parties that were entitled to receive notice per Section 155.078 of the Zoning Code. By permitting or requiring written commitments, the Plan Commission does not obligate itself to approve or deny may request. The acceptance or approval of written commitments does not affect the validity of any covenant, easement, equitable servitude, or other land use restrictions created in accordance with law.

A. Procedures

1. Written commitments are required by the Plan Commission, for recommendation to the Council, as related to annexation requests.
2. In all cases, written commitments are required to be submitted to the Administrator a minimum of 10 days prior to the date of the Plan Commission hearing. Written commitments are required to be submitted in the form supplied by the Administrator.
3. Written commitments shall be recorded in the office of the county recorder and take effect upon approval of the proposal. An unrecorded commitment is binding

on the owner of the parcel. An unrecorded commitment is binding on a subsequent owner of the parcel or a person acquiring an interest in the parcel only if the subsequent owner or person acquiring the interest has actual notice of the commitment.

B. Enforcement

1. Written commitments shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein.
2. Written commitments may be enforced jointly or severally by:
 - a. The City of Greenfield Plan Commission;
 - b. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six hundred sixty (660) feet from the perimeter of the real estate within the area included in the petition who were not petitioners for the rezoning or approval. Owners of real estate entirely located outside Hancock County are not included, however. The identity of owners shall be determined from the records in the offices of the Township Assessors of Hancock County which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made); and
 - c. Any person, party, neighborhood association, or entity who demonstrates to the Plan Commission an interest in being a party to the written commitments.

C. Modification or termination

1. Written commitments may be modified or terminated by a decision of the Plan Commission made at a public hearing after proper notice has been given. A request to modify or terminate commitments made during a land use hearing must be made in writing to the Administrator, to be submitted for hearing on the next available agenda, after proper notice has been given.
 2. The Plan Commission may consider a modification of written commitments under the following circumstances:
 - a. Circumstances have substantially changed related to the proposed use of land subject to the previous written commitments, or the Comprehensive Plan recommendations for the area have changed.
 - b. The majority ownership of the project, parcel, or area has changed.
 3. A written commitment automatically terminates if after the adoption of the proposal, if:
 - a. The zone map applicable to the parcel is changed, or
 - b. The parcel is designated as a planned unit development district.
- (Ord. 2002-32, passed 1-23-03)

155.078 AMENDMENTS; APPEALS; AND PROCEDURES.

A. Amendments; map changes; text changes

All amendments to the ordinance establishing this chapter shall be in conformance with Title 36 of the Indiana Code and all acts amendatory thereto.

B. Appeals

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1. The Commission, the Board, the Zoning Administrator, or any designated enforcement official may institute a suit for injunction in the Circuit Court or Superior Court of Hancock County to restrain an individual or a governmental unit from violating the provisions of this Code.

2. The Commission or the Board may also institute a suit for mandatory injunction directing any individual, corporation, or a governmental unit to remove a structure erected in violation of the provisions of this Code.

3. Any building erected, raised, or converted, or land or premises used in violation of any provision of this Code, or the requirement thereof, is declared to be a common nuisance and as such may be abated in such manner as nuisances are now or may hereafter be abated under existing law, including suit for mandatory injunction.

C. Procedures

1. The City Plan Commission and the Board of Zoning Appeals shall adopt rules of procedure concerning the filing of petitions or appeals, giving of notice, conduct of hearings, and such other matters as may be necessary for the administration of their affairs.

2. The City Plan Commission and Board of Zoning Appeals shall hold regular meetings and public hearings, which shall be open to the public and scheduled at such time and place as shall be established by their respective rules of procedure. Public hearings shall be held on all petitions arising from this chapter and a record of the proceedings shall be preserved thereon.

3. Any person may appear and testify at a hearing either in person or by duly authorized agent or attorney. The President of the Commission or chairman of the Board of Zoning Appeals, or a designated official may administer oaths and request the attendance of witnesses.

4. All applications for petitions shall be filed with the Zoning Administrator on the prescribed application form, including therein a legal description of the land involved, a development plan drawn to scale, and such other information and exhibits as required by the Plan Commission, Board of Zoning Appeals, and/or this code.

5. Notice of the time and place of the Plan Commission public hearing shall be published as follows:

a. Prior to the adoption of a comprehensive plan, the Commission shall give notice and hold a public hearing on the plan.

b. At least fifteen (15) days prior to the date set for hearing, for adoption of a Comprehensive Plan, the Plan Commission shall publish in a newspaper of general circulation in the City a notice of the time and place of hearing.

c. For all other hearings, the applicant shall provide notice in accordance with the rules and procedures of the Plan Commission.

6. The Board of Zoning Appeals shall fix a reasonable time for the hearing of an appeal. The applicant shall provide notice in accordance with the rules and procedures of the Plan Commission.

7. The hearings of the Plan Commission and the Board of Zoning Appeals shall be public.

8. In addition, the Plan Commission or Board of Zoning Appeals may cause a temporary sign to be posted on subject premises announcing the date set for public hearing and such other facts as deemed applicable to the petition. Due notice to the

parties of interest may also be required and distributed as the Plan Commission or Board of Zoning Appeals prescribed in their respective rules of procedure.

155.079 FILING FEES AND FORMS

A. Application form

Applications and petitions shall be prepared on the form provided by the Zoning Administrator, and accompanied by the filing fees herein specified, to be paid to the Zoning Administrator who shall forthwith pay over to the Clerk-Treasurer of the City to the credit of the General Fund of the City.

B. Fees

Fees shall be set by the Plan Commission for all applications, as prescribed in the Rules of Procedure.

C. Fees shall be paid

Until all applicable fees have been paid in full, including any fees or deposits for building permits, no application shall be processed by the Zoning Administrator, or heard by the Plan Commission or Board of Zoning Appeals.

D. Fees not returnable

No part of any filing fee paid pursuant to this section shall be returnable to the applicant or petitioner, unless the applicant was erroneously directed by staff to file an unneeded application.

E. Publication costs

In addition to the fees set forth herein, the applicant, petitioner or appellant shall meet the cost of publication notices and due notices to interested parties, then required.

F. Coincidental applications

An improvement location permit shall be applied for coincidentally with the application for a Building Permit whenever a Building Permit is necessitated by the proposed improvements. In such cases, the improvement location permit fee is charged in addition to the Building Permit fees set forth in 150.011.

155.080 COMPLAINTS

Whenever a violation of this chapter occurs or is alleged to have occurred, any person may file a written or verbal complaint. The complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. The official shall properly record the complaint and immediately investigate. If acts elicited by the investigation are sufficient to establish a reasonable belief that a violation has occurred on the part of the party investigated, the official shall take action in accordance with Section 155.999.

ADVISORY BOARD OF ZONING APPEALS

155.090 ESTABLISHMENT

A. Establishment and membership

A Board of Zoning Appeals is established with membership, appointment, and term and vacancies as provided in accordance with Title 36 of Indiana Codes

B. Conflict of interest

A member of the Board may not participate in a hearing or decision of that Board concerning a zoning matter in which he has a conflict of interest as described in the Board's rules of procedure.

1. The fact that a regular member has such a disqualification.

C. Quorum

A quorum consists of a majority of the entire membership of the Board.

D. Official action

Action of the Board is not official, unless it is authorized by a majority of the entire membership of the Board.

155.091 ORGANIZATION AND RULES

A. Election of officers and employees

At the first meeting of each year, the Board shall elect a Chairperson and a Vice Chairperson from among its members, and it shall appoint a secretary from City staff to prepare minutes of their meetings

B. Meetings

All meetings of the Board shall be open to the public.

C. Facilities

The City shall provide for suitable facilities for the holding of Board's hearings and for preserving of records, documents, and accounts.

D. Minutes

The Board of Zoning Appeals shall keep minutes of its proceedings and record the vote on all actions taken. All minutes and records shall be filed in the office of the Zoning Administrator and are public records. The Board shall in all cases heard by it make written findings of fact. The minutes shall include written findings of fact for each case the board hears.

E. Rules

1. The Board shall adopt rules, which may not conflict with the zoning Code, concerning:

- a. The filing of appeals;
- b. The application for variances and conditional uses;
- c. The giving of notice;
- d. The conduct of hearings; and
- e. The determination of whether a variance application is for a

variance of use or a variance from the development standards (such as height, bulk, or area).

2. The Board may also adopt rules providing for:

- a. The allocation of cases filed; and
- b. The fixing of dates for hearings.

3. Rules adopted by the Board shall be printed and be made available to all applicants and other interested persons.

155.092 POWERS AND DUTIES

Appeals Jurisdiction

The Board shall hear and determine appeals from and review:

1. Any order, requirement, decision, or determination made by an administrative official, or staff member under the zoning Code;
2. Any order, requirement, decision, or determination made by an administrative board or other body except the Plan Commission in relation to the enforcement of the Zoning Code;
3. Any order, requirement, decision, or determination made by an administrative board or other body except the Plan Commission in relation to the enforcement of an ordinance adopted under this Code requiring the procurement of an improvement location permit, building permit, or certificate of occupancy.

155.093 VARIANCES; CONDITIONAL USES; APPEALS TO BOARD; HEARINGS; AND FINDINGS OF FACT

A. Variances of use from term of Zoning Code

The Board shall approve or deny variances of use from the terms of the Zoning Code. In approving variances, the Board of Zoning Appeals may attach such conditions to the variances as it deems necessary to assure compliance with the purpose of the Zoning Ordinance. If the conditions of the variance are not completely and continuously adhered to after the granting of the variance, the variance shall automatically become null and void upon notice to the property owner from the Board of Zoning Appeals. A variance may be approved under this section only upon a determination in writing that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
3. The need for the variance arises from some condition peculiar to the property involved;
4. The strict application of the term of the Zoning Code will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
5. The approval does not interfere substantially with the comprehensive plan adopted under the I.C. 36-7-4-500 et seq.

B. Variances from development standards of Zoning Code

The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the Zoning Code, unless already heard by the Plan Commission during the platting process. In approving variances, the Board of Zoning Appeals may attach such conditions to the variances as it deems necessary to assure compliance with the purpose of the Zoning Ordinance. If the conditions of the

variance are not completely and continuously adhered to after the granting of the variance, the variance shall automatically become null and void upon notice to the property owner from the Board of Zoning Appeals. A variance may be approved under this section only upon a determination in writing that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
3. The strict application of the terms of the Zoning Code will result in practical difficulties in the use of the property;
4. There are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to the other property or class of use in the same vicinity and district.

C. Conditional Uses

The Board shall approve or deny all conditional uses, in accordance with Section 155.060, but only in the class of cases specified in the Zoning Code. In approving Conditional Uses, the Board of Zoning Appeals may attach such conditions as it deems necessary to assure compliance with the purpose of this ordinance. If the conditions of the Conditional Use are not completely and continuously adhered to after the granting of the Conditional Use, the Conditional Use shall become null and void upon notice to the property owner from the Board of Zoning Appeals.

D. Appeals to board; grounds; transmission of record; disposition

1. An appeal filed with the Board shall specify the grounds of the appeal and shall be filed within such time and on such form as may be prescribed by the Board by rule.
2. The Zoning Administrator, administrative board, or other body from whom the appeal is taken shall, on the request of the Board of Zoning Appeals, transmit to it all documents, plans, and papers constituting the record of the action from which an appeal was taken.
3. Certified copies of the documents, plans, and papers constituting the record may be transmitted for purposes of division (2).
4. Upon appeal the Board may reverse, affirm or modify the order, requirement, decision, or determination appealed from. For this purpose, the Board has all the powers of the official, officer, board, or body from which the appeal is taken.
5. The Board shall make a decision on any matter that it is required to hear under I.C. 36-7-4-900 et. seq. either:
 - a. At the meeting at which that matter is first presented; or
 - b. At the conclusion of the hearing on that matter, if it is continued.
6. Within five days after making any decision under the I.C. 37-7-4-900 et. seq., the Board of Zoning Appeals shall file in the office of the Board a copy of its decision.

E. Hearing of appeals, exceptions, uses, temporary uses, and variances notice; costs appearances.

1. The Board shall fix a reasonable time for the hearing of administrative appeals, conditional uses, and variances.

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2. Public notice in accordance with I.C. 5-3-1-2 and I.C. 5-3-1-4 and due notice to interested parties shall be given by the applicant at least 15 days before the date set for the hearing.

3. The party taking the appeal, or applying for the conditional use, temporary use, or variance shall be required to assume the cost of public notice and due notice to interested parties. At the hearing, each party may appear in person, or by representative.

4. The Board shall, by rule, determine who are interested parties, how notice is to be given and who is required to give that notice.

5. Persons may appear before the Board at the hearing and present evidence in support of or in opposition to the granting of a variance or the determination of any other matter.

6. A person may not communicate with any member of the Board before the hearing with intent to influence the member's action on a matter pending before the Board. Not less than five days before the hearing, however, the Plan Commission staff, may file with the Board a written report setting forth any facts or opinions relating to the matter.

7. The Board may require any party adverse to any pending Petition to enter a written appearance specifying the party name and address. If the written appearance is entered more than four days before the hearing, the Board may also require the petitioner to furnish each adverse party with a copy of the petition and a plot plan of the property involved.

F. Findings of fact

Where a request for a variance from this zoning Code is sought, not only shall the written determinations be set out as required, but findings of fact which support these determinations shall be set out also. The Board shall specify by factual findings or by a statement of reason, the basis for denial of a variance requested by a petitioner.

EXEMPTIONS AND ENFORCEMENT

155.100 RESERVED

155.101 PUBLIC UTILITY INSTALLATIONS EXEMPT

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

155.102 RESERVED

155.110 COMPLAINTS; COMMON NUISANCES; REMEDIES

A. Complaints

Whenever a violation occurs or is alleged to have occurred any person may register a written or verbal complaint. See Section 155.080 for the procedure.

B. Common nuisances

Any buildings erected, raised, or converted, or land or premises used in violation of any provision of this chapter or regulation thereof is declared to be a common nuisance and the owner thereof shall be liable for maintaining a common nuisance, which may be restrained or enjoined or abated in any appropriate action or proceeding.

C. Remedies

1. The Commission, the Board, the Zoning Administrator, or any designated enforcement official or any person or persons, firm, or corporation jointly or severally aggrieved may institute a suit for mandatory injunction in the Circuit Court or Superior Court of Hancock County to restrain an individual or a governmental unit from violating the provisions of this Code.

2. The Commission or the Board may also institute a suit for mandatory injunction directing any individual corporation, or a governmental unit to remove a structure erected in violation of the provisions of this chapter.

3. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

155.999 ENFORCEMENT, VIOLATIONS AND PENALTIES

A. Jurisdiction

1. The City of Greenfield Plan Commission or Board of Zoning Appeals may institute a suit for injunctive and monetary relief in the Circuit Court of Greenfield, Indiana; said suit is to be brought in the name of and captioned as "Board of Zoning Appeals of Greenfield, Indiana" versus the person, persons or entity charged with violating the provisions of any zoning ordinances or land use regulations of Greenfield, Indiana.

2. The City of Greenfield Board of Zoning Appeals may also institute a suit for mandatory injunction directing a person, persons, or entity to remove a structure erected in violation of any zoning ordinances or land use regulations of the City of Greenfield.

3. A structure erected, raised, or converted, or land or premises used in violation of any zoning and land use ordinance of the City of Greenfield shall and hereby is declared to be a common nuisance and civil zoning violation, and the owner of possessor of the structure, land, or premises shall be liable for maintaining a common nuisance pursuant to I.C. 36-7-4-1012 and 1014.

B. Inspection of property, right of entry

1. The Zoning Administrator and inspectors are authorized to make inspections of all lands located with the City of Greenfield in order to enforce all zoning ordinances and land use regulations of the City of Greenfield.

2. In order to execute inspections, the Zoning Administrator or inspectors shall have the right to enter upon any premises at any reasonable time for the purpose of carrying out his/their duties in the enforcement of zoning ordinances and land use regulations of the City of Greenfield, unless the owner or occupant of the premises refuses to permit entry to the inspectors when such entry is sought pursuant to this Section. In the event of said refusal, the inspectors may make application to any judge of the County, Circuit or superior Courts for the issuance of an administrative search warrant. Such application shall identify the premises upon which entry is sought and the purpose for which entry is desired. The application shall state the facts giving rise to the belief that a condition which is in violation of a zoning ordinance or land use regulation of the City of Greenfield exists on such premises, or that a violation in fact, exists and shall be abated, and that the condition or violation is not a lawful nonconforming use to the best of the affiant's belief. Any warrant issued pursuant to such application shall order such owner or occupant to permit entry to the inspectors for the purposes stated therein.

C. Stop work order

1. The Zoning Administrator or his duly authorized designee is empowered to issue an order requiring the suspension of land improvement of any kind when any of the following circumstances exist:

- a. Site improvement is occurring without an Improvement Permit or any other permit required by zoning ordinances having first been obtained; and,
- b. Site improvement is occurring in violation of the terms or conditions of any special exception or variance granted under the area-wide development law as contemplated by I.C. 36-7-4; in violation of conditions imposed by the Board of Zoning Appeals or Planning Commission; in violation of commitments made in accordance with I.C. 36-7-4-607 or I.C. 36-7-4-921; or in violation of the terms, conditions, or provisions of any City of Greenfield zoning ordinance.

2. The stop-work order shall be posted on the property in a conspicuous place, or personally delivered to the owner, possessor, or person in charge, and state the conditions under which construction or other activity may be resumed.

3. The designated enforcement entity may institute a suit in a court of competent jurisdiction to enforce the provision of a stop-work order.

D. Civil zoning violations

1. Any person who uses property in violation of the City of Greenfield Zoning Ordinance is deemed to have committed a civil zoning violation and may be issued a citation by the designated enforcement entity pursuant to subsection (E) of this Section.

2. Each day a violation remains uncorrected is a distinct and separate civil zoning violation subject to an additional citation and fine in the amount prescribed by subsection (D)(3) below provided a warning ticket has first been issued pursuant to subsection (G)(2) of this Section.

3. The monetary fine for each civil zoning violation shall be Fifty Dollars (\$50.00) except for a repeated civil zoning violation, the following fines shall apply:

Second Citation	\$100.00
Third Citation	\$150.00
Fourth Citation	\$200.00
Each Citation in excess of Four	\$300.00

4. All fines prescribed by this section for civil zoning violations shall be paid to the Zoning Administrator, who shall render to the person making the payment a receipt stating the amount and purpose for which the fine has been paid, a duplicate of which shall be made a part of the records of the Commission. All fines thus received shall be deposited with the City of Greenfield Clerk Treasurer.

E. Citation for civil zoning violations

1. The Zoning Administrator or his duly authorized designees may issue a civil citation to a person who commits a civil zoning violation or to the legal owner, the contract vendee, or any person or entity with a possessory interest in the real estate upon which the violation occurs. The citation may be served by personal service, by certified mail, by First Class U.S. Mail, or by placement in a conspicuous place on the property where the violation occurs and shall serve as notice to a person that he has committed a civil zoning violation.

2. No citation shall be issued unless the person who commits a civil zoning violation or the legal owner, the contract vendee, or any person or entity with a possessory interest in the real estate upon which the violation occurs has been issued a warning ticket not less than fourteen (14) days before the issuance of the citation to allow said person to correct the violation to come into compliance with the prescribed zoning ordinance or regulation. If any party listed above who commits a civil zoning violation again commits the same violation within a 12-month period of the previously issued warning ticket or citation, the requirements of a warning ticket being issued prior to the issuance of a citation is waived.

3. If a person who receives a warning ticket elects to file a land use petition, then the person shall indicate his intent to file the land use petition by notifying the City of Greenfield Zoning Administrator within ten (10) days of receipt of the warning ticket. A person shall have fourteen (14) days following the issuance of the warning ticket to file the petition, and additional monetary fines as prescribed in subsection (D)(3) of this section shall be stayed upon filing the land use petition. A person who files the petition within said time period shall pursue the land use petition in an expeditious fashion. If the land use petition is denied, withdrawn, or dismissed for lack of prosecution and the civil zoning violation continues at the real estate, then a lawsuit will be commenced by the designated enforcement entity of the Superior or Circuit Court of Hancock County, Indiana.

4. The warning ticket shall include:

- a. Date;
- b. Name and address;
- c. Section number in violation and name of code;
- d. Nature of violation;
- e. Place and date of violation;
- f. Specific time allowed to bring the violative activity into compliance;
- g. Name, business address, and phone number of person issuing warning ticket; and
- h. Statement to violator of option to appear before the City of Greenfield Board of Zoning Appeals or file land use petition.

5. The citation shall appear on serialized, designated form and include:

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- a. Date;
- b. Name and address;
- c. Section number of code in violation and name of code;
- d. Nature of violation;
- e. Place and date the violation was observed;
- f. Amount of fine assessed;
- g. Time, manner and location to pay fine;
- h. Notice that each day is a new violation;
- i. Names, business address, and phone number of person issuing citation; and
- j. Statement to violator of right to elect trial.

F. Trial for civil zoning violations

1. A person who received a citation may elect to stand trial for the offense by indicating on the citation his intent to stand trial and returning a copy of the citation to the City of Greenfield Zoning Administrator. The returned copy of the citation shall serve as notice of the person's intent to stand trial, and additional monetary fines prescribed in subsection (D)(3) shall be stayed upon receipt of the notice. The notice shall be given at least seven (7) days before the date of payment set forth in the citation. On receipt of the notice of intention to stand trial, a lawsuit will be commenced by the designated enforcement entity. The matter shall be scheduled for trial, and a Summons and an Order to Appear shall be served upon the Defendant.

2. If a person who receives a citation fails to pay the assessed fine by the date of payment set forth in the citation and fails to give notice of his intention to stand trial as prescribed in subsection (a) above, the designated enforcement entity may file a civil lawsuit as provided by applicable laws and seek penalties as prescribed in subsection (G). A person adjudged to have committed a civil zoning violation is liable for the court costs and fees, including attorney's fees. No cost shall be assessed against the designated enforcement entity in any such action.

3. In proceedings before the court for a civil zoning violation, the Indiana Rules of Trial Procedure shall govern. The designated enforcement entity has the burden of proving the civil zoning violation by a preponderance of the evidence.

4. Seeking a civil penalty as authorized in this section does not preclude the designated enforcement entity from seeking alternate relief from the Court in the same action, or from seeking injunctive relief or any other remedy in a separate action for the enforcement of I.C. 36-7-4 or any ordinance adopted or action taken under I.C. 36-7-4.

5. A change of venue from the City of Greenfield shall not be granted in such a case, as provided in I.C. 36-7-4-1014D.

G. General penalties

1. Whenever in any chapter, article, or section of the City of Greenfield Code, as amended, or in any ordinance amendatory thereof or supplemental thereto, the doing of any act, or any omission to do any act or to perform any duty, is a violation; any person held liable by a court of competent jurisdiction for such violation shall be fined not more than Two Thousand Five Hundred Dollars (\$2,500) for each such violation, act, or omission.

2. For violations continued or renewed after the imposition of a fine in subsection (b) above, each day's violation shall constitute a separate offense.

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3. In addition to the foregoing penalty prescribed in subsection (a) and (b) above, the designated enforcement entity may enjoin or abate any violation of zoning ordinances and land use regulations of the City of Greenfield by appropriate action.

4. Attorney's fees may be assessed in addition to prescribed fines defined in this section as a general penalty.

H. Method of appeal

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

I. Violation of flood control requirements

Failure to obtain an Improvement Location Permit in the SPECIAL FLOOD HAZARD AREA or failure to comply with the requirements of a permit or conditions of a variance shall be deemed to be a violation of this Code. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Greenfield Zoning Code (Chapter 155). All violations shall be punishable by a fine not exceeding \$2,500 per day with each day said violation occurs constituting a separate offense.

1. A separate offense shall be deemed to occur for each offense if the violation continues to exist.

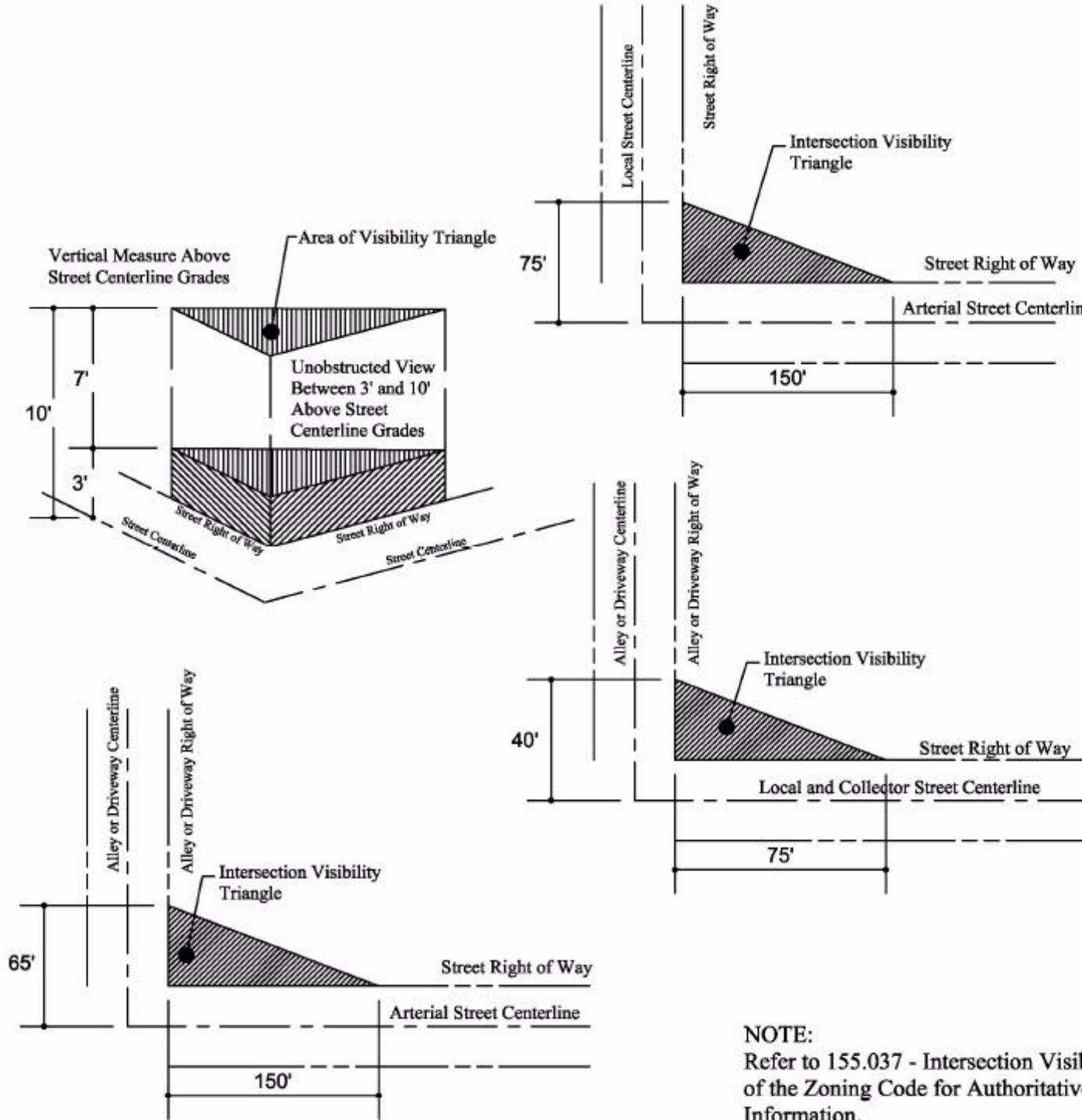
2. The Plan Commission shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

3. Nothing herein shall prevent the City from taking such other lawful action to prevent or remedy any violations. All costs and attorney's fees connected therewith shall accrue to the person or persons responsible.

(Ord. 1998-19, passed 10-22-98; Am. Ord. 2001-5, passed 3-22-01; Am. Ord. 2002-32, passed 1-23-03)

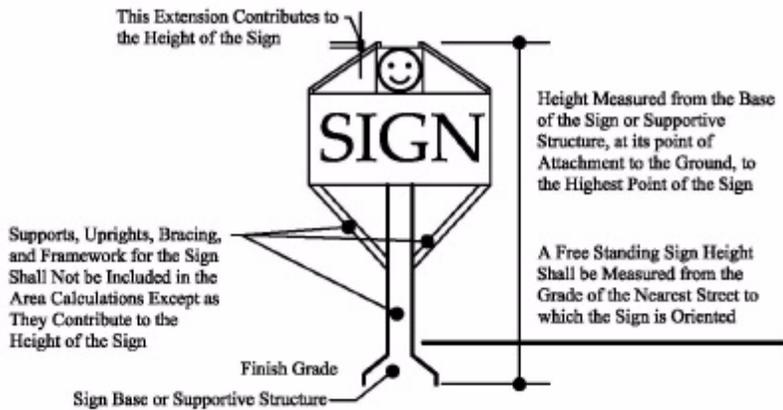
Appendix A - Signs

Note: To view this Appendix in PDF, please click [HERE](#)

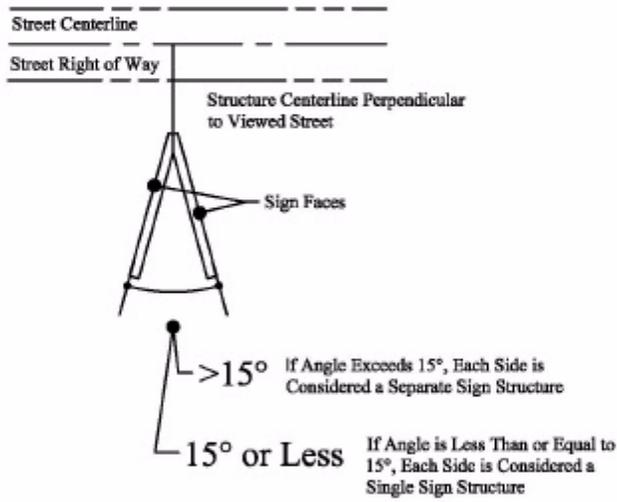
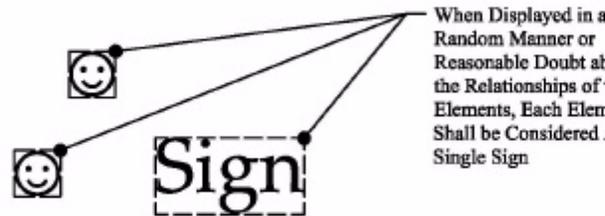


NOTE:
Refer to 155.037 - Intersection Visibility
of the Zoning Code for Authoritative
Information.

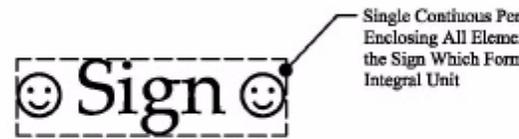
Intersection Visibility - Reference C.9.



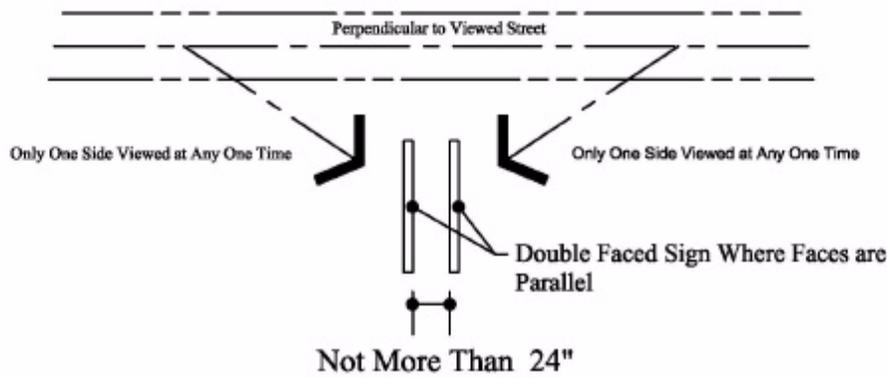
Height Determination



Plan View

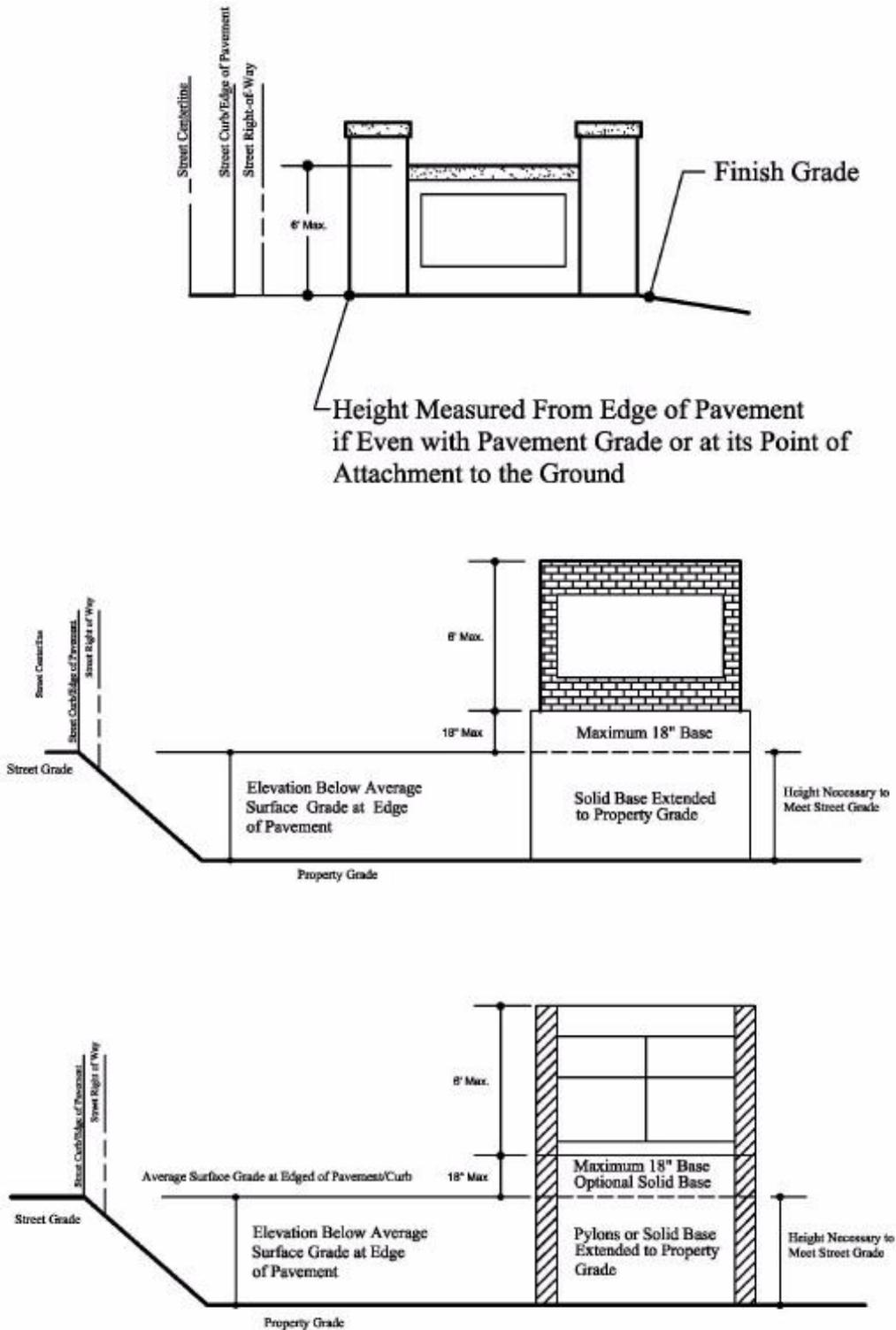


Single & Multiple Displays

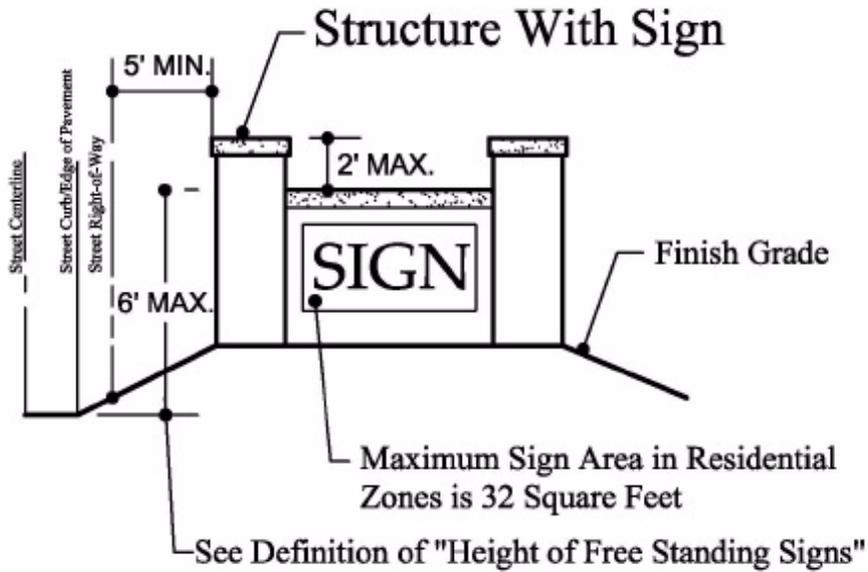


Double Faced Sign Display

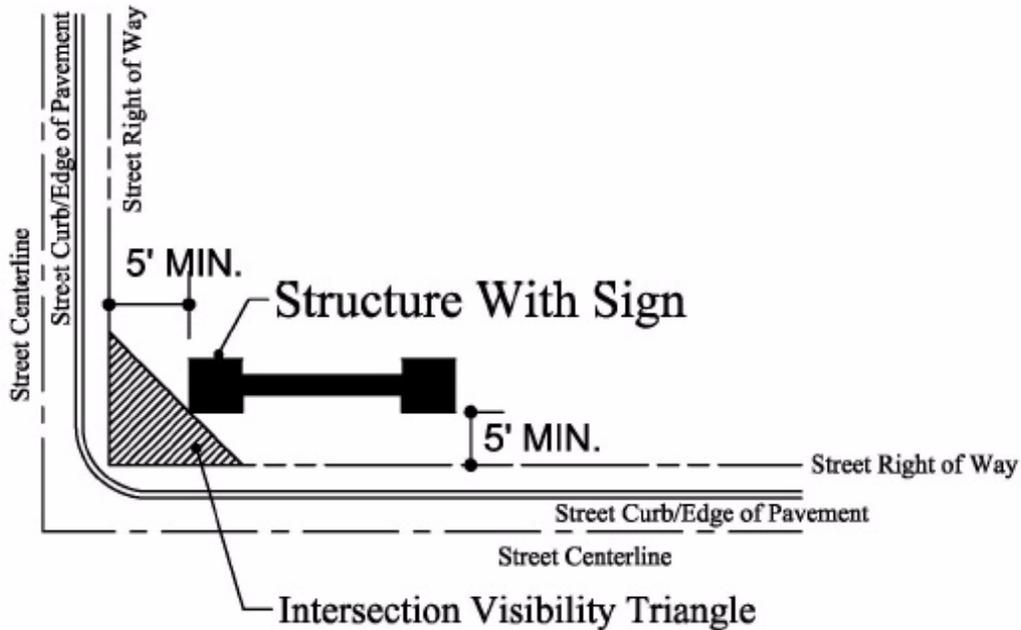
Sign Area Calculations - Reference C.10.a. - d.



Sign Height Calculations - Reference C.10.e.



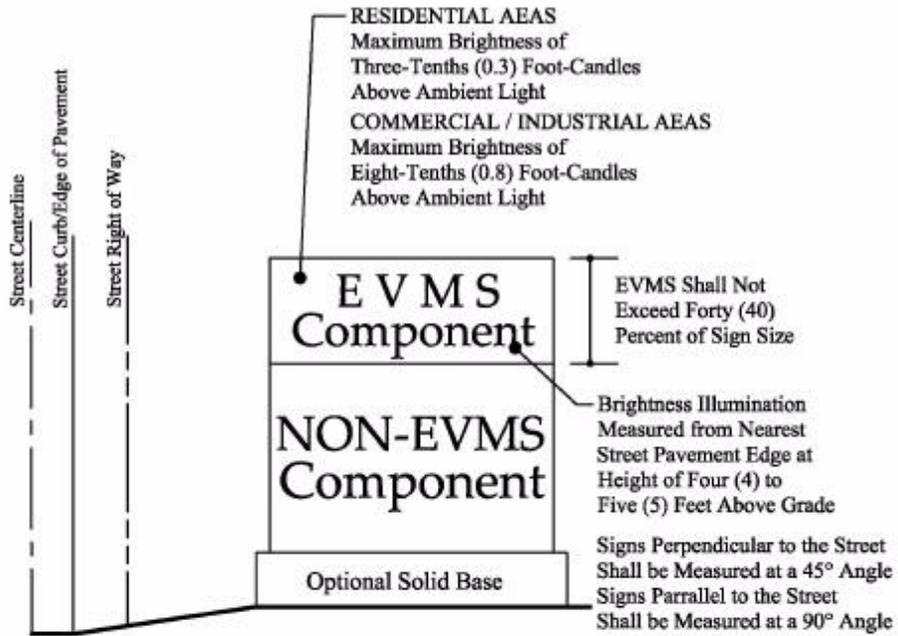
Section View



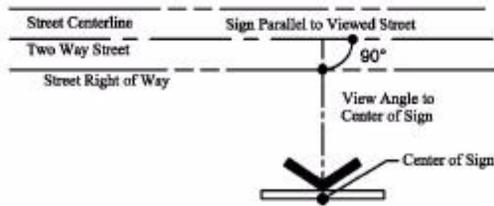
Plan View

Residential Community Identification Sign - Reference F.1.b. & c.

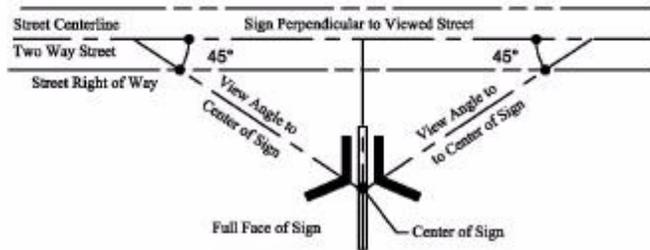
Greenfield Code of Ordinances



Brightness Measurement



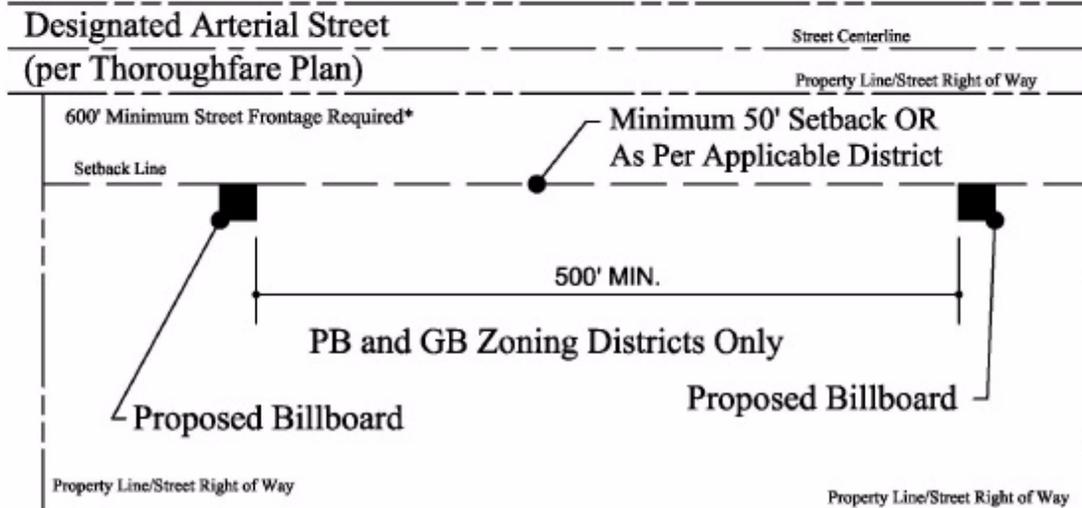
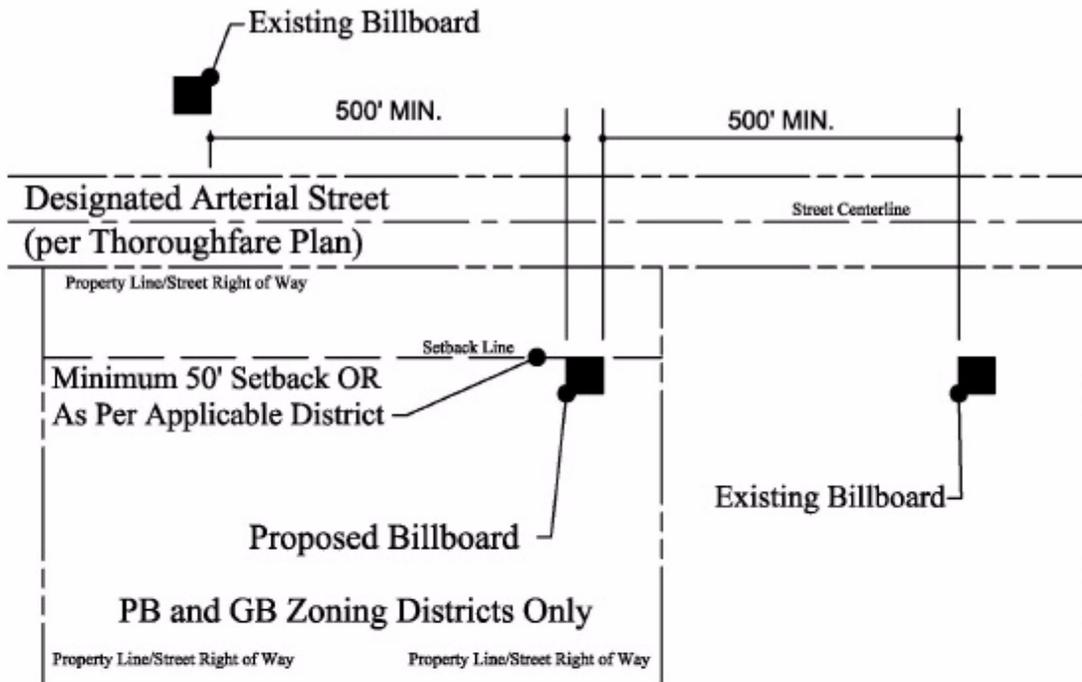
Brightness Measurement Parallel to Viewed Street



Brightness Measurement Perpendicular to Viewed Street

EVMS Signs - Brightness Measurement - Reference G.2.d.g. & h.

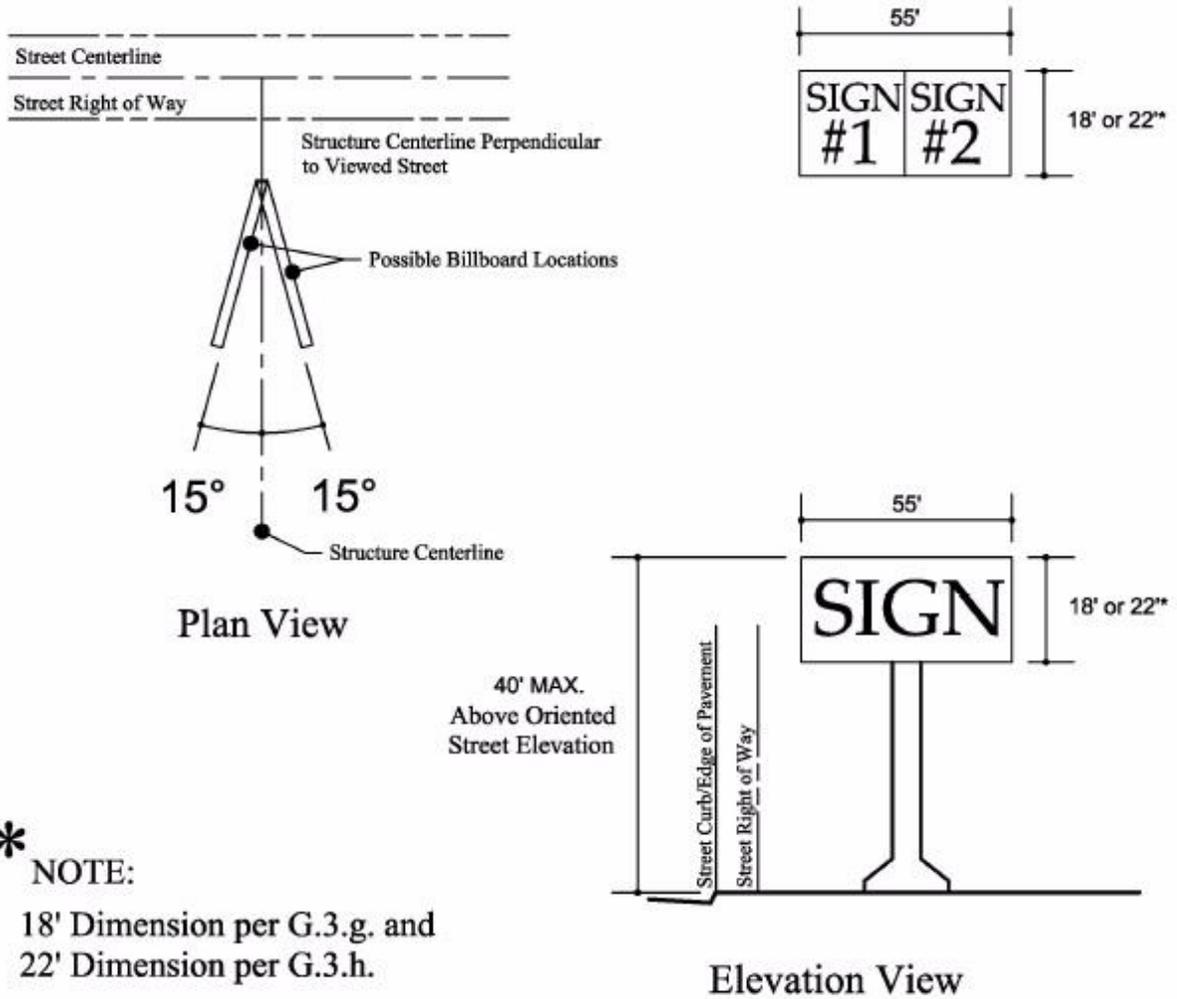
Greenfield Code of Ordinances



* NOTE: One Billboard per 300' Frontage AND 500' Separation

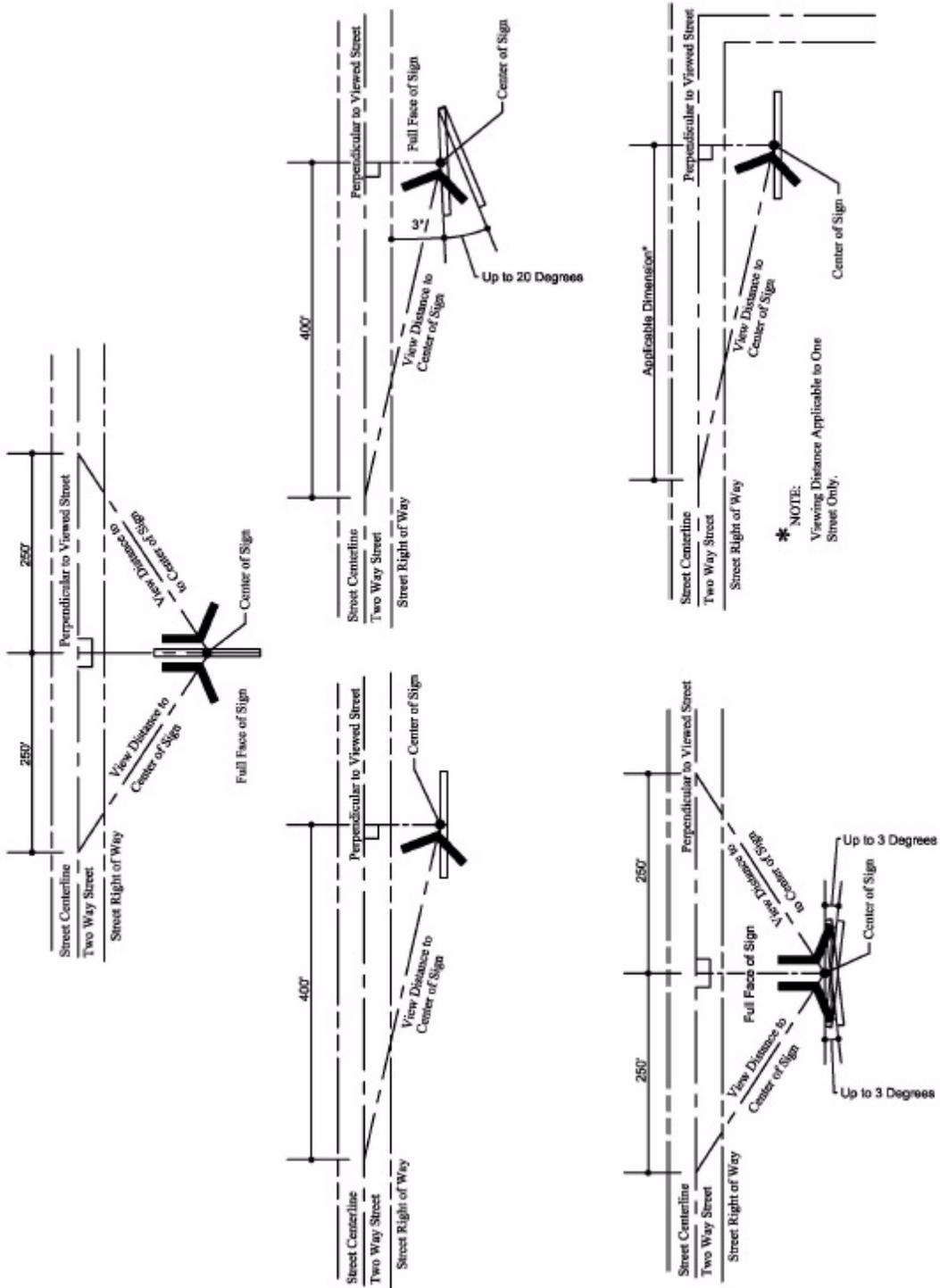
Billboard Signs - Reference G.3.c. & d.

Greenfield Code of Ordinances



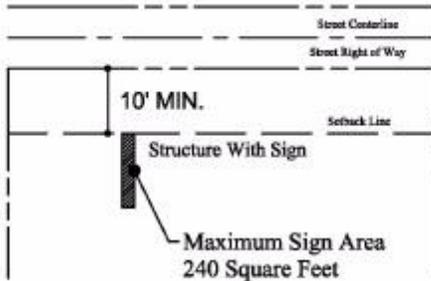
* NOTE:
18' Dimension per G.3.g. and
22' Dimension per G.3.h.

Billboard Signs - Reference G.3.g.h. & i.

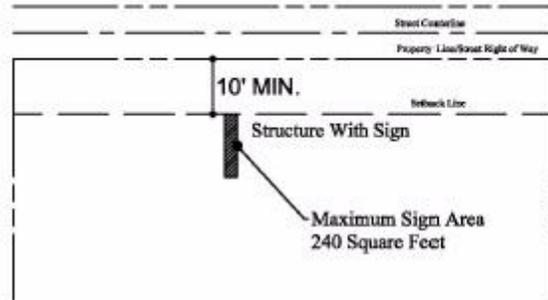


Billboard Signs - Reference G.3.k.1. - 4.

Greenfield Code of Ordinances

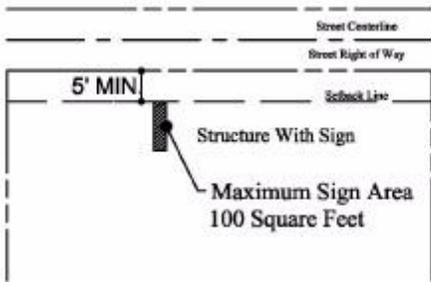


Minimum of 50' But Less Than 300' of Street Frontage

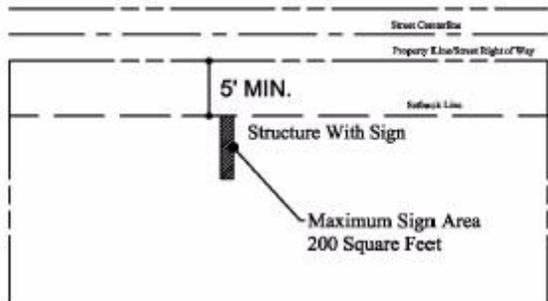


Greater Than 300' of Street Frontage

Freestanding Tall Monument or Pylon Sign



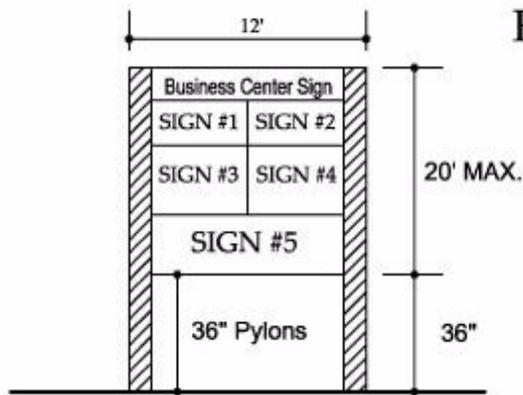
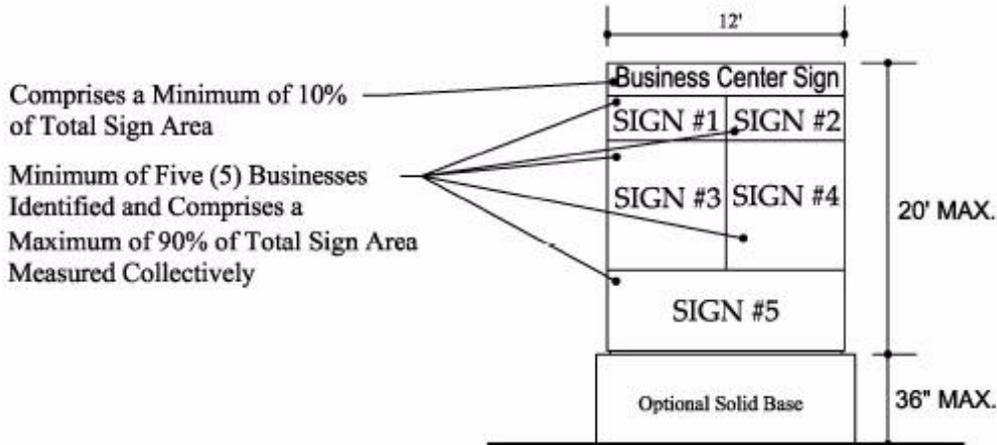
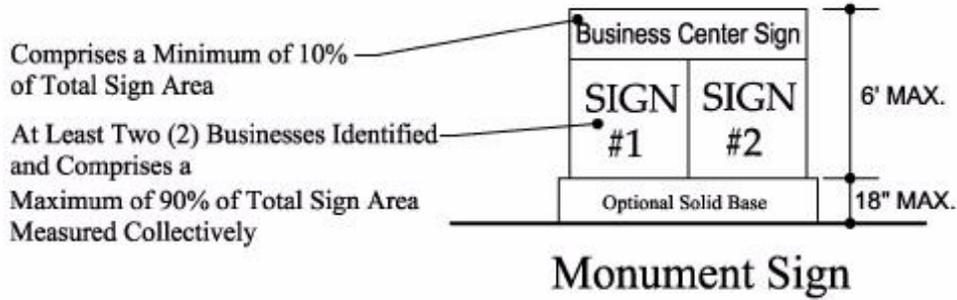
Minimum of 50' But Less Than 300' of Street Frontage



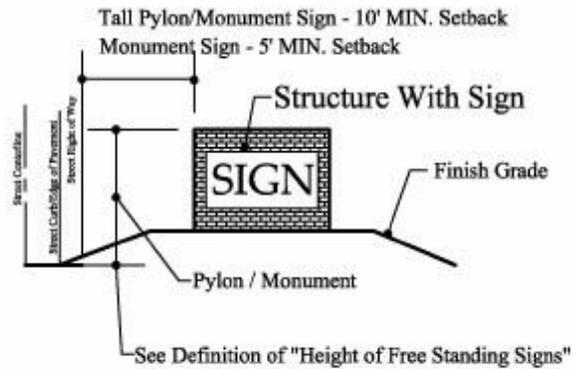
Greater Than 300' of Street Frontage

Monument Sign

Free Standing Signs - Business Center - Reference G.4.a.

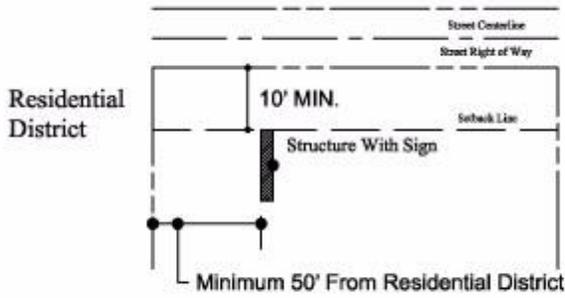


Freestanding Tall Monument or Pylon Sign

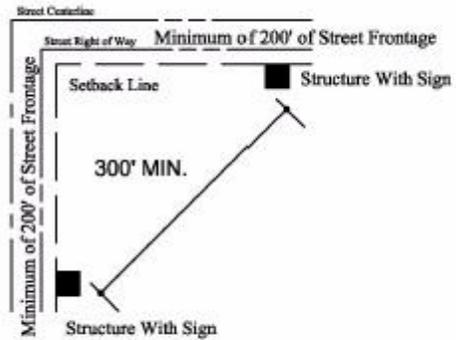


Free Standing Signs - Business Center - Reference G.4.b.

Greenfield Code of Ordinances

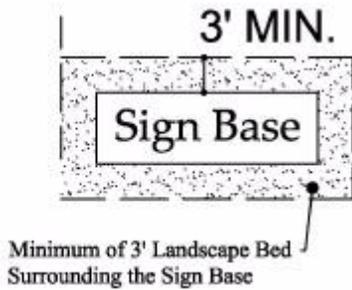


Freestanding Tall Monument or Pylon Sign

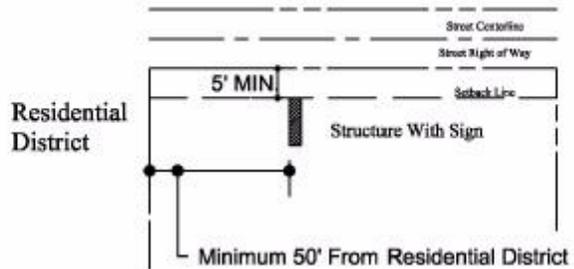


Minimum of 200' of Street Frontage Each
Maximum of 2 Signs

Freestanding Tall Monument or Pylon Sign



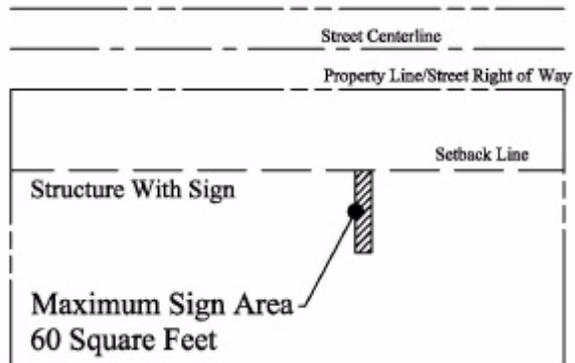
Monument Sign & Freestanding Tall Monument or Pylon Sign



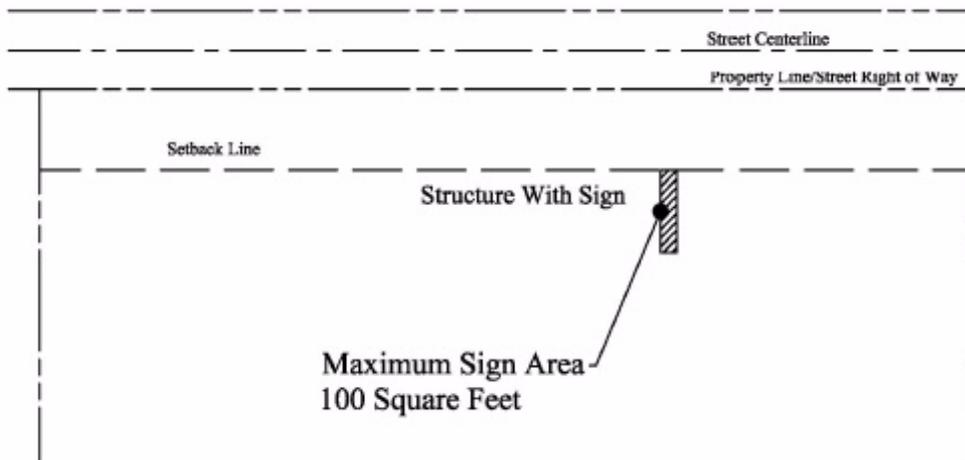
Monument Sign

Free Standing Signs - Business Center - Reference G.4.c.d. & e.

Greenfield Code of Ordinances

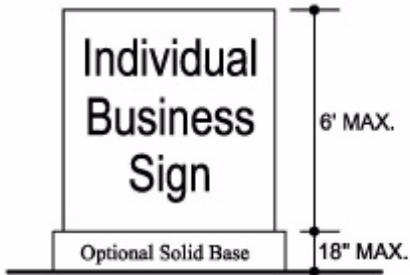


Minimum of 50' But Less Than 500' of Street Frontage

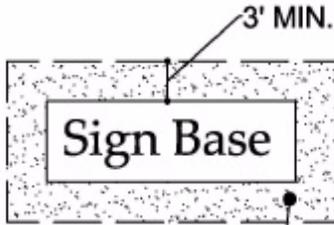


Greater Than 500' of Street Frontage

Free Standing Signs - Individual Business - Reference G.5.a.

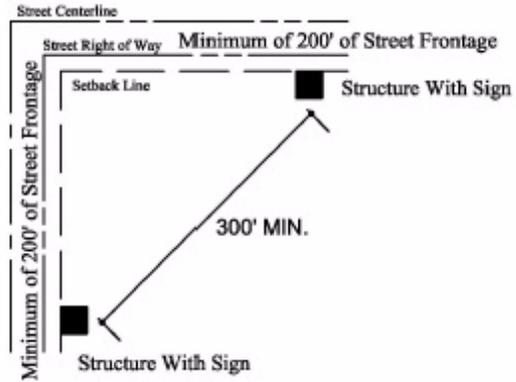


Section View

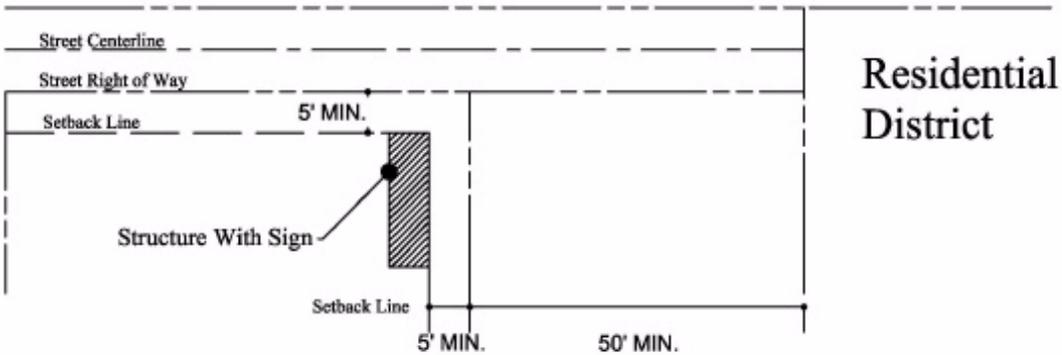


Minimum of 3' Landscape Bed Surrounding the Sign Base

Plan View

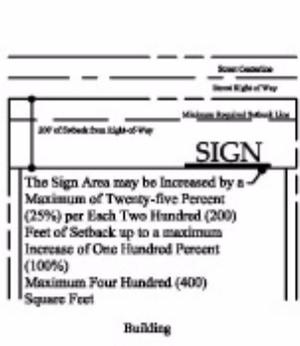


Minimum of 200' of Street Frontage Each Required
Maximum of 2 Signs

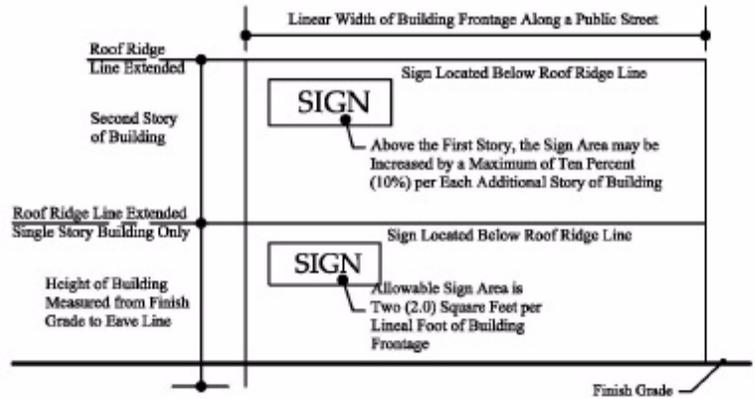


Free Standing Signs - Individual Business - Reference G.5.b.c.d. & e.

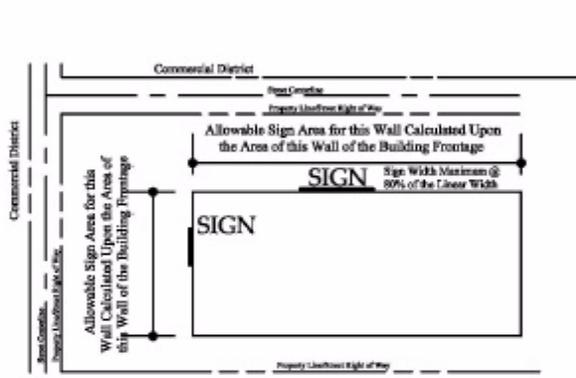
Greenfield Code of Ordinances



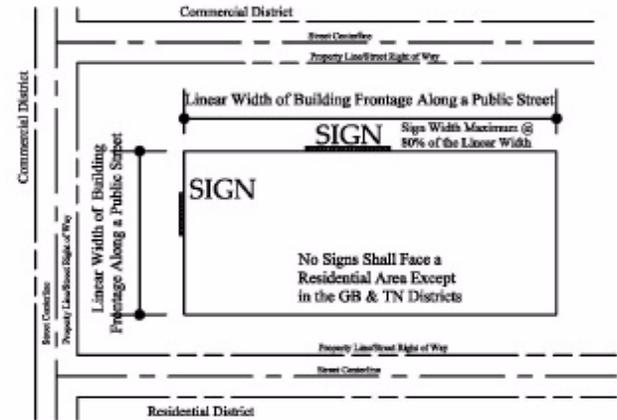
Plan View
Individual Business



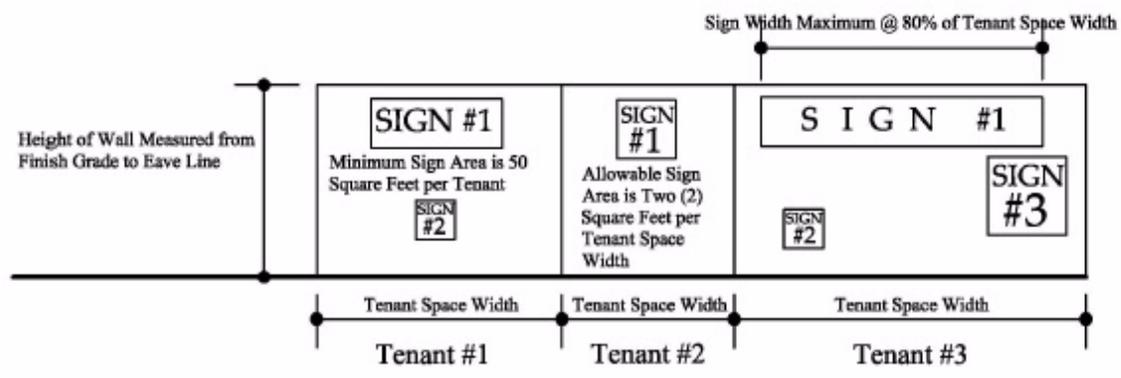
Elevation View Individual Business



Plan View
Allowable Sign Area Calculation

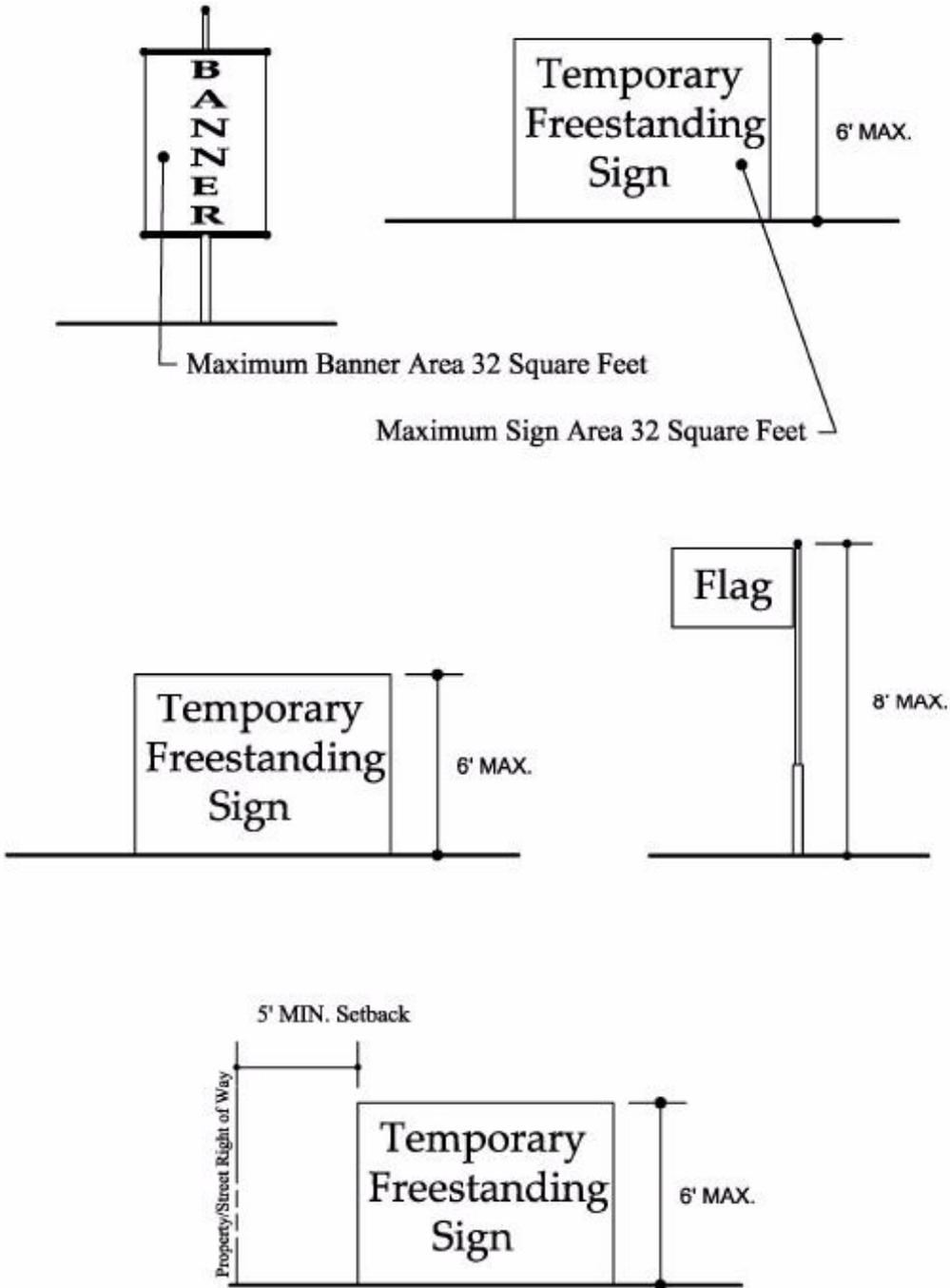


Plan View
Individual Business

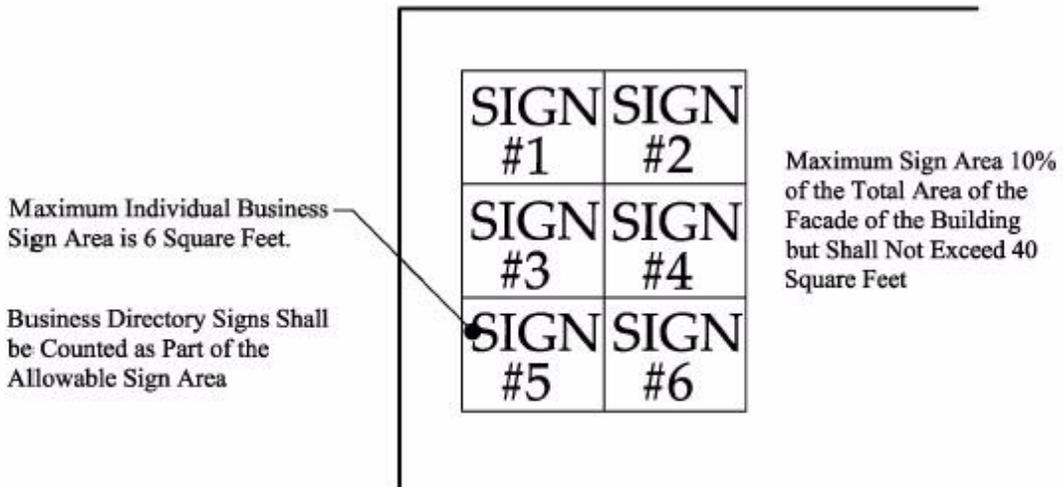


Elevation View
Multiple Tenant Occupied

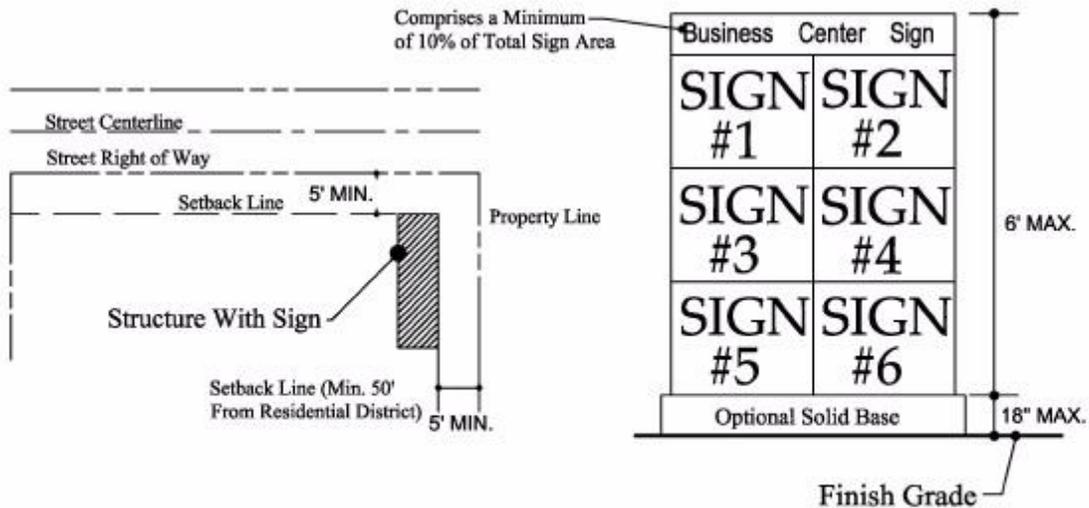
Wall Signs - Area measurement - Reference G.6.a.b.c.d.1. & 2.



Temporary Signs - Reference G.7.a.b.c.

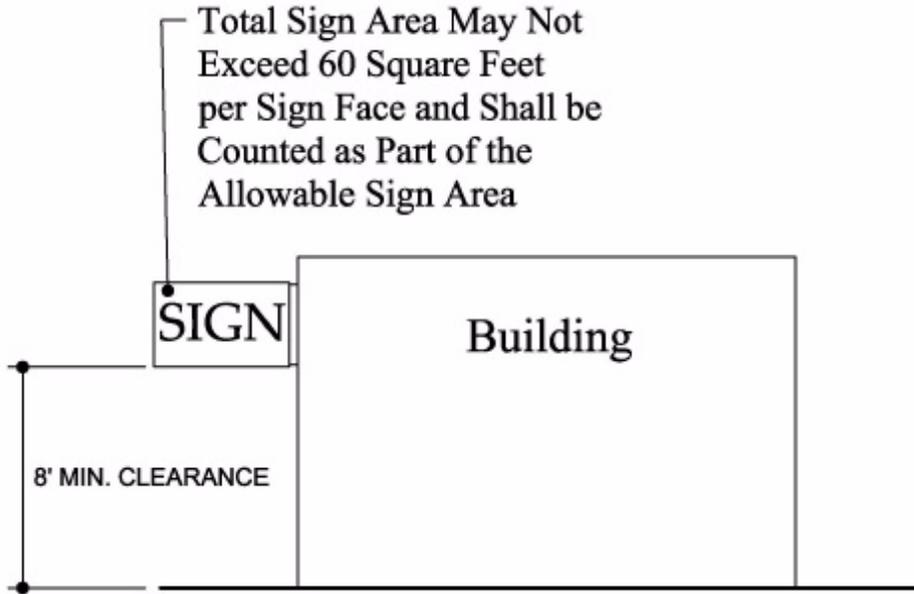


Building Mounted

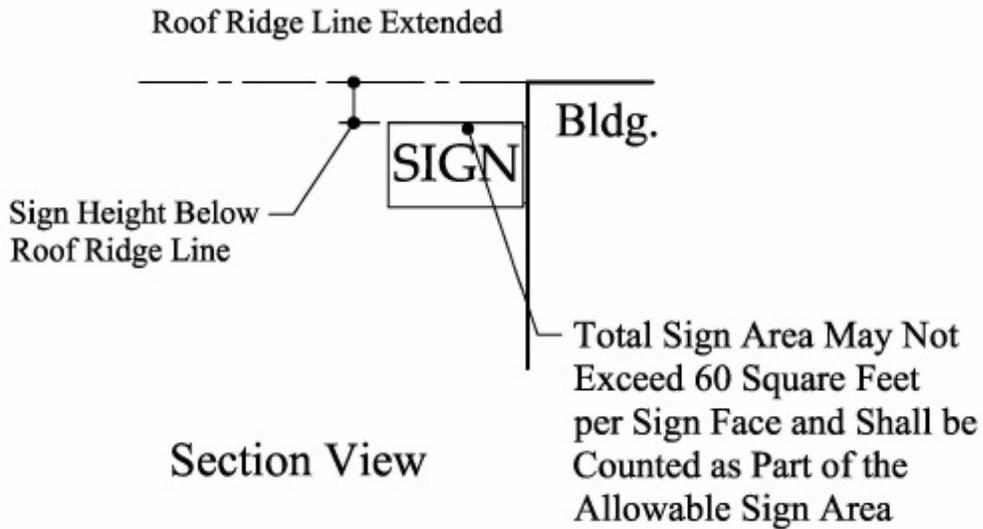


Free Standing

Business Directory Signs - Reference G.8.a.b.c. & d.

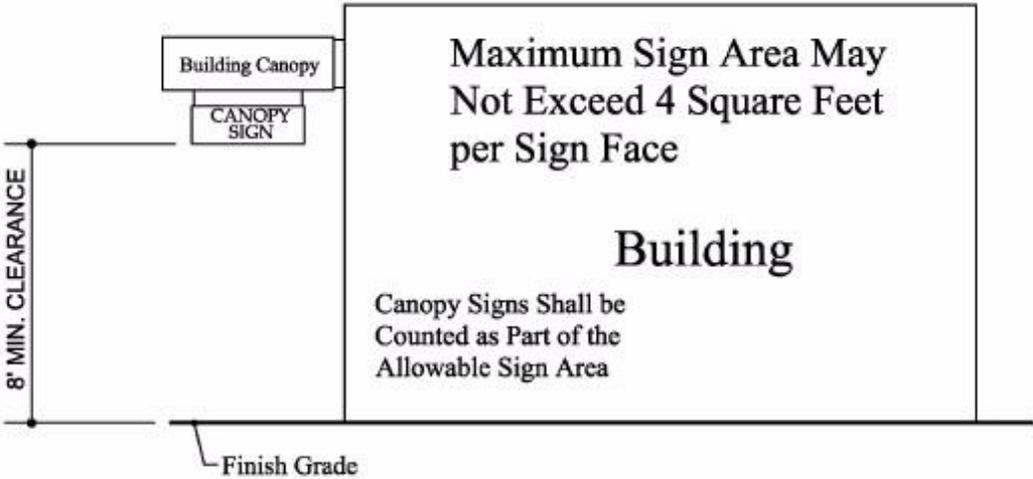


Elevation View



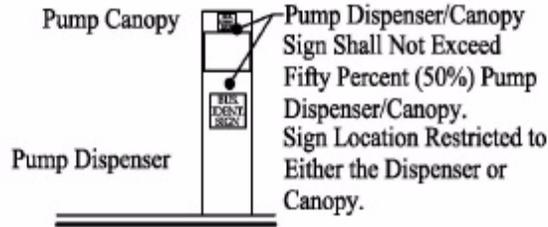
Section View

Projecting Signs - Reference G.11.a.b. & e.

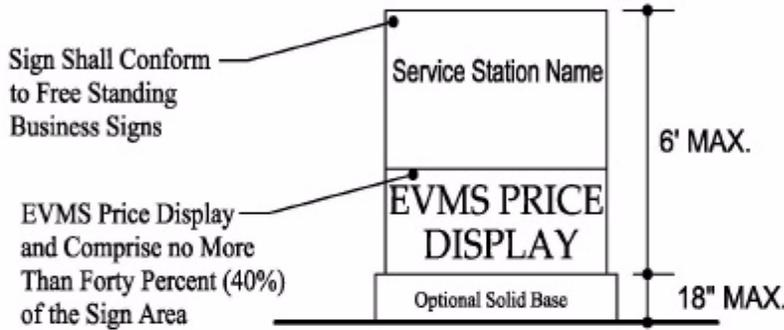


Elevation View

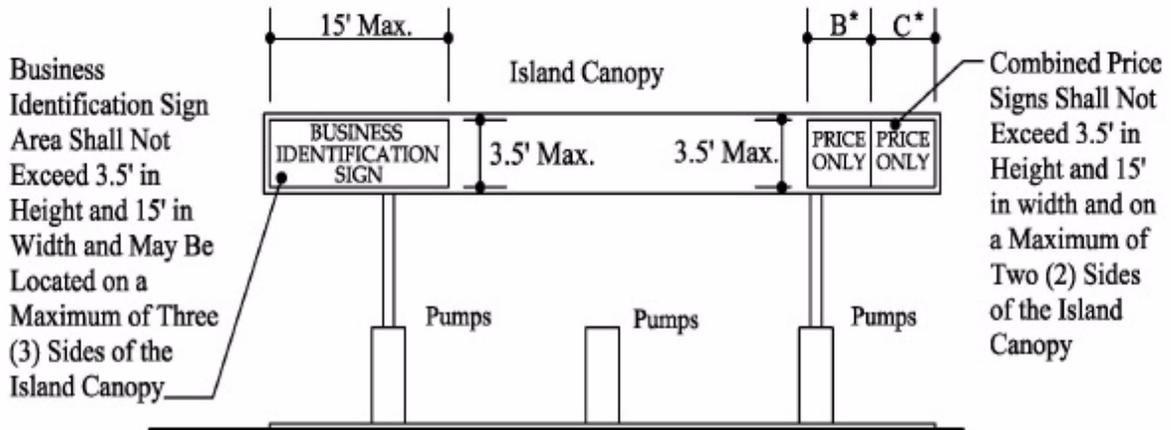
Canopy Signs - Reference G.12.a. & b.



Pump Dispenser/Canopy Detail

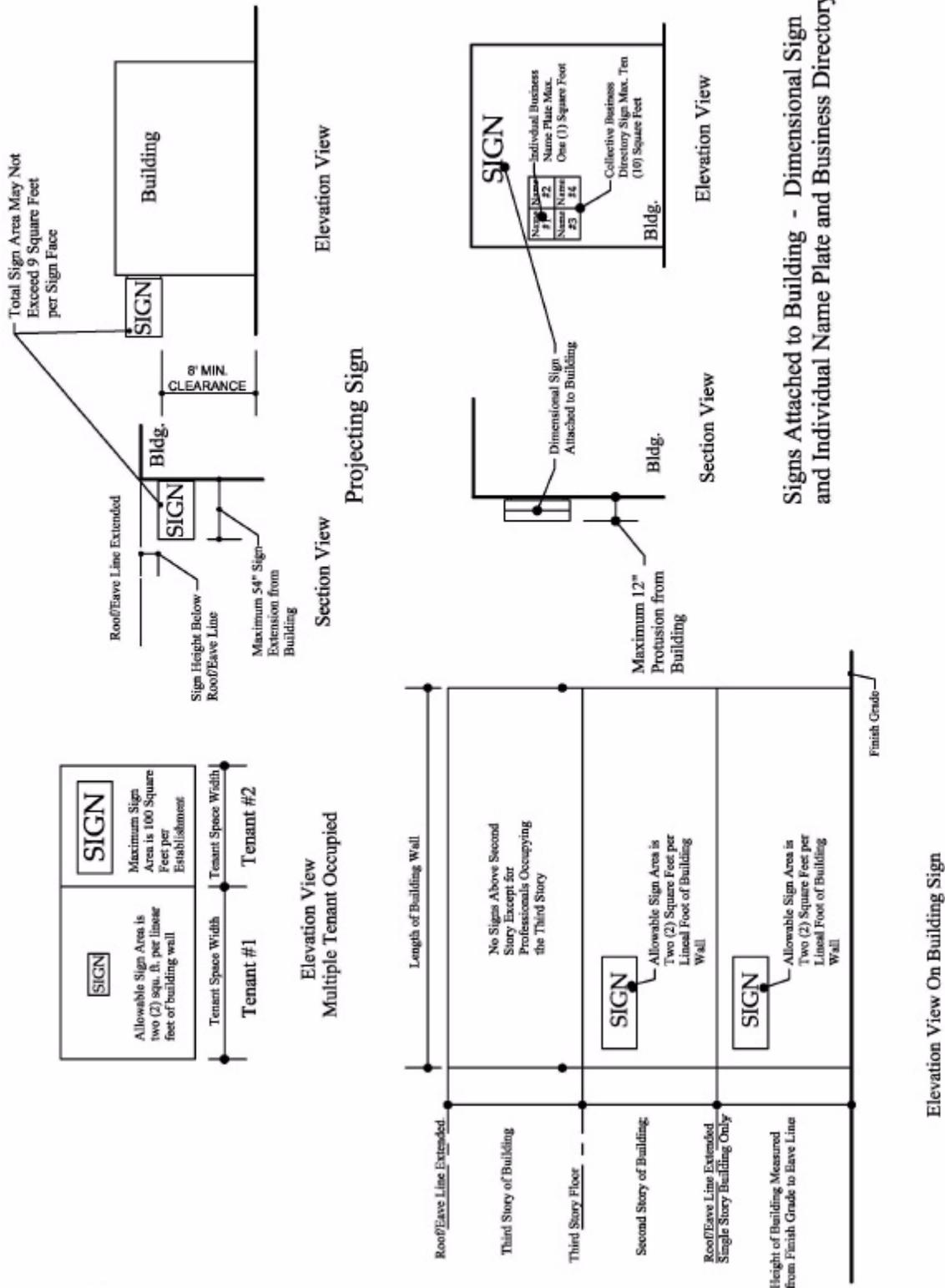


Monument Sign



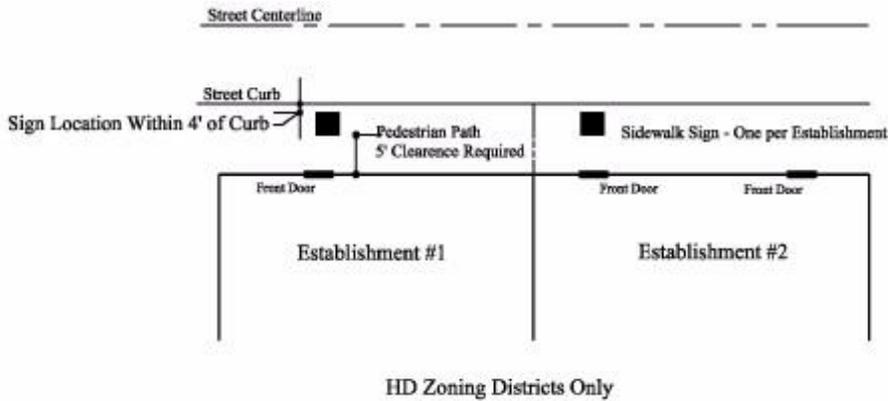
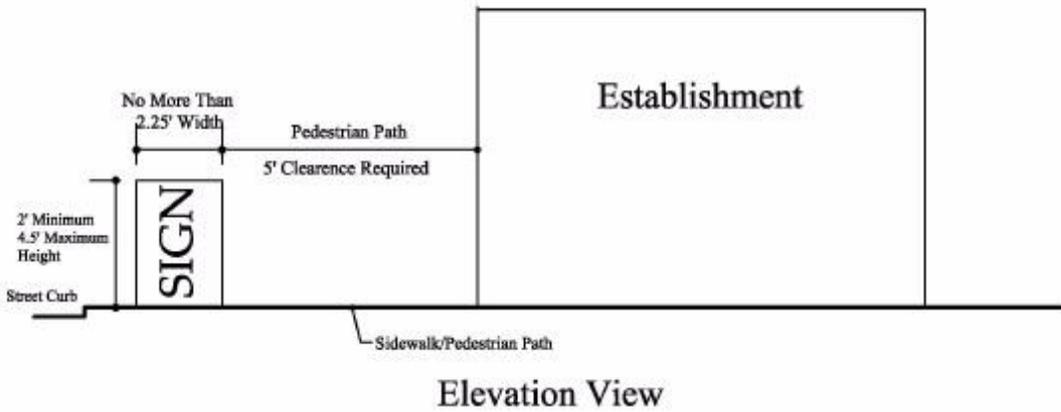
Elevation View

Gasoline Service Station Canopy Signs - Reference G.14.a. & b.

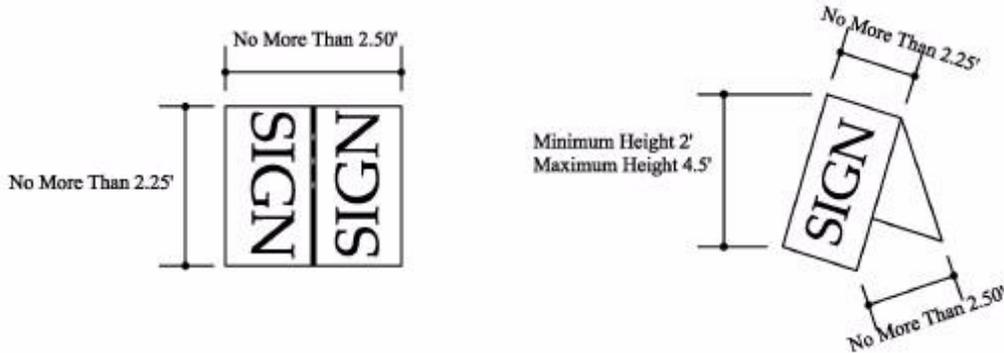


Signs Attached to Building - Dimensional Sign and Individual Name Plate and Business Directory

Historic District Signs - Reference H.3.b.1. & 2. & c.

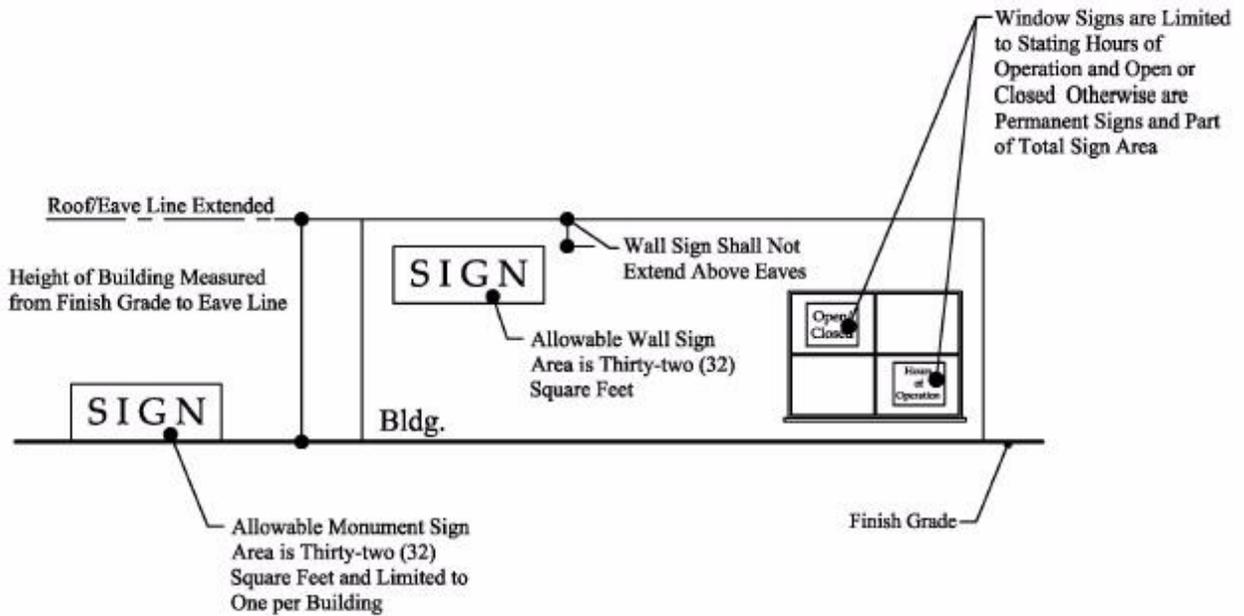


Plan View



Historic District Sidewalk Signs - Reference H.4.a.b. & c.

Greenfield Code of Ordinances



Elevation View On Building Wall Sign

Maximum combined sign area of all signs shall not exceed two (2) square feet per linear feet of street frontage

Traditional Neighborhood District Signs - Reference I.2.a.b.c. & d.